

***Counterfactual Approval and Idiosyncratic Counterfactual Approval***  
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Jonathan Payton (2013) has done a great deal to clarify and sharpen the various concepts developed by David Hillel Ruben's (2013) account of traditions and true successors (who was, in turn, building upon work already done by John Williams (1988)). Among Payton's most valuable contributions is his revised notion of *inheritance*, which ensures that identity of traditions over time should be a transitive relation (even though *similarity*, one of the relations that inheritance is defined in terms of, is *intransitive*).

Furthermore, by distinguishing sharply between notions of *inheritance* and notions of *successorhood*, Payton is able to yield the following intuitive results:

- Members of the analytic tradition of philosophy, despite holding views that vary greatly from the founders of that tradition, have an equal claim to be called its inheritors, as long as their views stand to the views of those founders in the right chain of causal similarities  
E.g.: Wittgenstein's views caused Anscombe to hold similar views to his own, whose views, in turn, caused Dummett to hold similar views to Anscombe, whose views, in turn, caused Dorothy Edgington to hold similar views to Dummett. And, even though Dorothy Edgington's views may be very *dissimilar* to Wittgenstein's, the chain that I have described, entitles her to be an inheritor of the tradition that Wittgenstein partly founded.
- Only thinkers with views very similar to the early Wittgenstein can be said to be *true-successors* of the early Wittgenstein. True-succession, for Payton, is not transitive. Dorothy Edgington may be an *inheritor* of Wittgenstein's tradition, but she isn't a true *successor* to Wittgenstein's early views.

These two results seem absolutely right, and, to the extent that Payton's conceptual clarification has allowed us to achieve these results, he is to be congratulated.

Unsurprisingly, I dispute Payton's claim that my own contribution to this conceptual map, the notion of counterfactual approval (Lebens 2013), can be done without.

Counterfactual approval is what a tradition receives if its founders (or, sometimes, earlier inheritors) would approve of it upon coming back to life, or travelling into the future. Payton claims that, since the founder would ground any such approval, presumably, upon *similarity*, the notion of counterfactual approval doesn't really cut any new ground; our notion of successorhood is already built up in terms of similarity. Why muddy the waters with the unnecessary detour through counterfactuals? If there is similarity for the founder to find, then there is successorhood. Why on earth might counterfactual approval ever be relevant?

Payton (2013, 44) imagines a scenario in which Payton's understanding of successorhood and my notion of counterfactual approval might come apart. And, for Payton, the scenario functions as something of a *reductio ad absurdum*:

Suppose that X is not a reliable judge of qualitative similarity, seeing any slight divergence of SY [the views of Y] from SX [the views of X] as a radical one, radical enough to render SY dissimilar enough to merit disapproval.

In that scenario, counterfactual approval will come apart from Payton's notion of successorhood, but only because the founder who comes back to life, or gets transported into the future, isn't actually a very good judge of similarity. And, if you only care about counterfactual approval when the founder in question is to be a reliable judge of similarity, then counterfactual approval really does seem to collapse into an unnecessarily complicated version of Payton's notion of successorhood.

In response: I don't think that Payton's scenario actually uncovers any absurdity in the notion of counterfactual approval. Instead, he has discovered some important facts about it, which I shall try to bring out in the following few pages.

Payton's account of inheritance and successorhood, building upon the important work of Ruben, does a very good job accounting for the characteristics of certain *intellectual traditions*. For example: it perfectly maps Dorothy Edgington's role in the analytic tradition of philosophy. Furthermore, I *don't* think that counterfactual approval would be a good yardstick to measure either inheritance or successorhood in that tradition, especially if the resurrected founder in question, Wittgenstein, for example, happened to be a pedantic or otherwise unreliable judge of similarity.

But, in certain *religious, cultural, and/or national* traditions, there seem to be other notions at stake. If a prophet has a certain amount of Divine authority, then his pronouncements of approval, even if, by objective lights, he seems to be a bad judge of similarity, may still be viewed as partly constitutive of what it means to inherit a tradition. Even if Moses is unfair, treating minor evolutions as radical breaks, his approval will still be relevant to those who claim to be his inheritors; for Jews, Moses has rabbinic authority *in excelcsis*.

In my paper, I disputed Rabbi Herzog's claim that because of *similarity*, Moses would approve of contemporary Jewish traditions more than Aristotle would approve of contemporary Greek traditions, in the relevant sense of *approve*. It doesn't strike me that contemporary Judaism is that much more similar to ancient Judaism than contemporary Greek culture is similar to ancient Greek culture. Instead, my claim is that Moses might well approve, in the relevant sense, of some strain of contemporary Jewish culture, *despite* the lack of objective similarity.

One of the notions that may be in play, in grounding such approval, above and beyond *similarity*, might be *authority*. George Washington, were he to come back to life, might think that the views, the constitutional understanding, and even the understanding of the office of presidency, of Barak Obama differ greatly to his own. He might think that there are many better candidates around to play the role of president. Nevertheless, noting the historical chain of transmission of the office, he might say, ‘Yes, this chap is my successor.’

In this example, there are many senses in which Washington *disapproves* of Obama, but, in the *relevant* sense, the sense which I’m trying to isolate, he does still *approve*. Approval, in this relevant sense, *can* be begrudging. To approve of a candidate for successorhood is to *accept* him/her, either happily *or* begrudgingly, *as* your successor.

Of course, we must be wary of circularity here.<sup>1</sup> If counterfactual approval is necessary for being a true successor, and plays a role in defining certain types of succession, then we don’t want to invoke the notion of successorhood in our definition of counterfactual approval. We don’t want to define counterfactual approval of Y as counterfactual *acceptance of Y as a successor*. But, I think we can avoid worries of circularity if we can always give an account of the sorts of considerations that the founder grounds approval upon; just as we have given an account of how George Washington grounds his approval upon the historical transmission of the office (and of course, in this case, it is the transmission of the office, and *not* Washington’s approval, that is doing the philosophically important work in making Obama president – we’ll come back to that point soon).

Now, you might think that the office of the president is very different to a tradition. But, I would argue, that’s because you’re only focusing on certain *types* of tradition. Religious traditions, for example, have offices of authority. And thus, Moses, or Rabbi Akiva, when coming back to life, might be very upset with the views currently held by their successors, but still *approve* in the relevant sense; noting a certain chain of transmission of authority, they might still say, ‘despite the abhorrence of their views, this community is the successor of my own.’

Of course, you might urge that counterfactual approval isn’t doing any important work in these instances: it’s not what the founders *would have thought*, but whether the right chains of transmission of authority are actually instantiated, that does the philosophical work here. It’s not George Washington’s counterfactual approval, but the American Constitution and the fact of his election that makes Obama president. And, it’s not Moses’ counterfactual approval that made Rabbi Akiva, say, a Rabbi. Rather, it was Rabbi Akiva’s ordination.

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<sup>1</sup> I want to note my gratitude to Jonathan Payton here, who read an earlier draft of this paper, and helped me to clarify my views about begrudging approval, and about circularity.

But, sometimes, the rules of transmission may be inherently ambiguous in their formulation. There may be cases where more than one splinter group claims to be in control of the office of authority, each with seemingly equal entitlement, based upon the ambiguity of the law. What to do then? In these sorts of cases, we might want to come back to counterfactual approval. Even if the relevant formal laws are, in some objective sense, ambiguous, we might want to say that Moses would approve, *subjectively*, of our splinter group. Given our views about Moses, and his authority, we might want to base our claim to inheritance *upon* that counterfactual approval.

Upon what would Moses ground his approval of one splinter group over another if the laws of transmission of office were actually formulated in an ambiguous way? He might rely upon his view as to which equally entitled splinter group is most similar to the group as it was in his own time (his view on the matter being authoritative, even if idiosyncratic); or, he might rely upon his preferred disambiguation of the relevant laws of transmission (his view, again, being authoritative, despite its subjectivity).

Counterfactual approval seems to be multiply realisable. Sometimes it is grounded upon counterfactual evaluations of similarity (even if they are idiosyncratic) made by the founder of the tradition whose views, despite their idiosyncrasy, are authoritative. Sometimes it is grounded upon the founder's counterfactual disambiguation of inherently ambiguous laws of entitlement and inheritance of an office. There may be occasions in which the counterfactual approval is grounded upon a combination of these factors, other factors that we haven't considered here, and/or other combinations of factors. Indeed, such approval may be grounded in any number of considerations, but it is the approval *itself* that the splinter groups seek.

Counterfactual approval needn't be defined in terms of 'accepting Y *as* a successor'. That would open the door to circularity. Instead, the notion of counterfactual approval will receive a complicated analysis in terms of a family of sufficient and/or jointly sufficient conditions (and, any given tradition might turn out to have its own distinct notion of counterfactual approval with its own set of sufficient conditions). The fact that traditions seek such *approval*, rather than any given set of reasons *for* that approval, is what makes counterfactual approval such an important notion for describing the transmission of certain traditions; or, at least, for describing what is at issue between different splinter groups when the identity of a tradition is being debated.

In summation, I accept that my notion of counterfactual approval may strike some as being wacky. But, there are some wacky types of traditions out there! Intellectual traditions behave much better than certain religious traditions. Payton's polished up notions of *inheritance* and *successorhood* may just do the job when talking about well-behaved intellectual traditions. But, the Jewish tradition, to pick one example, is much more difficult to tame. Certain traditions view certain historical personages as authoritative. So, when disputes emerge between competing splinter groups, they are almost bound to appeal to the counterfactual approval of those authoritative personages,

however idiosyncratic and subjective that approval might be.

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