PERFORMATIVE CONTRADICTION AS ONTOLOGICAL REVELATION:
ELENCTIC NORMATIVITY AND THE GROUNDS OF REASON AFTER DISCOURSE ETHICS

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Abstract: Discourse ethics promises universality without substantive metaphysics by grounding validity in the presuppositions of rational argumentation. Its familiar vulnerability is justificatory: the procedural norms that are meant to underwrite validity are presupposed whenever they are questioned. This paper argues that the aporia is best addressed by shifting the locus of 'unavoidability' from participation in a procedure to the conditions of determinate signification. I reconstrue performative contradiction as a failure of signification, not merely a pragmatic inconsistency, and retrieve Aristotle's elenctic defence of the Principle of Non-Contradiction (PNC) in *Metaphysics* Γ as a model of non-demonstrative grounding. Whoever denies non-contradiction must nonetheless mean something determinate, thereby relying on the differentiations their denial attempts to dissolve. On this basis, I propose 'elenctic normativity': a minimal criterion of rational answerability according to which claims, norms, and institutions are defective when they negate the conditions that make their own justificatory language intelligible. I then address the strongest contemporary challenge— paraconsistent logic, dialetheism, and logical pluralism—arguing that revising consequence relations does not eliminate the semantic role of negation required for determinate assertion. A worked application to 'transparency' in automated welfare administration, read alongside contemporary regulatory vocabulary, shows how elenctic critique can diagnose performative self-undermining without appeal to an external moral foundation.

Keywords: discourse ethics, performative contradiction, elenchus, principle of non-contradiction, normativity, logical pluralism, paraconsistency, institutional critique, AI governance

1. INTRODUCTION: THE PROCEDURAL APORIA AND THE QUESTION OF ANSWERABILITY

Post-metaphysical societies must justify norms and institutions without recourse to shared religious or metaphysical authority. In constitutional democracies, international law, and the governance of technical infrastructures, legitimacy is demanded in the register of reasons rather than revelation. The predicament is familiar: if legitimacy is grounded in a substantive worldview, it risks dogmatism; if it is reduced to contingency or power, it risks relativism and cynicism.

Discourse ethics, as developed by Jürgen Habermas and Karl-Otto Apel, offers a canonical response. Validity depends not on metaphysical content but on the form of rational justification itself. Norms are legitimate if they can be justified in principle under conditions of free, inclusive, and uncoerced argumentation. Habermas's formulation is concise: only those norms can claim validity that could meet with the assent of all affected as participants in a practical discourse (Habermas 1990, 65–66; Habermas 1996, 107–10). The promise is universality without metaphysics. Yet discourse ethics inherits a justificatory aporia. The procedural norms invoked to ground validity—reciprocal recognition, sincerity, responsiveness to reasons, openness to critique—are presupposed as binding precisely when they become the object of justification. To ask, "Why should I recognise you as an equal participant?" already addresses the interlocutor as a participant whose answer counts. This is the circle of self-grounding: the norms of justification seem to be justified only by engaging in the practice whose norms are at issue.

Apel's appeal to performative contradiction is the most explicit attempt to halt regress. In broad terms, whoever denies the presuppositions of argumentation refutes themselves in the act of denial. Denial is itself a speech act that presupposes truth-claims, reciprocity, and justificatory uptake (Apel 1980, 225–300; Habermas 1990, 82–83). The move is powerful, but it leaves a

residue that becomes decisive in institutional settings. A strategic actor may concede that certain commitments are unavoidable if one wishes to argue, while insisting that those commitments are merely constraints of a practice, not norms with authority. The gap between "one cannot coherently deny these presuppositions while arguing" and "one is answerable to them" is where discourse ethics remains vulnerable.

This paper develops a stricter diagnosis and a different response. The diagnosis is that discourse ethics remains primarily procedural: its 'unavoidabilities' are framed as conditions of a practice (argumentation). That framing invites the thought that the norms are game-rules that can be simulated without endorsement. The response is a shift of register. Performative contradiction is treated here as a failure of signification: it discloses an attempted negation of the differentiations required for any utterance to mean something determinate. The relevant 'ground' is therefore not a self-justifying procedure but the minimal structure of determinacy enacted whenever one asserts.

To articulate this shift without retreating to substantive metaphysics, I retrieve Aristotle's elenctic defence of the PNC in *Metaphysics* Γ. Aristotle does not 'prove' the PNC. He offers an elenchus: a refutative demonstration that forces the opponent either to withdraw from meaningful assertion or to concede what their speech already enacts. The elenchus is methodologically apt for a problem of presuppositions: if what is at issue is the status of what is presupposed by justification, one should not expect a further justification in the same register, but an explication of the dependence.

The contribution is limited but consequential. The deepest normativity presupposed by discourse is not a substantive moral law, but minimal rational answerability internal to assertion. I call the criterion 'elenctic normativity': a claim, norm, or institution is defective when, under elenctic scrutiny, it collapses the conditions of its own intelligibility. This does not settle ethical questions; it

secures the space in which ethical and political claims can be demanded, contested, and revised.

2. PROCEDURAL SELF-GROUNDING IN DISCOURSE ETHICS

2.1. Habermas

Validity and the presuppositions of *Verständigung* Habermas's discourse ethics begins from the thesis that modern societies cannot secure legitimacy through inherited metaphysical narratives. The remaining medium of legitimacy is justification among free and equal participants. The discourse principle (D) and the universalisation principle (U) articulate validity conditions for norms: only those norms can claim validity that could meet with the assent of all affected as participants in practical discourse (Habermas 1990, 65–66; Habermas 1996, 107). The formal-pragmatic analysis of communicative action identifies what speakers must presuppose when they coordinate action through mutual understanding (*Verständigung*) rather than through success-oriented influence.

A key distinction is between communicative and strategic action. Communicative action is oriented towards reaching understanding; strategic action is oriented towards success and may instrumentalise speech for ulterior ends. Habermas characterises strategic action as the instrumentalisation of speech acts "for purposes that are contingently related to the meaning of what is said" (Habermas 1984, 289). The distinction matters here because it exposes an internal tension: discourse ethics articulates the presuppositions of communicative action, but modern institutions often operate in a hybrid space where justificatory language is maintained while success-oriented imperatives structure actual procedures. Discourse can be mimicked.

Habermas treats the circularity of presuppositions as benign rather than vicious. Because argumentation presupposes truthfulness, reciprocity, and openness to reasons, anyone who

argues already commits themselves to those norms. The 'circle' is meant to reveal what is implicit in communicative competence. Yet two pressures remain.

First, the presuppositions are normative rather than merely descriptive: they are not offered as sociological regularities but as binding conditions of justification. Second, the communicative/strategic distinction leaves open a familiar pathological possibility: strategic actors can adopt justificatory language for legitimacy-effects while remaining indifferent to the authority of reasons. Even if discourse ethics correctly describes what communicative action presupposes, it still faces the question of what makes those presuppositions authoritative rather than merely unavoidable constraints for a particular practice.

2.2. Apel
Performative contradiction and uncircumventability Apel's transcendental pragmatics aims to strengthen the Habermasian position by turning inescapability into grounding. Denials of truth, reciprocity, or reason-giving are performatively self-undermining: to deny that truth matters is still to raise a truth-claim; to deny reciprocity is still to address others as accountable partners; to deny the bindingness of reasons is still to offer reasons (Apel 1980, 225–300; Habermas 1990, 82–83). Apel calls such presuppositions uncircumventable (*Unhintergehbarkeit*). The thought is that if the denial of a presupposition collapses into self-refutation, then the presupposition has been grounded in a suitably 'final' way.

The structural limit of this strategy is not that it fails to show self-refutation. The limit is that self-refutation can be treated as a constraint internal to a practice, rather than as an account of normative authority. The strategic actor may accept: "If I want to argue, I must play by these rules." They can still deny that the rules bind them beyond the practice, or that discourse is anything more than one technique of coordination among others. This distinction matters empirically: institutions routinely speak the language of

justification (legality, equality, transparency, accountability) while designing procedures that frustrate the uptake conditions of these terms. A theory of legitimacy must be able to diagnose that pathology immanently, without simply reiterating the procedural norms whose authority is precisely what is contested.

2.3. The missing layer: Determinacy prior to procedure

The claim defended here is that discourse ethics requires an additional layer that is not merely procedural. Before there can be a rule of argumentation, there must be determinate meaning: enough differentiation to distinguish assertion from denial, commitment from refusal, a reason from a mere rhetorical device. Discourse ethics can identify presuppositions of participation; it does not sufficiently thematise the conditions of determinacy that make participation intelligible as participation.

If that layer remains implicit, discourse ethics risks conflating (i) the pragmatic fact that one cannot argue without certain presuppositions with (ii) the normative claim that one is answerable to those presuppositions. The alternative is not to reinstall a metaphysical moral foundation. It is to identify the minimal conditions under which something counts as a claim at all. Those conditions concern determinacy, and Aristotle's elenctic defence of the PNC provides a classical model of how to make such conditions explicit without attempting an impossible proof of a first principle.

3. PERFORMATIVE CONTRADICTION AS FAILURE OF SIGNIFICATION

3.1. 'Ontological' in a minimal sense

Calling performative contradiction "ontological" risks misunderstanding, so the sense must be fixed with care. The claim is not that performative contradiction discloses a substantive metaphysical inventory (substances, essences, or a moral order in the world), nor that it supplies a metaphysical foundation for

ethics. The claim is instead formal and minimal: it concerns the conditions under which anything can be determinately said to be the case. In that restricted register, "ontology" names the structure of determinacy presupposed by signification, namely what it is for something to be this rather than that, and for an utterance to count as asserting rather than merely producing sounds.

This minimal ontology is not reducible to a sociological description of how people happen to speak. It concerns what must be in place for speaking to succeed as speaking. A convention can determine *which* marks or sounds count as a word in a given language, but no convention can eliminate the more basic requirement that a word, once in play, must be capable of being used determinately. Even the claim "everything is conventional" must itself be stated in a way that distinguishes what is being asserted from what is being denied. Determinacy is therefore not a further doctrine added on top of discourse; it is a condition internal to discourse insofar as discourse is meaningful.

In short, the term "ontological" in this argument does not mean "metaphysically thick". It means "condition of determinacy", where determinacy is what makes it possible for a claim to be identifiable as the claim it is.

3.2. Why the shift matters for normativity

Performative contradiction is often treated as a pragmatic mismatch: an agent says one thing while doing another in the act of saying it. That phenomenon is real, but it is not yet the most instructive case for the justificatory aporia in discourse ethics. A strategic actor can learn to avoid crude pragmatic mismatches while still exploiting discursive forms. If performative contradiction were merely a defect of performance, it would be a technical problem that can be managed through rhetorical sophistication.

The stronger proposal is that there is a distinct class of performative contradiction in which the defect is not merely between content and act, but between the utterance and the

conditions under which its content can be determinately meant. In such cases, the agent's performance undermines the very contrasts that make the asserted content intelligible as a determinate assertion. This is why the most revealing examples are not ordinary failures of sincerity, but reflexive denials of the conditions of denial.

To see the difference, it helps to isolate three layers that are often run together:

1. The pragmatic layer concerns what one is doing in speaking (asserting, promising, commanding, conceding).
2. The procedural layer concerns the norms of a social practice (rules of argumentation, reciprocity, turn-taking, and so on).
3. The semantic layer concerns determinacy, namely the contrasts and exclusions by which an utterance counts as meaning one thing rather than another.

Discourse ethics is primarily procedural. Apel's performative contradiction argument operates mainly at the pragmatic and procedural layers. The present paper argues that the justificatory aporia is best addressed by making explicit the semantic layer: the conditions under which the very language of justification has determinate sense.

3.3. The minimal conditions of determinate assertion

An assertion is not merely a vocal event. It is an act that undertakes a commitment. At a minimum, for an utterance to function as a determinate assertion, three conditions must be in place.

- First, there must be a stable difference between asserting and not asserting. An utterance must be identifiable as placing a content forward rather than withdrawing it, suspending it, or merely performing an expressive gesture.
- Second, there must be a contrastive space in which the asserted content excludes alternatives in the relevant respect. This does not require a full theory of meaning, but it does require that

denial be intelligible as denial, that is, that "not-p" can be distinguished from "p" in a way that matters to commitment.

- Third, there must be enough identity through the course of the exchange for re-identification. If what a term means shifts without constraint from one moment to the next, then the interlocutor cannot answer the question "is this the same claim as before?" and the practice of giving and asking for reasons collapses into equivocation.

These conditions are weak, but they are not optional. One can violate them, but then the speech act fails to be what it purports to be. The point is not that speakers always live up to these conditions, but that without them the very distinction between success and failure in assertion disappears.

3.4. Performative contradiction as collapse of determinacy

With those minimal conditions in view, we can state the thesis more precisely. A performative contradiction, in the relevant sense, occurs when an agent purports to assert p while undermining the contrastive and re-identificatory conditions required for p to be determinately asserted. The contradiction is therefore internal to the act of claim-making: the utterance attempts to stand in the space of reasons while erasing what makes that space possible as a space of determinate commitments.

The global denial of non-contradiction is the clearest test-case. If an agent denies, without qualification, that there is any relevant contrast between p and not-p, then they have deprived themselves of the resources needed to state that denial as a determinate denial rather than as an indifferent sound. They must still distinguish their denial from its negation (or at least from non-denial), and they must still treat what they say as the same claim over the course of the exchange. But those very operations reinstate the contrastive structure the denial purported to abolish.

This is why the defect is more basic than pragmatic inconsistency. It is not merely that the denier behaves inconsistently. It is that the denial cannot be sustained as meaningfully what it says while remaining a denial. The only stable exits are (i) silence or (ii) retreat to a qualified claim that preserves "in the same respect" contrasts. Aristotle's elenchus will later be used to show how this pressure is generated without any attempt to "prove" a first principle.

3.5. The normative upshot without moralising

At this point, the relationship between determinacy and normativity can be stated without equivocation. The "normativity" secured here is not moral obligation. It is minimal rational answerability internal to justificatory assertion.

To present an utterance as a justification is to invite assessment under the conditions that make justification intelligible: that one's claims have determinate content, that denials and concessions make a difference to what one is committed to, and that one can be called upon to clarify and defend what one has said. The strategic actor can, of course, speak and manipulate, but the moment they present their speech as justificatory, they incur a burden of answerability that is not a matter of external moral demand. It is a condition of the act they are performing. If they deny that burden while continuing to occupy the justificatory register, they attempt to use the grammar of reasons while disabling its semantics. That is the relevant performative contradiction.

This clarifies what the shift of register accomplishes. It does not solve ethical disagreements, and it does not deliver substantive norms. It secures a minimal constraint without which ethical and political disagreement cannot even take the form of determinate claims that can be contested and revised. In other words, it identifies the conditions under which discourse can be more than a technology of influence, namely, a space in which claims are answerable as claims.

4. ARISTOTLE'S ELENCHUS AND THE PNC AS A CONDITION OF
DETERMINATE MEANING

4.1. Why the PNC is not demonstrable

Aristotle's discussion in *Metaphysics* Γ is methodologically instructive. A first principle cannot be demonstrated in the manner of derived theses, because demonstration presupposes what it seeks to establish (Γ 3, 1005b10–20). Aristotle, therefore, does not offer a proof of the PNC; he offers an elenchus, a refutation aimed at showing that denial cannot be sustained while remaining in the space of meaningful assertion (Γ 4, 1006a11–15). The elenchus is not meant to compel assent by deduction from more basic premises; it makes explicit what the opponent's speech already commits them to.

This is structurally analogous to discourse ethics. If the problem concerns the status of what is presupposed by justification, it is misguided to demand a further justification in the same register. What is appropriate is an explication of dependence: a demonstration that the attempt to deny collapses the very conditions of its own intelligibility.

4.2. The argument from signification: 'to mean something' is already to differentiate

Aristotle's first move is to demand that the opponent "say something" (legein ti). If the opponent refuses to signify anything determinate, then there is no disagreement; if they do signify, then they have already accepted minimal constraints under which saying is possible. Cohen reconstructs Aristotle's strategy as an argument "from signification": the denier of the PNC must nevertheless take their utterance to have a determinate meaning, and that requires stable contrasts (Cohen 1986, 360–66).

The crucial point is that signification involves exclusion. To mean is to mean *this rather than that*. Even the act of denial requires differentiation: "not-p" must be identifiable as a negation of p, not as an indifferent repetition. Aristotle's canonical formulation

of the PNC is well known: "it is impossible that the same attribute belong and not belong to the same subject at the same time and in the same respect" (Γ 3, 1005b19–20). The qualification matters: the PNC does not deny ambiguity, change, or contextual variation. It blocks the move that would treat incompatible predications as simultaneously applicable in the same respect, thereby collapsing the contrast required for determinate predication.

Recent scholarship emphasises that Aristotle's defence does not depend on endorsing a particular inferential calculus. It turns on the pragmatic demand for meaning and the dependence of predication on stable signification (Massie 2022, 29–35). Once the interlocutor agrees to signify, Aristotle presses that to signify one thing is to exclude its contrary in the relevant respect; otherwise, the space of assertion collapses into equivocation or silence.

4.3. What elenchus secures: determinacy rather than 'classical logic'

Interpreted in this way, Aristotle's elenchus secures a modest thesis: not "classical logic is the one true logic", but "if you are to assert anything determinately, you must preserve enough differentiation for denial to function as denial". One can grant that some domains involve inconsistency, that some terms are vague, and that some consequence relations are revisable. What one cannot coherently grant is a global collapse in which p and not-p no longer constitute a contrast relevant to commitment. If there is no stable contrast, there is nothing determinate to affirm or deny.

The elenchus, therefore, models a kind of grounding appropriate to first principles: it does not derive the principle from more basic premises; it shows that denial cannot be sustained without abandoning meaningful assertion. That is precisely the form of grounding required for the presuppositions of rational discourse once we locate them at the level of determinacy rather than procedure.

4.4. From determinacy to minimal answerability

The elenctic point bears directly on normativity, provided one is careful about what sort of normativity is at issue. To assert is to make oneself answerable to questions of meaning ("what do you mean?") and of coherence ("how can this be maintained given what else you accept?"). This is not yet moral obligation. It is the minimal accountability internal to claimhood. One can refuse answerability by withdrawing from the space of assertion altogether. But one cannot both (i) present one's utterance as a claim in the public space of reasons and (ii) deny the minimal conditions that make claims intelligible and assessable as claims.

This is the sense in which performative contradiction has normative force without moralising. The authority at issue is the authority of claimhood: if you purport to justify, you thereby place yourself under the recognisability-conditions of justification. Elenchus makes explicit what is already enacted whenever one speaks meaningfully.

5. THE LOGIC OBJECTION: PARACONSISTENCY, PLURALISM, AND THE SEMANTICS OF NEGATION

5.1. The challenge: Aristotle's PNC is often treated as underwriting classical logic.

Contemporary logic complicates that inference. Paraconsistent logics reject explosion; dialetheists argue that some contradictions are true; logical pluralists argue that there may be more than one correct consequence relation (Priest 1979, 220–24; Beall and Restall 2000, 1–2). If inconsistency can be tolerated without triviality, why treat non-contradiction as a transcendental condition of meaning?

The worry can be sharpened: perhaps meaningful discourse does not require universal non-contradiction. Natural language tolerates inconsistency; scientific theories may contain contradictions without immediate collapse; and formal systems can model inconsistent information without becoming trivial. Why, then, interpret the PNC

as a condition of determinacy rather than as a historically privileged norm of 'classical' rationality?

5.2. Reply: The target is determinacy, not explosion

The first reply is to separate the PNC, understood as a constraint on determinacy, from specific inferential principles. Paraconsistent logics revise consequence relations so that contradictions do not entail everything. That revision addresses explosion; it does not eliminate the semantic contrast between A and not-A required for denial to be denial.

Logical pluralism illustrates the point. Beall and Restall distinguish pluralism about consequence from the ordinary semantic role of negation. In their discussion of "classical negation", they remark, in the context of truth-in-cases, that "~A is true in x iff A is not true in x" and add: "This is simply what 'not' means" (Beall and Restall 2000, 6). Their aim is not to legislate a single negation operator for all theoretical purposes, but to acknowledge that ordinary denial functions as a contrast-maker. The elenctic thesis requires no more than this: that there is a contrast relevant to commitment which makes it intelligible to say that p is denied rather than affirmed.

5.3. Dialetheism without global collapse

Dialetheism is similarly not the thesis that all contradictions are true; it is the thesis that some are (Priest 1979, 223–24). Even the dialetheist must preserve the distinction between (i) cases in which both A and not-A obtain and (ii) cases in which neither does, if the position is to be formulated and defended. Otherwise, the thesis that "some contradictions are true" cannot be distinguished from its negation. The elenctic claim advanced here is therefore compatible with localised inconsistency. What it excludes is a global posture in which negation ceases to make a difference to what is being claimed.

5.4. What survives: a post-metaphysical PNC

The upshot is a modest, post-metaphysical claim: meaningful assertion requires determinacy, and determinacy requires that denial

preserve a contrast relevant to what is being claimed "in the same respect". One may revise consequence relations; one may reject explosion; one may accept true contradictions in limited domains. None of these licenses denies that negation plays a differentiating role in claimhood. Aristotle's elenchus survives the logic objection because it operates at a level prior to the choice between formal systems: it concerns the conditions under which anything counts as a determinate assertion at all.

ELENCTIC NORMATIVITY: A MINIMAL CRITERION OF RATIONAL ASSESSMENT

6.1. Definition

Elenctic normativity names a minimal criterion of rational defect: a claim (or institutional norm) fails when, under scrutiny, it negates the conditions that render its own justificatory language intelligible. The criterion is internal and diagnostic. It does not supply substantive moral content; it identifies when the public grammar of reasons is being used in ways that undermine its own uptake conditions.

This matters in precisely those contexts where procedural legitimacy-talk proliferates while contestation is structurally constrained. If institutions claim legitimacy in the register of reasons, elenctic normativity provides a way to test whether their reasons are being offered as reasons, rather than as legitimating signals.

6.2. The elenctic test

The method can be rendered in three steps.

(1) Identify the validity-claim in its own terms (for example: "our decision-making is transparent and accountable").

(2) Reconstruct the constitutive presuppositions that make the claim determinate (what would count as transparency rather than

opacity; what practices enable affected parties to understand, contest, and obtain remedies).

(3) Examine whether the institution's operative procedures sustain or erode those presuppositions. If they erode them, the validity-claim is not merely false; it is performatively self-undermining.

The point of step (2) is not to impose an external ideal. It is to make explicit the differentiations already invoked by the institution's own vocabulary. Where those differentiations are dissolved in practice, the institution's language functions as legitimation-talk without corresponding conditions of uptake.

7. INSTITUTIONAL PAYOFF: 'TRANSPARENCY' IN AUTOMATED WELFARE ADMINISTRATION

7.1. Why this case is methodologically apt

Automated decision systems in welfare administration provide a clear setting in which the vocabulary of transparency and accountability is publicly invoked, while the conditions of contestation are frequently constrained. A well-documented European case is the Dutch childcare allowance scandal, in which mass administrative processing and a hardline anti-fraud orientation produced what a parliamentary inquiry committee called an "injustice without precedent" and in which affected parents received "extremely limited" information (Childcare Allowance Parliamentary Inquiry Committee 2020, 5–7). The philosophical purpose of the case is not to decide Dutch administrative law. It is to show how elenctic normativity diagnoses self-undermining uses of justificatory language.

7.2. Step (1). The transparency claim and its regulatory echo

In contemporary AI governance, "transparency" is routinely promised in policy statements, codes of conduct, and compliance narratives. At the regulatory level, the EU Artificial Intelligence Act

places "transparency obligations" on providers and deployers of certain AI systems, including requirements that natural persons be informed when interacting with an AI system (European Union 2024, art. 50(1)). Such obligations are important, but they remain limited in scope: they concern disclosure that an AI system is being used, not necessarily the provision of contestable reasons for specific outcomes.

Institutional rhetoric often slides from this limited duty of notice to a broader claim that decision-making is transparent in the stronger justificatory sense of being intelligible to those affected, and therefore accountable.

7.3. Step (2). What 'transparency' must mean if it is to be determinate

To claim transparency in the justificatory register is to invoke differentiations that cannot be treated as optional rhetorical flourishes. At a minimum, three contrasts must be preserved.

(a) Notice versus intelligibility. Being told that an automated system is used does not yet mean being able to understand the basis of a decision.

(b) Explanation as public relations versus explanation as reason-giving. A narrative that cannot be used to contest a decision is not an explanation in the justificatory sense.

(c) Accountability as slogan versus accountability as an assignable practice of responsibility and remedy. If responsibility is structurally diffused so that no actor can answer for a decision, "accountability" loses determinate application.

These contrasts are not imported from an external moral theory. They are conditions for the word "transparent" to signify something determinate rather than collapsing into a synonym for "we have complied with some disclosure requirement".

The point is corroborated by widely used governance frameworks that distinguish transparency from explainability and interpretability. The NIST AI Risk Management Framework, for

example, treats "accountable and transparent" and "explainable and interpretable" as distinct characteristics of trustworthy AI (NIST 2023, 2). The distinction supports the elenctic claim: transparency cannot simply mean that *some* information is provided. It must be specified in relation to intelligibility and contestability.

7.4. Step (3): How procedures can dissolve the differentiations they invoke

The Dutch childcare allowance scandal exhibits a pattern in which justificatory language is maintained while the conditions of uptake are weakened. The parliamentary inquiry report emphasises mass processing and extremely limited information to those affected (Childcare Allowance Parliamentary Inquiry Committee 2020, 5–7). European Commission material on the episode similarly highlights severe administrative failures and barriers to effective redress (European Commission 2021, 1–3). These features are precisely the kind of setting in which a strong public claim to "transparent and accountable decision-making" becomes elenctically vulnerable.

Under elenctic scrutiny, the defect is not merely hypocrisy. It is structurally self-undermining. The institution invokes the transparency/opacity contrast while organising procedures so that affected persons cannot access the reasons that would allow that contrast to be applied in determinate, contestable ways. In that situation, "transparency" ceases to operate as a determinate justificatory claim and becomes a legitimating signal.

Elenctic critique, therefore, forces a determinate choice. Either the institution must (i) specify transparency in a way that includes contestable reason-giving and (ii) implement procedural pathways that enable such contestation (including accessible explanations, review mechanisms, and assignable responsibility), or it must abandon the stronger transparency claim and restrict itself to the narrower duty of notice. What is ruled out is the hybrid posture in which an institution claims transparency while materially removing the conditions under which "transparent" differs from "opaque" in the register of justification.

8. CONCLUSION:

WHAT ELENCTIC NORMATIVITY CAN AND CANNOT DO

This article has argued that the current wave of anthropomorphic AI raises a problem that is not exhausted by familiar concerns about safety, bias, or intellectual property. When AI systems are deployed in roles that imitate interpersonal exchange, they invite users to treat synthetic outputs as participation in the space of reasons. That invitation is structurally unstable. It trades on the forms of justificatory discourse while suspending, or at least obscuring, the conditions under which justificatory speech is ordinarily redeemable and attributable. The core philosophical claim has therefore been methodological: performative contradiction is most instructively grasped, in this domain, as a failure of determinate signification and answerability, not merely as a pragmatic inconsistency.

The Aristotelian elenchus clarifies why this matters. Aristotle's demand that an interlocutor "signify something" is not an antiquarian constraint, but an identification of the threshold at which discourse can function as discourse. A community of communication depends on stable differentiations, including the contrast between assertion and denial and the capacity to locate responsibility for claims. Apel's transcendental-pragmatic point radicalises the same insight: to enter argumentation is to incur commitments that are not optional conventions. Read together, they illuminate what is at stake when systems that cannot bear discursive responsibility present themselves in the grammar of first-person agency. The risk is not only deception, but a gradual erosion of the recognisability-conditions of discourse: users can no longer reliably tell when they are being addressed by an accountable interlocutor and when they are encountering an artefact that simulates the posture of one.

Against that background, Article 50 of the EU AI Act can be interpreted as more than a consumer-information measure. Its disclosure requirement for systems intended to interact directly with natural persons, together with its concern for impersonation and

deception in the transparency recitals, functions as a juridical insistence on a distinction that communicative reason needs in order to remain operative (European Union 2024, art. 50; recital 132). The point is not that the law metaphysically "proves" the boundary between human and machine. Rather, it operationalises an elenctic demand within a regulatory setting: it compels deployers and providers to make explicit what is otherwise increasingly easy to hide, namely the status of the apparent interlocutor. In doing so, it protects a minimal condition of rational uptake. If one cannot tell whether one is addressed by an entity that can be held to reasons, then one cannot reliably interpret speech acts as invitations to justification, nor can one allocate responsibility when harms occur.

This allows a more precise account of the "right to know" in the age of generative systems. The right is not only a right against deception. It is a right to the conditions under which justificatory discourse can be taken at face value as justificatory. Disclosure preserves the difference between (i) a conversational posture that can, in principle, be answerable to truth, sincerity, and rectification, and (ii) a synthetic output that may be useful but cannot itself bear those responsibilities. That distinction matters legally because accountability and remedy are assigned to providers and deployers, not to the system as an apparent speaker. It matters politically because democratic public reason depends on knowing when one is engaging other agents and when one is engaging instruments.

Two limitations should be stated plainly. First, Article 50-style transparency is a necessary condition of answerability, but it is not sufficient. Disclosure that one is interacting with an AI does not, by itself, yield contestable reasons, explainability, or due process in high-stakes contexts. Second, transparency mandates are vulnerable to compliance theatre: labelling can be technically satisfied while practical intelligibility and avenues of challenge remain absent. These limitations do not weaken the argument. They mark its scope. The claim defended here is that disclosure is best understood as a boundary-maintaining condition of rational addressability. A fuller governance framework must then build on this condition with

institutional pathways for contestation, responsibility allocation, and remedy.

The broader implication is that AI regulation should be read, at least in part, as regulation of the preconditions of discourse. In environments saturated with synthetic speech, insisting on the visibility of the artificial is one way to prevent the grammar of reasons from becoming detached from the practices that make reasons binding as reasons. Article 50 does not settle the ethics of AI, but it can be defended as protecting the minimal semantic and institutional conditions under which critique, justification, and accountability remain possible.

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