

Some Probable Instances of Plagiarism in the Work of Professor Frank Fischer

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Frank Fischer (1942–) is Professor II of Political Science and Public Administration at Rutgers University, Newark.³ He is Editor (jointly with Steven Griggs) of the journal *Critical Policy Studies*⁴ and is on the editorial board of several other academic journals. The author of numerous books and articles, Professor Fischer won the 1999 Harold D. Lasswell Award of the Policy Studies Organization, given for “outstanding scholarship in contributing to our understanding of the substance or process of public policy.”⁵

In this document we would like to present evidence of plagiarism in the work of Professor Fischer, most notably in the following books:

Fischer 1980: *Politics, Values, and Public Policy* (Westview Press)

Fischer 1990: *Technocracy and the Politics of Expertise* (Sage Publications)

Fischer 2000: *Citizens, Experts, and the Environment* (Duke University Press)

Fischer 2003: *Reframing Public Policy* (Oxford University Press)

Fischer 2009: *Democracy and Expertise* (Oxford University Press)

This document is arranged as follows: In each section we reproduce the passage from the probable source followed by the corresponding passage(s) from Fischer’s book(s) or other writing(s). Words and phrases appearing in both texts (possibly reordered) are shown in a normal font. Words and phrases appearing in one text but not the other are shown in **boldface**.⁶

A full bibliography is provided at the end of this document. This document also contains four appendices: a brief statement that explains how we came across these texts and why we assembled this document; excerpts from reviews of Fischer’s 2003 book (the one that contains the largest quantity of probable plagiarism); a compilation of the declared policies of the relevant professional organizations and institutions concerning plagiarism and proper attribution; and the e-mails exchanged between Fischer and one of the authors of this document.

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⁴ <http://www.tandf.co.uk/journals/rcps>

⁵ *Policy Studies Journal*, vol. 27 (1999), no. 3, p. 631.

⁶ When different versions of the text appear in two or more of Fischer’s writings, the text in the probable source is not marked bold if it matches *at least one* of the Fischer’s versions. E.g. in comparison of Polkinghorne 1983 with Fischer 2003, 2007 and 2009: “a mere acting” becomes “**an** acting” in Fischer 2003 and 2007, but finally “returns” to “a mere acting” in Fischer 2009; thus, Polkinghorne 1983, the probable source, receives its match in the last version (see section 16 below).

1. David Walsh (1972) and Frank Fischer (1980, 2003)

David Walsh (1972) writes, in the chapter “Sociology and the Social World” of the book *New Directions in Sociological Theory* that he co-authored with Paul Filmer, Michael Phillipson and David Silverman, pp. 16-18 and 29:

Positivistic sociology’s attempt to use the natural-science paradigm necessarily involves, then, assuming that social phenomena possess the same characteristics as natural phenomena. It is incumbent, therefore, on positivistic sociology to demonstrate this similarity. What sociological phenomenology, on the other hand, argues is that positivistic sociology seriously mistakes the characteristics of the [pagebreak 16-17] social world in assuming their comparability to those of the natural world and hence that positivistic sociology must necessarily constitute a mistaken enterprise. What then are the characteristics of natural and social phenomena?

The first characteristic is that the natural world possesses no intrinsic meaning structure—that is, **natural phenomena are intrinsically meaningless**. Schutz puts this most clearly:

It is up to the natural scientists to determine which sector of the universe of nature, which facts and which events therein, and which aspects of such facts and events are topically relevant to their specific purpose. These facts and events are neither preselected nor preinterpreted; they do not reveal intrinsic relevance structures. Relevance is not inherent in nature as such, it is the result of the selective and interpretive activity of man within nature or observing nature. The facts, data and events with which the natural scientist has to deal are just facts, data, and events within his observational field but this field does not “mean” anything to the molecules, atoms, and electrons therein (1962, p. 5).

(...)

In contradistinction to the natural world, the social world is a world constituted by meaning—social phenomena are intrinsically meaningful. To quote Schutz again:

For the sociologist, his observational field, the social world, is not essentially structureless. It has a particular meaning and relevance structure for the human beings living, thinking and acting therein. They have preselected and preinterpreted this world by a series of commonsense constructs which determine their behaviour, define the goal of their actions, the means available for them—in brief, which help them find their bearings in their natural and socio-cultural environment and to come to terms with it (1964, pp. 5-6).

The social world, then, is an everyday world experienced and interpreted by its members as an organized universe of meaning in the form of a series of typifications of the objects within it. These typifications take the form of common sense interpretations of its operations that constitute a form of knowledge at hand, which, together with the personal experiences of the actor, constitute a taken-for-granted means of orientation towards this world. The process by which the social world is constructed, then, may be described as a process of first-order construction in terms of such social meanings.

The clear methodological implication that follows from the foregoing is [pagebreak 17-18] that the sociologist, unlike the natural scientist, cannot determine from the outside which facts and events and which aspects of them are interpretationally relevant to his specific purposes. Sociological constructs, therefore, must necessarily take on the character of “constructs of the second degree, namely, constructs of constructs made by the actors on the social scene” (Schutz, 1967, p. 6). The key problem of such second-order construction revolves around distinguishing sociological explanations from common sense explanations of the social world whilst retaining the systematic reference of the former to the latter. Essentially, then, the observer of the social world is placed in a different position with reference to his phenomena as compared with the observer of the natural world. In particular, observational activity on the part of the sociologist requires an understanding as opposed to a mere observation of the phenomena. The failure of

positivistic sociology lies in its inability to **grasp the meaningful constitution** of the social world and the consequent reliance on a methodology inadequate for the exposition of that world. (pp. 16-18)

Actions belong, as McIntyre [sic KP&AS] has suggested,

to the realm of statements, concepts and beliefs; and the relation of belief to action is not external and contingent, but internal and **conceptual**. (1969, p. 52) (p. 29)⁷

The corresponding text is found in Fischer's *Politics, Values, and Public Policy: The Problem of Methodology* (1980), pp. 31-33 and 35:

Concerned fundamentally with the role of "social meaning," the phenomenologists' complaint against the use of physical science techniques is that the **physical world** possesses no intrinsic meaning structure. Schutz **stated** this clearly:

It is up to the natural scientists to determine which sector of the universe of nature, which facts and which events therein, and which aspects of such facts and events are topically relevant to their [pagebreak 31-32] specific purpose. These facts and events are neither pre-selected nor preinterpreted; they do not reveal intrinsic relevance structures. Relevance is not inherent in nature as such, it is the result of the selective and interpretive activity of man within nature or observing nature. The facts, data and events with which the natural scientist has to deal are just facts, data, and events within his observational field but this field does not "mean" anything to the molecules, atoms, and electrons therein.³¹

The social **realm, unlike the physical realm, is inherently involved with subjective meaning**. For the social scientist, the observational field is not **without structure**. **According to Schutz:** "It has a particular meaning and relevance structure for the human beings living, thinking and acting therein." **As social actors,** "they have preselected and preinterpreted this world by a series of commonsense constructs which determine their behavior, define the goal of their actions [and] the means available—which help them find their bearings in their natural and socio-cultural environment and to come to grips with it."³²

Thus, the social world is an organized universe of meaning experienced and interpreted by everyday social actors. **Social knowledge is the product of these commonsense or everyday interpretations that, when combined with the social actor's personal experience, forms an orientation toward the everyday world that is "taken for granted."**

The social actors' construct is a "first-order" construct of social reality that poses a fundamental methodological implication for the social scientist: Unlike the physical scientist, the social scientist cannot establish from the outside which events and facts are interpretationally relevant to the actor's own specific purposes.³³ **The constructs of social science must take the form of "second-order" constructs, i.e., social science constructs of the social actor's constructs. The crux of the problem revolves around two interrelated methodological requirements: the distinction between the social scientist's second-order explanations and the everyday first-order explanations of the social actor, and the establishment and maintenance of a systematic relationship between them.**

Behavioral science's failure lies in its inability to incorporate an adequate account of the social actor's subjective under-[pagebreak 32-33]standing of the situation. (pp. 31-33)

The relationship of the belief to a decision or action is not external and contingent (like causes) but internal and logical.³⁸ (p. 35)

⁷ The quote in smaller font is from MacIntyre 1969.

This material appears again, in slightly briefer form, in Fischer 2003, pp. 50-51:

The crucial question of a phenomenological interpretive social science revolves around the applicability of objective, empirically oriented methods to the subjectively based problems of the social world. Concerned fundamentally with the role of social meaning, the interpretivist objection to the use of physical science techniques is that the **physical world possess [sic KP&AS] no intrinsic meaning structure. As Schutz (1962: 5) explained, it is up to the physical scientists “to determine which sector of the universe of nature which facts and which events therein, and which aspects of such facts and events are topically relevant to their specific purpose”.** The data and [pagebreak 50-51] events within the observational field of the **physical scientist do “not ‘mean’ anything to the molecules, atoms and electrons therein”.**

The social **realm, unlike the physical realm, is inherently laden with subjective meaning.** For the social **inquirer, the observational field has “a particular meaning and relevance structure for the human beings living, thinking and acting therein. The human subjects have preselected and preinterpreted this world by a series of commonsense constructs which determine their behavior, define the goal of the actions [and] the means available—which help them find their bearings in their natural and socio-cultural environment and to come to grips with it” (Schutz 1962: 5-6).** Thus, the social world is an organized universe of meaning experienced and interpreted by everyday **social actors. Social knowledge is in significant part the product of these common-sense interpretations that, when combined with the social actors’ personal experience, forms an orientation toward the everyday world that is taken for granted.**

The social actor’s constructs, as first-order constructs of social reality, pose a fundamental methodological implication for social scientists. Unlike **physical scientists, social scientists cannot establish** from the outside which events and facts are interpretationally relevant to **the actor’s own** specific purposes. **The constructs of social science must take the form of second-order constructs. The crux of the problem, as such, is how to establish and maintain a systematic relationship between social scientists’ second-order explanations and the everyday first-order explanations of the social actors under investigation.**

The failure of the **empiricist approach is its inability to incorporate an adequate account of the social actor’s subjective understanding of the situation.**

Note 31 in Fischer 1980 refers to “Alfred Schutz, *Collected Papers*, vol. 1 ed. Maurice Natanson (The Hague: Martinus Nijhoff, 1962), 1:5” and note 32 refers to “Alfred Schutz, *Collected Papers*, vol. 2 ed. Avrid Brodersen (The Hague: Martinus Nijhoff, 1966), 2:5-6” (same volumes and pages of Schutz’s *Collected Papers* as in Walsh, but not the year of publication of the second volume). Note 33 refers to Walsh 1972, p. 18 but gives no indication that text has been literally reproduced. Likewise, note 38 refers to Walsh 1972, p. 29 but gives no indication of direct quotation (much less that the quotation actually comes from MacIntyre). Fischer 2003 doesn’t list Walsh in the bibliography. It doesn’t list Filmer *et al* either.⁸

Interestingly, Walsh makes some errors in quoting Schutz, and Fischer reproduces nearly all these errors verbatim. Here are the two original passages from Schutz, with the deviations from Walsh’s rendering shown in boldface:

⁸ There is some confusion, on the part of both Walsh and Fischer, about the source for the quotes from Schutz’s *Collected Papers*. Walsh 1972 mistakenly attributes the second quote to the second volume of Schutz’s *Collected Papers*. Fischer 1980 follows him in this regard, while Fischer 2003 gets the source correct. In fact, both quotes are found in the first volume of Schutz’s *Collected Papers*, p. 5 and pp. 5-6.

(...) It is up to the natural scientists to determine which sector of the universe of nature, which facts and which events therein, and which aspects of such facts and events are topically **and interpretationally** relevant to their specific purpose. These facts and events are neither preselected nor preinterpreted; they do not reveal intrinsic relevance structures. Relevance is not inherent in nature as such, it is the result of the selective and interpretative activity of man within nature or observing nature. The facts, data, and events with which the natural scientist has to deal are just facts, data, and events within his observational field but this field does not “mean” anything to the molecules, atoms, and electrons therein. (Schutz 1962, p. 5)

But the facts, events, and data before the social scientist are of an entirely different structure. His observational field, the social [pagebreak 5-6] world, is not essentially structureless. It has a particular meaning and relevance structure for the human beings living, thinking, and acting therein. They have preselected and preinterpreted this world by a series of common-sense constructs **of the reality of daily life, and it is these thought objects** which determine their behavior, define the goal of their **action**, the means available for **attaining** them—in brief, which help them find their bearings in their natural and socio-cultural environment and to come to terms with it. (Schutz 1962, pp. 5-6)

Fischer also adds a few errors of his own.⁹

⁹ We can see that Walsh omits some words and phrases in both quotes without inserting the needed ellipses; in addition, he condenses the first sentence of the second quote into a prepended phrase of his own devising (“For the sociologist”).

Fischer 1980 reproduces Walsh’s errors, except that Walsh’s phrase “For the sociologist” is changed to “For the social scientist” (thus remaining a bit closer to Schutz’s original) and incorporated (plagiarized?) into Fischer’s own discourse along with the rest of Schutz’s sentence. In addition, Fischer 1980 drops the words “for attaining them—in brief” and changes “terms” to “grips”. Fischer 2003 repeats these errors (but changing “social scientist” to “social inquirer”) and also changes “They” to “The human subjects”.

2. Arthur Kalleberg (1969) and Frank Fischer (1980, 2003)

Arthur Kalleberg writes, in his article “Concept Formation in Normative and Empirical Studies” (1969), p. 31:

This revised interpretation of *verstehen*, by treating the “subjectively intended meaning” of an action as a problem in concept formation within the social sciences rather than a problem of how we know in general, by intuition or by observation, makes it possible for proponents of the necessity for taking the meaning of action into account to agree with the logical positivists about the nature of the logic of the social sciences. Schutz, for example, agrees with Nagel that all empirical knowledge depends upon discovery through processes of controlled inference, must be capable of being verified by anyone who will execute the proper experiment, and that any method that would require the scientific observer to select and interpret facts in terms of his private value system would never produce a scientific theory.³¹

Fischer writes, in his book *Politics, Values, and Public Policy* (1980), p. 33-34:

(...) From Schutz’s perspective, *verstehen* is not an instrument of explanation but rather a process of concept formation employed in arriving at an interpretive understanding of social phenomena.³⁴ **The focus of the interpretive process is on the social actor’s meaning rather than the intuitive or empathetic mental processes of the observer. By treating “subjectively intended meaning” of action as a problem in concept formation rather than a problem of how knowledge is known, it is possible for proponents of interpretive explanation to agree with behavioralists on a number of crucial aspects of social explanation. Schutz, for example, has agreed with behavioralists that all empirical knowledge depends upon discovery through processes of controlled inference and that it must be verified by properly executing the appropriate experimental test. In this respect, interpretive explanation does not obviate the need for scientific verification, as implied by the introspection or intuition [*sic KP&AS*] conception of *verstehen*. Instead, it only calls to attention the fact that any scientific method that permits the observer to select and interpret social facts in terms [*pagebreak 33-34*] of his or her own private value system can never produce a socially relevant, valid theory.**

Some of this material “survives” in Fischer’s 2003 book, p. 52:

(...) From Schutz’s perspective, *Verstehen* is not an instrument of explanation but rather a process of concept formation employed in arriving at an interpretive understanding of social phenomena. The focus of the interpretive process is on the social actor’s meaning rather than the intuitive or empathetic mental processes of the observer. Interpretive understanding, in this respect, does not deny the need for scientific verification, as implied by the intuitive conceptions of *Verstehen*. Instead, it calls attention to the fact that any method that permits the observer to select and interpret social facts in terms of his or her own private value system can never produce a socially relevant, valid theory.

Note 31 in Kalleberg 1969 refers to pp. 260-261 of Schutz 1954. Note 34 in Fischer 1980 refers both to p. 31 of Kalleberg 1969, and to p. 265 of Schutz 1954 cited by Kalleberg. However, the several longer sentences that follow afterwards, literally taken from Kalleberg with minor modifications, are not properly attributed. The bibliography of Fischer 2003 does not include Kalleberg 1969 or Schutz 1954, but it has Schutz 1962, which is *Collected Papers*, Vol. I.

3. Richard Bernstein (1976), Thomas McCarthy (1973, 1975, 1978), Jürgen Habermas (1971a, 1971b, 1979) and Frank Fischer (1990, 2003, 2009)

In this section we describe a rather lengthy passage (several pages long) from Fischer's 1990 book *Technocracy and the Politics of Expertise* that seems to be largely taken from Bernstein 1976 (including quotes from Habermas 1971a and 1971b) and in lesser part from McCarthy 1973, 1975, 1978. There is also a bit that seems to be taken directly from Habermas 1979, as it is not quoted either by Bernstein or by McCarthy.

* * *

Richard Bernstein writes, in his book *The Restructuring of Social and Political Theory* (1976), pp. 193, 195-199, 208-209 and 211:

Work, as a primary level of action, **refers to the ways in which individuals control and manipulate their environment in order to survive and preserve themselves.** (p. 193)

According to Habermas, the level of human action characterized as work or purposive-rational action, **and the technical interest that guides the disciplines concerned with it**, must be sharply **and carefully** distinguished from **the action that he calls "interaction" or "communicative action," and the practical interest that orients the related disciplines.**

By "interaction" ... I understand communicative action, symbolic interaction. It is governed by binding consensual norms, which define reciprocal expectations about behavior and which must be understood and recognized by at least two acting subjects. Social norms are enforced through sanctions. Their meaning is objectified in ordinary language communication. While the validity of technical rules and strategies depends on that of empirically true or analytically correct propositions, the validity of social norms is grounded only in the intersubjectivity of the mutual understanding of intentions and secured by the general recognition of obligations. (TRS, p. 92)

For Habermas, interaction is a nonreducible type of action requiring a distinctive set of categories for **the** description, explanation, and understanding **of it**. Individuals shape and determine themselves not only through their work, but also through communicative action and language. If we are to understand the ways in which the human species has formed itself in the course of its historical development, it is just as important **and fundamental** to understand the historical forms of communicative action as **those** of purposive-rational action. **And of course we must also understand** the complex ways in which these two levels of action are interrelated. Habermas draws upon a wide variety of **resources** to clarify what he means by interaction and to justify his claim that it is a nonreducible level of action, including **the phenomenological and hermeneutic traditions, the conception of the social sciences as interpretative disciplines, and the types of analyses that Wittgenstein provides** of language games **and forms of life in the *Philosophical Investigations***. What he takes to be vital and correct in these seemingly disparate approaches [*pagebreak 195-196*] is **the** primary emphasis on a level of **communicative action** and intersubjectivity that is basic for understanding social and political life.

Habermas' **most powerful line of argument for** establishing the autonomy and nonreducibility of communicative action **is to show that the attempt to give a rational account of the empirical-analytic sciences which is limited to those concepts shaped by the technical interest is self-defeating.** (...)

(...) **Suppose we take seriously the claim that these sciences can in principle provide us with a true and complete account of knowledge and reality. If such a claim is warranted, then we ought to be able to explain the very possibility of the empirical-analytic knowledge achieved by the scientific community. But what we discover is that the intelligibility of such**

a community, with its distinctive forms of intersubjectivity and communication, presupposes a level of action—symbolic interaction—and a set of categories needed to account to that action, which are richer and more inclusive than those explicitly countenanced by the technical cognitive interests.³⁴ (pp. 195-196)¹⁰

(...) The verification of lawlike hypotheses in empirical-analytic sciences has its counterpart **here** in the interpretation of texts. (...) (*KI*, p. 309)

(...)

Habermas is sharply critical of the monopolistic tendencies of **the positivistic self-understanding** of the empirical-analytic sciences, **but he is just as critical of the claim** that the historical-hermeneutic disciplines provide the most fundamental knowledge of man and the world. (...) **Each** of these “self-understandings” mistakes the part for the whole. **And they do so because** they fail to realize that there is a nonreducible plurality of fundamental cognitive interests.

Thus far I have stressed Habermas’ claim that the media of social life, the knowledge-constitutive interests, and the types of inquiry guided by these interests, are autonomous and not reducible to each other. **But there is** a danger of which Habermas is acutely aware: **that we will** mistake the nonreducibility of these two levels of action—work and interaction—and the disciplines corresponding to them, for a mutual indifference and isolation. (...) **The specific historical forms of work and labor** exert a powerful causal influence on the nature and quality of symbolic interaction. The free and open communication that is the aim of the practical interest requires the existence of determinate social institutions and practices. On **both these points he** is in essential agreement with Marx. **Consequently**, while Habermas is deeply suspicious of the tendency to think that there are historical material conditions that automatically bring about the “realm of freedom,” he is **sufficiently Marxist to** maintain that free symbolic interaction or unconstrained communication cannot concretely exist unless nonalienating and nonexploitative material conditions exist. (p. 197)¹¹

(...) If we reflect **upon** the forms of knowledge and rationality guided by the technical and practical interests, we **become increasingly aware of the** internal demand of reason for free, open communication, **and for the material conditions permitting such communication**. A consistent, adequate understanding of the empirical-analytic sciences **demands** the existence—as Peirce and so many who have followed him have argued—of an open, self-critical community of inquirers. **And the practical interest that governs** the historical-hermeneutic disciplines **seeks to promote such** open, nondistortive communication. Implicit in the knowledge guided by the technical and practical interests is the demand for the intellectual and material conditions for emancipation, i.e. the ideal state of affairs in which nonalienating work and free interaction can be manifested.

Here too one cannot underestimate Habermas’ debt to **Hegel and** the tradition of German idealism, **for the very way in which he** formulates what he means by the emancipatory interest. **Central to this tradition—from Kant through Fichte to Hegel—has been the theme that when** reason or knowledge is properly understood, **we realize that there is in it** a primary interest or demand to become fully actualized. **“Reason ... means the will to reason. In self-reflection knowledge for the sake of knowledge attains congruence with the** interest in autonomy and responsibility. The emancipatory **cognitive** interest aims at

¹⁰ The quote in smaller font (labeled *TRS* by Bernstein) is from Habermas (1971b, p. 92). In the footnote 34, Bernstein refers to “Habermas’ discussion of Peirce in *Knowledge and Human Interests*, Chapter 5 and 6”, to the works of Karl-Otto Apel, who “developed a similar argument”, and to the authors who discuss Habermas and Apel (Bernstein 1976, p. 261). Compare below where Fischer 1990, p. 229 interpolates a reference to Peirce (“following Peirce’s analysis of a scientific community of inquirers”) into a sentence that almost completely matches Bernstein’s sentence preceding footnote 34 (“we discover that the intelligibility of such a community...”).

¹¹ The quote in smaller font (labeled *KI* by Bernstein) is from Habermas 1971a, p. 309.

the pursuit of reflection **as such**" (KI, p. 314). But Habermas agrees with Marx's critique of German idealism, **and therefore believes** that an emancipatory interest cannot be realized by a solitary ego or Absolute Spirit, **but** only in and through the concrete social and political lives of men. (p. 198)

The systematic *sciences of social action*, that is economics, sociology, and political science, have the goal, as do the empirical-analytic sciences, of producing nomological knowledge. A critical social science, however, will not remain satisfied with this. It is concerned with going beyond this goal to determine when theoretical statements grasp invariant regularities of social action as such and when they express ideologically frozen relations of dependence that can in principle be transformed. To the extent that this is the case, the *critique of ideology*, **as well, moreover, as psychoanalysis**, take into account that information about lawlike connections sets off a process of reflection in the consciousness of those whom the laws are about. Thus the level of **[nonreflective]** consciousness, which is one of the initial conditions of such laws, can be transformed. **Of course, to this end**, a critically mediated knowledge of laws cannot through reflection alone render a law itself inoperative, but can render it inapplicable. (KI, p. 310) (p. 199)¹²

There appears to be a lack of symmetry in Habermas' analysis of those disciplines guided by a technical and a practical interest, as opposed to those guided by an emancipatory interest. In the first two, Habermas is primarily interested in the formal conditions of the types of knowledge [pagebreak 208-209] involved. To claim, for example, that the empirical-analytic sciences are guided by a technical interest which requires that the objects studied be constituted in certain ways in order to formulate hypothetical-deductive systems, does not prejudice the issue of which theoretical schemes will be corroborated or falsified in the course of scientific inquiry. Again, to note the ways in which the historical-hermeneutic disciplines differ from the empirical-analytic sciences in the "objects" that they study, the methods employed in studying them, and the criteria used in evaluating competing interpretations, does not prejudice—or illuminate—the issue of how we are to judge among competing interpretations.

But an emancipatory interest, and the disciplines supposedly guided by it, appear to be something quite different. Such a cognitive interest is not merely formal, it is substantive and normative. It dictates what ought to be the aim both of our study of society and of society itself—human emancipation. (pp. 208-209)

(...) **Habermas claims that** there are no fixed decision procedures or **explicit criteria which will definitively set off** a rational consensus from which one is not; **we can only have recourse to argumentation itself.** (p. 211)

Thomas McCarthy writes, in his article "A Theory of Communicative Competence" (1973), pp. 139-140:

In communicative action these **implicitly raised** validity claims are **naively** accepted. But it is possible for situations to arise in which one or more of them become problematical in a fundamental way, that is, in a way which cannot be dealt with by simply requesting information, clearing up misunderstandings, and the like, within the accepted framework of opinions and norms. In **such cases, that is, when** the background consensus is **fundamentally called** into question, **specific forms of problem resolution are called for** to remove the disturbance **and** restore the original, or a new, background consensus. **These are different for each type of claim. The claim to understandability must be either factually redeemed in the course of further interaction or some agreement about linguistic usage must be worked out. The claim to veracity can likewise be redeemed in the course of further interaction as it becomes apparent that the "other side" is really co-operating or**

¹² The entire KI quote in smaller font is again from Habermas 1971a.

that he is merely pretending to communicate while in fact he is acting strategically. The validity of problematic truth claims or of problematic norms, **however**, can be redeemed discursively **and only discursively**, that is, by entering into a discourse, which has the sole purpose of judging the truth of the problematic opinion or the correctness of the problematic norm. **In the first case we have what Habermas calls a theoretic discourse, in the second a practical discourse.**

The speech situation of discourse **represents a certain break with the normal action context in that, ideally, it requires a “virtualization of the constraints of action”, a putting out of play of all motives except that of a willingness to come to an understanding, and a “virtualization of validity claims”, a willingness to suspend judgement as to the existence of certain states of affairs (they may or may not be the case) and as to the rightness of certain norms (they may or may not be correct).** (p. 139-140)¹³

And, in the same article, McCarthy also writes, on p. 154:

The analysis of the notion of a grounded consensus ties it to a speech situation which is free from all external and internal constraints, that is, in which the resulting consensus is due simply to the force of the better argument.

Similar material appears in McCarthy’s “Translator’s Introduction” to Jürgen Habermas’ *Legitimation Crisis* (1975), p xiv:

(...) In normal interaction, these **implicitly raised** validity claims are **naively** accepted. But it is possible for situations to arise in which one or more of them becomes problematic in a fundamental way. **In such cases—that is, when the background consensus is fundamentally called into question—specific forms of problem resolution are required to remove the disturbance and restore the original, or a new, background consensus. Different forms are needed for each type of claim. But** the validity of problematic truth claims or of problematic norms can be redeemed discursively **and only discursively**, that is by entering into a discourse whose sole purpose **is to judge** the truth of problematic opinion or the correctness of the problematic norm. **In the first case we have what Habermas calls a theoretic discourse; in the second, a practical discourse.**

The speech situation of discourse **represents a break with the normal context of interaction in that, ideally, it requires a “suspension of the constraints of action,” a putting out of play of all motives except that of a willingness to come to an understanding, and a “bracketing of validity claims”—that is, a willingness to suspend judgment as to the existence of certain states of affairs (they may or may not be the case) and as to the rightness of certain norms (they may or may not be correct).**

And in his book *The Critical Theory of Jürgen Habermas* (1978), pp. 25, 28, 55, 58, 59 and 93, McCarthy writes:

The confusion is compounded when Habermas, in other contexts, uses the term strategic action to refer to action that is social in Max Weber’s sense (“it takes account of the behavior of others and is thereby oriented in its course”)²¹ and at the same time purposive-rational in Weber’s sense (“determined by expectations as to the behavior of external objects and of other men, and making use of these expectations as ‘conditions’ or ‘means’ for the rational, success-oriented pursuit of the agent’s own rationally considered ends”).²² (p. 25)¹⁴

¹³ The material from the second paragraph also appears in McCarthy 1978, pp. 291-292.

¹⁴ Text under quotations is attributed to p. 3 and p. 17 of the German edition of Weber’s *Economy and Society* (1956).

Weber (...) defined purposive-rational action as “determined by expectations as to the behavior of external objects and of other men, and making use of these expectations as ‘conditions’ or ‘means’ for the rational, success-oriented pursuit of the agent’s own rationally considered ends”.³⁰ (p. 28)¹⁵

(...) His theory of cognitive interests is an attempt to radicalize epistemology by unearthing the roots of knowledge in life. It is his central thesis that “the specific view points from which we apprehend reality,” the “general cognitive strategies” that guide systematic inquiry, have their “basis in the natural history of human species.” They are tied to “imperatives of the socio-cultural form of life.” The reproduction of human life is irrevocably bound to the reproduction of the material basis of life. (p. 55)

Habermas classifies processes of inquiry (*Forschungsprozessen*) into three categories: *empirical-analytic sciences*, including the natural sciences and the social sciences insofar as they aim at producing the nomological knowledge; *historical-hermeneutic sciences*, including the humanities (*Geisteswissenschaften*) and the historical and social sciences insofar as they aim at interpretive understanding of meaningful configurations; and the *critically oriented sciences*, including psychoanalysis and the critique of ideology (critical social theory), as well as philosophy understood as a reflective and critical discipline. (p. 58)

(...) The specific view points from which reality is apprehended

originate in the interest structure of a species that is linked in its roots to definite means of social organization: work, language and power [*Herrschaft*]. The human species secures its existence in systems of social labor and self-assertion through violence, through a tradition bound social life in ordinary language communication, and with the aid of ego identities that at every level of individuation reconsolidate the consciousness of the individual in relation to the norms of the group. Accordingly the interest constitutive of knowledge are linked to the functions of an ego that adapts itself to its external conditions through learning processes, is initiated into the communications systems of a social life-world by means of self-formative processes [*Bildungsprozesse*], and constructs an identity in the conflict between instinctual aims and social constraints.⁹ (p. 59)¹⁶

In subsequent clarifications of his theory, Habermas has explicitly favored this second version. In the introduction to *Theory and Practice*, for example, he links “two ‘lower’ interests” to “imperatives of a sociocultural form of life dependent on labor and language.”⁶ He treats the emancipatory interest differently: “This interest can only develop to the degree to which repressive force, in the form of the normative exercise of power, presents itself permanently in structures of distorted communication—that is, to the extent that domination is institutionalized.”⁷ In the postscript to *Knowledge and Human Interests*, this difference is made yet more explicit.

Compared with the technical and practical interests in knowledge, which are both grounded in deeply-rooted (invariant?) structures of action and experience—that is in the constituent elements of social systems—the emancipatory interest in knowledge has derivative status. It guarantees the connection between theoretical knowledge and an “object domain” of practical life which comes into existence as a result of systematically distorted communication and thinly legitimated repression. The type of action and experience corresponding to this object domain is, therefore, also derivative.⁸ (p. 93)¹⁷

¹⁵ As in the previous case, the repeated definition of purposive-rational action is attributed to Weber 1956, p. 17.

¹⁶ The quote in smaller font is from Habermas 1971a, p. 313, to which note 9 refers.

¹⁷ Note 6 refers to p. 9 and note 7 to p. 22 of *Theory and Practice* (Habermas 1973b). Note 8 refers to p. 176 of *Postscript* (Habermas 1973a).

Finally, Jürgen Habermas writes, in his essay “What is Universal Pragmatics?” (1979), p. 3:

The goal of **coming to an understanding** [*Verständigung*] is to bring about an agreement [*Einverständnis*] that terminates in the intersubjective **mutuality of reciprocal** understanding, shared knowledge, mutual trust, and **accord with** one another.

* * *

Here is the text from Fischer 1990, pp. 227-238 that corresponds mostly to Bernstein, with smaller interpolations matching McCarthy and Habermas:

The theory of cognitive interests is an attempt to radicalize epistemology by unearthing the roots of knowledge in **human** life. **Habermas’s** central thesis is that **there are three generic areas in which human interests generate knowledge for the maintenance and survival of society**. As “specific viewpoints” from which we apprehend **aspects of social** reality, **each area of interest has its** basis in the natural history of the species. Tied to the “imperatives of the sociocultural form of life,” **knowledge generated by these interests unfolds through the specific media of social organization**. (...) ³⁸ (p. 227) ¹⁸

First, consider the technical cognitive interest. The technical interest, which governs the medium of work, is pursued through the application of the empirical-analytic sciences (including the natural and social sciences insofar as they aim at producing nomological knowledge). **Identified by Habermas as the medium of “purposive-rational” social action, it is concerned with** “expectations as to the behavior of external objects and of other men, and making use of these expectations as ‘conditions’ or ‘means’ for the rational, success-oriented pursuit of the agent’s own rationally considered ends”.³⁹ **Within this sphere, Habermas locates the means-ends orientation of action and decision criteria upon which it is based—primarily the principles of economy and efficiency. As an epistemological orientation** from which reality is apprehended, it originates in the **cognitive interest of the species rooted in the activities of physical labor and work organization (defined as a primary level of action). It is designed to generate knowledge about how to secure the existence of the human species in systems of labor and self-assertion through physical effort, including force. As a practical technique, it is easily recognized as the type of knowledge pursued by the contemporary social or policy sciences—for instance, a comparison of the efficiency of alternative tax policies in promoting urban development or in the evaluation of an employment training program to determine its actual degree of success after implementation.**

The type of knowledge characterized by the second cognitive interest—practical knowledge—is the object of the phenomenologically oriented historical hermeneutic disciplines.⁴⁰ **It is concerned with uncovering the practical interest pursued through the medium of communicative social interaction. As a mode of inquiry, it includes the humanities, history, and the social sciences insofar as they aim at an interpretive understanding of the meaning of action.** The practical interest that orients these disciplines must be sharply distinguished from the **primary** level of human action characterized as work or purposive-rational action. **In contrast to causal laws, practical knowledge** is governed

¹⁸ In endnote 38, linked to the end of the paragraph in question, Fischer cites “McCarthy, *The Restructuring*, pp. 75–91”. In fact, the material largely corresponds to McCarthy 1978, p. 55. Note that the reference to “McCarthy, *The Restructuring*” is a conflation of McCarthy’s *The Cultural Theory of Jürgen Habermas* (1978, abbreviated in Fischer’s endnotes as *The Cultural Theory*) with Bernstein’s *The Restructuring of Social and Political Theory* (1976, abbreviated in Fischer’s endnotes as *The Restructuring*). This slip seems to be quite “consistent”: out of four abbreviated references to McCarthy in the endnotes, three are “McCarthy, *The Restructuring*”, while only the first one gives the expected combination of McCarthy and *The Critical Theory*.

by **mutually shared or recognized** consensual norms, which define reciprocal expectations about behavior. **Such** norms, enforced **by** binding sanctions, **are** objectified **through** ordinary language communication. **Thus**, while the validity of technical rules depends on **the** empirical truth or analytical correctness of propositions, the validity of social norms is grounded in the intersubjectivity of the mutual understanding [*pagebreak* 228-229] of intentions and secured **through normative discourse aimed at the identification of general social duties and obligations**.

The essential epistemological point here is that communicative social interaction is a nonreducible type of action requiring a distinctive set of categories for **its** description, explanation, and understanding.⁴¹ Individuals shape and determine themselves not only through their **physical activities, such as** work, but also through communicative action and language. If we are to understand the ways in which the human species has formed itself in the course of its historical development, it is just as important to understand the historical forms of communicative **social interaction as it is to understand the forms** of purposive-rational action. **Fundamentally, the task is to recognize** the complex ways in which the two levels of action are interrelated.

Habermas draws upon a wide variety of **literatures**—including phenomenology and hermeneutics, interpretive sociology, and Wittgenstein’s analysis of language games—to clarify what he means by “interaction” and to justify his claim that it is a nonreducible level of action. What he takes to be vital and correct in these seemingly disparate approaches is a primary emphasis on a level of communication and intersubjectivity that is basic for understanding social and political life.

To establish the autonomy and nonreducibility of communicative **interaction**, Habermas shows **that we cannot comprehend empirical-analytical science itself without reference to historical, hermeneutic knowledge. Essentially, he argues** that an attempt to give a rational account of the empirical-analytic science **by reference only** to the concepts shaped by the technical interest is self-defeating.⁴² **If** the scientific community can in principle provide us with a true and complete **empirical** account of knowledge and reality, then **it should be possible within its own scientific framework** to explain the very possibility of the empirical-analytic knowledge. But, **following Peirce’s analysis of a scientific community of inquirers**, we discover that the intelligibility of such a community (with its distinctive forms of intersubjective communication) presupposes a level of action—symbolic interaction—and a set of categories needed to account for that action, which are richer and more inclusive than those explicitly countenanced by the technical-cognitive interest. **Thus Habermas maintains that the scientific disciplines are themselves grounded in a historical-hermeneutic process. As such, historical-hermeneutic knowledge must be conceptualized as an independent but essential component of human inquiry.**

As in the case of the empirical-analytical sciences Habermas is **also** [*pagebreak* 229-230] sharply critical of the monopolistic tendencies of the historical-hermeneutic disciplines **to** claim that **they** provide the most fundamental knowledge of man and the world. **The** self-understandings of **both** these **methodological orientations** mistake the parts for the whole. **Basically**, they fail to **recognize** that there is a nonreducible plurality of fundamental cognitive interests. **As he puts it**, the verification of lawlike hypotheses in **the** empirical-analytic sciences has its counterpart **in the historical-hermeneutic disciplines** in the interpretation of textual meaning, **concerned with clarifying the conditions of communication and intersubjectivity.**⁴³ (pp. 228-230)¹⁹

¹⁹ In endnote 39 Fischer attributes the quote to “McCarthy, *The Restructuring*, p. 25” (see the preceding footnote concerning this conflation). The quote actually comes from McCarthy 1978, p. 25 (the same quote is repeated on p. 28 of McCarthy 1978). Note that Fischer apparently attributes Weber’s definition of purposive-rational action (one of the most famous definitions in the social sciences) directly to Habermas. In an earlier version of this material (Fischer, 1982 p. 14), the formulation is more neutral. It omits the first part of the sentence, simply beginning with: “It is concerned with...”

Note 40 refers to “Ibid., pp. 68-75.” Note 41 again refers to “Ibid., pp. 137–62”. Note 42 refers to “Habermas, *Knowledge and Human Interests*” (1971a), without mentioning any specific page or range of pages.

Part of the difficulty involved in understanding the emancipatory cognitive interest is owed to its derivative character. The first two interests—technical and practical—relate to formal conditions of **distinct** types of knowledge, hypothetico-deductive systems and interpretive hermeneutic methods, respectively. These two cognitive interests are designed as “fundamental” orientations toward knowledge about work and communication necessary for social existence. The emancipatory interest, on the other hand, is *derived* from the practical sphere of interaction. Unlike the technical and practical interests, which are organized as “formal” knowledge, it is concerned with the basic moral pursuit of human emancipation. As a mode of inquiry (oriented toward what “ought to be”), it is directed at a critique of power and ideology in existing social arrangements that distort moral relations within the sphere of social interaction.

Because of its derivative character, the emancipatory interest has a different anthropological status than the two more basic interests of work and communicative interaction. Aimed at a critique of unnecessary and nontransparent constraints on human freedom, the emancipatory interest, as Habermas explains, “can only develop to the degree to which the repressive force, in the form of the normative exercise of power, presents itself permanently in structures of distorted communication—that is, to the extent that domination is institutionalized.”⁴⁶ In this respect, it is concerned with the power relationships that establish the connections between theoretical knowledge and an objective domain of practical social life (which comes into existence as a result of systematically distorted communication and thinly legitimated repression). That is, it focuses on the power and ideology that fix work and interaction into specific historical forms of social existence. Such forms cannot be identified as invariant constituent categories of life, as can work and social interaction. Habermas explains it in this way:

The systematic *sciences of action*, that is economics, sociology, and political science, have the goal, as do the empirical-analytic sciences, of producing nomological knowledge. A critical social science, however, will not remain satisfied with this. It is concerned with going beyond this goal to determine when theoretical statements grasp invariant regularities of social action as such and when they express ideologically frozen relations of dependence that can in principle be transformed. To the extent that this is the case, the *critique of ideology* . . . take[s] into account [the fact] that information about lawlike connections sets off a process of reflection in [pagebreak 231-232] the consciousness of those whom the laws are about. Thus the level of unreflected consciousness, which is one of the initial conditions of such laws, can be transformed.⁴⁷ (pp. 231-232)²⁰

Although the emancipatory interest is concerned with the explication of “latent potentials” lodged in variant historical forms, there is another sense in which it is itself invariant. Even though the emancipatory interest is derived from the basic categories of social life, Habermas identifies it as a primary interest that establishes the very possibility of rational normative standards.⁴⁸ His contention is this: If, at the level of philosophical reflection, we examine the forms of knowledge and rationality guided by the technical and practical interest, we can locate in reason itself an internal demand for the conditions of free and open communication. Following Peirce, he maintains that an adequate epistemological understanding of the empirical-analytical sciences must include the existence of an open community of self-critical inquirers.⁴⁹ Such open and nondistortive

Finally, note 43 gives a reference to p. 309 of Habermas 1971a. The bulk of that sentence is indeed a part of the wider Habermas (1971a, p. 309) quote used by Bernstein 1976, p. 197, but it is employed in Fischer without quotation marks.

²⁰ Fischer’s note 46 refers to p. 22 of Habermas 1973b (misdated by Fischer as 1972). The same quote appears in McCarthy 1978, p. 93 followed by a quote from Habermas 1973a. Note that part of the Habermas 1973a quote appears in Fischer 1990, in the sentence following the Habermas 1973b quote but without quotation marks or any reference that signals proper attribution.

Note 47 refers to: “*Knowledge and Human Interests*, p. 310.” The same quote appears in Bernstein 1976, p. 199. (In Fischer 1990, the last sentence from the quote appears separately on p. 233.)

communication is promoted by the **emancipatory** interest **embedded in** the historical-hermeneutic disciplines. **Thus** implicit in the knowledge guided by the technical and practical interests is the demand for the intellectual and material conditions for emancipation (i.e., the ideal state of affairs in which nonalienating work and free interaction can be manifested).

The way in which Habermas formulates what he means by the “emancipatory interest” **clearly reveals his debt both to the classical Aristotelian conception of politics as the pursuit of the good life and to the tradition of German idealism. He has remained faithful to the classical idea that the validity of the truth of a statement is in the final analysis determined by its relationship to the “good life.” In terms of German Idealism, Habermas maintains, with Kant and Hegel, that reason can only be properly understood as embodying a primary interest or demand to become fully self-actualized. Through transcendental speculation, it is possible to locate in reason itself an interest in autonomy and responsibility that provides basic normative standards.** The emancipatory interest aims at the pursuit of such reflection.

But Habermas **also** agrees with Marx’s critique of German Idealism. **Contending** that an emancipatory cannot be realized by a solitary ego, or Absolute Spirit, **he argues that it can be manifested** only in and through the concrete social and political lives of men and women. The free and open communication that is the aim of the practical **and emancipatory** interests requires the existence of determinate social institutions and practices, **which** exert a powerful *causal* influence on the [pagebreak 232-233] nature and quality of symbolic interaction. On **this** point Habermas is in essential agreement with Marx. While **he** is deeply suspicious of the tendency to think that there are historical material conditions that **will** automatically bring about the realm of freedom, he **nonetheless** maintains that free symbolic interaction (or unconstrained communication) cannot concretely exist unless nonalienating and nonexploitative material conditions exist. **As he puts it,** “A critically mediated knowledge of laws cannot through reflection alone render a law itself inoperative, but it can render it inapplicable.”⁵⁰ (pp. 232-233)²¹

In normal communicative interaction these **basic** validity claims **do not necessarily come** into question. **Remaining part of** the “background consensus” **that makes communication possible, the validity of claims (resting on underlying beliefs and norms) are more or less uncritically accepted by speakers.** But “it is possible for situations to arise in which one or more of them becomes problematical in a fundamental way, that is, in a way which cannot be dealt with by simply requesting information, clearing up misunderstandings and the like, within the accepted framework of opinions and norms.”⁵² To **eliminate a disturbance in the background consensus, either by restoring the original consensus or establishing a new one, the validity claim in question must be called into play. For example, when the truth or legitimacy of a claim comes into question, it can only be redeemed through the logics of theoretical and practical discourse, respectively. In McCarthy’s words,** “the validity of problematic truth claims or of problematic norms . . . can be redeemed discursively only, that is, by entering into a discourse, which has the sole purpose of judging the truth of the problematic opinion or the correctness of the problematic norm.”⁵³ [pagebreak 233-234]

As a break in ordinary communicative interaction, the speech situation of discourse requires that judgment about certain states of affairs or norms be treated as hypothetical and subjected to systematic argumentation motivated only by the desire to achieve a rationally grounded agreement. Each speaker must have the goal of an ultimate consensus that terminates in intersubjective understanding, shared knowledge, and mutual trust **among** one another. **“Such a consensus is achieved solely through** the force of the

²¹ Note 48 again cites “McCarthy, *The Restructuring*, pp. 75-91” (for explanation, see footnote 18 in this document). Notes 49 and 50 both refer to Habermas 1971a, first one to a range of pages (p. 91-112) and second one to a specific page (p. 310). The same Habermas’ sentence appears as a final part of larger quote from Habermas 1971a in Bernstein 1976, p. 199 (see above). The last two sentences in the second paragraph partly correspond to a quote from Habermas 1971a, p. 314, marked as such in Bernstein 1976, p. 198.

better argument, **determined by the formal properties of the specific mode and level of discourse.**⁵⁴ There are no **absolutely** fixed decision procedures or **methodologies that differentiate** a rational from a nonrational consensus. (...) (pp. 233-234)²²

44. McCarthy, *The Restructuring*, pp. 75–91. To assert that the knowledge constitutive interests, and the types of inquiry guided by these interests, are autonomous and not reducible to each other poses a danger of which Habermas is acutely aware. The risk is in making the mistake of assuming that the nonreducible media of social life—work and communicative interaction—operate in mutual isolation from each other. (...) (p. 238)²³

Some of this material appears in Fischer 2003, pp. 199-200:

(...) To **eliminate a disturbance in the background consensus, either by restoring the original consensus or by establishing a new one, a special form of problem-solving appropriate to the validity claim in question must be called into play. That is, a “truth” or “legitimacy claim” has to be redeemed discursively through the logics of empirical or normative discourse, respectively. Only by entering into a normative discourse that has the sole purpose of judging the justification of a problematic [pagebreak 199-200] norm, or an empirical discourse designed to get at the validity of a truth claim, can the disturbance or blockage be resolved.**

As a break in ordinary communicative interaction, the speech situation of discourse requires that judgement about certain states of affairs or norms be treated as hypothetical and subjected to systematic argumentation motivated only by the desire to achieve a rationally grounded consensus that terminates in inter-subjective understanding, shared knowledge, and mutual trust. Such agreement is achieved solely through “the force of the better argument”, determined by the formal properties of the specific mode and level of discourse. (...)

²² Notes 52 and 53 refer to McCarthy 1976, p. 476, which corresponds to McCarthy 1973, p. 139 quoted above (1976b is a partial reprint of 1973). The quotes are properly attributed, but not the rest of the material from that paragraph, and from the first part of the following one, which roughly corresponds to the same source (McCarthy 1973, pp. 139-140).

Note 54, appended to the quote in the second paragraph, reads “McCarthy, *The Critical Theory of Jürgen Habermas*, pp. 291-333.”, bizarrely giving a 43-page range as the source for a one-sentence quote. We have nevertheless examined those 43 pages of McCarthy 1978 and have been unable to find anything resembling this sentence, though the phrase “force of the better argument” recurs many times (e.g. on pp. 292, 308, 312). Some parts of this sentence do occur in the literature, e.g.

The analysis of the notion of a grounded consensus ties it to a speech situation which is free from all external and internal constraints, that is, in which the resulting consensus is due simply to the force of the better argument. (McCarthy 1973, p. 154; quoted also in Bernstein 1976, p. 213)

The only way out of this dilemma, according to Habermas, leads through a characterization of the “force of the better argument” entirely in terms of “formal properties of discourse” (...) (McCarthy 1975, p. xvi; a similar sentence is found in McCarthy 1978, p. 304)

But we have not come across, anywhere in the published literature, anything even vaguely resembling this entire sentence. Therefore, our default hypothesis is that in this one instance Fischer, whether accidentally or intentionally, attributed to someone else a sentence that he had in fact composed himself. N.B. In the subsequent versions of this material—Fischer 2003, p. 200 and Fischer 2009, p. 202—the scope of the quotation marks is reduced to the well-known phrase “(the) force of the better argument”, again without any reference.

²³ The foregoing is the text of note 44, attached to the last sentence in a concluding paragraph of a section of Fischer’s chapter entitled “The Theory of Cognitive Interests”, p. 230:

The task of this project, as a middle course between natural and idealist epistemology, is to demonstrate that a more comprehensive concept of rationality must incorporate both types of knowledge.

For a possible explanation of combination of McCarthy and *The Restructuring*, see footnote 18 above.

And, finally, it also appears in Fischer 2009, p. 202:

(...) To **eliminate a disturbance in the background consensus, either by restoring the original consensus or by establishing a new one, a specific form of problem-solving appropriate to the validity claim in question must be initiated. That is, a “truth” or “legitimacy claim” has to be redeemed discursively through the logics of empirical or normative discourse. Only by entering into a normative discourse that has the sole purpose of judging the justification of a problematic norm, or an empirical discourse designed to get at the validity of a truth claim, can the disturbance or blockage be resolved.**

As a break in ordinary communicative interaction, the communicative turn to discourse requires that judgments about certain states of affairs or norms be treated as hypothetical and subjected to systematic argumentation motivated only by the desire to achieve a rationally grounded consensus that terminates in intersubjective understanding, shared knowledge, and mutual trust. Such agreement is obtained solely through the “force of the better argument,” governed by the logical properties of discourse. (...)

The material from Fischer 1990 quoted here is taken from the chapter “Beyond Technical Discourse: A Theory of Comprehensive Rationality” (pp. 217-239), specifically from the part of the chapter “devoted to an explication of Habermas’s postpositivist epistemology” (p. 216). This chapter abounds in references to various of Habermas’ works (*Knowledge and Human Interests*, *Theory and Practice*, *Technology and Science as Ideology*, and *The Theory of Communicative Action*), but also to the secondary literature on the subject, mostly Bernstein’s *The Restructuring of Social and Political Theory* (1976) and McCarthy’s *The Critical Theory of Jürgen Habermas* (1978). However, a gargantuan amount of material that is simply taken from these and other sources—mostly from Bernstein 1976—is not credited at all.^{24 25}

In Fischer 2003, both Bernstein 1976 and McCarthy 1978 are present in the bibliography but are not cited anywhere near the above-quoted text.²⁶ McCarthy 1973 and 1975 are not present in the bibliography, though Habermas 1975 is (misdated as 1973). In Fischer 2009, Bernstein 1976 is present in the bibliography, while McCarthy 1973, 1975, 1978 are not; there are no references to Bernstein 1976 in the text.

²⁴ Some of the material from the chapter appears in an earlier article of Fischer 1982. In that article, under the same subtitle (“Comprehensive Rationality”), Fischer discusses three types of interests—technical, practical and the emancipatory. Ten paragraphs, including a longer quote from Habermas and a long footnote (pp. 13-16, 31), correspond to the paragraphs in the 1990 book quoted here (cf. pp. 227-228, 230-232). Similarly to the later book chapter, the article cites and quotes McCarthy, Habermas, and Bernstein, but it also includes some of the unreferenced material reproduced above (mostly matching with Bernstein 1976).

²⁵ Ironically, it appears that three long passages of text from Fischer 1990, pp. 226, 230-234—some of which are quoted above, some of which are not quoted because to the best of our knowledge they were first written by Fischer—were grossly plagiarized by Wilson 1997, pp. 190-192, including even the mistaken attribution of the quote on p. 234 to “McCarthy, 1978, p. 291” (see footnote 22 above)! For what it’s worth, p. 190 of Wilson’s article also contains a paragraph that appears to be plagiarized from Oliga 1990, p. 32 or Oliga 1996, pp. 169-170 (see section 20).

Finally, the sentence “it is possible for situations to arise (...) accepted framework of opinions and norms”, which Fischer 1990, p. 233 quoted *properly* from McCarthy 1976—which is in turn a partial reprint of McCarthy 1973 in a book edited by Connerton—was apparently plagiarized four years later by Connerton 1980, p. 103.

²⁶ Bernstein 1976 is mentioned on pp. 13, 122, 126. McCarthy 1978 is apparently not mentioned at all.

4. Denis Goulet (1973), Paulo Freire (1973) and Frank Fischer (1990, 1991, 2000, 2003, 2009)

Denis Goulet (1973) writes, in his preface to Paulo Freire's *Education for Critical Consciousness*, p. ix:

Paulo Freire's central message is that one can know only to the extent one "problematizes" the natural, cultural and historical reality in which s/he is immersed. Problematizing is the antithesis of the technocrat's "problem-solving" stance. In the latter approach, an expert takes some distance from reality, analyzes it into component parts, devises means for resolving difficulties in the most efficient way, and then dictates a strategy or policy. Such problem-solving, according to Freire, distorts the totality of human experience by reducing it to those dimensions which are amenable to treatment as mere difficulties to be solved. But to "problematize" in his sense is to associate an entire populace to the task of codifying total reality into symbols which can generate critical consciousness and empower them to alter their relations with nature and social forces. This reflective group exercise is rescued from narcissism or psychologism only if it thrusts all participants into dialogue with others whose historical "vocation" is to become transforming agents of their social reality. Only thus do people become subjects, instead of objects, of their own history.

Paulo Freire writes, in the same book, p. 127:

Problem-posing supersedes the **old** "magister dixit" behind which those who regard themselves as the "proprietors", "administrators", or "bearers" of knowledge **attempt to hide themselves.**

The corresponding text is first found in Fischer 1990, pp. 369-370:

Freire's work on "problematization" or "problem posing" is basic to the development of participatory professional-client research.⁴⁶ Problem posing, he contends, must supersede the "magister dixit" behind which hide those who regard themselves as the "proprietors," "administrators," or bearers of knowledge. Using the techniques of dialogue and problem posing, the educators-professionals and educatees-clients must work out a critical attitude toward their world and its problems.

Problematizing **for Freire** is the **direct** antithesis of technocratic prob-[pagebreak 369-370]lem solving. In the **technocratic** approach, the expert **establishes** some distance from reality, analyzes it into component parts, devises means for resolving difficulties in the most efficient way, and then dictates the strategy or policy. Such problem solving, **as Freire makes clear**, distorts the totality of human experience by reducing it to those dimensions that are amenable to treatment *as mere difficulties to be solved*. To "problematize," **on the other hand**, is to **help people** codify into symbols **an integrated picture or story of reality that, in the course of its development**, can generate a critical consciousness **capable of** empowering them to alter their relations **to both the physical and social worlds.**

It is again found in Fischer 1991, pp. 367-368:

Freire's work on "problematization" or "problem posing" is basic to much of the writings on participatory research (Freire 1970, 1973, 66). Problematizing **for Freire** is the **direct** antithesis of technocratic problem solving. In the **technocratic** approach, the expert **establishes** some distance from reality, analyzes it into component parts, devises

means for resolving difficulties in the most efficient way, and then dictates the strategy or policy. Such problem solving, **as Freire makes clear**, distorts the totality of human experience by reducing it to those dimensions that are amenable to treatment as mere difficulties to be solved. To “problematize,” **on the other hand**, is to **help people** codify into symbols **an integrated picture or story of reality that, in the course of its development**, can generate a critical consciousness **capable of empowering** them to alter their relations to **both the physical and social worlds**.

It appears again in Fischer 2000, pp. 184-185:

In the Third World, participatory research, as we saw in the case of Kerala, has been closely associated with the work of Paulo Freire. Freire’s work on “problematization” or “problem posing” is basic to much of the writings on participatory research (Freire 1970, 1973, 66). Problematizing for Freire is the **direct** antithesis of technocratic problem solving. In the **technocratic** approach, **the expert establishes** some distance from reality, analyzes it into component parts, devises means for resolving difficulties in the most efficient way, and then dictates the strategy or policy. Such problem solving, **as Freire makes clear**, distorts the totality of human experience by reducing it to those di-[pagebreak 184-185]mensions that are amenable to treatment as mere difficulties to be solved. To “problematize”, **on the other hand**, is to **help people** codify into symbols **an integrated picture or story of reality that, in the course of its development**, can generate a critical consciousness **capable of empowering** them to alter their relations to **both the physical and social worlds**.

It then appears again in Fischer 2003, p. 216:

Much of participatory research has been influenced by Freire’s (1970; 1973) work in “problematization” or “problem-posing”. Problematizing is the **direct** antithesis of technocratic problem-solving. In the **technocratic** approach, **the expert establishes** some distance from reality, analyses it into component parts, devises means for resolving difficulties in the most efficient way, and then dictates the strategy or policy. Such problem-solving distorts the totality of human experience by reducing it to those dimensions that are amenable to treatment as mere difficulties to be solved. To “problematize”, **on the other hand**, is to **help people** codify into symbols **an integrated picture or story of reality that, in the course of its development**, can generate a critical consciousness **capable of empowering** them to alter their relations to **both the physical and social worlds**.

Finally, it appears in Fischer 2009, p. 235:

Freire (1970, 1974, 1998), the most influential innovator of critical pedagogy, approaches such discourse through what he calls “problematization,” or problem-posing, which is basic to opening up narrative contradictions. For Freire, problematization is the direct antithesis of the kinds of technocratic problem solving. In the technocratic approach, the expert establishes some distance from reality, analyzes it into component parts, devises means for resolving difficulties in the most efficient way, and then dictates the strategy or policy to be followed. Such problem solving, as Freire makes clear, distorts the totality of human experience by reducing it to those dimensions that are amenable to treatment as mere difficulties to be solved, or as impediments to be overcome. To problematize, on the other hand, is to help people codify into narrative symbols an integrated story of reality that, in the course of its development, can generate a critical consciousness capable of empowering them to alter their relations to both the physical and social worlds.¹⁸

Here we see that the same paragraph, published in five of Fischer's works over a time-span of almost two decades (1990, 1991, 2000, 2003, 2009), contains unreferenced material from Denis Goulet's introduction to Paulo Freire's book (1973), as well as from Freire himself in the case of Fischer's 1990 book: an almost exact quote without quotation marks or page number. Note 46 in Fischer 1990 cites Freire 1970 (actually the 1979 edition of the same book) and Freire 1973, both without page numbers. Note 18 in Fischer 2009 gives a summary of Freire's view of the student-teacher relationship (pp. 235-236).

5. Kathy Ferguson (1984) and Frank Fischer (2000, 2003)

Kathy Ferguson writes, in her book *The Feminist Case against Bureaucracy* (1984), pp. 31-33:

(...) Foucault **traces** the rise of extensive administrative regulation—what he calls “the disciplines”—from the seventeenth and eighteenth centuries, **describing** the complex process **in** which individuals are made into objects of study **and human activity is** defined as in need of organization, regulation **and control**. (p. 31)

(...) **Scientists, industrialists, and middle-class radicals such as Joseph Priestley (one of the founders of utilitarianism as well as an important scientist), Josiah Wedgewood (inventor of the time clock and founder of the first Chamber of Commerce), John Wilkinson (founder of the great steel fortune), and others** epitomized the goals of modernity: **to** free individuals from the constraints of the Old Regime in order to subject them, for their own good, to the new disciplinary authority of factories, jails, schools, hospitals, and **managers**.⁴ **Defenders of the old order such as Edmund Burke fought a losing battle with the proponents of progress, who personified the marriage of knowledge, profit, and power and who announced the dawn of an age Burke disdained as one of sophistry, economy, and calculation. Foucault shows that** the spread of the disciplinary order provided a way of controlling large numbers of people, rendering their behavior stable and predictable, without **utilizing** the uneconomical and “ostentatious **signs of sovereignty**” **and without rousing people to draw on the forces of their numbers in rebellion** (...) (p. 32)

(...) Discipline **stands at** the intersection of words **and** things, **of power** and knowledge.⁶ The regulatory **disciplines** produce “truth”, in the sense that they produce “**ordered** procedures for the **production**, regulation, **distribution**, circulation and **operation** of statements.”⁷ The knowledge **thus** produced is a part of the discursive practices by which rules are constructed, objects and subjects are defined, and events of study are identified and constituted. “Discipline”, **as Dreyfus and Rabinow explain it,**

is a technique, not an institution. It functions in **such** a way that **it could** be massively, almost totally appropriated **in** certain institutions (**houses of detention**, armies) or used for precise ends in others (schools, hospitals): **it could be employed by preexisting authorities (disease control) or by parts of the judicial state apparatus (police). But it is not** reducible or identifiable with any **of these** particular forms of power **which existed** in society. Rather, **it** “invests” or colonizes **them**, linking them together, extending their hold, honing their efficiency.⁸ (p. 33)²⁷

²⁷ Ferguson's note 6 refers to Foucault 1975, p. xii; note 7 refers to Foucault 1980, p. 133 (misdated as 1972); and note 8 refers to Dreyfus and Rabinow 1982, p. 153.

Here is the corresponding text in Fischer 2000, p. 26:

Foucault's **critique of modernity is anchored in his analysis of** the rise of extensive administrative **forms of** regulation—what he calls the “disciplines.” From the seventeenth and eighteenth centuries **onward, the emerging professional disciplines increasingly took charge of** the complex processes by which individuals are made into objects of study—defined as **social objects** in need of organization and regulation. **Such concerns—Foucault would say “obsession”—with rational control** epitomizes [*sic KP&AS*] the goals of modernity. **Modernity, in Foucault's analysis, can be understood as** freeing individuals from the constraints of the Old Regime in order to subject them, for their own good, to the new disciplinary authorities of schools, factories, jails, hospitals, and **state administrators. Forging together** knowledge, profit, and power, the spread of the **new** disciplinary order provided a way of controlling large numbers of people, rendering their behavior stable and predictable, without **using** uneconomical and ostentatious **displays of sovereign power, in particular military or police force, which can risk open rebellion on the part of the masses.**

Expert disciplines thus took shape at the intersections of words, things, and knowledge (Foucault 1973). Their regulatory **discourses** produce “truth” in the sense that they **supply systematic** procedures for the **generation, regulation, and circulation of statements.** The knowledge produced is a part of the discursive practices by which rules are constructed, objects and subjects are defined, and events **for** study are identified and constituted. **Such** disciplines function in ways that can be massively, almost totally appropriated **by** certain institutions (**prisons and** armies) or used for precise ends in others (hospitals **and** schools). **At the same time, they remain irreducible to—and unidentifiable with—any particular institutional form or power in society. Rather, disciplines “invest” or “colonize” modern institutions, linking them together, honing their efficiency, and extending their hold.**

And here is the corresponding text in Fischer 2003, p. 39:

Foucault's **critique of modernity—as a discourse orientation—is anchored in his analysis of** the rise of extensive administrative **forms of** regulation—what he calls the “disciplines”. From the seventeenth and eighteenth centuries **onward, the emerging professional disciplines increasingly took charge of** the complex processes by which individuals are made into objects of study—defined as **social objects** in need of organization and regulation. **Such concerns—Foucault would say “obsession”—with rational control** epitomizes the goals of modernity. **Modernity, in Foucault's analysis, can be understood as** freeing individuals from the constraints of the Old Regime in order to subject them, for their own good, to the new disciplinary authorities of schools, factories, jails, hospitals, and **state administrators. Forging together** knowledge, profit, and power, the spread of the **new** disciplinary order provided a way of controlling large numbers of people, rendering their behaviour stable and predictable, without **using** uneconomical and ostentatious **displays of sovereign power, in particular military or police force, which can risk open rebellion on the part of the masses.**

Expert disciplines thus took shape at the intersections of words, things, and knowledge (Foucault 1973). Their regulatory **discourses** produce “truth” in the sense that they **supply systematic** procedures for the **generation, regulation, and circulation of statements.** The knowledge produced is a part of the discursive practices by which rules are constructed, objects and subjects are defined, and events **for** study are identified and constituted. **Such** disciplines function in ways that can be almost totally appropriated **by** certain institutions (**prisons and** armies) or used for precise ends in others (hospitals **and** schools). **At the same time, they remain irreducible to—and unidentifiable with—any particular institutional form or power in society. Rather, disciplines “infiltrate” or “colonize” modern institutions, linking them together, honing their efficiencies, and extending their hold. Professional disciplines, operating outside of (but in conjunction with) the state, are thus seen to**

predefine the very worlds that they have made the objects of their studies (Sheridan 1980).

Ferguson does not appear in the bibliography in either of Fischer's books. Text from Dreyfus and Rabinow (1982, p. 153) quoted in Ferguson is reproduced without quotation marks or attribution. Dreyfus and Rabinow are not mentioned in either of Fischer's books.

6. Alan Sheridan (1980) and Frank Fischer (2000, 2003)

Alan Sheridan writes, in his book *Michel Foucault: The Will to Truth* (1980), pp. 139-140:

But this power is exercised rather than possessed; it is not the “privilege” of a dominant class, **which exercises** it actively **upon** a passive, dominated class. **It is rather exercised through and by the dominated. Indeed, it is perhaps unhelpful to think in terms of “classes” in this way, for power is not unitary and its exercise binary.** Power in that sense does not exist: **what exists is** an infinitely complex network of “micro-powers”, **of power relations** that permeate **every** aspect of social life. For **that** reason, “power” cannot be overthrown and acquired once for all by the destruction of institutions and seizure of the state apparatuses. **Because** “power” is multiple and ubiquitous, the struggle against it must be localized. **Equally, however,** because **it** is a network **and not** a collection of isolated points, each localized struggle induces effects on the entire network. Struggle cannot be totalized—a **single, centralized** [pagebreak 139-140] **hierarchized organisation setting out to seize a single, centralized, hierarchized power; but it can be serial, that is, in terms of horizontal links** between one point of struggle and another.

Correspondingly, Fischer 2000 writes, pp. 26-27:

Professional disciplines, operating outside of (but in conjunction with) the state, are thus seen to predefine the very worlds that they have made the objects of their studies (Sheridan, 1980). **Because** this power is *exercised* rather than *possessed per se*, it is not the privilege of a dominant **elite** class actively **deploying** it **against** a passive, dominated class. **Disciplinary** power in this sense does not exist **in the sense of class power. Instead,** it exists **in** an infinitely complex network of “micropowers” that permeate **all** aspects of social life. For **this** reason, **modern** power cannot be overthrown and acquired once and for all by the destruction of institutions and the seizure of the state apparatuses. **Such** power is “multiple” and “ubiquitous”; the struggle against it must be localized **resistance designed to combat interventions into specific sites of civil society.** Because **such** power is **organized** as a network **rather than** a collection of isolated points, each [pagebreak 26-27] localized struggle induces effects on the entire network. Struggles cannot be totalized; **there can be no** single, centralized power. **For this reason, argues Foucault, resistance can only be leveled against the** horizontal links between one point of struggle and another (**Foucault 1984**).

Some of this survives in Fischer's 2003 book, p. 40:

Because this power is “multiple” and “ubiquitous”, it is *exercised* rather than *possessed per se*. It **cannot, in this respect, be identified as** the privilege of a dominant **elite** class actively **deploying it against** a passive, dominated class. **Disciplinary** power in this sense does not exist **in the sense of class power. Instead,** it exists in an infinitely complex network of “micro powers” that permeate **all** aspects of social life. The struggle against **such** power, **Foucault**

argues, must be localized resistance designed to combat interventions into specific sites of civil society.

Sheridan summarizes some of the well-known elements of Foucault's concept of power, outlined in Foucault 1990, pp. 94-97. The paragraph quoted here from Fischer 2000 appears after the part matching with Ferguson (see the preceding section), with one paragraph in-between. Likewise in Fischer 2003 the paragraph quoted here follows the material matching with Ferguson, with a paragraph in-between. In Fischer 2000 the paragraph begins with a generic reference to Sheridan 1980 (without page numbers), but gives no indication that the succeeding material comes from Sheridan, much less that is literally reproduced. In Fischer 2003 there is a generic reference to Sheridan 1980 two paragraphs before the paragraph quoted here (see the preceding section).

7. Davis Bobrow and John Dryzek (1987) and Frank Fischer (2003)

Davis Bobrow and John Dryzek write, in their book *Policy Analysis by Design* (1987), pp. 171-172:

Critical theory commends, then, a continuous interchange of ideas, interpretations, and criticisms **between** social scientists and other political actors. Unconstrained discussion **is attained most fully in what Habermas calls** the "ideal speech situation". This situation imposes no restrictions on who may participate, what kinds of arguments can be advanced, **and** the durations of **discussions**. The only resource actors have at their disposal is argument, and the only authority **is** that of the better argument. All actors **should** have equal **degrees of** "communicative competence" (**Habermas 1970b**). (p. 171)²⁸

Critical theory **is dismissed by its** opponents—and **some of its friends**—as **irrelevant and** abstract theorizing; **the ideal speech situation is believed to be an unattainable construct**. (p. 172)

The corresponding text is found in Fischer 2003, pp. 36-37:

Critical theory commends, then, a continuous interchange of ideas, interpretations, and criticisms **among** social scientists and other political actors. (...)

Communicative competence **in this approach is based on a discursive ethics grounded in a "counterfactual" concept of** the ideal speech situation **that spells out the standards and conditions for** unconstrained discussion. **In** this **ideal** situation, no **one would** impose restrictions on who may participate, what kinds of arguments can be advanced, **or** the duration of **the deliberations**. The only resource actors **would** have at their disposal is **their** arguments, and the only authority **would be** that of the [*pagebreak 36-37*] better argument. **In the ideal**, all actors would have equal **chances to participate (including the chances to learn to participate) in the discursive process of consensus formation**.

Although many of critical theory's opponents **have criticized it** as "abstract theorizing" **of little relevance to the practical tasks of a field like policy analysis, it is not without connection to important practical questions**.

²⁸ The reference "Habermas 1970b" is to Habermas' article on communicative competence (1970).

There is no reference anywhere near this passage to Bobrow and Dryzek 1987.²⁹

8. Norman Fairclough (1992) and Frank Fischer (2003)

Norman Fairclough writes, in his book *Discourse and Social Change* (1992), pp. 37-40 and 55-56:

(...) Foucault's **work makes an important contribution to a social theory of discourse in such areas as** the relationship of discourse **and** power, the discursive construction of social subjects and knowledge, and the functioning of discourse in social change. (...)

(...) **Foucault is concerned with** discursive practices **as** constitutive of knowledge, **and with** the conditions **of transformation of the** knowledge **associated with a** discursive formation into **a** science.

(...) **His focus is on** the “conditions **of possibility**” of discourse (**Robin 1973: 83**), upon “rules of formation” **which** define the possible “objects”, “enunciative modalities”, “subjects”, “concepts” and “strategies” of a particular type of discourse (**these terms are explained below**). Foucault's **emphasis is upon** the domains of knowledge **which** are constituted by such rules. (pp. 37-38)

Foucault's **earlier “archaeological” studies (I shall be referring particularly to Foucault 1972) include two major theoretical insights which need to be incorporated within TODA. The first is a** constitutive view of discourse, which **involves seeing** discourse **as** actively **constituting or** constructing society on various dimensions: **discourse constitutes** the objects of knowledge, social subjects **and** forms of “self”, social relationships, and **conceptual frameworks. The second is an emphasis on** the interdependency of the discourse practices of a society **or** institution: texts always draw upon and transform other contemporary and [pagebreak 39-40] historically prior texts (**a property commonly referred to as the “intertextuality” of texts – see p. 84 below**), **and** any given type of discourse practice is generated out of combinations of others, and is defined by its relationship to **others (a perspective recognized by Pêcheux in the primacy he ascribed to “interdiscourse” – see p. 31 above)**. Although **the focus of Foucault (1972)** is upon the discursive formations of the human sciences, his insights are **transferable** to all types of discourse. (pp. 39-40)

Three further substantive points emerge from Foucault's genealogical work:

(...) [pagebreak 55-56]

- 4 the political nature of discourse** – power struggle occurs both in and over discourse
- 5 the discursive nature of social change** – changing discursive practices are **an** important element in social **change**. (pp. 55-56)

²⁹ Bobrow and Dryzek are mentioned on pp. 121, 136 and 201 of Fischer 2003. Curiously, however, much of this same material reappears—but this time with quotation marks and proper attribution—on p. 201:

Such an approach calls for “a continuous interchange of ideas, interpretations and criticism between social scientists and other political actors” (**Bobrow and Dryzek 1987: 171**). **Emphasizing** unrestrained discussion that imposes “no restrictions on who may participate, what kinds of arguments can be advanced, and the duration of the discussion, the only resource actors have at their disposal is **argumentation**, and the only authority is that of the better argument”.

This material is found in Fischer's 2003 book, pp. 38-39:

Elaborating on the relationship of discourse to power, Foucault **focuses on** the discursive construction of social subjects and knowledge and the functioning of discourse in social change. **Towards this end, he explicates the way** discursive practices **are** constitutive of knowledge, **emphasizing** the conditions **under which** knowledge **is transformed** into discursive formations (**that is, disciplines**) **such as** science, **law, or politics**. **This includes** the conditions **that make** discourse possible, **the rules of formation that** define the possible objects **of discourse, and** enunciative modalities, subjects, concepts and strategies of a particular type of discourse. Foucault's **work, as such, is** on the domains of knowledge **that** are constituted by such rules.

Especially important for social science is Foucault's *constitutive* view of discourse, which **understands** discourse **to** actively construct society **along** various dimensions—**including** the objects of knowledge, social subjects, forms of self, social relationships, and **perceptual frameworks**. **In this work he delineates** the interdependencies of the discursive practices of a society **and its institutions**. **Such practices, understood as** texts, always draw upon and transform other contemporary and historically prior texts. Any given type of discursive practice **is thus** generated out of combinations of others, and is defined by its relationship to **them**. **In the [pagebreak 38-39] analysis of these processes,** changing discursive practices are **seen to be** important elements in social **transformations**. **The struggle for power is thus understood to** occur both in and over discourse. Although Foucault's focus is upon the discursive formations of the human sciences, his insights are **applicable** to all types of discourse.

Later in his book Fairclough writes, pp. 92-93:

Hegemony **is** leadership **as much as** domination across the economic, political, cultural and ideological domains of **a** society. Hegemony is the power over society **as a whole of** one of the **fundamental** economically-defined classes in alliance with other social forces, **but it is never achieved more than** partially and temporarily, **as** an "unstable equilibrium". **Hegemony is about** constructing alliances, **and** integrating rather than simply dominating subordinate classes, through concessions **or through** ideological means, to win their consent. **Hegemony is a focus of** constant struggle around points of greatest instability between classes **and blocs, to construct or sustain or fracture** alliances **and relations of domination/subordination, which takes economic, political and ideological forms**. Hegemonic struggle takes place on a broad front, which includes the institutions of civil society (education, trade unions, family), with possible unevenness between different levels and domains.

Ideology is understood within this framework in terms which anticipate all Althusser's advances (Buci-Glucksmann 1980: 66), **in, for instance, its focusing of the implicit and unconscious materialization of ideologies in practices (which contain them as implicit theoretical "premisses"), ideology being "a conception of the world that is implicitly manifest in art, in law, in economic activity and in the manifestations of individual and collective life" (Gramsci 1971: 328). While the interpellation of subjects is an Althusserian elaboration, there is in Gramsci a conception of subjects as structured by diverse ideologies implicit in their practice which gives them a "strangely composite" character (1971: 324), and a view of "common sense" as both a repository of the diverse effects of past ideological struggles, and a constant target for restructuring in ongoing struggles. In common sense, ideologies become naturalized or automatized. Moreover, Gramsci conceived of "the field of ideologies in terms of conflicting, overlapping, or intersecting currents or formations" (Hall 1988:55-6), what he referred to as "an ideological complex" (Gramsci 1971: 195). This suggests a focus upon the processes whereby ideologic-[pagebreak 92-93]al complexes **come to be structured and** restructured,**

articulated and rearticulated. (There is important discussion of hegemony and articulation in Laclau and Mouffe (1985) which constitutes a precedent for my application of these concepts to discourse, though without the analysis of actual texts which I would see as essential to discourse analysis.)

The corresponding text is again found in Fischer 2003, p. 78:

Gramsci's concept of hegemony provides a fruitful way of conceptualizing and exploring these interrelated ideological and political aspects of discourse, in particular the ways they both contribute to and are shaped by wider processes of social and political change (Laclau und Mouffe 1985; Fairclough 1992). Hegemony, in Gramsci's (1971) work, emphasizes domination across the economic, ideological, cultural, and political domains of society. It refers to the power over society by one of the economically defined classes in political alliance with other societal forces. For Gramsci, though, this does not mean a fixed or firm social equation. Hegemony, as he defines it, is an unstable equilibrium that always remains partial and temporary. For this reason, the focus is on the strategies of political leadership required to sustain the hegemonic balance of forces. Constructing and maintaining the alliances necessary to sustain the equilibrium, as discursive power, involves integrating rather than simply dominating subordinate classes to win their consent. Through a combination of ideological means and material concessions, hegemonic politics emphasizes the constant struggle around the points of greatest instability between classes or groups, in an effort to build, sustain, or block alliances. Hegemonic struggle, as Fairclough (1992: 92) explains it, "takes place on a broad front, which includes the institutions of civil society (education, trade unions, family), with possible unevenness between different levels and domains".

Gramsci (1971: 324) offers a conception of political groups as structured by diverse ideologies implicit in their discursive practices. Given the sometimes conflicting or contradictory components that make up such understanding of groups, Gramsci speaks of their "strangely composite" character. Basic to these composites is the way in which common-sense knowledge serves as both "a repository of diverse effects of past ideological struggles" and a regulatory target for restructuring in social and political struggles. In common-sense knowledge, "ideologies become naturalized, or automatized" (Fairclough, 1992: 92). On this view, ideologies are understood to be fields of "conflicting, overlapping, or intersecting currents or formations", or what Gramsci referred to as an "ideological complex". This necessitates an examination of the processes that articulate and restructure ideological complexes. In more recent years, a newer group of "neo-Gramscian" scholars have sought to revitalize Gramsci's insights in the area of international relations and foreign policy (Gill 1993; Cox 1994; Sinclair 2000).

In the first passage in question, coming from Chapter 2 of Fischer 2003 (pp. 38-39), we can see that Fairclough's text is simply taken without quotation marks or any reference. Fairclough's book is not cited at all in this chapter. By contrast, Fairclough's 1992 book is cited extensively in Chapter 4 of Fischer 2003 (pp. 74, 76-79 and 91-93). On p. 78 of that chapter, the second passage reproduced above appears. It has (a) one generic reference to Fairclough without specified page number(s), (b) two brief quotes from p. 92 of Fairclough 1992, correctly cited, and (c) extensive copying of text from p. 92 of Fairclough without use of quotation marks or any other form of proper attribution. The last direct quote in this passage is from Hall 1988, pp. 55-56, which Fischer does not even include in his bibliography.³⁰

³⁰ Fairclough's discussion of Gramsci's concept of hegemony was originally published in a journal article (Fairclough 1989). It was later reproduced in the book Fischer apparently used (Fairclough 1992) and in a collection of essays (Fairclough 1995).

9. Murray Edelman (1988) and Frank Fischer (2003, 2009)

Murray Edelman writes, in his book *Constructing the Political Spectacle* (1988), pp. 2, 8-9, 18, 103-105, 108, 111, 114:

(...) **In every era and every national culture**, political controversy and **maneuver have hinged upon** conflicting interpretations of **current actions and developments**: leaders are **perceived as** tyrannical or benevolent, **wars as just or aggressive**, economic policies as **supports of a class or the public interest**, **minorities as pathological or helpful**. **It is precisely such differences about the referents of politically significant signs that constitute political and social history.** (p. 2)

Symbols **become that facet of experiencing** the material world **that gives it a specific meaning**. The language, rituals, and objects to which **people** respond are **not** abstract ideas. (...) A symbol **always** carries a range of diverse, often conflicting, meanings that are integral **aspects of specific material and social situations**. The material condition **as experienced and the symbol as experienced** stand for **each other**. The psychological processes **by which they come to do so are doubtless subtle and complex and are certainly** not fully understood. **They may involve the displacement or private affect onto public objects, as Harold Lasswell suggested,⁷ or a search for self-esteem⁸ or a rational calculation, [pagebreak 8-9] or a combination of functions. In any case the material basis for the symbol is critical. My references in this book to language or actions or objects that evoke meanings always presuppose that the “evocation” takes place only as a function of a specific material and social condition. Idealism and materialism are dichotomies as abstract concepts, but in everyday life they are facets of the same transaction.** Every sign exercises its effect because of the specific context of privilege, disadvantage, frustration, aspiration, hope, and fear in which it is experienced. (pp. 8-9)

(...) Because a social problem is not a verifiable entity but a construction that furthers ideological interests, its explanation is bound to be part of the process of construction rather than a set of falsifiable propositions. (p. 18)

The critical element in political maneuver for advantage is the [pagebreak 103-104] creation of meaning: the construction of beliefs about events, policies, leaders, problems, and crises that rationalize and challenge existing inequalities. **The strategic need is** to immobilize opposition **and** mobilize support. While coercion and intimidation help to **check** resistance **in all** political systems, the **key tactic must always be** the evocation of interpretations that legitimize **avored** courses of action **and** threaten or reassure **people so as to encourage them** to be supportive or to remain quiescent. (...)

It is language about political events, not the events **in any other sense**, that people experience; even **developments that are close by** take their meaning from the language that **depicts** them. **So** political language *is* political reality; there is no other **so far as the meaning of events to actors and spectators is concerned**.

(...) Language **about** politics is a clue to the speaker's view of reality at the time, just as an audience's interpretation of the same language is a clue to what may be a different reality for them. If there are no conflicts over meaning, the issue is not political, by definition.

Political **developments and** the language that **describes** them **are** ambiguous **because** the aspects of events, leaders, and policies that most decisively affect current and future well-being are uncertain, unknowable, **and the focus of disputed claims and competing symbols**. Even when there is consensus about **what observably happened or was said**, there **are** conflicting assumptions about the causes of **events**, the **motives** of officials and interest groups, and the consequences of **courses of action**. **So** it [pagebreak 104-105] is not what can be seen that shapes political action and support, but what must be supposed, assumed, or

constructed. **Do foreign troops in a troubled area encourage peace or more intensive fighting?** Is **Ronald Reagan** a well-meaning **and effective** leader who represents the common people's aspirations against elitist liberals and intellectuals, or is he **an articulate** front for mean-spirited corporate executives and a menace to the poor?

There is no way to establish the validity of any of these positions **to the satisfaction of** those who have a material **and** moral reason to hold a different view. Reason and rationalization are intertwined. **That** intertwining **and** the impossibility of marshalling evidence that **is persuasive to everyone are** the hallmarks of political argument; **they are not the occasional or the regrettable exceptional case.** Ambiguity, contradiction, and evocations that reflect material situations **are central and** pervasive.

In short, it is not "reality" in any testable or observable sense that **matters in** shaping political consciousness and **behavior**, but rather the beliefs that language helps evoke about the causes of discontents and satisfactions, **about policies that will bring about a future closer to the heart's desire, and about other unobservables. Their social situations make people sensitive to some political news, promises, and threats and insensitive to other communications.**

Language is only one **facet of the** situation, but a critical one: **the aspect that most directly interprets developments by fitting them into a narrative account providing a meaning for the past, the present, and the future compatible with an audience's ideology. Such accounts are vulnerable to criticism; but they succeed repeatedly in suspending disbelief, in retaining political support, or in marshalling opposition regardless of consequences that might call the accounts into question.** (pp. 103-105)

Because the potency of political language does not stem from its descriptions of a "real" world **but** rather from its reconstructions of the past and its evocation of unobservables in the present and of potentialities **in** the future, language usage **is strategic.** (...) (p. 108)

These **observations are manifestly** not intended to **suggest** that all political arguments are equally valid or **invalid.** The point, **rather**, is that social situations and discourses create political arguments that cannot be finally verified or falsified. **As** a society, multiple realities and relative standards are all we ever achieve. (p. 111)

The definition of a particular claim or a statement as meaningful reflects and reinforces an ideology, a subject, and a reality. Those who accept electoral contests between Republicans and Democrats **as the paramount influence upon value allocations, for example, construct a world in which class, race, sex and other inequalities are not paramount and in which electoral promises are descriptions of the future rather than rationalizations of current inequalities.** (p. 114)

The corresponding text is found in Fischer 2003, pp. 55-58:

As the foregoing discussion makes clear, politics is about social meaning. It is about politicians, interest groups, and citizens who hold multiple and changing social meanings about the political actions and events that transpire in the world in which they operate. Indeed, the creation of meaning is a crucial dimension in the political manoeuvre for advantage: the construction of beliefs about events, policies, leaders, problems, and crises that rationalize or challenge existing inequalities. Such meaning creation is basic to the mobilization of support for particular actions as well as to efforts to immobilize the political opposition. While intimidation and coercion help to counter political resistance, the most basic strategy for generating support in a democratic system is the evocation of social and political interpretations that legitimize the desired course of action. Designed either to threaten or reassure—or both, [pagebreak 55-56] depending on the interests of

competing groups—such interpretations encourage people to be actively supportive or at minimum to remain quiescent.

(...) **As every politician, journalist, or historian knows, political controversy and strategic behaviour turns on conflicting interpretations of events and actions. Political leaders are judged to be tyrannical or benevolent, economic and social policies as exploitative or just, and so on. Although the process takes different forms, it is witnessed throughout the ages in all political cultures.**

The social meaning upon which political discourses turn are mainly derived from moral or ideological positions that establish and govern competing views of the good society. Although contemporary parties and groups go to considerable effort to avoid explicit use of ideological language—more so in the United States than in Europe—the struggle over the allocation of political benefits and costs is always enveloped in the ideological contest. A political claim thus reflects and reinforces an ideology, a subject, and a reality. For example, those who accept and support the electoral outcomes of contests between the Republican and Democrat Parties in the United States wittingly or unwittingly sustain a construction of a world that generally treats the issues of class, race, gender, and inequality as secondary concerns.

Both the material and social worlds get their specific social meanings from the symbols of a world view or ideology. The language, objects, and rituals to which those in politics respond are more than abstract ideas. A symbol typically carries a range of diverse, often conflicting meanings that are an integral part of particular social or material situations. The experience of the symbols stands for the material condition and vice versa. Although the social-psychological processes through which this happens are not fully understood, the material foundations of the symbol is [*sic KP&AS*] generally evident. Languages, objects, and actions that evoke social meanings presuppose that the evocation is a function of particular material and social conditions. Every sign, as Edelman (1988: 9) puts it, exercises its effect because of the specific content [*sic KP&AS*] of privilege, disadvantage, frustration, aspiration, hope, and fear in which it is experienced.

Recognizing the degree to which linguistic symbols structure our understanding of politics is the first step in seeing that political language is in important ways political reality itself. As the medium of symbols, it is generally the language about political events, not the events themselves, that people experience. Even the [*pagebreak 56-57*] political events that we personally witness take their meaning from the language that portrays them. For both participants and observers there is no other reality.³

Thus the potency of political language does not stem from its mere descriptions of a real world, as empiricists have maintained. Rather, it comes from its reconstruction of the world—its interpretations of past experiences, its evocation of the unobservable aspects in the present, and constructions of possibilities and expectations for the future. These features make language a powerful constitutive force within politics. And, as such, the ability to use it effectively is an essential resource in the unfolding of the political process.

(...) **For this reason, the analyst must carefully attend to the speaker's political language. As Edelman (1988: 104) explains, the use of political language is a clue to the speaker's view of reality at the time, just as an audience's interpretation of the same language is a clue to what may be a different reality for them. If there are no conflicts over meaning, the issue is not political, by definition.**

This position is in no way intended to imply that all political arguments are either equally valid or entirely relative (...). The point is to recognize and appreciate that social situations and the discourses about them create political arguments that cannot be finally verified or falsified. Because a social problem is not a verifiable entity but a construction that furthers ideological interests, its explanation is bound to be part of the process of construction rather than a set of falsifiable propositions (Edelman, 1988: 18). In short, a society of multiple realities and relative standards are [*sic KP&AS*] all we ever achieve (Edelman, 1988: 111). It is a reality that social scientists must accept and learn to deal with.

In so far as the aspects of events, leaders, and policies that most decisively affect current and future **social** well-being are uncertain **or** unknowable, the political language that depicts them **is necessarily** ambiguous. Even when there is consensus about **an action** or **a statement**, there **will be** conflicting assumptions about the causes of **developments**, the **intentions** of interest groups and **public** officials, and the consequences of **the specific event**. It is **thus** not **just** what can be **observed** that shapes **public** action and political support, but what must be assumed, supposed, or constructed. Is **the president or prime minister** a well-meaning leader who represents the common people's aspirations against the elitist liberals and intellectuals, or is he a front **man** for mean-spirited corporate executives and a menace to the poor? **The answer depends on political ideology and social assumptions.**

Reason and rationalizations are **thus** intertwined. There is no way to establish the validity of any of these positions **that can necessarily** satisfy those who have a material **or** moral reason to hold a different view. **Indeed, given** the intertwining of **facts** [pagebreak 57-58] **and interests**, the hallmark of political argument **is** the **near-impossibility** of marshalling evidence that **can persuade** everyone. Pervasive **in such argumentation** are contradictions, ambiguities, and **rhetorical** evocations that reflect **the** material situations **and ideological orientations of the political participants**. In short, it is not reality in an observable or testable sense that shapes **social** consciousness and political **action**, but rather the **ideas and beliefs** that **political** language helps evoke about the causes of satisfactions and discontents.

To be sure, language is only one **aspect** of a **political** situation, but **it is** a critical one. **Through language political phenomena are** interpretively fitted into narrative accounts **that supply them with social** meanings **acceptable to particular** audiences **and their ideologies**. **Although they are susceptible to political** criticism, **firmly held narratives manage time and again** in suspending belief [*sic* KP&AS] **or critical judgement**, in sustaining opposition, or marshalling political support **despite events that create doubts** that **put them in question** (Edelman 1988).

Even though there is nothing new about the role of symbols in politics, this emphasis on symbols takes on special meaning in the modern age of the mass media. As postmodernists point out, policies today has become something of a spectacle. In the study of politics we are especially indebted to Murray Edelman (1988) for this perspective, who in many ways was a postmodernist ahead of his time. (pp. 55-58)³¹

Some of this text also corresponds to Fischer 2009, pp. 170-171:

The investigation of politics, and thus the making of public policy, is about politicians, interest groups, and citizens who hold multiple and changing meanings about the political actions and events that transpire in the world in which they operate. Indeed, the creation and recreation of meaning is a crucial dimension in the political manoeuvre for advantage—whether it be about the construction of beliefs about events, policies, problems, or [pagebreak 170-171] political leaders. Such meanings, typically reflected in the assumptions we hold about the world and how it works, are basic to the mobilization of support for particular actions. And the same, of course, holds true for efforts to immobilize the political opposition.

The potency of political language does not stem from its description of **the** world, **as empiricists have maintained. Rather, it comes** from its **construction and** reconstruction of the **world—its interpretations of past experiences**, its evocation of **the** unobservable **aspects** in the present, and **constructions of possibilities and expectations for the future. These features make language a powerful constitutive force within politics. And, as such, the ability to use it effectively is an essential resource in the politics of policymaking.**

³¹ Note 3 on p. 57 does not give any reference to Edelman, but only Fischer's own observation: "To put it more concretely, although we organize disciplines around the study of political systems and political economies, nobody has ever seen one of these entities. We can only see various pieces of the whole. Our understandings of these broader systems are interpretive constructions based on these partial views" (Fischer 2003, p. 57).

This section shows that nearly three full pages of Fischer's 2003 book, comprising the subchapter "Politics in a World of Multiple Realities", consist principally of text taken with minor modifications from Murray Edelman's *Constructing the Political Spectacle* (1988), mostly from its chapter "Political Language and Political Reality".³² Fischer's subchapter has many references to Edelman 1988, and ends with Fischer's expression of gratitude to Edelman, "who in many ways was a postmodernist ahead of his time" (p. 58). However, the vast majority of literally reproduced text is not referenced at all. Where references to concrete pages appear, there are no quotation marks. The reader is thus left with a doubly wrong impression. First, where the references actually appear, the reader is led to believe that Fischer is summarizing Edelman's argument, not literally reproducing his words. Second, where references do not appear, the reasonable inference is that one is dealing with Fischer's own work, and not the entire paragraphs taken from Edelman.

In Fischer 2009, the paragraph on p. 171 immediately following the quoted paragraph cites Edelman 1988; there are also citations on the subsequent page. But these citations mention pp. 12, 15 of Edelman 1988, not the pages from which the foregoing text is taken.

10. Deborah Stone (1988) and Frank Fischer (2003)

Deborah Stone writes, in her book *Policy Paradox and Political Reason* (1988), p. 123 and 125:

Why is ambiguity essential in politics? What role does it play? Ambiguity enables the transformation of individual intentions and actions into collective results and purposes. Without it, cooperation and compromise would be far more difficult, if not impossible. As Charles Elder and Roger Cobb say, symbols provide the vehicle through which diverse motivations, expectations and values are synchronized to make collective action possible.²⁰ (p. 123)

Ambiguity facilitates **negotiation** and compromise **because it allows opponents to claim victory from a single resolution.** (p. 125)³³

Corresponding text in Fischer 2003 is found on p. 63:

(...) **By helping to bring together citizens with varying policy preferences, ambiguity often facilitates cooperation and compromise. Enabling politicians to blur or hide problematic implications of controversial decisions, ambiguity can assist in sidestepping barriers that otherwise block consensus-building. People who benefit from the same policy but for different reasons can more easily find ways to agree.** As Cobb and Elder (1983) **explain, the ambiguity of symbols provides a vehicle through which diverse motivations, expectations, and values are synchronized to make collective action possible.**

³² The material in that chapter was published in 1985 journal article under the same heading, although with some minor changes. E.g. the sentence "Do marines in Lebanon encourage peace or more intensive fighting in the Middle East; do they mean greater security or greater insecurity for the United States?" from p. 11 of 1985 article became more general in the 1988 book: "Do foreign troops in a troubled area encourage peace or more intensive fighting?" (p. 105).

³³ The same quotations also appear in the later editions of Stone's book (1997, 2002) on pp. 157 and 159.

The same text—without Stone’s quote of Cobb and Elder 1983, but with a telltale grammatical error—appears again in Fischer 2009, on p. 175:

(...) By helping to bring together citizens with varying policy preferences, ambiguous meanings often facilitates [*sic* KP&AS] cooperation and compromise. Enabling politicians to blur or hide problematic implications of controversial decisions, ambiguity can assist in sidestepping barriers that otherwise block consensus-building. People who benefit from the same policy but for different reasons can more easily find ways to agree.

Note 20 in Stone 1988 refers to Cobb and Elder 1983, p. 28, which contains the sentence: “To approach the study of politics from a symbolic perspective is to recognize the peculiar problems of synchronizing diverse motivations, expectations, and values so as to make collective action possible.” The later editions of Stone’s book, which also include the quoted text, were published in 1997 and 2002. References to Stone 1988/2002 in Fischer 2003 are on p. 60 and on pp. 4, 46, 59-60, 179, 182 and 169-174. The last of these contains extensive treatment of her arguments in two subchapters—on symbols, narratives and the political use of numbers—and begins with superlative introduction “No one has better illustrated...” There is no reference to Stone anywhere near the passage quoted here.

11. Maarten Hajer (1995) and Frank Fischer (2003)

Maarten Hajer writes, in his book *The Politics of Environmental Discourse* (1995), pp. 52-55:

(...) Human [*pagebreak* 52-53] interaction is not related to roles and ritualized social practices, it is argued, but to discursive practices in which people are provided with what they call “subject-positions”. The critique of the role concept is that it assumes that a person is always separable from the role taken up. Yet actors can only make sense of the world by drawing on the terms of the discourses available to them. Alternatively, the social interactionists argue that persons are constituted by discursive practices, and they conceptualize human interaction as an exchange of arguments, of contradictory suggestions of how one is to make sense of reality. Research should examine the specific discursive practices defined as “all the ways in which people actively produce social and psychological realities.”³⁴

Billig, who works in the spirit of Harré, goes back to the ancient theorists of rhetorics and shows how they already dealt with these kind of questions.³⁵ The object of research is the practices through which actors seek to persuade others to see reality in the light of the orator or rhetorician. These authors thus argue not so much for a linguistic turn (examining discursive systems) but for an argumentative turn:

To understand the meaning of a sentence or whole discourse in an argumentative context, one should not examine merely the words within that discourse or the images in the speaker’s mind at the moment of utterance. One should also consider the positions which are being criticized, or against which a justification is being mounted. Without knowing these counter positions, the argumentative meaning will be lost.³⁶

If we examine controversies in environmental politics from this perspective these conflicts are not to be conceptualized as semistatic plays in which actors have fixed and well memorized roles of environmentalist, policy-maker, scientist, or industrialist. On the

contrary, **environmental** politics becomes an argumentative struggle in which actors not only try to make **others** see the problems according to their views but also seek to position other actors in a specific way. **Hence it is not as if actors do not have an intuitive idea about discourse theory, in actual fact they constantly practice it.** (pp. 52-53)

Discourse analysis then investigates the boundaries between the clean and the dirty, the moral and the efficient, or how a particular framing of the discussion makes certain elements appear as fixed or appropriate while other elements appear problematic. One can endeavour to show whether definitions “homogenize” a problem, that is to say make the problem understandable within a reified perception of the wider problem field, or whether definitions suggest a “heterogenization” that requires an opening up of established discursive categories.³⁹ To deconstruct a policy discourse and find that it is to be understood as the unintended consequence of an interplay of actions is one thing, more interesting [pagebreak 54-55] is to observe how seemingly technical positions conceal normative commitments, yet more interesting still is to find out which categories exactly fulfilled this role, and which institutional arrangements allowed them to fulfill that role, i.e. how this effect could occur and which course of affairs is furthered in this way.

(...)

(...) **The fact that there are similarities between statements (i.e. historical continuity) is to be explained by memory or historical references that people draw upon in a new ‘speech situation’. This so called ‘immanentist’ view has interesting implications. Marx’s often quoted dictum that people make their own history but not under conditions of their own choosing is mostly interpreted to mean that actors are not totally free to act since they have to cope with the existing social structures. The immanentist view of language of Davies and Harré shows that this political context is also to be analysed as a discursive construction. Rules, distinctions, or legitimate modes of expression, only have meaning to the extent that they are taken up. It implies that the rules and conventions that constitute the social order have to be constantly reproduced and reconfirmed in actual speech situations, whether in documents or debates. Consequently, the power structures of society can and should be studied directly through discourse.** (pp. 54-55)³⁴

A somewhat similar text is found in Fischer 2003, pp. 83-86:

In Hajer’s scheme, as in Foucault’s, the dominant discourses supply social actors with “subject-positions” that define their social and power relationships in terms of a principal narrative or narratives (1995a: 65). Discourse analysis shows the way in which actors attach meanings to other actors in terms of the positions assigned or attributed to them in the dominant or counter-discourses. Actors are “positioned” with regard to specific social attributes such as blame, and responsibility. In this view, social actors mainly make sense of the world by borrowing terms and concepts from the discourses made available to them in their social groups and the society generally. That is, to be understood and considered relevant, a speaker has to situate his remarks in—or relate them to organized discourses in use at the time. A speaker’s statements must say something in terms of the ongoing flow of discursive exchanges.

(...)

Rather than a set of ritualized roles, social interaction is thus conceptualized as an exchange of arguments, of competing, sometimes contradictory, suggestions of how one is to make sense of reality. For political and social research this means exploring discourse practices through which social actors seek to persuade others to see a particular situation or event. In this dialectical or perspectival view of knowledge, it is important to know the

³⁴ Note 34 cites Davies and Harré 1990, p. 45. Note 35 refers to Engbersen *et al.* 1991. The displayed quote, referenced in Hajer’s note 36, is from Billig 1989, p. 91. Note 39 gives the following text: “Cf. Billig’s terms ‘categorization’ and ‘particularization’, above.”

counter arguments and positions of the others involved (MacDonell 1986: 43-59). As discursive arguments always take their meaning in opposition to other positions, the analyst always has to pay attention to the dialectical tensions among rival positions, a point to which we return in Chapter 6. (p. 83)

In Hajer's (1995a: 53) social-interactive approach, the interplay of such discourses is not to be conceptualized as "semi-static plays in which social actors have fixed and well memorized roles of such as environmentalist, policy-maker, scientist, or industrialist", or the firm belief systems stereotypically attached to these roles. To the contrary, politics becomes an argumentative struggle in which actors not only try to make their opponents see the problem according to their view, but also seek to position or portray other actors in specific ways (for example, by showing the relationship of a particular argument to the interests of an industrialist) that open up new possibilities for action. Grounded in qualitative methods, the discourse-analytic task is geared to the real world of social action. The evidence for this is found in the [pagebreak 84-85] actors themselves. Discourse is not a category merely imposed on them by social scientists; rather, it is something social actors constantly practice.

(...)

Most fundamental to these discursive interactions is the question of how a particular framing of an issue can bestow the appearance of problematic on some features of a discussion while others seem proper and fixed. The task of the analyst is to show whether particular definitions "homogenize" a problem, that is, render the problem understandable by situating it is [sic KP&AS] a wider social frame, or whether definitions lead to a "heterogenization" that opens up established discursive categories and hence the possibility of new courses of action. In the process, the opening up, or "deconstructing", of a policy discourse can show how it emerges as the unintended consequence of a confluence of events and ideas. It can also show how seemingly technical issues can conceal normative commitments, as well as what sorts of institutional arrangements make this possible. Discourse analysis, in this way, helps us see which institutional dimensions are firmly entrenched and which structural elements are more open to change.

Important to understand is how social actors can contribute to the production and potential transformation of discourse. In this respect, Hajer (1995a: 55) adopts an 'immanentist' view of language. Like Marx, Hajer argues that discursive actors can shape their own history, but not under conditions entirely of their own choosing. Given that they are operating in pre-existing social structures, the political context of interaction has to be situated in a discursive construction that offers both possibilities and constraints. Oppositional groups must recognize that various modes of expression have meaning or effect only to the extent that they are appropriate to the context in which they are uttered. Because rules and conventions that constitute the social order have to be constantly reproduced and reconfirmed in actual speech situations—whether in documents, media coverage, or public debates—the challenge for such [pagebreak 85-86] groups is to find ways to break open these routines. In general, this happens through the discovery of contradictions or paradoxes. (pp. 84-86)

In presenting Hajer's discourse theory (pp. 82-86), Fischer literally reproduces some of the text in five paragraphs. The first paragraph refers to p. 65 of Hajer, but actually takes material from p. 53. The second one takes material from Hajer without any reference to Hajer at all. In the third one, Fischer quotes a sentence properly from Hajer (p. 53), but then continues to literally reproduce the material that follows in Hajer without quotation marks. The fourth paragraph, similarly to the second one, takes material from Hajer (pp. 54-55) without a reference. The fifth paragraph cites Hajer (p. 55) but without indicating that much of the subsequent text is directly taken from Hajer.

12. Mary Hawkesworth (1988) and Frank Fischer (2003, 2009)

Mary Hawkesworth writes, in her book *Theoretical Issues in Policy Analysis* (1988), pp. 54 and 56:

Assessment of alternative theoretical interpretations involves deliberation, a rational activity which requires that imagination and judgment be used to consider the range of evidence and arguments which can be advanced to support various positions. The reasons offered in support of alternative views organize evidence, marshal data, apply various criteria of explanation, address multiple levels of analysis with varying degrees of abstraction, and employ divergent strategies of argumentation. **This range of reasons offers a rich field for deliberation and assessment. It provides an opportunity to exercise judgment and it ensures that when scientists reject a theory, they do so because they believe they can demonstrate that the reasons offered in support of that theory are deficient. That the reasons advanced to sustain the rejection of one theory do not constitute absolute proof of the validity of an alternative theory is simply a testament to human fallibility. Admission that the cumulative weight of current evidence and compelling argument cannot protect scientific judgments against future discoveries which may warrant the repudiation of those theories currently accepted is altogether consonant with the recognition of the finitude of human rationality and the contingency of empirical relations.** (p. 54)

When alternative theoretical explanations conflict, the judgment of the scientific community is brought to bear upon the competing interpretations. Exercising practical reason, the scientific community deliberates upon the evidence and arguments sustaining the alternative views. The practical judgment of the practitioners in particular fields of science is exercised in examining presuppositions, weighing evidence, replicating experiments, examining computations, investigating the applicability of innovative methods, assessing the potential of new concepts, and considering the validity of particular conclusions. Through a process of deliberation and debate, a consensus emerges among researchers within a discipline concerning what will be taken as a valid theory. The choice is sustained by reasons that can be articulated and advanced as proof of the inadequacy of alternative interpretations. **The method of scientific deliberation is eminently rational: It provides mechanisms for the identification of charlatans and incompetents, as well as for the recognition of more subtle errors and more sophisticated approximations of truth. But the rationality of the process cannot guarantee the eternal verity of particular conclusions. The exercise of scientific reason is fallible; the judgments of scientific community are corrigible.** (p. 56)³⁵

Correspondingly, Fischer 2003 writes, p. 134:

Policy analysis, as deliberative craft, thus seeks to bring a wider range of contextually sensitive evidence and arguments to bear on the problem or position under investigation. As Hawkesworth (1988) explains, the reasons provided in support of alternatives organize evidence, marshal data, apply explanatory criteria, address multiple levels of argumentation, and employ various strategies of presentation. But the reasons given to support one theory over another seldom, if ever, offer definitive proof of the validity of a competing alternative. Through the processes of deliberation and debate, a consensus emerges among particular researchers concerning what will be taken as valid explanation. **Although the**

³⁵ The same text also appears in Hawkesworth's introduction in *Encyclopedia of Government and Politics* (2003, pp. 17-18), and in her essay in an edited volume on interpretive methodology in social science (2006, pp. 38-39).

choice is sustained by reasons that can be articulated and advanced as **support for** the inadequacy of alternative interpretations, **it is** the practical judgment of the **community of researchers and not the data themselves that establishes the accepted explanation. Such practical judgments, rather than supposed reliance on proof,** provide **the** mechanism for **not only** identifying the incompetent charlatan **but** for **investigating the** more subtle errors **in our** sophisticated approximations of **reality. To be sure, the informal logic of practical reason** cannot guarantee the eternal verity of particular conclusions, **but the social rationality of the process is far from haphazard or illogical.**

And Fischer 2009 repeats, p. 125:

Policy analysis, as deliberative craft, thus seeks to bring a wider range of contextually sensitive empirical and normative criteria to bear on the argument under investigation. As Hawkesworth (1988) explains, the reasons **provided** in support of alternatives organize evidence, marshal data, apply explanatory criteria, address multiple levels of argumentation, and employ **various** strategies of **presentation. But** the reasons **given to support** one theory **over another seldom, if ever, offer definitive** proof of the validity of **a competing** alternative. Through **the** processes of deliberation and debate, a consensus emerges among **particular** researchers concerning what will be taken as valid **explanation. Although** the choice is sustained by **factual and normative** reasons that can be articulated and advanced as **support for** the inadequacy of alternative interpretations, **it is** the practical judgment of the **community of researchers and not the data themselves that establishes the accepted explanation. Such practical judgments, rather than supposed reliance on proof,** provide **the** mechanism for **not only** identifying the incompetent charlatan **but** for **investigating the** more subtle errors **in our** sophisticated approximations of **reality. To be sure, the informal logic of practical reason** cannot guarantee the eternal verity of particular conclusions, **but the social rationality of the process is far from haphazard or illogical.**

In Fischer 2003, after a reference to Hawkesworth's 1988 book is given without a page number, most of the rest of the paragraph consists of text taken from pp. 54 and 56 of that book. The reader is thus made to believe that the material in question is either Fischer's original argument or his description of Hawkesworth's position. Two quotes from Hawkesworth on the following two pages (135 & 136) employ quotation marks and give a reference to a specific page (192 & 193). Nowhere in the book are pages 54 and 56 of Hawkesworth mentioned. The same material is again reproduced without a proper reference in Fischer's 2009 book (an unspecified reference to Hawkesworth 1988 and then no quotation marks; the precise references to pp. 192 and 193 on the next page and no reference to pp. 54 and 56 anywhere in the book).

13. Donald Polkinghorne (1988) and Frank Fischer (2003, 2009)

In his book *Narrative Knowing and the Human Sciences* (1988), Donald Polkinghorne writes, pp. 17-18:

Cognitive psychologist Jerome Bruner has proposed that narrative understanding is itself one of two basic intelligences or modes of cognitive functioning, together with the logico-scientific mode, which he calls the “paradigmatic” mode. As Bruner puts it:

There are two modes of cognitive functioning, two modes of thought, each providing distinctive ways of ordering experience, of constructing reality. The two (though complementary) are irreducible to one another. ... Each of the ways of knowing, moreover, has operating principles of its own and its own criteria of well-formedness. They differ radically in their procedures for verification.¹⁴

Bruner comments that we know “precious little” about how narrative processes work and that this meager knowledge stands in contrast to the extensive knowledge we have of how the paradigmatic processes used in formal science and logical reasoning work. The two processes function differently, and each mode uses a different type of causality to connect events. The paradigmatic mode searches for universal, truth conditions, whereas the narrative mode looks for particular connections between events. These types of relationships both involve the connection of sentences in discourse, and will be taken up in the section below on “Narrative as Discourse.” The special subject matter of narrative is the “vicissitudes of human intentions”—that is, the changing directions and goals of human action. (p. 17)³⁶

The registering of relationship by the narrative scheme results from its power to configure a sequence of events into a unified happening. Narrative ordering makes individual events comprehensible by identifying the whole to which they contribute. The ordering process operates by linking diverse happenings along a temporal dimension and by identifying the effect one event has on the other (...) It is the plot which shows the part an individual action contributes to the whole experience. (p. 18)

Corresponding text is found in Fischer 2003, p. 163:

The narrative scheme configures a sequence of events **and actions** into a unified happening by identifying the **larger patterns** to which they contribute. (...) **The storyline, as plot, shows the part an individual action contributes to experience as a whole.** The ordering process operates by **connecting** diverse happenings along a temporal dimension and by identifying the effect one event has on **another**. (...)

(...)

Connecting actions and events into understandable patterns, the narrative is a cognitive scheme. Bruner (1986) describes the **narrative form as one of the two means of knowing and explaining. Like the scientific mode of knowing, the narrative has its own distinctive ways of ordering experience and constructing reality. As an interpretive mode, it possesses its own operating principles and criteria for judging a well-formed narrative explanation.** Whereas the **scientific mode looks for particular types of empirically based causal connections between events, the narrative mode seeks to explain in terms of social intentions and motivation. Whereas the scientific mode strives to identify stable, reproducible patterns of actions that can be explained without reference to social**

³⁶ The displayed quote, referenced in Polkinghorne’s note 14 is from Bruner 1986, p.11.

intentions or purposes, the special subject matter of **the narrative form** is the “vicissitudes of human intention.”

And again in Fischer 2009, p. 194:

Connecting actions and events into understandable patterns, the narrative is a cognitive scheme. Bruner (1986) describes the narrative form as one of the two means of knowing and explaining. Like the scientific mode of knowing, the narrative has its own distinctive ways of ordering experience and constructing reality. Instead of focusing on empirically based causal connections between events, the narrative form orders experience in terms of social purposes, human values, and the intentions and motivations of the participants. Narratives, as such, also provide an invitation to moral reason. In addressing the question of what ought to be done, as MacIntyre (2003) has clarified, a person can only explain his answer by first telling the story of which one is a part.

As an interpretively based qualitative mode of analysis, narration possesses its own operating principles and criteria for judging a well-formed narrative explanation. Whereas the scientific mode strives to identify stable, reproducible patterns of actions that can be explained without reference to purposes and intentions, the special subject matter of the narrative form is the “vicissitudes of human intention.”

In Fischer’s 2003 book, Polkinghorne’s 1988 book is present in the bibliography. However, the only references to Polkinghorne 1988 in the text are the quote from p. ix that appears on pp. 117-118 and a general reference without page numbers that appears at the beginning of chapter 7 (p. 139). Both of these references are more than 20 pages away from the text shown above. In Fischer 2009 Polkinghorne is not even present in the bibliography.

14. Dvora Yanow (2000) and Frank Fischer (2003)

Dvora Yanow writes, in her book *Conducting Interpretive Policy Analysis* (2000), pp. 59, 61:

(...) **In both Roe’s and Maynard-Moody’s approaches, the asymmetries (Roe’s term) in narrative structure and content signal to the analyst the presence of deep-rooted uncertainties or power differentials, which may not otherwise be apparent. Power differentials, as Roe notes (1994, p. 72), work themselves out as people change their stories. The role of the policy analyst using these methods is to enable people to articulate their stories: “differential access [to information used in decision making] itself must become the focus of intervention and rectification” (p. 73). Abma (1997) and van Eeten (1997) also link their analyses to action, the one showing how vocational rehabilitation therapists’ stories facilitate change, the other, how actors’ stories about flooding and dike improvement led to policy action. Both point to issues surrounding stories not uttered or not heard. (p. 59)**

(...) **The metaphors of narrative and story encourage us to ask about authors and storytellers, readers and hearers, plots and story lines, settings and characters, and to see how authors, readers, and settings may also be characters in their own stories. "Narrative" focuses on structures and sequences: what meanings, made by whom, with what congruences and conflicts among them? “Story” focuses on plot and on the acts of telling and hearing—on intentions and attentions—helping policy analysts explore relationships between language and action. In listening to these narratives, the policy analyst is likely to encounter metaphors, categories, markings, and other sense-making**

elements that **reflect and shape local knowledge and help analyze that knowledge.** (...) (p. 61)

Here is the match found in Fischer 2003, pp. 163, 173-174:

At the same time, stories encourage us to “ask about **the** authors and story-tellers, readers and **listeners**, plots and storylines, settings and characters, and to see how authors, readers, and settings, may also be characters in their own stories” (**Wagenaar 2001: 5**). In listening to narratives, the analyst encounters metaphors, categories, markings, and other sense-making elements that **connect language to action.** **The** structures, sequences, and conflicts **that unravel a story’s plot reveal the significance the events have for the relevant social actors.** (...) (p. 163)

Roe **counsels analysts to look for** asymmetries in narrative structure and content that signal the presence of deep-rooted uncertainties or power differentials, which may not otherwise be apparent. Power differentials, as Roe (1994: 72) **explains, come into play** as people **argue and** change their stories. The role of the policy analyst using these methods is to enable people to articulate their stories. **In the process,** differential access to information used in decision-making “itself must become the focus of intervention and rectification” (1994: 73).

Van Eeten (1999), **following Roe,** links **his use of Roe’s approach to** analyses of action **in four environmental controversies in the Netherlands. In an analysis of a controversy over flooding dykes he shows** how actors’ stories about flooding and dyke improvement led to **specific** policy actions. **In particular, he makes use of** [pagebreak 173-174] stories surrounding **the events that are neither explicitly** uttered or [sic KP&AS] heard **to uncover the underlying assumptions influencing the deliberative exchanges.** (pp. 173-174).

The above-quoted paragraph from Fischer 2003, p. 163 is found in-between two paragraphs matching with Polkinghorne 1988 (cf. the preceding section), thus making a sequence of three consecutive paragraphs containing apparently plagiarized material. One sentence from Yanow 2000 is placed in quotation marks and attributed to Wagenaar 2001.³⁷ Yanow (not the 2000, but her 1996 book) is quoted on p. 60 of Fischer’s 2003 book and her arguments (including the ones from her 2000 book) are extensively treated on pp. 141-150 of the same work. But there is no reference to Yanow anywhere near the match presented here.

³⁷ Wagenaar 2001 is an unpublished conference presentation, to which we did not have access. We checked a published paper of similar title (Wagenaar 2006), but we did not find any similar phrase there.

15. Richard Giovannoli (2000) and Frank Fischer (2003)

Richard Giovannoli writes, in his essay “The Narrative Method of Inquiry” (2000), pp. 21-22:

Contextualism is the only one of the metaphors that is broad enough to allow for the human experience, and that is why it is the metaphor of the historian and the novelist. While formism classifies events in such a way that they result in general traits, types, or characteristics, thereby limiting the human experience to flat and unrealistic characters, contextualism is sensitive to the particulars of time and space and considers characters in relationship to other characters and to the unfolding “plot” of the experience. The oversimplified relationship of cause and effect that is at the root of the mechanistic metaphor is insufficient to account for the multiplicity of events (referring to the past, present, and future and to the relationships with other actors) that together form an interconnected totality. “The person as a storyteller does not react to stimuli but is oriented to the realization of purposes and goals and is involved in a continuous process of meaning construction” (Hermans-Jansen, 1995, [pagebreak 21-22] p. 9). While contextualism acknowledges the developmental sequences of organicism, it also makes room for the unpredictable. The meaning that an individual gives to life events, such as a job change, relocation, an encounter with a significant other, the sudden loss of a friend, divorce of parents, a life-threatening operation, may have unpredictable consequences that cannot be accounted for in the organicistic metaphor. The structure of narrative and the metaphor of contextualism provide the principle frame of intelligibility for people in their day-to-day lives. It is through this frame that people link together the events of life in sequences that unfold through time according to specific themes. It is only through a contextual window that the thick realm of human existence can be adequately described and researched. Thus, history—both of an individual and of the group—is a story, a narrative, constructed through a contextual framework.

Fischer 2003 writes, p. 165:

(...) **Lacking attention to social context, empiricism often presents oversimplified and unrealistic relationships of cause and effect that are insufficient to account for the multiplicity of events shaping the causal mechanism. They neglect, as such, the kinds of references to past, present, and future events, as well as the relationships with other actors, that work together to form an interconnected picture of “reality”. In contrast, exploring such characteristics and traits in relationship to other characters and to the unfolding plot of experience, contextual explanations are sensitive to the particulars of time and space. Here the storyteller does not respond to external stimuli but rather is oriented to the construction of meanings relevant to the achievement of goals and purposes (as the work of any modern-day president's or prime minister's “spin doctor” makes clear). While the contextual narrative acknowledges the developmental sequences of mechanistic and organic explanations, it also makes room for the unpredictable. The meaning that an individual gives to live [sic KP&AS] events—for example, a job change, relocation to another city, an encounter with a significant other, the sudden loss of a friend, divorce of parents, or a life-threatening operation—can have unpredictable consequences that cannot be accounted for by empiricist metaphors. It is only through a contextual window that the thick realm of human experience can be adequately described and researched.**

The material from pages 21-22 of Richard Giovannoli’s essay is not referenced; no indication is given that either the words or the ideas are anything but Fischer’s own. A pair of references to page 7 of Giovannoli’s essay appears two paragraphs earlier (Fischer 2003, p. 164).

However, the two quotes that appear there are, in fact, not taken from page 7, but from pages 20 and 21 of Giovannoli's essay; furthermore, the text quoted there is not Giovannoli's own, but part of a larger quote from page 7 of Hermans and Hermans-Jansen's 1995 book in Giovannoli. Fischer does not mention these authors, but he mentions Theodore Sarbin, in the same paragraph where he refers to Giovannoli. Sarbin is a proponent of narrative approach whose position Hermans and Hermans-Jansen present (on page 7 and passim in their book). Fischer refers to the 1986 volume Sarbin edited, but not specifically to the introductory essay he wrote.

16. Donald Polkinghorne (1983) and Frank Fischer (2003, 2007, 2009)

Donald Polkinghorne writes, in his book *Methodology for the Human Sciences* (1983), pp. 195-199:

(...) Practical discourse is a systematic study of the notions, propositions, and rational processes that relate to human action. The work in this area has concerned the particular case in which a decision is made among various alternative actions. (p. 195)

In practical reasoning as opposed to practical logic, the concern is no longer with a formal system of logic, applied to action, as is the case with decision theory and deontic logic. Practical reasoning—also called the “theory of argumentation”—concerns itself with what justifies a decision. Unlike the formal approach, however, this approach holds that the decision depends on the person making it, and thus formal rules of decision making cannot be abstracted from persons and their actions into a system of demonstration modeled on deductive logic. In the theory of practical reasoning, the word *reasoning* refers to a discussion technique for convincing or refuting an adversary and for coming to an agreement with others about the legitimacy of a decision. (...)

Practical reasoning stands between the logic of demonstration and theories of motivation. “Reasons,” in the context of practical reasoning, are motives which have undergone the test of argumentation. [pagebreak 196-197] (...)

In contrast to these theories of motivation—which deny the validity of the reasons people give for their actions—practical reasoning takes the argument for a particular action at its face value. It treats the argument at the actual level it adopts, criticizing it and justifying it within its own reference frame, thus making it possible for the decision itself to be approved or rejected. An argument as to whether theory A or theory B should be accepted and used as the basis for actions is judged on the merits of the evidence in the case as presented; it is not viewed as a mere acting out of forces existing within the psychological or sociological contexts of the parties in the debate.

Practical reasoning as developed here regards the positions put forward to justify actions as norms or values. They are seen as propositions which imply that the acts are good and should have been performed. Practical reasoning takes into account, however, the conditions under which agents in real life accept these implied norms as meaningful and commit themselves to them personally. When seeking a decision on which action is to be taken, an argument using practical reasoning begins with the norms to which the participants in the argument are committed and then seeks, by means of the techniques of argument, to ground the decision on them. Practical reasoning cannot originate in a field of discussion in which there are no normative commitments. This does not mean that these [pagebreak 197-198] norms are universal and eternal: all that is required in practical reasoning is that the norms be recognized by an audience which may vary in size but is always limited to those to whom the discourse is addressed at the specific time of the argument.

Practical reasoning always takes place among individuals or groups in a historical time. **Just as the notion of timelessness is essential for deductive reasoning, the notion of temporalness is essential for practical reasoning.** (p. 196-198)

(...) **The nature of the human science enterprise requires the use of practical reason in deciding among various interpretations of its subject matter and its activity. As a human product, science is more akin to the judicial-rhetorical projects than to the project of demonstrative logic.** (p. 199)

The corresponding text in is found on pp. 189-190 of Fischer's 2003 book:

(...) Practical discourse, also called the "theory of argumentation", holds that a decision depends on the person making it, and **that such** formal rules of decision-making cannot be abstracted from persons and their actions into a system of demonstration modelled on deductive logic. **Here** the word "reasoning" refers to a **method** for convincing or **dissuading** adversaries, and for coming to an agreement with others about the legitimacy of a decision.

Practical reasoning **operates** between the logic of demonstration and theories of **action and** motivation. **Not only does it include an empirical assessment of the situation, it also considers the actor's motives for an action.** In practical reasoning, motives **that** have undergone the test of argumentation **can count as good** reasons. In contrast to **positivist** theories of **behaviour**, which deny or **downplay** the validity of reasons people give for their actions, practical reasoning takes **seriously** the arguments **offered** for a particular action. An argument as to whether theory A or theory B **can** be accepted and used as the basis for **an** action is judged on the merits of the evidence in the case, **rather than** as an acting out of the psychological or sociological forces **that are behind** the debate.

Practical **arguments** are, **in this sense**, propositions which **seek to establish** that **particular** acts are good and should have been performed. Practical reasoning takes into account, however, the conditions under which agents in real life accept these implied norms as meaningful and commit themselves to them personally. **In** seeking a decision on which action is to be taken, a practical argument begins with the norms to which the participants in the **controversy** are committed and then seeks, by means of argument, to ground the decision on them. Practical reasoning, **in this sense**, cannot originate in **the absence of** normative commitments. **Such** norms are **never** universal or eternal; all that is required in practical reasoning is that **they** be recognized by **the** audience—**larger or smaller**—to whom the discourse is addressed at the specific time of the argument. Practical reasoning, **as such**, always takes place among [pagebreak 189-190] individuals or groups in a **social context and in** historical time. **In contrast to** the timelessness **that** is essential for deductive reasoning, the notion of temporality is **basic to** practical reasoning.

Practical reason, **then, is basic to** deciding among **the** interpretations of various subject matters and activities. **This applies to empirical as well as normative inquiry.** As a **social practice**, **empirical** science is **itself related** to the judicial-rhetorical **mode of inquiry as much as or** more than to **formal** demonstrative logic. **Whereas a logical or mathematical proof is either true or false (...)**

It is again found in Fischer's 2007 entry in the *Handbook of Public Policy Analysis*, pp. 229-230:

The logic of practical reason pertains to the systematic study of the rational processes related to human reason about action. It deals with cases in which decisions have to be taken among various action alternatives. The concern is with the justification of real-world decisions, rather than with the formal system of logic applied to action. Practical reason, also called "the theory of argumentation," holds that a decision depends on

the person making it, and **that** formal rules of decision-making cannot be abstracted from persons and their actions into formal systems of demonstration modeled on deductive logic, **as attempted by the methodologies of positivist social science**. Reasoning refers [pagebreak 229-230] **here** to a **method** for convincing or **dissuading** adversaries, and for coming to an agreement with others about the legitimacy of a decision.

Practical reasoning **operates** between the logic of demonstration and theories of motivation **and action**. **Not only does it include an empirical assessment of the situation, it also considers the actor's motives for an action**. In practical reasoning, motives **that** have **successfully** undergone the test of argumentation **can count as "good reasons"**. In contrast to **positivist** theories of **behavior**, which deny **or downplay** the **importance** of reasons people give for their actions, practical reasoning takes **seriously** the arguments **offered** for a particular action. An argument as to whether **position A** or **position B** **can** be accepted and used as the basis for **an** action is judged on the merits of the evidence in the case, **rather than** as an acting out of the psychological or sociological forces **that are behind** the debate.

Practical **arguments** are, **in this regard**, propositions which **seek to establish if particular** acts are good and should have been performed. Practical reasoning takes into account, however, the conditions under which **actors** in real life accept these implied norms as meaningful and commit themselves to them personally. **In** seeking a decision on which action is to be taken, a practical argument begins with the norms to which the participants in the **controversy** are committed and then seeks, by means of argument, to ground the decision on them. Practical reasoning **thus requires** normative commitments. **Such** norms are **never** universal **or ever-lasting**; all that is **necessary** in practical reasoning is that **they** be recognized by **the** audience—**larger or smaller**—to whom the discourse is addressed at the specific time of the argument. Practical reasoning, **as such**, always takes place among individuals or groups in a **social context and in** historical time. **In contrast to** the timelessness **that is fundamental** for deductive reasoning, the notion of temporality is essential **to** practical reasoning.

Practical reason **is thus basic to** deciding among **the** interpretations of various subject matters and activities. **This applies to empirical as well as normative inquiry**. As a **social practice**, **empirical** science is **itself related** to the judicial-rhetorical **mode of inquiry as much as or more than to formal** demonstrative logic. **Whereas a mathematical or logical proof is either true or false (...)**

Finally, the corresponding material is also found on pp. 117, 118 of Fischer's 2009 book:

(...) Practical reason, **as a** theory of argumentation, holds that **a** decision depends on the person making it, and **that** formal rules of decision-making cannot be abstracted from **these people** and their actions into **formal** systems of demonstration modelled on deductive logic. "Reasoning" refers **here** to convincing or **dissuading** adversaries; **it involves** coming to agreement with others about the legitimacy of a decision. (p. 117)

Practical **deliberation, as such, operates** between the logic of demonstration and theories of motivation **and action**. **Not only does it include an empirical assessment of the situation in question, but it also takes into account the actor's motives for an action**. Motives **that** have **successfully** undergone the test of argumentation **can count as "good reasons"**. **Whereas positivist** theories of **behaviour downplay or** deny the **importance** of **the** reasons people give for their actions, practical reasoning takes **them** seriously. An argument as to whether **position X** or **position Y** should be accepted and used as the basis for **an** action is **assessed** on the merits of the evidence in the case, **rather than** as a mere acting out of the psychological or sociological forces **that are behind** the **discussion**.

Practical **arguments** are, **in this respect**, propositions that **strive to determine if particular** acts are good and should **be** performed. Practical reasoning takes into **consideration**, however, the conditions **and circumstances** under which **actors** in real life accept the **relevant action-oriented** norms as meaningful and commit themselves to them

personally. **In pursuing a judgment** on which action should be taken, a practical argument **starts** with the norms to which the participants in the **controversy** are committed and seeks, by means of argument, to ground the decision on them. Practical reasoning **thus requires** normative commitments. **Such normative commitments** are **never lasting or** universal; all that is required in practical reasoning is that **they** be recognized by **the** audience—**larger or smaller**—to whom the **argument** is addressed at the specific time **it takes place**. **In contrast to** the timelessness **that is fundamental to** deductive reasoning, **context and** the notion of temporality is essential **to** practical reasoning.

Deliberation is thus basic to deciding among **the** interpretations of subject matters and activities. **This applies to empirical as well as normative inquiry**. **Whereas a mathematical or logical proof is either true or false** (...) (p. 118)

This section shows that a significant amount of text from pp. 196-199 of Polkinghorne's 1983 book (the section on practical reasoning) is reproduced, without any reference, in Fischer 2003, pp. 189-190 and again in Fischer 2007 and 2009. The latter version contains some slight changes in vocabulary due to the change of Fischer's theoretical position (e.g. "practical reason" becomes "deliberation"). In both books, the text in question ends where the second match with Majone begins (see the next section). Polkinghorne 1983 is present in the bibliography of Fischer 2003 and is mentioned generically (without page number) on p. 139 (50 pages away from the text reproduced here). Polkinghorne 1983 is not even present in the bibliography of Fischer 2007 and 2009.

17. Giandomenico Majone (1989) and Frank Fischer (2003, 2007, 2009)

Giandomenico Majone writes, in his book *Evidence, Argument, and Persuasion in the Policy Process* (1989), pp. 22-23, 32:

Argumentation differs from formal demonstration in three important respects. **First**, demonstration is possible only within a formalized system of axioms and rules of inference. Argumentation **does not** start from axioms **but** from opinions, values, or contestable viewpoints; it makes use of logical inferences but is not exhausted in deductive systems of formal statements. Second, a demonstration is designed to convince **anybody** who has the requisite technical knowledge, while argumentation is always **directed to** a particular audience **and attempts** to elicit **or increase** the adherence of the members of the audience to the **theses that** are presented for their consent. Finally, argumentation does not **aim at gaining** purely intellectual agreement but **at inciting** action, **or at least at creating** a disposition to act at the appropriate moment. (p. 22-23)³⁸

³⁸ In the footnote to this paragraph, Majone gives reference to Perelman (1982, pp. 4-7). The paragraph is apparently Majone's summary of Perelman's ideas. However, Majone summarizes arguments not from pp. 4-7, but from the second chapter of Perelman 1982 (pp. 9-20), reproducing literally some of the Perelman's phraseology without a proper reference:

WHAT DISTINGUISHES ARGUMENTATION from formally **correct** demonstration?

To begin with, a correct demonstration is one that conforms to rules **which are made explicit in** formalized systems; **argumentation in contrast, flows out of a natural language**. (...)

The axioms in a mathematical demonstration are not topics of debate. (...)

The aim of argumentation is not to deduce consequences from given premises; it is rather to elicit or increase the adherence of the members of an audience to theses that are presented for their consent. (p. 9)

(...) A logical or mathematical proof is either true or false; if it is true, **then it automatically wins the assent of any person able to** understand it. Arguments are only more or less plausible, more or less convincing to a particular audience. **It has also been pointed out that** there is no unique way to construct an argument: data and evidence can be selected in a wide variety of ways from the available information, and there are **several alternative** methods of analysis and ways of ordering values. (p. 32)³⁹

Here is the corresponding material from Fischer 2003, p. 190:

(...) **Whereas** a logical or mathematical proof is either true or false (**and** if it is true, **purportedly accepted by those who** understand it), **practical** arguments are only more or less plausible, more or less convincing to a particular audience. There is, **moreover**, no unique way to construct a **practical** argument: data and evidence can be selected in a wide variety of ways from the available information, and there are **various** methods of analysis and ways of ordering values.

Practical argumentation **thus** differs from formal demonstration in three important respects. **Whereas formal** demonstration is possible only within a formalized system of axioms and rules of inference, **practical** argumentation starts from opinions, values, or contestable viewpoints **rather than** axioms. It makes use of logical inferences but is not exhausted in deductive systems of formal statements. Second, a **formal** demonstration is **intended** to convince **those** who have the requisite technical knowledge, while **informal** argumentation always **aims** to elicit the adherence of the members of a particular audience to the **claims** presented for their consent. Finally, **practical** argumentation does not **strive to achieve** purely intellectual agreement but **rather to provide acceptable reasons for choices relevant to action (such as** a disposition to act at the appropriate moment).

The text from Majone also appears in Fischer's 2007 entry in the *Handbook of Public Policy Analysis*, p. 230:

(...) **Whereas** a mathematical or logical proof is either true or false (**and** if it is true, **purportedly accepted by those who** understand it), **practical** arguments are only more or less convincing, more or less plausible to a particular audience. **What is more**, there is no unique way to construct a **practical** argument: data and evidence can be **chosen** in a wide variety of ways from the available information, and there are **various** methods of analysis and ways of ordering values.

Practical argumentation **thus** differs from formal demonstration in three important **considerations**. **Whereas formal** demonstration is possible only within a formalized system of axioms and rules of inference, **practical** argumentation **begins** from opinions, values, or contestable viewpoints **rather than** axioms. It **employs** logical inference but is not exhausted

We should note in this regard that argumentation does not solely aim at gaining a purely intellectual **adherence**. **Argumentation very often aims** at inciting action, or at least at creating a disposition to act. (p. 12)

Fischer does not have a reference to Perelman 1982 in any of his works analyzed here, but only to Perelman 1984—an English translation of Perelman's short presentation in French, where there is nothing similar to the quoted paragraph. Reference to Perelman 1984 appears in a paragraph on p. 190 of Fischer's 2003 book following the passage that apparently plagiarizes Majone. In a footnote to that paragraph, Fischer further explains Perelman's position. The same material that contains a reference to Perelman 1984 in Fischer's 2003 book appears in much briefer form on pp. 117-118 in the 2009 book, three paragraphs before the passage that apparently plagiarizes Majone.

³⁹ The last sentence also appears earlier in Majone's 1989 book, p. 19:

There is no unique way to construct an argument: data and evidence can be selected in a wide variety of ways from the available information, and there are **several alternative** methods of analysis and ways of ordering values.

in deductive systems of formal statements. Second, a **formal** demonstration is **intended** to convince **those** who have the requisite technical knowledge, while **informal** argumentation always **aims** to elicit the adherence of the members of a particular audience to the **claims** presented for their consent. **Third, practical** argumentation does not **strive to achieve** purely intellectual agreement but **rather to offer acceptable reasons for choices relevant to action** (**such as** a disposition to act at a [*sic KP&AS*] appropriate moment).

Finally, the text from Majone again appears in Fischer 2009, p. 118-119:

Whereas a mathematical or logical proof is either true or false, **practical** arguments are only more or less convincing, more or less plausible to a particular audience. **In addition**, there is no unique way to construct a **practical** argument: data and evidence can be selected in a wide variety of ways from the available information, and there **is no one** method of analysis or of ordering values. [*pagebreak 118-119*]

More specifically, practical argumentation differs from formal demonstration in three important respects. **Whereas formal** demonstration is possible only within a formalized system of axioms and rules of inference, **practical** argumentation **begins** from opinions, contestable viewpoints, **and** values **rather than** axioms. It uses logical inference but is not **limited to** deductive systems of formal statements. Second, a **formal** demonstration is designed to **persuade those** who have the requisite technical knowledge, while **practical** argumentation always **aims to gain acceptance of the broader** audience to **which the claims** are presented. **And third, practical** argumentation does not **strive to achieve** purely intellectual agreement but **rather to present acceptable reasons for choices relevant to action** (**including, for instance**, a disposition to act at **an** appropriate moment).

In Fischer's 2003 book, the nearest places where references to Majone's book appear are seven paragraphs earlier, in the previous subchapter (to p. 49 of Majone's book), and three paragraphs later, in the following subchapter (to p. 63 of Majone's book). Likewise, in Fischer 2007, the nearest references to Majone are six paragraphs earlier, in the previous subchapter (again to p. 49 of Majone), and three paragraphs later, in the following subchapter (again to p. 63 of Majone).⁴⁰ Finally, material from Majone is again reproduced with slight variations in Fischer's 2009 book, with the first reference to Majone appearing 12 paragraphs (4 pages) later in the next subchapter (to pp. 43-44 of Majone's book). Nowhere—neither in the handbook, nor in either book—does a reference to pages 22-23 or 32 of Majone's book appear.

The passages shown above begin where the material from Polkinghorne 1983 ends (see previous section). That makes four successive paragraphs of unreferenced material, comprising the majority of the 2003 book subchapter, apparently plagiarized, and a little less than the majority of the 2009 book subchapter apparently plagiarized. Finally, since the same material is also reproduced in Fischer's chapter of 2007 handbook—with some slight changes in vocabulary (which comes somewhere “in between” the 2003 and 2009 versions) but without any change in “referencing style”—a similar conclusion arises: four of seven paragraphs seem to be plagiarized, which makes a majority of material in that subchapter.

⁴⁰ In the first endnote of Fischer 2007 (p. 235), it is stated that a longer version of the chapter appears in Fischer 2003. Indeed, material from Chapter 9 of the 2003 book (pp. 181-202) is reproduced in the 2007 handbook, including the text taken from Majone without attribution.

18. Alvin Gouldner (1979) and Frank Fischer (2009)

Alvin Gouldner writes, in his book *The Future of Intellectuals and the Rise of the New Class* (1979), pp. 37-38:

6.7 On Parsons and Habermas: This is not the place for a history of the ideologies of the New Class and our remarks here are intended only as notes and suggestions for such a history. Central to such a history, of course, would be the ideologies of “professionalism,” perhaps most especially among modern sociologists. Indeed, Talcott Parsons’ vast *oeuvre* can best be understood as a complex ideology of the New Class, expressed by and through his flattering conception of *professionalism*. Parsons, in fact, defines modern society as characterized by professionalism rather than by its capitalist character. In this, Parsons emphasized the convergence between business and the professions, rather than the Veblenian divergence between business and industry. Parsons’ focus was on the characteristics common to business and the professions; for example, there was presumably a common commitment to efficiency, with each accepting limited spheres of competence and authority, and each also being universalistic, governing by general and impersonal rules.⁴⁶ Parsons’ conception of professionalism, then, largely serves to assimilate business to the professions, concealing business’ overriding commitment to profit. By assimilating business to the collectivity-centeredness of the professions, Parsons provides a new legitimization for the old business class by intimating their impending moral revival.

Parsons’ concept of the professions involves a shift from positivism, stressing their dedicated moral character rather than their grounding in science and codified knowledge. His view of the professions glosses their own self-seeking character as a status group with vested interests, thus ideologically romanticizing both the old and new class. Pursuing his usual effort to eliminate contradictions from social life, Parsons also ignores the tensions between the old and new classes and the ways in which the New Class ideology of professionalism tacitly *subverts* old class legitimacy by grounding itself in a moral collectivity orientation and in scientific knowledge and skills, lacking in the profit-pursuing egoism of the old class. Parsons’ fundamental picture [pagebreak 37-38] is that the new national elite of the United States will consist of a *revamped*, professionalized business class, allied and fused with New Class professionals. The rise of the New Class in the United States, in Parsons’ view, will thus occur within the framework of a business society and through the moral uplift of the old class by the New Class. While still bound by respect and prudence toward the old class, which it conceives as aiming primarily at productivity for society rather than at incomes for itself, Parsons’ sociology is characterized by an impulse to revitalize the legitimacy of the foundering old class by uniting it with the New Class and by professionalizing it.

Parsons vacillates between using the New Class as a prop to shore up the foundering old class, on the one side, and on the other, submitting the old class to a thoroughgoing reformation under the tutelage of the New Class. He seeks a compromise between it and the claims of the old class. Parsons’ theory is thus an uneasy sociology the New Class; it remains backward-looking, still convinced that the old class has something of a future, and mistakenly imagines that the old class’s weaknesses are primarily weaknesses of legitimization. Parsons uses the New Class to solve the old class’s “legitimation crisis.”

Here is the corresponding material from Fischer 2009, pp. 30-32:

If professionalism was celebrated during these years, its leading enthusiast was Talcott Parsons (1968), the dominant figure in sociology at the time. Parsons, as we already saw, spoke effusively of a “professional complex” guiding modern society. For

him, the defining feature of the new postwar society was a shift from capitalism to professionalism. The latter, he argued, would work to alleviate the legitimacy problems confronting the economic corporation and the capitalist class. Toward this end, he [pagebreak 30-31] sought to re-emphasize the moral component of professionalism, although in the service of a particular economic formation. Indeed, Parsons argued that managerial capitalism was converging with professionalism. Both, he wrote, accepted the central importance of technical efficiency within relatively well-defined spheres of authority and competence; both were increasingly governed by general principles based on impersonal rules. As such, business was largely adopting the practices of professionalism, which was serving to soften—others would say conceal—business’s overriding commitment to profit. By assimilating business to the “collectivity-centeredness” of the professions, and the social responsibility that accompanied it, Parsons sought to provide a new legitimacy for the older established capitalist business class.

Parsons’ conception of the professions’ rigorous positivist science and codified knowledge was thus combined with a return [sic KP&AS] moral character. **Although his emphasis on moral character reads more like a normative prescription than an empirical description of professional practices, he saw the professional orientation giving rise to managerial social responsibility, a theme often intoned as well in the business literature of the time. Leading economics and business professors wrote extensively about the newly emerging corporation guided by socially responsible managers (Mason 1964). Parsons thus painted a picture of a new national elite drawn from a reoriented managerial business class, morally uplifted by and aligned with the professional classes generally. At the same time, the new class would take shape within a framework of concerns and commitments that broadly supported the imperatives of a managerially-oriented business society. While still bound by respect toward the established business class, the new professional-managerial class was portrayed as focused primarily on helping to expand the productivity of society rather than enhancing its own income. In short, the floundering legitimacy of the old business class was to be rejuvenated by uniting it with the knowledge and practices of the new class, that is by professionalizing it.**

At best, though, this was a compromise between the newer claims of the professions and the more traditional ones of the old business elites. Gouldner (1979) described it as a backward looking compromise based on the assumption that the old class still had a future and that its problem was one of legitimacy. Independent of the fate of the old class, Gouldner was correct to see Parson’s [sic KP&AS] theory as a professional ideology glossing over the professionals [sic KP&AS] own self-seeking character as a status group with vested interests, thus ideologically romanticizing both the old and new classes. Moreover, Gouldner argued that Parsons ignored the tensions between the [pagebreak 31-32] old and the new classes and the ways in which the new class ideology of professionalism tacitly subverts old class legitimacy by grounding itself in a moral collective orientation, scientific knowledge and problem-solving skills. Missing was the profit-pursuing egoism of the old class.

We can see that the material from Gouldner 1979 is mostly loosely paraphrased, and contains an interpolation on “the business literature of the time”. A general reference to Gouldner’s book (without page number) appears in the third paragraph quoted here. Fischer also gives attribution to Gouldner, via employing the usual indirect speech phraseology (“Gouldner was correct to see”, “Gouldner argued that”), but without using quotation marks for literally quoted material. Furthermore, much of the material taken from Gouldner appears in the two paragraphs *before* Gouldner is mentioned.

19. Stephen Macedo (1999) and Frank Fischer (2009)

Stephen Macedo (1999) writes, in his introduction to the volume on *Deliberative Politics* that he edited, pp 5-10:

At the core of deliberative democracy as Gutmann and Thompson **portray it** is a conviction that much of **our** politics is made up of a broad swath of moral conflicts that should **not be usurped by** the courts **but that are also not properly** resolved by mere interest group bargaining. **The moral conflicts of what Gutmann and Thompson call “middle democracy” include debates over health policy and welfare reform, affirmative action and preferential treatment, environmental protection, surrogate motherhood, and doctor-assisted suicide.** These moral conflicts call upon citizens themselves to act as reason givers and reason demanders: **Our** institutions and practices should be arranged so as to encourage citizens to grapple with these moral conflicts, **to seek** reasons that can be accepted by their fellow citizens **who will be bound by** political action.

(...)

The core conviction of Gutmann and Thompson’s version of deliberative democracy is the belief that our shared political **life would go** better if **we** encouraged a wider discussion of moral values **by** citizens and their representatives. Moral disagreement in politics is to be expected, even under the best conditions. **For** even when **people** are motivated **by a desire** to find fair terms of social cooperation (**and of course they often have other motives**), disagreement will still **result** from the fact that different people hold incompatible values. **In addition, people** have incomplete understandings of many **vexing** issues, as well as of the consequences of different **courses** of action (18). **Serious moral disagreement is with us to stay. Nevertheless, Gutmann and Thompson argue, even when agreement is not reached,** deliberation contributes to the health of a democratic society.

In sum, Gutmann and Thompson may relax and reformulate, but they do not reject, the notion that public reason has a certain form: “A deliberative **perspective** does not address **people** who reject the **aim** of finding fair terms for **social** cooperation; it cannot **reach** those **who refuse to press** their public claims in **terms accessible to** their fellow citizens” (55). Citizens, **say Gutmann and Thompson,** “must reason beyond their narrow self-interest” and consider “**what can be justified to people** who reasonably disagree with them” (2, and see 255).⁵ **It is one of the signal achievements of Gutmann and Thompson’s book that they help point the way beyond the stale suggestion that deliberative democracy is best conceived of as a radical alternative to liberalism.**

Reciprocity has an empirical dimension as well as a **moral one**. When we rely on empirical evidence, **say Gutmann and Thompson,** we should honor “relatively reliable methods of inquiry” and eschew implausible assertions. **Here again, the point is to try to and ensure that public discussions are carried on in terms that are mutually acceptable.** It is illegitimate to appeal to “*any* authority whose conclusions are impervious, in principle as well as practice, to the standards of logical consistency or to reliable methods of inquiry that themselves should be mutually acceptable.” **Gutmann and Thompson importantly insist that the point** is not to exclude **appeals to** religious authority **per se but to exclude appeals to any** authority impervious to **critical assessment** from a variety of reasonable points of view. (pp. 5-8)

(...) Mutual respect **goes beyond toleration, for it insists on the value of** keeping open the channels of **continued interaction and conversation with those with whom one disagrees, in the hope of eventually arriving at** improved understandings and **closer** agreement (79-80).

(...)

A second purpose of deliberation is to encourage public-spirited perspectives on public issues. Moral deliberation introduces all citizens to considerations of the common good. (...)

The third purpose of deliberation is to promote mutually respectful decision-making. (...)

Finally, the practice of deliberation should help democracies correct the mistakes of the past. (...) (pp. 9-10)

Here is the corresponding material in Fischer 2009, pp. 79-81:

For two of the leading theorists of deliberative democracy, Gutmann and Thompson (2004:7), it can be defined “as a form of government in which free and equal citizens (and their representatives), justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present on all citizens but open to challenges in the future.” At the core of **this theory** is a conviction that much of **contemporary** politics is made up of a broad swath of moral conflicts that should [pagebreak 79-80] **neither be relegated to the courts nor treated as problems to be resolved** by mere interest group bargaining (1996, 2004). These moral conflicts, **they argue**, call upon citizens themselves to act as “reason givers” and “reason demanders.” **Political** institutions and **public** practices should be arranged so as to encourage citizens to grapple with these moral conflicts **on their own terms. They should, in short, develop and give** reasoned arguments that can be **publicly discussed and** accepted by their fellow citizens. **The acceptance of reasons, in this view, helps to build the motivations necessary to implement the political actions which citizens come to agree upon.**

Attempting to reorient political theory from principles of rights to moral issues as they are disputed in the public realm, Gutmann and Thompson argue that a shared political culture functions better if citizens and their representatives are encouraged to engage in a wider discussion of moral values and their application to specific situations. Moral disagreement in politics, **they recognize**, is to be expected even under the best of conditions. Even when **citizens** are motivated to find fair terms of social cooperation, disagreement will still **emerge** from the fact that different people hold **different and sometimes** incompatible norms and values. **Moreover, citizens** have incomplete understandings of many **problematic** issues, as well as differing interpretations of the **meanings and** consequences of actions. **Despite such barriers to agreement, however, deliberation is seen to contribute to the health of a democratic society. Not only does it encourage public-spiritedness, deliberation introduces citizens to considerations of the common good. In doing so, it helps to promote tolerant, mutually respectful decision-making which can, in turn, hold out—if not increase—the possibility of reaching better** understandings and eventual agreement. **By** keeping open the channels of conversation and coordinated interaction, **so the argument** [sic KP&AS], mutual respect and understanding can also assist democracies in correcting the mistakes of the past decisions.

Deliberative citizens, in this view, must reason beyond their own narrow self-interest and consider what **they would be able to justify to other citizens** who reasonably disagree with their arguments. **Such a deliberative orientation, as Gutmann and Thompson concede,** does not address **citizens** who reject the goal of finding fair terms for **public** cooperation. **Deliberation** cannot influence those **unwilling to advance** their public claims in ways that acknowledge their fellow citizens. **But by promoting a broader range of reasons exchanged by fellow citizens in the public realm, deliberation can nonetheless adjust for liberalism’s overly narrow** [pagebreak 80-81] **conception of reason, shaped in part by scientific understanding of rationality.**

Although Gutmann and Thompson reject the scientific/positivist understanding of moral reason, they do acknowledge that moral discussions have an empirical as well as a normative dimension. Here, however, they offer little by way of methodological insight. They only say that when we rely on empirical evidence we should honor relatively reliable methods of inquiry and eschew implausible assertions. It is illegitimate to appeal to “any authority whose conclusions are imperious [*sic KP&AS*], in principle as well as practice, to the standards of logical consistency to or [*sic KP&AS*] reliable methods of inquiry that themselves be [*sic KP&AS*] mutually *acceptable*”. **This is not altogether to reject or exclude other forms of knowledge, such as religion, but rather** “any authority that is impervious [*sic KP&AS*] from a variety of reasonable points of view.”

A quote from p. 3 of Macedo’s introduction appears two paragraphs before the material reproduced here. That is the only reference to Macedo in the book.⁴¹ Ironically, the meaning of Gutmann and Thompson’s position concerning appeals to religious authority in the public sphere is reversed in Fischer’s rendering. According to Macedo, Gutmann and Thompson insist that religion should be excluded from public discussions: not *per se*, but rather as a subspecies of a more general exclusion of appeals to *any* authority that is impervious to critical assessment. Fischer, on the other hand, reinterprets religion as “a form of knowledge” that is *not* to be excluded, *contrasting* it to the positions that are impervious to critical assessment.

20. Epilogue: What goes around, comes around?

Ironically, we have also detected three instances in which someone else has plagiarized text from Fischer’s books. The first was already noted previously (footnote 25 in Section 3): Wilson 1997, pp. 190-192 extensively plagiarized material from Fischer 1990, pp. 226, 230-234. Secondly, Deva 1982, p. M-121 (bottom last column) plagiarizes several long sentences from Fischer 1980, pp. 79-80. Finally, Caputo 1989, pp. 117-120 plagiarizes extensively from Fischer 1980, pp. 29-48.

⁴¹ In fact, Macedo’s name appears as “Marcedo”, both in the text (p. 79), in the references (p. 317) and in the index (p. 334).

References

- APSA Committee on Professional Ethics, Rights, and Freedoms, 2008. *A Guide To Professional Ethics in Political Science* (2 rev. ed.), Washington, DC: American Political Science Association. (<http://www.apsanet.org/media/PDFs/ethicsguideweb.pdf>)
- Bernstein, Richard, 1976. *The Restructuring of Social and Political Theory*. London: Methuen.
- Billig, Michael, 1989. *Arguing and Thinking: A Rhetorical Approach to Social Psychology*. Cambridge: Cambridge University Press.
- Bobrow, Davis and Dryzek, John, 1987. *Policy Analysis by Design*. Pittsburgh: University of Pittsburgh Press.
- Bruner, Jerome, 1986. *Actual Minds. Possible Worlds*. Cambridge: Harvard University Press.
- Caputo, Richard, 1989. Integrating Values and Norms in the Evaluation of Social Policy: A Conceptual Framework, *Journal of Teaching in Social Work*, 3 (2): 115-131.
- Colebatch, Hal K., 2004. Review Essay: Interpretive Policy Analysis, *Australian Journal of Public Administration*, 63 (3): 113-117.
- Davies, Bronwyn and Harré, Rom 1990. Positioning: The Discursive Production of Selves, *Journal of the Theory of Social Behaviour*, 20 (1): 43-65.
- Deva, Satya, 1982. Theory of Administration, *Economic and Political Weekly*, 17, (48), Nov. 27: M115, M117, M119, M121-M122.
- Dreyfus, Hubert and Rabinow, Paul, 1982. *Michel Foucault: Beyond Structuralism and Hermeneutics*. Chicago: The University of Chicago Press.
- Dryzek, John. 2004. Review of Frank Fischer's Reframing Public Policy: Discursive Politics and Deliberative Practices, *Policy Sciences*, 37 (1): 89-93.
- Edelman, Murray, 1985. Political Language and Political Reality, *PS*, 18 (1): 10-19.
- Edelman, Murray, 1988. *Constructing the Political Spectacle*. Chicago: University of Chicago Press.
- Elder, Charles and Cobb, Roger, 1983. *The Political Use of Symbols*. New York: Longman.
- Engbersen, Radboud, Jansen, Thijs and Witteveen, Willem, 1991. *Het Retorische Antwoord* (eds.). Utrecht: Grafiet.
- Fairclough, Norman, 1989. Language and Ideology, *English Language Research Journal*, 3: 9-27.
- Fairclough, Norman, 1992. *Discourse and Social Change*. Cambridge: Polity.
- Fairclough, Norman, 1995. *Language and Ideology*. In: Fairclough, Norman, *Critical Discourse Analysis: The Critical Study of Language*. London: Longman, pp. 70-83.
- Ferguson, Kathy, 1984. *The Feminist Case against Bureaucracy*. Philadelphia: Temple University Press.
- Fischer, Frank, 1980. *Politics, Values, and Public Policy: The Problem of Methodology*. Boulder, CO: Westview Press.
- Fischer, Frank, 1982. Science and Critique in Political Discourse: Elements of a Postpositivistic Methodology, *New Political Science*, 3 (1/2): 9-32.

- Fischer, Frank, 1990. *Technocracy and the Politics of Expertise*. London: Sage.
- Fischer, Frank, 1991. Participatory Expertise: Toward the Democratization of Policy Science. In: Dunn, William and Mae-Kelly, Rita (eds.), *Advances in Policy Studies since 1950* (Policy Studies Review Annual, Vol. 10). New Brunswick, NJ: Transaction, pp. 351-376.
- Fischer, Frank, 2000. *Citizens, Experts, and the Environment: The Politics of Local Knowledge*. Durham and London: Duke University Press.
- Fischer, Frank, 2003. *Reframing Public Policy: Discursive Politics and Deliberative Practices*. Oxford: Oxford University Press. (Also available on-line at <http://www.oxfordscholarship.com/oso/public/content/politicalscience/9780199242641/toc.html>)
- Fischer, Frank, 2007. Deliberative Policy Analysis as Practical Reason: Integrating Empirical and Normative Arguments, in: Fischer, Frank, Miller, Gerald, and Sidney, Mara (eds.), *Handbook of Public Policy Analysis: Theory, Politics, and Methods*. Boca Raton, FL: CRC Press, pp. 223-236.
- Fischer, Frank, 2009. *Democracy and Expertise: Reorienting Policy Inquiry*. Oxford: Oxford University Press. (Also available on-line at <http://www.oxfordscholarship.com/oso/public/content/politicalscience/9780199282838/toc.html>)
- Foucault, Michel. 1973. *The Order of Things: An Archaeology of the Human Sciences*. New York: Vintage.
- Foucault, Michel, 1975. *The Birth of the Clinic: An Archaeology of Medical Perception*. New York: Vintage.
- Foucault, Michel, 1980. *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (Gordon, Colin, ed.). New York: Pantheon.
- Foucault, Michel, 1990. *The History of Sexuality. Volume I: An Introduction*. New York: Vintage Books.
- Freire, Paulo, 1970. *Pedagogy of the Oppressed*. New York: Seabury Press.
- Freire, Paulo, 1973. *Education for Critical Consciousness*. New York: Seabury.
- Giovannoli, Richard, 2000. *The Narrative Method of Inquiry*. Available at: <http://www.sonic.net/~rgiovan/essay.2.PDF>. Accessed on 1st July 2010.
- Gouldner, Alvin W., 1979. *The Future of Intellectuals and the Rise of the New Class: A Frame of Reference, Theses, Conjectures, Arguments, and an Historical Perspective on the Role of Intellectuals and Intelligentsia in the International Class Contest of the Modern Era*. London: Macmillan.
- Goulet, Denis, 1973. Introduction. In: Freire, Paulo, *Education for Critical Consciousness*. New York: Seabury, pp. vii-xiv.
- Habermas, Jürgen, 1970. Towards a Theory of Communicative Competence. *Inquiry*, 13: 360-375.
- Habermas, Jürgen, 1971a. *Knowledge and Human Interests*. Boston: Beacon Press.
- Habermas, Jürgen, 1971b. *Toward a Rational Society: Student Protest, Science, and Politics*. Boston: Beacon Press.

- Habermas, Jürgen, 1973a. A Postscript to Knowledge and Human Interests, *Philosophy of the Social Sciences*, 3 (1): 157-189.
- Habermas, Jürgen, 1973b. *Theory and Practice*. Boston: Beacon Press.
- Habermas, Jürgen, 1975. *Legitimation Crisis*. Boston: Beacon Press.
- Habermas, Jürgen, 1979. What is Universal Pragmatics? In: Habermas, Jürgen, *Communication and the Evolution of Society*, Boston: Beacon press, pp. 1-68.
- Hajer, Maarten, 1995. *The Politics of Environmental Discourse: Ecological Modernization and the Policy Process*. Oxford: Oxford University Press.
- Hall, Stuart, 1988. The Toad in the Garden: Thatcherism among the Theorists. In: Nelson, Cary and Grossberg, Lawrence (eds.), *Marxism and the Interpretation of Culture*. London: Macmillan.
- Hawkesworth, Mary, 1988. *Theoretical Issues in Policy Analysis*. Albany: State University of New York Press.
- Hawkesworth, Mary, 2003. Political Science in a New Millennium: Issues of Knowledge and Power. In: Hawkesworth, Mary and Kogan, Maurice (eds.), *Encyclopedia of Government and Politics. Vol I* (1st ed. 1992). New York and London: Routledge, pp. 3-36.
- Hawkesworth, Mary, 2006. Contending Conceptions of Science and Politics: Methodology and the Constitution of the Political. In: Yanow, Dvora and Schwartz-Shea, Peregrine (eds.), *Interpretation and Method: Empirical Research Methods and the Interpretive Turn*. Armonk and London: M. E. Sharpe, pp. 27-49.
- Hermans, Hubert and Hermans-Jansen, Els, 1995. *Self-narratives: The Construction of Meaning in Psychotherapy*. New York: The Guilford Press.
- Kalleberg, Arthur, 1969. Concept Formation in Normative and Empirical Studies: Toward Reconciliation in Political Theory, *The American Political Science Review*, 63 (1): 26-39.
- Macedo, Stephen, 1999. Introduction. In: Macedo, Stephen (ed.), *Deliberative Politics: Essays on Democracy and Disagreement*. Oxford: Oxford University Press, pp. 3-14.
- MacIntyre, Alasdair, 1969. A Mistake About Causality in Social Science. In: Laslett, Peter and Runciman, Walter Garrison, *Philosophy, Politics and Society*. Oxford: Basil Blackwell, pp. 48-70.
- Majone, Giandomenico, 1989. *Evidence, Argument, and Persuasion in the Policy Process*. New Haven: Yale University Press.
- McCarthy, Thomas, 1973. A Theory of Communicative Competence, *Philosophy of the Social Sciences*, 3 (1): 135-156.
- McCarthy, Thomas, 1975. Translator's Introduction. In: Habermas, Jürgen, *Legitimation Crisis*. Boston: Beacon Press, pp. vii-xxiv.
- McCarthy, Thomas, 1976. A Theory of Communicative Competence. In: Connerton, Paul (ed.), *Critical Sociology*. New York: Penguin, pp. 470-497.
- McCarthy, Thomas, 1978. *The Critical Theory of Jürgen Habermas*. Cambridge: MIT Press.
- Oliga, John, 1990. Power-Ideology Matrix in Social Systems Control, *Systems Practice*, 3 (1): 31-49.
- Oliga, John, 1996. *Power, Ideology and Control*. New York: Plenum.

- Perelman, Chaim, 1982. *The Realm of Rhetoric*. Notre Dame: University of Notre Dame Press.
- Perelman, Chaim, 1984. Rhetoric and Politics. *Philosophy and Rhetoric*, 17 (3): 129-134.
- Peters, Guy, 2004. Review of Frank Fischer's Reframing Public Policy: Discursive Politics and Deliberative Practices, *Political Science Quarterly*, 119 (3): 566-567
- Polkinghorne, Donald, 1983. *Methodology for the Human Sciences*. Albany: State University of New York Press.
- Polkinghorne, Donald, 1988. *Narrative Knowing and the Human Sciences*. Albany: State University of New York Press.
- Rutgers University, 1990. *University Policies for Dealing with Allegations of Misconduct in Research* (Issued on 30 January). (http://orsp.rutgers.edu/policies_misconduct.php)
- Rutgers University, 2008. *Interim Academic Integrity Policy* (Effective September 2nd 2008). (<http://academicintegrity.rutgers.edu/integrity.shtml>)
- Sarbin, Theodore R. 1986. The Narrative as a Root Metaphor for Psychology. In: Sarbin, Theodore R. (ed.), *Narrative Psychology: The Storied Nature of Human Conduct*. New York: Praeger.
- Schutz, Alfred, 1954. Concept and Theory Formation in the Social Sciences, *Journal of Philosophy*, 51 (9): 257-273.
- Schutz, Alfred, 1962. *Collected Papers* (Vol. I: *The Problem of Social Reality*). The Hague: Nijhoff.
- Schutz, Alfred, 1964. *Collected Papers* (Vol. II: *Studies in Social Theory*). The Hague: Nijhoff.
- Sheridan, Alan, 1980. *Michel Foucault: The Will to Truth*. London: Tavistock.
- Sokal, Alan, 2008. *Beyond the Hoax: Science, Philosophy and Culture*. Oxford: Oxford University Press.
- Stone, Deborah, 1988. *Policy Paradox and Political Reason*. Glenview, Ill: Scott, Foresman.
- Stone, Deborah, 1997. *Policy Paradox: The Art of Political Decision Making*. New York and London: W. W. Norton.
- Stone, Deborah, 2002. *Policy Paradox: The Art of Political Decision Making* (Revised Edition). New York and London: W. W. Norton.
- Wagenaar, Hendrik, 2001. *Bureaucratic Order and Personal Order: Negotiating Administrative Work through Narrative*. Paper presented at the European Consortium for Political Research, 29th Joint Sessions, Grenoble, 6-11 April.
- Wagenaar, Hendrik, 2006. Bureaucratic order and personal order: the narrative analysis of administrative practice. In: van den Brink, Margo and Metzke, Tamara (eds.), *Words matter in policy and planning: discourse theory and method in the social sciences*. Utrecht: KNAG/NGS, pp. 43-63
- Walsh, David, 1972. Sociology and the Social World. In: Filmer, Paul, Phillipson, Michael, Silverman, David and Walsh, David, *New Directions in Sociological Theory*. London, Collier-Macmillan: 15-35. [Also published by MIT Press, Cambridge, Mass., 1973.]
- Weber, Max, 1956. *Wirtschaft und Gesellschaft*. Tübingen: J. C. B. Mohr (Paul Siebeck).

- Wilson, F. A., 1997. The truth is out there: the search for emancipatory principles in information systems design, *Information Technology & People*, 10 (3): 187-204.
- Yanow, Dvora, 1996. *How Does a Policy Mean? Interpreting Policy and Organizational Actions*. Washington, DC: Georgetown University Press.
- Yanow, Dvora, 2000. *Conducting Interpretive Policy Analysis*. Newbury Park, CA: Sage.

Appendices

A. How we came across these texts and why we assembled this compendium

One of us (Petković) participated in the 4th International Conference in Interpretive Policy Analysis, *Discourse, Power, and Politics*, held in Kassel, Germany, 25-27th June 2009.⁴² He presented a paper “Interpretive Policy Analysis and Deliberative Democracy: Must We Politicize Analysis?”⁴³

The participants in this conference were invited to submit their papers for publication in a special issue of the academic journal *Critical Policy Studies*.⁴⁴ Petković submitted his paper. Frank Fischer, the journal coeditor, responded that the paper misinterpreted his position, but that a revised paper of half the size could be published in the Forum section of the journal and that he would write a response. Petković reworked the paper and sent the new version. Fischer again found that the paper misrepresented his work and it was finally rejected on the basis of two reviews which were later sent to Petković.

When Petković further checked Fischer’s work in detail, to see if he had really misinterpreted it, he spotted one apparent instance of plagiarism in Fischer’s 2003 book (Majone, see section 17 above). He included that case in an essay entitled “A Political Scientist’s Unintentional Experiment with Critical Policy Studies: How Journals Make Themselves Look Bad” in which he argued that the journal had treated him unprofessionally.⁴⁵ On May 18th he submitted that essay to *Policy Studies Journal*.⁴⁶ The editors of PSJ quickly notified Fischer,⁴⁷ who on May 20th threatened Petković with a lawsuit. On May 28th Petković was formally notified by the co-editor of PSJ that his paper was rejected as it is “beyond the scope of PSJ.” This e-mail exchange is included in Appendix D.

After he submitted the paper to *Policy Studies Journal*, Petković also sent a copy “out of the blue” to physicist Alan Sokal, whose “hoax” article was briefly mentioned in it. Sokal replied that he was sympathetic but did not feel competent to judge the substantive issues involved (e.g. did Petković misrepresent Fischer’s ideas?). He was, however, shocked by the discovery of plagiarism in a major academic’s work—which he felt should be exposed—and disgusted by Fischer’s threats against a vulnerable PhD student. Sokal quickly confirmed the Majone example by a Google search, and with a bit more work he found matches with McCarthy 1976 and Polkinghorne 1988, then Ferguson 1984 and Giovannoli 2000, then ... That is how this document began to take shape.

The matches compiled here were basically found by hand search on Google, Google Books and Google Scholar of selected short phrases from Fischer’s books, followed up by detailed side-by-side comparison of the full texts.⁴⁸ We do not know what fraction of the complete corpus of plagiarism we have detected.

⁴² <http://www.ipa2009.uni-kassel.de>

⁴³ <http://www.uni-kassel.de/hrz/db4/extern/ipa2009/ct/images/Petkovic.pdf>

⁴⁴ http://www.tandf.co.uk/journals/access/rcps3_3-4.pdf

⁴⁵ In the essay Petković claimed that the journal editor was aggressive and contradictory, and that the reviews were biased. The essay describes the episode in detail. It includes the e-mails exchanged between Petković and Fischer, the revised version of the CPS paper, and the two “anonymous” reviews. This essay—minimally revised and updated—is to be published, probably in the Croatian Political Science Association journal *Anali* (<http://hrcak.srce.hr/analihpd>). In the meantime, it is available on request from the author.

⁴⁶ <http://www.wiley.com/bw/journal.asp?ref=0190-292x>

⁴⁷ Without first requesting Petković’s permission to transmit the manuscript, or even informing him that they were doing so.

⁴⁸ It is necessary to search each phrase on all three Google engines separately, as they frequently turn up different “hits”. We also tried the free anti-plagiarism service www.doccop.com, but found it not very useful for our purposes: partly because of the slow turn-around (tens of minutes) and the 550-word maximum on each search,

Since the question of our motivations in preparing this document is likely to be raised, let us try to answer it briefly. In particular, readers may wonder whether we are motivated by personal animus against Fischer: in Petković's case for how he and his article were treated by *Critical Policy Studies*, and in Sokal's case because Fischer advocates social-constructivist philosophical ideas (of the type that Sokal has elsewhere criticized) and at one point calls Sokal as an "intellectual reactionary".⁴⁹

Our answer is twofold: First, and most obviously, our motivations are, when all is said and done, irrelevant: the facts of plagiarism are what they are, irrespective of whatever vile motives (real or alleged) the discoverers of that plagiarism may have had. But for what it is worth, let us say forthrightly that we feel no animus towards Fischer. Petković of course feels that he was mistreated by *Critical Policy Studies* and its editor Fischer: he intends to recount this episode elsewhere (see footnote 45) in the hope that similar occurrences might be less frequent in the future. Sokal of course has intellectual disagreements with some (not all) of Fischer's ideas; he has written extensively elsewhere on philosophy and sociology of science⁵⁰ and has no desire to mar a valuable intellectual debate with personal vendettas.⁵¹ But all of that is separate from our motivations in preparing this document, which stem from the simple conviction that scholars should not be permitted to pass off other people's words and ideas as their own. (And also, let us be honest, the sheer intellectual challenge of piecing together a puzzle from limited clues.⁵²)

but mostly because of the requirement for an exact match on a string of at least 8 consecutive words. As a result, this software is easily defeated by the interpolation of little words like "then" and "thus", by changes between the definite and indefinite articles or between plural and singular, etc., not to mention by more subtle reorderings or minor rephrasings. The more flexible Google search engine—employed with judicious but not excessive use of quotation marks—turned out to be much more useful.

⁴⁹ Fischer 2009, p. 139. The full passage is as follows:

The dominant trend in the social studies of science over the past decades has been to replace epistemological questions with social questions. The problem with this approach, they [Collins and Evans, *KP&AS*] argue, is that it has led to a relativism that has undercut the pursuit of "scientific truth". In fairness to Collins and Evans, they are not to be counted among the intellectual reactionaries who have generated the "science wars" of the late 1990s, such as Sokol [*sic KP&AS*] (1996) or Gross and Levitt (1997). They accept the major contribution of the social studies of science of the past three decades, in particular the view that we can no longer simply accept the claim that we should trust scientist [*sic KP&AS*] because they have special access to "truth".

As far as we know, this brief mention is the only reference to Sokal in all of Fischer's writings.

⁵⁰ See e.g. Sokal 2008.

⁵¹ In passing, Sokal would like to add that he *shares* many of Fischer's concerns about the ways that scientific expertise is (mis)used in setting public policy, and in particular how it is frequently used to circumvent democratic debate on issues of norms and values.

⁵² For instance, we thought at first that Fischer 2003 might have plagiarized from Wilson 1997; but on closer examination we learned that Wilson 1997 had in fact plagiarized from Fischer 1990! ... who had in turn plagiarized from Bernstein 1976 and McCarthy 1978 (see Section 3 above).

B. Reviews of *Reframing Public Policy* (2003)

Fischer's 2003 book *Reframing Public Policy* received positive reviews from some of the leading scholars in the field of public policy studies: Hal Colebatch, John Dryzek, and Guy Peters. None of the reviews mentioned possible plagiarism. Here are some excerpts from these reviews.

* * *

Colebatch (2004) writes, in the essay that reviews several books in the field of interpretive policy analysis, including Fischer's, pp. 114, 116-117:

Fischer's book is a monograph by one of the earliest writers in this field. (...)

Of the books reviewed here, *Deliberative Policy Analysis* is a must for the library and will be read with interest by academics and researchers, but despite the endorsements on the cover, it is unlikely to be widely adopted as a text. The material is uneven and, in several cases, the authors have covered the ground better elsewhere. *Reframing Public Policy* is a much better coverage of the field, and would be a stimulating text for a research students' seminar. It would be particularly interesting to ask a team of research or postgraduate coursework students to take *Reframing Public Policy* (perhaps supplemented by *Conducting Interpretive Policy Analysis*) and Bridgman and Davis's *Australian Policy Handbook* and compare the utility of the interpretive versus the policy cycle approach in relation to a specific policy question, such as Murray River salinity, Aboriginal health, or the sugar industry.

In a comprehensive review of Fischer 2003, written by John Dryzek (2004), one can find the following three paragraphs (pp. 89, 90, 93):

For more than two decades Frank Fischer has been at the forefront of attempts to construct critical alternatives to the technocratic and positivist idioms in policy analysis that have pervaded both academic thinking and policy professionalism. *Reframing Public Policy* represents both the latest iteration in this work and a systematic explication of the elements of the program developed by Fischer himself and an ever-increasing band of supporters. As such the book is a major statement that deserves widespread attention.

Fischer's [*sic KP&AS*] combination of phenomenology, discourse analysis, interpretation, and narrative analysis offers a comprehensive approach to revelation and explanation of the world of both the policy process and the more general world of society and its problems. There is explanation a-plenty, but not explanation that rests on causal generalizations. Perhaps Fischer undersells this package when he says that the "orientation of the discursive policy analyst ... is one of skepticism and critique, rather than truth-seeking per se" (p. 46).

The approach that Fischer develops, and the school of thought that he represents, today constitutes the best hope of redeeming Harold Lasswell's promise of a policy science of democracy. (Fischer wants to maintain some distance between himself and Lasswell, mainly because of the behaviorist approach to political science that Lasswell also supported). This is especially true to the degree democracy is conceptualized in the deliberative terms that Fischer himself favors, and which now dominate the field of democratic theory. The obstacles remain formidable, in both political reality and entrenched understandings in policy analysis, but with time the project gradually looks more plausible.

Guy Peters (2004) concludes his short review of Fischer 2003 with the following lines (p. 567):

In summary, this is an excellent, well-argued presentation of one view of public policy analysis. It is only one view, and one can certainly argue with some of the assertions made, but if a reader wants to understand the discursive perspective on policy, this volume would be a very appropriate place to begin.

C. Policies Concerning Plagiarism Relevant in this Case

Frank Fischer is a Professor at the Newark campus of Rutgers University. Here are some clauses from Rutgers University's official policy concerning plagiarism.⁵³

I Academic Integrity

Academic integrity is essential to the success of the educational enterprise and breaches of academic integrity constitute serious offenses against the academic community. Every member of that community bears a responsibility for ensuring that the highest standards of academic integrity are upheld.

The University administration is responsible for making academic integrity an institutional priority and for providing students and faculty with effective educational programs and support services to help them fully understand and address issues of academic integrity.

(...)

II Violations of Academic Integrity

Various ways in which academic integrity can be violated are described below.

(...)

C. Plagiarism

Plagiarism is the representation of the words or ideas of another as one's own in any academic work. To avoid plagiarism, every direct quotation must be identified by quotation marks, or by appropriate indentation, and must be cited properly according to the accepted format for the particular discipline. Acknowledgment is also required when material from any source is paraphrased or summarized in whole or in part in one's own words. To acknowledge a paraphrase properly, one might state: to paraphrase Plato's comment... and conclude with a footnote or appropriate citation to identify the exact reference. A footnote acknowledging only a directly quoted statement does not suffice to notify the reader of any preceding or succeeding paraphrased material.

(...)

⁵³ <http://academicintegrity.rutgers.edu/integrity.shtml>. Effective September 2nd, 2008.

III Academic Integrity Violations and Sanctions

A. Levels of Violations and Recommended Sanctions

Any violation of academic integrity is a serious offense and is therefore subject to an appropriate penalty or sanction. Academic integrity violations at Rutgers University are classified into four levels according to the nature of the violation. For each level of violation a corresponding set of sanctions is recommended. Level Three and Level Four violations are called “separable,” since the recommended sanctions are temporary or permanent separation from the University. Level One and Level Two violations are called “nonseparable” since separation from the University is not a possible sanction for first offenses at those levels. However, separation is a possible sanction for repeat violations at Level One or Level Two.

The recommended sanctions at each level are not binding, but are intended as general guidelines for the academic community. Moreover, due to mitigating circumstances, a recommended sanction is not always imposed, even when a student is found responsible for a given violation. Culpability may be assessed and sanctions imposed differentially for those with more or with less experience as members of the academic community. Therefore, violations of academic integrity by graduate and professional students will normally be penalized more severely than violations by first-year undergraduate students.

Examples are cited below for each level of violation. These examples are meant to be illustrations and should not be considered all inclusive.

Level One Violations

Level One violations may occur because of inexperience or lack of knowledge of the principles of academic integrity and are often characterized by the absence of dishonest intent on the part of the student committing the violation. These violations generally are quite limited in extent, occur on a minor assignment, and represent a small fraction of the total course work. Examples include:

1. Working with another student on a minor laboratory exercise or homework assignment when such collaboration is prohibited.
2. Failure to footnote or give proper acknowledgment in a very limited section of an assignment.

(...)

Level Two Violations

Level Two violations are breaches of academic integrity that are more serious or that affect a more significant aspect or portion of the course work compared with Level One violations. Examples include:

1. Quoting directly or paraphrasing, to a moderate extent, without acknowledging the source.

(...)

Level Three Violations

Level Three violations are breaches of academic integrity that are more serious in nature or that affect a more significant aspect or portion of the course work compared with Level Two violations. Examples include:

1. Repeat Level Two violations.
2. Presenting the work of another as one's own.
(...)
4. Plagiarizing major portions of a written assignment.

Level Four Violations

Level Four violations represent the most serious breaches of academic integrity. Examples include:

(...)

4. Fabricating evidence, falsifying data, quoting directly or paraphrasing without acknowledging the source, and/or presenting the ideas of another as one's own in a senior thesis, a master's thesis, a doctoral dissertation, a scholarly article submitted for publication, or any other work represented as his or her own by a graduate or professional student.

(...)

The sanction for Level Four violations ordinarily is permanent expulsion from the University with a permanent notation of disciplinary expulsion on the student's Rutgers transcript.

(...)

Footnotes

1. This interim academic integrity policy was approved by the Rutgers University Senate for adoption for a period of two years. After the two-year period, the policy will cease to be in force unless reapproved by the Senate for an additional period.
2. For purposes of the Academic Integrity Policy, the term faculty member includes not only tenured, tenure-track, and nontenure-track faculty members, but also part-time lecturers, TAs, staff members, and administrators who are serving as the instructor of record in a course; i.e., the instructor responsible for assigning final course grades.

And here are also Rutgers' "University Policies for Dealing with Allegations of Misconduct in Research", issued on 30 January 1990:⁵⁴

(...) [E]ffective immediately, the following policies are applicable to the University's research activities conducted in all its disciplines and without regard to source of funding.

1. Misconduct in research is (1) fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the relevant discipline for proposing, conducting or reporting research, or (2) a material failure to comply with University, Federal or State policies regulating the use of human subjects, the welfare of laboratory animals, or other aspects of the conduct of research.

Paragraphs 2-9 then set out detailed procedures for investigating allegations of misconduct. The final paragraph is as follows:

10. If the allegations of misconduct are not substantiated, the Vice President for Research shall take appropriate actions to make that fact known within the academic community. If the allegations are sustained, the Vice President for Research shall initiate appropriate disciplinary actions consistent with the University's policies and regulations. (...) The Vice President for Research shall maintain detailed documentation of the investigation for at least three years.

Frank Fischer is also a political scientist. Here are some excerpts from the The American Political Science Association's document "A Guide to Professional Ethics in Political Science"⁵⁵, pp. 7, 10, 13-14:

III. Principles of Professional Conduct

These principles, adopted by the Council of the American Political Science Association, embody in systematic form the principles established by the Association, the advisory opinions of the Committee on Professional Ethics, Rights and Freedoms, and other governing decisions adopted by the Association.

A. Freedom and Integrity of Research by Academic Political Scientists

(...)

7. Political scientists, like all scholars, are expected to practice intellectual honesty and to uphold the scholarly standards of their discipline.
 - 7.1 Plagiarism, the deliberate appropriation of the work of others represented as one's own, not only may constitute a violation of the civil law but represents a serious breach of professional ethics.
 - 7.2 Departments of political science should make it clear to both faculty and students that such misconduct will lead to disciplinary action and, in the case of serious offenses, may result in dismissal. Institutional rules and expected

⁵⁴ http://orsp.rutgers.edu/policies_misconduct.php

⁵⁵ <http://www.apsanet.org/media/PDFs/ethicsguideweb.pdf>

standards of conduct should be published in advance and distributed through such means as faculty and student handbooks.

- 7.3 Disciplinary proceedings should conform to norms of fairness and academic due process as formulated in relevant AAUP statements.

(...)

E. Ethics in the Publication Process

16. Appraising manuscripts and reviewing books are serious scholarly responsibilities.

16.1 Those invited to make appraisals or to write reviews should disqualify themselves if they have a reasonable doubt about whether they can exercise the responsibility with scholarly detachment. Such doubt might be raised, for example, by an invitation to appraise the manuscript or review the book of a close personal friend or of a departmental colleague.

16.2 Insofar as possible, editors and book-review editors should themselves act in conformity with the above principles. Moreover, in connection with the appraisal of manuscripts, editors should take all reasonable precautions to avoid revealing the names of the author and the reader to each other.

(...)

19. Political scientists seeking to reprint the previously published work of others have an ethical obligation to make sure that consent is obtained.

19.1 The copyright holder should consent to the inclusion of previously published work only if the author consents. The copyright holder should either obtain the consent of the author or require that this be done by the party seeking permission to reprint.

19.2 In cases where the copyright holder or the publisher of previously published work has not taken steps to obtain consent, the political scientist involved, as compiler and editor of the book, should secure the consent of the author of the material. Political scientists are encouraged to include in contracts with publishers a provision that the publisher must obtain the consent of the author or authors before allowing reprinting of the work.

D. E-mails

In this appendix we collect the e-mails between one of us (KP) and others (principally Professor Fischer), connected with KP's essay "A Political Scientist's Unintentional Experiment..." (see Appendix A). These e-mails give alternative insight into the chronology of the events that preceded the assembling of this document. In particular, they show how Professor Fischer interprets one of the cases analyzed here (namely, Majone, see section 17 above).⁵⁶

* * *

From: kresimir.petkovic@inet.hr
Subject: A Political Scientist's Experiment with CPS
To: Peter.DeLeon@ucdenver.edu; Chris.Weible@ucdenver.edu
Sent: Tuesday 18th May 2010 17:04

Dear (co)editors of Policy Studies Journal,

What I am submitting to you as an attachment to this letter is not an orthodox academic paper, although it contains a part which might be labeled more or less as such. It is simply a bad experience I had with the new public policy journal called Critical Policy Studies. I want to share that experience with the community of scholars devoted to policy analysis and public policy research. I have read in your short web mission statement that you "welcome initial exchanges if a potential contributor has an idea and would like some initial editorial thoughts."

If you would be so kind, I would like some of initial thoughts on this experience of mine, or at least on my interpretation of that experience. I really want this story to get out in public. The form is not that much important. I don't need any academic references. I simply think it is a right thing to do in any form: to share this bad experience scientific periphery (a scientist from Croatia, SEE) sometimes has with the arrogant centre (a journal controlled by a clique). It seems that what E. Said observed in Orientalism, concerning scientists from periphery, is too often confirmed: they can, at best, become "good informants". When they want to question the theory developed in the imperial centre – no matter how well founded their arguments – they become excluded and silenced. In my opinion, this is an important issue that concerns academic publishing on public policy, which could thus be of your interest.

If you are not at all interested in this matter (I can understand that), perhaps you could suggest where I can publish any of this. You are the first journal I addressed.

Kind Regards,

Kresimir Petkovic

From: frankfischer24@aol.com
Subject: Re: FW: A Political Scientist's Experiment with CPS
To: kresimir.petkovic@inet.hr
CC: d.yanow@fsw.vu.nl; peter.deleon@ucdenver.edu;
s.f.griggs@bham.ac.uk

⁵⁶ Mails are completely authentic, "warts and all", i.e. nothing is added or omitted and all the typos are preserved (the originals were simply pasted here). The time of sending indicated is Central European (CET) for all messages, as it was shown in Petković's mail program.

Sent: Thursday 20th May 2010 9:48

Dear Mr. Pektvoic,

This falsification of your experience with Critical Policy Studies and accusations of plagiarism are serious stuff. They would be grounds for a lawsuit against you were they to appear in print.

Frank Fischer
Co-editor, Critical Policy Studies

From: kresimir.petkovic@inet.hr
Subject: Devil in Mr. Petkovic
To: frankfischer24@aol.com
CC: d.yanow@fsw.vu.nl; peter.deleon@cudenver.edu;
s.f.griggs@bham.ac.uk
Sent: Thursday 20th May 2010 15:12

Not-So-Dear Mr. Fischer,

First, you should have learned my name by now. It is "Petkovic", not "Pektvoic". If you choose to address me, it is a matter of elementary decency to write it properly, as I always do with your name.

Second, of course it is serious stuff. I am glad that you finally understood. It was serious from the beginning. If you have treated my text and me as an author seriously, nothing of this would have happened.

Third, my experience is not falsified. I simply sincerely wrote how I saw all that happened. (Anyway, I doubt that the category of experience is subject to falsification).

If you are referring to plagiarism, matters speak for themselves. You have two identical passages minus some slight differences (speaking technology-wise: let's say to-cover-up-tracks-rephrasings). The only problem for you is that Majone's book is a small masterpiece about 15 years older than your book, which leaves no doubt about the direction. It is kind of similar to higher level chess games of more than 30 moves: you simply don't have two that are exactly the same. Plagiarism is an objective thing. It would be quite a miracle if your passage that I quoted turned out to be some radically new phenomenon of serendipitous reproduction of the already existent text. Concerning the matters of fact, you and I know that complete correspondence is 100 percent authentic, nothing added or omitted. That also speaks for itself. The same goes for all the matters of fact at all in this affair. Everyone who checks the matter will easily reach the same conclusion. As for my interpretation, it is by definition subjective. Unfortunately, I cannot do anything about it. I do not think it is a legal question either. As for my values, they are – thanks God! – different than yours.

Fourth, it is not on me will this appear in print. If I had a printing press and a publishing house then I would certainly publish it, because I think it is important. I don't have one. So I sent it to JPS, and the editors obviously contacted you. It is their decision will they publish any of it. I hope they will inform me on their decision. I stand behind my words. If JPS rejects it, it is up to me to send it to other addresses. It is in no way your concern.

Fifth, if you want to take legal action, nobody is stopping you. I certainly don't care what you will do. Why bother informing me? If you take into account what I mentioned before, I think that it is much easier to prove textual parallel Majone-Fischer, than the, let's say, musical one Satriani (If I Could Fly)-Coldplay (Viva La Vida). Anyway, I would certainly repeat all the things I said before any court of law in front of which I am legally bound to appear in trial.

Finally, this is the last letter I will ever write to you. Spare me the answer, because I won't write back. The communication with you is not something on what I want to spend any of my future time.

Hugs'n'Kisses,
KP

From: kresimir.petkovic@inet.hr
Subject: A Political Scientist's Experiment With CPS
To: sokal@nyu.edu
Sent: Thursday 20th May 2010 15:35

Dear Mr. Sokal,

I have found your mail address on the internet and I decided I should write to you. I'm a young political scientist from Croatia who got involved into a somewhat similar affair to the one you are famous for. Interestingly enough, the side I am against here calls you an "intellectual reactionary"; it seems that your case is still actual (although your name is constantly misspelled as "Sokol", which means "hawk" in Croatian...).

The whole affair is described in the pdf document in the attachment. The journal to which I sent the description of my unfortunate experience contacted the editor of the first journal who now threatens me with lawsuit (his reaction and the response I've just written are in the second attachment under the ironical heading I chose to make them even more mad).

If you have the time to read my text, I would very much appreciate your comments and advice.

Sincerely Yours,

Kresimir Petkovic

From: frankfischer24@aol.com
Subject: Re: Devil in Mr. Petkovic
To: kresimir.petkovic@inet.hr
Sent: Thursday 20th May 2010 19:47

Well, you seemed to have then and again gone overboard. It does seem devilish, as you yourself seem to suggest. And there are 4 of us to witness that.

The business about Majone is easy. First, I cite him all over the place in the book. So I am hardly hiding attribution. Second, the passage that you refer to is a editorial printing error, as is the other name misspelling. The publisher did a very bad job, as I have made know to them and anybody else who has inquired.

With regard to your piece, we reviewed it as we do every forum piece. What more can we say. The fact that it was objected seems to be at the root of you problem.

Also, with regard to your piece we informed asked you to take out the stuff that I didn't say. You did not do this, informing me that you had a sort of postmodern right to interpret passages however you wanted, even if they are wrong. We found that attitude unacceptable, certainly in our journal.

You certainly don't want to be sued. This would cost you dearly. So be careful about that. This is nothing something I would do but rather the legal staff Routledge, as they have done in other cases.

Professor Fischer

From: frankfischer24@aol.com
Subject: Critical Policy Studies
To: d.yanow@fsw.vu.nl
CC: kresimir.petkovic@inet.hr
Sent: Wednesday 26th May 2010 12:33

Dear Dvora,

Sorry, I meant to say the letter "by" Mr. Petkovic, which he sent to Policy Studies Journal. The piece is a harange against us/me. There was also a subsequent exchange with me in which he elaborated on his accusations of plagiarism and everything else. The editors of PSJ sent it to me, saying that they would not publish such a "jeremiad," but thought apparently that I should be aware of it.

We had real problems with Mr. Petkovic. Initially, we offered him the opportunity to publish his essay in the Forum section of Critical Policy Studies, with a reply from me. But we asked him first to take out the false statements about my theoretical stance. It seemed that he had only read selected parts of the book (an even then wrongly, in my view). The latter part of the book calls for exactly the same sort of thing he seemed to be arguing for.

We requested that he remove those parts because they were wrong, but also because I didn't want to just respond in print by saying that "I didn't say this, I didn't say that." Which would have also made him look bad in print, as I could clearly indicate his misinterpretations (leaving the question, "why publish the piece?"). But in his revised piece (the essay had to be shortened, as he seemed to want to demonstrate everything he knew about epistemology, sometimes questionably so) he didn't take out this stuff. One reason for this seemed perhaps to be the fact that the argument in his text depended on these misconstruals. Without them, there was no point in writing the paper, as we saw it.

At one point in our exchanges, Mr. Petkovic conceded/admitted that he might be wrong, but argued that from an interpretivist perspective--the reader determines the meaning of the author--and thus has a right to be wrong, therefore he chose not to remove the misunderstandings/ misinterpretations. This was for us the last straw. We replied that we were not interested in--or obligated to--publish his mistakes. I told him that he could send this to another journal, but he should not ask us to publish it in this form.

Instead of going to another journal, a normal part of the academic publication process, he decided to seek personal revenge. Indeed, at the time, one colleague argued at first that we should publish his paper and I should comment on his essay, as he would otherwise try to publish it elsewhere. It was a view we ultimately rejected, as it seemed to be a strange way to deal with papers that we otherwise wouldn't publish.

As part of the process, we also sent the paper out for review. Which we do for all Forum pieces. One reviewer noted that he doesn't understand the constructivist view of science. In fact, he was calling--rather simply, if not naively-- for a traditional separation of facts and values. The reviewers said this was not a paper for CPS and should be rejected. We were already of that view, but some among us realized that somehow he was going to remain a problem, as is now clear. There was a certain arrogance in his approach, as we saw it. And now he seeks his revenge.

He wrote off these reviewers rejections as unprofessional, lacking rigor and arriving late. One review was indeed late, but this is par for the course in the reviewing business.

And he seems to have worked quite hard on getting at "getting even" with me. To this end, he managed to find an unfortunate paragraph in my book, Reframing Public Policy, that too loosely paraphrased Majone (clearly unintentionally, as Majone is cited extensively before and after than paragraph). In fact, it was the product of an editorial error. I changed that paragraph but the editor never made the change. Indeed, he didn't make many of the changes that I sent to him as we went through the manuscript . It was simply sloppy work. There are, indeed, many editorial and printing errors in Reframing Public Policy, about which I complained to the publisher (and asked not to have the same editor, when it came to the subsequent book I published with them). But Mir Petkovic managed to find this paragraph, which given the 266 pages of text must have taken a fair amount of time and effort to do. My first thought was: Oxford should consider hiring this man as a proof reader.

In the meantime, Routledge/Taylor and Francis has taken the charges against Critical Policy Studies very seriously. Apparently, they have a lot of experience with this sort of problem and have had in the past to deal with them legally. They are of the view that it is better not to let them fester. I don't think they will take action, but Mr. Petkovic needs to be careful. As you were/are involved with him in one capacity or another, you might want to advise him about this. I personally am against taking the matter further; I do not wish him harm. But, as I cautioned him, he has stepped into a realm of complaints and charges where things can have a life of their own and can have considerable cost for a man only finishing his Ph.D. I say that not as a threat, but rather as good advice for a man in his stage of a career.

Best Regards

Frank

-----Original Message-----

From: Dvora Yanow <D.Yanow@fsw.vu.nl>

To: frankfischer24@aol.com

Sent: Wed, May 26, 2010 12:08 am

Subject: RE: Out of Office AutoReply: Hayward Alker Award - I got it!

The letter for him?

-----Original Message-----

From: frankfischer24@aol.com [<mailto:frankfischer24@aol.com>]

Sent: Sun 23-May-10 11:50

To: Dvora Yanow

Subject: Re: Out of Office AutoReply: Hayward Alker Award - I got it!

Did you get the letter for the guy in Zagreb?

Frank

-----Original Message-----

From: Dvora Yanow <D.Yanow@fsw.vu.nl>

To: frankfischer24 <frankfischer24@aol.com>

Sent: Sun, May 23, 2010 11:40 am

Subject: Out of Office AutoReply: Hayward Alker Award - I got it!

Thank you for contacting me. Due to the Monday holiday and a business trip, I will be out of the office through Tuesday. I will get back to you as I can after that.

Prof. dr. Dvora Yanow
Strategic Chair in Meaning and Method
Faculty of Social Sciences
Vrije Universiteit
De Boelelaan 1081
1081HV Amsterdam
THE NETHERLANDS

d.yanow@fsw.vu.nl
www.fsw.vu.nl/yanow

From: Chris.Weible@UCDENVER.edu
Subject: RE: A Political Scientist's Experiment with CPS
To: kresimir.petkovic@inet.hr
Sent: Friday 28th May 2010 14:22

Dear Dr. Petkovic-

We have received your email below and considered the attached. While your paper is interesting and potentially of value to the public policy community, it is beyond the scope of PSJ. We hope that you find another outlet for your essay.

Thank you for considering PSJ. We hope this decision does not deter you from sending us your work in the future.

Sincerely,

Chris Weible, Co-Editor

Policy Studies Journal

From: kresimir.petkovic@inet.hr
Subject: RE: A Political Scientist's Experiment with CPS
To: Chris.Weible@UCDENVER.edu
Sent: Friday 28th May 2010 14:32

Dear Mr. Weible,

I understand your decision.

Sincerely,
Kresimir Petkovic

PS. I am thankful for the superior title you gave me. However, I'm still to defend my PhD thesis. I'm not yet a "Dr.", only an MSc for the time being.