

Book Review

Paul Amselek, *On the Art of Talking Nonsense in Philosophy**

by Laurence BICH-CARRIÈRE†

On the Art of Talking Nonsense in Philosophy can be summed up in a few lines (an endeavour in which the back cover is fitting): drawing on Harry G. Frankfurt's *On Bullshit*, Paul Amselek illustrates four types of contrived reasonings, that is, specimens of philosophical or ethical bullshit. Identifying a few culprits for each type, the author invites the reader to take part in an exercise in critical thinking, with some major themes of philosophy or legal theory running in the backdrop. The original *De l'art de raconter n'importe quoi en philosophie* was published in 2019; Christopher Sutcliffe's translation is of a slightly revised text.

What is *Bullshit*?

The impetus for Paul Amselek's *On the Art of Talking Nonsense in Philosophy* is Harry G. Frankfurt's *On Bullshit*,¹ now a "post-truth" classic, which posits the idea that *bullshit* falls short of lying. Lies are defined in

* Paul AMSELEK, *On the Art of Talking Nonsense in Philosophy*, translated by Christopher SUTCLIFFE, Montréal, Éditions Thémis, 2022. References to this work are given directly in the text, in parentheses, except where they are to French words, in which case the references are to the original: Paul AMSELEK, *De l'art de raconter n'importe quoi en philosophie*, Paris, Dalloz, 2019.

† © MMXXIII. Laurence Bich-Carrière, BCL, LLB (McGill, 2008), LLM (Cantab., 2009), the author is a partner at Lavery, de Billy LLP. All hyperlinks are functional as of July 31, 2023.

¹ Originally published as an article in a literary review (Harry G. FRANKFURT, "On Bullshit", (1985) 6-2 *Raritan* 81), the essay gained a second wind in the form of a booklet: Harry G. FRANKFURT, *On Bullshit*, Princeton, Princeton University Press, 2005. Frankfurt's book was itself inspired by another short essay: Max BLACK, "The Prevalence of Humbug", (1982) 13-1 *Philosophic Exchange* 16, republished in Max BLACK, *The Prevalence of Humbug and Other Essays*, Ithaca, Cornell University Press, 1983, also available online: <<http://www.ditext.com/black/humbug.html>>. The background and critical reception of Frankfurt's essay served as a starting point for Sebastian DIEGUEZ's remarkable *Total Bullshit. Au cœur de la post-vérité*, Paris, Presses universitaires de France, 2018.

relation to the truth from which they deviate; by contrast, bullshit is indifferent to truth, or looks down on it. A bullshitter may occasionally be right, but that is beside the point: the end justifies the means, and let them eat cake if the facts disagree.

Amselek looks to illustrate part of Frankfurt's thesis with the (unintentional) help of some of the philosophers, legal theoreticians and scientific truth-seekers he has encountered in the course of his (rather imposing) "research and peregrinations" (p. 6).²

Bouse de taureau

Frankfurt, who would become professor emeritus at Princeton University, wrote about bullshit in English. Amselek, also a professor emeritus, at Paris-Panthéon-Assas University, tackles the issue in French. This immediately raises the question of language: how does one translate *bullshit*? Of course, the phenomenon is not specific to the Anglo-American world, but the French language struggles to find a word with the same connotation: *bullshit* is not *any* nonsense, it is nonsense with a strong emotional charge.³ The term offends convention, just as the concept offends ethics.

Frankfurt's translator, Didier Sénécals, had opted for "*conneries*" in the plural (starting with the title, *De l'art de dire des conneries*).⁴ Some

² One need only consult the bibliographic section of his personal website to be convinced: Paul AMSELEK, "Paul Amselek Website", online: <<https://www.paul-amselek.com>>.

³ Though writing in French, S. DIEGUEZ, *supra*, note 1, uses the word "bullshit", for that very reason (see p. 5, 6, 11, 27, 30 and 31).

⁴ Harry G. FRANKFURT, *De l'art de dire des conneries*, translated by Didier SÉNÉCAL, Paris, Éditions 10/18, 2006, informs the reader that "bullshit" is halfway between "*baratin*" and "*conneries*". The online versions of both the *Cambridge English-French Dictionary* (CAMBRIDGE DICTIONARY, *Dictionary*, "bullshit", online: <<https://dictionary.cambridge.org/dictionary/english-french/bullshit>>) and the *Larousse français-anglais* (LAROUSSE, *Dictionnaires bilingues*, "bullshit", online: <<https://www.larousse.fr/dictionnaires/anglais-francais/bullshit/567655>>) translate "bullshit" as "*connerie(s)*".

would have preferred “*foutaises*”.⁵ Paul Amselek elected “*baratin*”.⁶ Admittedly, derivation is easy with “*baratin*” – “*baratineur*”, “*baratiner*” –, but the word is popular, not vulgar, and seems almost prim. But perhaps that was deliberate, perhaps this innocuous “babble” was meant to appease, assuage, mollify the topic of bullshit, and make for a more serene survey of truthiness and disdain for the truth.

In this English version, Sutcliffe reverts to *bullshit* (it would have been a shame not to do so). An elegant translation eventually conveys the respectable patina of the French original. “*Baratin*” and “bullshit” are indisputably the key words of the text,⁷ supplemented here and there by a string of synonyms: “*fariboles*”, eight times in the French original, becomes “twaddle” (p. 1 and 42) and “tall-tale” (p. 32), or “claptrap” (p. 47) and “poppycock” (p. 38), but “claptrap” (p. 35) and “poppycock” (p. 46) are also given, for “*foutaises*” (p. 20) and “*balivernes*” (p. 43),⁸ and “*balivernes*” is sometimes rendered as “nonsense” (p. 37), which is obviously also used for “*n’importe quoi*”. Guff, snake oil, *fumisteries*, *boniment*, the list of speech impostures knows no end.⁹

An Exercise in Applied Bullshit

These prefatory linguistic remarks made, let us turn to the sample offered by the author, who is cautious to make no claim to exhaustiveness (p. 4 and 51). Communication knows various “deontological failings”

⁵ See Pascal ENGEL, “De la post-vérité à la foutaise”, in Maryvonne HOLZEM (ed.), *Vérités citoyennes. Les sciences contre la post-vérité*, Vulaines-sur-Seine, Éditions du Croquant, 2019, p. 73, at p. 78, note 70; *The Collins/Robert bilingual English/French dictionary* pairs “*connerie*” and “*foutaise*” with “bullshit” (and vice versa; see Pierre VARROD and Lorna SINCLAIR KNIGHT (ed.), *Senior Collins & Le Robert*, 6th ed., Glasgow and Paris, HarperCollins and Le Robert-VUEF, 2002, “bullshit”, “*connerie*” and “*foutaise*”).

⁶ In fact, Amselek only uses “*connerie*” when quoting Sénécal’s translation.

⁷ In the English version, “bullshit*” is used 47 times, compared to 43 occurrences of “*baratin*” in the French version and 7 occurrences of “bullshit*”.

⁸ It is not insignificant that *fariboles*, *foutaises* and *balivernes*, like *conneries*, generally occur in the plural.

⁹ Carried away perhaps, we might add *billevesées*, *bourre-mou*, bunkum, hogwash, *niaiseries*, and leave to others the pleasure of expanding the list.

(p. 1), be they forms of “free riding” on the cooperative principles behind effective communications or “betrayals” of the moral or normative implications of rational communications.¹⁰ The reader is presented with four types, in an order which differs slightly from the original French.¹¹

Philosophers become *baratineurs* when they set up a **smokescreen** (*enfumage*), that is to say, when they conceal an insufficient answer behind a seemingly satisfactory one, leaving the audience to realize *only later* that it just does not work. This can be achieved through the use of abstruse terms, by beating around the bush, or by blowing data out of proportion (p. 5). If Jacques Derrida is an easy target, Ronald Dworkin is not spared either. Paul Amserek considers Dworkin more clever than Derrida (p. 17), but equally deceptive, for neither has managed to engage satisfactorily in the debate on the freedom of the interpreter.

The second case in point is **ducking and weaving** (*esquive*). Described as “rudimentary,”¹² it consists in kicking the difficulty to touch. Ducking and weaving is not mere avoidance, it is *skillful* dodging. Rather than take the bull by the horns, one shuns it. Emmanuel Kant’s noumena provide a perfect example of turfing a difficulty out, to the realm of the unknowable. Three vignettes serve to illustrate some of the philosopher’s dodgy dodging, especially where value judgments are at issue.

In contrast to ducking and weaving, a bullshitter can **double down** (*fuite en avant*), that is, maintain a position at any cost, even adding to it until it collapses under its own weight, or – in the case of Hans Kelsen who is slated here – until it departs from reality, taking refuge in a theory of law rooted in “the basic norm as a pure and simple act of the imagination”

¹⁰ At the outset but without elaborating much, Amserek refers to “Austin, Searle, or Grice and [...] the ‘discourse ethics’ of Karl-Otto Apel and Jürgen Habermas” (p. 1).

¹¹ In reviewing the translation, the author reorganized the chapters: smokescreen, which was the subject of the third chapter in the French version, was sent to the front of the class, ahead of ducking and weaving and doubling down. This new order was deemed “more impactful” by the author. This book note follows the English order.

¹² Which possibly explains why it was placed first in the original French version.

(p. 32). It should be reminded here that Paul Amselek is a Kelsen specialist: spare the rod, spoil the child. A few words are said about Edmund Husserl and his tendency to express dissatisfaction with his own work, as if such self-criticism could make it immune to the criticism of others.¹³ The chapter may serve as a reminder that there is no blank reality check.

Smokescreen, ducking and weaving and doubling down all involve a failure to answer a question to satisfaction whether by evading, bypassing, postponing it or otherwise. Addressing **double talk**, the fourth chapter marks a departure in tone, or rather a shift of focus. It is not the shortcomings of one given philosopher that come under scrutiny, it is the entire “scientific” discourse that is under attack. From Comte to Einstein and Popper, but also the Bogdanov brothers and the astrophysicist Trịnh Xuân Thuận, Modern Science’s claim to have broken free from the metaphysical-poetic understanding of the past (p. 37) and to have evolved into a “general and universal” method is a fallacy. The “laws of nature” are not descriptions, and they cannot be: they are only ever the human rationalization of the flow of events, the “formal modelling of reality” (p. 40). Does the criticism seem harsh because it is unusual – is Euclid truly a despot? – or because it targets everyone and no one at the same time? Addressing the interaction between science and the law is another manner of speaking about norms.¹⁴

¹³ See, *inter alia*, Paul AMSELEK, “Réflexions critiques autour de la conception kelsénienne de l’ordre juridique”, (1978) 94 *Revue du droit public* 5; Paul AMSELEK, “Kelsen et les contradictions du positivisme juridique”, (1983) 28 *Archives de philosophie du droit* 271; Paul AMSELEK, “À propos de la théorie kelsénienne de l’absence de lacunes dans le droit”, (1988) 33 *Archives de philosophie du droit* 283; Paul AMSELEK, “Le rôle de la volonté dans les actes juridiques”, (1999) 33-2 *R.J.T.* 185; Paul AMSELEK, “L’interprétation dans la *Théorie pure du droit* de Hans Kelsen”, in Stéphane BEAULAC and Mathieu DEVINAT (ed.), *Interpretatio non cessat. Mélanges en l’honneur de Pierre-André Côté*, Cowansville, Éditions Yvon Blais, 2011, p. 39.

¹⁴ Almost a theme in his work, see e.g. Paul AMSELEK, “Lois juridiques et lois scientifiques”, (1987) 6 *Droits* 131; Paul AMSELEK (ed.), *Théorie du droit et science*, coll. “Léviathan”, Paris, Presses universitaires de France, 1994; Paul AMSELEK, “La part de la science dans les activités des juristes”, D. 1997.chr. 337 (republished in: Pierre NOREAU (ed.), *Dans le regard de l’autre*, Montreal, Éditions Thémis, 2007, p. 13); Paul AMSELEK, “Le regard critique de Paul

Towards a Bristol Scale of Poppycock

This last chapter shows that bullshit is not the preserve of philosophers (or jurists). Some familiarity with the “delinquents” that appear in Amselek’s rogues gallery might provide for a more fruitful read, or at least, add to the reader’s mirth. That said, the ethical flaws targeted by the author are found in many disciplines: technobabble is nothing but a smokescreen, just as administrative lingo can serve to cover up lack of content.¹⁵ Cascading reorganizations precluding sound comparisons provide fertile ground for ducking and weaving. Blind hope in the next draft picks is the sports aficionado’s doubling down. As for politicians, it is not unusual that they champion measures they once decried. Here again, there is no shortage of examples.

Paul Amselek’s endeavour with this book is certainly not tender; he spares no punches, but he is not vindictive either. A call to critical thinking, examining broader themes such as the notion of law (or norms), moral responsibility or our relationship with the world, the book strikes a cautionary note: even the wisest and best-intentioned folks can get carried away.

Described elsewhere as “flavourful and healthy,”¹⁶ the reflection is both erudite and fierce. While not much longer than *On Bullshit, On the Art of Talking Nonsense in Philosophy* is much denser, and can hardly be read in one sitting. This too speaks to the nature of bullshit: where a few words suffice to spin a yarn, untangling that skein may require a whole dissertation (p. 3).¹⁷

Amselek sur l’œuvre de Kelsen – Dialogue avec Alexandre Viala”, (2021) 1 *Revue du droit public* 3, 3.

¹⁵ See BARTELBY, “Why businesses use so much jargon”, *The Economist*, July 31, 2021 or “The woolliest words in business”, *The Economist*, May 14, 2022.

¹⁶ P. AMSELEK, “Le regard critique de Paul Amselek sur l’œuvre de Kelsen – Dialogue avec Alexandre Viala”, *supra*, note 14, 3 (“savoureux et salubre”).

¹⁷ Amselek refers to Brandolini’s bullshit asymmetry principle, a modern twist on an age-old idea, see e.g. Frédéric BASTIAT, *Economic Sophisms*, translated by Patrick James STIRLING, Edinburgh, Oliver & Boyd, 1873, p. 2 (“[i]n very few words [one] can announce a half-truth; and in order to demonstrate that it is

Small but mighty, both books could easily be slipped under a door, as a thoughtful gift – or as a word of advice.

incomplete, we are obliged to have recourse to long and dry dissertations.”); or Jonathan SWIFT, “The Examiner – Numb. 15 (November 2 to November 9, 1710)”, in *The Prose Works of Jonathan Swift. Contributions to “The Tatler,” “The Examiner,” “The Spectator,” and “The Intelligencer”*, London, George Bell & Sons, 1902: “Falsehood flies, and Truth comes limping after it; so that when men come to be undeceived, it is too late, the jest is over, and the tale has had its effect”; see also, to come full circle, FRANKFURT, *supra*, note 1, p. 48-53.