

PERSPECTIVES

UCD Postgraduate Journal of Philosophy

Volume 9 (Winter 2021)

Social Philosophy



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UCD Postgraduate Journal of Philosophy

Volume 9
Winter 2021

SPECIAL ISSUE:
Social Philosophy

EDITORS:
Kelly Agra
Benjamin Modarres
Clémence Saintemarie
Alix Stéphan
Jonathan Wren



UCD School of Philosophy

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COVER ARTIST

Amy Turnbull

IN MEMORY OF

Jean Hogan (1984 - 2020)

who is fondly remembered by friends, colleagues, and professors.

May she rest in philosophy.

ACKNOWLEDGMENTS

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About the Contributors

Kelly Agra is an Irish Research Council (IRC) Scholar doing her Ph.D. in Philosophy at University College Dublin, Ireland. She is the current Editor-in-Chief of *Perspectives: UCD Postgraduate Journal of Philosophy*. She is also affiliated with the University of the Philippines Baguio, Philippines, as an Assistant Professor of Philosophy (on study leave); and a core member of Minorities and Philosophy (MAP) UCD Chapter and Women Doing Philosophy (WDP) in the Philippines. Her work generally falls within the area of Critical Social Philosophy and Critical Social Epistemology, with specific focus on what she calls '(social) epistemic paralysis'. She has published articles in the philosophy of Alain Badiou, Japanese Philosophy, and Epistemic Injustice, among others.

Martin Beckstein is Senior Researcher and Lecturer in Political Philosophy at the Ethics Center, University of Zurich, Switzerland. Recent publications include *Conservatism between Theory and Practice: The Case of Migration to Europe* together with Vanessa Rampton (European Journal of Political Research, 2018), *Political Conservation, or How to Prevent Institutional Decay* (Constellations, 2019) and *Modeling Interpretation and the Practice of Political Theory*, together with Ralph Weber (Routledge 2021).

Pascal Bernhard is studying Philosophy and Islamic Sciences at the University of Zurich and will graduate in summer 2022. His interests range from political history and history of thought to linguistics, theology and International Law. At the ELTE-Webinar *10 Years Arab Spring*, he held a presentation about tribal affiliations during the civil war in Syria, and he organized an event-series about Iraq at the University of Zurich in 2021.

Abeba Birhane is a Ph.D. researcher in cognitive science at the Complex Software Lab in the School of Computer Science at University College Dublin in Ireland, and at Lero, the Irish Software Research Center. Her interdisciplinary research stands at the intersection of 4E cognitive and affective sciences, philosophy, complex adaptive systems, machine learning, ethics and critical race and gender studies. She has authored many articles and made invaluable academic and public interventions on complex adaptive systems, ambiguity, AI ethics, and critical technology studies.

Lorenzo Buti is a doctoral candidate at the Research Institute in Political Philosophy and Ethics Leuven (RIPPLE), KU Leuven, Belgium. He has obtained graduate degrees in economics and philosophy at KU Leuven and a graduate degree in European studies at the London School of Economics (LSE). His research interests lie in continental political philosophy (Lefort, Balibar, Rancière) and the tradition of critical theory (Marx, the Frankfurt School and, somehow, Sartre). Lorenzo has obtained funding from the Research Foundation – Flanders (FWO) for a research project that aims to rethink the character of democratic action along insurgent lines, in the face of material conditions that structure the stakes of the political stage.

Shelley Campbell is a Ph.D. candidate in the Art Department of the University of Gloucestershire. Her research is practice-led and seeks to represent migration, loss, and relationships in the *Book of Ruth* while challenging the gallery conventions of exhibition display and attendance. In 2013, she received an MA in Art from the Cardiff School of Art & Design at Cardiff Metropolitan University. Her writing has been featured in various publications, such as *Catalogue of Failures* (and images), *Never Mind the Ballots*, *The Female of the Species: Cultural Constructions of Evil*, *Women and the Feminine*, *Online Podcast Symposium* (BPPA), *Spinoza Beyond Philosophy* (and image), and *Journal of Critical Realism*. With regard to artwork, highlights have included commissions for the National Trust and the Chelsea Flower Show. Her grass dresses and furniture have appeared on magazine covers (*Gloucestershire Today* and *The Garden*) and other works have had coverage in: *The Times*, *The Telegraph*, *Daily Mail*, *Time Out* and *Maxim*.

Julien Delhez studied at the private high school “Schola Nova” (Incourt, Belgium) and holds an MA in Classics from the University of Liege (2013) and an MA in Ancient Oriental Languages from the Université libre de Bruxelles (2015). In September 2015, he became a Ph.D. student at the Seminar for Egyptology and Coptic Studies of the University of Göttingen, Germany. He submitted his doctoral dissertation in November 2021 and is currently awaiting the oral defence. In his free time, he enjoys reading (and occasionally reviewing) books on human intelligence, evolution, genetics, and philosophy.

Michael Dover is an MA student and graduate assistant in the Department of Philosophy at the University of Arkansas where he teaches Introduction to Ethics. He received his undergraduate degree from the University of Central Arkansas where he was a Norbert O. Schedler Honors Scholar with a double major in Philosophy and History and a minor in Interdisciplinary Studies. His research interests are in Philosophy of Religion, Philosophical Theology, Metaphysics, Social Philosophy, and Ethics.

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Enrique Benjamin R. Fernando III is a Lecturer at the Department of Philosophy at the University of the Philippines—Diliman. He completed his Master of Arts in Philosophy from the same university in 2021. He also graduated *Magna Cum Laude* from the Ateneo De Manila University in 2015, with a double major in BS Management Engineering and AB Philosophy, and a double minor in History and Strategic Human Resource Management. He is currently a full-time Payments and Analytics professional in the financial technology industry. His research interests are Philosophy of Law, Social and Political Philosophy, Ethical Theory, Philosophy of Language, and the History of the Analytic Tradition of Philosophy.

Samuel Ferns is a Ph.D. student in the School of Philosophy, University College Dublin, Ireland. He received an MA from the same institution (2021), and a BA from Trinity College Dublin, Ireland. His doctoral dissertation is entitled: “Freedom, Knowledge, and Power: Reflexive Stages in a Critical Social Theory”. It deals with the elaboration of a critical theory of knowledge by way of a reconstruction of the tradition of critical social theory, with particular attention to Adorno, Foucault, Habermas, and Honneth.

Paraskevi (Evie) Filea is a Ph.D. student in the School of Philosophy, University College Dublin, Ireland, doing research on phenomenology and theatre. She has a background in philosophy,

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Cathrin Fischer is a Ph.D. student in Philosophy at the University of Exeter, where she is researching the embodiment and imaginaries of disability and prosthesis as part of the Wellcome Trust-funded *Imagining Technologies for Disability Futures* project. Her Ph.D. research brings together phenomenological and crip-queer-feminist methods to investigate the lived experience of disability, focusing on critical examinations of futurity and reproduction, bodies in relation to each other and queer-‘crip’ uses of technology, appendages and the environment. More broadly, Cathrin is interested in interdisciplinary philosophical approaches which centre the lived, bodily experience of marginalised people and challenge normative assumptions. Cathrin holds an MA in Consciousness and Embodiment from University College Dublin and a BA in Philosophy, Sociology and Psychology from the University of Exeter. She is also involved with the MAP (Minorities and Philosophy) Network.

Tanay Gandhi is a political theorist currently pursuing a Ph.D. in Politics at the University of Southampton and is funded by an Economic and Social Research Council studentship. Previously, he completed an MA in Ideology and Discourse Analysis from the University of Essex. His core research interests include philosophical aesthetics and democratic theory (particularly post-foundational/poststructuralist approaches). Tanay’s Ph.D. project explores the operation of an aesthetic sensibility in constituting democratic and pluralising modes of self-formation in response to authoritarianism. Other recent work focuses on democratic politics, polytemporality and the future, and the relation of aesthetics to practices of decolonisation. Tanay also enjoys a secondary interest in social and practical philosophy, metaphysics, and Nietzschean and post-Nietzschean philosophy, broadly construed. He was previously a human rights lawyer in India, working on issues of forest land tenure rights, self-governance and indigenous knowledge systems.

Simon Graf is a Ph.D. student and postgraduate-researcher at the University of Leeds, having joined the ERC-funded project Group Thinking: New Foundations in September 2020. Simon’s research is

concerned with the ontology of epistemic and scientific groups, and the role and character of rationality in interpreting their collective attitudes. His thesis aims to bring together different approaches to the analysis of epistemic groups from a socio-ontological, as well as from a traditional philosophy of science background. Besides his Ph.D. research, Simon's further interests include general questions in the philosophy of science, philosophy of mathematics, and the integrated history and philosophy of these subjects.

Alessandro Guardascione is an Irish Research Council Ph.D. student at UCD. Previously, an MScR at KU Leuven and obtained an MA from University Federico II of Naples. His main philosophical interests are in phenomenology, phenomenological psychopathology, deconstruction, and critical theory. Currently, he is working on Husserl's phenomenological axiology and its implications in a psychopathological context.

Jean Hogan obtained her BA in English and MA in Renaissance Literature and Culture from the UCD School of English. In 2015-16, Jean was the recipient of the Máire O'Neill Memorial Prize for Logic. In 2018, she obtained her Hdip in Philosophy and in 2021, she was posthumously awarded an MA in Philosophy from the UCD School of Philosophy.

Denise Kelly is a doctoral student in Philosophy at University College Dublin, where she is researching the phenomenology of mental illness. Her Ph.D. research looks specifically at agoraphobia and social phobia, examining these disorders in relation to the themes of intersubjectivity, embodiment, and affectivity. Employing an interdisciplinary approach, she combines traditional and contemporary phenomenological work and methods with data from clinical research and sociological approaches to illness in order to illuminate the structure of these disorders and question our understanding and treatment of them. Her broader interests all fall under the theme of intersubjectivity, and she has worked on topics such as nationalism, solitary confinement in prisons, and feminism, in addition to her work on mental illness. Denise holds an MA and a BA in Philosophy from University College Dublin. She is also a co-founder of the Minorities and Philosophy UCD Chapter.

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Benjamin Modarres is a Ph.D. student in the School of Philosophy, University College Dublin, Ireland, and co-editor of *Perspectives* 2021 Issue on 'Social Philosophy'. His work focuses on the phenomenology of aesthetic experience and the intersection between aesthetics and the social/political.

Caoimhe Murphy is a twenty-one year old Interior Designer student at the Technological University Dublin, Ireland. Since the age of twelve Caoimhe has been interested in social philosophy and how one can capture those theories through photography and architecture.

Anton Heinrich Rennesland is a Ph.D. researcher and faculty member of the Department of Philosophy, University of Santo Tomas, Manila, the Philippines. He is a managing editor of *Kritike: An Online Journal of Philosophy*, and his research specializations are Friedrich Nietzsche, Peter Sloterdijk, and Comparative/Multicultural Philosophy.

Regina Rini is an Associate Professor and Canada Research Chair in Philosophy of Moral and Social Cognition at the Department of Philosophy, York University (Toronto). Her expertise is in the area of moral agency, moral disagreement, the psychology of moral judgment, partisanship in political epistemology, and the moral status of artificial intelligence.

Clémence Saintemarie is a Ph.D. student and Teaching & Research Assistant at UCD School of Philosophy, and a co-editor of *Perspectives* 2021 Issue on 'Social Philosophy'. She is also one of the founding members of the UCD Minorities and Philosophy (M.A.P.)

Chapter. Her research focuses on a critical theory of political (in)visibility at the intersection of politics and aesthetics.

Alix Stéphan is a Ph.D. student at UCD School of Philosophy, and a co-editor of *Perspectives* 2021 Issue on 'Social Philosophy'. She is working on the spy in philosophy under the supervision of Prof. Joseph Cohen. She also holds an MA in political philosophy from Sorbonne University, France, and an MA in Political Theory from Sciences Po Paris, France. Her research pulls from philosophical texts as well as literary works in order to think about the link between philosophy, aesthetic and politics.

Daan Tielenburg is a Lecturer at the Erasmus University Rotterdam, Netherlands. He received an MA from Utrecht University, Netherlands. His research interests include the conceptual topography of Michel Foucault's 'ethical turn'.

Amy Turnbull lives and works in Colchester, U.K. She graduated with a BA (hons) in Fine Art from the Colchester School of Art (2011). Following graduation, she received the Cuckoo Farm Studios Graduate Award which included a solo exhibition at The Minorities Galleries, Colchester. She has been a recipient of the Firstsite Collectors Group Bursary and the Essex Network of Artist's Studios travel bursary. She exhibits in group shows in London and the South East. She is the winner of the *Perspectives* 2021 Cover Art Prize competition.

Jonathan Wren is a Ph.D. candidate in the School of Philosophy, University College Dublin, Ireland, and co-editor of *Perspectives* 2021 Issue on 'Social Philosophy'. His research focuses on the concept of freedom across phenomenology and political theory. Recently, he has published work on the topic of dissent in the thought of Hannah Arendt.

Editorial

About Perspectives

Perspectives: UCD Postgraduate Journal of Philosophy is an annual, double blind, peer-reviewed journal of philosophy edited and published by postgraduate students of the School of Philosophy, University College Dublin, Ireland. *Perspectives* features articles, symposium and conference papers, book reviews, interviews, and artistic contributions by postgraduate students and recent graduates on a broad range of topics and approaches in philosophy and its related disciplines. The journal publishes works across philosophical traditions—including the history of philosophy, analytic and continental philosophy, as well as underrepresented traditions—as part of its commitment to the pluralist ethos that is the hallmark of UCD School of Philosophy. The journal is published both online and in print.

About this Issue

We are delighted to introduce to you the 9th Volume of *Perspectives*, a special issue on the theme of “Social Philosophy”. The issue picks up from the theme of the first of the “PhD Philosophy Symposium” series at the UCD School of Philosophy, held online on 6 February 2021, and where selected symposium papers published in this issue were first presented.

Several elements mark the singularity of the 2021 issue of the journal, the first of which is the change in the journal title from *Perspectives: International Postgraduate Journal of Philosophy* to *Perspectives: UCD Postgraduate Journal of Philosophy*. This is to reflect the home institution of the journal as well as its pride and confidence in its history of internationally publishing cutting edge works in philosophy by postgraduate students world-wide since the journal’s inauguration in 2008.

The next significant transition that the journal underwent is its return to the UCD School of Philosophy [website](#) after having been hosted by De Gruyter Open for several years. This move aligns with the revision of the School website in 2020 and with the interest

in efficiently facilitating the transition between editorial boards. We thank Professor Brian O'Connor (former Head of School, 2019-2021) for approving our request to bring the journal back to the School, and Professor Christopher Cowley and Helena McCann for helping us set up and manage the *Perspectives* webpage.

A third feature of this volume is the reanimation of its cover art with the introduction of the Cover Art Prize for *Perspectives*. The cover art competition is aimed at giving the journal a fresh new look, but it is also the journal's first gesture of welcoming artistic philosophical contributions in its pages as part of its recognition of the diverse forms of philosophizing, as well as the linkage between art and philosophy as socially reflexive practices. The prize consisted in a "One4All" voucher worth 100 Euros and expresses our commitment to recognize and reward art work as work. For this issue, we are also publishing the shortlisted artworks submitted to us for the Cover Art Prize. These artworks will visually mark the divisions of the different sections of the volume. We wish to congratulate Amy Turnbull for winning the Cover Art Prize with her artwork "Cult Object". We thank Patrick McKay for the layout of the cover and contents of the issue, and Gillian Johnston (UCD School of Philosophy's Manager) for helping us facilitate the financial aspects of the art prize, layout, and overall publication of the issue.

Fourth, a consistent feature of the journal has been the publication of interviews with established philosophers who have delivered keynote addresses in past philosophy conferences co-organized by graduate students in UCD and Trinity College Dublin (TCD). Volume 9 integrates in its publication interviews carried out by members of the UCD Minorities and Philosophy (MAP) Chapter established in 2020 and now also involves interviews with early career scholars from minoritized backgrounds. MAP is an international, graduate-student-led initiative in English-speaking philosophy departments that aims to examine and address issues of minority participation in academic philosophy. This is part of the journal's commitment to actively promoting the works and ideas of philosophers from minority and underrepresented groups in Philosophy. This year, we have interviewed Professor Regina Rini about her work on the *Ethics of Microaggression* (2020) and Abeba Birhane about her

doctoral research on AI ethics and human ambiguity.

Last but not the least, the 2021 issue is dedicated to our late friend and colleague, Jean Hogan, *MA in Renaissance Literature and Culture* (2014); *MA in Philosophy* (2021, awarded posthumously). For the School of Philosophy's staff and students, Jean's resilience and admirable dedication for scholarship represented an example of philosophical life, and her premature passing is an immense loss. Those of us who had the opportunity to philosophize with Jean know how excellent and sincere she was as a thinker, writer, and person. The issue features her essay "The Rumble of a Dream" with a preface by the current Head of School, Professor Maeve Cooke.

Perspectives Volume 9, Special Issue on "Social Philosophy" is the largest volume of the journal thus far. It opens with Jean Hogan's essay, followed by nine research articles, three symposium papers, and two M.A.P.-*Perspectives* joint interviews, and it closes up with five book reviews. Each section is opened by an artwork from the five shortlisted entries from the Cover Art Prize competition. The editorial board considers this as a milestone given the challenges we had to confront due to the uncertainties and transitions from in-person to online and now hybrid modes of learning, teaching, and research.

Such challenges primarily include difficulties in finding reviewers, all of whom were extremely busy and still navigating the transitions demanded by the COVID-19 pandemic. In light of this, we would like to reiterate our appreciation for the work and effort of our international board of reviewers who have generously shared their invaluable time and expertise to make the publication of this volume possible: Melanie Altanian, Maria Baghramian, Craig Browne, Joseph Cohen, Maeve Cooke, Christopher Cowley, Noelle Leslie Dela Cruz, Jean-Philippe Deranty, Esa Díaz-León, Luna Dolezal, Brian Flanagan, Katherine Furmann, Peter Hallward, Samia Hesni, James Ingram, Joseph Lacey, John Maguire, Timothy Mooney, Brian O'Connor, Katherine O'Donnell, James O'Shea, Danielle Petherbridge, William Scheuerman, Guilel Treiber, and Dylan Trigg. We are beyond grateful for their generosity.

In addition, we would like to acknowledge the patience of the

contributors: Kelly Agra, Martin Beckstein, Pascal Bernhard, Abeba Birhane, Lorenzo Buti, Shelley Campbell, Julien Delhez, Michael Dover, Killian Favier, Enrique Benjamin Fernando III, Samuel Ferns, Paraskevi (Evie) Filea, Cathrin Fischer, Tanay Gandhi, Simon Graf, Alessandro Guardascione, Jean Hogan, Denise Kelly, Ankita Kushwaha, Yue-Zhen Li, Benjamin Modarres, Caoimhe Murphy, Anton Heinrich Rennesland, Professor Regina Rini, Clémence Saintemarie, Alix Stéphan, Daan Tielenburg, Amy Turnbull, and Jonathan Wren. We thank them for their consideration as we worked through the expected delays in review and editing turnaround times.

In pre-selecting and editing the contributions, the editorial board committed to an open and encouraging editorial policy which meant allocating greater time to further develop the papers and providing constructive feedback and editing suggestions. We additionally thank Ranier Abengaña and Aidan Rolf for assisting us in the language editing of the final submissions.

Finally, we acknowledge the journal's funding source—the Head of School of Philosophy Support Account R18287 held by Professor Maria Baghramian. We are especially grateful to Professor Baghramian for her continued support for the journal and for her untiring guidance throughout the editorial process.

About the Contributions

I: Tribute Essay

*Opening Perspectives Volume 9 is **Amy Turnbull's artwork, Cult Object**—the winning piece for Perspectives' Cover Art Prize Competition. Her irreverent and thought-provoking collage brings together Roman statuary with Pop Art aesthetics. Apparently inverting the scale of the images, it also playfully gestures towards a critique of the fetishism of both power and gender as symbolic commodities. Cult Object opens a wide field of questions, we will here only point out one of the most burning ones: what is the place and nature of myths, those narrations of extraordinary power, today? Turnbull's art collage further serves as an evocative visual cue to the notions*

of protest, resistance, democracy, and even religion that the following tribute essay touches upon.

As *Perspectives'* tribute to **Jean Hogan**, we are posthumously publishing her **essay entitled "The Rumble of a Dream"**. In her essay, she examines the question of the effectiveness of nonviolent protest, especially in the context of racial injustice. Framing the issue within the context of the protests following the murder of George Floyd in 2020, Hogan considers the positions of Martin Luther King Jr. and Malcom X on this issue. In particular, Hogan delves into the nuances of such concepts as nonviolence, peacefulness, and coercion.

II: Research Articles

*Marking the transition to the research articles, **Martin Beckstein and Pascal Bernhard's oil painting, The Empty Place of Power**, interprets Lefort's characterization of democratic power. The image composition insists on what is absent, making us aware of a form of retraction. It plays both with a joyfulness (the choice of the bold and pastel colors, a playground-like agora) and at the same time a certain feeling of anxiety. This emptiness leaves the spectator in a state of expectation: what will happen next? Who will make their entrance on this stage, on this forum? Is it a call for order or an invitation to participate?*

The research articles in the volume are chronologically organized from classical to contemporary social philosophy. The first of these is **Tanay Gandhi's "Aesthetic Experience and Feedback Loops: Re-orienting Connolly's Politics of Becoming in the Direction of an Ethico-Aesthetics"**. The article seeks to supplement William Connolly's theory of a future-oriented political and ethical agency with aesthetic considerations. It brings to light aesthetic experience as an overlooked, yet ontologically central, dimension of the formation of political agencies for a radical and pluralistic as well as agonist account of democracy.

The second article in the line-up is **Yue-Zhen Li's "Moralität and Sittlichkeit: Marx on Moral Justice Reconsidered"**. This article analyses the extent to which Marx's critique of capitalism relies

on norms of justice and morality. It holds that Marx both criticizes capitalism externally, from a communist normative conception of the good life, but also—and in an original contribution—internally, assessing the immanent contradictions of capitalist exploitation with its moral ideology.

Following this is **Lorenzo Buti’s “Contesting the Political: Democratic Action With and Beyond Lefort”**. This third article presents a critical engagement with Claude Lefort’s symbolic theory of politics. Buti holds up Lefort’s symbolic account of democracy against the background of its material and social setting to question whether such a focus is adequate to understand the character of democratic action. Proposing a critique that complements Lefort’s account, the author suggests that there are limits to which the political can accommodate democracy. Such a symbolic account must be considered to be in essential relation to its “other scene” and to the forms of domination that escape the view of the political. In such scenarios, Buti stresses, it may be necessary to consider the scope of democratic action as the enactment of democracy against the political, i.e. as forms of action that challenge the conditions within a given democratic regime.

Fourth to the line-up is **Samuel Ferns’s “Civil Disobedience, Reflexivity, and the Emancipatory Interest: Reinterpreting Habermas’s Litmus Test”**. In this article, Ferns develops a reflexive interpretation of Habermas’s account of civil disobedience in order to address several criticisms that have previously been leveled against the account. Rather than presenting a rejection of Habermas, the author suggests a reframing of his account of civil disobedience away from its formulation as the “litmus test for the democratic constitutional state”. Instead, and drawing upon Habermas’s earlier work, he proposes to situate it within the ever-present attempt by the human species to comprehend its own genesis and to dissolve pseudo-natural social pathologies.

The fifth article is **Alessandro Guardascione’s “Radical Critique in Boltanski’s Pragmatic Sociology”**. In his article, Guardascione offers an elucidation of Boltanski’s pragmatic sociology and the immanence of critique in social life. He clarifies the meaning and significance of what Boltanski refers to as “existential tests” and

“affaire” in social critique, and he uses these ideas to analyze the political activism of Nelson Mandela and the *Rivonia Trial* in South Africa. Guardascione ultimately argues that Mandela’s activism is a form of radical critique as it draws heavily on Mandela’s experience of oppression and struggle against unjust structures of power.

Daan Tielenburg’s “A (Post)colonial Philosophy of Foucault’s ‘Ethical Turn’” is the sixth article in the volume. In this article, Tielenburg examines the relationship between Foucault’s relative neglect of the issue of colonialism with his self-oriented ethics. The author argues that rather than simply update Foucault’s frameworks or bracket out its difficult aspects, it is critical to see how and why he omits the colony and the ways in which this omission is deeply connected to his ethics. Tielenburg holds that in order to properly supplement Foucault’s framework and make it useful in this context, it is necessary in part to include a picture of the self or subject that includes the other at its core.

The seventh article is **Denise Kelly’s “Seeing Things Differently: A Phenomenological Account of Depersonalization in Social Phobia”**. While analyses of mental disorders are multifarious in the field of phenomenology, there is little work done examining social phobia. With the help of authors such as Jean-Paul Sartre and Maurice Merleau-Ponty, the aims of this paper are twofold: to provide a philosophical account of social interactions within social phobia, and to contextualize the experiences of depersonalization and derealization as they occur in this context.

The eighth article in the volume is **Michael Dover’s “An Exercise in Serving Two Masters: COVID Precaution Resistance, Christianity, and Partisanship”**. Dover examines in this article the contradictions in the prevalence of “COVID precaution resistance” (CPR) among Christian Republicans in the United States and offers an explanation on the basis of group identity politics. Dover holds that there is a conflict between, on the one hand, Christian values that support precautionary practices such as wearing masks, and on the other hand, the behavior of many Christian Republicans. Dover utilizes the concepts of “belief signaling” and “identity-protective cognition” to argue that in cases of CPR in this group, they have demonstrated that their Republican identity is more

central than their Christian identity.

Enrique Benjamin R. Fernando III's "Law as Collaboration" is the ninth article in the line-up. This article provides a critical exposition of two opposing views of law in the context of adjudication. The author argues that law is a collaboration. Far from being autonomous and self-contained, law is a collective endeavor. It is the product of a collaborative effort between officials and citizens that reflects the principles and goals of the community. This is the Two-Way View, which allows the centering of the community perspective at the heart of a legal reflection.

III: Symposium Papers

*Transitioning to the commissioned symposium papers for this issue, **Paraskevi (Evie) Filea's collage, We Are All In This Together**, beautifully weaves the previous section with the next as it recaptures the spirit of collective work. The COVID-19 pandemic has forced many of us to reconsider our relationship to our communities and environment and put to the test competing notions of solidarity and freedom. Some struggled to navigate an overwhelming online existence, while some also had time to (re)discover their friends, neighbours and families, and (sometimes patchy urban) green areas. Filea's digital collage explores these (dis)connections, with a moving nod to the collective challenge to UCD philosophy postgraduates, of organising a "Social Philosophy PhD Symposium" (February, 2021)—the full and revised versions of some of the papers can be read in the following section—and of editing a journal issue entirely remotely, while continuing to experiment with ideas, texts, and images.*

Whilst acknowledging that there is much work to be done, **Kelly Agra's "A Critical Theory of Epistemic Injustice"** invites a rethinking of the interdependence between knowledge and society by bringing together the contemporary analytic discourse on epistemic injustice with critical accounts of communicative rationality and recognition. Giving an interweaving discussion of Jürgen Habermas, Miranda Fricker, and Axel Honneth, the

author carves out a space in which critical theory may concern itself with forms of social injustice, which are characterized by the epistemic harm that is being done. She cautions against reducing the epistemic character of these social issues into the generalizing category of social pathology. By bringing together the two traditions mentioned and by gesturing towards contemporary interventions within the fields, the article seeks to further enable the practice of critical theory to address forms of injustice, where attempts to overcome social inequalities and exclusions are frustrated by systems that are distinctively epistemological in nature.

Meanwhile, by holding Harmut Rosa's critique of acceleration against the concerning empirical data which is highlighted by those who herald our current geological epoch "the Anthropocene", **Killian Favier, in his "Acceleration in Nature: A Critique of Hartmut Rosa"**, attends to a broader issue within critical and social theory. Treating Rosa's understanding of social acceleration as a case in point, the author makes the broader argument that critical theory overlooks the obvious forms of acceleration that today are being observed also in natural and ecological systems (such as the accelerating increase in global temperatures). Favier calls for a reimagined form of critique suitable for the Anthropocene, which requires a "rematerialisation of social issues", which may be able to adequately interpret the forms of acceleration in society within the context of a more dynamic understanding of the natural world.

Lastly, in "**The Social Dimensions of the Critique of the Power of Judgement**", **Benjamin Modarres** compares Hannah Arendt's and Friedrich Schiller's distinctive approaches to deriving a social and political philosophy from Kant's account of aesthetic judgment. Where Arendt turns to Kant's third critique in order to explore the political implications of the enlarged mentality required by aesthetic judgement, Schiller develops the interplay between the human drives, suggesting an intimate connection between the role of aesthetic experience and human freedom. Yet, despite the differences between these two accounts, the article also points out what unites them: the ways in which the faculty of the imagination is given intersubjective or social importance in the performance of aesthetic judgment and a focus upon common sense and communicability.

IV: Interview Articles

Moving on to the UCD M.A.P. and Perspectives joint interviews, **Caoimhe Murphy's photograph, What We Hold Dear To Us**, offers an image of elusiveness and diffusion. Murphy's black and white photograph figures hands cupped together as if welcoming or holding smoke-like fumes. Her visual interrogation of truth and disinformation in politics and the way they shape our interactions is reflected by the paradoxical interplay of tangibility with ethereal intangibility, solidity with ephemerality, and proximity with distance. This makes the onlooker pause on the precariousness of our social and political ideas and beliefs, values and life-forms. This art piece chimes in with the concerns of our interviewees to respectively tackle the issues of biases and disinformation that are exacerbated by algorithmic technologies and online social media, as well as philosophical reflections on ambiguous experiences of injustice and the consequent difficulty of attributing blame and responsibility for such injustice.

The first of these joint interviews is entitled **“Researching AI Ethics and Human Ambiguity during a Pandemic”**. In this conversation, Clémence Saintemarie interviews **Abeba Birhane** on the implications for social philosophy and society of Birhane's interest in algorithmic injustice and her overall research on human ambiguity at the intersection of cognitive and affective sciences, machine learning, ethics, and critical race and gender studies.

Following this is Cathrin Fischer's and Kelly Agra's **interview with Professor Regina Rini on her recent book *The Ethics of Microaggression***, with some connecting insights from her keynote address in the “Philosophy of Conspiracy Theories” conference in UCD on 2 July 2021. In the interview, Rini clarifies her “ambiguous experience account” of microaggression and underscores the significance of both macro and micro forms of social transformation. Furthermore, she invites a rethinking and integration of the analytic and continental approaches to moral and social philosophy.

V: Book Reviews

*Symbolically stamping the last but not the least section of the volume is **Shelley Campbell's Take-a-Tag** art pieces. In her stamp designs, Campbell uses irony and simple aesthetic composition to make us face the discourse of exclusion that has been growing within political discourses against immigration. In her work, she uses these objects of everyday life that, except for collectors, are only seen as accessories or uncomplicated commodities and reminds us of the power they hold: they can cross almost any border and help carry messages and objects. Those apparently insignificant pieces of paper then seem to have more power and freedom than some human beings, lost at sea or prisoners of their own countries. Campbell's stamps signal to us the transition to the book reviews that also serve as signposts to the value and relevance of these recently published works.*

The books reviewed for this issue have only been published within the last three years. They are arranged in this volume according to their publication date, from the oldest to the most recent. **Ankita Kushwaha's review of Neera Chandhoke's Rethinking Pluralism, Secularism and Tolerance: Anxieties of Coexistence** highlights the book's contribution to justifying secularism in the Indian context as distinct from western liberal conceptions of secularism. It stresses the significance of communalism as a background to the social, rather than individualistic, value and virtue of Indian secularism and religious tolerance. It thus offers an important insight into ways that the life and rights of religious minorities can be recognised, which avoids competition between, or the erasure of, the differences between communities.

Julien Delhey's review of Grandstanding: The Use and Abuse of Moral Talk points out the causes and consequences of using moral talk for self-promotion: this is the problem of moral grandstanding. The aim is to question the social aspect of public discourse with the help not only of philosophy but also social psychology. The reviewer underlines that a better understanding of this notion of grandstanding is not only a speculative matter but may also allow us to confront and resist the risks presented by grandstanders.

Anton Heinrich Rennesland's review of a new English translation of Peter Sloterdijk's *Infinite Mobilization: Towards A Critique of Political Kinetics* presents this book as an attempt to point beyond "political kinetics", the social mobilization constructed by modernity and critiqued by postmodernity. Rennesland highlights the importance of Sloterdijk's "Eurotaoism", a reframing of the problem through a kind of thinking from nothingness inspired by Taoist and Buddhist thought. Rennesland argues that this text offers a diagnosis of the problem of modernity and seeks not to conclusively solve it but rather to gesture towards ways of moving beyond it.

Meanwhile, in his review of **Jennifer Lackey's book *The Epistemology of Groups***, **Simon Graf** lays down Lackey's contribution to the effort to confront the question of collective responsibility. Lackey's hybrid account, Graf stresses, overcomes the limitations of deflationist and inflationist accounts of collective responsibility and captures more accurately the complexity of group belief. Graf ends with a caution, however, that Lackey's account applies to small-sized groups but may not necessarily apply to large-sized groups or individual epistemic agents.

Finally, capping the 2021 issue of *Perspectives* is **Alix Stephan's review of Anne Dufourmentelle's last published book, *In Defense of Secrets***. The review argues that Dufourmentelle's philosophical study and defense of secrecy is timely, as it interrogates our contemporary social world when requirements for transparency curtail privacy as much as they feed into the paranoid mood of conspiracy theories.

Notes on Style

Before we end this editorial, we would like to note a few language and style editorial decisions. In keeping true with the voice and thinking forms of authors, the editorial team decided not to intervene with their writing style unless clarifications were required by our international board of peer-reviewers. We have focused our attention on technical corrections and consistency in the use of either UK or US English spellings, and of Chicago Manual or APA citation styles. We have accommodated both spellings and citation styles in recognition of the different linguistic and

stylistic traditions that authors coming from different cultural and philosophical backgrounds have grown into or been trained in.

* * *

Patricia Hill Collins once wrote, “as social conditions change, so must the knowledge and practices designed to resist them” (Collins, 1990). As aspiring social philosophers in the UCD School of Philosophy, the ninth volume of the journal represents our intellectual activism against intellectual traditions and academic publication practices that remain unmoved by the plurality of critical forces and imaginative energies surrounding philosophical thought today. Our reanimation and expansion of the genres and forms of academic writing that now see print in our journal’s pages mark our commitment to social and epistemic change aimed at resisting the stagnation of the streams of reason, imagination, and sensibilities. We wish to acknowledge past and present efforts along these lines that inspired us to venture on this path, and pass on the courage we have inherited in daring existing and future postgraduate editors not to waver on initiatives that seek to cross the boundaries of academic praxes. It is contrary to logic and being to assume that there is only one way or one form of thinking, writing, and publishing. Persevering in that which is not expected will bring knowledges, and they will bring worlds—possibilities that otherwise would not be (Ahmed, 2017).

To transformative socio-philosophical critique, *Perspectives* Volume 9 (Winter 2021), Special Issue on “Social Philosophy” is both our challenge and our contribution. *Bain sult as do léamh!*

The 2021 Editors,
Kelly Agra, Benjamin Modarres,
Clémence Saintemarie, Alix Stéphan, Jonathan Wren

References

- Patricia Hill Collins. (1990). *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. London & New York: Routledge.
- Sara Ahmed. (2017). *Living a Feminist Life*. USA: Duke University Press.

I: TRIBUTE ESSAY

Cult Object

Hand-cut paper collage, April 2019

by Amy Turnbull

My practice draws playfully and irreverently on the strategies of the political avant-gardes of the earlier twentieth century, recast for viewing on social media and the wider web. My proposed design 'Cult Object' juxtaposes an archetypical sign of feminism with the Roman emperor, Constantine the Great, to evoke the irreconcilability of social and religious ideologies, the gendered nature of power, and the sway of philosophy.



The Rumble of a Dream

Jean Hogan (University College Dublin, Ireland)

* * *

Preface

'The Rumble of a Dream' considers protest and resistance through analysing the seemingly divergent positions adopted by Martin Luther King and Malcolm X in their struggles for justice in the USA in the mid-twentieth century. The polysemic 'rumble' invites us to hear these two activists' dreams of a better society as a low reverberating sound, while facetiously suggesting that the disagreements between them were akin to gang-warfare rather than fundamentally different ethical visions and hinting that the true character of their dreams has yet to be revealed.

Perspectives is publishing this essay posthumously in celebration of Jean Hogan's lively intellect, passion for learning and extraordinary determination, which rumble on after her sudden death on 31 December 2020 following many years of severe illness. Born in 1984, she was diagnosed at the age of fourteen with NF2, a progressive degenerative neurological condition that in her case led to multiple brain tumours, profoundly affected her motor activity and rendered her profoundly deaf – though not, as we find, to the rumbles of a dream. Jean's essay, written in the summer months of 2020 at the height of the Covid-19 pandemic during a particularly gruelling course of radiation therapy, is itself an act of protest and resistance, a spirited and engaged performance in the face of death. Her acute intellect, wit and breadth of knowledge are readily discernible in the essay, which was submitted as an assignment for an MA seminar that focused on civil disobedience under the general heading 'The Good Society'. Exceptionally well-researched and lucidly written, it provides a convincing account of King's position on non-violence, comparing and contrasting it with the views of Malcolm X, with whose position it engages critically and incisively. Jean was well aware that her essay was not, in her own words 'wrapped-up-in-a-bow complete'. However, she found working on it inspirational and was keenly interested in

revising and expanding it for her MA dissertation, perhaps even for a larger project. Although in the end she was unable to bring these plans to fruition, her determination to do so and engagement with the topic were evident up to her last moments. In recognition of her achievements, she was awarded an Aegrotat MA by UCD on 06 December 2021. UCD School of Philosophy mourns her. With the generous support of her parents, Ger and Tom Hogan, it has named a prize in her honour, currently awarded to the best essay submitted by a student on any of its taught MA programmes. Jean lived life to the utmost. *Ní bheidh a leithéad ann arís.*

Maeve Cooke (UCD School of Philosophy)

* * *

“How is the struggle against . . . injustice to be waged? There are two . . . answers. One is resort to the . . . method of physical violence . . . The alternative . . . is nonviolent resistance”¹ So wrote Martin Luther King, Jr. in 1957. King’s focus was racial injustice in America, a problem that is not going to “work itself out”;² he impugned “the myth of time”, as in the myth that time will solve this and all problems—“time is neutral”, and it is necessary that time be aided by human effort.³ For “there is something [we] can do”, and “[we] don’t have to be violent to do it”.⁴ In this essay, I will consider King’s advocacy of nonviolent resistance as a successful strategy. First though, we must get clear on what King meant by nonviolent resistance, because this is often misunderstood (or at least misrepresented).

1 Martin Luther King, Jr., “Nonviolence and Racial Justice” [1957], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 7.

2 “focus”, not sole concern—King was alert to other problems, such as racial injustice’s “inseparable twin of . . . economic injustice” [Martin Luther King, Jr., *The Autobiography of Martin Luther King, Jr.*, ed. Clayborne Carson (New York: Grand Central Publishing, 2001), 10]; Martin Luther King, Jr., “Address at Public Meeting of the Southern Christian Ministers Conference of Mississippi”, Jackson, Mississippi, September 23, 1959, 283.

3 Martin Luther King, Jr., “Love, Law, and Civil Disobedience” [1961], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 51.

4 Martin Luther King, Jr., “Some Things We Must Do”, Montgomery, Alabama, December 5, 1957, 332; Martin Luther King, Jr., “Showdown for Nonviolence” [1986], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 69.

On May 25, 2020 George Floyd, an unarmed 46-year-old black man, was killed by white Minneapolis police officer Derek Chauvin. A video circulated of Chauvin kneeling on Floyd's neck for 8 minutes 46 seconds. Cue outrage and protests (against police brutality, brutality that's disproportionately toward blacks) in cities across America—and across the world. Some of these protests turned violent, with people looting businesses, hurling rocks and water bottles, setting fires . . . Mayor Keisha Lance Bottoms denounced the unrest in Atlanta as “not in the spirit of King”, and indeed an affront to his legacy; ⁵ she told protestors “Go home. Go home” .⁶ This was by no means the first instance of King and his legacy being summoned to check behaviour.⁷ On April 19, 2015, Freddie Gray, a 25-year-old black man, died after suffering a spinal cord injury while in the custody of Baltimore City Police. Protests ensued. CNN host Wolf Blitzer badgered community organizer DeRay Mckesson “I just want to hear you say that there should be peaceful protests, not violent protests, in the tradition of . . . King”.⁸ Blitzer's conflation of “peaceful” (in the sense of calm, quiet, tranquil; free from disturbance, commotion, or strife) and “not violent” is not atypical.⁹ When there were protests following the fatal shooting on August 9, 2014 of Michael Brown (an 18-year-old black man) by white Ferguson police officer Darren Wilson, Mike Huckabee measured the protestors against “[the] real heroes of racial justice”, “peaceful protestors like . . . King”.¹⁰

Then there are King's contemporaries: for example, Elijah Muhammad's Black Muslims—particularly Malcolm X, who

⁵ Keisha Lance Bottoms, “Speech on Unrest in Atlanta”, Atlanta, Georgia, May 29, 2020, 2.

⁶ Bottoms, “Speech on Unrest in Atlanta”, 2.

⁷ Contemporary events are often described by public officials, the media, *et al.* as “unprecedented”, but when it comes to protest in America there is exactly one precedent.

⁸ David Edwards, “Activist Smacks Down Wolf Blitzer: ‘You are Suggesting Broken Windows are Worse than Broken Spines’”, *Raw Story Investigates*, April 28, 2015, 4.

⁹ “peaceful, adj. and n.”, *OED Online*, June 2020. <https://www.oed.com/view/Entry/139223?redirectedFrom=peaceful#eid>.

¹⁰ Mike Huckabee quoted in Joanna Rothkopf, “Mike Huckabee Compares Ferguson Protestors to Medgar Evers' Killers in Grotesquely Bigoted Blog Post”, *Salon*, November 25, 2014, 1. Quoted in, because the 44th governor of Arkansas and Republican candidate (2008 and 2016) Huckabee deleted his blog post, though he also doubled down, opining elsewhere that King would be “appalled” by the Black Lives Matter movement. [Eric Bradner, “Huckabee: MLK Would be ‘Appalled’ by Black Lives Matter Movement”, *CNN Politics*, August 18, 2015, 1].

was widely perceived as King's opposite. Though X too was for justice, freedom, equality, for "our people", his motto was "by any means necessary".¹¹ Thus "the same goals, the same objective", but different ways of getting at it.¹² And X was sharply critical of King's way, as King was aware. In the "Malcolm X" chapter of his *Autobiography*, King cited allegations "about [him] being soft" and "a sort of polished Uncle Tom" who, if not quite "approv[ing] of Negro men and women being bitten by dogs and the firehoses", was at least compliant;¹³ in other words (X's words), King was a "twentieth-century Uncle Tom . . .", keeping "you and me . . . us" "peaceful"—and "passive".¹⁴ "But nothing is further from the truth", countered King.¹⁵

Nonviolent resistance is not tantamount to non-resistance, is not a "do-nothing method' . . . of stagnant passivity";¹⁶ it does resist, the nonviolent resister does resist.¹⁷ King lamented as tragic that "so many Negroes" come to have "[a] sense of 'nobodyness'", adjusting to segregation and discrimination, accepting "the 'place' assigned" them, internalizing the Blue "been down so long / . . . down don't bother me".¹⁸ King stressed the importance of maintaining a sense of dignity and worth, a sense of somebodyness—and having the

11 Malcolm X, "The Founding Rally of the OAAU" [1964], in *By Any Means Necessary* (New York: Pathfinder, 1992), 63-66.

12 Malcolm X, "The Black Revolution" [1964], in *Malcolm X Speaks* (New York: Pathfinder, 1989), 74; "we are reaching out for . . . freedom and justice and equality" [Martin Luther King, Jr., "MIA Mass Meeting at Holt Street Baptist Church", Montgomery, Alabama, December 5, 1955, 73]; as Vincent G. Harding, who worked closely with King and the Southern Christian Leadership Conference (SNCC) he co-founded, explained, "[our] struggle was not just against something, but was trying to bring something into being. Always at the heart of nonviolent struggle was, and still is, a vision of a new society" [Harding quoted in Charles E Cobb, Jr., *This Nonviolent Stuff'll Get You Killed: How Guns Made the Civil Rights Movement Possible* (New York: Basic Books, 2014), loc. 213].

13 King, *The Autobiography*, 26, sic.

14 Malcolm X, "Message to the Grass Roots" [1963], in *Malcolm X Speaks* (New York: Pathfinder, 1989), 26.

15 Martin Luther King, Jr., "An Experiment in Love" [1958], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 18.

16 King, "An Experiment in Love", 17-18.

17 King, "An Experiment in Love", 17.

18 King, "Some Things We Must Do", 332; King, *The Autobiography*, 266; King, "Nonviolence and Racial Justice", 6; Albert King, "Down Don't Bother Me", lyrics available at <https://www.metrolyrics.com/down-don-t-bother-me-lyrics-albert-king.html>.

“audacity to assert our somebod[y]ness”.¹⁹ Accordingly, King did not—and could not—advise “that you sit down” and quietly take injustice.²⁰ (Not you and not I. King was himself actively involved, “in the thick of this struggle”, and made sacrifices on his “dangerous road”).²¹ Rather stand up, speak up, against injustice. Hence it is less in the spirit of King to go home than to go out, in the streets, protest—march, demonstrate, boycott, sit-in, jail-in, etc.²²

Not that such action is to be moved into impulsively. In a 1963 letter from Birmingham, Alabama, King enumerated prior steps, the first of which is “collection of the facts” to determine whether injustice is alive.²³ Staying with 1963 Birmingham, the hard cold facts are that the city is “thoroughly segregated”, its “ugly” record on police brutality is “notorious”, as is its “treatment of Negroes in the courts”, many “bombings of Negro homes and churches” remain “unsolved”, etc.²⁴ In sum, “[t]here can be no gainsaying” that racial injustice is

19 King, “Address at Public Meeting of the Southern Christian Ministers Conference of Mississippi”, 284.

20 King, “Showdown for Nonviolence”, 65; King, *The Autobiography*, 266.

21 “I speak as one who has stood in the thick of this struggle . . . who has to live every day under the threat of death” [King, “Some Things We Must Do”, 330]; not only the threat of death, but also F.B.I. surveillance, harassment, intimidation, volumes of hate mail, etc. Martin Luther King III remembers how his father “was a marked person” [Maggie Astor, “In Storms, All Kinds of Things Can Happen: Martin Luther King III on a Pivotal Month”, *The New York Times*, June 30, 2020, 4]; King’s “dangerous road”, borrowed from James Baldwin, “The Dangerous Road Before Martin Luther King”, in *The Price of the Ticket: Collected Nonfiction, 1948-1985* (New York: St. Martin’s Press, 1985), 245-304.

22 In fairness, Mayor Bottoms was not telling protestors “Go home. Go home”, and leave it at that; she stressed the importance of registering to vote and showing up at polls [Bottoms, “Speech on Unrest in Atlanta”, 2]. King did appreciate the importance of the black vote, but appreciated too that voting-protest is “a both-and”, “not an either-or” [Martin Luther King, Jr., “Interview by Lester Margolies” [1961], *The Papers of Martin Luther King, Jr., Volume VII: To Save the Soul of America, January 1961-August 1960* (Oakland: University of California Press, 2014), 180]; King impressed that it is their right to protest for right, and is in America constitutional (First Amendment). Though this isn’t the case in, for example, apartheid South Africa, King would still “tell the people in South Africa to disobey those laws” [King, “Interview by Lester Margolies”, 186].

23 Martin Luther King, Jr., “Letter from Birmingham City Jail” [1963], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 290.

24 King, “Letter from Birmingham City Jail”, 290; Birmingham 1963 was continuing to earn its label of “most segregated city in the South”, with parks, playgrounds, swimming pools, restaurants, hotels, theatres, elevators, etc. separated by race, the man in charge of the city’s police and firefighting forces was Eugene “Bull” Connor, there had been 60 bombings of black homes, churches, businesses since the end of World War II, on “Dynamite Hill” so-called because of the frequency of ‘unsolved’.

alive.²⁵ As in Birmingham, so “all over America”.²⁶ 100 years after President Abraham Lincoln issued the Emancipation Proclamation “the Negro still is not free” but still “crippled” by segregation and discrimination, living in poverty (amidst “material prosperity”), “in the corners of American society”, “in exile in his own land”.²⁷ “So we’ve come here today to dramatize a shameful condition”.²⁸ Here, Washington, D.C., today, August 28, 1963. Also invoked in this speech are the Constitution and the Declaration of Independence. For example, the assertion that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”²⁹ But again, facts. America has not lived up to this creed “in so far as her citizens of color are concerned”;³⁰ America has indeed had “a high blood pressure of creeds and an anemia of deeds on the question of justice”.³¹

The next step is to negotiate.³² This is no “mealy-mouth, beg-in . . . plead-in”, nor even negotiate in the sense of compromise, but communicate—“[t]o communicate . . . (*with another or others*) [t]o arrange for . . . obtain, or bring about (something)”.³³ That something

. . . bombings there” [George Lavan, “Federal Gov’t Should Deputize Them and Send Troops to Disarm Racists”, *The Militant*, September 23, 1963, 1].

25 King, “Letter from Birmingham City Jail”, 290.

26 Martin Luther King, Jr., “Martin Luther King, Jr. Saw Three Evils in the World” [1967], *The Atlantic*, King Issue (March 2018), 1.

27 Effective as of January 1, 1863 “all persons held as slaves within any State or designated part of a State [currently engaged in rebellion against the Union] shall be then, thenceforward, and forever free” [Transcript of the Proclamation available at url: <https://www.archives.gov/exhibits/featured-documents/emancipation-proclamation/transcript.html>]; Martin Luther King, Jr., “I Have a Dream” [1963], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 217.

28 King, “I Have a Dream”, 217.

29 Transcript of the Declaration of Independence available at url: <https://www.archives.gov/founding-docs/declaration-transcript>.

30 King, “I Have a Dream”, 217, sic.

31 Martin Luther King, Jr., “The Other America” [1968], in *MLK on “The Other America” and “Black Power”* (Boston: Beacon Press, 2016), loc. 107, sic.

32 King, “Letter from Birmingham City Jail”, 290.

33 Malcolm X [1960], quoted in James H. Cone, *Martin & Malcolm & America: A Dream or a Nightmare* (New York: Orbis Books, 2012), 107; Martin Luther King, Jr., “The Social Organization of Nonviolence” [1959], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 32; “negotiate, v.”, *OED Online*, June 2020. <https://www.oed.com/view/Entry/125878?redirectedFrom=negotiate#eid>; “we are going to demand what is ours and, my friends, the resources are here in America [King, “The Other America”, loc. 149, my emphasis].

for King comported with the American dream.

The phrase “American dream” featured in King’s speeches from the late 1950s. Refer to his speech at a Committee on Government Contracts meeting (at which Vice President Richard Nixon was in attendance) on May 11, 1959; King spoke of “the dream of our American democracy—a dream [yet] unfulfilled”.³⁴ By the beginning of the 1960s King frequently used the phrase as typical of his perspective on America and the black struggle in it.³⁵

King—who took the meaning of “American dream” from two sources: The American liberal democratic tradition, and the biblical tradition of the Old and New Testaments (as interpreted by Protestant liberalism and the black church)—was especially impressed by the aforementioned assertion of the Declaration of Independence. The main attractions were its universalism—“think about what it says”, not some men but “all men”, not all white men but “all men, which includes black men”.³⁶ Then “something else”, about the divine origin of human rights, *i.e.*, “every man has certain basic rights that are neither derived from nor conferred by the state . . . They are God given”.³⁷ King credited the Declaration of Independence with thus expressing (“unequivocally”) “the dignity and worth of human personality”.³⁸

As pertaining to King’s speeches on the American dream, it is

34 Martin Luther King, Jr., “Address at the Religious Leaders Conference”, Washington, D.C., May 11, 1959, 3.

35 See for example such speeches as Martin Luther King, Jr., “The American Dream” [1961], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 208-216 and Martin Luther King, Jr., “The Negro and the American Dream” [1961], *The Papers of Martin Luther King, Jr., Volume VII: To Save the Soul of America, January 1961-August 1960* (Oakland: University of California Press, 2014), 111-123.

36 . . . not some men but “all men”, not all white men but “all men, which includes black men”, not all Gentiles but “all men, which includes Jews”, not all Protestants but “all men, which includes Catholics. And I can go right down the line” and, one trusts, get to “women”, eventually [King, “The Other America”, loc. 101].

37 King, “The Other America”, loc. 101; it’s this recognition that “every man has certain basic rights that are neither derived from nor conferred by the state . . . They are God given” that, according to King, ultimately distinguishes democracy and the American form of government from totalitarian regimes [King, “The American Dream”, 208].

38 Martin Luther King, Jr. “The Ethical Demands for Integration” [1963], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 119.

important to bear in mind his audience. King's articulation of the American dream was primarily for white Americans.³⁹ Take again King's speech of August 28, 1963, on the occasion of the March on Washington for Jobs and Freedom. John Lewis, who also delivered a speech from the steps of the Lincoln Memorial that day, remembered King speaking not just to "those hundreds of thousands of men, women and children before [us]".⁴⁰ Television networks were broadcasting live. So King "was speaking not just to the massive audience before us" (around 20 per cent of which was white), but to the President (President John F. Kennedy, watching from the White House) and his administration, Congress, the nation—the world, thanks to the newly orbiting communications satellite Telstar.⁴¹ The speech typified King's "conventional lawyer's strategy";⁴² he identified core ideals and principles, and how practice did not conform—segregation, for example, did (does) not accord with "all men are created equal". If this is not however enough to prick the conscience of white Americans and rouse them to implement the ideals and principles they publicly profess, "we'll

39 "Not primarily", in that King had facility for speaking simultaneously to a black audience about why they should maintain a sense of dignity and worth, of somebodyness, and assert their somebodyness, and to a white audience about why they should support that. "Simultaneously. It was a genius that he could do that as one Gestalt" [Bayard Rustin (who worked closely with King) cited in Gary Younge, *The Speech: The Story Behind Dr. Martin Luther King Jr.'s Dream* (Chicago: Haymarket Books, 2013), 124].

40 John Lewis, *Walking with the Wind: A Memoir of the Movement* (New York: Simon and Schuster, 1998), 228; Lewis was speaking in his capacity as chairman of the Student Nonviolent Coordinating Committee (SNCC).

41 Lewis, *Walking with the Wind*, 229; "the world", importantly, for as *Brown vs. Board of Education* (Argued December 5, 1952, Reargued December 8, 1953, Decided May 17, 1954) already evinced, there was sensitivity to how racial realities in America affected its image abroad. In December 1952, the Department of Justice filed an *amicus curiae* brief with a heavy emphasis on foreign policy considerations of the Truman administration (in a case ostensibly about domestic matters). Attorney General James P. McGranery noted that segregation had "an adverse effect upon our relations with other countries [, furnishing] grist for the Communist propaganda mills, and [raising] doubts even among friendly nations as to the intensity of our devotion to the democratic faith". Also quoted was a letter from Secretary of State Dean Acheson, noting the damage to foreign relations, with school segregation "singled out for hostile foreign comment". The bearing of such practices on American international prestige "jeopardizes the effective maintenance of our moral leadership of the free and democratic nations of the world". The Court's decision was unanimous [Erin Miller, "The Global Impact of *Brown vs. Board of Education*", *Supreme Court of the United States Blog*, February 18, 2010, 1-2].

42 "conventional lawyer's strategy", borrowed from Cass R. Sunstein, "What the Civil Rights Movement Was and Wasn't", 1995 *University of Illinois Law Review* 191 (1995): 193.

have to escalate” and prepare to move into action—action geared to creating “such a crisis and [such] tension that [they are] forced to confront the [problem]”.⁴³ Not calm, quiet, tranquil, etc. then, but crisis, creating a crisis or crisis packed situation, and tension; King, who deemed the creation of tension part of the work of the nonviolent resister, had no interest in “negative” peace (associated with the absence of tension), only “positive” peace (associated with the presence of justice).⁴⁴ What about forced to? This is force in the sense of coerce, to force to do.⁴⁵ King allowed aspects of nonviolent coercion.⁴⁶ Isn’t this oxymoronic?

Coercion is often conflated with violence.⁴⁷ Though there is a compelling case to be made that they are distinct notions, King rather qualified.⁴⁸ Those engaged in the nonviolent struggle “must avoid” the use of *physical* violence (defined by King in terms of inflicting damage, causing injury, or destroying life or property).⁴⁹

⁴³ King, “Showdown for Nonviolence”, 68; King, “Letter from Birmingham City Jail”, 291, my emphasis.

⁴⁴ King, “Letter from Birmingham City Jail”, 291, though “[a]ctually”, not so much the creation of tension as “bring[ing] to the surface . . . tension that is already alive. We bring it out in the open where it can be seen and dealt with” [King, “Letter from Birmingham City Jail”, 295].

⁴⁵ “Coerce, v.”, OED Online, June 2020. <https://www.oed.com/view/Entry/35716?redirectedFrom=coerce#eid>.

⁴⁶ King, “Interview by Lester Margolies”, 186-187, and elsewhere; “we’ve come to see that we’ve got to use the tools of coercion” [King, “MIA Mass Meeting at Holt Street Baptist Church”, 74].

⁴⁷ For examples see Ronald B. Miller, “Violence, Force and Coercion”, in *Violence: Award-Winning Essays in the Council for Philosophical Studies Competition*, ed. Jerome A. Shaffer (New York: David McKay, 1971), 12-13; 26.

⁴⁸ See for example Miller, “Violence, Force and Coercion”, 26-30.

⁴⁹ “Life or property”, although King escapes Mckesson’s charge (of Blitzer), i.e. suggesting that broken windows are as bad as (if not “worse than”) broken spines [Edwards, “Activist Smacks Down Wolf Blitzer”, *Raw Story Investigates*, 5]. King [1967] implied stricter prohibition of violence against persons than on property—“I am aware that there are many who wince at a distinction between property and persons—who hold both sacrosanct. My views are not so rigid. A life is sacred. Property is intended to serve life, and no matter how much we surround it with rights and respect, it has no personal being” [Martin Luther King, Jr., *The Radical King*, ed. Cornel West. (Boston: Beacon Press, 2015), loc. 2350]. Potentially problematic is that King seemingly took inflicting damage, causing injury, or destroying, as directly inflicting, directly causing, or directly destroying, for certain nonviolent acts—a strike by ambulance crew, for example—would have much more severe consequences than a vicious pinch, for example. The qualifier *physical* is also potentially problematic, if it is possible to do violence to a person not only by damaging, injuring, or destroying their body, but also by psychologically damaging, injuring, or destroying them [see John Morreall, “The Justifiability of Violent Civil Disobedience”, in *Civil Disobedience in Focus*, ed. Hugo Adam Bedau (London:

Consistent with this is eschewal of *physical* coercion, “where you use physical violence and physical methods”.⁵⁰ King didn’t however throw coercion out altogether. With a nonviolent boycott, say, “you are coercing”, in that “you are withdrawing your economic support in order to make [the storekeeper] do something”—such as remove “racial signs”.⁵¹ This approximates what Ted Honderich calls “the coercion of persuasion”.⁵² The storekeeper is “restrained or constrained”, but still “left room for effectual reflection and judgement”—and thus can still be held responsible.⁵³ Honderich’s “coercion of persuasion” also licences the use of “pressure”, the bringing or putting on of pressure (on storekeepers at Birmingham, or Congress, or).⁵⁴

So crisis, tension, force, coercion and pressure. Other words in this neighbourhood are weapon (nonviolent resistance as a “most potent weapon”) and militant (“militant nonviolence”).⁵⁵ *Pace* X then, the method advocated by King is not conjunct with peaceful (in the “negative” sense) and passive. But as X thus misunderstood (or at least misrepresented) King, *vice versa*.

King’s allegation that X was “urging Negroes to . . . prepare to engage in violence” neglects nuance.⁵⁶ X believed in being nonviolent “only with those who are nonviolent to you”;⁵⁷ he was “urging Negroes” not to initiate violence but to be prepared to exercise their right to self-defence.⁵⁸ Whereas X insisted on self-defence as a right, King

Routledge, 1991), 130-143].

50 King, “Love, Law, and Civil Disobedience”, 46; King, “Interview by Lester Margolies”, 186.

51 King, “Interview by Lester Margolies”, 186; King, “Letter from Birmingham City Jail”, 290; examples of “racial signs” at stores would include “whites only”, “white trade only”, “whites only / maids in uniform accepted”, “no negroes allowed”, “negroes stay out”, “this door white only / colored in rear”.

52 Ted Honderich, *Three Essays on Political Violence* (Oxford: Basil Blackwell, 1976), 110.

53 “Coerce, v.”, OED Online; Honderich, *Three Essays on Political Violence*, 11.

54 King, “Letter from Birmingham City Jail”, 291; King, “Showdown for Nonviolence”, 68.

55 King [1963] in Kenneth B. Clark, *King, Malcolm, Baldwin: Three Interviews by Kenneth B. Clark* (Middletown: Wesleyan University Press, 1985), 23; King, “Showdown for Nonviolence”, 68; see also Martin Luther King, Jr., “Our God is Marching On!”, Montgomery, Alabama, March 25, 1965, 2, where King referred to “the method of nonviolent resistance [as being] unsheathed from its scabbard”.

56 King, *The Autobiography*, 265, my deemphasis.

57 X, “The Founding Rally of the OAAU”, 71.

58 “Since self-preservation is the first law of nature, we assert the Afro-American’s

insisted that those engaged in the nonviolent struggle must “at every point” avoid use of physical violence, *i.e.* including physical violence in retaliation;⁵⁹ though rivers of blood may flow, “it must be our blood”.⁶⁰ Hence X charging King with putting out “this foolish philosophy”, so “setting up a situation where . . . Negroes . . . can’t defend themselves” from the bite of the dog (“when I say dogs, that is four-legged dogs and two-legged dogs”).⁶¹ Not only can they not defend themselves against attack, they maybe court it. Was it not the case that the Ku Klux Klan, other white hate groups, and even the police, attacked because they knew blacks would not retaliate in kind?⁶² X held firm that whites needed to know that “if there is to be bleeding, it [will] be reciprocal”.⁶³

Now King might have been wrong about X, but was aware of discontent within ranks on the issue of self-defence—yet remained insistent about those engaged in the nonviolent struggle avoiding the use of physical violence at every point.⁶⁴

right to self-defense . . . We assert that in those areas where the government is either unable or unwilling to protect the lives and property of our people that our people are within our rights to protect themselves by whatever means necessary” [X, “The Founding Rally of the OAAU”, 70]; “by whatever means necessary” does include armed self-defence, if necessary, but again King’s allegation, that X was “urging Negroes to arm themselves”, neglects nuance [King, *The Autobiography*, 265, my deemphasis]—X was urging them to exercise their right: “The Constitution of the United States of America clearly affirms the right of every American citizen to bear arms. And as Americans we will not give up a single right guaranteed under the Constitution” [X, “The Founding Rally of the OAAU”, 70].

59 King, “Love, Law, and Civil Disobedience”, 46, my emphasis.

60 King paraphrasing Mahatma Gandhi, in “An Experiment in Love”, 18.

61 X [1963] in Clark, *King, Malcolm, Baldwin*, 43; “foolish”, as against the “intelligence” of self-defence [Malcolm X, “Communication and Reality” [1964], in *Malcolm X: The Man and His Times*, ed. John Henrik Clarke (New York: Macmillan, 1969), 313].

62 See for example John R. Salter, in 1994: “I’m alive today because of the Second Amendment . . . right to keep and bear arms”. In the early 1960s, Salter, a professor at Tougaloo Southern Christian College (a historically black college in Tougaloo, Mississippi) and advisor to students non-violently sitting-in at segregated lunch counters and other public facilities in downtown Jackson, always “traveled armed”. “The knowledge that I had these weapons and was willing to use them kept enemies at bay”. And the knowledge that weapons would be used to defend Tougaloo campus, helped deter attacks, although it could not prevent them completely [John R. Salter quoted in Cobb, *This Nonviolent Stuff’ll Get You Killed*, loc. 236, sic].

63 Malcolm X, “The Black Revolution”, 71.

64 “King might have been wrong about X”, but was open to this possibility—“I totally disagree with many of [X’s] views—at least insofar as I understand [them]” [King, *The Autobiography*, 265, my deemphasis]—and was anyway hardly the only one. During X’s life and immediately following his assassination, the black media was often as intemperate and uninformed as the white media, assessing him as a fomenter of hate and violence; “within ranks”, especially after the bombing, on September 15,

Not that King denied the right to defend one's person and one's property that has been accepted "through the ages" and is in America guaranteed by the Constitution;⁶⁵ it doesn't however follow from one has a right that one should exercise it.⁶⁶ Neither did King deny that it is hard to remain nonviolent "no matter what they do to us";⁶⁷ workshops were held "where we go through the experience of being roughed up", and these proved helpful in preparing those engaged in the nonviolent struggle.⁶⁸ Facing snarling dogs, fire hoses, billy clubs, etc. also takes courage and sacrifice, as the consequences of abnegating self-defence could be serious injury, even death.⁶⁹ Nor did King deny that there is

1963, of Sixteenth Street Baptist Church in Birmingham that killed four black girls attending Sunday school. Even such staid voices as Roy Wilkins (head of the National Association for the Advancement of Colored People (NAACP)) questioned the wisdom of nonviolent resistance: unless the federal government offers more than "picayune and piecemeal aid against this type of bestiality" blacks will "employ such methods as our desperation may dictate in defense of the lives of our people" [Roy Wilkins quoted in Lavan, "Federal Gov't Should Deputize Them and Send Troops to Disarm Racists", 5, sic]. Or Louis Lomax, at a press conference of the Artists and Writers Committee for Justice, on "[t]he right of self-defense": "We are completely in favor of non-violence as a tactic, but [r]aised to a principle, nonviolence aids and abets the oppressor. If a white man comes into my home to assault and attack, I will shoot him . . . The time of open season on Negroes is over" [Louis Lomax quoted in Fred Halstead, "James Baldwin and Bayard Rustin", *The Militant*, October 7, 1963, 2, sic]. Leading black clergy were also direct. Rev. Gardner C. Taylor (pastor of Concord Baptist Church in Bedford-Stuyvesant, Brooklyn) said that the bombing "forces a re-examination by serious Christians of the entire doctrine of nonviolence except as a tactical approach in selected situations" [Gardner C. Taylor quoted in Halstead, "James Baldwin and Bayard Rustin", 2]. Bishop Charles Ewbank Tucker (of the African Methodist Episcopal Zion Church) elaborated that "[t]he . . . philosophy of non-violence in situations of this kind seems impotent and ineffective. As one of the presiding bishops of a church with a constituency of one million—70,000 of whom reside in Georgia, Alabama and Mississippi—I call upon our membership in these states here and now to arm themselves to repel any illegal intrusions upon their persons, the privacy of their homes, or the sacredness of their institutions" [Charles Ewbank Tucker quoted in William Bundy, "Civil Rights Forces Seek New Ways to Press Fight", *The Militant*, October 7, 1963, 1, sic].

65 Martin Luther King, Jr., *Where Do We Go from Here: Chaos or Community?* [1967], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 590; "all societies, from the most primitive to the most cultured and civilised, accept" "violence exercised in self-defense" [King, "Social Organization of Nonviolence", 32, sic].

66 For more on this see Joseph Raz, *The Authority of Law: Essays on Law and Morality* (Oxford: Oxford University Press, 2009), 266-269.

67 King, "Some Things We Must Do", 341.

68 Those engaged, including even the children, "none of them went out [on] a march . . . before [partaking in] this kind of teaching session" [King in Clark, *King, Malcolm, Baldwin*, 27].

69 "courage", and this is how rousing black people to maintain a sense of dignity and worth etc. can be reconciled with insisting that those engaged in the nonviolent

something disarming here, but disarming of oppressors;⁷⁰ the absence of retaliatory violence wears down their morale, at the same time works on their conscience, and they don't know what to do—whereas if black people were to use violence, their oppressors would know what to do, because they know how to operate on that level.⁷¹

Which brings us to King's advocacy of nonviolent resistance on strategic grounds.⁷²

Though an-eye-for-an-eye might be “old-time religion”, research suggests it is not strategic.⁷³ Use of violence tends to mobilize or become fodder for opposition to grow its coalition, when it is necessary for a group “in the corners of . . . society” to grow its coalition.⁷⁴ If those engaged in the struggle against racial injustice were to use violence, they would risk alienating potential allies—

struggle avoid the use of physical violence at every point. It does something “to the hearts and souls of those committed to it. It gives them new self-respect. It calls on resources of strength and courage that they did not know they had” [King [1961] quoted in Cone, *Martin & Malcolm & America*, 78]; “sacrifice”, the nonviolent resister “agrees that it is better for him to suffer *publicly* for a short time” to bring about the end of school segregation, for example (King's example), “than to have generation after generation of children suffer (suffer, in that “a child's mind is crippled daily by inadequate educational opportunity”) [Martin Luther King, Jr. “Nonviolence: The Only Road to Freedom” [1966], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 57, my emphasis].

70 King in Clark, *King, Malcolm, Baldwin*, 23; contrast X, “[a]ny Negro who teaches Negroes to turn the other cheek in the face of attack is disarming that Negro of his . . . right to defend himself” [X in Clark, *King, Malcolm, Baldwin*, 42].

71 King, “The American Dream”, 214.

72 King would rather that blacks follow his example and accept nonviolence as a way of life, a Christian way of life. (It's important not to overlook the influence of King's faith (primarily Christian, in the black Baptist tradition) on his perspective on America and the black struggle in it). Still he was aware that “many people . . . would not go to the point of . . . accepting non-violence as a way of life” [King in Clark, *King, Malcolm, Baldwin*, 23, sic]. For “[t]here are lots of people lots of black people I mean, now, who ‘don't go to church no more” [James Baldwin [1963] in Clark, *King, Malcolm, Baldwin*, 61]. And again, within ranks. Many SCLC staffers did not accept nonviolence as a way of life. So, King was aware that there are many people who would not go to the point of accepting nonviolence as a way of life, but would accept it as the most effective strategy—and that's what he urged.

73 “. . . old-time religion[,] the one that Ma and Pa used to talk about: an eye for an eye, and a tooth for a tooth, and a head for a head, and a life for a life [X, “Message to the Grass Roots”, 28]; see Omar Wasow, “Agenda Seeding: How 1960s Black Protests Moved Elites, Public Opinion and Voting”, *American Political Science Review* (2020): 1-22.

74 King, “I Have a Dream”, 217.

southern moderates, northern liberals, religious communities . . . King was of the conviction that if such monumental problems as racial injustice are to be solved, “[w]e must act [so] as to make possible a coming together of white people and colored people”⁷⁵—indeed there is “no choice if we are to continue on the path of a more perfect union.”⁷⁶

Resistance through violence would moreover distract from the problem. Recall “we’ve come here today to dramatize.”⁷⁷ At Washington, D.C. on August 28, 1963, that was “dramatize” in the sense of “spotlight”, or “put a spotlight on”. King understood that part of the work of the nonviolent resister is “keep[ing] people informed and aware”, and so not able to plead ignorance about “the gulf” between America’s stated ideals and principles and the reality of their time.⁷⁸ Use of violence by those engaged in the struggle against a given injustice tends to shift attention from that injustice to ransacked stores, smashed windows, buildings going up in flames . . . Germane is Omar Wasow’s research on the political consequences of protest movements.⁷⁹ Wasow found that how the media covered black-led protests in the 1960s significantly influenced public opinion and voting behaviour. When a protest was categorized as violent, words commonly used were riot, shot,

⁷⁵ Martin Luther King, Jr., “Give Us the Ballot”, Washington, D.C., May 17, 1957, 214, sic.

⁷⁶ Then Senator Barack Obama channelling King [Barack Obama, “Speech on Race”, Philadelphia, Pennsylvania, March 18, 2008, 11]. King would say that an-eye-for-an-eye just “leaves everyone blind” [Martin Luther King, Jr., *Stride Toward Freedom* [1958], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 482], that “violence begets violence” and “the end is destruction—for everybody” [Martin Luther King, Jr., “The Current Crisis in Race Relations” [1958], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 87], that we must find a way to live together as brothers and sisters, or we will perish as fools” [John Lewis, “Congressman Speaks About Martin Luther King, Jr.’s Legacy”, *CBS News*, January 15, 2007, 1], i.e. it’s not his philosophy that’s foolish. On this point King seems to have history on his side. Unless humankind finds a way to put an end to violence, then violence will put an end to humankind. Note, though, that this does not commit King to the view that violence never works. King recognized that “[o]ccasionally violence is temporarily successful”, in bringing “temporary victory” [King, Jr., “The Current Crisis in Race Relations”, 86].

⁷⁷ King, “I Have a Dream”, 217.

⁷⁸ Martin Luther King, Jr., “Nonviolence: The Only Road to Freedom”, 60; Martin Luther King, Jr., “Remaining Awake Through a Great Revolution” [1968], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 274.

⁷⁹ Wasow, “Agenda Seeding”, 1-22.

fire, and the like.⁸⁰ This narrative took hold, and there was a spike in public concern about crime and disorder. For example, violent protests across America in 1968 helped Republican candidate Nixon (who campaigned on a law-and-order platform) beat Democratic candidate Hubert Humphrey (lead author of the 1964 Civil Rights Act) in the November presidential election.⁸¹

What about nonviolent resistance? There is a lot of evidence that it can be very effective.⁸² Refer, for example, to the successful Montgomery bus boycott (December 1955–December 1956) that brought King to prominence.⁸³ After 381 days of 50,000 black people in Montgomery, Alabama boycotting the busses, 381 days of walking, in the heat and cold, sweltering sun and drenching rain, of sore feet and tired bodies, police harassment, several bombed homes, and daily telephone threats of harm, the goal of bus desegregation was achieved; the Supreme Court ruled that segregation on public busses was (is) unconstitutional.

381 days? King was keen not to give the impression that nonviolent resistance will immediately produce meaningful results. A nonviolent march, say, is not a “one shot”.⁸⁴ The marches must continue over a period of days and also be large enough to create disruption, crisis even, “or they go unnoticed”.⁸⁵ When 50,000

80 “categorized”, in that no bright line distinguishes violent from nonviolent protests, and similar facts can be reported on in different ways; “words commonly used”, in mainstream newspapers, including the Washington Post, Los Angeles Times, Wall Street Journal, New York Newsday, Boston Globe, Chicago Tribune, Christian Science Monitor.

81 Wasow found that they cost Humphrey some 763,000 votes nationally, as white moderates who had supported the Democratic Party after the passage of the 1964 Civil Rights Act defected to the Republican Party. Pertinent here is King’s “I have almost reached the regrettable conclusion that the Negro’s great stumbling block [is] the white moderate who is more devoted to ‘order’ than to justice” [King, “Letter from Birmingham City Jail”, 295].

82 “can be very effective”, not just in America. King was pleased that Ghana and other African nations had achieved their independence with no (or little) violence. The success of Mahatma Gandhi’s nonviolent movement made an even greater impression on him; he cited Gandhi as one of his inspirations—“Gandhi furnished the method” while “Christ furnished the spirit and motivation” [King, “An Experiment in Love”, 17].

83 After Montgomery, people started seeking King’s advice not only with regards to the problem of racial injustice in America, but the problem of injustice, in many parts of the world.

84 King, “Nonviolence: The Only Road to Freedom”, 60.

85 King, “Nonviolence: The Only Road to Freedom”, 60; “over a period of . . . days”, “thirty to forty-five days” in King’s experience.

black people boycotted at Montgomery, the normally-full busses were riding up and down city streets with next to no passengers inside.⁸⁶ This was “drama . . .”, a drama of 50,000 actors, joining hands and hearts and voices, in a concerted effort.⁸⁷

Still more. King realized that if there’s an alternative out there that frightens people, it helps.⁸⁸ Take King’s warning in his 1963 letter from Birmingham of an impending racial nightmare “if our white brothers dismiss as ‘rabble rousers’ and ‘outside agitators’ those of us who are working through the channels of nonviolent . . . action and refuse to support our nonviolent efforts”.⁸⁹ The allusion here is to a “scene in America today”, as described by X:⁹⁰ There’s a generation of “Negro’s coming up” who “don’t want to hear that ‘turn-the-other-cheek’ stuff”—teenagers throwing Molotov cocktails (“Negroes have never done that before”) at Jacksonville, Florida are cited in corroboration.⁹¹ The warning was heeded. Via Burke Marshall, the Kennedy administration sought to get the message through to the people of Birmingham, and the South broadly, that if they did not accept King’s way, other factions would come along and try another way.⁹² President Kennedy himself met with a group of newspaper editors from Alabama. “Kennedy Fears Negro Extremists Will Get Power If Moderates Fail” read a headline in the *New York Times*.⁹³ Tom Wicker reported that, at this meeting, the President “expressed concern about Negro

86 At 1950s Montgomery, black people made up 75 per cent of the bus-riding public.

87 Emilie Bergstein Chorale, “Kellerman’s Anthem”, lyrics available at <https://www.lyrics.com/lyric/2718032/Original+Soundtrack/Kellerman%27s+Anthem> [Sorry!].

88 Refer to the opening quote (page 1, above) where King posits the methods of violent and nonviolent resistance as alternatives.

89 King, “Letter from Birmingham City Jail”, 297; the explicit addressees of this letter (that was given to a newspaper on April 18 1963 and made fully public a month later) are local clergymen, the implicit addressees, white Americans, “but it could easily have been aimed directly at the White House” [Lewis, *Walking with the Wind*, 156]; note here that the “outside agitator” label attached to many protestors in the summer of 2020, by Mayor Bottoms, Mayor Bill de Blasio of New York City, Attorney General Bill Barr, *et al.* was attached to King as well.

90 Malcolm X, “The Ballot or the Bullet” [1964], in *Malcolm X Speaks* (New York: Pathfinder, 1989), 42.

91 Malcom X, “The Ballot or the Bullet”, 49, sic; “turn the other cheek”, a familiar phrase in Christian doctrine, from the Sermon on the Mount.

92 Burke Marshall, Assistant Attorney General for Civil Rights; Anthony Lewis, “Negroes Press Harder for Basic Rights”, *The New York Times*, May 19, 1963, 10E.

93 Tom Wicker, “Kennedy Fears Negro Extremists Will Get Power If Moderates Fail”, *The New York Times*, May 15, 1963, 26.

extremism” and stressed that violence would most likely follow a “failure of moderate efforts, such as the nonviolent movement led by . . . King”.⁹⁴

Thus, violence enters the picture, and in another way too. To reiterate, King understood that part of the work of the nonviolent resister is keeping people informed and aware. But (relatively) very few people directly observe, say, a march; the way one reaches us is through newspaper reports, television and radio broadcasts, *etc.*—hence the importance of media attention. Large, nonviolent marches weren’t “dramati[c]” enough to interest the media.⁹⁵ It was confrontations and conflict that made for photo opportunities and good copy. Still media coverage could be sympathetic or hostile. Whereas use of violence by those engaged in the struggle generally worked against their cause, when they were nonviolent *and* met with state violence they got a considerable amount of sympathetic media coverage.⁹⁶ So places like Birmingham were chosen specifically.

On April 3, 1963, the Southern Christian Leadership Conference (SCLC)—of which King was president—launched a campaign; the goals included 1) the desegregation of Birmingham’s downtown stores, 2) fair hiring practices in those stores, and 3) the establishment of a biracial committee to oversee the desegregation of Birmingham’s schools and other public facilities. Tens of thousands of people were positioned to take part. Eugene “Bull” Connor’s men were itching for an excuse to unleash themselves. Actions and reactions were tame at first, with protests and arrests happening in an orderly fashion. Then the black children of Birmingham began marching, hundreds and hundreds of teenaged and younger children—marching out from Sixteenth Street Baptist Church, singing and clapping, marching together, toward the city centre, where Connor’s officers stopped them and steered them into waiting paddy wagons. By the end of the first day, nearly a

⁹⁴ Wicker, “Kennedy Fears Negro Extremists Will Get Power If Moderates Fail”, 26.

⁹⁵ “To interest the media”, though they did cover the march on August 28, 1963, when “[t]here was no violence to mar the [occasion]” [New York Times report, quoted in Wasow, “Agenda Seeding”, 6], they focused not so much on the substance as the setting, portraying the march as something of a hootenanny, and the march was a failure in terms of specifics [Lewis, *Walking with the Wind*, 229–231].

⁹⁶ Not that violence is the only way of creating drama. Police officers behaving in counter-stereotypic ways (by, for example taking a knee) can be dramatic.

thousand children were in jail—an embarrassment that Connor resolved not to let continue: the next day, when the children marched again, there'd be no arrests, but canine corps and fire hoses to keep them out of the city's downtown district. The subsequent images—of German shepherds tearing at the slacks and skirts of boys and girls, of children being blasted by streams of water strong enough to send their bodies hurtling down the street—shocked the conscience of the nation. It was made clear to President Kennedy that he could no longer procrastinate. On June 11—five months after he told King that his administration had no plans to propose any civil rights legislation in 1963—President Kennedy announced, on national television, his intention to send to Congress the most sweeping civil rights bill in the nation's history. On June 19 the Civil Rights Bill was submitted to Congress.

Yet for all its significance, the 1964 Civil Rights Act (passed by Congress and signed into law by President Lyndon B. Johnson on July 2) made no provision to ensure the voting rights of black Americans.⁹⁷ So, on January 2, 1965 the SCLC launched a campaign in Selma, Alabama.⁹⁸ Sheriff Jim Clark, who “was Bull Connor through and through”, considered the county courthouse—where all voters were registered—his personal domain.⁹⁹ The square off that seemed inevitable came to pass. On the second day, when protest marchers approached the courthouse, Clark manhandled Amelia Boynton, or, in the words of John Herbers of the *New York Times*, “grabbed her by the back of her collar and pushed her roughly for half a block into a patrol car”.¹⁰⁰ Such descriptions of Clark's attack on Boynton ran in newspapers across the country, photographs too. Again after “Bloody Sunday” (March 7, 1965), photographs in national (and international) newspapers, of Boynton lying unconscious on Edmund Pettus Bridge.

97 “The Civil Rights Act of 1964 gave Negroes some part of their rightful dignity, but without the vote it was dignity without strength” [Martin Luther King, Jr., “Our God is Marching On!”, 2].

98 “The SCLC launched a campaign”, in association with SNCC the Dallas County Voters League. At Selma, the county seat of Dallas County, around 2 per cent of black people eligible to vote were registered; in next door Lowndes County none were [August H. Nimtz, “Violence and/or Nonviolence in the Success of the Civil Rights Movement: The Malcolm X-Martin Luther King, Jr. Nexus”, *New Political Science* 38, no. 1 (3016): 15].

99 Lewis, *Walking with the Wind*, 316.

100 Boynton worked closely with the SCLC, helping organize the campaign; she was taken to jail that day, as were sixty-six others.

When Boynton with some 600 black protest marchers had tried to cross Edmund Pettus Bridge, they were attacked by Clark's posse and Alabama state troopers.¹⁰¹ Bones cracked by billy clubs, eyes and lungs choked with tear gas. Some of this was captured on camera. The sight of these Americans bleeding and gagging, eyes streaming, victims "in [their] own land" of state-sponsored violence, again shocked the conscience of the nation.¹⁰² Not just the sight. At one point in the 15-minute footage broadcast on ABC Television, Clark could be heard yelling "get those goddamned n--".¹⁰³ President Johnson watched that ABC footage, and knew he would have to respond. When he had met with King the previous December, President Johnson said in as many words that a voting rights act was impossible right now. The votes in Congress were not there. Attorney General Nicholas Katzenbach was putting together a piece of federal voting rights legislation, but they were proceeding carefully, slowly. President Johnson told King that he didn't know when this legislation might actually start going forward—maybe late 1965, more likely 1966; meantime there were other legislative priorities.¹⁰⁴ All of 3 months later, President Johnson made an address on national television about the need for a voting rights act. On August 6, after a long, weaving journey through both houses of Congress, the 1965 Voting Rights Act was signed into law.

Thus, the strategy, of not using but being the object of violence, worked well.¹⁰⁵ It was however difficult to maintain. And when protestors reacted to state violence with violence, that muddied the story—and media coverage most often focused on concerns

101 "Posse", as in the deputized citizenry of Selma. When the campaign at Selma was launched, Clark issued a call for all white men over the age of 21 to come to the courthouse and be deputized, creating an armed posse with one purpose: Keeping the black people of Dallas County from voting; "Alabama state troopers", for by that time Clark had received reinforcements.

102 King, "I Have a Dream", 217.

103 Lewis, *Walking with the Wind*, 344.

104 King, *The Autobiography*, 270.

105 "The strategy", as outlined by King in an article published at the start of the Selma campaign: "1. Nonviolent demonstrators go into the streets to exercise their constitutional rights. 2. Racists resist by unleashing violence against them. 3. Americans of conscience in the name of decency demand federal intervention and legislation. 4. The administration, under mass pressure, initiates measures of immediate intervention and remedial legislation [Martin Luther King, Jr., "Behind the Selma March" [1965], in *Testament of Hope: The Essential Writings and Speeches*, ed. James Melvin Washington (New York: HarperOne, 1986), 127].

about maintaining law and order.¹⁰⁶

All that said, the empirical question as to the overall effectiveness of nonviolent resistance in the long struggle against racial injustice cannot finally be answered from my armchair. So, by way of conclusion: “If—for those of you who are not hopelessly [shocked]—the show seems familiar, it is because the show has been running a very long time . . . There is a rumor . . . some people have become so weary of the spectacle that they have sent for a new show, which is presently on the road. But not until the wheels of those wagons are on our children’s necks will we consider reading or revising or throwing away this script.”¹⁰⁷

I said his name, George Floyd.¹⁰⁸ Connor and Clark may be gone. But there are today police officers kneeling on the necks of black Americans, and using tear gas and rubber bullets to disperse protestors. Jim Crow may be gone.¹⁰⁹ But there are today relics in the filibuster and gerrymander, and a new Jim Crow (with the continuation of a racial caste system through the justice system’s disparate treatment of black prisoners).¹¹⁰ Today then is not a day when blacks in America are judged “by the content of their character”, not yet.¹¹¹ There has been progress. To anyone who says there hasn’t, Lewis would reply “come walk in my shoes.”¹¹² Still Lewis knew that progress is fragile, and we have to be vigilant—as did King. Though King would be “disappointed” with America 2020, he’d have reason for hope.¹¹³ The protests following Floyd’s killing

106 Wasow, “Agenda Seeding”, 6.

107 James Baldwin, Preface to *The Negro in New York: An Informal Social History, 1626-1940*, ed. Roi Ottley and William J. Weatherby (New York: Praeger Publishers, 1967), xix, sic.

108 George Floyd, also Freddie Gray and Michael Brown, then Breonna Taylor, Korryn Gaines, Eric Garner, Walter Scott, Tamir Rice . . . I’m not being flippant in saying that I can’t keep up with the names.

109 Jim Crow, Jim Crow laws, a collection of state and local statutes that legalized segregation.

110 For more on the filibuster, gerrymandering, the watering-down of the 1965 Voting Rights Act, and people “in power [still] doing their darnedest to discourage people from voting” see Barack Obama, “Eulogy for John Lewis”, Atlanta, Georgia, July 30, 2020, 6-9; Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colourblindness* (London: Penguin, 2019).

111 King, “I Have a Dream”, 219, sic.

112 John Lewis quoted in Lily Rothman, “Rep. John Lewis on Failed Health Care Bill, Civil Rights and Hope for the Future”, *Time*, March 30, 2017, 3.

113 Martin Luther King III quoted in Astor, “In Storms, All Kinds of Things Can Happen”, 2.

have been overwhelmingly nonviolent and massive, with a more representative cross-section of America out on the streets. That kind of broad coalition didn't exist in the 1960s. "Black people have been doing these marches for years and most of the time it looks like a double-fudge chocolate-chip cookie. Now you got banana[,] macadamia nuts; all colours", all ages, people of all backgrounds . . . on the move.¹¹⁴

References

- Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colourblindness*. London: Penguin, 2019.
- Astor, Maggie. "‘In Storms, All Kinds of Things Can Happen’: Martin Luther King III on a Pivotal Month". *The New York Times*, June 30, 2020. <https://www.nytimes.com/2020/06/30/us/politics/martin-luther-king-protest-blm.html>.
- Baldwin, James. "The Dangerous Road Before Martin Luther King". In *The Price of the Ticket: Collected Nonfiction, 1948-1985*, 245-304. New York: St. Martin's Press, 1985.
- Baldwin, James. Preface to *The Negro in New York: An Informal Social History, 1626-1940*, edited by Roi Ottley and William J. Weatherby, xv-xix. New York: Praeger Publishers, 1967.
- Bottoms, Keisha Lance. "Speech on Unrest in Atlanta". Atlanta, Georgia, May 29, 2020. Available at url: <https://nymag.com/intelligencer/2020/05/watch-mayor-keisha-lance-bottoms-emotional-speech-on-atlanta-unrest-in-her-city.html>.
- Bradner, Eric. "Huckabee: MLK Would be 'Appalled' by Black Lives Matter Movement". *CNN Politics*. August 18, 2015. <https://edition.cnn.com/2015/08/18/politics/mike-huckabee-black-lives-matter-martin-luther-king/index.html>.
- Bundy, William. "Civil Rights Forces Seek New Ways to Press Fight". *The Militant*, October 7, 1963. <https://www.themilitant.com/1963/2735/MIL2735.pdf>.
- Clark, Kenneth B. *King, Malcolm, Baldwin: Three Interviews by*

¹¹⁴ Michael Render quoted in Jonathan Dean, "Run the Jewels on Black Lives Matter and Why Killer Mike Has to Run for Office", *The Times*, June 22, 2020, 7.

- Kenneth B. Clark. Middletown: Wesleyan University Press, 1985.
- Cobb, Charles E., Jr. *This Nonviolent Stuff'll Get You Killed: How Guns Made the Civil Rights Movement Possible*. New York: Basic Books, 2014, Kindle edition.
- Cone, James H. *Martin & Malcolm & America: A Dream or a Nightmare*. New York: Orbis Books, 2012.
- Dean, Jonathan. "Run the Jewels on Black Lives Matter and Why Killer Mike Has to Run for Office". *The Times*, June 22, 2020. <https://www.thetimes.co.uk/article/run-the-jewels-on-black-lives-matter-and-why-killer-mike-has-to-run-for-office-pplntlz33>.
- Edwards, David. "Activist Smacks Down Wolf Blitzer: 'You are Suggesting Broken Windows are Worse than Broken Spines'". *Raw Story Investigates*. April 28, 2015. <https://www.rawstory.com/2015/04/activist-smacks-down-wolf-blitzer-you-are-suggesting-broken-windows-are-worse-than-broken-spines/>.
- Halstead, Fred. "James Baldwin and Bayard Rustin". *The Militant*, October 7, 1963. <https://www.themilitant.com/1963/2735/MIL2735.pdf>.
- Honderich, Ted. *Three Essays on Political Violence*. Oxford: Basil Blackwell, 1976.
- King, Martin Luther, Jr. "Address at Public Meeting of the Southern Christian Ministers Conference of Mississippi". Jackson, Mississippi, September 23, 1959. Available at url: http://okra.stanford.edu/transcription/document_images/Vol105Scans/23Sept1959_AddressatPublicMeetingoftheSouthernChristianMinis.pdf.
- King, Martin Luther, Jr. "Address at the Religious Leaders Conference". Washington, D.C., May 11, 1959. Available at url: <https://kinginstitute.stanford.edu/king-papers/documents/address-religious-leaders-conference-11-may-1959>.
- King, Martin Luther, Jr. "The American Dream". In *Testament of Hope: The Essential Writings and Speeches*, edited by James

- Melvin Washington, 208-216. New York: HarperOne, 1986.
- King, Martin Luther, Jr. *The Autobiography of Martin Luther King, Jr.*, edited by Clayborne Carson. New York: Grand Central Publishing, 2001.
- King, Martin Luther, Jr. "Behind the Selma March". In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 126-131. New York: HarperOne, 1986.
- King, Martin Luther, Jr. "The Current Crisis in Race Relations". In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 85-90. New York: HarperOne, 1986.
- King, Martin Luther, Jr. "The Ethical Demands for Integration". In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 117-125. New York: HarperOne, 1986.
- King, Martin Luther, Jr. "An Experiment in Love". In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 16-20. New York: HarperOne, 1986.
- King, Martin Luther, Jr. "Give Us the Ballot". Washington, D.C., May 17, 1957. Available at url: http://okra.stanford.edu/transcription/document_images/Vol04Scans/208_17-May-1957_Give%20Us%20the%20Ballot.pdf.
- King, Martin Luther, Jr. "I Have a Dream". In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 217-220. New York: HarperOne, 1986.
- King, Martin Luther, Jr. "Interview by Lester Margolies". *The Papers of Martin Luther King, Jr., Volume VII: To Save the Soul of America, January 1961-August 1960*, 177-187. Oakland: University of California Press, 2014.
- King, Martin Luther, Jr. "Letter from Birmingham City Jail". In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 289-302. New York: HarperOne, 1986.
- King, Martin Luther, Jr. "Love, Law, and Civil Disobedience". In *Testament of Hope: The Essential Writings and Speeches*,

edited by James Melvin Washington, 43-53. New York: HarperOne, 1986.

- King, Martin Luther, Jr. "Martin Luther King, Jr. Saw Three Evils in the World". *The Atlantic*, King Issue (March 2018). Available at url: <https://www.theatlantic.com/magazine/archive/2018/02/martin-luther-king-hungry-club-forum/552533/>.
- King, Martin Luther, Jr. "MIA Mass Meeting at Holt Street Baptist Church". Montgomery, Alabama, December 5, 1955. Available at url: http://okra.stanford.edu/transcription/document_images/Vol03Scans/71_5-Dec-1955_MIA%20Mass%20Meeting.pdf.
- King, Martin Luther, Jr. "The Negro and the American Dream" [1961]. *The Papers of Martin Luther King, Jr., Volume VII: To Save the Soul of America, January 1961-August 1960*, 111-123. Oakland: University of California Press, 2014.
- King, Martin Luther, Jr. "Nonviolence and Racial Justice". In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 5-9. New York: HarperOne, 1986.
- King, Martin Luther, Jr. "Nonviolence: The Only Road to Freedom". In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 54-61. New York: HarperOne, 1986.
- King, Martin Luther, Jr. "The Other America". In *MLK on "The Other America" and "Black Power"*, location 16-159. Boston: Beacon Press, 2016. Kindle edition.
- King, Martin Luther, Jr. "Our God is Marching On!". Montgomery, Alabama, March 25, 1965. Available at url: <https://kinginstitute.stanford.edu/our-god-marching>.
- King, Martin Luther, Jr. *The Radical King*, edited by Cornel West. Boston: Beacon Press, 2015. Kindle edition.
- King, Martin Luther, Jr. "Remaining Awake Through a Great Revolution". In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 268-278. New York: HarperOne, 1986.

- King, Martin Luther, Jr. "Showdown for Nonviolence". In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 64-72. New York: HarperOne, 1986.
- King, Martin Luther, Jr. "The Social Organization of Nonviolence". In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 31-34. New York: HarperOne, 1986.
- King, Martin Luther, Jr. "Some Things We Must Do". Montgomery, Alabama, December 5, 1957. Available at url: http://okra.stanford.edu/transcription/document_images/Vol04Scans/328_5-Dec-1957_Some%20Things%20We%20Must%20Do.pdf.
- King, Martin Luther, Jr. *Stride Toward Freedom*. In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 417-490. New York: HarperOne, 1986.
- King, Martin Luther, Jr. *Where Do We Go from Here: Chaos or Community?* In *Testament of Hope: The Essential Writings and Speeches*, edited by James Melvin Washington, 555-633. New York: HarperOne, 1986.
- Lavan, George. "Federal Gov't Should Deputize Them and Send Troops to Disarm Racists". *The Militant*, September 23, 1963. <https://www.themilitant.com/1963/2733/MIL2733.pdf>.
- Lewis, Anthony. "Negroes Press Harder for Basic Rights". *The New York Times*, May 19, 1963. <https://www.nytimes.com/1963/05/19/archives/negroes-press-harder-for-basic-rights-birmingham-reflects-their.html>.
- Lewis, John. "Congressman Speaks About Martin Luther King, Jr.'s Legacy". *CBS News*, January 15, 2007. <https://www.cbsnews.com/news/freespeech-john-lewis/>.
- Lewis, John. *Walking with the Wind: A Memoir of the Movement*. New York: Simon and Schuster, 1998.
- Morreall, John. "The Justifiability of Violent Civil Disobedience". In *Civil Disobedience in Focus*, edited by Hugo Adam Bedau, 130-143. London: Routledge, 1991.
- Miller, Erin. "The Global Impact of *Brown vs. Board of Education*".

Supreme Court of the United States Blog. February 18, 2010. <https://www.scotusblog.com/2010/02/the-global-impact-of-brown-v-board-of-education/>.

Miller, Ronald B. "Violence, Force and Coercion". *Violence: Award-Winning Essays in the Council for Philosophical Studies Competition*, edited by Jerome A. Shaffer, 9-44. New York: David McKay, 1971.

Nimtz, August H. "Violence and/or Nonviolence in the Success of the Civil Rights Movement: The Malcolm X-Martin Luther King, Jr. Nexus". *New Political Science* 38, no. 1 (3016): 1-22.

Obama, Barack. "Eulogy for John Lewis". Atlanta, Georgia. July 30, 2020. Available at url: <https://www.nytimes.com/2020/07/30/us/obama-eulogy-john-lewis-full-transcript.html?referringSource=articleShare>.

Obama, Barack. "Speech on Race". Philadelphia, Pennsylvania. March 18, 2008. Available at url: <https://www.npr.org/templates/story/story.php?storyId=88478467&t=159612884214>.

Raz, Joseph. *The Authority of Law: Essays on Law and Morality*. Oxford: Oxford University Press, 2009.

Rothkopf, Joanna. "Mike Huckabee Compares Ferguson Protestors to Medgar Evers' Killers in Grotesquely Bigoted Blog Post". *Salon*. November 25, 2014. https://www.salon.com/2014/11/24/mike_huckabee_compares_ferguson_protesters_to_white_segregationists_in_grotesquely_bigoted_blog_post/.

Rothman, Lily. "Rep. John Lewis on Failed Health Care Bill, Civil Rights and Hope for the Future". *Time*, March 30, 2017. <https://time.com/4718026/john-lewis-10-questions/>.

Sunstein, Cass R. "What the Civil Rights Movement Was and Wasn't". *University of Illinois Law Review* 191 (1995): 191-209.

Wasow, Omar. "Agenda Seeding: How 1960s Black Protests Moved Elites, Public Opinion and Voting". *American Political Science Review* (2020): 1-22.

Wicker, Tom. "Kennedy Fears Negro Extremists Will Get Power If Moderates Fail". *The New York Times*, May 15, 1963. <https://>

www.nytimes.com/1963/05/15/archives/kennedy-fears-negro-extremists-will-get-power-if-moderates-fail.html.

- X, Malcolm. "The Ballot or the Bullet". In *Malcolm X Speaks*, 39-65. New York: Pathfinder, 1989.
- X, Malcolm. "The Black Revolution". In *Malcolm X Speaks*, 67-82. New York: Pathfinder, 1989.
- X, Malcolm. "Communication and Reality". In *Malcolm X: The Man and His Times*, edited by John Henrik Clarke, 307-320. New York: Macmillan, 1969.
- X, Malcolm. "The Founding Rally of the OAAU". In *By Any Means Necessary*, 61-102. New York: Pathfinder, 1992.
- X, Malcolm. "Message to the Grass Roots". In *Malcolm X Speaks*, 15-32. New York: Pathfinder, 1989.
- Younge, Gary. *The Speech: The Story Behind Dr. Martin Luther King Jr.'s Dream*. Chicago: Haymarket Books, 2013.

II: Research Articles

The Empty Place of Power

Oil on canvas, 80/80 cm, 2019

by Martin Bernstein and Pascal Bernhard

Modern democracy is considered the supreme social good. But it is also the worst form of government, with the exception of all other forms of government. It is frustratingly vague, incomplete, impotent at times, and if potent, then also fickle. Neither (a representative of) God nor universal reason is in the driver's seat. Power comes from the people, but belongs to no one. Modern democracy, as Claude Lefort has argued, is a regime where the place of power is empty.

Yet what a marvelous social space this emptiness is! It makes room for conflict, for a – more or less civilized, sometimes seemingly productive, sometimes obviously childish – conflict as to the rules of the game indeed. It encourages reflection about meaningful social change. It gives center stage to social philosophy without, of course, ennobling those who dedicate their professional lives to it.

It is this simultaneity of beauty and vapidness, of the vulgar and the sublime, that we are expressing in this painting.



Aesthetic Experience and Feedback Loops: Re-orienting Connolly's Politics of Becoming in the Direction of an Ethico-Aesthetics

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Abstract: The core tenet of William Connolly's theorisation of a politics of becoming is the cultivation of a broad-based ethos of pluralisation, one manifested in terms of democratic sensibilities of agonistic respect and critical responsiveness. Grounded in such an ethical attunement, Connolly argues for a politics that is sensitive and responsive to a world of multi-layered agency composed of overlapping and interinvolved agential force-fields and processes of becoming—a world of becoming. Yet, how are we to grasp the experience of such a world? Not as a world-to-come, but as an orientation to and responsiveness towards processes of becoming already underway. And what is the role of such experience in democratic processes of subjectification (or agential becoming)—particularly, in activating the possibilities for what Connolly calls a politics of becoming? This paper argues, supplementing Connolly's account, that a world of becoming opens itself to us in moments of aesthetic experience—active-passive moments of radical self-difference that enable the autopoietic emergence of that which is concealed or hidden. It suggests that Connolly's ethical theorisation fails to account for the seminal and yet, subterranean role played by aesthetic experience in enabling a politics of becoming. By uncovering this aesthetic operation, the paper argues for an ethico-aesthetic knot as the ground (a novel ontology) of a politics of becoming. The paper, therefore, supplements Connolly's politics of becoming by bringing to light a particular mode of experience that, while not considered in his account, is nonetheless ontologically central.

Keywords: Connolly; politics of becoming; aesthetic experience;

democratic ethos; radical democracy

1. Introduction

William Connolly's theoretical project presents itself as a fascinating exploration of the grounds of democratic being and becoming. Developing out of a philosophy of radical immanence—one that draws its sustenance from thinkers as varied as Nietzsche, Deleuze, the Buddha, Whitehead, Prigogine, and Shankaracharya—Connolly puts forth an imaginary of radical democratic politics constituted by an ethical responsiveness to alterity and, to processes of becoming below and beyond conscious willing or established epistemic and ontological regimes. The principal focus, then, of such a politics of becoming—as he calls it—is not just an ethical opening of the self to the otherness of the other, but equally, a cultivated orientation or attunement towards a world of complexity composed of multiple, heterogenous agential processes that cohere precariously, and break apart, through time. In this responsiveness to a world of becoming, Connolly locates the radical shift away from a notion of subjectivity towards an account of agency. Against the transcendent, fully-formed autonomous subject, Connolly proposes a dispersed, heteronomous field of agential forces. Viewed in this light, then, a politics of becoming is precisely to cultivate an ethical responsiveness—an 'ethos of pluralisation'—to processes of agential becoming within a world of multi-layered and complex agency.

But, surely, an ethical orientation of this sort to agential forces within a world of becoming develops out of and draws its energies from a certain experience of such a world. It is only when one can experience this world of becoming that one can cultivate a responsiveness to it. Put another way, regardless of whether becoming is an ontological condition of the world, the cultivated ethical orientation of a politics of becoming rests, it would seem, on a certain seeing of this world as one of becoming. The ground for activating Connolly's politics of becoming would then call not only for an ethical moment—which he already speaks of—but equally, an experiential one—which is absent in his account. My aim here is, on the one hand, to show this experiential moment as being of a distinctly aesthetic character. In this, I build on a tradition of philosophical aesthetics through the work of Menke, Rebentisch,

and Adorno, conceiving aesthetic experience as a unique mode of perception and knowledge that reveals what is concealed by established cognitive-rational modes of thought and enactment. On the other hand, my aim is to uncover this aesthetic operation *within* Connolly's account and to elaborate the consequences of this operation on our understanding of a politics of becoming. My point, then, is not to introduce aesthetic experience to Connolly's account as much as it is to disclose the subterranean operation of the aesthetic presupposed in his theorisation.

It is by way of such a bringing-to-light that I aim to respond to the question of the role of aesthetic experience in processes of agential becoming within Connolly's politics of becoming. At the same time, in light of what I propose is the centrality of this aesthetic moment to Connolly's account, I explore the relation of ethics and aesthetics within his theorisation. My suggestion here is that coming to terms with the role of aesthetic experience requires us to rethink the ground of a politics of becoming away from a cultivated ethos of pluralisation—as Connolly suggests—and towards a certain ethico-aesthetic knot. We must now conceive of this ground as constituted by ethical-aesthetic feedback loops that amplify each node in a pluralising direction, and so activate the possibilities of a politics of becoming in the first place.

My argument proceeds in three steps. First, I attempt to (re)locate aesthetic experience. Critically exploring resonances and lines of connection between philosophical aesthetics and philosophies of immanence, I reveal similarities between the immanent terrain of aesthetic experience and a world of becoming. In the second step, I address the subterranean role played by aesthetic experience in Connolly's politics of becoming by first setting out a particular tension within my approach—namely, that aesthetic experience presupposes a fully-formed subject of self-difference. Resolving this tension between subjective self-reflexivity and agential dispersion through the category of the rhizome then allows me to put forth my claim of the incipient operation of aesthetic experience in Connolly's politics of becoming. In the third step, I argue for the mutual indispensability of the two moments—ethics and aesthetics—by proposing an understanding of their relation in terms of feedback loops—a resonating figure Connolly himself

often advocates for.¹

The paper is structured in three sections. The first sets out—as groundwork—Connolly’s theoretical project organised around the shift in his work from a notion of subjectivity to one of agency. In the second section, I conduct the bulk of the analytical work—addressing the first two steps of my argument through a critical dialogue between Connolly and other philosophers of radical immanence, on one side, and the work of Menke, Rebenisch and Adorno on the other. In the final section, I elaborate the ethico-aesthetic feedback loops that I see as the novel ontological ground of a politics of becoming. I then conclude.

2. From Subject to Agent: Connolly’s Politics of Becoming

Radical democratic theorists are keen to highlight a certain “deep pluralism” that marks processes of democratic subjectification.² On the one hand, we find—notably through the work of Laclau and Lefort—the attempt to grasp subjectivity in terms of a filling in of an ‘empty place’ marked by radical contingency.³ In this openness to the contingent nature of its institution, to radical indeterminacy, democratic subjectivity is characterised by a deep pluralism.

An alternative set of approaches locate the deep pluralism of democratic subjectivity not in a foundational absence but in its reverse. A protean diversity of being, an overflowing that exceeds any attempts at capture, determination, or grounding by human actors.⁴ Such a view folds within itself registers of thought and experience that operate below conscious human willing or subjective control (affective, mimetic, visceral), just as much as

¹ William E. Connolly, *Capitalism and Christianity, American Style*. (Durham: Duke University Press, 2008); Connolly, *A World of Becoming*. In *Democracy and Pluralism: The Political Thought of William E. Connolly*, ed. Alan Finlayson, (Abingdon: Routledge, 2010).

² Connolly, *Capitalism and Christianity, American Style*, 58.

³ Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy*, (London: Verso, 2014) 135–37; Claude Lefort, *Democracy and Political Theory*, (Minneapolis: University of Minnesota Press, 1988) 17; Laclau, *New Reflections on the Revolution of Our Time*, (London: Verso, 1990) 43–44; Laclau, “Deconstruction, Pragmatism, Hegemony”, In *Deconstruction and Pragmatism*, ed. Chantal Mouffe (London: Routledge, 1996) 49–70.

⁴ Connolly, *Capitalism and Christianity, American Style*, 66–67; Connolly, “A World of Becoming,” 2010, 225.

processes that extend beyond the bounds of human agency. The stress here is on the creative energies of a multiplicity of sites that continually infect, infiltrate, and subvert heterogeneous processes of subjectification. Democratic subjectivity is characterised by sensitivity and an ethical responsiveness towards these processes of becoming. An ethos that, as Foucault argues, engenders care for,

. . . what exists and might exist; a sharpened sense of reality, but one that is never immobilised before it; a readiness to find what surrounds us strange and odd; a certain determination to throw off familiar ways of thought and to look at the same things in a different way.⁵

Connolly's own theorisation of radical democratic politics builds on such a view. Identifying it as a politics of becoming, he advocates a view of the democratic subject as constituted by a cultivated ethos of care. His most recent work identifies the key components of this vision of democracy: the formation of rhizomatic assemblages, cultivation of a broad-based affirming ethos, a politics of pluralisation, and recognition of a world of multi-layered agency.⁶

For Connolly, assemblages draw attention to connections across lines of difference between disparate forces and constituencies, in ways irreducible to some (or any) transcendent ordering. A process of mutual interinvolvement and consolidation between dissonant experiences or claims that spontaneously come together.⁷ The point is to bring to the fore a 'messy' terrain of multiple, overlapping dispositions entering into fragile connections that can freely move into and across each other, detach or reattach. As he writes,

An assemblage composed through relations of imbrication, infusion, and intercalation between heterogeneous elements that simultaneously enter into one another to some degree, affect each other

⁵ Michel Foucault, *Michel Foucault: Politics, Philosophy and Culture: Interviews and Other Writings 1977-1984*, ed. Lawrence D. Kritzman (New York: Routledge, 1990) 328.

⁶ Connolly, *Aspirational Fascism: The Struggle for Multifaceted Democracy under Trumpism*, (Minneapolis: University of Minnesota Press, 2017) 83–95.

⁷ Connolly, *Capitalism and Christianity, American Style*, 40; Connolly, "The Ethos of Democratization," in *Laclau: A Critical Reader*, ed. by Simon Critchley and Oliver Marchart, (Abingdon: Routledge, 2004) 168.

from the outside, and generate residual or torrential flows exceeding the first two modes of connection.⁸

Assemblages are thus rhizomatic, a contingent holding-together of dissonant elements without any signifying unity or totality. What Deleuze and Guattari identify as their being always (n-1), less than totality, a multiple.⁹ Disparate beliefs, constituencies, interests, and processes of becoming come together, in precarious ways, as multiplicities. A pack, not the mass of a unified entity.¹⁰ The task of democratic politics, a politics of becoming, is to enable the formation of assemblages that amplify affinities across difference in the direction of care and sensitivity towards the protean diversity of being.

At the same time, it is important to keep in mind that the link to democratic processes of pluralisation here is tenuous at best—an ambivalence that Connolly is all too aware of. The forms of disclosure and ontological plurality that Connolly advocates are not in and of themselves democratic. The folding together of affect, sense and viscerality alongside cognition in ways that uncover heterogeneous processes of becoming are also folds that can enable and energise anti-democratic, even fascistic, practices of self-formation. Connolly draws out these possibilities, indicating how fascist drives for Order build out of embodied and visceral practices of discipline, emerging from the interinvolvement of multiple sensual registers of perception and enactment, preclude the possibilities of pluralisation that are otherwise enabled by such assemblages. On a more ontological register, as well, an account of a world of becoming appears to provide us with no guarantees of its democratic credentials. The disclosure of a world of becoming can just as easily be seen as an authoritarian arrival into the history of a people, as Heidegger argues.¹¹ Disclosure of a world of

8 Connolly, *Capitalism and Christianity, American Style*, 11.

9 Deleuze and Guattari, *A Thousand Plateaus*, (London: Bloomsbury, 2020) 3.

10 Deleuze and Guattari, 35–36.

11 Speaking of the State as a site of disclosure, Heidegger argues that it is “. . . the site of history, the Here, in which, out of which and for which history happens. To this site of history belong the gods, the temples, the priests, the celebrations, the games, the poets, the thinkers, the ruler, the council of elders, the assembly of the people, the armed forces and the ships.” See Martin Heidegger, *Introduction to Metaphysics*, ed.G. Fried and R. Polt (New Haven: Yale University Press, 2000) 162–63. As such a site of history, then, the State is also that ‘site’ in which a people arrive into their history. It is difficult to not read into this an anti-pluralising, almost

becoming can just as easily result in processes of self-formation that both ontologically and politically constrain the possibilities of pluralisation, and so, democratic politics.

Addressing this ambivalence draws Connolly to reinforce the claim that his account of ontological plurality runs deeper, undercutting any authoritarian capture of the kind just discussed. The point is not simply disclosure, but disclosure of a particular sort. The opening up of and to a world of becoming is, for Connolly, at once to also ‘restore belief in the world’.¹² But, such a restoration is neither a straightforward (almost) naturalist embrace of all that exists, nor is it an embrace of a world-conception of Order, systematicity, or totality. Restoring belief in the world, for Connolly, suggests an opening up to ontological plurality precisely in terms of *holding open* the possibilities of divergence and pluralisation. Neither a blind confirmation of the status quo nor the demand for an alternative Order, but precisely the attunement to processes of dis-Ordering, to irruptions and emergences that contest not only sedimented regimes, but any fully-formed, enclosed account of the Self. The ontological plurality of a world of becoming then demands an affirmation of such plurality precisely as plurality, that is, precisely as a keeping open our relation to such a world, and of the possibilities of pluralisation of (ostensibly unitary) self. A *rhizomatic* exploration of an affirming relation to the world.

If the aim is to affirmatively build on multiplicity and the creative energies emerging therefrom, then democratic subjects must incorporate an ethical commitment to engender and sustain such heterogeneity. But this ethos, contrary to a universal law or maxim, is “anchored first and foremost in presumptive care for the diversity of life and the fecundity of the earth”.¹³ Connolly sees two components to such an ethos: agonistic respect and critical responsiveness.¹⁴ Presumptive generosity or care for beliefs, spiritual affinities, opinions, experiences, and projects that fundamentally differ from one’s own.¹⁵ And, at the same time, a care

teleological account of the historical destiny of a people, or Volk, to arrive into a certain Order of Being.

¹² Connolly, *A World of Becoming*, 2011, 61.

¹³ Connolly, *A World of Becoming*, 2011, 79.

¹⁴ Connolly, “The Ethos of Democratization,” 176–77.

¹⁵ Connolly, 176.

and sensitivity towards processes of becoming that operate at, below and beyond the register of conscious thought and subjective control.

A cultivated ethos of care and generosity that recognises and sustains not only the fact of pluralism—that there exist multiple subject positions, beliefs, values, and interests—but enables processes of pluralisation.¹⁶ That is, processes of becoming in which that which is latent, incipient, or concealed, bursts forth into visibility, consciousness, and knowledge. As Connolly argues,

The politics of becoming is that politics by which a constituency or agenda that had been ill-formed, scattered, or impugned, finds leverage to push its way onto the scene of official contestation.¹⁷

This calls for more than a responsiveness to conscious articulations or subjective expressions. It demands coming to terms with a world in which human agents act but are also acted upon by agential processes beyond the human ‘domain’.¹⁸ A world composed of complex, fragile assemblages constantly susceptible to moments of disruption and destabilisation through which new, creative modes of self-organisation previously thought impossible burst forth.¹⁹

This shift is of crucial importance. Connolly’s more recent work problematises the notion of subjectivity based on insights from complexity theory and the interrelations between natural and cultural processes.²⁰ In place of subjectivity, Connolly prefers to use the term agency: a broader conception of forces at multiple levels that each influence and engender changes in a world of becoming.²¹ Bennett’s formulation of the ‘actant’—from which Connolly derives much of his discussion on agency—is of particular relevance. Actants are non-human forces of agential capacity—less intentional than participants, yet more autonomous than actors.²²

16 Connolly, “A World of Becoming,” 2010, 226.

17 Connolly, 226.

18 Connolly, *A World of Becoming*, 2011, 22.

19 Connolly, *A World of Becoming*, 2011; Connolly, “A World of Becoming,” 2010, 225.

20 Connolly, *A World of Becoming*, 2011.

21 Connolly, 21–22.

22 Jane Bennett, “In Parliament with Things,” in *Radical Democracy: Politics between Abundance and Lack*, ed. Lasse Thomassen and Lars Tønder (Manchester:

Building on the work of Bruno Latour, Bennett argues that an actant is “. . . that which has sufficient coherence to perform actions, produce effects and alter situations”.²³ Connolly’s point, then, is that we are faced with a world composed not simply of human subjects, but one encompassing a variety of force-fields composed of differing *degrees of agency*, in constant interplay, resonance, and collision.²⁴ Therefore, a cultivated ethos of pluralisation is not simply an ethical commitment, but an existential attunement towards a world of multi-layered agency and fragility that affirms such a world of becoming.

But how does such a world open itself to experience? How do we experience a world of becoming? If a pluralising ethos affirms belief in such a world, as Connolly argues it does, then it is necessary that it be available to our experience.²⁵ Where—in what register of human experience or activity—are we to locate *access*—grasped in terms of an opening up to experience—to this world of becoming? My response, of course, is to take recourse to aesthetic theory—which is what we now turn to.

3. The Aesthetics of Becoming

3.1 (Re)Locating Aesthetic Experience

So, why aesthetics? Perhaps the more preliminary question is—what do we mean by the aesthetic? In what follows, I characterise the aesthetic as a sensuous mode of perception and experience enabling a unique mode of comprehension, explanation, and critique. Such a conception serves two purposes. Firstly, we dispense with an account of the aesthetic as a straightforward philosophy of art, which allows us to explore the role played by the aesthetic in human activity and experience *in general*, to leverage aesthetic categories in an attempt to make sense of human activity, including but not limited to, artistic activity.²⁶ Secondly, moving beyond the boundaries of the artistic sphere enables us to recognise the aesthetic as not just one particular domain of knowledge

Manchester University Press, 2005) 134.

²³ Bennett, 134.

²⁴ Connolly, *A World of Becoming*, 2011, 22–30.

²⁵ Connolly, 79.

²⁶ Nikolas Kompridis, “Introduction: Turning and Returning: The Aesthetic Turn in Political Thought”, in *The Aesthetic Turn in Political Thought*, ed. Nikolas Kompridis, (London: Bloomsbury, 2014) xvi.

production, but as the other of philosophy in general; that is, as a mode of reflection and critique of philosophical knowledge itself.²⁷ For, in the sensuality of the aesthetic, we find the other of established modes of knowledge and representation.²⁸ Against conceptual-cognitive frameworks, the aesthetic—once liberated from its domain within such frameworks—reveals to us a ‘different way’.²⁹ It shows us that the categorial divisions, frameworks and concepts of established modes of knowledge are not given or absolute but possess within them possibilities of being different: possibilities revealed by aesthetic categories of receptivity, sensuality and the sublime. A critical reflexivity towards ordinary modes of “cognition, reason, experience, meaning and agency”.³⁰ The aesthetic enables an experience of objects (the objects of our experience) in a radically different way: drawing our attention to their very presence, their very appearing.³¹ The experience of radical difference is to encounter the objects of our experience in such a way,

That their ordinarily concealed forces and potentials, their ‘energetics’ become apparent. The aesthetically self-reflective re-enactment of sensuous comprehension and representation shows what is hidden in them.³²

Aesthetics, then, lays bare what is concealed and hidden by usual modes of knowledge and representation. It is, therefore, distinctly liberating because in experiences of difference, it reveals possibilities that are latent—hidden forces and ‘energetics’—in

27 Christoph Menke, “The Dialectic of Aesthetics: The New Strife between Philosophy and Art”, in *Aesthetic Experience*, ed. Richard Shusterman and Adele Tomlin, (Abingdon: Routledge, 2008) 61.

28 Jay Bernstein, *The Fate of Art: Aesthetic Alienation from Kant to Derrida and Adorno*, (Cambridge: Polity Press, 1993) 5 & 9.

29 Menke, “The Dialectic of Aesthetics: The New Strife between Philosophy and Art,” 64; Bernstein, *The Fate of Art: Aesthetic Alienation from Kant to Derrida and Adorno*, 9.

30 Kompridis, “Introduction: Turning and Returning: The Aesthetic Turn in Political Thought,” xvi.

31 Menke, “The Dialectic of Aesthetics: The New Strife between Philosophy and Art,” 64; Seel, “On the Scope of Aesthetic Experience,” in *Aesthetic Experience*, ed. by Richard Shusterman and Adele Tomlin (Abingdon: Routledge, 2008) 99.

32 Menke, “The Dialectic of Aesthetics: The New Strife between Philosophy and Art,” 66.

entities.³³ An opening up of beings out of their determinacy and into a playful exploration of possibilities. An essential indeterminacy in entities that are thus open to being cultivated or moved in multiple different directions.

This is the distinctiveness of the aesthetic: it enables an experience of contingency and possibility. Such experience is not limited to the sphere of art, though indeed, artistic practices provide fertile terrain. Following Seel, I argue that there are no unique positions, no privileged practices of aesthetic experience; it can emerge from a multiplicity of sites, often through the very interrelations of what are ordinarily distinct practices.³⁴ Aesthetic experience can emerge from participating in a political protest wherein the crowd of protestors, the music, the art, the speeches, the marches, sit-ins, and slogans, we have the contingent exploration of what it means to be a citizen or be democratic. But it could just as well emerge in indigenous art, far from the cities in tiny hamlets deep in the forest, that reimagine indigeneity and the indigenous subject. It can emerge in an encounter with a painting of a pair of shoes, or with a particularly engaging piece of music, or in artistic productions that blur the lines between performance, art, primetime television, and political mobilisation engendering a radically different experience of citizenship, nationalism and the public sphere.³⁵ The point for us is to focus on the nature of such an experience.

I argue that aesthetic experience is constituted by an active-passivity. Experiences of moments of passive-reception and of active-creation. Immersion into the object, in order to experience it and one's response to it.³⁶ Adorno speaks of such an immersion as central to aesthetic apperception—a 'freedom to the object' that is constitutive of the return of that which has been repressed by instrumental reason.³⁷ Aesthetic experience constitutes a 'living in'

³³ Martin Seel, "On the Scope of Aesthetic Experience," 99.

³⁴ Seel, 99–102.

³⁵ Tara Forrest, "Mobilising the Public Sphere: Schlingensiefel's Reality Theatre" *Contemporary Theatre Review* 18, no. 1 (2008): 90–98; Seel, "On the Scope of Aesthetic Experience," 102.

³⁶ Hegel, *Aesthetics: Lectures on Fine Art*, tr. T.M Knox. Vol 1. (Oxford: Oxford University Press, 1975) 609.

³⁷ Theodor Adorno, *Aesthetics 1958/59*, tr. Eberhard Ortland and Wieland Hoban (Cambridge: Polity, 2018) 25–28; Bernstein, "'The Dead Speaking of Stones and Stars': Adorno's Aesthetic Theory," in *The Cambridge Companion to: Critical Theory*, ed. Fred Rush (Cambridge: Cambridge University Press, 2004) 152.

the object of perception—a handing over of oneself to the object—an active giving up to a passive state of ‘being-determined’.³⁸ An experience of a plural terrain of possibility revealed by a stepping-back; a letting-be that allows a new and free self-understanding to emerge in the first place.³⁹ What we have here is an active committing of oneself to a passive-receptive experience of the object: an active-passive game of transformation and reimagination of both oneself and the object.⁴⁰ One played out in practices of *polypragmosyne*, a busybodiness that places before itself (and decides) the question of truth—of who we are, what we can be, and what is best for us.⁴¹ Aesthetic experience enables a shift from rational/conceptual *organisation* to a contingent exploration of potentialities in the *experience* of beings in their *appearing*. A certain detachment comes to constitute such experience. Alienation from ordinary modes of knowing and meaning constituted by an openness to have the world in its sensual multiplicity affect and determine us in novel and unforeseen ways.⁴²

Crucially, the point is not some absolute insulation of oneself from society as a whole. It is, instead, to recognise a moment of dissonance within social being.⁴³ Alienation from society, within society. The experience of radical self-difference in terms of a fundamental split in subjective self-understanding; moments of an essential non-identity.⁴⁴ Such self-difference is the split between a terrain of decision (or grounding) from a terrain that conditions any such decision. Between a culturally coded ‘outer nature’ of a self-transparent, fully-formed subject and the more primordial terrain of drives, desires, and affect that churns below it.⁴⁵ The alienation-

38 Seel, “Active Passivity: On the Aesthetic Variant of Freedom,” *Estetika* 51, no. 2 (2014). 274; Adorno, *Aesthetics* 1958/59, 117; Seel, “Letting Oneself Be Determined: A Revised Concept of Self-Determination”, in *Philosophical Romanticism*, ed. Nikolas Kompridis, (Abingdon: Routledge, 2006) 87.

39 Juliane Rebentisch, *The Art of Freedom: On the Dialectics of Democratic Existence* (Cambridge: Polity, 2016) 32–34.

40 Jörg Schaub, “Aesthetic Freedom and Democratic Ethical Life: A Hegelian Account of the Relationship between Aesthetics and Democratic Politics,” *European Journal of Philosophy* 27, no. 1 (2019) 83.

41 Rebentisch, *The Art of Freedom: On the Dialectics of Democratic Existence*, 36–37.

42 Seel, “On the Scope of Aesthetic Experience”; Schaub, “Aesthetic Freedom and Democratic Ethical Life: A Hegelian Account of the Relationship between Aesthetics and Democratic Politics,” 83.

43 Rebentisch, *The Art of Freedom: On the Dialectics of Democratic Existence*, 81.

44 Rebentisch, 29–30, 258.

45 Rebentisch, 38–40.

within of aesthetic experience reveals, as Rebentisch suggests, this 'inner nature' of the subject, as opposed to a unitary, self-evident second (outer) nature.⁴⁶ Echoing Menke, Rebentisch suggests that the bursting forth of inner nature in aesthetic experience is an uncovering of concealed 'forces and energetics'. As she points out,

The force exerted by these desires is not to be viewed as a substantive essence that could be assigned to a unified subject (or his somatic core). Instead, they develop in constellation, deriving from the mimetic relation of the subject to the external world.⁴⁷

Aesthetic experience possesses a certain Event-character precisely for this reason. The bursting forth of inner nature is a break in established modes of understanding and representation. Events that "interrupt the continuum of biographical or historical time".⁴⁸ Interruptions that are surprising and overwhelming precisely because they are an experience of radical self-difference, of the latent forces that disclose possibilities of being different.⁴⁹ What is opened up to contestation in the Event of aesthetic experience is universality, linearity, unity, and determinacy; the discovery of a messier terrain of drives and forces that form the wellspring of radically different subjective self-determination(s).

3.2 Rhizome: Toward an Aesthetics of Becoming

The Event-character of aesthetic experience has important consequences for our thinking of Connolly's politics of becoming, in particular, vis-à-vis processes of democratic subjectification (or rather, agential becoming) within his account. But right at the outset, it would seem that we have already run into a problem. On the one hand, aesthetic experience would appear to be characterised by a purely subjective self-reflexivity. The terrain of plurality opened up by aesthetic experience is a terrain that opens itself up *before* the subject: an experience of avenues available to the subject, for the subject to determine and act into. On the other, we find Connolly's theorisation of a world of becoming composed of multi-layered agency that problematises the very subject/object

⁴⁶ Rebentisch, 37.

⁴⁷ Rebentisch, 37.

⁴⁸ Seel, "On the Scope of Aesthetic Experience," 100.

⁴⁹ Rebentisch, *The Art of Freedom: On the Dialectics of Democratic Existence*, 38.

divide.

Yet, ‘inner nature’ can help us more fully appreciate what is at stake. Being beyond direct subjective control, inner nature is constituted by forces and flows that operate as actants beyond conscious action by a self-transparent subject. But is this inner nature a pure interiority? Aren’t the forces and energetics revealed in inner nature (precisely because of their subterreanity) influenced by, borrowing from, and responding to agential processes within and beyond the human? Consider, for a moment, the mimetic and constellation character of inner nature. On the one hand, inner nature is an experience of multiplicity—of interinvolvements and resonances between disparate forces with heterogeneous sites of ‘origin’ and processes of becoming. Multi-layered agential processes below and beyond the human that constitute, subvert, and influence the human subject. On the other hand, and more importantly, these drives develop in a mimetic relation to the world. By mimesis, I refer to fundamental ‘mirroring effects’ that manifest in multiple registers of thought and experience, but always as subterranean, as below conscious willing or thought.⁵⁰ The immediacy of these ‘mirroring effects’, the mimetic phenomenon as such, points to the identification of the ostensible interiority of drives and forces of inner nature with a complex world of multiple agential processes beyond the subject. We are not dealing, then, only with the erasure of a unitary subject into an interior multiplicity, but rather, with the problematisation of the very divide of subject/object itself.

What I am trying to outline here is akin to what Adorno identifies in aesthetic experience as “a path away from the subject”.⁵¹ This experience is not in the form of subjective enjoyment, but “moments in which the subject annihilates itself and experiences happiness at this annihilation”.⁵² What the experience of inner nature entails, therefore, is a losing of oneself, not simply in terms of a subject that escapes itself, but as the dismissal of the ontological priority of the human, of human agency, order, intelligence and communication.⁵³ Is this not precisely the terrain of multi-layered agency that

50 Nidesh Lawtoo, (*New Fascism: Contagion, Community, Myth*, (East Lansing: Michigan State University Press, 2019) xlv.

51 Adorno, *Aesthetics* 1958/59, 117.

52 Adorno, 123.

53 Bennett, “In Parliament with Things,” 134–35.

Connolly speaks of? The plural terrain of aesthetic experience is not one that lies *before* the subject; it is instead an experience of plurality and multi-layered agency that is *around, underneath, and within* the subject.

At the same time, how are we to understand creative *self-determination*, the decision as the instituting moment, once we acknowledge and accept a world of multi-layered agency? For Rebentisch, the decision is constitutive of subjectivity: the self-determining subject is that which traverses the gap between a plural terrain and the moment of the decision.⁵⁴ However, once we come to terms with, and acknowledge that agential processes are not limited to human beings and that human agency is itself finite and limited within such a world, then this account of subjectivity is inadequate. What is needed is to grasp this moment in a manner that reflects and does justice to the experience of plurality opened up by aesthetic experience.

The path we take here, once again, does lead away from the subject and subjectivity, but not by much. Even though Connolly does not equate human and non-human agency, the human agent being distinguished in its possession of consciousness as “the endpoint of activity already underway”, our aesthetic theorisation pushes in a marginally different direction.⁵⁵ For aesthetic experience, while certainly characterised by a certain ‘letting-be’, does not necessarily just occur. It calls for an attunement to itself. If the practices that can embody aesthetic experience are myriad, then the real question is one of ‘tuning-in’ to the latent or incipient in what is present before us. We must approach a painting, a protest march, a Schlingensiefel production with a willingness to let it open up a world of becoming, a commitment to be determined in unforeseen ways—to decide to not decide.⁵⁶ There is an ineradicable decision—determination—in the very experiencing of indeterminacy, of the plural possibilities of a world of becoming. We must decide to be moved, to experience in an aesthetic manner, and not just walk past.

⁵⁴ Rebentisch, *The Art of Freedom: On the Dialectics of Democratic Existence*, 34, 42–43.

⁵⁵ Connolly, *A World of Becoming*, 2011, 25.

⁵⁶ Seel, “Letting Oneself Be Determined: A Revised Concept of Self-Determination,” 88.

This demand for attunement bears strong resonances with Foucault's 'arts of the self'.⁵⁷ The call is for a styling of oneself—a re-styling, a re-forming—in a manner that pushes against and across the very limits of subjectivity or a historical regime of the subject.⁵⁸ A self-disciplining that cultivates a responsiveness to this novelty, to the creative forces that lie in the transgressive borderlands.⁵⁹ The point is precisely this middle terrain—aesthetic experience is itself the result of a certain attunement, a styling or disciplining of oneself to experience the 'transgressive terrain', a world of becoming. So that we are now neither speaking of a unitary human subject, nor a moment of subjectivity, nor of human agency as just consciousness of the always-already of processes and things. We are somewhere in between—a proto-subject of sorts.

The figure of the rhizome, with its focus on heterogeneity, and multiplicity captures neatly what is at play.⁶⁰ Rhizomatic movements entail lines of connection between different entities and forces that are interinvolved and dependent, building resonances and stabilising in a manner that is irreducible to any one node. As Tønder points out, the rhizome's consistency ". . . is nothing but the *contingent togetherness* of otherwise disparate entities".⁶¹ The rhizome is thus characterised by haecceities—composite entities that are always partial, incomplete (in Deleuzeian terms, always (n-1))—since any new entity can attach or detach itself and cohere precariously across lines of difference.⁶² The crucial point here is that we are no longer speaking of an instituted structure or project but precisely of assemblages. In contrast to a constructive synthesis, we find a *disjunctive* synthesis.⁶³ The coming together of

⁵⁷ Connolly, "Beyond Good and Evil," *Political Theory* 21, no. 3 (1993) 373.

⁵⁸ Bennett, "'How Is It, Then, That We Still Remain Barbarians?': Foucault, Schiller, and the Aestheticisation of Ethics," *Political Theory* 24, no. 4 (1996), 655–56; Robert Wicks, "Foucault," in *The Routledge Companion to Aesthetics*, ed. Berys Gaut and Dominic Lopes (London: Taylor & Francis, 2013) 165.

⁵⁹ Bennett, "'How Is It, Then, That We Still Remain Barbarians?': Foucault, Schiller, and the Aestheticisation of Ethics," 654.

⁶⁰ Deleuze and Guattari, *A Thousand Plateaus*, 5–7.

⁶¹ Lars Tønder, "Inessential Commonality: Immanence, Transcendence and Abundance", in *Radical Democracy: Politics between Abundance and Lack*, ed. by Lasse Thomassen and Lars Tønder (Manchester: Manchester University Press, 2005) 206.

⁶² Tønder, 205; Deleuze and Guattari, *A Thousand Plateaus*, 5.

⁶³ Nathan Widder, "Two Routes from Hegel", in *Radical Democracy: Politics between Abundance and Lack*, ed. Lasse Thomassen and Lars Tønder (Manchester: Manchester University Press, 2005) 35.

forces and flows in precarious collectives across lines of difference. The upshot of recasting the moment of the decision in terms of rhizomatic assemblages is that it brings to the fore a certain self-organising tendency. Rhizomatic assemblages entail processes of infection, infusion, disruption, and energisation between disparate forces in and through which the assemblage itself coheres in novel and creative ways. There is no transcendent principle, law or being (in terms of a project, decision or subjective self-understanding) that is the absolute guarantor of legitimacy for the assemblage; the latter be-come through organic processes.⁶⁴ Connolly, speaking more broadly of a world of becoming, echoes this point,

For a world of becoming is marked by surprising turns in time, uncanny experiences, and the possibility of human participation to some degree in larger processes of creativity that both include and surpass the human estate.⁶⁵

Grasping aesthetic experience in these terms enables us to attune ourselves more closely and accurately to the experience of a world of multi-layered agency. Aesthetic experience—as active-passivity—entails a willingness and ability to let beings be, to have them emerge in and through their own processes of becoming. The self does not return to itself as fully formed but recognises in the very experience of a world of becoming the precarious multiplicities of complex agential processes beyond and below human control or agency as the very condition of subjectivity, the truth of the question of truth. The Event of the decision is an Event of “autopoiesis”.⁶⁶ At the same time, it is not a complete passivity. Poiesis, as Heidegger points out, is a *bringing forth* into presence.⁶⁷ Not one that is forced, but an enabling, a facilitation to allow a

64 At the same time, the point here is not a complete immanence. What Connolly, Deleuze and Tønder all seek to point out is a terrain of energies and flows that lie in-between immanence and transcendence. As Connolly stresses, “No system in a world of becoming composed of multiple, interacting systems of different types, with different capacities of self-organisation is entirely closed. It is both more vulnerable to the outside than the carriers of hubris imagine and periodically susceptible to creative movements from within and without simultaneously” Connolly, *A World of Becoming*, 2011, 147. Even letting beings be calls for a decision.

65 Connolly, 70.

66 Connolly, 71.

67 Heidegger, “On the Origin of the Work of Art” & “The Question Concerning Technology”, in *Basic Writings*, ed. by David Farrell Krell (New York: HarperCollins, 2008) 197–203 & 317–18.

being to emerge into presence in and as itself. Active-passivity. To understand the creative dimension of aesthetic experience in terms of self-organising assemblages is not to sit back and wait for beings to come forth; it is to actively create the conditions for, to make oneself capable of recognising the emergence of novel, creative resonances and lines of connection. In place of the decision, we now have a responsiveness to the protean diversity of being—to abundance.⁶⁸

A world composed of multiple sites and degrees of agency replete with pluripotentiality reveals itself in moments of durational time.⁶⁹ In durational moments, multiple registers of chronological time infect, infuse and resonate with one another to produce imbalances in one or all registers.⁷⁰ Moments that interrupt linearity and continuity by the coming to light of complex agential forces. Recognising durational ‘times’ calls for, as Connolly argues, a certain dwelling. Immersion into the churning of durational time—a letting-be against demands of linearity. To dwell is to express a sensitivity towards incipient moments that irrupt into a world of stable organisation.⁷¹ But, as such an attunement towards a world of becoming, dwelling is not simply a passivity. It entails a certain priming—making-ready of oneself to encounter and immerse into durational moments—to recognise and respond to a world of becoming.⁷² It calls, as I have been arguing thus far, for the active-passivity of aesthetic experience.

And this is precisely the point. The priming that Connolly sees as so central to his politics of becoming—in his advocacy of ‘role adventurism’, for instance—is distinctly aesthetic.⁷³ For, on the one hand, aesthetic experience opens for us/within us an immanent terrain that, as I have suggested, is nothing other than the immanent plane of a world of becoming. On the other hand, the very attunement to a world of becoming that emerges from such

68 Connolly, *Capitalism and Christianity, American Style*, 66–67; Gulshan Khan, “Pluralisation: An Alternative to Hegemony,” *British Journal of Politics and International Relations* 10, no. 2 (2008) 204.

69 Connolly, *A World of Becoming*, 2011, 71–72.

70 Connolly, 99–104.

71 Connolly, 161–62.

72 Connolly, 75.

73 Connolly, 142–47; Connolly, *Aspirational Fascism: The Struggle for Multifaceted Democracy under Trumpism*, 87–96.

experience is characterised by an active–passivity that is distinctly aesthetic. Dwelling in durational moments—as a letting-be—can no longer be grasped simply as an ethical orientation; it is at once the active–passivity of aesthetic experience as a distinct (unique) attunement to a world of becoming. Aesthetic experience, then, operates within Connolly’s account in an always–already manner. Its active–passive game is already at play—in the same sense that the immanent self-transformations of a world of becoming are always underway. The question is only one of bringing the aesthetic operation to the fore, uncovering it, or enabling its emergence.

4. Feedback Loops: Re-orienting a Politics of Becoming

So, what of ethos? Have we not simply taken all the constitutive features of Connolly’s ethos of pluralisation and aestheticised them? I argue this is not the case. It is not enough that we experience a world of becoming. Such experience in and of itself guarantees nothing. The point, as we have seen, is that such experience must itself be affirmed, restoring belief in the world.⁷⁴ We are speaking of two distinct yet inescapably intertwined moments—the experience of a world of becoming and an affirmation of such experience. A pluralising ethos affirms and cultivates belief in a world of becoming.⁷⁵ But the enabling, the opening up of, and to, such experience itself is another matter. It is here that our discussion on aesthetics supplements Connolly’s account of a politics of becoming. It is in aesthetic practices—by dwelling, a distinctly aesthetic attunement—that we can first experience a world of becoming.

But what then of the ethical grounds of a politics of becoming? Are we to replace an ethical foundation with an aesthetic one? The aesthetic as some foundational moment and the condition of possibility of an ethos of pluralisation. No, my point here is not one of primordially. It is of the inescapable connection between the two moments—ethics and aesthetics. We must, therefore, think of them not as conditions of possibility or impossibility, but as mutually compossible in a manner following Deleuze’s radicalisation of the concept—that is, compossible as entailing the

⁷⁴ Connolly, *A World of Becoming*, 2011, 79, 86.

⁷⁵ Connolly, 86, 64.

possibilities of divergence.⁷⁶ The possibilities of an aestheticisation of ethics and an ethicisation of aesthetics. Aesthetic experience pushes against, subverts, infiltrates, but also amplifies, enhances and nourishes an ethos of critical responsiveness. Only by an experience of a world of becoming in all its protean diversity enabled by aesthetic experience can an *affirmative* relation to it be cultivated through a pluralising ethos. In just the same way, it is through an affirming ethos that the aesthetic experience of pluripotentiality is preserved and supported so that it becomes the ground of a radical democratic politics. What we have is a field of interactions, movements, and transformations as each engenders marginal divergences and changes in the other. A game, that is, of positive feedback loops that connect both moments across difference in ways that support, enhance, enrich and strengthen each, and are yet irreducible to either. Like Schiller, then, we must think of this relation as one of mutual indispensability.⁷⁷

An intertwining of ethics and aesthetics in this manner also uncovers more fully the democratic possibilities of Connolly's operation. For, the experience of a world of becoming can easily be daunting and overwhelming, engendering resentment and a drive to Order. It is only by cultivated practices of ethical responsiveness that build on an affirmation of the world and its plural possibilities that the experience of a world of becoming can be drawn in a democratising direction. A responsiveness that, in turn, emerges from an experience of this world in its protean diversity. Once again, mutual indispensability.

Uncovering the latent operation of the aesthetic in Connolly's account, then, also requires us to begin to re-conceive the very ground of a politics of becoming. In place of an ethical foundation constituted by critical responsiveness and agonistic respect, as Connolly suggests, we must begin to think of an ethico-aesthetic knot, constituted by feedback loops. This is the central consequence of the coming to light of aesthetic experience—it calls for a renewed, reimagined ontology of a politics of becoming.

⁷⁶ Deleuze, *The Fold: Leibniz and the Baroque*, tr. Tom Conley (London: Athlone, 1993) 90.

⁷⁷ Friedrich Schiller, *On the Aesthetic Education of Man*, tr. Elizabeth Wilkinson (New York: Oxford University Press, 1967) 49–51.

But just how much of a departure is this from Connolly's own claims? To be sure, aesthetic experience remains an incipient, hidden moment within his theorisation. But, much more than that, does Connolly not himself admit of the ethico-aesthetic grounds of a politics of becoming? When Connolly invokes the Foucauldian 'arts of the self, is he not also invoking the Foucauldian interrelation between ethics and aesthetics?⁷⁸ Or, indeed, is there not an admittance of the ethico-aesthetic ground when Connolly conceives of democratic radicality in a distinctly Nietzschean manner constituted by a certain playfulness and artfulness?⁷⁹ Much like the operation of aesthetic experience—and, indeed, because of it—ethico-aesthetic feedback loops remain a muted, subterranean presence in Connolly's theorisation. Central, but concealed. In bringing it to the fore, un-concealing this dimension demands, as I hope to have shown through this paper, an ontological re-orientation of a politics of becoming.

5. Conclusion

An aestheticisation of politics has often been treated with wariness by political and social theorists. Viewed either in terms of a harbinger of mimetic contagion enabling the rise of fascism, or an alienation from any and all transcendent guarantees (God, State, Law), the aesthetic is relegated to a marginal, muted presence.⁸⁰ Rejecting such silencing, my discussion here has sought to re-centre the aesthetic in our thinking of democratic politics. It

⁷⁸ Foucault, *Ethics: Subjectivity and Truth*, ed. Paul Rabinow and R. Hurley (London: New Press, 1997) 261; Connolly, *A World of Becoming*, 144; Bennett, "How Is It, Then, That We Still Remain Barbarians?: Foucault, Schiller, and the Aestheticisation of Ethics," 655.

⁷⁹ See Connolly, "Nietzsche, Democracy, Time." In *Nietzsche, Power and Politics: Rethinking Nietzsche's Legacy for Political Thought*, ed. Herman W. Siemens and Vasti Roodt, (Berlin: De Gruyter, 2008) 109–41. Connolly, at points the possibilities of democratic politics are closely intertwined with the possibilities of an 'artful' practice of self-formation. What constitutes this artfulness? Consider the following from Nietzsche: "But there are opposite ages, really democratic, where people give up this faith, and a certain cocky faith, and opposite point of view advance more and more into the foreground. The individual becomes convinced that he can do just about everything and can manage almost any role, and everybody experiments with himself, improvises, makes new experiments, enjoys his experiments and all nature ceases and becomes art". See Nietzsche, *The Gay Science*, ed. Walter Kaufmann (New York: Vintage Books, 1974) 356.

⁸⁰ Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction" In *Illuminations*, ed. Hannah Arendt. (New York: Schocken Books, 1969); Lawtoo, (*New*) *Fascism: Contagion, Community, Myth*; Schmitt, *Political Romanticism*.

does this by revealing the seminal role of aesthetic experience in Connolly's politics of becoming. The commitment to plurality and pluralisation that is the ontological 'foundation' of Connolly's radical democratic politics entails a commitment to respond affirmingly to processes of becoming and flowing materialities embedded within a larger world of becoming. Aesthetic experience is what enables such an opening of oneself to occur and recur.

Of course, this does not entirely protect us from the dangers of which Benjamin and Lawtoo are only all too aware. There is no certainty here, only possibilities and potentials moving in multiple directions: this is the promise, and the risk, of aesthetic experience. We face here a question of tendencies—drives that pull in one or the other direction. The task of Connolly's politics of becoming is thus to pull in a democratic direction through a cultivated ethos of pluralisation. However, as I hope to have shown, that task is impossible without the heterogenous, pluralising world of multi-layered agency and processes of becoming made visible in the first instance by aesthetic experience. In other words, insofar as aesthetic experience discloses to us a world in which it is possible to become, and become again, it is a central, inescapable part of an account of a politics of becoming.

References

- Adorno, Theodor W. *Aesthetics 1958/59*. Translated by Eberhard Ortland and Wieland Hoban. Cambridge: Polity, 2018.
- Benjamin, Walter. "The Work of Art in the Age of Mechanical Reproduction." In *Illuminations*, edited by Hannah Arendt. New York: Schocken Books, 1969.
- Bennett, Jane. "How Is It, Then, That We Still Remain Barbarians?: Foucault, Schiller, and the Aestheticisation of Ethics." *Political Theory* 24, no. 4 (1996): 653-72.
- Bennett, Jane. "In Parliament with Things." In *Radical Democracy: Politics between Abundance and Lack*, edited by Lasse Thomassen and Lars Tønder, 133-48. Manchester: Manchester University Press, 2005.
- Bernstein, J. M. "'The Dead Speaking of Stones and Stars': Adorno's Aesthetic Theory." In *The Cambridge Companion to: Critical*

- Theory*, edited by Fred Rush, 139–64. Cambridge: Cambridge University Press, 2004.
- Bernstein, J. M. *The Fate of Art: Aesthetic Alienation from Kant to Derrida and Adorno*. Cambridge: Polity Press, 1993.
- Connolly, William E. “A World of Becoming.” In *Democracy and Pluralism: The Political Thought of William E. Connolly*, edited by Alan Finlayson, 222–35. Abingdon: Routledge, 2010.
- Connolly, William E. *A World of Becoming*. Durham: Duke University Press, 2011.
- Connolly, William E. *Aspirational Fascism: The Struggle for Multifaceted Democracy under Trumpism*. Minneapolis: University of Minnesota Press, 2017.
- Connolly, William E. “Beyond Good and Evil.” *Political Theory* 21, no. 3 (1993): 365–89.
- Connolly, William E. *Capitalism and Christianity, American Style*. Durham: Duke University Press, 2008.
- Connolly, William E. “The Ethos of Democratization.” In *Laclau: A Critical Reader*, edited by Simon Critchley and Oliver Marchart, 167–81. Abingdon: Routledge, 2004.
- Connolly, William E. “Nietzsche, Democracy, Time.” In *Nietzsche, Power and Politics: Rethinking Nietzsche’s Legacy for Political Thought*, edited by Herman W. Siemens and Vasti Roodt, 109–41. Berlin: De Gruyter, 2008.
- Deleuze, Gilles. *The Fold: Leibniz and the Baroque*. Translated by Tom Conley. London: Athlone, 1993.
- Deleuze, Gilles, and Felix Guattari. *A Thousand Plateaus*. London: Bloomsbury, 2020.
- Forrest, Tara. “Mobilising the Public Sphere: Schlingensiefel’s Reality Theatre.” *Contemporary Theatre Review* 18, no. 1 (2008): 90–98. <https://doi.org/10.1080/10486800701741543>.
- Foucault, Michel. *Ethics: Subjectivity and Truth*. Edited by Paul Rabinow and R. Hurley. London: New Press, 1997.
- Foucault, Michel. *Michel Foucault: Politics, Philosophy and Culture: Interviews and Other Writings 1977–1984*. Edited by Lawrence

D. Kritzman. New York: Routledge, 1990.

Hegel, G.W.F. *Aesthetics: Lectures on Fine Art*. Translated by T.M. Knox. Vol 1. Oxford: Oxford University Press, 1975.

Heidegger, Martin. *Introduction to Metaphysics*. Edited by G. Fried and R. Polt. New Haven: Yale University Press, 2000.

Heidegger, Martin. "On the Origin of the Work of Art." In *Basic Writings*, edited by David Farrell Krell, 139–212. New York: HarperCollins, 2008.

Heidegger, Martin. "The Question Concerning Technology." In *Basic Writings*, edited by David Farrell Krell, 307–42. New York: HarperCollins, 2008.

Khan, Gulshan Ara. "Pluralisation: An Alternative to Hegemony." *British Journal of Politics and International Relations* 10, no. 2 (2008): 194–209. <https://doi.org/10.1111/j.1467-856X.2007.00309.x>.

Kompridis, Nikolas. "Introduction: Turning and Returning: The Aesthetic Turn in Political Thought." In *The Aesthetic Turn in Political Thought*, edited by Nikolas Kompridis, xiv–xxxvii. London: Bloomsbury, 2014.

Laclau, Ernesto. "Deconstruction, Pragmatism, Hegemony." In *Deconstruction and Pragmatism*, edited by Chantal Mouffe, 49–70. London: Routledge, 1996.

Laclau, Ernesto. *New Reflections on the Revolution of Our Time*. London: Verso, 1990.

Laclau, Ernesto, and Chantal Mouffe. *Hegemony and Socialist Strategy*. London: Verso, 2014.

Lawtoo, Nidesh. *(New) Fascism: Contagion, Community, Myth*. East Lansing: Michigan State University Press, 2019.

Lefort, Claude. *Democracy and Political Theory*. Minneapolis: University of Minnesota Press, 1988.

Menke, Christoph. "The Dialectic of Aesthetics: The New Strife between Philosophy and Art." In *Aesthetic Experience*, edited by Richard Shusterman and Adele Tomlin, 59–75. Abingdon: Routledge, 2008.

- Nietzsche, Friedrich. *The Gay Science*. Edited by Walter Kaufmann. New York: Vintage Books, 1974.
- Rebentisch, Juliane. *The Art of Freedom: On the Dialectics of Democratic Existence*. Cambridge: Polity, 2016.
- Schaub, Jörg. "Aesthetic Freedom and Democratic Ethical Life: A Hegelian Account of the Relationship between Aesthetics and Democratic Politics." *European Journal of Philosophy* 27, no. 1 (2019): 75–97. <https://doi.org/10.1111/ejop.12403>.
- Schiller, Friedrich. *On the Aesthetic Education of Man*. Translated by Elizabeth Wilkinson. New York: Oxford University Press, 1967.
- Schmitt, Carl. *Political Romanticism*. Edited by Guy Oakes. Abingdon: Routledge, 2011.
- Seel, Martin. "Active Passivity: On the Aesthetic Variant of Freedom." *Estetika* 51, no. 2 (2014): 269–81.
- Seel, Martin. "Letting Oneself Be Determined: A Revised Concept of Self-Determination." In *Philosophical Romanticism*, edited by Nikolas Kompridis, 81–96. Abingdon: Routledge, 2006.
- Seel, Martin. "On the Scope of Aesthetic Experience." In *Aesthetic Experience*, edited by Richard Shusterman and Adele Tomlin, 98–105. Abingdon: Routledge, 2008.
- Stegmaier, Werner. "Nietzsche's Orientation toward the Future." *Journal of Nietzsche Studies* 47, no. 3 (2016): 384–401.
- Tønder, Lars. "Inessential Commonality: Immanence, Transcendence and Abundance." In *Radical Democracy: Politics between Abundance and Lack*, edited by Lasse Thomassen and Lars Tønder, 203–18. Manchester: Manchester University Press, 2005.
- Wicks, Robert. "Foucault." In *The Routledge Companion to Aesthetics*, edited by Berys Gaut and Dominic Lopes, 159–69. London: Taylor & Francis, 2013.
- Widder, Nathan. "Two Routes from Hegel." In *Radical Democracy: Politics between Abundance and Lack*, edited by Lasse Thomassen and Lars Tønder, 32–49. Manchester: Manchester University Press, 2005.

Moralität and Sittlichkeit: Marx on Moral Justice Reconsidered

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Abstract: In what sense did Marx think that capitalism was “immoral” or “unjust”? There are four plausible responses: 1). Marx thought that capitalism was unjust (perhaps according to some external criterion); 2). He thought that capitalism was just (at least on its own terms); 3). He thought that it was both just and unjust (because the very terms capitalism uses to defend itself as just simultaneously render it unjust); 4). He thought that it was neither just nor unjust, for justice is an inadequate evaluative standpoint that needs to be overcome. Marx’s writings cannot be fully incorporated in any single one of these positions; rather, Marx held all of them. The crucial interpretive question, then, is how they relate to and rank with each other. To that end, this article establishes that while Marx accepted that capitalism could be criticized externally (position 1), justified internally (position 2), and undermined by its self-justifications (position 3), he ultimately emphasized transcending the “act-based” conception of morality and justice to replace the immanently contradictory capitalism with an alternative, ideal mode of human life (position 4).

Keywords: Marx, morality, justice, capitalism, immanent critique.

Karl Marx’s view of morality and justice appears elusive, if not self-contradictory. While he rejected moral language and criticized capitalism on the grounds of justice, Marx’s critiques of alienation and exploitation under capitalism were demonstrably normative. Did Marx think that capitalism—the ensemble of the social relations between capitalists and workers—was unjust? There are four possible responses: 1). Marx thought that capitalism was unjust (perhaps according to some external criterion); 2). He thought that capitalism was just (at least on its own terms); 3). He thought that it was both just and unjust (because the very terms capitalism uses to defend itself as just simultaneously render it unjust); 4). He thought that it was neither just nor unjust, for justice is an inadequate evaluative standpoint that needs to be

overcome. This article will show that Marx held all these positions. The crucial interpretive question is not whether one or another of these responses is true according to Marx, because he thought that they all were. There is no contradiction between these positions. Instead, it is worth considering how they are related and ranked with each other. Toward that end, this article endeavors to establish that while Marx accepted that capitalism could be criticized externally (position 1 from above), justified internally (position 2), and undermined by its self-justifications (position 3), he ultimately emphasized transcending the terms of justice and morality to replace the immanently contradictory capitalism with an alternative, ideal mode of human life (position 4).

This article has been written with the conviction that working out Marx's position on ethics matters not only for a more accurate understanding of Marx, but also for carrying on the Marxist cause, which differs from many other forms of socialism because it does not just aim at combating capitalism's pathologies, but also seeks to end its rule. As Marx noted, ultimately it is "[m]en [who] make their own history";¹ their political agency cannot be taken for granted. Contra the "anti-normative" orthodoxy following the Second International,² it is implausible to regard the transition toward communism as inevitable when the masses lack conscious political commitments to it.³ Only by both exposing capitalism's irrational contradictions and appealing to an ideal possible future can Marxists acquire enough power to elicit workers' enthusiasm and induce revolutionary change.

1 Marx, *The Eighteenth Brumaire* (1852); in *The Marx-Engels Reader* (henceforth as MER), Robert Tucker (ed.), p. 595. While Marx emphasized historical constraints in this context, the primacy of human agency in historical change cannot be denied.

2 Note that notable members of the Second International such as Jean Jaurès argued for the necessity for an absolute ideal of morality and justice based on human's transcendence of alienated labor. However, such ideas were typically viewed as diverging from the orthodoxy and (perhaps more debatably) from Marx's own views. See Engelman (1973).

3 For instance, some "rational-choice Marxists" argued that workers need no mobilization; life under capitalism is so unbearable that rational agents cannot but revolutionize; Przeworski (1985), Leiter (2015). It is unclear why, on this account, workers will identify as problematic capitalism itself, instead of specific grievances, and opt for Marxism over, say, democratic socialism.

External Critique of Capitalism's Injustice

Marx sometimes criticized capitalism as unjust in ethical or normative terms. In doing so, he appealed to a “higher,” more ideal form of human existence to contrast the current life under capitalism and criticize the capitalist social arrangement. In his 1843–4 writings, Marx charged capitalism for engendering various forms of alienation, such that human beings’ natures of cooperative communality and creative powers were frustrated. As Daniel Brudney (2018) notes, for early Marx, alienation is an inherently normative concept: to state that X is alienated from Y implies that there is a problematic deficiency in that X’s relation to Y, which further implies that there *should* be a more robust (healthy, reciprocal, etc.) relationship between X and Y.⁴ Thus, Marx was writing with normative-evaluative zeal when observing that the alienated worker “does not feel content but unhappy, does not develop freely his physical and mental energy but mortifies his body and ruins his mind” in what amounts to “*forced labor*.”⁵ His evaluation stands on a conception of what free, unforced labor *should* involve—rendering the workers content, allowing them to develop physically and mentally, etc. Such a conception makes up an external ethical norm by which capitalism was judged and criticized. Indeed, as many scholars observe,⁶ early Marx’s alienation-based critique of capitalism is grounded in broadly Aristotelian ethics,⁷ according to which human flourishing consists in engaging in activities that allow for the development of key human powers. Marx’s move, then, is to identify our capacity to engage in ordinary, creative labor as a central human power that undergirds his ethical critique of capitalism.

Marx’s use of a communistic ideal of human life to contrast and criticize capitalism figured most prominently in 1843–4 writings, but not exclusively so. Some scholars regard Marx’s account of the good life as belonging only to his immature and “unscientific”

⁴ Brudney 2018, p. 212.

⁵ Marx 1844, “Estranged Labor” from *Economic and Philosophic Manuscripts of 1844*; MER, p. 74; italicization is original.

⁶ See Cohen 1983, Blackledge 2012, Kandiyali 2018, among others. Wood (1981) also accepts this observation, minus labeling it as moral; this will be dealt with later on in this article.

⁷ The Aristotelian identification is meant as strictly philosophical, not intellectual-historical.

youth: Louis Althusser famously proposed an “epistemological break” between Marx’s earlier and later writings;⁸ more recently, Brian Leiter (2002) described early Marx’s ideal as a “Hegelian hangover” that was soon overcome.⁹ Such views are inconsistent with textual evidence from Marx’s “mature” writings. In *Grundrisse*, Marx argued that “real freedom” could only be achieved through the “action [... of] labor,” which would in turn make possible “[u]niversally developed individuals.”¹⁰ This ideal for human life was repeated in *Critique of the Gotha Program*, where Marx wrote that, in higher-phase communism, “labor [would have] become not only a means of life but life’s prime want”; the good life based on the right kind of labor, then, would lead to “the all-around development of the individual.”¹¹ Furthermore, in *Capital*, Marx entertained the idea that the working-day ought to be the time for “the free play of the vital forces of his body and his mind.”¹² Notably, in *The Civil War in France*, Marx wrote that the working classes who engaged the Paris Commune “have no ideals to realize, but to set free the elements of the new society with which old collapsing bourgeois society itself is pregnant.”¹³ This is evocative of Marx’s earlier description of communism as “the real movement which abolishes the present state of things,” the conditions for which “result from the premises now in existence.”¹⁴ Such remarks lend *prima facie* support to the countervailing claim that Marx viewed the role of the proletariat revolution as primarily critical and negative, rather than positive toward some normative ideal. However, this reading is inconsistent with the gist of the broader passage in *The Civil War in France*. Immediately preceding the above-quoted, Marx wrote,

[T]he working class did not expect miracles from the Commune. They have no ready-made Utopias to introduce by a decree of the people [par décret du peuple]. They know that in order to work out their own emancipation, and along with it that higher form to which present society is irresistibly tending by its own

8 See Althusser (1965); Althusser suggested that the break took place in 1845.

9 Leiter 2002, p. 1129.

10 Marx 1858, *Grundrisse*; 1973, p. 162.

11 Marx 1875, *Critique of the Gotha Program*; MER, p. 531.

12 Marx 1867, *Capital*, Vol. I, Ch. 10; 1976, p. 375.

13 Marx 1871, *The Civil War in France*; *Marx/Engels Collected Works* (henceforth MECW), Vol. 22, p. 335.

14 Marx 1845, *The German Ideology*; MECW, Vol. 5, p. 49.

economical agencies, they will have to pass through long struggles, through a series of historic processes, transforming circumstances and men.¹⁵

Here, it is clear that Marx meant that the working class “have no ideals to realize” only within the context of prioritarian strategy-making: Given historical constraints, it is wiser for them to focus on concrete political struggles for “transforming circumstances and men.”¹⁶ If anything, here Marx reaffirmed his commitment to the ideals of human “emancipation” and “higher form” society. In summary, though de-prioritized into relatively sparse remarks, there is no doubt that later Marx still believed in—rather than rejecting or dismissing—the ethics of human development through free labor.

Aside from the ethics of the good life, Marx could be said to have condemned capitalism because of the prevalent exploitation integral to its rule. Marx famously painted the imagery that, through exploitation, “capital is dead labor which, *vampire-like*, lives only by sucking living labor, and lives the more, the more labor it sucks.”¹⁷ Elsewhere in *Capital*, Vol. I, Marx described labor under capitalism as “enslaving, exploiting and impoverishing [for] the worker;”¹⁸ the prevalence of overtime as having a “brutalizing” and “destructive” effect on workers,¹⁹ and the exploitation-ridden capitalist economy as having a “murderous” aspect.²⁰ When discussing primitive accumulation qua the pre-history of capitalism, Marx wrote that “it is a notorious fact that *conquest*, enslavement, robbery, murder, in short, force, play[ed] the greatest part” and that “the history of [the workers’] expropriation is written in the annals of mankind in letters of blood and fire.”²¹ When describing that workers are exploited of surplus-value upon selling their labor in the commodified form as labor-power, Marx wrote, “[e]ven if the [capitalist] uses a portion of that tribute to purchase the additional labor-power at its full price, so that *equivalent is exchanged for equivalent*, the whole thing still remains

¹⁵ Marx 1871, *The Civil War in France*; MECW, Vol. 22, p. 335.

¹⁶ *Ibid.*

¹⁷ Marx 1867, *Capital*, Vol. I, Ch. 10; 1976, p. 342.

¹⁸ Marx 1867, *Capital*, Vol. I, Ch. 15; 1976, p. 638.

¹⁹ Marx 1867, *Capital*, Vol. I, Ch. 15 & Ch. 20; 1976, pp. 593, 599, 607 & p. 686.

²⁰ Marx 1867, *Capital*, Vol. I, Ch. 15; 1976, p. 592.

²¹ Marx 1867, *Capital*, Vol. I, Ch. 26; 1976, p. 874 & p. 875.

the age-old activity of the conqueror, who buys commodities from the conquered with the money he has *stolen* from them.”²² While capitalists appear to have paid workers the full value of their labor-power, the surplus value the workers produce is *stolen* from them.²³ Therefore, capitalist profit and the entire capitalist mode of production are based on theft of another’s labor time. This indictment of theft cannot be regarded as an internal critique of capitalism (i.e., according to its own rules or ideals), for such a transaction perfectly conforms to capitalism’s rules.²⁴ Indeed, in the foregoing quote, Marx observed that capitalist logic would construe this transaction as an equivalent, hence unproblematic, exchange. To criticize capitalism, Marx would appear compelled to state that harvesting surplus-value is unjust and immoral by an external standard, imported from his vision of a high-form society in which exploitation and “conquering” have been overcome.

While it is plausible to posit that Marx was motivated by a sense of moral indignance to critique capitalism, this case cannot be pushed too far. Marx frequently pushed back on the language of morality and justice; even when it was necessary for political mobilization, he used it hesitatingly or in passing. For example, Marx wrote to Engels that, “I was obliged to insert two phrases about ‘duty’ and ‘right’ in the Preamble to the Rules [of the First International], ditto ‘truth, morality and justice,’ but these are placed in such a way that they can do no harm.”²⁵ Similarly, Marx only tolerated equal right and fair distribution as temporary ends for political struggle, not worthy goals in themselves. Indeed, he ridiculed those who idealize them as talking “obsolete verbal rubbish” and “ideological nonsense so common among the democrats and French socialists,”²⁶ instead insisting that “[t]he communists do not preach morality at all.”²⁷ Not only did Marx refrain from criticizing capitalists for violating workers’ property rights to their labor products, but he rejected Pierre-Joseph Proudhon’s slogan that “Property is theft!”²⁸ Objecting to capitalism in terms of unjustified

²² Marx 1867, *Capital*, Vol. I, Ch. 24; 1976, p. 728. Italicizations are added.

²³ Cohen 1983, p. 443.

²⁴ *Ibid.*

²⁵ Marx 1864, “Letter to Engels”; MECW, Vol. 42, p. 18.

²⁶ Marx 1875, *Critique of the Gotha Programme*; MER, p. 531.

²⁷ Marx 1845, *The German Ideology*; MECW, Vol. 5, p. 247.

²⁸ See, among others, *The Poverty of Philosophy* (1847) and “Letter to J. B. Schweizer” (1865).

property rights is a potentially compelling route, but it is generally foreign to Marx's argument. While here and there Marx *did* imply that capitalism was unjust on normative grounds, a faithful reader of his corpus cannot place it at the center of his thinking. For Marx, capitalism *can* be criticized morally, but doing so is often useless. Rather than *denying* capitalism's unjust nature, he simply decided against assigning it a central role in his theory and critique.

Capitalism's Self-Justification

According to Marx, the capitalist social arrangement appears just under its internal viewpoint, for any conception of justice is designed to justify and permeate the underlying social reality. Norman Geras (1985) argues Marx condemned capitalism through an unstated principle of distributive justice that requires *truly* equivalent exchange.²⁹ *Pace* Geras, rather than judging capitalism as unjust with another theory of justice, Marx operated with capitalism's criterion of justice and believed that there is nothing unjust about capitalism, insofar as that criterion is at capitalism's service by design. The problem with capitalism, it follows, is not that it violates the criterion of justice that it has set for itself, but that it involves such underlying conditions that necessarily give rise to a deficient notion of justice. As quoted above, Marx wrote that, in the transaction of labor-power, equivalent is (rather than *appears*) exchanged for equivalent.³⁰ This transaction involves no injustice, because justice is defined under capitalism in terms of fairness of exchange and there is no evidence that Marx used a different, (capitalism-)transcendent criterion of justice to judge capitalism. While the well-known slogan "each according to his needs"³¹ *arguably* advanced a post-revolutionary principle of distributive justice, as Geras infers,³² it plays no role in his critique of capitalism.³³ While Marx took issue with the fact that workers are "robbed" of surplus-value, but surplus-value being *surplus-value*

29 Geras 1985, p. 54.

30 Marx 1867, *Capital*, Vol. I, Ch. 24; 1976, p. 728.

31 Marx 1875, *Critique of the Gotha Program*; MER, p. 531; from August Becker and Louis Blanc.

32 Geras 1985, p. 40.

33 One could argue, in a Rawlsian vein, that capitalism violates the principle of distributive justice insofar as distributing goods and resources optimally according to social needs. See, among others, van de Veer 1973. This is a reasonable philosophical response, but this Rawlsian understanding of the term "justice" is evidently anachronistic to Marx himself.

means that it has no impact on justice *qua* equivalent exchange. An alternative interpretation, inspired by Moishe Postone,³⁴ is that while Marx believed the realm of exchange is unproblematic insofar as there is no unfair transaction of labor-power, the very existence of that transaction presupposes human labor—the source of self-actualizing actions—being commodified into labor-power for capital accumulation. For Marx, this commodification in the realm of production is the true pathology, though under the market-based capitalist mindset, it reflects into an *appearance* of injustice in the realm of exchange. Regardless of whether this reading is accepted, it is implausible that Marx judged capitalism by a criterion of justice independent from it.

As a critical analyst of ideology, Marx believed that the capitalist theories of morality and justice weave into the broader system of ideology that serves the ruling class's interests. As he wrote in *The German Ideology*, “[t]he ideas of the ruling class are in every epoch the ruling ideas, i.e., the class which is the ruling material force of society, is at the same time its ruling intellectual force.”³⁵ This is echoed in *The Communist Manifesto*, where it is declared that morality, law, and religion reflect “so many bourgeois prejudices, behind which lurk in ambush just as many bourgeois interests.”³⁶ In the same work, Marx and Engels denied that there are “eternal truths, such as Freedom, Justice, etc. that are common to all states of society” and openly embraced the accusation that “Communism abolishes [such] eternal truths.”³⁷ An epoch's criteria of morality and justice presuppose and help perpetuate the status quo. As Engels recapitulated in *Anti-Dühring*, morality “has always been class morality”; hitherto and before communism, it has “justified the domination and interests of the ruling class.”³⁸ Marx thus believed that to regard the criteria of morality and justice as trans-historically and universally true would not only be epistemically false, but also politically harmful, for they tend to impede revolutions by justifying the status quo.

For Marx, the mass morality and justice under capitalism are

³⁴ See, for example, Postone 1993, p. 182.

³⁵ Marx 1845, *The German Ideology*; MER, p. 172.

³⁶ Marx and Engels 1848, *The Communist Manifesto*; MER, p. 482.

³⁷ Marx and Engels 1848, *The Communist Manifesto*; MER, p. 489.

³⁸ Engels 1877, *Anti-Dühring*; MER, p. 726.

necessarily limited and hollow, but they are not simply instantiations of false consciousness. Instead, according to his materialist stance that ideas are epiphenomenal, morality and justice are symptomatic of deeper, objective social pathologies. The ills of capitalism do not originate from problematic ideas, but such ideas are generated by problematic reality. As Marx wrote in 1859, “it is not the consciousness of men that determines their being, but, on the contrary, their social being determines their consciousness.”³⁹ Accordingly, for Marx, moral discourses are too powerless to sway the bourgeoisie from exploiting, for their moral consciousnesses are held captive by the underlying material conditions.⁴⁰ In general, Marx’s analysis of moral ideology indicates that morality and justice adjust themselves vis-à-vis the economic foundation to serve the ruling class’s interests. As Engels wrote, “[i]f mass moral consciousness declares an economic fact to be unjust, as it did at one time in the case of slavery and statute labor, that is proof that the fact itself has outlived its day, that other economic facts have made their appearance due to which the former has become unbearable and untenable.”⁴¹ As such, new criteria of morality and justice will emerge if and only if the capitalist economic system has already been transcended. Recognizing the ideological nature of morality and justice, Marx dismissed moralization as generally useless for critiquing capitalism and inducing revolutions.⁴² Nevertheless, there is nothing inherently wrong with moralistic language and it is unproblematic that Marx occasionally employed it to elicit emotional responses.

Undermining Capitalism’s Self-Justifications

Exemplifying the belief in continuous historical progress common in nineteenth-century Europe, Marx believed that capitalism represented a half-point within the progression from slave-based

39 Marx 1859, “Preface” to *A Contribution to the Critique of Political Economy*; MER, p. 4.

40 For example, the capitalists cannot think otherwise than that the laws of competition—as captured by bourgeoisie economics—compel them to exploit to avoid miserable destitute.

41 Engels 1885, “Preface to the First German Edition of Karl Marx’s *The Poverty of Philosophy*”; MECW, Vol. 26, p. 282.

42 Marx instead hoped that the pressure of economic conditions would elicit revolutionary solidarity; “[t]he combination of capital has created for this mass a common situation, common interests [... as] a class as against capital.” (Marx 1847, *The Poverty of Philosophy*; MER, p. 218)

and feudal societies to “the republican and beneficent system of the association of free and equal producers,”⁴³ or what may be labeled communism. For one, as much as Marx and Engels were critical of capitalism, they wrote univocally that, “[t]he bourgeoisie, historically, has played a most revolutionary part.”⁴⁴ Not only did capitalism dramatically expand material productive forces to make possible “wonders far surpassing Egyptian pyramids, Roman aqueducts, and Gothic cathedrals,”⁴⁵ but, according to Engels, “there has on the whole been progress in morality,” suggesting that, even though still an ideological “class morality,” capitalist morality is superior to pre-capitalist ones.⁴⁶ For another, as human history continues to progress, Engels envisioned a “really human morality which stands above class antagonisms and above any recollection of them” in a future classless society.⁴⁷ Therefore, both the social-political reality and moral ideas of capitalism represent limited, half-way achievements in the overarching historical progression.

Capitalism represents significant progress in economic foundation, social-political reality, and ideas (moral and otherwise), but progress in these areas may be out of sync. In criticizing capitalism, Marx’s point is not simply that capitalism fails to secure important goods and prevent critical defects, but that these goods and defects are recognized as such by capitalism’s own rules and ideals. Such is the essence of the immanent method of critique—rather than appealing to an external set of values, the immanent critique evaluates reality with principles intrinsic to reality itself. As Andrew Buchwalter (1991) indicates, Marx inherited the Hegelian distinction between mere existence and full actuality, so developed as to actualize reality’s unrealized potential. He was able to exercise it on capitalism largely because, as Matthew Smetona (2015) notes, capitalism itself operates normatively.⁴⁸ The material structures constitutive of capitalism are based on implicit social norms, which Marx argued were not fully realized. As Marx wrote in 1843, “[w]e develop new principles to the world out of its own principles. [...] We only show the world what it is fighting for, and consciousness

43 Marx 1866, “Instructions for the Delegates of the Provisional Council: The Different Questions”; MECW, Vol. 20, p. 190.

44 Marx and Engels 1848, *The Communist Manifesto*; MER, p. 475.

45 Marx and Engels 1848, *The Communist Manifesto*; MER, p. 476.

46 Engels 1877, *Anti-Dühring*; MECW, Vol. 25, p. 88.

47 *Ibid.*

48 Smetona 2015, p. 51.

is something that the world must acquire, like it or not.”⁴⁹ In his republican youth, Marx rejected the liberals’ willingness to settle for a constitutional monarchy in exchange for expanded suffrage, a compromise that Marx called “a hybrid which from beginning to end contradicts and abolishes itself,”⁵⁰ namely, a failure to follow suit with the principle of struggling for a universal political state. In 1843–4, he critiqued the liberal political state for promising and then failing to deliver truly universal human life; instead, it “has presupposed the separation of civil society and the political state”⁵¹ and concerns itself only with people’s public existence as citizens. In his later critiques of capitalism, Marx discussed how capitalism congratulates itself for the political emancipation of the masses, while in truth, as Cohen puts it, “[t]o think of capitalism as a realm of freedom is to overlook half of its nature.”⁵² While institutionalized slavery has been abolished, “all-round dependence” amongst persons is still the rule, such that they find themselves “governed” by “powers completely alien to them.”⁵³ While political freedom is guaranteed by law, neither the proletariat nor the bourgeoisie are truly free. On the one hand, capitalist society is so arranged that proletarians do not own property to support their lives unless they work for wages. Though capitalism has abolished “feudal ties that bound man to his ‘natural superiors,’”⁵⁴ workers are still subject to “wage slavery,”⁵⁵ compelled to sell their labor-power as commodities for subsistence. Hence, workers’ apparent consent is unconscionable and hence merely a sham. As Engels describes it, while “[t]he slave is sold once and for all, the proletarian has to sell himself by the day and by the hour.”⁵⁶ In this way, Marx’s thought may be conceived in the vein of neo-Roman republicanism⁵⁷ by advocating for the workers’ freedom from the domination of

⁴⁹ Marx 1843, “Letter to Ruge”; MER, p. 15.

⁵⁰ Marx 1842, “Letter to Ruge”; MECW, Vol. 1, pp. 382–3. For more on early Marx’s theory of the rational state, see Miguel Abensour (1997/2001), *Democracy against the State*, especially Ch. 1.

⁵¹ Marx 1843, *Critique of Hegel’s Philosophy of Right*; MECW, Vol. 3, p. 73.

⁵² Cohen 1983, p. 10.

⁵³ Marx 1845, *The German Ideology*; MER, p. 164.

⁵⁴ Marx and Engels 1848, *The Communist Manifesto*; MER, p. 475.

⁵⁵ Note that “wage slavery” is not, for Marx, literally a form of slavery. As it recognizes the equality of persons, it represents genuine (if insufficient) progress over feudal personal dependence. For the history of wage slavery as a metaphor, see Cunliffe 1979; for a discussion of how, for Marx, the exploitation of wage labor amounts to the domination of wage slavery, see Leipold 2021.

⁵⁶ Engels 1847, “The Principles of Communism”; MECW, Vol. 6, p. 100.

⁵⁷ Roberts 2019, p. 45; see also Leipold 2020 and O’Shea 2020.

capitalists' arbitrary will. On the other hand, the economic "laws" of competition operate such that capitalists either "choose" to exploit, or they will fall into the same misery of the proletariat. They do not have genuine autonomy either. For Marx's immanent critique, this lack of freedom can be recognized as problematic by capitalism's own principled commitments to personal autonomy and against interpersonal dependence. Generally, Marx sought to criticize capitalism and problematize its self-justifications by radicalizing the principles behind those justifications. Seen in this light, capitalism is both just and unjust under its normative criteria, for what capitalism uses to prove itself just concurrently reveals it to be unjust. Taking capitalism's self-justifications seriously, Marx found them self-undermining.

Beyond Morality

Marx was able to criticize capitalism with its own contingent set of value-principles insofar as he could show that the social reality failed to deliver what is promised by its own ideals. As a practitioner of immanent critique, Marx did not rely on values external to the epoch under the bourgeois hegemony—he did not need to appeal to communist values. However, as shown, Marx did sometimes use external moral values to condemn capitalism and he did sketch—though often in fragmentary forms—a communist vision of the good life. It should be considered whether Marx's external ethical vision can hang together with his rejection of moral ideology and how Marx's external critique (based on a vision of the good life) and internal critique rank with each other.

When Engels described a "really human morality which stands above class antagonisms"⁵⁸ and Marx wrote of "universally developed individuals"⁵⁹ who could place their communal relations under common control, they were advancing communist values of human life and making ethical claims with a universal scope. Marx and Engels might be compelled to conceive of their visions of the good life as *good* across capitalism and communism: to reject these values (or any value) as universally and trans-historically good seems to commit one to take up a thoroughly historicist and relativist metaethical position. If that were granted,

⁵⁸ Engels 1877, *Anti-Dühring*; MECW, Vol. 25, p. 88.

⁵⁹ Marx 1858, *Grundrisse*; 1973, p. 162.

Kai Nelson (1988) observes,⁶⁰ Marx would have no normative ground to say that communism is preferable to capitalism; even if his historical materialism were correct that communism would supersede capitalism, Marx could not claim that it is a change for the better.⁶¹ Since Marx “felt no embarrassment about his ability to [...] make judgments about” capitalist and communist societies,⁶² Nelson concludes that Marx could not maintain that “our moral *understanding* [...] can never transcend the relations of production we are immersed in.”⁶³ To justify his optimism for historical progress, Marx could not maintain the moral relativist position that all values are *only* valid relative to some standpoint (e.g., of an epoch or a class) and instead needed some transcendent criteria to judge both capitalism and communism.⁶⁴

To pave the way for such transcendent values, Steven Lukes (1985, 2015) argues that, rather than morality in totality, Marx only rejected one class of moral values—the domain of *Recht* [(legal) right], which includes justice, fairness, rights, and obligations.⁶⁵ For Lukes, Marx viewed *Recht*-based morality as reflective of material conditions that predispose human beings to conceive of themselves as atomist, self-interested individuals prone to conflict with one another. The role of *Recht* is to place a necessary constraint on human conduct, to contain interpersonal clashes within bounds, and to make human cohabitation possible. More broadly, Lukes argues that *Recht*-based morality revolves around rule-based practical reasoning, of which Kantian deontology is exemplary.⁶⁶ While claiming to be neutral and universal, *Recht*-based morality presupposes and helps perpetuate the status quo: it presupposes social atomism and self-interested egoism, which Marx in 1843 showed to be intimately linked to the logic of capitalism.⁶⁷

⁶⁰ Nelson 1988, p. 3.

⁶¹ Rather than, say, it only *appears* better (in a metaethically relativist fashion) to the agents under communism, but not to those under capitalism.

⁶² Nelson 1988, p. 32.

⁶³ Nelson 1988, p. 31.

⁶⁴ This observation *a fortiori* precludes associating Marx with even stronger moral anti-realist positions, e.g., Error Theory, which states that all moral assertions are strictly false (Mackie 1977).

⁶⁵ Lukes 2015, p. 57.

⁶⁶ See Blackledge 2012 for more on Kantian ethics as *Recht*-based morality *par excellence*, although Blackledge does not provide the most charitable presentation of Kant.

⁶⁷ Marx 1843, “On the Jewish Question”; see, especially, *MER*, pp. 35–6.

Similarly, *Recht*-based morality fixates on protecting rights—what *Recht* originally means. Under capitalism, the protection of rights usually translates into the protection of private ownership of the means of production. Hence, modern *Recht*-based morality tends to defend the regime of private property foundational to the capitalist mode of production. When criticizing setting “fair distribution” as a socialist goal, Marx asked, “[d]o not the bourgeois assert that the present-day distribution is ‘fair’? And is it not, in fact, the *only* ‘fair’ distribution on the basis of the present-day mode of production? Are economic relations regulated by legal conceptions, or do not, on the contrary, *legal relations arise out of economic ones*?”⁶⁸ Not only does *Recht*-based morality function as capitalism’s self-justifications, but it also offers very limited space for its immanent critique. In contrast to the principle of freedom, of which Marx showed that capitalism has only achieved a half-way realization, the notion of right appears fully actualized under capitalism: consequently, the capitalist mode of production appears to provide “the only ‘fair’ distribution” scheme.⁶⁹ What seems problematic to workers (and to Marx) appears perfectly just and fair under capitalism’s internal viewpoint. Therefore, the class struggle *within* bourgeois society manifests itself as a conflict of “right against right both equally bearing the seal of the law of exchanges,” and, where there is no better claim to judgment, “between equal rights force decides.”⁷⁰ Unless Marx were to grant the Thrasymachian thesis that justice is the interest of the stronger,⁷¹ he must think outside of *Recht*-based morality and not conduct a purely immanent critique of capitalism.

The case of distributive justice shows that the immanent critique could not be Marx’s predominant method of critiquing capitalism. While it did play a significant role for Marx, immanent critique can only be waged on those few cases in which capitalist social reality is discordant with capitalist principles and the fact that capitalism operates normatively thereby opening up space for its critique. Elsewhere, Marx engaged in sketching a positive vision of communist values and he regarded doing so as important in

⁶⁸ Marx 1875, *Critique of the Gotha Programme*; MER, p. 528; emphases are added.

⁶⁹ *Ibid.*

⁷⁰ Marx 1867, *Capital*, Vol. I, Ch. 10; MER, p. 364.

⁷¹ In Marxian language, one *could* be indifferent to whether communism’s inevitable triumph over capitalism, predicted by historical materialism, is a change for the better. This is not Marx’s view.

its own right, rather than as complementary to his immanent critiques. Allen Buchanan (1987) suggests that, as a radical, “Marx’s main interest was [...] in providing an account of communism,” rather than “criticizing capitalism,” because his indictments of capitalism are implicitly comparative to communism to reveal that many present failures are realistically avoidable under a more rational social arrangement, given the unprecedentedly high productivity already made possible by capitalism.⁷² Indeed, it may be argued that the problem with capitalism is not so much that it engenders objective suffering and misery (though it does) as that it fails to provide the social optimum that (only) capitalism has made possible; communism, as “the real movement which abolishes the present state of things,”⁷³ then demands radically rationalizing the society arrangement to deliver the full blessings of material bountifulness. Regardless of whether this view is accepted,⁷⁴ Marx’s vision of the communist good life clearly played the essential role as an external point of reference for his critiques of capitalism.

What kind of metaethical status does the external vision of the communist good life have, and how does it fit with Marx’s critique of morality? Implied by Lukes’ thesis that Marx’s critique of moral ideology was only directed toward *Recht*-based morality, Marx’s account of the good life is unproblematic because it does not speak the language of *Recht*. According to Lukes, *Recht*-based morality is contrasted with the morality of emancipation, which advocates for social arrangements that bring maximal freedom for communalized individuals.⁷⁵ While illuminating, Lukes’ dichotomy of two kinds of morality is unwarranted, since there is no evidence that Marx intended to target only some part or kind of morality in his critique of moral ideology. As an alternative, Allen Wood argues that Marx rejected all of morality, justice, or ethics; instead, Marx found normative grounds to make evaluative claims by resorting to what Wood terms “non-moral goods,” such as self-actualization, security, physical health, comfort, community, and

72 Buchanan 1987, p. 125.

73 Marx 1845, *The German Ideology*; MECW, Vol. 5, p. 49.

74 One could be skeptical: if providing an account of communism was Marx’s *main* interest, why was it so under-developed and fragmentary across his writings?

75 Lukes 1985; He argues it is the Marxist moral imperative to pursue emancipation regardless of rules and rights (*Recht*) that results in “moral disasters of Marxism in practice” (p. xi; pp. 142–4).

freedom.⁷⁶ These goods, according to Wood, are non-moral insofar as “we would regard [them] as desirable and good for people to have even if no moral credit accrued from pursuing or possessing them,” i.e., they are uncontroversially good and require no moral-theoretical justification.⁷⁷ On this account, Marx did not need a distinctively moral viewpoint to be able to criticize capitalism and applaud communism.⁷⁸ Wood’s distinction between moral goods—presumably overlapping with Lukes’ *Recht*-based morality to a large extent⁷⁹—and non-moral goods is problematic: for one, Marx never drew this distinction himself; for another, it is unclear what makes non-moral goods *non-moral* and hence non-ideological. Wood’s definition of non-moral goods as those whose goodness is uncontroversial relies heavily on people’s recognition of them and invites a Euthyphro-like dilemma: is a non-moral good *good* because it is universally regarded as good, or is it universally regarded as good because it is uncontroversially good? Wood’s answer seems to require the former, but the latter seems far more plausible. Furthermore, there seems to be no reason, on Wood’s account, that just because certain goods are uncontroversially good and requires no moral-theoretical justification, they make up a distinct class from moral goods and are thus not subject to Marx’s critique of moral ideology. After all, according to Marx’s critique of ideology, any moral good can appear uncontroversially and universally good to agents in an epoch, but that does not make them any less ideological or historically contingent; Wood seems to have no resource to justify the privileged status he assigns to the “non-moral” goods. Even if it is granted that non-moral goods make up a distinct category and they are not morality (or, Lukes’ *Recht*-based morality), Wood and Lukes have given no clear indication as to what kind of thing they are. If, as is plausible, they are part of ethics, it is unclear how and why ethics differs from (ideological) morality. In the end, there is no satisfying ground to establish that such goods are non-ideological.

Though ambiguous, Wood’s and Lukes’ dichotomies reveal that there are two senses of “morality” in the question of Marx’s view of morality. In a circumscribed sense, morality only means the

⁷⁶ Wood 1981, p. 127.

⁷⁷ Wood 1981, p. 129.

⁷⁸ Wood 1972, p. 245.

⁷⁹ Wood, for example, counts “justice” and “(equal) rights” as moral goods.

domain of moral codes, the definite “do’s” and “don’ts” imposed on people’s conduct. It functions in a primarily prescriptive, action-based fashion and typically requires the justification of some moral theory. In modern times, moral codes usually take law-like, right-based forms that model on laws that protect private property—Lukes’ *Recht*-based model is hence useful for analyzing modern morality. In the broader sense, “morality” encompasses axiology—the entire realm of values. Morality so construed includes not only action-based, prescriptive imperatives on what actions should (not) be done, but also person-based, evaluative accounts on what it means to lead good (virtuous, meaningful, etc.) lives. Marx’s vision of the good life belongs to the broader sense, but not the narrower sense of morality.

The dual sense of morality can be a source of confusion. To claim that Marx had nothing to do with morality can either mean he did not have a moral theory (which is true), he did not moralize—say, register external moral complaints against capitalism (which is true, except for several unstressed passages), or he had no moral recourse at all—including a picture of the good life (which is false). The two senses of morality are isomorphic with Hegel’s distinction between *Moralität* [morality] and *Sittlichkeit* [ethics], and, according to Michael Rosen (2001), this isomorphism reveals an important insight. Hegel repudiated Kantian deontology as *Moralität* as “empty formalism” that is indeterminate and has to “bring in material from outside.”⁸⁰ Hegel’s solution was to ground *Moralität* in *Sittlichkeit*, the social-historically concrete “ethical life.”⁸¹ Whereas in moral life the free individual views her duties as external and abstract impositions, in ethical life each individual would relate to the ethical norms as means to their self-actualization through the bonds of the living social order. By expanding on the existing mores within the family, civil society, and the state,⁸² Hegel believed that *Sittlichkeit* can contribute to the self-expansion of world-historic reason, concretized into more rational and more universal human practice.

As Rosen shows, Marx was consciously sympathetic to Hegel’s revision of Kantian ethics: Marx wrote, while promising to be

⁸⁰ Hegel 1820, *Elements of the Philosophy of Right*, §135.

⁸¹ Hegel 1820, *Elements of the Philosophy of Right*, §144.

⁸² Hegel 1820, *Elements of the Philosophy of Right*, §157.

universal and impartial by “separat[ing] this theoretical expression from the interests it expressed,” Kant’s moral philosophy in fact “made the materially motivated determinations of the will of the French bourgeois into [...] into purely ideological determinations and moral postulates.”⁸³ However, Marx believed Hegel’s concretization of *Sittlichkeit* was liable to a similar charge, as it defends “the morality of the modern state and of modern civil law” as neutral and universal.⁸⁴ Their divergence is straightforward: Hegel believed that customs and social institutions are themselves products of reason and the political state is the neutral medium for realizing universal interests, and Marx rejected this optimism. More importantly, Marx held that while *Moralität* can be an empty abstraction of the concrete *Sittlichkeit*, Hegel’s ultimate failure suggests that the abstractness of *Moralität* is simply expressive of the abstract *Sittlichkeit*: “the state or ethical life of which they [private rights and abstract morals] are the presuppositions can be nothing but the society (the social life) of these illusions.”⁸⁵ The problem with morality, then, is not that *Moralität* unfaithfully reflects the inherently rational *Sittlichkeit*, but that the ethical life emanating from the bourgeois standpoint is itself defective. Consistent with Marx’s materialist view of ideas being epiphenomenal, this view highlights why Marx had no interest in rectifying false consciousness (e.g., moral ideas) with rational arguments. He instead focused on the problematic social life that gives rise to such ideas, just like his younger self wrote concerning the abolition of religion: “[t]he call to abandon their illusions about their condition is a call to abandon a condition which requires illusions.”⁸⁶ From the communist standpoint, human beings will be emancipated not only from wage slavery, but also from the conditions under which moral justice is needed, or what David Hume called “the circumstances of justice.”⁸⁷ Agents under communism do not need moral codes, because material abundance and the rationality of social arrangement will ensure resources be distributed per genuine needs, rather than claims

83 Marx 1845, *The German Ideology*; MECW, Vol. 5, p. 195.

84 Marx 1843, *Critique of Hegel’s Philosophy of Right*; MECW, Vol. 3, p. 108.

85 *Ibid.*

86 Marx 1843, “A Contribution to the Critique of Hegel’s Philosophy of Right”; MER, p. 54.

87 *Viz.*, the background conditions in which the question of justice arises; see Hume, *A Treatise of Human Nature* (1739). For modern use of the notion, see John Rawls, *A Theory of Justice* (1999).

of right or deservedness.⁸⁸ Seen through this light, for Marx, the socialist slogan “[f]rom each according to his abilities, to each according to his needs”⁸⁹ is appealing *not* as a prescriptive principle of distribution, but as an optimistic estimation of how things will naturally be under communism.⁹⁰ Though described in a crude and fragmentary fashion, Marx’s communist society would render *Recht*-based morality—justice, right, and duty—superfluous.

Marx’s critique of the Hegelian philosophy of right reveals two critical insights concerning his views on morality. Firstly, Marx criticized Hegel for ultimately falling into the same pitfall of the moral code of each epoch: pretending to be universal, while in truth only reflecting the prejudices and special interests of the time, held captive by the prevailing social practice. Secondly, Marx was determined that he would not supply yet another universal-pretending moral code that takes the prevailing social practice for granted. Instead, he put forward communist ethics as a guide to an alternative social practice, that is, as a radical change of the form of life to replace that which gives rise to the (otherwise epiphenomenal) moral ideas. Marx took on the transcendental ethics of the communist good life that neither makes moral commands on the individuals’ conduct, nor pretends to be neutral, universal, or trans-historical.

Rather than action-based moral codes that specify the permissibility or desirability of specific actions, Marx’s ethical vision is person-based, such that it describes what it means for a person to lead a good life. This is perhaps a more plausible explanation for what makes Wood’s “non-moral goods” good.⁹¹ Self-actualization, security, physical health, comfort, community, and freedom are good insofar as they provide the *conditions* of human flourishing, although the possession of each does not individually constitute flourishing. This contrasts with goods in the narrower moral

88 For example, in *Critique of the Gotha Program*, Marx emphatically rejected each being distributed with the same amount of goods as he or she contributed to society via labor as epitomizing the capitalist principle of “exchange of commodity equivalents”; see MER, p. 530.

89 Marx 1875, *Critique of the Gotha Program*; MER, p. 531.

90 Buchanan 1982; van der Linden 1984, p. 123.

91 To Wood’s credit, he seems to be on the right track by comparing the distinction between moral and non-moral goods to Kant’s distinction of “good” and “well-being”; Wood 1981, p. 131.

sense. The claim that “it is good to respect others’ private property” provides no help in coming to live a good life, but it does dictate the good practice of some particular actions. At the same time, in contrast to the pretensions of the morality that he criticized, Marx did not envision his ethics to be neutral or universal and was emphatic that the revolution which he championed would be a *proletarian* revolution. Yet unlike previous social movements, which were all “movements of minorities, or in the interests of minorities,” Marx believed that the proletarian revolution would realize “the interest of the immense majority”;⁹² to realize its universal potentiality, it will “abolish[] its own supremacy as a class”⁹³ and absorb all social relations. As Marx wrote in 1852, only the “dictatorship of the proletariat” can lead to “the abolition of all classes and [transition] to a classless society”;⁹⁴ the working class is unique for its potential of being a universal class. While the revolution will begin with the particular interests of the working class, it will succeed by eventually delivering the universal interest. The dialectical relationship between the particular (here, of the proletariat) and the universal is a defining element of Marx’s thinking. He did not need to justify his ethics as universal to (non-proletarian) agents under capitalism, for it would never appear to them so until the “stage of society which has not only overcome class antagonisms but has even forgotten them in practical life.”⁹⁵ This means that Marx’s ethics need not be trans-historical either: it does not need to apply to epochs outside of the capitalism-communism transition, nor does it need to appear transparent to agents under capitalism.⁹⁶ Consequently, Marx’s vision of the good life is compatible with his critique of ideological morality.

Conclusion

This article has shown that, regarding morality, Marx was pursuing two major projects simultaneously: 1). In his critique of ideology, he dismissed universal and trans-historical moral claims as empty and hardly useful. 2). In his critique of capitalist ethics, he identified

⁹² Marx and Engels 1848, *The Communist Manifesto*; MER, p. 482.

⁹³ Marx and Engels 1848, *The Communist Manifesto*; MER, p. 491.

⁹⁴ Marx 1852, “Letter to Joseph Weydemeyer”; MER, p. 220.

⁹⁵ Engels 1877, *Anti-Dühring*; MER, p. 727.

⁹⁶ Indeed, as Brudney (2001) argues, that Marx’s communist account of the good life would appear implausible to agents under capitalism—a justificatory problem—may be its chief shortcoming.

the defects of capitalist reality and charged capitalism with failing to actualize its radical, unrealized promises. Accordingly, he advanced an immanent critique to realize capitalism's principles *and* advocated an external yet concrete ethics of the good life. This ethics is consistent with his critique of moral ideology, for it does not pretend to be universal, trans-historical, or neutral. While communist ethics will become universal upon communism's realization, it bases itself concretely on the partisan interests of the proletariat.

As a general picture, Marx simultaneously believed that capitalism can be criticized externally through both moralizing remarks and communist ethics, justified internally by its moral ideology, and undermined with its own justificatory terms. The debate between Wood and Cohen on whether Marx dealt with ethics and justice trades on different aspects of this general picture: Wood prioritizes Marx's critique of moral ideology, while Cohen takes Marx's external critiques of capitalism seriously. The debate misses the point because there is no unresolvable contradiction between Marx's "moral" and "anti-moral" stances. Marx's primary concerns ultimately rest on a combination of the immanent critique of capitalism and the elucidation of the vision of the good life under communism, which gives credence to his belief that the transition to communism will not only be inevitable, but also represent genuine progress in human history.

References

- Abensour, Miguel (1997). Max Blechman (tr.; 2010). *Democracy Against the State*. Cambridge, UK: Polity Press.
- Althusser, Louis (1962), Ben Brewster (tr.; 2006). *For Marx*. London, UK: Verso.
- Blackledge, Paul (2012). *Marxism and Ethics: Freedom, Desire, and Revolution*. Albany, NY: State University of New York Press.
- Brudney, Daniel (2001). "Justifying a Conception of the Good Life: The Problem of the 1844 Marx," *Political Theory*, 29 (3): 364–394.
- Brudney, Daniel (2018). "Two Marxian Themes: The Alienation of Labor and the Linkage Thesis," in Jan Kandiyali (ed.),

- Reassessing Marx's Social and Political Philosophy: Freedom, Capitalism, and Human Flourishing*. New York, NY: Routledge, 211–238.
- Buchanan, Allen (1982). *Marx and Justice*. Totowa, NJ: Rowman & Littlefield.
- Buchanan, Allen (1987). “Marx, Morality, and History: An Assessment of Recent Analytical Work on Marx,” *Ethics*, 98 (1): 104–136.
- Buchwalter, Andrew (1991). “Hegel, Marx, and the Concept of Immanent Critique,” *Journal of the History of Philosophy*, 29 (2): 253–279.
- Cohen, G. A. (1981). “Freedom, Justice and Capitalism,” *New Left Review*, I (126): 3–16.
- Cohen, G. A. (1983). “Review of Wood’s *Karl Marx*,” *Mind*, 92 (367): 440–45.
- Cunliffe, Marcus (1979), *Chattel Slavery and Wage Slavery: The Anglo-American Context, 1830–1860*. Athens, GA: University of Georgia Press.
- Engelman, Ralph (1973). “The Problem of Jean Jaurès,” *Science and Society*, 37 (2): 195–202.
- Geras, Norman (1985). “The Controversy about Marx and Justice,” *New Left Review*, I (150): 47–85.
- Hegel, G. W. F. (1820). H. B. Nisbet (tr.; 1991). *Elements of the Philosophy of Right*. Cambridge, UK: Cambridge University Press.
- Hume, David (1739). Ernest Mossner (ed.; 1985). *A Treatise of Human Nature*. London, UK: Penguin Books.
- Kandiyali, Jan (2018). “Schiller and Marx on Specialization and Self-Realization,” in Jan Kandiyali (ed.), *Reassessing Marx's Social and Political Philosophy: Freedom, Capitalism, and Human Flourishing*. New York, NY: Routledge, 239–260.
- Leipold, Bruno (2020). “Marx’s Social Republic,” in Bruno Leipold, Karma Nabulsi, and Stuart White (eds.), *Radical Republicanism: Recovering the Tradition’s Popular Heritage*, Oxford, UK: Oxford University Press (2020), 172–193.

- Leipold, Bruno (forthcoming 2021). "Chains and Invisible Threads: Liberty and Domination in Marx's Account of Wage-Slavery," in Annelien de Dijn and Hannah Dawson (eds.), *Rethinking Liberty before Liberalism*. Cambridge, UK: Cambridge University Press.
- Leiter, Brian (2002). "Marxism and the Continuing Irrelevance of Normative Theory," *Stanford Law Review*, 54 (5): 1129–1151.
- Leiter, Brian (2015). "Why Marxism Still Does Not Need Normative Theory," *Analyse & Kritik*, 37 (1–2): 23–50.
- Lukes, Steven (1985). *Marxism and Morality*. Oxford, UK: Oxford University Press.
- Lukes, Steven (2015). "Marxism and Morals Today," *New Labor Forum*, 23 (1): 54–61.
- Mackie, J. L. (1971). *Ethics: Inventing Right and Wrong*. London, UK: Penguin Books.
- Marx, Karl (1973), Martin Nicolaus (tr.). *Grundrisse: Foundations of the Critique of Political Economy*. London, UK: Penguin Books.
- Marx, Karl & Engels, Friedrich (1975). *Marx/Engels Collected Works*.
- Marx, Karl & Engels, Friedrich, Robert Tucker (ed.; 1978). *The Marx-Engels Reader*. New York, NY: W. W. Norton & Co.
- Nelson, Kai (1988). "Marx on Justice: A Critique of Marxist Amoralism," *ARSP: Archiv für Rechts- und Sozialphilosophie*, 74 (1): 1–32.
- O'Shea, Tom (2020). "Socialist Republicanism", *Political Theory*, 48 (5): 548–572.
- Postone, Moishe (1993). *Time, Labor, and Social Domination: A Reinterpretation of Marx's Critical Theory*. Cambridge, UK: Cambridge University Press.
- Przeworski, Adam (1985). "Marxism and Rational Choice," *Politics & Society*, 14 (4): 379–409.
- Rawls, John (1999). *A Theory of Justice*, Rev. ed. Cambridge, MA: Harvard University Press.
- Roberts, William C. (2019). "Marx's Social Republic: Political, not

Metaphysical,” *Historical Materialism*, 27 (2): 41–58.

Rosen, Michael (2001). “The Marxist Critique of Morality and the Theory of Ideology,” in Edward Harcourt (ed.), *Morality, Reflection and Ideology*. Oxford, UK: Oxford University Press.

Smetona, Matthew (2015). “Marx’s Normative Understanding of the Capitalist System,” *Rethinking Marxism*, 27 (1): 51–64.

Van de Veer, Donald (1973). “Marx’s View of Justice,” *Philosophy and Phenomenological Research*, 33 (3): 366–386.

Van der Linden, Harry (1984). “Marx and Morality: An Impossible Synthesis?,” *Theory and Society*, 13 (1): 119–135.

Wood, Allen (1972). “The Marxian Critique of Justice,” *Philosophy & Public Affairs*, 1 (3): 244–282.

Wood, Allen (1981). *Karl Marx*. London, UK: Routledge.

Contesting the Political: Democratic Action With and Beyond Lefort

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Abstract: What is the relation between democratic action and democracy as an established regime? This paper aims to answer this question through a critical engagement with Claude Lefort's theory of 'the political.' According to Lefort, society acquires its form and meaning due to the way the political symbolically stages power. Democracy is the type of society that makes the place of power appear as symbolically empty, which entails that its future is radically contingent. A problem arises however, due to Lefort's insufficient attention to the reciprocal interactions between the symbolic and material determinations of the political. Material conditions produce effects on the political stage, forcing us to rethink the character of democratic action in this light. In order to analyze these reciprocal determinations, this paper argues that the political is incarnated in a material constitution that pushes certain material factors and social groups towards its depoliticized 'other scene', thereby entrenching power relations and forms of domination. As a result, next to its symbolic conditions, democratic action is defined by the concrete material determinations in which it is situated. A crucial aspect of a democratic society becomes that democratic initiatives politicize those exclusions and forms of domination that remain out of view of the political as it is manifested within a particular material constitution.

Keywords: Democracy, Lefort, the political, materialism, other scene

1. Introduction

It appears that a profound contradiction haunts contemporary liberal democracies. On the one hand, democracy proclaims the popular sovereignty of its citizenry, who can chart the course of its society in an open manner. Periodical elections ensure that state

power can change hands on a regular basis. Civil and political rights, supported by the rule of law, enable citizens to publicly contest government decisions through protests, petitions or referenda. The parliamentary apparatus, moreover, institutionalizes and legitimizes the contestation of government authority. In contrast to totalitarian or populist logics, the democratic logic openly invites a public debate on the future of a society.

At the same time, an equally foundational experience of liberal democratic societies is a sense of the future closing itself off (Fisher, 2009). As we will explore in this paper, this withering away of political alternatives is not merely an ideological or symbolic condition (in the sense that it refers to a lack of political imagination), but it is also practical or material. The recent European financial crises are emblematic in this regard. When interest rates on sovereign bonds skyrocketed due to the fear that certain EU countries would not be able to pay back their debt, political decision-makers quickly accommodated these market imperatives, cutting social expenditures and accelerating the widespread privatization of government assets. Visible contestation in the public sphere—one of the hallmarks of any democracy—supported by a large part of the population, was not able to change the outcome of this process.

This paper aims to rethink the concept of democracy in light of this internal contradiction which contemporary liberal democracies face. It does so by posing a twofold question. Firstly, is it possible that a society can proclaim itself to be democratic (with legitimate debates on political decision-making, free elections, the right to protest, independent press etc.), but that other conditions can undermine this supposedly democratic character? And secondly, what, in this context, does this entail for our understanding of the relation between democratic action and democracy in a societal form? Does democratic action merely amount to following the channels of participation institutionalized in a liberal democracy, or are there types of democratic action which set themselves *against* these institutions?

We address these questions through a critical rereading of Claude Lefort's influential theory of democracy. It has been Claude Lefort's great accomplishment to anchor our understanding of democracy

in the phenomenological experience of social contingency. According to Lefort, political engagement in a democracy is possible due to the fact that the world appears as lacking any *necessary* shape. Democratic citizens understand that a society is instituted politically and hence, can be changed politically. In this sense, democratic action exhibits a sense of openness towards a future that has not yet been defined.

If we want to understand democratic action from a Lefortian perspective, we need to situate it as rooted in democracy as a general form of society. That the actions of democratic citizens are guided by a certain experience of the social world they inhabit, has rightly been interpreted as an “ontological” turn, from concrete politics to “the political” (Marchart, 2007). Lefort highlights that political action always emerges within a social space, which is given meaning through the way it is symbolically instituted. The political, then, refers to a specific symbolic regime that ‘gives form’ to the social space by providing it with meaning through which people understand themselves and society. Politics thus always happens within a space opened by a specific symbolic regime, or the political (*le politique*, *politeia*). Lefort therefore argues that reducing the political dimension of a society to the narrow sphere of politics overlooks the symbolic conditions that enable democratic action to take place at all.

However, one can question whether Lefort’s focus on the *symbolic* conditions of the political is sufficient to understand the character of democratic action. Whereas Lefort predominantly analyzes the political as a symbolic regime, every symbol is rooted in a materiality that can affect it. Every symbolic form of society is ‘incarnated’ in a material set of apparatuses and institutions that contain relations of power and forms of domination and exclusion. By theorizing the material form in which a political regime is instituted, we can discover that what happens on a political stage always relates to an ‘other scene’ of material effects that can disrupt the functioning of the political stage itself. A central argument that this paper puts forth is that the material conditions of a political regime affect what happens on a political stage, putting into question its democratic quality. A society can symbolically proclaim itself to be democratic, but material conditions can still effectively undermine potential

futures that are desired by many, rendering this enunciation meaningless.

This implies that the relation between democratic action and democracy as a political regime must be rethought in a manner that incorporates both its symbolic and material conditions. Such an idea builds on Lefort's account but nevertheless goes beyond the limits of his theory. This paper aims to show how the viability of a democracy depends on democratic actions that politicize the forms of domination that remain out of view of the political scene. These actions not only acknowledge the symbolic principles of democracy, they also challenge the asymmetries of power of the instituted socio-political formation. A crucial dynamic within a democratic society thus becomes one of democratic action *against the political*, where the dominating or excluding conditions that remain out of view of the political are brought onto the stage of politics.

The structure of the paper is as follows. Sections 2 and 3 outline Lefort's theory of democracy as a specific symbolic form of 'the political' within which democratic action takes place. Section 4 recounts how the inscription of every symbol in materiality points to an internal limit of Lefort's theory. Sections 5 and 6 reformulate 'the political' from the perspective of its 'material constitution' which institutes a relation to its 'other scene.' Finally, section 7 concludes by drawing out the implications of this account for our understanding of the relation between democratic action and democracy as a form of the political, which culminates in a formulation of the possibility of democratic action 'against the political.'

2. The enigma of the institution of the social

A good way to approach Lefort's theory of the political is to start from his most fundamental disagreements with Marxism, developed in his essay "Outline of the Genesis of Ideology in Modern Societies" (Lefort, 1986). In this essay, Lefort develops his theory of ideology by distinguishing it sharply from the Marxist approach, which involves bringing into play the notion of the political. According to Lefort's reading, Marx's theory of ideology takes aim at the political ideologues, priests, and philosophers who attempt to make whole

in the realm of thought what is contradictory in reality. Ideology denies social contradictions by presenting society as natural and harmonious, and offers false consolations that only material, economic change can bring about.

In his commentary on Marx's theory of ideology, Lefort emphasizes its fruitfulness as an instrument of critique. Marx criticizes discourses that attempt to efface social division (i.e., class struggle) under the signs of unity. He shows how capitalist society produces an ideological representation of itself, in the sense that the particular, contingent historical situation is presented as natural in such a way as to maintain "those who are dominated into their condition of domination and providing those who dominate with the assurance of their own position" (Lefort, 1986, 91). For Lefort, however, the problem lies in Marx's claim that the solution to the problem of ideology lies in the real, material base of society. The idea that the productive base of society determines its superstructures (even only "in the last instance") commands his entire analysis of ideology. Ideology serves to mask the real material contradictions, and only the latter's supersession can solve the problems that underlie the former. In other words, changes in the sphere of production can bring about an end to the antagonism that rules capitalist society. The problems that ideology poses find their foundation and solution in real economic relations. Lefort claims that Marx attempts to "conceive of the social from within the boundaries of the social" (1986, 195). This becomes most evident when, in *The German Ideology*, Marx traces the nature of language back to the need for commerce among people and the division of labor in the sphere of production back to the division of labor in the sexual act (Lefort, 1986, 193).

Lefort rejects such a 'positivist' account of the social on grounds that strike at the heart of his disagreement with Marx (1986, 193). According to Lefort, Marx forgets that any brute social fact can only exist through its own representation in language and discourse. Each social fact passes through a representation which institutes it. In other words, no social fact can exist without its representation. With this seemingly banal claim, Lefort in fact shifts the entirety of the question of the institution of society. Because society finds unity only through its representation in a discourse on society, we

are confronted with the irreducible and constitutive domain of the *symbolic*. Every representation of social dynamics passes through symbolic markers (e.g., specific articulations of normative values, principles of legitimization of social actions, and the relations between law, knowledge, and power) that render them intelligible. Every social fact is thus given meaning through a symbolic matrix. Lefort argues that Marx himself has briefly hinted at this in his analysis of pre-capitalist social formations (Lefort, 1986, 139–180). The reason that pre-capitalist ‘Asiatic despotism’ was able to keep its societal form intact through economic upheavals, wars and migrations, is because these never undermined its symbolic framework with its imaginary of a society devoid of divisions.

The real, tangible character of society is necessarily entwined with its symbolic representation, without either dimension ever coinciding with one another. This constitutes what Lefort terms the originary division of society. Since every event requires a discourse which gives it meaning, there is a possibility of reading it differently. Every discourse on the social can be contested by a rival discourse. If every social action is open to a multiplicity of interpretations, then no ultimate objective social foundation prior to its representation can exist. According to Lefort, society cannot rest on a substantive foundation in which it can repose without (symbolic) mediation. Instead, on an ontological level, society emerges as profoundly *historical* and *political* (Geenens, 2009). Firstly, society is historical because its lack of foundation reveals the radical contingency of any social formation. Society was radically different in the past and will be radically different in the future, without being subject to transhistorical laws. The contemporary version of society is only one form a society can take. Lefort reinscribes his critique of ideology in this post-foundational context. In his words, ideology “is actively engaged in negating the institution of the social”; it is a discourse in which symbolic reference points are transformed into natural determinations “in order to conceal the contingency of the institution of the social” (1986, 196).

Secondly, with the contention that the institution of the social is political, Lefort points the way to the properly philosophical analysis of ‘the political’ as a symbolic regime. Political philosophy does not

examine the concrete relations between different classes, or the strategies that different political actors use to gain power (this is the task of social scientists). Instead, it sheds light on different political *regimes*, which, understood in a broad sense, determine the general mode of coexistence of people within a society, i.e., the way they understand themselves and their place within society, the articulations of different spheres of society (state and civil society, legal, economic, religious, etc.), and the principles of the legitimization of political power. Society is political in the broad sense that political philosophy gives to the latter.

In line with the originary division of the social, society in its 'general form' (*mise-en-forme*) cannot exist without giving a representation of itself. In order to be understood by its inhabitants, the generative principles of a society must be visibly reflected somewhere in society. According to Lefort, "*the place of power*" fulfills this function of representation, constituting the "primal division which is constitutive of the space we call society" (1988, 225). The representation of power possesses the crucial symbolic function of reflecting (and thereby constituting) the identity of a society. In order for a society to understand itself as a society, as *this* society, power provides the place "from which it can be seen, read and named" (1988, 223). Concretely, Lefort has in mind that the enactment (*mise-en-scène*) of the place of power, such as the coronation of a king in the feudal regime, elections in the democratic regime, or the celebration of the communist leader as the incarnation of historical reason, provides a "hermeneutical key" that can disclose a society's symbolic order to the people that inhabit it (Braeckman, 2018). This brings attention to the way power is 'staged': the specific staging of power gives shape to the societal form, which is inseparable from the way it gives meaning (*mise-en-sens*) to human coexistence.

3. Democracy as a political regime

We can now use Lefort's ontology of the institution of the social to explain his view of democracy and democratic action. Fundamentally, democracy is a specific symbolic institution of society. For Lefort, democracy "is a form, not of government, but of society" (Poltier, 1998, 195). It amounts to an unprecedented institution of the social due to the unique way it stages the place of

power. In order to identify its symbolic contours, Lefort contrasts democracy to the institution of society during the Ancien Régime (Lefort, 1988). In the Ancien Régime, power was held by a ruler (be it a prince or a monarch) who on a symbolic and imaginary level acted as a mediator between humans and God. The ruler generated his power and legitimacy by having privileged access to the transcendent Other (God) who instituted the relations between the different parts of society. The King stood at the head of a society that symbolically took the form of an organic body with different prescribed parts. According to Lefort, "Power was embodied in the prince, and it therefore gave society a body. And because of this, a latent but effective knowledge of what one meant to the other existed throughout the social" (1988, 17).

On Lefort's reading, the modern revolution that inaugurated democracy consisted in the symbolic (if also literal) decapitation of the monarch. As a result, from then on, no individual or group could hold together the entirety of society in a harmonious body. Lefort famously states that in the democratic regime, power has become an 'empty place'. However, that power is an empty place does not imply that democracy does away with any reference to symbolic markers that stand outside of society. For instance, democratic regimes still symbolically appeal to an abstract 'will of the people' (or the nation) to legitimate themselves. The crucial difference is that in the way democracy stages the contestation for power, it symbolically shows that *no one can substantively embody the people*. In a democracy, whenever power legitimates itself, this legitimation is always partial and open to contestation. "Those who exercise political authority are from now on simple rulers, they will not be able to appropriate power, embody it" (Lefort, 2007, 465). Politicians who vie for power know that they merely temporarily hold office, and that they were elected without the consent of the entire people. Indeed, Lefort views the staging of elections as constitutive for the way the social is given meaning: as soon as the will of the people manifests itself, it devolves into a plurality of voices and the loosening of substantive ties. During an election, "number replaces substance" (Lefort, 1988, 19).

There is thus, in effect, a “*disincorporation of power*”¹ which is accompanied by a “disincorporation of the social” (Lefort, 1988, 255). A democratic society shows itself as traversed by fragmentation and difference, unable to be held together in a substantive unity. This manifests itself symbolically in the way the principles of power, knowledge, and law detach themselves from each other. According to Lefort, the constitutive function of the Declaration of the Rights of Man and of the Citizen of 1789 for democracy is this disjunction it inaugurates between power, knowledge, and law. Against Marx, who thought that the Declaration reflected only the egoistic man of capitalist society, Lefort maintains that it creates the conditions of possibility of democratic communication. The fact of the Declaration itself, and specifically, the Articles that refer to due process (Articles 7, 8 and 9), attest to the separation between power and law: “Right comes to represent something which is ineffaceably external to power” (Lefort, 1986, 256). The universal rights of association and freedom of speech also dissociate power and knowledge, in the sense that power cannot claim a monopoly over legitimate knowledge. From now on, each decision made by the state can be contested and the demands for new rights opened up. A democracy is that regime that engenders the possibility of the politicization of different aspects of social life, in order to contest their previously naturalized status.

As noted by Bernard Flynn, for Lefort democracy is “a regime subtended by a mode of ‘being in the world’ which is open to ‘the enigma of its institution’” (Flynn, 2005, 191). Democracy is the only regime that acknowledges the originary division between the symbolic and the real (Lefort, 1988, 228). It is the only regime that does not posit a substantial foundation that would order the real; instead, it shows that every society could be instituted differently. Democracy’s implicit assumption is that the social can always take a different form, which makes it the regime par excellence that is open to the future. As Lefort says, “The being of the social vanishes or, more accurately, presents itself in the shape of an endless series of questions” (Lefort, 1986, 228).

1 Italics added for emphasis.

4. *The material traces of the political*

Lefort's account of democracy as a symbolic regime has become both crucial and influential. By recasting the problematique of the political, he convincingly proved its autonomous character vis-à-vis the economic sphere and contributed to the revival of political philosophy in French thought (Marchart, 2007). But we can detect a certain ambiguity in his account if we pose the question of what his theory of democracy teaches about the character of democratic action. If we follow the logic set out above, democratic action remains something undefined. At best, it is the type of political action that manifests itself on the political scene and acknowledges the symbolic underpinnings of democracy, such as a respect for the plurality of opinions and the separation of the principles of power, knowledge, and law. Such formal requirements have the advantage of remaining open to a multiplicity of political initiatives, which means that democratic action does not contain any necessary content or spell out a prescribed path to follow. However, this problematically abstains from a critical perspective on other ways certain political actions can exclude others, and how political action can acknowledge the symbolic characteristics of democracy but remain impotent in practice. Certainly, Lefort's analysis of the modern ideology of unrestricted communication and his indictment of class inequalities show that he is not a naive cheerleader of contemporary democracies (1986, 224–236). But, read on its own, his analysis of democracy as a symbolic form of the political insufficiently grasps how certain political possibilities can be structurally excluded and how this impacts the character of democratic action.

This problem originates in Lefort's exclusive treatment of the social as a symbolically constituted by the political. Multiple commentators have noted the structural homology between Lefort's theory of the political and Heidegger's notion of "ontological difference" (Marchart, 2007; Poltier, 1998, 147; Flynn, 2005, 115). In Lefort's theory of democracy, the political is a symbolic regime at the level of ontology, in the sense that it opens the world itself and renders it intelligible. The multiplicity of beings derives their meaning from the symbolic framework, which itself cannot be located as a particular being among other beings. As Lefort

remarks in his essay on the theologico-political constitution of premodern Europe, “once we recognize that humanity opens on to itself by being held in an opening it does not create,” we can account for “the excess of being over appearance” (1988, 223). The argument goes to show that democracy as a symbolic form of the political concerns the *ontological* dimension of society, whereas particular dynamics of social action, structures, and relations of power are *ontic* configurations. Lefort’s theory of democracy does not in any way deny the existence of dynamics of exclusion and domination, but seeks to uncover the symbolic conditions in which such social exclusions can become objects of politicization (Flynn, 1984; Pranchère, 2019). Simply put, the ontology of the political (and hence, democracy) and the ontic configuration of social and political relations operate at different levels of analysis.

However, this defense of the ontological turn of the political overlooks the fact that a symbolic order always works through materiality. A symbol cannot solely operate at the level of Heideggerian Being, cleansed of material objects or configurations. Indeed, the symbolic “gives society access to the real”, but it does so through ontic beings that project a symbolic meaning (Breckman, 2012, 32). The ambiguity of the symbolic resides in the fact that it is indeed an exteriority (e.g., the principle of law, the place of power) that institutes the social space, but that it remains anchored in particular beings interior to that social space. This explains Lefort’s insistence on the importance of certain particular political documents and processes, such as the Declaration of Human Rights, the parliamentary dynamic, and the regular holding of elections. The symbolic markers of democracy only become intelligible when they are staged, performed, or represented in particular beings, which accords them a trace of materiality. Such beings, rich with symbolic meaning, act as hinges between the ontic and the ontological, which troubles any straightforward separation between both levels. In this reading, material circumstances have the capacity to affect the symbolic order, which opens the way for an interpretation of the reciprocal (open ended, non-deterministic) determinations between the symbolic and its material objects.

Lefort himself gives an example of how social dynamics within society can impact the symbolic order of democracy, its breakdown

giving rise to the fantasy and possibility of a totalitarian regime:

When individuals are increasingly insecure as a result of an economic crisis or of the ravages of war, when conflict between classes and groups is exacerbated and can no longer be symbolically resolved within the political sphere, when power appears to have sunk to the level of reality and to be no more than an instrument for the promotion of the interests and appetites of vulgar ambition [...], then we see the development of the fantasy of the People-as-One, the beginnings of a quest for a substantial identity, for a social body which is welded to its head, for an embodying power, for a state free from division (1988, 20).

Lefort thus suggests that material changes can lead certain social beings to lose their symbolic efficacy, enabling a potential change at the level of the symbolic order, that is, as a change of political regimes. In line with his broader preoccupation, however, he solely focuses his attention to the potential changes at the level of the symbolic. But nothing prevents us *a priori* from widening the scope of investigation to the reciprocal effects that the symbolic and material conditions of the political have on each other, that is, how they determine, constrain, and contradict each other within a particular conjuncture.

The move away from the exclusive emphasis on the symbolic towards the analysis of the reciprocal determinations of material and symbolic effects can improve our understanding of democratic action. Democratic action defines itself by something more than merely acknowledging the symbolic principles of democracy. Even in a democratic regime, political actions are situated in a context of material determinations that structure relations of power and forms of exclusion. The democratic character of political action therefore depends on the way in which it interacts with this material field. By widening the scope of analysis, we can delineate what makes political action exactly democratic. The next sections attempt to flesh out how the political is inscribed in materiality through the concept of the 'material constitution.' As we will argue, the specific dynamics of the material constitution impact the character of democratic action, clearing the space for an

understanding of the latter as ‘confronting the political.’

5. The Political as Material Constitution

For Lefort, political philosophy is the study of the different forms of the political, understood as multiple ways of symbolically instituting a society. The previous section showed that symbolic forms of the political are necessarily anchored in materiality. We can now pose the question of how to conceive of the political in its material dimension. To this end, it is useful to turn to Étienne Balibar’s (2016) reading of the term *politeia* (to which ‘the political’ corresponds) as it is employed in Aristotle’s *Politics*. In his reading of *politeia*, Balibar stresses that the political takes shape as a *material constitution* (2016, 39). We have seen how the political symbolically governs relations between people. The material constitution complements this symbolic government through its established institutions and concrete political objectives. In the context of this paper, the concept of the material constitution can productively highlight how the political takes a material form that contributes to determining the modalities and possibilities of political action in a given social context.

The concept of material constitution has received somewhat of a renewed interest in contemporary political theory, referring back to the writings of the Italian constitutionalist thinker Costantino Mortati (Goldoni & Wilkinson, 2018; Mortati, 1998; Negri, 1999; Rubinelli, 2019). Mortati (1998) counterposed the material constitution to the formal constitution in order to show that the political objectives of a society are determined by something beyond the written formal constitutional text. The material constitution refers to the set of institutions and apparatuses that give political direction to society. Through the concrete functioning of its political and administrative institutions, it hegemonically formulates a set of political objectives that are the result of the struggle between different social groups, expressing a more or less stabilized balance of power (Goldoni & Wilkinson, 2018). The material constitution therefore orders the relations between people inhabiting the same social space. It specifies the rights and duties of those who inhabit it, as well as crystallizes a distribution of power through modalities of inclusion and exclusion, and the relationship between those that govern and those that are

governed. In its material incarnation, the political is necessarily constituted as a set of institutions and legal texts that guides the functioning of political government and administration.²

There is a dialectical movement at play in the material constitution. On the one hand, a material constitution is itself the *product* and *outcome* of political struggles between different social actors. These struggles between groups crystallize in a quasi-solid institutionalized form that can become hegemonic. The political goals expressed in the material constitution are therefore the result of a compromise between different political projects, expressed in a balance of forces that can be more symmetrical or less. For instance, the so-called “Keynesian compromise” of the post-war decades can be interpreted as a temporary hegemonic material constitution, which “consisted in trading the recognition of social rights and the institutional representation of the labor movement in regulatory bodies in exchange for moderating working class demands for higher wages and abandoning the perspective of the overthrow of capitalism” (Balibar, 2016, 52). Moreover, the political struggles that eventually inform the material constitution are themselves shaped within the broader social context, which can include economic developments, political traditions, processes of political subjectivation, and national and international cultural traditions, among others (Goldoni & Wilkinson, 2018).

On the other hand, the material constitution actively intervenes in the social field. More than a mere end product, it shapes social relations. The material constitution distributes rights among the categories of population, establishes rules of inclusion and exclusion, and defines through which modalities power is exercised (Balibar, 2016, 39). It not only regulates the relations between different citizens or social groups, but also contributes to producing the social groups themselves. For instance, in modern capitalism, the state not only regulates the interactions between social classes, but plays an active role in producing them through

² Balibar's originality (2009; 2014) lies in the way he philosophically interprets the political as the “constitution of citizenship”, which goes beyond the conception of the material constitution in order to highlight the different forms of political subjectivity that accompany any institution of the political. Developing this aspect of Balibar's theory goes beyond the scope of this article, however, see Read (2016) and Montag (2018).

its different institutions and apparatuses (school, army, judiciary, state economic functions) (Poulantzas, 1980). We have already seen how the political symbolically institutes society. Similarly, the material constitution does not come after society (in a temporal or derivative sense), but is present from the beginning in its conception. Both symbolically and materially, state and society are not two external entities but co-institute each other.

A material constitution thus comes about through the autonomous actions of political groups, but it is nevertheless determined by a heteronomy which conditions it. The autonomy of the material constitution derives from the fact that it is the contingent product of the actions, conflicts, and relationships of different social groups. However, political actors are at the same time still influenced by the material conditions in which they find themselves. Indeed, it is these material conditions that they attempt to transform by giving shape to the material constitution. The political therefore invariably comes about and intervenes in an already determined social field, which provides it an ineluctable dimension of heteronomy. The construction of a material constitution does not take place in a *tabula rasa*, but its history conditions its own political stakes and structures. In this sense, Balibar incisively cites Marx's dictum that "human beings make their own history, but they do not make it arbitrarily in conditions chosen by themselves, but in conditions always-already given and inherited from the past" (Balibar, 2002, 8). A material constitution is the product of the decisions political actors make—actors who are determined in various ways by the social formation in which they find themselves

6. *The Political and its Other Scene*

The preceding discussion enables us to highlight an important blind spot in Lefort's theory of democracy. Lefort evidently did not ignore the fact that the political takes a material form, institutionalized in a set of political and administrative apparatuses. However, his focus on the symbolic institution of society overlooks the fact that material conditions actively structure the political stage and can interfere with what happens on it. In line with much political ontology, Lefort tends to reduce the social to a passive sphere, emptying it of active dynamics that can also contribute to shaping the political (McNay, 2014). For him, the social is an undifferentiated

sphere that derives its intelligibility from the political and awaits its potential politicization. As a result, his political ontology does not include an analysis of the ways in which material conditions shape political action, enabling certain political outcomes and excluding others. This in turn affects the character of democratic action: what makes political action democratic must go beyond the analysis of its symbolic conditions to include how that action intervenes within the constellation of material forces.

One way to view how material conditions actively impact the political stage is via the concept of its *other scene*. Balibar (2002) imported the term the “other scene” into political philosophy from Freudian psychoanalysis, where it was used to highlight how psychological drives could be repressed in an individual’s waking life, only to return in the regressive form of dreams and hallucinations (Freud, 2010, 535–550). In an analogous effort to Freud, Balibar adopts the metaphor of the other scene in order to show how politics is constantly determined by material or ideological processes that lie outside of it, often returning to the surface of the political stage in unexpected and often unrecognizable ways. The other scene highlights how the political stage is not self-enclosed, but constantly affected and traversed by determinations that lie outside of its purview. A material constitution determines what belongs to the sphere of politics and what is non-political, but those factors which it pushes outside of the field of politics do not stop interfering with it.

An example can clarify what is at stake in this analysis of the dynamic between political and its other scene. Recent scholarship has investigated how depoliticized financial market actors intervened on the political stage during the financial crisis and subsequent sovereign debt crises in Europe (Brunkhorst, 2016; Streeck, 2014; Vogl, 2014). When the financial crisis forced European member states to sharply increase their debt levels, declining investor confidence forced the weaker member states with exploding debt levels and interest rates to appeal for financial aid to EU institutions and the IMF, who imposed strict austerity measures in order to ‘reassure the markets.’ Neither popular contestation in the squares of Madrid and Athens, nor emerging anti-austerity parties could oppose this dynamic. Vivid parliamentary debates on political

alternatives remained impotent to the increased pressures of financial markets and creditor institutions, who forced a political outcome against the will of a large part of the citizenry. Indeed, for a moment, forces seemingly external to the political stage manifested themselves as key players on it.

It has already been argued that the material constitution actively shapes the field of the social. As such, the material constitution structures its own relation with its other scene. The material constitution designates which voices can be heard on the political stage, on which terms and through which platform. In doing so, it can determine what belongs to the realm of politics and what remains excluded from it. This exclusion can manifest itself by prohibiting subjects from having access to the stage of politics. But it can also influence which material conditions can arise from this 'other scene' in order to impose themselves on the political stage, subverting its 'normal' functioning. Beyond its autonomy, the political stage is subject to heteronomous forces that it itself made invisible.

The important point here is that a disjunction (or *décalage*) can exist between the symbolic markers represented on the political scene and its material conditions. A political stage can acknowledge the symbolic principles of democracy: civil and political rights, a free press, and regular elections institute the separation of power, law, and knowledge; and the parliamentary dynamic of majority and opposition guarantees that the place of power symbolically remains empty. At the same time, material conditions and processes that remain invisible to the political stage can support, disrupt, or hijack its dynamic in ways that violate its democratic credentials. A society can, therefore, seem democratic from a symbolic perspective, but become less so when taking into account the material processes that condition its political stage. If this is the case, the exclusive focus on the symbolical principles of democracy risks turning into a form of ideology that disguises social domination under the pretense of equality of decision-making.

According to Lefort, the distinguishing feature of democracy (against pre-modern or totalitarian societies) is that society dissolves into a series of questions. It has become clear that not

all questions can be asked at a particular point in time. Excluded groups are often barred from raising questions altogether. Alternatively, dissenting voices can raise certain questions, but material determinations can predetermine or severely limit the range of possible answers. What unites such disparate cases as the brutal exclusion of black and brown migrants at the European borders who are deprived of the capacity for political intervention, and the stranglehold of private interests on the public expenditure of European governments, is that future possibilities are rendered impossible due to the material conditions that are imposed by the particular configuration of the political and its other scene. Symbolically, democracy proclaims that it exhibits an openness towards the future, but material conditions can render this enunciation meaningless.

7. Democratic action and the political

The preceding analysis implies that the relation of democratic action to democracy as a form of the political is more complex than Lefort's analysis suggested. In this paper, we have attempted to show that the political is not only a symbolic regime, but that it also takes the shape of a material constitution. This invariably affects how we must understand democratic action. What makes political action democratic must not solely be derived from its symbolic underpinnings, but also from concrete situations, material structures, and possibilities for actions within a conjuncture. In a word, the material institutions, relations of power, and forms of domination and exclusion of the political play a crucial role in determining the character of democratic action. With this in mind, we can attempt to grasp the relation between democratic action and democracy as a form of the political under three headings.

1. In line with Lefort's work, democratic action acknowledges and valorizes the generative principles of democracy as a symbolic regime. Political action is democratic when it accepts the legitimacy of the contestation of its own position, in line with the separation of the principles of power, law, and knowledge. Democratic action does not aspire to close the empty place of power which followed the breakdown of the theologico-political matrix that governed pre-modern society. Lefort extensively warned against the totalitarian attempt to close the political

institution of the social by filling in the place of power with the image of an ethnicized national people or with the figure of the proletariat as the universal class. In perhaps less destructive but more contemporary versions, one can also point at those populist discourses that present a homogeneous people-as-one, opposing a corrupt political elite or certain minorities (Abts and Rummens, 2007). Recent scholarship has shown that other representations or discourses can dismantle the symbolic dispositive of democracy, such as neoliberal governmentality (Brown, 2003), “governance society” (Lievens, 2015), and the symbolic logic of the ‘police’ where each is assigned his part and place in the social body (Rancière, 2015).

Symbolically, these diverse political logics all deny the contingent nature of the institution of society. Society is projected as finding a solid foundation which fixes the nature of the social. As a result, the singular characteristic that Lefort ascribed to the democratic regime is effaced, namely that it recognizes its contingent character by exhibiting an openness towards the future. Indeed, democratic action must be a type of political action that keeps open the enigma of the institution of the social. It attempts to preserve its own conditions of possibility, namely the separation of the principles of power, law, and knowledge, and the empty place of power which constitute democracy as a symbolic regime.

2. Democratic actions that politicize the asymmetries and forms of domination that result from the material constitution of the political and its other scene are crucial to maintaining the character of democracy. It is evident that not every democratic action must take an equally confrontational character. What happens on a sanctioned and institutionalized political scene (with legitimized voices and accepted positions) also contains a democratic quality. However, without political actions that contest previously depoliticized forms of domination, a symbolically democratic regime starts to lose its own democratic credentials, turning into a passive democracy that can only change within the boundaries set by the existing balance of forces. Fully exploiting the theatrical metaphor introduced by Lefort, democracy, therefore, needs initiatives that turn the political stage into a genuine “theatre of contestation”, open to novel forms of politicization that push the

political in unprecedented directions (Lefort, 1986, 258).

We can point here to the ambiguous tension existent in every democratic society, that not every political action within it is necessarily (or equally) democratic. For instance, a vivid parliamentary debate on the appropriate response to a financial crisis might lose a lot of its democratic credentials when economic forces declare one side of the debate victorious through the material pressures that they put on governments to make certain decisions. In this context, democratic action puts into question the material foundations that have skewed the balance of forces in a particular direction. This example shows that the democratic character of a political action can only be assessed by taking into account the way that action is embedded within the wider field of social relations and how they act upon it. This requires a careful analysis of the multiple and heterogeneous conditions that structure society and how they exclude or dominate certain groups. In short, whether political action is democratic depends on the “existing concrete circumstances” of the conjuncture.³

3. In a democratic regime, democratic actions stand in a dialectical relation to the political (with its material and symbolic determinations). Expansive democratic actions can oppose a democratic material constitution when the former challenges the exclusions and forms of domination sanctioned by the latter. If successful, democratic action can reorient the political objectives of the material constitution, using it to expand the spaces of liberty and equality. It is in this sense that Balibar (2016) employs the term “democratizing democracy”, where democratic practices confront political institutions in an attempt to make them *more* democratic (see also de Sousa Santos, 2005). The successful establishment of a democratized material constitution can nevertheless be accompanied by new forms of exclusion and depoliticization that close off the possibility of equal participation and representation in political institutions. This situation can be exacerbated over

³ For the later Althusser, to think in the conjuncture meant “taking account of all the determinations, all the existing concrete circumstances, making an inventory, a detailed breakdown and comparison of them” (1999, 18). In other words, political actors dedicated to a particular project are situated in a materially determined socio-political field, within which they decipher the problems that are posed to them and the strategic actions necessary to solve them. Such a strategic view of politics is in accordance with our theorization of democratic action.

time when shifting material conditions intensify the internal contradictions of the material constitution. Hence, there exists a tangible risk that brutal forms of domination become invisible when the space of democratic debate is restricted to the one sanctioned by the constituted political stage. The shifting grounds of the social then provide the soil for genuinely novel democratic demands that confront the established relations of power that order the material constitution, however democratic the latter purports itself to be.

In conclusion, the relation between democratic action and democracy as a form of the political goes both with and beyond Lefort's theory. One has to agree with Lefort that the symbolic markers of democracy offer the conditions of possibility for any democratic action to take place. Democratic action can only arise in a society that acknowledges that there is no ultimate foundation of the social, and where the empty place of power enables citizens to politicize forms of domination that previously remained under the radar. However, there are limits to which the political can accommodate democracy. By establishing that the political is also incarnated in a material constitution that interacts with its other scene, democratic action can politicize the forms of domination that remain out of view of the political. More strongly, I have argued that any democracy worthy of its name needs these types of political action. We approach here what Ingram, following Rancière (2006), formulated as the possibility of "democracy *against* the political", where democracy "becomes 'more democratic' when democratic politics *challenges* a given democratic regime, 'deepening' or 'extending' actually-existing democracy" (Ingram, 2006, 46). This condition does not entirely contradict Lefort's political philosophy, but it restates it in terms that go beyond his analysis.

These considerations work through the ambiguities of Lefort's account of democracy by developing a line of thought he opened up. Lefort viewed democracy as that space within which new demands and forms of contestation could spring up from the moment that power could not control the spread of knowledge, opinion-formation, and the exercise of law. The symbolic mutation that gave rise to democracy transformed people's understanding of themselves as capable of giving shape to their social relations.

This paper complemented Lefort's symbolic account with the dimension of the materiality of the political. It did so in order to prevent democratic action from losing its radical potential to confront the political itself. This description of democratic action remains close to Lefort's spirit of democracy, but also exposes the ambiguous relationship of democratic action towards the political. The political as democracy, democracy against the political: democratic action unceasingly operates in this tension.

References

- Abts, K. & Rummens, S. (2007). "Populism Versus Democracy." *Political Studies* 55(2), 405–24. <https://doi.org/10.1111/j.1467-9248.2007.00657.x>
- Althusser, L. (1999). *Machiavelli and Us* (F. Matheron, Ed.; G. Elliot, Trans.). Verso.
- Balibar, É. (2016). *Citizenship*. Polity Press.
- Balibar, É. (2014). *Equaliberty: Political Essays*. Duke University Press.
- Balibar, É. (2002). *Politics and the Other Scene*. Verso.
- Balibar, É. (2009). *We, the People of Europe?: Reflections on Transnational Citizenship*. Princeton University Press.
- Braeckman, A. (2018). "The Hermeneutics of Society: On the State in Lefort's Political Theory." *Constellations* 25(2), 242–55. <https://doi.org/10.1111/1467-8675.12318>
- Breckman, W. (2012). "Lefort and the Symbolic Dimension." *Constellations* 19(1), 30–6. <https://doi.org/10.1111/j.1467-8675.2011.00663.x>
- Brown, W. "Neo-Liberalism and the End of Liberal Democracy." *Theory & Event* 7(1). <https://doi.org/10.1353/tae.2003.0020>
- Brunkhorst, H. (2016). "European Constitutionalization between Capitalism and Democracy." *Constellations* 23(1), 15–26. <https://doi.org/10.1111/1467-8675.12167>
- de Sousa Santos, B. (2005). "General Introduction. Reinventing Social Emancipation: Toward New Manifestos." In B. de Sousa Santos (Ed.), *Democratizing Democracy: Beyond the*

Liberal Democratic Canon (xvii–xxxiii). Verso.

- Fisher, M. (2009). *Capitalist Realism: Is There No Alternative?* Zero Books.
- Flynn, B. (2005). *The Philosophy of Claude Lefort: Interpreting the Political*. Northwestern University Press.
- Flynn, B. (1984). "The Question of an Ontology of the Political: Arendt, Merleau-Ponty, Lefort." *International Studies in Philosophy* 16(1), 1–24. <https://doi.org/10.5840/intstudphil19841611>
- Freud, S. (2010). *The Interpretation of Dreams* (J. Strachey, Ed. & Trans.). Basic Books.
- Geenens, Raf. (2009). "La Condition Politique: Lefort, Un Penseur Normatif." *Revue philosophique de Louvain* 107(1), 101–25. <https://doi.org/10.2143/RPL.107.1.2036236>
- Goldoni, M. & Wilkinson, M. A. (2018). "The Material Constitution." *Modern Law Review* 81(4), 33–50. <https://doi.org/10.1111/1468-2230.12352>
- Ingram, J. D. (2006). "The Politics of Lefort's Political: Between Liberalism and Radical Democracy." *Thesis Eleven* 87, 33–50. <https://doi.org/10.1177/0725513606068774>
- Lefort, C. (1988). *Democracy and Political Theory* (D. Macey, Trans). Polity Press.
- Lefort, C. (2007). *Le Temps Présent: Écrits 1945–2005*. Belin.
- Lefort, C. (1986). *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism* (J. B. Thompson, Ed.). The MIT Press.
- Lievens, M. (2015). "From Government to Governance: A Symbolic Mutation and Its Repercussions for Democracy." *Political Studies* 63(1), 2–17. <https://doi.org/10.1111/1467-9248.12171>
- Marchart, O. (2007). *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Badiou and Laclau*. Edinburgh University Press, 2007).
- McNay, L. (2014). *The Misguided Search for the Political: Social Weightlessness in Radical Democratic Theory*. Polity Press.
- Montag, W. (2018). "Between Subject and Citizen: On Étienne

- Balibar's Foundations for Philosophical Anthropology." *Radical Philosophy* 2(2), 39–46.
- Mortati, C. (1998). *La Costituzione in Senso Materiale*. Giuffrè.
- Negri, A. (1999). *Insurgencies: Constituent Power and the Modern State*. University of Minnesota Press.
- Poltier, H. (1998). *Passion Du Politique: La Pensée De Claude Lefort*. Labor et Fides.
- Poulantzas, N. (1980). *State, Power, Socialism*. Verso.
- Pranchère, J. (2019). "Un Monde Habitable Par Tous: Claude Lefort Et La Question Du Social." *Esprit* 1, 111–22. <https://doi.org/10.3917/espri.1901.0111>
- Rancière, J. (2015). *Dissensus: On Politics and Aesthetics* (S. Corcoran, Ed. & Trans.). Bloomsbury Academic.
- Rancière, J. (2006). *Hatred of Democracy* (S. Corcoran, Trans.). Verso.
- Read, J. (2016). *The Politics of Transindividuality*. Haymarket Books.
- Ricoeur, P. (1965). The Political Paradox. In *History and Truth* (C. Kelbley, Trans., 247–70). Northwestern University Press.
- Rubinelli, L. (2019). "Costantino Mortati and the Idea of Material Constitution." *History of Political Thought* 40(3), 515–46.
- Slobodian, Q. (2018). *Globalists: The End of Empire and the Birth of Neoliberalism*. Harvard University Press.
- Streeck, W. (2014). *Buying Time: The Delayed Crisis of Democratic Capitalism*. Verso.
- Vogl, J. (2014). "The Sovereignty Effect: Markets and Power in the Economic Regime." *Qui Parle: Critical Humanities and Social Sciences* 23(1), 125–55. <https://doi.org/10.5250/quiparle.23.1.0125>

Civil Disobedience, Reflexivity, and the Emancipatory Interest: Reinterpreting Habermas's Litmus Test

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Abstract: Jürgen Habermas presents an account of civil disobedience as the “litmus test for the democratic constitutional state”, such that it simultaneously acts as the guarantor of the state’s legitimacy and the medium through which the state strives toward its normative concept in reality. Despite the strong connection Habermas intends between civil disobedience and social-political change for the better, his account suffers from a number of problems that hamper this intention. I suggest that a reinterpretation that draws on Habermas’s own earlier work on reflexivity and the idea of an emancipatory interest renders a more defensible conception of civil disobedience. I begin by outlining Habermas’s account, before identifying three of its animating aspects in order to make clear Habermas’s efforts to assign to civil disobedience an important role in emancipatory social-political change and to establish a basis for a reflexive reinterpretation. I then discuss a number of criticisms of Habermas’s account. Following this, I consider and reject an alternative that can claim to meet a number of these criticisms: Robin Celikates’s constitutive-contestatory model of civil disobedience. Finally, I develop a reflexive reinterpretation of Habermas’s account in several steps and in a way that aims to make good the original’s deficiencies.

Keywords: Civil Disobedience, Habermas, Reflexivity, Emancipatory Interest, Celikates

Introduction

In a recent lecture given in Frankfurt on the occasion of his ninetieth birthday, Habermas began by recalling a prior exchange with Richard Rorty, who had remarked upon what he took to be a German penchant to “float between” Kant and Hegel:

I tried my best to explain that some of us were even floating between Kant, Hegel *and* Marx, because we believe that these historically transmitted arguments could still provide answers to systematic questions (Habermas 2021, 543).

Quite apart from the arguments developed by the triumvirate with which Habermas is here concerned, his work seems always to have been marked, even animated, by a firmly held belief in our ability to reconstruct valid theories from the efforts of past thinkers. Perhaps the best evidence for this is Habermas's preferred mode of argumentation: one provides an answer to a question by reconstructing the path of prior theoretical interventions on the matter as a learning process. This facet of his work, however, is intimately bound up with fundamental elements of his own philosophical position. Indeed, Axel Honneth has pointed out that the principles according to which Habermas's theory is constructed and presented derive reflexively from his theorising both the conditions of intersubjective communication that make knowledge possible and the normative ideal of an interaction situation in which domination and the repression of communicated reasons are absent, such that it must be assembled "in the form of a theoretical discussion" with other theories and understand itself as "included in the communicative rationalization of the species" (Honneth 1995, 108). Habermas's remark thus signals not merely a particular belief about the named thinkers, but a more fundamental conviction regarding the validity and usefulness of historically given arguments, which is itself grounded in the tenets of Habermas's own theory.

It is, however, precisely this kind of conviction that our present historical moment seems not to permit. In the first instance, the scale of the climate crisis suggests that its only adequate response will involve an unprecedented transformation of both our social and political practices and the concepts through which we make sense of them. As one recent commentator has noted, what is odd is not the imminence of this remaking, but the fact that our practices and concepts remain thus far unchanged: "Over the past decade they have seemed to fracture without truly breaking. It's hard to imagine these conditions can endure for another decade" (Butler 2021, 12). Our present may thus refute Habermas's contention that

requisite systematic answers can be sought in arguments given from the past. It may also illustrate that such answers cannot be drawn from *Habermasian* arguments given from the past. While the neoliberal breakdown of the welfare state and apparent degradation of public discourse (at the levels of political rhetoric, media independence, and communications technology) threaten to confine Habermas's philosophical and political project to the twentieth-century paradigm of social democracy, the resurgence of right-wing populism, authoritarian politics, and racist discourse have led some to argue that we must come to terms with the inherently ambivalent, negative, destructive, or irrational aspects of ourselves and our social relations, a claim the acceptance of which seems to involve giving up the idea of rationality that is necessary to ground both learning processes and Habermas's own systematic elaborations.

It is notable that the historical developments that have placed Habermas's project in question have also resulted in new waves of civil disobedience around the globe. As William E. Scheuerman points out, this proliferation of activists who understand themselves to be carrying out acts of civil (and sometimes uncivil) disobedience has generated a scholarly re-examination of the very concept, which retains its status as "essentially contested" (Scheuerman 2021, 1-9). Despite serious disagreement, there are two significant points of discursive confluence. First, much discussion is premised upon the view that civil disobedience is not only something of fundamental importance to democracy and democratic values, but also a concept and practice indispensable to our making sense of and responding to those recent and grave social, political, and ecological developments. Second, much theoretical work continues to situate itself, at least initially, in relation to the nature, merits, and weaknesses of already influential accounts of civil disobedience, including that of Habermas. It seems, then, that Habermas's conception of civil disobedience, according to which the latter amounts to a "litmus test for the democratic constitutional state", may itself appropriately be designated a litmus test for the ability of historically transmitted Habermasian arguments to provide answers to systematic questions.

I wish here to carry out this test by asking whether one ought to

retain a Habermasian conception of civil disobedience, and, if so, identifying the iteration of this Habermasian conception that permits its being feasibly retained. Though a definitive answer cannot here be provided, I nonetheless make the case for a preliminary result. I argue for retaining Habermasian insights on civil disobedience and, by way of his own earlier work on reflexivity and the idea of an emancipatory interest, provide a reflexive reinterpretation of his account that I claim amounts to a more defensible model of civil disobedience. I begin by outlining Habermas's conception of the latter, before delineating three of its animating aspects. These make clear the strong connection Habermas intends between civil disobedience and social-political change for the better, and they provide a point of access for my reflexive reinterpretation of his account. After this, I discuss several criticisms of Habermas's model of civil disobedience (I). I then turn to examine Robin Celikates's constitutive-contestatory model of the same. As Celikates works within the tradition of Critical Theory (to which Habermas also belongs) and can be read as aiming to provide answers to that same set of issues said to hamper Habermas's account, bringing his conception of civil disobedience into contact with the latter by way of a critical assessment provides an especially useful way to indicate the direction in which Habermas must be revised. I thus offer a critique of Celikates and suggest that retaining and reinterpreting Habermas's mature account provides a more philosophically defensible and politically valuable conception of civil disobedience (II). Finally, I work out several elements of this reflexive reinterpretation and argue that it resolves many of the problems with his mature account (III).

I

I.1 Habermas's Account of Civil Disobedience

Habermas begins his account of civil disobedience by providing answers to two questions. First, what is civil disobedience? Second, in what instance does civil disobedience obtain as a meaningful concept? His answers are closely connected. According to Habermas, civil disobedience is an act of protest carried out "with the intention of appealing to the capacity for reason and sense of justice" of a majority of citizens (Habermas 1985a, 99, 100). Several features are said to follow from this definition. Civil disobedience is grounded by way of moral justification, not personal conviction

or self-interest. It is a public act, usually announced in advance and controlled by the police. It transgresses against individual legal norms, but accepts the legal consequences of said transgression and does not call into question the rule of law as a whole. Finally, the act is purely symbolic in that it serves to carry the appeal to the public of citizens but is not itself an attempt to bring about the desired change and does not aim to intervene in direct or otherwise physical ways (which also means that the act is nonviolent in character) (100). As to the second question, civil disobedience is said to obtain “only under conditions of a constitutional state that remains wholly intact” (103). Unlike resistance, it recognises the legitimacy of the democratic constitutional order. Thus, the concept of civil disobedience and its justification are internally linked with the idea that the constitutional state itself “both requires and is capable of a moral justification” (101).

According to this latter principle, citizens do not merely obey positive law out of fear of state-enforced sanction, but freely recognise the rule of law on the basis of constitutional principles (the validity of which is not strictly tied to their positive instantiation) that are both reasonable to all and expressive of generalisable interests, and which thus “could count on the considered agreement of all concerned” by way of “a procedure of reasoned will-formation” (102). That is to say, on the basis of principles that embody not the particular interests of this or that group or individual, but only those interests which could reasonably be said to be held by all. To say of such an interest that it is reasonable to consider it generalisable in this way is to say that it would be agreed upon if subjected to a deliberative procedure free from constraint and involving all individuals concerned. It is to these principles that civil disobedience appeals, and on which it is therefore founded (Habermas 1985b, 126).

Habermas thus justifies civil disobedience as that which is necessary to sustain and more fully actualise the normative ideal of the democratic constitutional state. Grounded in a non-institutionalised political culture, civil disobedience remains “suspended between legality and legitimacy” (Habermas 1985a, 106). Laws and institutions may come to embody injustices, and even “tend to immunize themselves from the demands of

the oppressed and exploited” (Scheuerman 2018, 74). By way of an illegal act¹, civil disobedience draws attention to the fact that enacted laws and institutions do not meet the normative standards of the constitutional state. It is therefore an ever-present feature within constitutional democracy, extending and reimagining the actualisation of those universalisable principles upon which democracy is founded in “a long-term process. . . characterized by errors, resistances, and defeats” (Habermas 1985a, 104). In this way, civil disobedience is said to be the motor of a teleological movement of progress that is indeterminate (in that it is grounded in principles established according to their generalisability, and which are therefore defined formally rather than in terms of any determinate content) and weak (insofar as each step, each act is tentative and fallible). Civil disobedience is thus simultaneously the medium through which oppressed groups achieve emancipation and the “guardian of legitimacy” within the democratic constitutional state. It is only through its active presence that the latter in fact “stretches beyond the ensemble of its particular, positively established regulations” and strives toward its normative concept in reality (103).

I.II Animating Aspects of Habermas’s Account

Three related aspects underlying and animating Habermas’s account make clear the connection that he intends between it and social-political change for the better. First, Habermas expands the remit of civil disobedience beyond the correction of majoritarian infringements on civil rights to include social and economic matters. Civil disobedience thus “allows active citizens to address any potentially grave or serious issues” (Scheuerman 2018, 78). Second, civil disobedience is central to Habermas’s attempt to reconstruct the concept of revolution. Already in his assessment of the student movement of the 1960s, Habermas argued that in “industrially advanced societies” the rigid distinction between “revolution” and “reform” must give way to “radical reformism” (Habermas 1987d, 48-49). Under the conditions of the modern welfare state the revolutionary positivisation of modern Natural

¹ An illegal act breaks a law or transgresses against some legal norm, but this law or norm need not be the one that the civil disobedients are principally concerned to change. For instance, it may be that a minor law is broken with the purpose of (symbolically) drawing attention to the injustice of some other law.

Law² “has been resolved into a long-range process of democratically integrating the fundamental rights” (Habermas 1973b, 119). That is to say, the revolutionary’s effort to make real in a wholesale manner an abstract and rational system of rights has become the radical reformist’s ever-present project of instantiating in the corpus of law those rights that are generalisable.³ Moreover, Habermas reinterprets the futural orientation of the revolutionary project in terms of the fact that “constitutional democracy points beyond its legal character to a normative meaning” (Habermas 1996, 471). Thus, insofar as civil disobedience drives this historical project, it is to be understood as the successor to revolution and the primary means by which is achieved social-political change for the better. It is in this sense that citizens can be said to “intercede directly in their role as sovereign” (Habermas 1985b, 136).

Third, Habermas’s understanding of civil disobedience is underlain by his belief that emancipatory social-political change must involve reflexive awareness and rational insight. Habermas expresses this latter view in his early essay “Technology and Science as ‘Ideology’”. Having distinguished between instrumental (technical, strategic) and communicative (practical, normative) action, Habermas argues that emancipation must not be reduced to the former lest humanity come to make its “history with will, but without consciousness” (Habermas 1987c, 118). Society’s ever-growing technological and productive powers may mean that it becomes possible to organise and conduct ourselves so as to achieve and accomplish the previously unimaginable. However, unless there is also a process through which we reflect upon what we ought or should do, our powers, actions, and societal processes run ahead of us, even follow a logic of their own. As he puts it, emancipation is not simply a matter of “whether we completely *utilize*” something, but “whether we *choose*” to make use of that something (119).

This notion of reflexivity animates Habermas’s understanding of

² Habermas is thinking of the French Revolution.

³ Relatedly, and as Habermas has recently argued, this change is bound up with a shift in philosophy’s role: “A detranscendentalization of Kantian rational *law* corresponding to the detranscendentalization of rational *morality*. . . no longer assumes a *philosophically drafted* constitution. Rather, since the constitutional revolutions of the late 18th century, philosophy can limit itself to rationally reconstructing the historical events and constitution-founding practices” (Habermas 2021, 547).

civil disobedience throughout his career.⁴ This is evident in the status Habermas assigns to the area of society that generates civil disobedients and in which they operate: the public sphere. It is here that “processes of conflict give rise to reflexive knowledge of the society as a whole” (Frankenberg 1992, 32). In the first instance, Habermas’s deliberative conception of civil disobedience stresses what William Smith identifies as its capacity to trigger epistemic reflection “through engaging the rational capacities of its audience and by making certain information or perspectives available to them” (Smith 2021, 114). Furthermore, absent the sovereign “body” of the people as a collective subject, Habermas understands the public sphere as the site through which society can be said to act reflexively upon itself. Standing “between the opinion-formation of all and the majoritarian will-formation of the representatives”, the discourse of the public sphere mediates “between reason and will” (Habermas 1996, 475). That is to say, it is the site at which reflexive deliberation undertaken by individuals in various degrees of concert is converted into the actions of governing representatives. Moreover, because public discourse must thematise an “undistorted political public sphere” in its very operation, it “produces itself *self-referentially*, and in doing so reveals the place to which the expectation of a sovereign self-organization of society has withdrawn” (486). In other words, Habermas claims that the nature of public discourse is such that it necessarily presupposes and conceptualises a freely operating public sphere. In this way, it works by way of reflexive reference to itself, and thus represents the ideal of society’s transparently directing itself. Finally, and thereby making explicit the role he assigns to civil disobedience within the public sphere, Habermas claims that it is through its voluntary associations that the public sphere alters “the parameters of institutionalized will-formation by broadly transforming attitudes and values” (485). Thus, civil disobedience can be understood as the medium through which society reflexively acts upon itself and generates social-political change for the better.

⁴ Another account that stresses Habermas’s association of reflexivity with protest can be found in Wyllie 2020. However, Wyllie argues that Habermas came to dissociate reflexivity and protest after he became disillusioned with the 1960s student movement. As I argue in this paragraph, this claim is mistaken. Habermas continues to ascribe reflexivity to the public sphere and its actors in his later work.

I.III A Critical Discussion of Habermas's Account

His intentions notwithstanding, Habermas's conception of civil disobedience has been subject to many criticisms. These can be divided into two groups according to the aspect of his account claimed to be problematic. One group is concerned with his attaching civil disobedience to the constitutional social welfare state (a). The other takes up the communicative nature of Habermas's model (b).

(a) In the first instance, historical changes have undermined the link between civil disobedience and the state and thus both problematised the former's role as "guardian of legitimacy" and threatened the three animating aspects of Habermas's account outlined above. Recent decades have seen a simultaneous postnationalisation and privatisation of decision-making authority (Scheuerman 2018, 108–10). That is to say, nation-states (i) have lost their monopoly on political decision-making power and now compete with regional and international organisations (such as the EU and the WTO) for such authority; and (ii) increasingly exercise their organisational capacities in a dualistic manner, utilising techniques and services drawn from the private sphere (for instance, outsourcing to private companies) in addition to traditional top-down bureaucratic procedures intended to be responsive to the demands of the public citizenry.

In Habermas's account, however, the far-reaching transformative capabilities of civil disobedience (extending to socioeconomic matters and all levels of the state itself) are grounded in the assumption that the welfare state's capacity and authority reach deep into the social foundations of society (Habermas 1985a, 107; Scheuerman 2018, 168n22). Insofar as postnationalisation and privatisation have disrupted any such assumption, Habermas seems unable to make intelligible a robust, radically reforming iteration of civil disobedience. Furthermore, these historical developments have complicated the relationship between civil disobedients, the publics to which they appeal, and the relevant political authorities (Scheuerman 2018, 111). The reflexive capabilities of civil disobedience are thus hampered as its attention is split across levels of national authority and between public and private entities. Indeed, these changes seem to warrant a model capable

of encompassing protest directed against private authorities (116).

Second, the global nature of the climate crisis creates problems for any effort to capture contemporary ecological civil disobedience in Habermasian terms. A theory that grounds civil disobedience in the normative foundations of the constitutional state must run into difficulty when confronted with movements like Extinction Rebellion and the School Strike for Climate that, while aiming to influence national and transnational governing bodies, identify and justify their acts *as civil disobedience* in moral terms that are articulated in the first instance by way of a global, generational, or ecological vocabulary, and not with reference to constitutional principles.

Third, Çiğdem Çıdam has recently argued that Habermas makes problematic use of the idea of “constitutional patriotism” in his account of civil disobedience. Because the latter sees citizens “intercede directly in their role as sovereign” (Habermas 1985b, 136), civil disobedience is *not the result* of a process of communication and is therefore “devoid of the legitimating source of a communicative structure to ground its claim to rationality” (Çıdam 2017, 118). For this reason, Çıdam claims, Habermas utilises the criterion of identification with constitutional principles to distinguish legitimate and democratic from illegitimate and non-democratic acts of civil disobedience. For Çıdam, however, this problematically reinstates two versions of the philosophy of the subject, which Habermas’s philosophical project has otherwise decisively critiqued and surpassed. On the one hand, because the criterion of identification with constitutional principles requires Habermas to stress the requisite sensibilities of the citizen, he shifts the relevant normative factor from the structure of communication to the qualities of the individual subject and thereby theorises those principles “as objects of identification rather than critical reflection” (120). On the other hand, the same criterion leads Habermas to grasp social movements as univocal, and so he fails to recognise their internal structures of discursive argumentation, instead depicting them as “goal-oriented subjects writ large” (124).

(b) Several criticisms suggest that Habermas’s definition of civil

disobedience as a communicative appeal to the sense of reason of a majority unduly limits its scope for positive social-political change. First, Habermas's stipulation that acts of civil disobedience be purely symbolic screens out complex acts that contain an appeal to the sense of reason of the majority, but which are also composed of seemingly non-communicative elements. The need to make intelligible and to justify these complex acts is perhaps most evident in the context of civil disobedience that takes the climate crisis as its object. Andreas Malm (2021) has recently argued that the struggle for global action to combat climate change must incorporate direct and violent acts against the property and infrastructure of the capitalist system that places its own economic imperatives ahead of concerns for planetary survival. This is necessary, he claims, for two reasons. By demonstrating their ultimate commitment to capital accumulation, the ruling classes have confirmed the futility of attempts to persuade them to enact necessary policies by appeal to their reason (8, 20). Furthermore, among crises, the climate catastrophe is set apart by its temporal nature. Despite its imposing a shortened timeframe for appropriate action, for which there is no precedent, the mainstream response remains stuck in a temporality of "prognostication", not yet reaching that of "exasperation", wherein enough is deemed enough (62). For Habermas, however, such direct action goes beyond the symbolic attempt to stimulate public debate. The act is "suspended between protest and violent acts of resistance" (Habermas 1985a, 99), and, in bypassing the effort to bring about deliberation on the matter, implicitly claims privileged access to truth (Scheuerman 2018, 78).

It is notable, though, that Malm argues (albeit primarily on tactical grounds) for a *dualistic* climate movement that incorporates both peaceful and violent protest (Malm 2021, 23-5). The suggestion seems to be that, while one wing will carry a communicative appeal to all others in society, the other will get on with enacting what it knows to be right in abstraction from any concern over what those others will say about the reasons for its actions (and thus only with a view to the latter's practical effects). Yet, when one acts, say, to blow up a pipeline to *prevent climate disaster*, does one set aside all consideration for reasons? It may not be that one believes this act capable of setting congealed discourse aflow, but it seems nonetheless to contain an appeal to be deemed

morally right in the sense of being in the interest of all. In other words, it embodies a temporally deferred claim to confirmation of its legitimacy. Perhaps one could say that the act in this sense remains incomplete until such legitimation is forthcoming. Malm's dualism, then, is contained already within this *complex act* of civil disobedience. If Habermas's framework allows us to retain the pole of communicative appeal, it must be illustrated that it can yet accommodate that of direct action.

Second, Chantal Mouffe argues that Habermas's rationalist account neglects 'the political': the antagonism and pluralism of values inherent in human social relations (Mouffe 2005, 101). With regard to civil disobedience as a practice of social-political change for the better, it is important to consider Mouffe's claim that democratic politics flourishes to the degree that struggle between adversaries provides for a greater variety of democratic subjectivities and the mobilisation of affects and passions to democratic projects (95, 103). Third, and despite his otherwise far-reaching intentions, Habermas's definition of civil disobedience does not broach its cognitively and ethically transformative potential.

Finally, Enrique Dussel criticises Habermas for failing to extend the concept of legitimacy beyond the level of reasoned decision-making between subjects to that of the material reproduction of human life. In other words, Dussel claims that the legitimacy of a political order must be taken to consist not simply in "the symmetrical intersubjective participation in decision making by those affected" (what he calls legitimacy's "formal" aspect), but also in "the reproduction and development of the life of the subjects" (what he calls legitimacy's "material" aspect) (Dussel 2013, 405-6). Without this enlarged conception of legitimacy, Habermas's framework seems unable to guarantee to individuals a way to enact instances of civil disobedience concerned with matters necessary for the reproduction of life (such as, for example, access to food and housing or the economic means to obtain these resources). Indeed, because Habermas grounds the relevant socioeconomic rights in the universalisable principles of the constitutional welfare state, the conceptual exclusion of Dussel's material element of legitimacy makes itself felt once conditions of privatisation obtain.

II

II.I Celikates's Constitutive-Contestatory Alternative

Celikates's conception of civil disobedience takes up several of the issues discussed above – the non-symbolic aspect of civil disobedience, a certain Mouffian emphasis on democratic contestation, and the postnational decentering of the nation-state – and is thus usefully set against Habermas's account. Celikates defines civil disobedience (in a less normatively restrictive manner) as “an intentionally unlawful and principled collective act of protest. . . with which citizens. . . pursue the political aim of changing specific laws, policies, or institutions” (Celikates 2016a, 985; 2016b, 39). Here, semantic contestation plays an important role. Because public definitions of “civil disobedience” and “civility” are themselves subject to contestation in acts of civil disobedience, the theorist ought not undertake to define fully the latter ahead of time (Celikates 2016a, 986; 2016b, 43). Indeed, Celikates challenges definitions of the “civil” in which it is “primarily conceptualised in terms of reasonable public claim-making by those already recognized as full members of the political community” (Celikates 2020, 87). He suggests that “civil” be thought in terms of a distinct sphere of *political* (and thus not military) contestation between adversaries who share a bond incompatible with attempts to destroy or exclude one another from said community (88). Furthermore, Celikates incorporates non-symbolic “real confrontation” (including practices such as blockades, occupations, and property destruction, which may be taken to include “violent” aspects depending on how the term itself is defined) by arguing that it is integral to the symbolic function of civil disobedience. Acts of real confrontation are necessary for the “stagings and (re-)presentations” of civil disobedience, and thus work to dramatise issues and contribute directly to symbolic struggles (Celikates 2016b, 43).

As to its constitutive power, civil disobedience acts “as a dynamizing counterweight to the rigidifying tendencies of state institutions that attempt to absorb the constituent power of their subjects” (41). Celikates extends this power to transnational disobedience and argues that irregular migrants politicise phenomena (such as the boundaries of the political community) that are otherwise

“naturalized or removed from politicization” (Celikates 2019, 74). This extension is permitted because the civil bond itself extends beyond the bounds of the nation-state such that the status of the political subject is tied, not to formal citizenship, but to historical contexts and persisting forms of transnational economic and political domination (Celikates 2020, 90). Moreover, agents themselves are aware of the normative significance of their actions, taking principled stances by invoking political and moral norms and the extended civil bond in which they find themselves (Celikates 2019, 76–77).

II.II A Critical Discussion of Celikates’s Alternative

Celikates’s model seems to provide a number of solutions to the above-highlighted issues with Habermas’s account. On the one hand, it offers a way to incorporate the positive aspects of contestatory politics and non-symbolic or direct action. On the other hand, by reconceiving the “civil” as a political bond generated by historical and transnational relationships, and thus not by a citizenry’s belonging to a single nation-state, it suggests a way to meet the threat of postnationalisation. Nonetheless, it has a number of problems of its own that suggest the superiority of an approach that reinterprets, but does not abandon, Habermas’s framework.⁵ First, Celikates’s appeal to principled disobedience and the extended civil bond are not sufficient to avoid a situation in which adversaries interpret one another’s actions as purely instrumental and strategic, and thus risks a spiral into conflict. As Scheurman notes, one of the advantages of “speaking the language of law” is the ability to “transform controversial moral and political claims into broader and implicitly general normative appeals” (Scheurman 2018, 148). There are likely other languages

⁵ Though it is not immediately relevant to my purposes, it is worth pointing out that much of what Celikates aims to accomplish seems also to be accomplishable on Habermas’s terms. For instance, Habermas’s framework can accommodate an account of semantic contestation. Indeed, in one essay he describes the region of society that includes everyday communication, social movements, and autonomous public spheres as the “arena in which subtle communication flows determine the form of political culture and, with the help of definitions of reality, compete for what Gramsci called cultural hegemony” (Habermas 1989, 66). Habermas’s mention of “definitions” seems especially to signal his awareness of the contestatory nature of civil disobedience outlined by Celikates. In principle, then, a Habermasian framework can acknowledge definitional struggles over both senses of the concept of “civil” (“respectable acts” and the “political community”).

that do the same, but there does not appear to be one in Celikates's model. Even if agents refrain from militaristic action in the first instance, it is likely that the historical contexts that make up a civil bond will themselves be subject to contestation. Beyond this, agents seem to be left with no common framework. Furthermore, despite Celikates's construction of a dynamic "of constituent and constituted power" (Celikates 2019, 72), there is a sense in which his account remains static. It seems to be that a successful act of contestation or moment of constitution must always appear to one's adversary as a mere displacement of their own definitions and constituted powers. There is no temporal perspective from which actions undertaken by one group can come later to be seen as contributions to another's betterment.

Furthermore, consider the actions taken by members of the online Reddit community "WallStreetBets" early in 2021, who coordinated to buy "GameStop" stock to bankrupt hedge funds that had bet against the company. To be sure, this was a complex episode that included more and less moral motives and outcomes, and one must acknowledge that such online platforms have contributed to a fragmenting of the public sphere and often act as barriers to the circulation of reasons.⁶ Nonetheless, it is notable that many of those involved took to Reddit to express to strangers the reasons for their actions and to characterise their involvement as an effort to redress a moral wrong by damaging an institution perceived as unjust, often intimating suffering that family members and friends had endured during the 2008 financial crisis (Taibbi 2021). This suggests that these individuals considered catharsis, recognition, and rational understanding to be core aspects of their actions and claims to justice. More precisely, they seem to have understood their actions to be complete only once others had acknowledged the grounds upon which they had initially justified those actions to themselves. This is not to say that *Reddit itself* (or, indeed, platforms like it) is of a recognitive nature, but only that those individuals who through it sought the understanding of others felt their actions to be constituted in part by a recognitive relation. By conceiving civilly disobedient acts as adversarial and symbolically contestatory, however, Celikates misses this

6 Habermas himself has discussed several pertinent pathologies of communication and highlighted the Internet's tendency to create isolated and self-referential pockets within the public sphere in Habermas 2006.

element in which “the pluralist demands and critical experiences of social groups can be worked through collectively” (Frankenberg 1992, 33). Finally, apprehending the non-symbolic element of civil disobedience in functionalist terms obscures its potentially transformative elements. In particular, by subordinating the act of civil disobedience to the performative attempt to vie for semantic hegemony, Celikates channels an otherwise intrinsically transformative experience to conflictual ends.

III

III.I A Reflexive Reinterpretation of Habermasian Civil Disobedience

The discussion thus far indicates that Habermas’s framework captures elements relevant, on the one hand, to the theorist’s attempt to construct by argument a viable concept of civil disobedience, and, on the other hand, to the self-understanding of civil disobedients as manifest in their motivations, actions, and justifications. However, it is also evident that Habermas’s mature conception of civil disobedience is subject to several weaknesses, made clear by the criticisms discussed above. In order, then, to retain its insights while making good its faults, it must be reinterpreted. More precisely, a reinterpreted Habermasian model of civil disobedience must re-establish those animating aspects discussed in I.II to ensure a robust connection with social-political change for the better. It must also adequately resolve those criticisms discussed in I.III and, eschewing a contestatory account, provide a framework through which both the acting civil disobedient and those to whom the act is addressed can understand the act as well-intended (criteria drawn from II.II). I suggest that a reflexive reinterpretation of Habermas’s account, by way of his early work on the emancipatory interest, meets these criteria.⁷

In *Knowledge and Human Interests*, Habermas argues that anthropologically deep-seated interests constitute in a quasi-transcendental manner the forms of knowledge through which

⁷ This reflexive reinterpretation is suggested already by the above-discussed connection Habermas himself draws between reflexivity, positive social-political change, and civil disobedience. Here, however, I draw particularly on *Knowledge and Human Interests* and *Theory and Practice* in order to develop my own reflexive interpretation.

humans apprehend society and the world around them. These forms of knowledge are quasi-*transcendental* in that they are grounded in forms of activity definitive of the human species as such, and thus not of any one group or individual. They are *quasi*-transcendental in that they are not grounded in a conception of pure reason abstracted from historical experience. Thus, Habermas argues that knowledge-constitutive interests in technically exploitable and practically effective knowledge structure “the meaning of the validity of statements” in the natural and cultural sciences (194–5). On the one hand, the human interest in the technical utilisation of the resources of the natural world grounds the kind of knowledge specific to the natural sciences (prototypically, the construction of theories that permit the deduction of lawlike hypotheses with predictive capacity) (308–9). On the other hand, the human interest in mutual understanding grounds the kind of knowledge specific to the cultural sciences (prototypically, the hermeneutic interpretation of meaning) (309–10).

Habermas further claims that the “human interest in autonomy and responsibility” can be reconstructed *a priori* and that in “self-reflection knowledge for the sake of knowledge attains congruence” with this interest. There is thus a third “emancipatory cognitive interest” that “aims at the pursuit of reflection as such” (314). Whereas the technical and practical interests structure particular kinds of knowledge, the emancipatory interest is somewhat more abstract in that it is concerned with knowledge itself. It constitutes a form of knowledge that is concerned with producing knowledge. This doubled structure is interpreted by Habermas in terms of reflection, and the latter’s “emancipatory power” is described as the way in which a subject experiences itself “to the extent that it becomes transparent to itself in the history of its genesis” (197). Reflection, then, involves making clear to oneself (where it may have been obscure before, often for determinate reasons) the way in which one has come to be constituted over time. When social reality is grasped through this frame (that is, when it is understood in terms of the processes through which it has been constituted), the meanings of statements relate to whether they express aspects of social reality that are truly invariant or which only masquerade as such (pseudo-naturalities). The apprehension of such false lawlike regularities is said to set off “a process of reflection in the

consciousness of those whom the laws are about". This reflexive knowledge cannot "alone render a law itself inoperative, but it can render it inapplicable" (310).

Acts of civil disobedience, I claim, can be interpreted as instances or manifestations of such reflexivity and instantiations of this emancipatory interest. Grasped as such, the two questions with which Habermas's account begins are to be given different answers. First, civil disobedience is not an appeal to the sense of reason of a majority, and neither is it a principled, unlawful act aiming to bring about political change. Rather, it is an act undertaken in or on the basis of a process of reflection, which aims to carry through the dissolution of pseudo-naturalities (that is to say, those aspects of the social world that appear nature-like and thus incapable of being transformed, changed, or disestablished by human action) and barriers to communication, and which is undertaken pending its justification in the renewed discourse it hopes to bring about. Second, it obtains as a meaningful concept not in the instance of the democratic constitutional state, but "within the conception of a *history of the species* comprehended as a *self-formative process*", which is to say, from the perspective of reflection upon the process by which human society has come to constitute itself in social structures, norms, and institutions (197). The civil disobedient thus moves from assuming the plebiscitary role of the sovereign to assuming the status of reflexive representative of the human species in its self-understanding.

Such reflexive apprehension still applies to rigid and unresponsive laws promulgated by the state, but also extends to the full field of falsely lawlike social phenomena. The civil disobedient is therefore capable of grasping and expressing the non-necessity of, for instance, both a written law barring marriage rights to those of a particular sexual orientation and the otherwise seemingly independent laws of the market. Acts of civil disobedience are thus attempts to render fluid in reality (by disestablishing or transforming laws and other social phenomena) that which has been grasped as such reflexively (by making explicit the ways in which these laws and social phenomena have come to be). Moreover, as instances of the human species' capacity for self-reflection (which is to say, a capacity not confined to a single group), these acts can

be considered the public iteration of those statements that grasp reality in this critical manner, and which necessarily attempt to prompt the same reflexive illumination amongst those to whom the act is addressed.

III.II The Results of a Reflexive Reinterpretation

In the first instance, this reinterpretation provides a way to rectify weaknesses related to Habermas's attaching civil disobedience to the normative principles of the democratic constitutional state. It resolves the problems caused by postnationalisation and privatisation and restores the animating aspects of Habermas's account of civil disobedience in an altered form. Because civil disobedience is grounded in the emancipatory interest, which is located at the level of the self-development of the human species, and no longer in the constitutional principles of the democratic state, its extension from the protection of civil rights to the domain of social and economic matters is preserved. Civil disobedience must now be deemed to pertain to *all* spheres of society relevant to the genesis of the species.⁸ Similarly, as civil disobedience is no longer tied in the first instance to the constitutional state or public authorities, reflexive action upon society is preserved because it need not depend on the problematic pairing of a single public sphere to its nation-state, nor distinguish action directed at a private entity as being of a fundamentally different sort. Moreover, the radically reformist element of Habermas's account finds expression in the futural orientation of reflection. Statements that grasp social reality in this reflexive manner presuppose a future state in which the interest in autonomy and responsibility has been realised. As Habermas puts it, "the truth of statements is based on anticipating the realization of the good life" (314).

This shift from state to species also allows one to make sense of the grammar of contemporary ecological movements. Though they may be directed at national governing bodies, these movements are now seen to be manifestations of a *human* capacity to grasp both capital accumulation and climate crisis as non-necessary and historically changeable. Furthermore, this reinterpretation avoids

⁸ Indeed, insofar as they can be established as relevant to this genesis, this framework suggests including further spheres (for example, that of knowledge) within the domain of civil disobedience.

the problematic reliance on constitutional patriotism identified by Çıdam. The criterion for distinguishing legitimate and democratic instances of civil disobedience shifts from identification with constitutional principles to a determination of the veracity of statements that aim to grasp (and actions that aim to exhibit and communicate) the non-necessity of social phenomena. This in turn depends on (i) whether the phenomenon in question is or has *in fact* become non-necessary and thereby a hindrance to freedom and (ii) whether the statement and act aim to break down barriers to discourse. The loss of reflexivity to identification with constitutional principles is thereby prevented. At this point, though, a worry may arise: a too concrete determination of the criteria for veracity by a theorist ahead of time may result, whether intentionally or not, in the presentation of continued instances of domination as valid cases of civil disobedience. As its allaying requires consideration of the communicative element of Habermas's framework, this worry brings discussion of the results of a reflexive reinterpretation to the second set of criticisms.

A reflexive reinterpretation facilitates simultaneous answers to the questions of complex acts of civil disobedience (wherein communicative and non-communicative elements exist alongside one another) and rational cognitive desire among civil disobedients (as was observed above in the "WallStreetBets" example). In a discussion on the possibility of enacting in reality the knowledge gained by reflexive theories, Habermas observes that a group that takes itself to be reflexively enlightened (here to be thought of as civil disobedients) must choose "between maintaining and breaking off communication" with other groups (Habermas 1973a, 37-8). In order to explain why another group is ideologically unavailable for communication, the first must "presuppose counterfactually an uninterrupted natural. . . relation between the opponents" (38). In other words, it must presuppose a situation in which the communicative relation between the groups is not distorted by relations of power. In the last instance, reflexive knowledge can only be justified in this latter situation, but strategic action can be undertaken if it is "comprehended counterfactually. . . as a moment of a collective process of education or consciousness formation which is not yet concluded". It is thus "interpreted hypothetically as a retrospection which is possible

only in anticipation” (40).

Put otherwise, a group can justify as reflexive an action that another group will perceive as strategic and conflictual if it (i) regards this action from the point of view of a completed process of reflexive learning which includes this other group, and (ii) undertakes the burden of demonstrating this in the action’s undertaking. Thus, unlike Celikates’s conception of the “civil”, there is here a temporal element that permits what initially appears as strategic action to be understood ultimately by all concerned as an instance of reflexive enlightenment at the level of the human species. In this way, I suggest, we can understand complex actions of civil disobedience. With regard to civil disobedience that takes the climate crisis as its object, actions undertaken against property and infrastructure in order to prevent ecological and climate disaster must be interpreted by those disobedient actors as a moment in a collective process of reflexive learning, the end of which will see all concerned acknowledge the actions as moral (insofar as they were undertaken in the interests of all) and grasp the processes that caused and perpetuated the climate crisis as non-necessary. Furthermore, the recognitive desire experienced by disobedient actors is fulfilled when those to whom the act is addressed (if only in the temporally deferred sense described above) come to acknowledge the first’s reflexive insight into “the historical traces of suppressed dialogue” (Habermas 1987b, 315), and the initial knowledge claim is thereby justified. In this way, a reinterpreted Habermasian account *simultaneously* accommodates urgent direct action *and* makes intelligible the historically effective element of rational recognition that both motivates civil disobedients and provides a way to avoid a strategic spiral into conflict. Furthermore, as the veracity of disobedient statements and acts must ultimately be decided in dialogue between social participants *themselves*, the theorist cannot decide the matter ahead of time.

It remains to be seen, however, whether this reflexive conception of civil disobedience permits adequate answers to questions pertaining to the merits of contestatory politics, transformative experience, and the material reproduction of life. Prior to any formulation, it ought to be reiterated that consideration of Celikates’s model yielded reasons to reject a theory of civil disobedience grounded

in contestation. Indeed, further reasons can be gathered by way of a consideration of Mouffe's theory of contestatory politics. For Mouffe, the principles of liberalism and democracy present a "paradox" because modern liberal democracies are committed to these principles that are nonetheless irreconcilable and whose sets of component ideas are not internally related one to the other. Political contestation with an "adversary" (as opposed to an "enemy", an adversary shares with oneself a commitment to liberalism and democracy) is therefore an "agonistic" process through which a new articulation of these principles (whose validity is not itself put in question) obtains hegemonic status by way of a "decision" that closes off deliberation (Mouffe 2005, 44–5, 102, 105).

However, insofar as Mouffe's account (i) seems to suggest that we are unable to offer a universal explanation as to why we are or should be committed to the principles of liberalism and democracy, instead taking them as something given and about which discursive contestations are organised, and (ii) states that each newly hegemonic articulation is established through a decision that cannot be rationally justified to all, it can be seen to reject fundamental aspects of modernity's self-understanding. As Charles Taylor suggests, one way in which modern societies understand themselves as secular (in the sense of relating to profane time) has to do with the constitutive action that establishes the conditions facilitative of society as a common agency. If this constitutive action transcends the realm of actions engaged in by this common agency, the latter is established on non-secular grounds. If, however, this constitutive action is of the same sort as the actions engaged in by this common agency, the foundation is secular. On this framework, the foundational acts of traditional societies, in which a lawgiver sets down or gives to a people a set of laws that constitutes them as a people (Taylor mentions Lycurgus and Sparta), are elevated into a higher, heroic time such that the acts are not of a kind with the actions of the common agency they make possible (Taylor 2004, 93–9). If the principles of liberalism and democracy are understood simply as given, they must appear to individuals within modern liberal democracies as meta-foundational and akin to the law handed down by a lawgiver. If, furthermore, contingent hegemonic articulations are not explicable to all in a rational manner, they must appear, at least to

those on the losing side, as constitutive, foundational acts not of a kind with their own. In a manner akin to the above discussion, Habermas's temporal framework allows one to retain an element of non-communicative action without giving up this secular aspect of modern self-understanding. The point, however, is not to say that something is better or more justified simply because it is modern. Rather, it is to say that individuals of modernity are socialised such that they require and seek both rational justification and recognition of their own claims as rationally justified. An account of civil disobedience, then, must adequately incorporate this fact.

The question, therefore, ought to be reformulated: what might usefully be retrieved from the contestatory alternatives that Mouffe and Celikates put forth to strengthen a reflexive reinterpretation? Here, it seems helpful to retain the contestatory framework's stress on the affective aspect of political action to make intelligible the potentially transformative nature of civil disobedience. In fact, Habermas broaches the question of affect in his discussion of Freudian psychoanalysis. He utilises psychoanalysis as a model of a theory and practical technique that simultaneously works through, and toward the enhancement of, an individual's reflexive powers. On Habermas's reading, psychoanalysis illustrates that barriers to reflection are located and maintained, not only at the level of cognitive mechanisms, but also at that of habitual behaviours maintained by affective attitudes. For this reason, psychoanalysis also works by dissolving such barriers "on the affective level" (Habermas 1987b, 229). However, Amy Allen has recently suggested that Habermas's interpretation of Freud is overly rationalistic. Drawing on, among other works, several of Freud's papers on analytic technique (particularly his discussions of transference), Allen contends that Habermas's reading gets the temporal sequence in the process of psychoanalysis incorrect: "Psychoanalysis is not a process of enlightened, self-reflective insight that in turn brings about an affectively imbued, practical transformation". Rather, she claims, "[s]elf-transformative rational insight has as its practical condition of possibility the affect- and desire-laden process of establishing and working through the transference" (Allen 2021, 168). While Allen is concerned with exploring the implications for Critical Theory's self-understanding, in our context this alternative reading of psychoanalysis suggests

that civil disobedience's power to reveal the pseudo-naturality of sclerotic laws and social phenomena amounts in the first instance to an affectively-charged process of working-through.

In one sense, to stress the affective over against the reflexive is to threaten the reinterpretation developed thus far. However, if Allen's emphasis on the affective moment is here understood as akin to acknowledging central aspects of the contestatory position, it becomes possible to incorporate it as a moment that is simultaneously necessary for the process of reflection and expressive of the transformative aspect of civil disobedience. More specifically, it can be said that the affective element of the act of civil disobedience constitutes a necessary condition for the disobedient's reflexive dissolution of a pseudo-naturality. However, this affective moment cannot be given primacy. As the preceding discussion indicates, this moment requires completion in two senses. First, a need for rational recognition is internal to the act of civil disobedience, such that the civil disobedient cannot take the act to be complete on the basis of affective aspects alone. Rather, it is felt to be complete once those to whom the act is addressed communicate an acknowledgement of the correctness of the reflexive dissolution. Second, as civil disobedients act as representatives of the human species, the reflexive power of civil disobedience is necessarily universal, not particular. Put otherwise, it must be universally communicable. In consequence, because the addressees of civil disobedience do not experience the affectively-charged act and thus do not undergo the same transformative process, the latter must be translated into a form communicable to all, and in a way that retains its illuminating power. Indeed, were it otherwise, the universal reach of civil disobedience's transformative power could be preserved only by interpreting the act as a spectacle with an overpowering aura.

Finally, to ensure that a reflexive conception of civil disobedience adequately answers Dussel's criticisms of Habermas, it is necessary to reformulate slightly the latter's conception of the emancipatory interest. Indeed, despite Habermas's claim that the technical, practical, and emancipatory knowledge-constitutive interests "take form in the medium of work, language, and power" respectively, he nonetheless grounds the *a priori* "human interest

in autonomy and responsibility” in “*language*” (Habermas 1987b, 311, 314). In other words, Habermas aligns the emancipatory interest with practical understanding through language, while distancing it from the technical appropriation of nature through labour. This is bound up with Habermas’s argument (mentioned above) that emancipation be grasped as a reflexive and conscious process. However, if Dussel’s criticism is to be met, the emancipatory and technical interests must be reconnected such that labour is also conceived as a necessary component of humanity’s *a priori* “interest in autonomy and responsibility”. This would not be to say that labour becomes a medium of reflexivity itself, but that an ideal level of material reproduction is necessary to ensure life and facilitate reflexivity. Only if an individual is confident that they have access to essentials like food and housing, and that they need not be subjected to overly long and intensive work to ensure this confidence, can they concern themselves with reflection. One thereby secures a normative ideal against which to measure and criticise societies and social arrangements.

III.III The Idea of an Emancipatory Interest

While I have been concerned with arguing that a reinterpretation of Habermas’s conception of civil disobedience from the perspective of his early writings yields a more philosophically defensible and politically useful model, it is nonetheless the case that Habermas’s idea of an anthropologically deep-seated emancipatory interest has been subject to deep and sustained criticism. Indeed, already in the postscript to *Knowledge and Human Interests*⁹, Habermas addressed relevant criticisms and incorporated a distinction in the concept of “reflection” as it stems from German Idealism: on the one hand, it refers to reflection “upon the conditions of potential abilities of a knowing, speaking and acting subject as such” (a transcendental project in Kant’s sense), while on the other it refers to reflection “upon unconsciously produced constraints to which a determinate subject (or a determinate group of subjects, or a determinate species subject) succumbs in its process of self-formation” (Habermas 1987a, 377). This marked a change in Habermas’s approach that would ultimately see him leave behind the idea of knowledge-constitutive interests in favour of a theory

⁹ This postscript was written only half a decade after the initial printing of *Knowledge and Human Interests*.

of communicative action. In his more recent reconsideration of the idea of an emancipatory interest, Honneth retrieves Habermas's notion even as he rejects the form in which he finds it. Perhaps most notably, Honneth criticises what he takes to be two interrelated problems in Habermas's account: (i) the absence of a robust conception of social struggle as a fundamental aspect of human society and (ii) the problematic assumption that the bearer of the emancipatory interest must be the human species itself, "as though the diversity of conflicting interests regarding the type and content of the desired knowledge were merely apparent" (Honneth 2017, 911). Relatedly, recourse to the level of the species seems to perpetuate what Çıdam sees as the second problematic element of Habermas's return to the philosophy of the subject: the idea of a macro-subject.

While I cannot here formulate an adequate answer to these criticisms, one potential path of response can be sketched. In an essay on the intellectual legacy of Critical Theory, Honneth identifies three related ideas as distinctive of the tradition: "the normative motif of a rational universal, the idea of a social pathology of reason, and the concept of an emancipatory interest" (Honneth 2009, 42). On Honneth's account, a "rational universal" amounts to the possibility of an invariant mode of human activity and common good, upon which all members of society rationally agree, and through which is secured an intact form of social life and the actualisation of individual freedom by way of its reciprocal facilitation between subjects (23–6). A social pathology obtains when historical processes cause the non-attainment or deformation of this empirically attainable rational universal (30). Such social pathologies necessarily manifest themselves "in a type of suffering that keeps alive the interest in the emancipatory power of reason" (36). Furthermore, and in a move drawn from Freudian psychoanalysis, it is claimed that this suffering "presses toward a cure by means of exactly the same rational powers whose function the pathology impedes" (39–40). If, then, it could be illustrated that the potential for an empirically attainable rational universal in which *all humans* could participate had come to be, alongside a social pathology or pathologies that hindered its actualisation, one could speak meaningfully of the mobilisation of a universal emancipatory interest and a form of reflexive knowledge capable of

grasping the coming to be of a global social pathology in the genesis of the species. Tentatively, one might identify two candidates for social pathologies of this kind: (i) a global, financialised capitalist system (though this would depend upon distilling from the varieties of damaged life a common form of suffering); and (ii) the climate crisis (though one might here have to speak of an imminent global suffering). Furthermore, in each case one would have to reconstruct the rational universal so deformed.

Conclusion

Finally, it is now possible to offer a reinterpreted outline of some of the core components of civil disobedience. It does not appeal to the constitutional state's ever-present need to go beyond itself by way of legitimacy, but to the ever-present attempt by the human species to make its genesis transparent to itself. It can direct itself to public and private entities and can in principle address itself to any group or member of human society. Though certain groups might stand to gain from the dissolution of oppressive elements of society, as civil disobedients they stand as reflexive representatives of humanity and thus cannot behave self-interestedly. Acts of civil disobedience must be public because they are necessarily attempts to actualise reflexive processes in a shared social reality and to ignite reflexive processes in others.¹⁰ Finally, while civil disobedients can undertake direct action (a category which must include the destruction of property and infrastructure) and carry out acts of disobedience that need not be symbolic or communicative in the moment of their undertaking, they cannot engage in physical violence (that is to say, bodily harm) or otherwise degrading practices, as to do so would contradict their claim to be representative of humanity.¹¹

10 This, however, does not mean that such acts need to be announced in advance. As Scheuerman suggests, it is possible to reject overly stringent accounts of publicity and still retain it as a meaningful concept; see Scheuerman 2018, 118.

11 To be sure, dominant groups can and do use the proscription of violence to prevent challenges to their social position by cynical manipulation of the concept. However, insofar as this reflexive reinterpretation makes possible direct action that would often be deemed violent (destruction of property, for example) by ruling groups within liberal democracies but that is carried out with a view to completing a reflexive process of learning by the end of which all would come to acknowledge the incorrectness of such manipulation, it provides (at a conceptual level) activists with a way to counter the latter and thereby attempts to preclude the cynical use of the proscription of violence given here.

I have here argued for and offered a reflexive reinterpretation of Habermas's account of civil disobedience. In section one, I discussed Habermas's account, its animating concerns, and some of its criticisms. In section two, I considered Robin Celikates's framework and suggested that there are compelling reasons to reject it and instead endeavour to reinterpret Habermas's account. In section three, I offered a reflexive reinterpretation and argued that it amounts to a more defensible model of civil disobedience. Reflexively reinterpreted, civil disobedience retains its strong connection with social-political change for the better, yet it does so not as the litmus test for the democratic constitutional state, but as the instantiation of the human species's capacity to reflexively comprehend its genesis and dissolve pathological pseudo-naturalities.

References

- Allen, Amy. 2021. *Critique on the Couch: Why Critical Theory Needs Psychoanalysis*. New York: Columbia University Press.
- Butler, James. 2021. "A Coal Mine for Every Wildfire." *London Review of Books* 43 (22): 9-12.
- Celikates, Robin. 2016a. "Democratizing civil disobedience." *Philosophy and Social Criticism* 42 (10): 982-94.
- Celikates, Robin. 2016b. "Rethinking Civil Disobedience as a Practice of Contestation - Beyond the Liberal Paradigm." *Constellations* 23 (1): 37-45.
- Celikates, Robin. 2019. "Constituent power beyond exceptionalism: Irregular migration, disobedience, and (re-)constitution." *Journal of International Political Theory* 15 (1): 67-81.
- Celikates, Robin. 2020. "Radical Civility: Social Struggles and the Domestication of Dissent." In *Debating Critical Theory: Engagements with Axel Honneth*, ed. J. Christ, K. Leopold, D. Loick, and T. Stahl. London: Rowman and Littlefield.
- Çıdam, Çiğdem. 2017. "Radical Democracy without Risks? Habermas on Constitutional Patriotism and Civil Disobedience." *New German Critique* 131, 44 (2): 105-32.
- Dussel, Enrique. 2013. *Ethics of Liberation: In the Age of Globalization*

and Exclusion, ed. A. A. Vallega. Trans. E. Mendieta, C. Pérez Bustillo, Y. Angulo, and N. Maldonado-Torres. Durham and London: Duke University Press.

Frankenberg, Günter. 1992. "Disorder Is Possible: An Essay on Systems, Laws, and Disobedience." In *Cultural-Political Interventions in the Unfinished Project of Enlightenment*, ed. A. Honneth, T. McCarthy, C. Offe, and A. Wellmer. Cambridge, MA and London: The MIT Press.

Habermas, Jürgen. 1973a. "Introduction: Some Difficulties in the Attempt to Link Theory and Praxis." In *Theory and Practice*. Trans. J. Viertel. Boston: Beacon Press.

Habermas, Jürgen. 1973b. "Natural Law and Revolution." In *Theory and Practice*. Trans. J. Viertel. Boston: Beacon Press.

Habermas, Jürgen. 1985a. "Civil Disobedience: Litmus Test for the Democratic Constitutional State." Trans. J. Torpey. *Berkeley Journal of Sociology* 30: 95-116.

Habermas, Jürgen. 1985b. "Right and Violence: A German Trauma." Trans. M. Calhoun. *Cultural Critique* 1: 125-39.

Habermas, Jürgen. 1987a. "A Postscript to *Knowledge and Human Interests*." In *Knowledge and Human Interests*. Trans. J. J. Shapiro. Cambridge, UK: Polity Press.

Habermas, Jürgen. 1987b. *Knowledge and Human Interests*. Trans. J. J. Shapiro. Cambridge, UK: Polity Press.

Habermas, Jürgen. 1987c. "Technology and Science as "Ideology"." In *Toward a Rational Society: Student Protest, Science, and Politics*. Trans. J. J. Shapiro. Cambridge, UK: Polity Press.

Habermas, Jürgen. 1987d. "The Movement in Germany: A Critical Analysis." In *Toward a Rational Society: Student Protest, Science, and Politics*. Trans. J. J. Shapiro. Cambridge, UK: Polity Press.

Habermas, Jürgen. 1989. "The New Obscurity: The Crisis of the Welfare State and the Exhaustion of Utopian Energies." In *The New Conservatism: Cultural Criticisms and the Historians' Debate*, ed. and trans. S. Weber NicholSEN. Cambridge, UK: Polity Press.

- Habermas, Jürgen. 1996. "Appendix I. Popular Sovereignty as Procedure (1988)." In *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Trans. W. Rehg. Cambridge, UK and Malden: Polity Press.
- Habermas, Jürgen. 2006. "Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research." *Communications Theory* 16 (4): 411-26.
- Habermas, Jürgen. 2021. "Once again: On the relationship between morality and ethical life." Trans. C. Cronin. *European Journal of Philosophy* 29 (3): 543-51.
- Honneth, Axel. 1995. "From Adorno to Habermas: On the Transformation of Critical Social Theory." In *The Fragmented World of the Social: Essays in Social and Political Philosophy*, ed. C. W. Wright. Albany: SUNY Press.
- Honneth, Axel. 2009. "A Social Pathology of Reason: On the Intellectual Legacy of Critical Theory." In *Pathologies of Reason: On the Legacy of Critical Theory*. Trans. J. Hebbeler. New York: Columbia University Press.
- Honneth, Axel. 2017. "Is there an emancipatory interest? An attempt to answer critical theory's most fundamental question." *European Journal of Philosophy* 25 (4): 908-20.
- Malm, Andreas. 2021. *How to Blow Up a Pipeline: Learning to Fight in a World on Fire*. London and New York: Verso.
- Mouffe, Chantal. 2005. *The Democratic Paradox*. London and New York: Verso.
- Scheuerman, William E. 2018. *Civil Disobedience*. Cambridge, UK and Medford: Polity Press.
- Scheuerman, William E. 2021. "Introduction: Why, Once Again, Civil Disobedience?" In *The Cambridge Companion to Civil Disobedience*, ed. W. E. Scheuerman. Cambridge, UK: Cambridge University Press.
- Smith, William. 2021. "Deliberative Democratic Disobedience." In *The Cambridge Companion to Civil Disobedience*, ed. W. E. Scheuerman. Cambridge, UK: Cambridge University Press.

- Taibbi, Matt. 2021. “‘This is for you, Dad’: Interview with an Anonymous GameStop Investor.” TK News by Matt Taibbi. <https://taibbi.substack.com/p/this-is-for-you-dad-interview-with> (accessed 9 May 2021).
- Taylor, Charles. 2004. *Modern Social Imaginaries*. Durham and London: Duke University Press.
- Wyllie, Robert. 2020. “Habermas, 1968, and the turn to aesthetic-expressive protest.” *Constellations* 27 (3): 452-65.

Radical Critique in Boltanski's Pragmatic Sociology

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Abstract: Boltanski's pragmatic sociology aims at studying critique as an immanent phenomenon of social life. Accounting for the critical operations undertaken by social actors in the course of everyday disputes (Boltanski and Thévenot, 2006 [1991]; 1999) and the role played by institutions in constructing social reality (Boltanski, 2011 [2009]), Boltanski claims that the possibility of any social critique is grounded on the existence of specific tests that can be set up to confirm or undermine an existing order. This paper discusses Boltanski's notion of "existential test," associated with the possibility of a radical type of critique that can be found in those affairs, scandals, or disputes that perturb social reality.

For this reason, I explore the ambiguity and the complexity of the social form of "affaire," sometimes conflating or overlapping with other social phenomena like "civil war". Specifically, in light of Boltanski and Claverie's sociological distinctions (2007), I frame radical critique by focusing on the figure of Nelson Mandela (1980 [1965]) in the context of the *Rivonia Trial*. I claim that Mandela's activism can be interpreted as an example of radical critique insofar as his struggle against socio-political apartheid targeted those colonial ideals that were structuring South African institutions since their very inception. Consequently, I explore the ambiguous qualification of violence and the function of Mandela's experience of suffering to stress the problematic character of Boltanski's idea of radical critique.

Keywords: Boltanski, pragmatic sociology of critique, existential test, Mandela, radical critique.

Introduction

In this paper, I discuss the idea of a radical form of social critique that can be found in Boltanski's pragmatic sociology. This type

of critique can be associated *prima facie* with ordinary critique, since it is linked with actors' first-person engagement with reality, namely with the "authenticity of subjective and intersubjective experience" (Susen, 2014b [2012], 193). Nonetheless, taking into consideration the peculiar dynamic, intensity, and ambiguities it generates, radical critique must be distinguished from ordinary critique for the fractures it may potentially produce in an existing social order. Against this background, I intend to show the problematic character of this type of critique in relation to the general idea of social emancipation. Indeed, individual processes of empowerment run the risk of being the mere expression of idiosyncratic interests if they do not turn into collective demands. Furthermore, as I will show, radical critique is amenable to an ambivalent moral qualification. As such, it does not only embody the tensions inscribed within social life. Rather, radical critique calls into question those ethical principles and normative ideals fostered and guaranteed by the institutions that orientate social actors in their daily confrontations.

In the first section, I briefly present some essential features of Boltanski's "pragmatic sociology of critique," especially drawing from his *On Critique*, stemming from three *Adorno Lectures* delivered at the Institute for Social Research in Frankfurt in 2008. The reason lies in the fact that this work can be considered as Boltanski's "most philosophical book" (Susen, 2014a, 16). This text offers a comprehensive overview of Boltanski's theoretical framework and presents a thematization of his notion of "existential test". I then briefly contrast Boltanski's sociology of critique, mainly grounded on a hermeneutical standpoint, with Honneth's Critical Theory, which is anthropologically grounded on the idea of a moral grammar.

In the second section, I reconstruct Boltanski and Thévenot's analysis of the critical moments [*moments critiques*] characterizing social life by focusing on how they frame everyday disputes. I show the characteristic features of the first form of critique grounded on social actors' capacity to distinguish between legitimate and illegitimate justification. Briefly, the idea is that justification is connected to reality tests [*épreuves de réalité*]. I also discuss Boltanski and Thévenot's distinction between internal and external

critique in relation to Jaeggi's characterisation (2018 [2013]).

In the third section, I finally introduce Boltanski's notion of radical critique by comparing two other types of tests. I show the difference between truth tests [épreuves de vérité] and existential tests [épreuves existentielles]. Specifically, I intend to discuss the ambiguous nature of the existential test that is correlated with a radical transformative power. In this respect, I defend Boltanski's idea of radical critique from the risk of subjectivism.

Consequently, in the fourth section, I briefly explore a specific moment of social life mentioned by Boltanski in which we can find examples of existential tests. In this regard, the form of trial known as "affaire" represents the ideal candidate for exploring the radical critique emerging from specific "lived" experiences that present an "aberrant character" for a determinate social order (Boltanski, 2011 [2009], 108).

Therefore, in the last part of the paper, I instantiate Boltanski's idea of radical critique by focusing on a crucial moment in South Africa's political history. In particular, I discuss to what extent the *Rivonia Trial* can be interpreted as an affair situated between law and civil war. The *Rivonia Trial* resulted in the annihilation of the political opposition that was fighting against racial segregation. Yet, this trial exemplifies the relationship between radical critique and positive law. In this context, I focus on the figure of Nelson Mandela as a political activist. I claim that Mandela's experience played the role of an existential test for the South African institutions of his time. Mandela's critique can be considered radical since it aimed at dismantling the colonial ideals at the very foundation of the South African intuitions. In this sense, Mandela's struggle against the apartheid regime essentially consisted in the redefinition of semantic and deontic constitution of the South African social order. In this context, I discuss in what sense Mandela tries to justify the recourse to "controlled violence" and, consequently, why violence assumes an ambiguous moral qualification.

1. From uncertainty to critique in social reality

Without presuming to reduce a difference to a mere opposition, Boltanski's "pragmatic sociology of critique" could be defined

in contrast to classical critical sociology. By denouncing the inflation of the notions of “domination” and “violence” found in Pierre Bourdieu’s sociology,¹ Boltanski has tried to counterbalance the structural primacy conferred to the notion of social order by investigating the *situational* character of social interactions (Boltanski, 2011 [2009], 19–21). Instead of marginalizing the role of social agents broadly conceived, at best, as mere deceived individuals, and, at worst, as victims of power relations and social systems, Boltanski, along with Thévenot, has accounted for the critical capacities of social actors, studying their active engagement in different types of everyday disputes (Boltanski and Thévenot, 1991, 1999).

The main presupposition of Boltanski’s sociological perspective lies in his understanding of social life. The socio-philosophical tenet that identifies his “pragmatic sociology of critique” consists in the idea that society is characterized by a “*radical*” type of *uncertainty* about “*how things stand with what is*” (Boltanski, 2011, xi). This type of uncertainty is not only epistemological but also ethical. Uncertainty does not only regard what we believe to be true but also what we think is right, namely, the moral qualification of our actions. Against this background of uncertainty, Boltanski defines the semantic and deontic interpretation of reality as a correlate of social interaction. This hermeneutical construction is then conceived as a social phenomenon emerging from specific articulations of the relationship between “symbolic forms and states of affairs” (2011, 9).

However, for Boltanski, social actors do not have the capacity to reduce this fundamental uncertainty by simply relying on common sense or culture (Boltanski, 2011, 54–8). Rather, as he claims, the ultimate source that guarantees a legitimate definition of reality must be found in institutions. Preventing ever-renewing conflicts and disagreements, institutions are “delegated” to establish and confirm the “*whatness of what is*” (2011, 75), transcending the perspectival reality of individual actors. In other words, Boltanski holds that institutions constitute a response to the internal tensions of social life by fulfilling several functions mainly related

¹ For a comprehensive overview on their relationship see Robbins, 2014b; Susen, 2016; and Atkinson, 2019.

to the reduction of uncertainty. According to this idea, institutions build a common horizon of reference and qualification for everyone by securing a given “definition” of reality through the “policing” and “coordinating functions” performed by administrations and organizations. These two organs materialize the “semantic role” of the institutions by coupling the prescriptions with the sanctions, namely, by applying “physical constraints” to the “semantic control” (2011, 79–80).

A fundamental problem with institutions is the way they reduce semantic uncertainty by excluding competing versions of reality, which then give rise to what Boltanski calls “*hermeneutic contradiction*” (Boltanski, 2011, 84). This contradiction essentially describes the fact that institutions are not just fictional “*bodyless beings*” (2011, 85) on which social actors rely. Far from being just abstract, symbolic entities, institutions are enacted by specific groups of individuals, generating, in turn, the risk of a minority of “spokespersons’ interests”. In brief, the factual existence of institutions depends on the existence of specific individuals that operate to keep institutions functioning. Consequently, institutions present a fundamental limit, namely, the impossibility of representing the totality of the social actors’ points of view (2011, 87).

Essentially, the “*hermeneutic contradiction*” denotes the fact that if it is true, *de iure*, that institutions must guarantee a given construction of reality against competing ones derived by several social groups, it is also true, *de facto*, that institutions represent determinate social groups and for this reason can be accused of being idiosyncratic expressions of the very same groups. Therefore, Boltanski claims that any semantic and deontic construction of reality is constitutively incomplete and unstable insofar as it depends on the confrontations and tensions among social groups. He also phrases this contradiction as an “*immanent contradiction*” between “the necessity of institutions and their limitations” (Boltanski et al., 2014, 582). The latter function simultaneously as a “source of constraint” for social actors and “as a *normative prerequisite* for the construction of social reality” (2014, 585)

Arguably, Boltanski interprets social life as an immanent and ever-

growing source of critique inscribed within the functioning of institutions, and ultimately, within social interactions. For him, immanent critique stems from individual and collective practices and not from an external onlooker that is usually represented by the “critical sociologist [that] sees domination everywhere” (Boltanski, 2011, 162). Social life, composed of micro-interactions among social actors, is conceived as the basis of the genesis of any semantic security, and then of certainty, stability, and consensus. Accordingly, in the pragmatic sociology of critique, the focus of attention is then shifted from the magnitude of social systems to the dynamical and transitory reality of actions.

From this perspective, Boltanski offers an interesting framework for interpreting social interactions. Broadly, he distinguishes between a “practical” and a “metapragmatic register” (Boltanski, 2011, 61, 83). The first register broadly designates an almost “unproblematic” dimension of action, since it is characterized by tacit agreements between social actors and is always situated (2011, 62). It captures the everyday actions, habitual nature, and routine of social agents in their quasi-automatic responses to daily tasks. Meanwhile, the metapragmatic register describes a form of action connected with reflexivity. It captures social actors’ interest in the “*qualification*” of a given situation of social life (2011, 68).

Boltanski does not claim that these two registers are analytically distinguishable. For him, both simultaneously apply to social interaction. Daily tasks can generate doubts and forms of reflexivity and *vice versa*. Yet, for Boltanski, the metapragmatic register has a kind of primacy, for it encompasses both a *descriptive* and *normative* dimension. It ascribes to social actors the capability to distinguish and confront what a situation *should be* with *what it actually is*. It is in this register that he locates the possibility of social critique, i.e. the very basis of the “*possibility of giving one’s adherence and doubting*” (2011, 98), a capability ascribed to social actors themselves.

Since Boltanski locates in social actors’ competencies and experiences the condition of possibility of denouncing immanent contradictions emerging within social life, his sociology of critique could be compared to Axel Honneth’s reformulation

of Critical Theory. For Honneth, the renewal of the critical vein of this intellectual legacy broadly consists in rediscovering a “critical viewpoint within social reality” (Honneth, 2007 [2000], 64), namely that element of “intermundane transcendence” that he locates within the intersubjective process of mutual recognition [*Anerkennung*] (Honneth, 1995b [1992]). According to Honneth, critique originates *ex negativo* from social actors’ moral experiences of disappointment, namely from the so-called “social dynamics of disrespect” [*Mißachtung*] (2007, 63–4).

Like Honneth, who locates the trigger of social actors’ moral experiences of disrespect “in a violation of identity claims acquired in socialization” (2007, 70), Boltanski, as I show in the next section, grants a fundamental role to *affective experiences* of injustice, suffering, or humiliation, especially in the conceptualization of the “critical moments” [*moments critiques*] characterizing social life. Arguably, Boltanski shares a fundamental premise of Honneth’s theory of recognition, namely the “action-theoretical conception of human emotions” that Honneth draws from Dewey (Honneth, 1995a [1990], 257–8; 1995b [1992], 136). However, while Honneth conceives negative affective sensations, like shame, as triggers of a “shift of attention” towards one’s moral expectations, Boltanski takes the felt aspect of injustice especially as the trigger point of an outward movement of critique and justification (see Boltanski, 1999 [1993]).

Both Honneth and Boltanski appeal to a normative dimension that emerges from social interactions, whether it is morally codified or hermeneutically codified. Yet, Boltanski is more interested in capturing the capacity of social actors to critique and justify their reasons, namely, to *dispute*; and he does not appeal to any conception of “ethical” or “good life” (Honneth, 1995b, 171–5), namely, individual self-realization. For Boltanski, critique originates from the fact that we do not all agree on how we should live and what reality ultimately is, namely, from the fact that our definitions of reality are precarious. Boltanski’s hermeneutical standpoint allows him to think of institutions as the object of social critique since they cannot express the plurality of social actors’ points of view. So, while Honneth stresses the agonistic character of social change expressed by the conflictual dimension of struggle

(Honneth, 1995b, 163; 2009, 31), Boltanski frames social conflicts through the social forms of “dispute,” “affair,” “scandal,” et cetera. In this regard, whereas Honneth’s critical sociology, as Honneth himself admits (Boltanski et al., 2014, 566), possesses a theoretical vocation, Boltanski’s sociology of critique is grounded on empirical studies (Boltanski, 1982; Boltanski and Thévenot, 2006 [1991]). Indeed, Boltanski’s idea of radical critique can be understood only through a clarification of the operations undertaken by social actors in everyday disputes. For this reason, in the next section, I focus on his thematization of the disputing process.

2. On disputing: testing “reality”

Let us now take a closer look at Boltanski’s and Thévenot’s conceptual modelling of the critical moments [*moments critiques*] characterizing social life; that is, those moments when “people, [...] realize that something is going wrong, [...] [that] something has to change” (Boltanski and Thévenot, 1999, 359).² These critical moments are transitory but recurrent events in which social actors do not only recognize but also stand up against an injustice. The recognition of an injustice is possible only by means of a reflection, conceived as a “distancing”. It represents the “inward movement” of a critical moment. For Boltanski and Thévenot, the first condition of possibility for a dispute concerns the interruption of the present course of action. Reflection develops into a process of selections of past moments which finally results in the creation of a meaningful “story” of injustice. Importantly, this reflexivity-driven distancing possesses a felt character, namely the “moment when [a person] realizes that he cannot bear this state of things any more” (Boltanski and Thévenot, 1999, 360). In this sense, as for Honneth, negative feelings can exert a revelatory and even heuristic function (Honneth 1995b [1992], 138; Boltanski, 1999 [1993]).

² Boltanski and Thévenot analyze three different corpuses of data in *On Justification* (2006 [1991]): 1) empirical data, consisting in the empirical observation of disputing processes; 2) classical texts of political philosophy, concerning different orders of worth that are used to create a sort of topology of immanent orders of values through which frame ultimate reasons of justification, or order of equivalence; 3) contemporary “how-to” handbooks and pedagogical guides, designed as practical tools to deal with everyday situations. They use this last corpus of data for identifying the network of objects used by individuals to cope with reality. As I show, for Boltanski and Thévenot, objects are used by social actors for setting up reality tests.

The critical moment implies a “demonstration of discontent” that constitutes the “outward movement” of the critical moment. The “outward movement” can end up either in violence or in an actual dispute. In this respect, Boltanski and Thévenot show that persons involved in a dispute are guided by the “imperative of justification” that fuels the critical capacity of an individual. This imperative can be fulfilled only on the condition that an “equivalence” between the contenders can be established. The “establishment of equivalence” is then conceived as the condition of possibility of a disputing process, since it predetermines the common ground upon which contenders can set their arguments (Boltanski and Thévenot, 1999, 361).

Let us look at an example. For instance, I want to complain to my supervisor about what I consider an unfair salary. I feel I am the victim of a kind of economic discrimination, so I take a break from my working activity. However, if I want to do something more than merely express discontent, I must justify this feeling of unfairness to him. This would involve presenting reasons or arguments, for instance, by showing the disproportionate number of hours I’m required to work in relation to my actual wage. I could compare my work life with that of similar individuals, comparing their wages, their productivity, et cetera. I would then refer to a whole network of objects, namely, to metrics that I will present to my supervisor for corroborating and defending my idea. In other words, I need to have some reasons that will justify my feeling of an unfair salary. My supervisor must be able to understand these reasons so that we can have a discussion. This implies that my reasons must be “justified with reference to a principle of equivalence” (1999, 361), like, for instance, meritocracy.³

Boltanski and Thévenot summarize the requirements for a situated justification as follows:

Persons, in order to cope with uncertainty, rely on *things*, objects, devices, which are used as *stable referents*, on which *reality tests* or trials can be based. These reality tests enable judgments to reach

³ Cf. Boltanski (1982) for the analysis of meritocracy and its ideology in modern and contemporary society.

a grounded and legitimate agreement and, hence, provide the possibility of ending the disputes. (Boltanski and Thévenot, 1999, 367, my italics).

They explain that this is the reason why the disputing process cannot be reduced to selfish interests. In claiming that my salary is unfair I need to appeal to a universal principle that should be valid, *de iure*, for everyone in a similar situation.

Boltanski and Thévenot also distinguish different types of agreements. If an agreement is reached, this can be further distinguished into a legitimate or an illegitimate agreement. For example, my supervisor gives me a salary increase because of a personal preference, or because he or she recognizes, according to the meritocratic principle, that it was necessary to make a salary adjustment in relation to the objectives achieved. The main distinction between the two is that legitimate agreement can sustain “*confrontation and criticism*” and social actors can distinguish between the two (Boltanski and Thévenot, 1999, 363–4). Boltanski and Thévenot frame this capacity as a competency characterizing our “ordinary sense of justice” that can be empirically studied through everyday disputes. For instance, in the case of non-violent dispute, actors must “ground their stances on a *legitimate worth*” (1999, 364, my italics) that is claimed to possess a general validity for everyone.

In this regard, they present six different “orders of worth” [*grandeur*] or “common worlds” [*cité*] to capture and ground the complexity of social actors' types of justification (Boltanski and Thévenot, 2006 [1991], 159–211). Each order has a peculiar type of justification that can be historically and culturally situated. An “order of worth” can present either *internal* or *external* criticism. In the first case, the object of critique is internal to the order of worth in question and the objective of critique is to identify inconsistencies within the given order. For instance, I can criticize the fact that my performance review is unfair since some information has not been recorded correctly, even if the principle behind the review is correct. I could argue that I reached more objectives than those recognized by the performance review. In this sense, I would consider the performance review as a valid kind of worth generating or preserving activity. In this case, my dispute

is grounded on the fact that I do not recognize the expected value as correctly materialized.⁴ This type of critique is then based on “reality tests [that] posit a differential between what should be and what is, between value judgement and factual judgement, and explore it” (Boltanski, 2011, 106).

However, the criticism can also be external. Boltanski and Thévenot (2006 [1991], 218–25; 1999, 373) distinguish two forms of external criticism. First, we can denounce the very reality test [*épreuves de réalité*] by justifying our argumentation on a “shift of worth”. For instance, even if the performance review is based on correct information, it leaves out a number of things that I still consider crucial for estimating the actual value of my work. I can show, for instance, that the commitment to the company’s value and my positive influence on my colleagues are not calculated in the performance review. Second, Boltanski and Thévenot also mention the case in which it is even possible to critique “the very principle of equivalence” (1999, 373) and find a way to change the reality test of a world for another one. In this case, there would be more of a “competition between two different reality tests” than a single reality test in place. Consequently, an agreement could be reached only on the condition of a compromise between two types of “order of worth” (see Boltanski and Thévenot, 2006 [1991], 277 onwards).

Rahel Jaeggi is another scholar who seems to share Boltanski’s and Thévenot’s distinction between internal and external critique. Indeed, she also distinguishes between the two forms of criticism in relation to where the criteria, namely, the “normative standards” that are used to measure an existing situation, reside. (Jaeggi, 2018 [2013], 177–8) In her discussion of internal critique, she claims that its source is the “inconsistency” “between norms and (social) practices” (2018, 180). Such inconsistency as source of internal critique resonates with Boltanski’s ideas that refer to those times when “reality does not correspond to the prescribed format” (Boltanski et al., 2014, 579), i.e., when there is a contradiction between what

⁴ In this sense, Boltanski talks of the unveiling of “the reality of reality - that is to say, the validity of the forms of organization that are at once guaranteed, at least in principle, and reproduced by the established test formats, as is the case every time someone appeals to social justice, the rules, respect for established procedures, and so on.” (2011 [2009], 107).

happens and what should be the case. Jaeggi is, however, sceptical about the viability of internal criticism. She claims that norms are ambiguous and there are overlapping norms. Since this kind of critique is dependent on interpretation, she argues that internal criticism must tackle the problem of conflictual interpretations if it does not want to lapse into “social conservatism” (Jaeggi, 2018, 185–9). Rather than internal critique, she thus proposes immanent critique. As I will show in the succeeding sections, Boltanski’s notion of radical critique resonates with Jaeggi’s immanent critique, wherein critique refers to non-codified experiences that are not captured by current definitions of reality underlying determinate social orders.

The main problem for Boltanski’s and Thévenot’s conception of “order of worth” consists in the fact that in any society there is always more than an “order of worth” in play and social actors may shift the principle of justification they refer to depending on the situation they face. For instance, I can defend energy saving habits by appealing to merely economic, or ecological motivations, or by appealing to both reasons. The plurality of “orders of worth” generates then an ever-renewing possibility of critique. In this regard, for Boltanski and Thévenot, there are situations in social life that are considered “particularly amenable to criticism.” (Boltanski and Thévenot, 1999, 374; 2006 [1991], 226–8). These “ambiguous situations” [*situations troubles*] are characterized by the presence of different types of objects that belong to or can be interpreted through different “orders of worth”. An example is the spreading of ecological rationality in our societies. While it is challenging our presuppositions about the precarious conditions of the planet, ecological rationality opens unprecedented scenarios concerning how we may live in the following years (Thévenot et al., 2000). However, as I will show in the next section, Boltanski further elaborates his account of critique by developing the idea that it is possible to critique “reality” not only on the basis of high-order principles of justification but also by leveraging on one’s existential experience of suffering.

3. Situating existential tests as forms of radical critique

Boltanski provides a more detailed account of critique that theorizes on two other types of tests that can be found in social

life: truth tests [*épreuves de vérité*], and existential tests [*épreuves existentielles*] (Boltanski 2011 [2009], 103–10). Truth tests are linked with the functioning of institutions. As I have shown, institutions for Boltanski aim at *confirming* specific interpretations of reality. In other words, institutions set the norm for the interpretation of social reality through the establishment of “token” or “type situations” (2011, 102). Against this background, ceremonies and even transgressive rituals are to be taken as an example of “instances of confirmation” of a given social reality, promoted and enacted by institutions. Indeed, as Boltanski argues, the social function of ceremonies is to enforce or endorse a determinate semantic order and value hierarchy through the codification of the relationship between symbolic forms and states of affairs. This implies producing “an effect of coherence and closure - of necessity - which satisfies expectations of truth and even saturates them.” (2011, 105). Specifically, through repetition and tautology, exemplified by regularities and ready-made formulas, their function is not only “to make visible the fact that there is a norm” but to “make it loved” (2011, 104–5). If reality tests can fulfil a critical function since they compare “what it should be” with “what it is” (2011, 106), truth tests reinforce a social order by reducing semantic uncertainty as it provides a construction of “truth”.

Existential tests meanwhile instantiate a type of critique that cannot be reduced to the “reformist” function of reality tests. Boltanski contrasts this reformist type of critique, which has the effect of “improv[ing] existing reality test[s],” with a radical type of critique that makes institutions “retain contact with the world.” (2011, 108, 157). In a way similar to Honneth (Honneth, 1995b [1992], 72, 137–8), Boltanski grounds existential tests on social actors’ lived experiences of “injustice or humiliation,” “shame,” and even “joy” (Boltanski, 2011 [2009], 107). In this respect, since the degree and the very meaning of the subjectification of injustice differ from those of reality tests, Boltanski claims that the word “test” assumes a double meaning in this context. Rather than referring only to the unveiling of “the reality of reality,” namely to the comparison between an ideal, token situation and an actual situation, the meaning of the word “test” in “existential tests” also refers to “what provokes suffering, ... what affects.” (Boltanski 2011, 107).

It could be argued that existential tests are primarily characterized by a negative affective or emotional component. It may be argued that this characterization would fail to accommodate the case of joy. However, Boltanski also counts “joy” as a transgressive case as long as it “affords access to some form of authenticity.” (Boltanski 2011, 107). Joy in this sense then still retains a connection to negative affective experiences, i.e. if it is interpreted as an emotional reaction rooted in transgression. Joy as transgression means breaking through norms that are considered oppressing, humiliating, or generating suffering.

In understanding the role of affect in critique and its relation to authenticity, there is a risk of conflating radical and ordinary critique in as much as both refer to affect and authenticity. In ordinary critique based on reality tests, feelings and authenticity constitute a fundamental moment, since it is an affective experience that triggers, even if it does not completely drive, the disputing process. The main difference lies in how social actors' subjective experience gains prominence and serves as the normative ground of the test. In ordinary critique, social actors are more interested in comparing actual situations with token situations, and what is at stake is a sense of reality or the difference between what is and what should be. In radical critique meanwhile, what is at stake is the social actor's existence within such reality. Radical critique remains attached to the singularity of an individual, particularly of those who are *on the margins* of a given reality. This is also the reason why existential tests rest outside any “process of institutionalization”. In defining existential tests, Boltanski has in mind those “examples” that cannot be simply “recoded” into updated definitions of social reality but remain “unstable,” arising from internal “contradictions”. Radical critique draws on subjective lived experience in “*unmasking*” “the *incompleteness* of reality and even its *contingency*” (2011, 111). For Boltanski, existential tests, by drawing, as it were, on the “*world*” itself, namely from the very “*flux of life*” (2011, 110), represent a generative source of an ever-renewing semantic or deontic possibility for institutions.

It is in this regard that I consider Jaeggi's idea of “immanent critique” (2018 [2013], 2015) to be resonating with Boltanski's conception of radical critique based on existential tests. Like

Boltanski, who opposes the critique based on reality tests against those that are based on existential tests, Jaeggi contrasts internal criticism with immanent criticism. For her, while the first is merely “reconstructive,” “static and conservative,” since it aims to “restore an existing order or to reinstate valid norms and ideals” (2018, 203), the latter is “transformative” and “dynamic” insofar as “it can project the ‘better’ beyond existing norms [...]” (2018, 210). In this sense, there is a striking resemblance between the function of existential tests and that of immanent criticism. Indeed, Jaeggi conceives the latter as “the medium (or better, the catalyst) of an experiential and learning process” (2018, 204).

It could be objected that Boltanski’s notion of “existential test” could make radical critique merely subjectivistic, for it is based on existential sentiments and authenticity. Charles Taylor has shown that in late modernity the appeal to authenticity has been linked to the appeal to a “liberalism of neutrality” (Taylor, 2003 [1991], 13), to “soft relativism,” to the individualism of “disengaged rationality” or political individualism. He claims that “Authenticity is a facet of modern individualism, and it is a feature of all forms of individualism that they don’t just emphasize the freedom of the individual but also propose models of society.” (2003, 44) Against the “monological ideal” supported by authenticity (2003, 34), Taylor opposes the “dialogical character” of the human being. (2003, 33) He stresses that the problem with a “culture of authenticity” is that there is no discussion about the good life (2003, 17–8) since the idea of “being true to oneself” (2003, 15) implies self-fulfilment.

I claim however that Boltanski’s pragmatic sociology of critique avoids the risk of defending the “liberal neutrality thesis,” namely the idea that “social institutions can or should always remain neutral towards particularistic “forms of life” and each individual’s ethical points of reference” (Jaeggi, 2015, 14). The fact that his pragmatic sociology can be conceived as “ethically abstinent” does not imply that it defends a liberalist perspective. In Boltanski we do not find “self-centred forms of self-fulfilment as merely a product of self-indulgent egoism” (Taylor, 2003, 71). Indeed, for Boltanski, authenticity is not merely *self-referential*. Quite the contrary, it opens to a form of “self-determining freedom” that is necessarily connected to groups of social actors and not just to the experience

of an individual.

Radical critique can spread in society only to the extent that the initial, individual “*desire* for something” (Boltanski, 2011 [2009], 113) lacking in a given society, can turn out to be a *collective* demand. The very possibility of a *desideratum* marks the difference between existential tests and “*suspicion*”. Suspicion is characterized by a negation, by “suffering and lack,” even to the extent that it loses the possibility of being a critical stance of reality (Boltanski, 2011, 114). It is precisely because existential tests are grounded on authenticity that radical critique can scale up from an individual to a collective or social group. In the next section, I show how the sharing of inner feelings of injustice, which lead to the formation of public disputes known as “*affaires*,” captures the movement of critique from the individual to the collective.

4. “*Form affaire*” and *affaires* in social life

Boltanski claims that the juridical form of the “*affaire*,” understood on the model of the “Dreyfus Affair” (2012 [1990], 169; 2011 [2009], 26),⁵ exemplifies not only the problematic character of existential tests but also the effects of radical critique. Boltanski conceives the “*affaire*” as that typical social event in which it is possible to find radical critique at the centre of a disputing process. In explaining this, I focus on the defining features of the “*affaire*” in social life to frame radical critique. As I show in the next section, the *Rivonia Trial* can be interpreted by using similar conceptual tools. Furthermore, I claim that Mandela’s role in the context of the *Rivonia Trial* offers an interesting case for discussing the ambiguities hidden in radical critique. That said, I, however, do not claim that the *Rivonia Trial* can be simply interpreted as a classical type of affair, nor that it can be reduced to it.

The *Rivonia Trial*, I argue, offers us the possibility to discuss

⁵ Alfred Dreyfus was a French Lieutenant-colonel of Jewish origins. Dreyfus was sentenced in Paris in 1894 to life imprisonment on charges of high treason and espionage on behalf of Germany. The qualification of “*affaire*” comes from the fact that this trial had an enormous impact on French socio-political life. For instance, in 1898, Émile Zola denounced in his open letter “*J’Accuse...!*” for the journal *L’Aurore* the judicial arbitrariness and the misinformation against Dreyfus. Indeed, Dreyfus was unjustly condemned mainly because of the rampant antisemitism of the French society of the time. (cf. Boltanski, 1999 [1993]; Loué, 2007)

radical critique as a phenomenon emerging on the margins of determined institutions, namely, outside of dominating definitions of reality. The distinctive character of Mandela's critique does not only consist in the fact that Mandela is an iconic example of anti-colonial critique. Through the *Rivonia Trial*, we can observe Mandela's *radical critique before the law*. As I show in the next section, Mandela is at the same time a revolutionary political activist and a lawyer fighting against apartheid.

Boltanski and Elisabeth Claverie (2007) have explored the relationship between the model of "Dreyfus Affair" and the term "affaire". This is particularly important for investigating the historical heterogeneity of these figures without neglecting to capture their common structure. They show that the "form affaire" is not only connected to the judiciary form of "procès," but it is linked to the presence of a wider public, namely the plurality of the spheres constituting social life. Instead, the term "affaire," widely used in everyday situations, refers to a public protracted dispute that, through the progressive generalization of a local or individual dispute, produces a division in the society. According to their analysis, the informal use of the term "affaire" has inherited from the "form affaire" the meaning of a "success story," namely the successful reversal in a trial of the relationship between the victim and the accusation, leading to a reconfiguration of the "descriptions" and of the "values" initially claimed by the accusation (Boltanski and Claverie, 2007, 396).

For Boltanski and Claverie, the relationship between these two horizons of meaning - the first, narrow and legally codified, while the second general and informal - constitute "une ressource politique, morale et sociale, [...] *figure mobilisable du répertoire critique*" (2007, 395, my italics).⁶ Relying on sociological studies, Boltanski, with his research group (*Groupe de Sociologie Politique et Morale*), has developed a model for reframing the ambiguity of the social usage of the term "affaire," describing some essential characteristics. In general, the condition of possibility of an "affaire" is found in "une crise de la conception de la légitimité [...] frappée d'incertitude" (Boltanski and Claverie, 2007, 415-22).⁷

⁶ "a political, moral and social resource, [...] a useful figure of the critical repertoire." My translation.

⁷ "a crisis in the conception of legitimacy [...] struck by uncertainty." My translation.

In other words, an affair is produced when a rampant uncertainty destabilizes the semantic order that an institution secures in existence, through the process of confirmation enacted by specific truth tests. They show that while some “affaires,” especially those developed in the professional space, can deflate in a short period of time, others, instead, can grow in magnitude through the years. In general, an “affaire” is characterized by a collective mobilization oriented by a cause, in which the social actors involved share the same “sentiment d’indignation” (2007, 419–25). Indeed, when an “affaire” fails it is defined by Boltanski as “individual,” while when it succeeds it is defined as “collective”.

The collective character of an affair is the result of a process of *mobilization*. In this respect, Boltanski argues that the appeal to mobilization is not only a consequence of social actors’ sense of justice, but it also derives from a “sentiment de la pitié” (2007, 421–8). Again, the affective experience is crucial for the genesis of a dispute, representing, in a sense, the *felt* character of an injustice.⁸ Notably, it is the *spectacularization* of the victim’s suffering that reduces the distance between the accused and the public space. This spectacularization possibly leads to a kind of sensibilization of the social spheres (cf. Boltanski, 1999 [1993]). However, the spectacularization of the victim’s suffering can be achieved only through *typification*. Boltanski claims that social actors, in order to reduce the ambiguity of the protagonist’s conduct, must “desingularize” his/her behavior for contrasting an irreducible uncertainty that would hinder the possibility of shared feelings and beliefs. Uncertainty then conditions all the moments of an affair.

Arguably, this is the reason why it is neither easy nor always possible to distinguish an “affaire” from other social phenomena. In this respect, Boltanski and Claverie argue that the notion of “affaire” intertwines with that of “cause”. As forms of social phenomena, both causes and affaires refer to a moral and political register, since they stand for a collective, public denunciation

⁸ Affectivity implies an epistemological problem. As Boltanski writes: “It is extremely difficult, if not impossible, to analyze an affair (and by affair, I mean an affair in the sense of the Dreyfus Affair) with regard to its specific social form, as we do, and be a part of it, by introducing one’s own indignation into it, no matter how justified it is.” (Basaure, 2011, 371). The problem then regards the possibility of analyzing an affair without being influenced by feelings. Against it, Boltanski appeals to that distancing that is the condition of possibility of any reflection.

of denied normative ideals. Both conserve a high “reserve” of violence, though this violence is limited because of the publicity of the denunciation. In both cases, “reparation” needs to pass through the public space (Boltanski and Claverie, 2007, 420–28). In addition, they also recognize a “fragile et mouvante” [fragile and unstable] threshold between the social form of affair and civil war. In this case, the main difference concerns the extent to which the critic they express is “reparable” in a society, not only without a total disruption of the political order but also without a re-articulation of the semantic qualifications of the world itself. Indeed, as Boltanski claims, the multiplication of affairs in society can lead to civil war (Boltanski and Claverie, 2007, 420–30).

5. Mandela and the Rivonia trial

In this section, I explore a figure of radical critique. Considering the complex context in which the *Rivonia trial* took place and Nelson Mandela’s personality, I do not intend to provide a detailed overview of South Africa’s colonialist culture of the time nor do I claim to depict a trustworthy judicial truth. The scope of this analysis is to speculate on some essential features emerging from a selection of facts regarding Mandela. Broadly, I claim that Mandela’s experience instantiates radical critique since it represented an existential test for South African institutions of his time.

What makes the case of Mandela interesting is the fact that his call for equal rights is not only expressed through his political activism. Mandela’s appeal to those fundamental principles that compose many Western constitutions takes place in a law court of a country, South Africa, that was actually denying such principles. Indeed, arguably, the *Rivonia Trial* is still a product of a colonialist tradition. In this sense, the distinctive characteristic of Mandela’s critique that I aim to discuss is the case of radical critique before the law.

As I show, Mandela does not only embody a type of critique against that symbolic order that South African institutions kept in existence, for instance through racial segregation. The singularity of Mandela’s critique is also expressed by the radicality of his actions to end socio-political apartheid. The moral qualification of his actions retains an ambiguous meaning especially in relation

to violence. The ambiguity of Mandela's actions is an example of what cannot be simply codified, namely accepted, into social reality without the risk of generating contradictions or irreparable fractures.

Mandela's radical critique finally resulted in the dismantling of socio-political apartheid that led to a deep reorganization of South African institutions. In this regard, Mandela's form of critique exemplifies the fundamental task that Boltanski ascribes to radical critique: "*Critique has to strengthen the world [...] against reality.*" (Boltanski et al., 2014, 583) In other words, Mandela's radical critique consists in the overwriting or in the reworking of those definitions of reality that grounded South African institutional order. Indeed, the apartheid regime was not only a means to limit or even exclude the South African black population from political and social life. Rather, it represented the very semantic core of colonialist institutions. Consequently, the meaning of Mandela's activism finds his place in the broader context of a process of cultural and socio-political decolonization.

The Rivonia Trial took place in South Africa in October 1963 and led to Mandela's life imprisonment, accused, among others, of conspiracy, sabotage, communism, and having received funds from foreigners' nations for perseverating these purposes (Mandela, 1980 [1965], 162). During those years, Mandela, one of the leaders of the African National Congress (ANC), was protesting against socio-political apartheid. The National Party, represented by the white minority, was maintaining the country under racial segregation, inherited from the old colonial political traditions. As one can read from his famous speech pronounced during the trial, Mandela does not deny having played a "prominent role" in the militant movement "Umkonto we Sizwe". What he particularly denies is the accusation of having resorted to violence. Indeed, clarifying his position regarding the use of violence is one of his main concerns. As he admits, his initial non-violent activism turned to strategic, "controlled violence". By "controlled violence" Mandela intends sabotage without bloodshed (1980, 170), a strategy used for undermining an increasingly repressive government.

In this long speech, Mandela states that his movement aimed to

“canalize and control the feelings” of his people (Mandela, 1980, 164) otherwise violence, already spreading in society, would have turned into terrorism. For Mandela, there is a need to resort to at least some form of “controlled violence” in order to avoid terrorism.⁹ It is noteworthy that while the prosecution attributed a negative valence to acts of “controlled violence,” among the main charges of the trial, Mandela seems rather to relativize their value. As stressed, in Mandela’s account, “controlled violence” was aimed at defusing harsher forms of violence. However, the moral connotation of his use of violence remains ambiguous and controversial. Indeed, we may wonder, to what extent is it possible to use forms of violence to strive against social, political, and juridical injustice? Or, what forms of violence can be accepted in social life? In the speech, Mandela explains why the use of “controlled violence” was unavoidable for overthrowing the “White supremacy,” especially after the “show of force” of the government against the opposition (1980, 164). He describes how the government’s harshly repressive responses to non-violent protests led him to the difficult conclusion that non-violent responses had become unrealistic in that situation (1980, 169).

Therefore, Mandela seems to justify “controlled violence” according to two different principles. In saying that it was meant to prevent terrorism and that it was unavoidable for overthrowing the “White minority,” he appeals to a forward-looking justification. However, in stating that “controlled violence” was necessary for responding to the government’s demonstration of force, he appeals to backward-looking justifications. In this context, Mandela’s means of action can be understood as a product of reflection, since, arguably, “controlled violence” cannot be interpreted as the result of an immediate emotional reaction. If the radicality of Mandela’s actions can be ascribed to radical critique, it is only because

⁹ A terrorist government, as Hannah Arendt explains, is that “form of government that comes into being when violence, having destroyed all power, does not abdicate but, on the contrary, remains in full control.” (Arendt, 1970, 55) However, even if the word “terror” is firstly associated with the “Reign of Terror” characterizing the French Revolution, namely, to “state terrorism,” which represents the “monopoly” of terror by the state (Derrida and Borradori, 2003, 103), it does not only refer to it. As Jacques Derrida observes, all kinds of terrorism appear as extreme counteraction to an escalating situation. Terroristic actions are conceived as “last resort” in the name of “self-defense” by which the aggressor is also identified as the victim (2003, 107). In this respect, Mandela wanted to avoid that form of terrorism produced by those who were denouncing state violence.

they are reframed according to principles of justification that are grounded, in turn, to experiences of physical or psychological suffering or, in other terms, to socio-political repression.

The problem with violence in social life is that, as Arendt writes, it “can be justifiable, but it never will be legitimate” (1970, 52). In Arendt’s account, violence is conceived as “instrumental,” as a goal-directed tool that is not intrinsically grounded on the constitutive “getting together” of the people forming a political community (1970, 52). For Arendt, violence is primarily destructive, and it is opposed to power. Power is the “property” that belongs to a group, to a political community, and “corresponds to the human ability [...] to act in concert” (1970, 44), namely, it is the source of any political community. This explains why power is always “in need of numbers,” in contrast to violence, which can make use of destructive and divisive means. As Arendt holds, violence, in its extreme expression, is “One against All” (1970, 42). Then, even if Mandela tries to justify “controlled violence,” he knows that he cannot legitimate its use. Indeed, in the speech, Mandela repeatedly appeals to those “documents,” as “the Magna Carta, the Petition of Rights, and the Bill of Rights” which refer to the constitutive moments of a socio-political community. Mandela knows that violence cannot substitute power. Nonetheless, the entire speech, like his political activity, was aimed at criticizing *that* power, expressed by South African institutions of his time, that was discriminating against the majority of the population. It is for this reason that Derrida (2014 [1986], 11) argues that Mandela’s admiration for a “law above laws,” for a Law above that of its country, namely, positive law, can be interpreted as a “surplus of respect for the law” (2014, 25).

Let’s now speculate on the definition and the meaning of the *Rivonia Trial*. Although references to the use of the term “affaire” are reported in interviews (Joffe, 2013, 258), this trial does not follow, not even remotely, the development of the “affaire Dreyfus,” insofar as it simply does not take the “form affaire” in the legal-political sense. Instead of being a “success story,” this trial was just a hearing in the court of law, and it stands as proof of the failure of a deeply transformative process of South African politics and institutions of those years. Yet, the *Rivonia Trial* sparked

mobilization of anti-apartheid activists from all over the world. The U. N. repeatedly attempted to contrast any verdict of this “arbitrary trial” by means of international pressure, calling for an amnesty to all the persons imprisoned.¹⁰ The trial ended by confirming the negative qualifications of the acts of sabotage, and, in this sense, the stability of the South African institutional order. Violence was condemned as an unjustifiable subversive means against the state.

The *Rivonia trial* could not but reveal and reflect the general division of South African social life. Its outcome could have only led either to the confirmation of the institutional order of the white minority, as what happened, or to a radical rearrangement of the political and social order. Arguably, the end of the socio-political apartheid would have implied a redefinition of the relationship between the “symbolic forms and states of affairs”. Because the type of “reparation” that it would have demanded is so radical, the trial could only have been part of a civil war, as Mandela himself was worried about. Nevertheless, during the years that follow the trial, Mandela’s activism has continued to play an important part in the long renewal process that finally led to the dismantling of apartheid. His long imprisonment, his faith in institutions and in the spirit of the law, stand for a radical type of critique to the South African social order. Mandela spent nearly 27 years in prison from 1964 to 1990. During those years, Mandela was subjected to solitary confinement and other psychological and physical abuses. However, he refused the possibility of conditional release from prison several times.¹¹ The reason might lie in his belief in the “ideal of a democratic, and free society.” (Mandela, 1980, 189)

By drawing on some of the main concepts of Boltanski’s pragmatic sociology of critique, I can now stress the reasons why Mandela can be recognized as a figure of radical critique. 1) Mandela’s critique is grounded on the “authenticity of subjective and intersubjective experience” (Susen, 2014a, 16). The meaning of Mandela’s experience can be expressed by the double meaning of the term “test” that belongs to the category of *existential tests*. His

¹⁰ For instance, cf. the General Assembly resolution 1881 (XVIII) dated 1963, and the Security Council resolution 190 dated 1964.

¹¹ The most famous episode probably regards January 1985, when P. W. Botha, then South Africa state president, offered him the possibility of being released from prison only if he would have renounced violent protests.

experience of suffering and humiliation does not only testify to the commitment to his cause, namely, cancelling socio-political apartheid. In the *Rivonia Trial*, Mandela brings to the court of law, representing the application of justice, the experience of racial discrimination of the South African black population. In Boltanski's terminology, Mandela's call for social equality against South African repressive institutions is an example of "who knock[s] at the door of social reality, but who [is] denied entry." (Boltanski et al., 2014, 585) Arguably, the trial's verdict, namely the imprisonment, has contributed to the feelings of indignation, related to the political trial, and to the feeling of compassion for Mandela's life. In this respect, it could be argued that, during those years, a process of typification has contributed to making Mandela a universal symbol of equality and justice, perhaps by overshadowing the ambiguous aspects of his life.

2) Indeed, the radicality of his critique must be searched for also in the means of his actions. The controversial qualification of violence is an example of the ambiguity hidden in existential tests. As I have shown, in his long speech opening the defence proceedings of the *Rivonia Trial*, Mandela reflects on the ambiguities hidden in the problematic use of violence in relation to social emancipation. Even if the *Rivonia trial* cannot be reduced to a dispute concerning the use of violence, nonetheless I have shown that the qualification of violence is not univocal. Even if the prosecution judges it to be negative, in Mandela's case it rather oscillates between negative and positive uses. The qualification of violence remains ambiguous. This ambiguity regarding the qualification of action is a characteristic of existential tests and, consequently, of any radical critique.

3) Mandela reclaimed equal rights for South African black citizens that implied a structural transformation of South Africa's fundamentally "white" institutions. This transformation was impossible without also disrupting colonial culture, namely, without addressing the hermeneutical tools of the social group dominating South African institutions, i.e., the white minority of the country. The most important difference between ordinary critique and radical critique can be appreciated in the effects critique may potentially produce in society insofar as it addresses

fundamental convictions about reality that are instantiated by the dominating order of worth and enforced by institutional bodies.

In this sense, Mandela's political activity can be considered an example of radical critique because it was meant to disrupt that colonial value system based on white supremacy and embedded in South African institutions through the enforcement of socio-political apartheid. This symbolic and deontic order represented the deep hermeneutical coordinates that structured South African society since its origins, subjugating the vast majority of its citizens. For Boltanski, the semantic and deontic order is expressed through definitions and prescriptions that are enacted by institutional organs imposing physical constraints. In this context, the apartheid system represented the material counterpart of South African colonialist institutions.

However, Mandela's critique cannot be considered only *negatively*. As Derrida shows (2014 [1986], 17–8), Mandela was not only concerned with the abolition of a system of racial discrimination. Rather, Mandela was striving for a “*revolutionary democracy* in which none will be held in slavery or servitude, and in which poverty, want, and insecurity shall be no more.” (Mandela, 1980, 149–50). As such, Mandela's socio-political desire seems to echo Boltanski's positive definition of institutions: “*A good institution is an institution which is aware of its limitations and recognizes them, which is open to the world and to the innovative processes deriving from itself.*” (Boltanski et al., 2014, 580) From this perspective, Mandela embodies the “moral postulation [...] [that] *there should be no rest, no second-rank people, no rubbish* (Boltanski et al., 2014, 585).¹²

References

- Arendt, H. (1970). *On Violence*. Houghton Mifflin Harcourt.
- Atkinson, W. (2019). “Luc Boltanski's pragmatic sociology: A Bourdieusian critique,” *European Journal of Social Theory*, 23(3), 310–27.

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- Basaure, M. (2011). "An interview with Luc Boltanski: Criticism and the expansion of knowledge," *European Journal of Social Theory*, 14(3), 361–81.
- Boltanski L., Honneth A., and Celikates R., (2014). "Sociology of Critique or Critical Theory? Luc Boltanski and Axel Honneth in Conversation with Robin Celikates." Trans. by S. Susen. In Susen, S. (ed.), *The spirit of Luc Boltanski: essays on the 'pragmatic sociology of critique*. London, Anthem Press, 561–89.
- Boltanski, L. (1982) *Les cadres: fa formation d'un groupe social*. Paris, Minuit.
- Boltanski, L. (1999). *Distant Superiority. Morality, Media and Politics*. English edition, trans. by G. Burchell. Cambridge University Press. (Original work published 1993)
- Boltanski, L. (2011). *On critique: a sociology of emancipation*. English edition, trans. by G. Elliott, Polity. (Original work published 2009)
- Boltanski, L. (2012). *Love and justice as competences*. English edition, trans. by C. Porter, Polity. (Original work published 1990)
- Boltanski, L. and Chiapello, È. (2007). *The new spirit of Capitalism*. English edition, trans. by G. Elliott. London-New York, Verso. (Original work published 1999)
- Boltanski, L. and Claverie, E. (2007). "Du monde social en tant que scène d'un procès," in N. Offenstadt, and S. Van Damme (eds.), *Affaires, scandales et grandes causes: de Socrate à Pinochet*. Stock, Les Essais, 395–452.
- Boltanski, L. and Thévenot, L. (1999). "The sociology of critical capacity." *European Journal of Social Theory*, 2(3), 359–77.
- Boltanski, L., and Thévenot, L. (2006). *On justification: economies of worth*. English edition, trans. by C. Porter. Princeton University Press. (Original work published 1991)
- Derrida, J. (2014). "Admiration of Nelson Mandela, or the laws of reflection," *Law & Literature*, 26(1), pp. 9–30. (Original work published 1986)
- Derrida, J. and Borradori, G. (2003). "Autoimmunity: real and

- symbolic suicides. A dialogue with Derrida” in Borradori, G. (ed.) (2003). *Philosophy in a time of terror: dialogues with Jurgen Habermas and Jacques Derrida*. University of Chicago Press, pp. 85–136.
- Honneth, A. (1995a). *The fragmented world of the social: essays in social and political philosophy*. Ed. by C.W. Wright. Suny Press. (Original work published 1990)
- Honneth, A. (1995b). *The struggle for recognition: the moral grammar of social conflicts*. Trans. by J. Anderson. Polity Press. (Original work published 1992)
- Honneth, A. (2007). *Disrespect: the normative foundations of Critical Theory*. Polity Press. (Original work published 2000)
- Honneth, A. (2009). *Pathologies of reason: on the legacy of Critical Theory*. Trans. by James Ingram and others. Columbia University Press. (Original work published 2007)
- Jaeggi, R. (2015). “Towards an immanent critique of forms of life.” *Raisons politiques*, (1), pp. 13–29.
- Jaeggi, R. (2018). *Critique of forms of life*. English edition, trans. by C. Cronin, Harvard University Press. (Original work published 2013)
- Joffe, J. (2013). *The State vs Nelson Mandela: the trial that changed South Africa*. Oneworld Publications.
- Loué, T. (2007). “L’affaire Dreyfus,” in N. Offenstadt, and S. Van Damme (eds.), *Affaires, scandales et grandes causes: de Socrate à Pinochet*. Stock, Les Essais, pp. 213–227.
- Mandela, N. (1980). *No easy walk to freedom: articles, speeches and trial Addresses*. Heinemann. (Original work published 1965)
- Robbins, D. (2014). “Pierre Bourdieu and the early Luc Boltanski (1960–1975): Collective ethos and individual difference.” In Susen, S. (ed.) *The spirit of Luc Boltanski: essays on the ‘pragmatic sociology of critique*. London, Anthem Press, pp. 265–91.
- Susen, S. (2014a). “Luc Boltanski: His life and work—An overview.” In Susen, S. (ed.), *The spirit of Luc Boltanski: essays on the ‘pragmatic sociology of critique*. London, Anthem Press, pp.

3–28.

- Susen, S. (2014b). “Is there such a thing as a ‘pragmatic sociology of critique’? Reflections on Luc Boltanski’s ‘On critique.’” Trans. by S. Susen. In Susen, S. and Turner, B. S. (eds.), *The spirit of Luc Boltanski: essays on the ‘pragmatic sociology of critique’*. London, Anthem Press, 173–210.
- Susen, S. (2016). “Towards a critical sociology of dominant ideologies: An unexpected reunion between Pierre Bourdieu and Luc Boltanski.” *Cultural Sociology*, 10(2), 195–246.
- Thévenot, L., Moody, M. and Lafaye, C. (2000). “Forms of valuing nature: arguments and modes of justification in French and American environmental disputes.” In Lamont, M. and Thévenot, L. (eds.), *Rethinking Comparative Cultural Sociology*. Cambridge: Cambridge University Press, 229–72.

A (Post)colonial Philosophy of Foucault's "Ethical Turn"

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Abstract: Foucault has been a profound influence on postcolonial scholarship and his revisited insights on the decline of the subject in his later work on ethics has sparked attention as a potential contribution to this field. However, Foucault has also been criticised, both for his insufficient thematisation of processes of (post) colonisation, and for his lack of other-oriented concern in his later work on ethics. This paper does *not* consider these two criticisms as two insulated aspects of Foucault's thought, but rather proposes to read the "distinctively modern attitude" of Foucauldian ethics and the pre-eminence it gives to the self as intimately caught up with the processes of Europe's emergence into modernity, which is predicated and relies upon an un(der)acknowledged colonial topography. If we are serious about the contribution of Foucauldian ethics to the field of postcolonial scholarship, we need to reweave his relative neglect of colonialism and its historical, geographical, and social instantiations into his conceptual and normative downplaying of the role of the other in his elaboration of ethics. Ultimately, I argue this warrants a transformed understanding of ethical self-constitution, and propose to reconceive Foucault's "ethical turn" in the light of the actual relational opportunities that people need in order to effectively live their ethical lives.

Keywords: Michel Foucault, ethics, practices of freedom, postcolonial studies, modernity, subjectivity

I. Introduction

There is perhaps a degree of irony in the way that two particular subjects that have also garnered a significant amount of Foucauldian-inspired criticism are themes with which Foucault himself experienced an ambiguous and somewhat opaque relationship. Neoliberal processes of subjectification are currently criticised in the (alleged) spirit of Foucault, despite the fact that his own relationship with neoliberalism was not as mean-spirited

and clear-cut as these criticisms seem to suggest.¹ By the same token—and providing the subject of this paper—Foucault has been a profound influence on postcolonial scholarship and his analyses have been deployed extensively within this field. Yet, his own relationship with colonialism goes virtually unacknowledged in his work, and the processes of (post)colonisation remain largely implicit and conceptually un(der)thematized in his work. What, then, are we to make of this strange, yet startling conundrum?

In her book *The End of Progress: Decolonizing the Normative Foundations of Critical Theory*, Amy Allen (2016) takes up the task of dispensing with critical theory's continued reliance on ideas of historical progress and development, arguing that Foucault's legacy can be particularly helpful in facing up to the challenge such a project presents. According to Allen, Foucault encourages us to enter into an intercultural dialogue with subaltern subjects without presuming that we already know what the outcome of that dialogue should be. Furthermore, she sees Foucault making room for a kind of openness to the other that could reaffirm modernity's core notions of freedom and justice, giving us the very real possibility of "unlearning" (202–203). However, as I have indicated above, we also need to deal with Foucault's "virtual silence" on issues of racism and colonialism, which leaves his work "scrupulously Eurocentric"—an issue complicated by "the lasting paradox that Foucault's work has been a central theoretical reference point for postcolonial analysis" (Young, 1995: 57). Thus, it is for good reason that, following her celebration of Foucault's genealogy as "ideally suited for the kind of internal decolonization that critical theory sorely needs", Allen adds: "Foucault's [...] own personal failings and blind spots on that score [are] *notwithstanding*" (Allen, 2016: 205, emphasis added).

Without denying that "a critical ontology of the present" is an invaluable tool in provincialising the current orthodoxies of much (political) philosophy, I want to assess these claims in this paper by reflecting upon the ways in which the Foucauldian tools themselves have become inherently tainted by that which they neglect. Allen's (2016) use of "notwithstanding" can all too easily tempt one to

¹ See, for instance, the edited collection by Zamora and Behrent (2015), in which there are some thought-provoking and challenging chapters that analyse the affinities of the anti-statist turn of the global Left with neoliberalism.

simply bracket out Foucault's non-naming of colonialism as "a miscalculation" or even as "not really Foucauldian".² Hence, instead of treating the non-naming of the colonial other as a historical anomaly or a normative political deviation, I treat it here as something that is intimately caught up and interwoven with the very development and constitution of some strands of Foucauldian thought. Acknowledging the possibility of Foucault's normative significance to the project of decolonising the foundations of contemporary critical theory, I will instead treat this normative significance, not as something that emerges *despite* his own blind spots, but rather *because* of them. By reading Foucault as being significant precisely because of what he neglects, I hope that the terms of the conversation can shift and encompass the histories, spaces, places, and subjectivities that have been *actively* occupying those blind spots.

Since it would prove impossible for me to evaluate Foucault's significance to the project of decolonisation in its totality, in this paper I focus on a particular strand of his thinking: his so-called "ethical turn", in which ethical self-constitution takes central stage.³ This choice of focus is relevant for two reasons. First, some authors (e.g., Nichols, 2010: 119; Mezzadra et al., 2013) see Foucault's revisited insights on discourse and the decline of the subject as a potential contribution towards a postcolonial ethics, especially as his later work has been largely overlooked in the field of postcolonial studies.⁴ Second, any attempt to connect his distinctive conceptualisation of ethical subjectivity, with his almost complete lack of acknowledgement of colonialism, remains surprisingly absent from contemporary literature.⁵ This last point is especially worrying, since if there is a plausible case to be made that Foucault's "ethical turn" is partly complicit with

² In a way, such narratives should remind us of what Foucault (1998: 205) himself had criticised in a lecture presented to the Société Française de philosophie on 22 February 1969, when he called the author a constructed ideological figure of stylistic unity and theoretical coherence "by which one marks the manner in which we fear the proliferation of meaning" (222).

³ Interestingly, although Allen does not seem to pay too much attention to Foucauldian ethics in her book on decolonising critical theory, it is worth noting that she has elsewhere. For instance see (Allen, 2011).

⁴ The reification in much postcolonial scholarship of the archaeological Foucault has "damned political subjectivity by damning the subject itself" (Samaddar, 2013: 27; cf. Mezzadra et al., 2013: 1).

⁵ An exception is Robbie Shilliam (2011).

the logic of “modernity/coloniality” (cf. Escobar, 2007)—i.e., if his relative neglect of the colonial subject and experience can be seen as correlated with his distinctive conceptualisation of ethics—there would be more work to do than a simple “apologia”. It would be necessary to deal with how the non-recognition of colonial others has distorted his descriptive mapping of, and normative recommendations for, the kind of philosophical ethos that underpins his normative vision of “ethical practices of freedom”—i.e., of “making one’s own life into a work of art” (cf. Foucault, 1997a: 261).⁶

The paper is structured as follows: First, I reflect upon Foucault’s relative neglect of colonialism—its geographical, historical, and social manifestations—and how this neglect might have unconsciously informed some of the presuppositions underlying his analyses of Europe. I then give a broad sketch of Foucault’s so-called “ethical turn” and elaborate on the kind of ethics he develops. Subsequently, I show that the kind of ethics he sets out is predicated upon a philosophical ethos that is thoroughly self-oriented, as he prefers to emphasise the individual characteristics and aesthetic interpretation of ancient ethics. Then, in a final step, I bring together both Foucault’s relative neglect of the colony and his downplaying of the need for the other in the constitution of ethical subjectivity, and ask what this would mean for an alternative ethics or ethos. Ultimately, by showing that these two elements can be read as mutually supportive, I hope to contribute to the larger challenge of moving from an unreflective use of critical theory’s tools towards a more systemic transformation of its Eurocentric house (cf. Lorde, 1984: 110).

II. Foucault, Enlightenment, and the Colony

Although Foucault never engaged thoroughly with the (post) colonial world, his ideas have been used extensively to analyse postcolonial relations in areas such as Latin America (Outtes,

⁶ Although it could be argued that Foucault’s ideas on ancient ethics were merely meant as a sort of critical history of subjectivity, I argue in this paper (sections III and IV) that a case can be made for the claim that his ethics can be read as being circumscribed by certain normative commitments that philosophically ground a possible ethics for “our” time. The urgency of reinscribing his ideas within a postcolonial philosophy thus hinges for an important part on that claim. Thanks to an anonymous referee for this point.

2003); Africa (Mbembe, 2003); Australia (Dean & Hindess, 1998); and Southeast Asia (Ong, 2008). One of Foucault's few personal remarks concerning colonialism involves the so-called "boomerang thesis", famously coined by Hannah Arendt ([1951]1973) in *The Origins of Totalitarianism*, in which she argues that there is a continuity between techniques of genocide in colonial countries and the Holocaust. Foucault ([1975–76] 2003: 103) writes that "a whole series of colonial models was brought back to the West, with the result that the West could practice something resembling colonization, or an internal colonialism on itself". Here there appears to be an acknowledgement that the compendium of power techniques he assembled regarding Europe had extra-European origins. However, the larger significance of these origins never made it explicitly into his own conceptualisations and analyses of the genealogy of the modern European subject.

The fact that the biopolitical techniques enacted on colonial populations returned boomerang-like to Europe during the Holocaust illustrates that the colonies were in no way a secondary or outside event to the history of Europe, but rather form "the non-acknowledged *center*" of the very making of Europe and its distinctive form of modernity (Mignolo, 2009: 174, emphasis added). According to Ann Laura Stoler (1995: 208–209) in her seminal book on Foucault's understudied treatment of race, "[t]he point is to register explicitly that what appeared as distinctively French, Dutch, or generically European in the late nineteenth century were sometimes cultural and political configurations honed and worked through the politics of empire earlier". This means that we need to read some of the central ideas of Foucault against the background of a "hegemonic modernity discourse [in which] the manifold presence of 'Europeanness' is rendered on the basis of its onto-colonial elaboration of a 'non-Europe' that *appears only* incidentally and ephemerally colonized" (Hesse, 2007: 659, emphasis added). After all, the end of formal occupation has involved neither a thorough epistemic reconsideration of colonial categories, nor a transformation of colonial technologies of rule.

Hence, the question remains to *what extent* the techniques and weapons that Europe transported to its colonies "boomeranged" back upon the institutions and techniques of power in the West.

Do these “series of colonial models”, which Foucault mentioned only in passing, reach further than the more obvious “colonial” techniques (Legg, 2007: 267)? This could encompass, for instance, the panopticon itself, enacted via the monitoring of schools, the governance and cultural analysis of populations, and English literature curricula—all of which had at least some of their many origins in the colonies (Mitchell, 2000: 3). Assessing the imperialist project as being central to the production of “the West” effects an important hermeneutical shift with respect to Foucault’s analysis about the techniques of power and institutions of Europe during its centuries of imperialist expansion. As Spivak (1994: 86) explains,

It seems as if the very brilliance of Foucault’s analysis of the centuries of imperialism produces a miniature version of that heterogeneous phenomenon: management of space—but by doctors; development of administrations—but in asylums; considerations of the periphery—but in terms of the insane, prisoner and children. The clinic, the asylum, the prison (...)—all seem to be screen-allegories that foreclose a reading of the broader narratives of imperialism.

In other words, a more precise elaboration of the manner in which the topographical re-inscription of imperialism specifically informed Foucault’s own presuppositions remains necessary, as we are continually haunted by the production of “miniature versions” (86) of imperialism at the heart of Europe’s modern imaginary and social fabric that nevertheless remain un(der)theorised and un(der)acknowledged *as such*.

To point out that some of Foucault’s ideas failed to acknowledge extra-European dimensions is not to say that their validity is necessarily compromised. However, to ensure that we fully acknowledge the extent to which world-knowing and world-creating strategies lay at the heart of European colonialism, we should also not downplay them, nor make them into a trivial matter of historical contingency.⁷ This means that by “sorting out these

⁷ This goes to the heart of recent debates about how our colonial past is related to our (post)colonial present. Duncan Ivison (2010), for instance, argues that philosophical rationality can still bring colonialism and imperialism before the normative bench of universal justice. Colonial legal governance and the history of philosophy here stand in a relation of normative political deviation. For an account

colonial etiologies of Western culture and its reformist gestures” (Stoler, 1995: 17), it becomes possible to redraw the conceptual topography of some strands of Foucauldian thought and rethink some of its key aspects. Hence, acknowledging “the transcontinental dimension of western traditions of thinking” (Mills, 2015: 13) should also involve a reconsideration of the philosophical implications of “the racialized dimensions of concepts putatively colorless and all-inclusive” (12). Before taking up such a reconsideration concerning Foucault’s ethics, in the next section I first briefly introduce his so-called “ethical turn”.

III. Foucauldian Ethics

Foucault (1997b: 284) defines ethics as a “reflexive practice of freedom”. He sees this practice as distinctive of the “Enlightenment orientation”, which he defines as a form of critical reflection on the present that seeks to understand societal developments by asking itself: “[W]hat difference does today introduce with respect to yesterday” (Foucault, 1997c: 303)? The permanent creation of ourselves in our autonomy, he contends, “is at the heart of the historical consciousness that the enlightenment has of itself” (314). By positioning himself in the Kantian Enlightenment tradition, Foucault characterises his work as “oriented towards the ‘contemporary limits of the necessary’”, understood here as those things that are no “longer indispensable for the constitution of ourselves as autonomous subjects” (313). In this way, one can critically evaluate “in what is given to us as universal, necessary and obligatory”, the space occupied “by whatever is singular, contingent, and the product of arbitrary constraints” (315). This orientation highlights old forms of thinking and doing, not as the taken-for-granted horizons in which we must understand new developments, but as partial limits that some new activity may enable us to cautiously modify or even venture beyond (Tully, 2008: 45). Foucault (1997c: 315) terms this philosophical ethos “a limit-attitude”—one that is situated “at the frontiers”, and that

that is very different from this view, see Ian Hunter (2010), who treats the public historiography of colonial legal governance as a historical fact—as something that is intimately caught up and interwoven with the very development and constitution of it. For a good example that applies the former methodological approach, see Leif Wenar (2008). For an overview of different strategies of how to deal with past traditions that are inherently contaminated with the historical situation in which they emerged, see Nikita Dhawan (2014).

analyses and reflects upon the limits of its very own criticisms in order to transform such reflective analysis of the limits of one's horizon into a critique that is *practical*.

It is in relation to this transformation that ethics enters the discussion. For Foucault, ethics involves much more than merely a concern with right and wrong. Instead, it focuses on "the kind of relationship you ought to have with yourself, *rapport a soi*" (Foucault, 1997a: 263).⁸ This is the ethics he finds in Greek and Roman antiquity, consisting mainly of vocabularies that offer forms of self-techniques geared towards ethical self-development. What is distinctive and important for Foucault about these specific Greek and Roman techniques of the self, is that they enjoyed "a relatively autonomous status" vis-à-vis controlling instances, "with moral codes or rules functioning only in the background" (Vintges, 2012: 288). It was through these ethical vocabularies that subjects could acquire a personal ethos in the light of which they could freely create themselves. Acquiring such an ethos, however, was not something that could be done alone, but rather involved different models, as suggested or imposed by one's culture, society, or social group (Foucault, 1997b: 291)—for example, philosophical schools or religious groups, such as "the Therapeutae" (Foucault, 2005: 91; Vintges, 2012: 288). As a type of ethics that enables us to critically reflect upon what we have become as subjects, it prefigured and mirrored the permanent creation of ourselves in autonomy, which Foucault saw as being at the heart of the historical consciousness that the Enlightenment has of itself. Thus, perhaps unsurprisingly, in reference to antiquity's use of literature as a practice of the self, Foucault (1997a: 277) comments: "I would not deny that it is modern."⁹

Ultimately, ethics involves the sustainment of a reflexive relationship between a range of moral obligations and prohibitions—the "prescriptive ensemble"—which Foucault calls

⁸ For a detailed elaboration on the four aspects of *rapport à soi*, see Foucault (1997a: 263; cf. Cordner, 2008: 595).

⁹ Hence the relevance of embedding this period where Foucault writes mainly on the 5th century BCE to the 1st century CE within a critical modernity discourse that helps us to ask whether his genealogy of ancient ethics "might also be traced through imperial maps of wider breadth that locate racial thinking and notions of "whiteness" as formative and formidable coordinates between them" (Stoler, 1995: 17).

“the moral code”, and the living of a particular life in a specific historical and cultural setting (Foucault, 1985: 25–26). This involves not so much “an integration” (Cordner, 2008: 595) between these two aspects, but rather the cultivation of a specific relationship in which subjects aim to “overdetermine” moral obligations and prohibitions into ethical self-practices.¹⁰ In doing so, subjects do not necessarily reject the present self-techniques altogether, but rather reappropriate them by placing them in the service of their own self-constitution, geared towards an ethos provided—but *not determined*—by relatively autonomous collective settings. Such practices are “transformative rather than affirmative vis-à-vis the codes and rules of the prevailing moral system” and aim to perform “individual and collective ‘work on the limits’ of one’s culture, inventing new subjectivities and self-techniques by critically reworking the present ones” (Vintges, 2012: 289).

In other words, at the core of the Foucauldian ethos stands the fundamental imperative “to take care of yourself” (Foucault, 1997b: 285)—a transformation of the self that necessarily consists of a transformative reaffirmation of the relations of subjection that have made us who we are. What will be important to remember is that “the principal aim, the principal target of this kind of ethics was an aesthetic one” (Foucault, 1997a: 254), meaning such transformation ultimately served an “aesthetic of existence” (Foucault, 1985: 89), with our own lives now becoming an object or a work of art (Foucault, 1997a: 261). In the following section, I problematise this imperative by arguing that it gives both moral and ontological priority to the self, whilst simultaneously choosing to de-emphasise the politics that lie beneath. I then connect this to Foucault’s near-silence regarding European colonialism.

IV. The Limits of an “Aesthetics of Existence”

Foucault has been criticised by many of his readers for what they perceive to be a lack of other-oriented concern in his idea of ethics as “the kind of relationship you ought to have with yourself, *rapport a soi*” (Foucault, 1997a: 263). Examples include Gardiner (1996: 29), who contends that Foucault presents us with a distorted picture of the human condition, since his “ethical aestheticism”

¹⁰ The term “overdetermine” appears in Vintges (2012) and captures the dynamic quite well.

seems to deny that "intersubjective relationships are ontologically primary". Others complain about the scant attention that is given to the issue of moral responsibility (Smart, 1995: 100), whilst still others express concern about the subject's inability to develop a disposition for paying ethical regard to the other (Cordner, 2004: 600), possibly leading to a consequential endorsement of moral self-indulgence (603).

Indeed, it would appear¹¹ that Foucault relocates the ethical from interpersonal relationships to the relationship one has with oneself, and that care for the self then becomes a precondition for ethical relationships with others. For him, only by taking care of oneself would one be able to conduct oneself properly in relation to others. In Foucault's words: "[C]are for others should not be put before the care of the self", since "the care of the self is ethically prior in that the relationship with oneself is ontologically prior" (Foucault, 1997b: 287). Hence, whilst *rappport à soi* may indeed take the form of various sorts of care for others, this happens through the primacy of one's relationship to the self, and the ethical claims that are being made on me come *before* and not *after* the ethical summons of the other (cf. Levinas, 1988). However, this should not automatically lead one to conclude that the Foucauldian ethos amounts to a solitary pursuit—a prioritising of isolated individuality (McNay, 1992: 163–64), or the advocating of blatant egoism (Smart, 1995). After all, practices of the self take place and derive their meaning from interpersonal situations, and individual ethical acts are linked to a particular way of dealing with surrounding communities. What does seem to be the case, however, is that by giving both ontological and moral primacy to the self, Foucault precluded a more thorough consideration of how these surrounding communities might have played a more vital and conditional role in the constitution of ethical subjectivity in antiquity.

Timothy O'Leary (2002: 43) argues that Greek society was a rather harsh, compartmentalised, and unequal society in which mastery

¹¹ Much of what Foucault has to say about this comes from two interviews given by Foucault (1997a; 1997b) in 1983 and 1984. In these interviews Foucault's answers are shaped by the questions of the interviewer, and should be treated with caution, as they could be read as contextual to that particular moment. Thanks to an anonymous referee for pressing this point.

over oneself also formed the moral condition for the possibility to exercise mastery over others. When Foucault writes that the ethos of freedom is also a way of caring for others, that it is important for a free man who conducts himself as he should (i.e., “ethically”) to be able “to govern his wife, his children, his household” (Foucault, 1997b: 287), it becomes evident in his phrasing that there appears to be an isomorphism between self-mastery and the mastery of others (O’Leary, 2002: 62). Here, Foucault’s reading of classical Greek ethics becomes somewhat problematic, not least as it overlooks and lacks suspicion of the possibility “that there was a more “political” (and more unsavoury) motivation for this work on the self” (O’Leary 2002: 66–67). Foucault does acknowledge that we are dealing here with a thoroughly masculinist ethic “of men made for men” (Foucault, 1985: 83), which emerged in “a purely virile society with slaves in which women were underdogs” (Foucault, 1997a: 256), and he tries to account for this problem by agreeing that we need to update the care of the self in this classical sense (Foucault, 1997b: 294). However, he does not seem to consider the possibility of a more fundamental role played by this society and chooses to emphasise the aesthetic interpretation of ancient ethics over a more political one, and rhetorically asks: “[Why] couldn’t everyone’s life become a work of art” (Foucault, 1997a: 261)?

Here, then, is the key point. By building his model for the ethical subject on the figure of a free man in antiquity, Foucault implicitly provided the answer to this rhetorical question himself: because there might be a more *systemic* and intrinsic connection between a virile and exclusionary society, and a kind of ethics of aestheticised self-constitution where care of the self takes moral precedence over the care for others. Emphasising this connection highlights that Foucault’s contention that “one must apply aesthetic values [to] oneself, one’s life, one’s existence” (Foucault, 1997a: 271), that “we have to build our existence (...) for the beauty or glory of [it]” (266), is always already preceded and circumscribed by normative understandings of *which lives* count as beautiful and *which practices* can be considered glorious. This is important, because it very much complicates the possibility of what he calls “updating” these self-techniques, especially if it consists of “simply” transposing this free ethical subjectivity (men) to the others (women and enslaved persons) of Greek society. It must inevitably involve more

than a mere adding of new groups of subjects, as their systemic omission was part of the emergence of Greek society and the political motivations and aims of its accompanying form of ethical subjectivity as its very foundation/functioning.

Such an update, however, should also not amount to a complete turning of the tables, where the emphasis on the subject's ethical self-constitution is *altogether* replaced by an imperative to take care of others—an ethics predicated purely on a moral responsibility for others, convinced like some (e.g., Smart, 1995: 87) that it is “from the initial moral bearing of being, taking or assuming responsibility for the other that a particular ethical practice of caring for the self follows”. When the other's call or appeal implores one to take responsibility *for* this other (cf. Spivak, 2005: 153), it seems that taking the other into account runs the familiar risk of becoming assimilated to (yet again) the dynamics of self-constitution—i.e., “a general theory of values, or ‘causes’ to which the self is loyal” (Ogletree, 1971: 35). Such criticism of a lack of the other, using an other-effacing narrative, reinforces the hold of the self on the other and in doing so reinstates precisely the instruments it sought to undo.

Hence, not only do we need to revitalise the other's role as co-constitutive of one's relationship to the self, but we should also situate this narrative within the larger genealogy of “coloniality/modernity” (Escobar, 2007).¹² In the final section, I show why this is crucial to the prospect of a renewed (“updated”) understanding of what and/or who could be seen as participating in “practices of freedom”. As we seek to recuperate the systemic omissions of Foucault's ethical turn, we should not only “take account” of these omissions, but also aim for a transformation of what counts as taking ethical self-techniques and ethical subjectivity in a new direction.

V. Conjugating Foucauldian Ethics and the Logic of “Modernity/Coloniality”

The closest Foucault himself gets to colonialism in relation to his ethics is his elaboration on the issue of liberation. He contends

¹² Remember that Foucault (1997a: 277) commented on Greek and Roman ethics: “I would not deny that it is modern.”

that “when a colonized people attempts to liberate itself from its coloniser, this is indeed a practice of liberation in the strict sense” (Foucault, 1997b: 282). However, the modern attitude with which Foucault is concerned happens only *after* liberation. It is only then that one can start to define the “practices of freedom” that will be needed if a people want to be able to define admissible and acceptable forms of existence and (political) society (283). That is, it is only post-liberation that one can learn to conduct oneself ethically. Hence, Foucault concludes that “the slave has no ethics” (286).

This remark raises a question. If Foucault (1997c: 310) treats modernity as an attitude, embodied by an individual that practices ethics as a *techne* of the self, as opposed to a phenomenal stage in a history that is universal, why does he pronounce that “the slave has no ethics”? Whilst treating modernity as an attitude can potentially allow for much more inclusive and heterogeneous ways of “defining” modernity, by carving out a specific “liberated” space as a condition for this distinctively modern attitude to emerge, Foucault effectively disarticulates the colonial experience from the grounds of European-modern experience. Consequently, this situates (colonial) others “before” or “outside” the modern critical attitude, figuring them as “the not yet” of modern Europe’s self-image. By debarring enslaved human beings from the very sort of relationships with themselves and with others that would be the prerequisite for an ethical practice of any sort (Faubion, 2013: 495), they are left as mere traces in Foucault’s argument, “as if they cannot be imbued and animated with a life that will allow them to speak with and to his own ethical inquiry in European modernity” (Shilliam, 2011: 658, emphasis added).

This is, of course, problematic as it obscures distinct responsibilities that are not directly identified with the colonial West, eliminating those very revolutionary acts that could performatively bring about precisely such (re)actions of “response-ability” (Mezzadra & Rahola, 2015: 44), contributing to what Mills (2015: 10) has called “a double mystification”, in which both the inclusion of anti-colonial voices *and* the grounds that would legitimise their inclusion remain unrecognised.¹³ This leads us to underestimate the seriousness of

¹³ Note that this is somewhat different from—and perhaps also complicates—

their agency, and other claims and acts of “freedom” (Chauvin & Garcés-Mascareñas 2012: 253; cf. Butler, 2012). Foucault’s normative understanding of ethical practices of freedom, with its insistence and emphasis on the individualised aesthetic aspects of ancient ethics, inhibits the possibility of making visible how different (self)techniques of resistance—which surely would resonate with Foucault’s immanent critique of the limit-attitude of modernity—did *not only* operate on this (liberated) modern temporal space.¹⁴ This precludes the possibility of an *ethical* encounter: after all, how can the *damné* arise as a questioning body out of this very conjunction of modernity/coloniality that capitalises on the other’s exclusion? Those lives, those bodies, those agents may be rightless, but that does not mean that we can let our conceptualisations run the risk that they dispossess those lives, bodies, and agents *again* of everything of which they are capable.

I perceive there to be an urgent need to reaffirm Foucault’s ethos as that which emerges from the social relations that it enacts or contests. If care for the self takes moral precedence over care for the other, if taking care of the other is only a logical consequence of taking proper care of oneself, then the way you relate to others consequently lacks a critical modern attitude, as a distinctive practice of freedom deserving—indeed, needing—its own set of questions and its own kind of critical reflections. Thus, an alternative ethics would necessarily need to focus on the “*very relationship and capacity arrested and denied by the tools of (...) racial and cultural difference*” central to European modernity’s self-constitution (Chakravartty & Ferreira da Silva, 2012: 282, original emphasis). By focusing critically on the anti-relational presumptions that are

what Miranda Fricker (2007) terms “epistemic injustice”, which points to the unacknowledged parochial character of Western political thinking, in which the absence of hermeneutical tools leaves the subordinated without the materials to conceptualise and/or theorise about their situation. The focus that I want to stress here is centred on remembering that these “subordinates” are not passive recipients of political tools and concepts, but are actively involved in reconfiguring, creating, and re-creating them, hopefully without reproducing the constitutive violence that marked their emergence in the first place (Chakrabarty, 2000: 4).

14 Such an unwillingness to recognise the agency of others is familiar in contemporary narratives about the Enlightenment and, for instance, is exemplified in the erasure of the Haitian Revolution—one the most significant appropriations of Enlightenment principles (Fischer, 2004). The omission of slave experiences from accounts of modernity remains a problematic feature of both Enlightenment and post-Enlightenment critical thinking (Gilroy, 1993).

involved, it would show that the Foucauldian ethos is vulnerable to the loss of its dependence on others; it would resituate his ethos as having no foundation in the “I”, effectively making the ethical question into *a relational problem*. Such a reaffirmation would reformulate the Foucauldian ethos into a mode of being an ethical subject that is not fundamentally predicated upon the imperative “to take care of yourself”, but rather derives this imperative from the even more fundamental, radical interdependency that forms the condition of possibility for such a self to persist. Given the self’s implication in—and complicity with—the very relational structure that makes possible an ethos in the first place, we can then ask, how to proceed, responsibly, in constituting an ethical relationship to the self: How to overdetermine the impoverished self—techniques of governmental regimes and disciplinary mechanisms, *given that you are always already given to someone?*

VI. Conclusion

By conjugating Foucault’s blind spots concerning colonialism with his distinctive conceptualisation of ethical subjectivity, I have tried to show how a redrawing of his conceptual topography allows us to rethink the ways in which this relationship might have unconsciously reinscribed some of his theoretical presuppositions. In this sense, I have argued for the significance of including the Foucauldian ethos as part of the task of “provincializing philosophy” (Chakrabarty, 2000). The hope would be that a simultaneous acknowledgement of the situatedness of the Foucauldian ethos as part of Europe’s modern imaginary, and its implication in transcontinental dimensions, could potentially inscribe “a lesson of otherness” into the very heart of particular strands of Foucauldian thought and its constitution, in order to recognise “that the other is a necessary component of its ‘identity’, therefore its future vitality, [and] its power” (Balibar, 2004: 223).

I have argued that a mere acknowledgement of Foucault’s blind spots is not enough to revitalise him as normatively significant to the project of decolonising the foundations of critical social theory (Allen, 2016). If the pertinent question in the contemporary world is “how we can use Foucault’s ideas to recover the vital capacity to think and act politically, when it is precisely these very same capacities that are being pathologized as expressions of hubris

and underdevelopment of postcolonial peoples" (Mezzadra et al., 2013: 1), then we cannot *simply* accept "Foucault's 'revisited' insights on discourse and the subject as a potential contribution towards a postcolonial ethics" (Nicholls, 2010: 119). Rather, we need to critically rework some of his ideas so that they become more oriented and inclusive towards precisely those vital capacities of political thinking and acting.

Thus, before one adopts the Foucauldian ethos, one would do well to focus on who or what gets neglected in this very ethos, because it starts from the assumption of the absence of a *relationship*. If we indeed aspire to create the kind of structural relational opportunities that people need so that "everyone's life could become a work of art" (Foucault, 1997a: 261), we would do well to correct for modernity's self-capitalising on the colonial other who, as an enslaved being, "has no ethics" (Foucault, 1997b: 286). Making Foucault's ethical turn vulnerable to the rise of the *damné* as a questioning body puts to the test the radically anti-relational presumption that is built into this "distinctively modern philosophical attitude" (cf. Foucault, 1997c: 309). As both its dismantling *and* its recuperation, it is a transformative kind of questioning predicated upon an alternative ethics that has made its ethos into a relational problem by seeking a mode of being ethically that aspires "to build the world of the *You*" (Fanon, 1967: 232, original emphasis).

By asking himself rhetorically "was my freedom not given to me in order to build the world of the you?", Fanon (1967: 232) had already provided the supplement that the Foucauldian ethos needs: an acknowledgement that there can be no invention of the self without the you, and that this self is constituted precisely through "a mode of address that avows its constitutive sociality" (Butler, 2015: 194). It questions not only who or what we have become as subjects—which would be the imperative of what Foucault analysed as the core of a critical modern attitude—but also whether "we" have ever been "modern" subjects at all, therewith articulating a distinct yet fundamentally intertwined experience of "our" emergence into the processes of modernisation.¹⁵ Reading them together is one

¹⁵ This phrase is inspired by Sylvia Wynter's critical intervention in the debates on (post)humanism and is not meant in its more Latourian sense. When Bruno Latour (1993) coined this phrase, he was criticising what he perceived to be an erroneous

important way of thinking carefully yet urgently about the legacies of critical theory *and* the prospects of a global humanities today, by re-turning “us” to those very non-normative practices of freedom that really embody and give life to the transformation of what/who counts as a real “work of art”.

References

- Allen, A. (2011). “Foucault and the politics of our selves.” *History of the Human Sciences* 24(4), 43–59.
- Allen, A. (2016). *The end of progress: Decolonizing the normative foundations of Critical Theory*. New York: Columbia University Press.
- Arendt, H. (1973 [1951]). *The origins of totalitarianism*. New York: Harcourt Brace.
- Balibar, É. (2004). *We, the people of Europe: Reflections on transnational citizenship*. Princeton: Princeton University Press.
- Butler, J. (2012). “Precarious life, vulnerability, and the ethics of cohabitation.” *The Journal of Speculative Philosophy* 26(2), 134–51.
- Butler, J. (2015). “Violence, nonviolence: Sartre on Fanon.” In J. Butler, *Senses of the subject* (171–97). New York: Fordham University Press.
- Chakrabarty, D. (2000). *Provincializing Europe: Postcolonial thought and historical difference*. Princeton: Princeton University Press.
- Chakravartty, P., & Ferreira da Silva, D. (2012). “Accumulation, dispossession, and debt: The racial logic of global capitalism.” *American Quarterly* 64(3), 361–85.
- Chauvin, S., & Garcés-Masareñas, B. (2012). “Beyond informal citizenship: The new moral economy of migrant illegality.” *International Political Sociology*, 241–59.

distinction between subject-object typical of modernist thinking. I use it here in a different way, as taking issue with the universal-referent “we” and its accompanying particularistic and narrow understanding of who/what encompasses modernity (e.g., Wynter, 2003; see also Kaiser & Thiele, 2017: esp. 407–409).

- Cordner, C. (2004). "Foucault and ethical universality." *Inquiry* 47, 593-609.
- Cordner, C. (2008). "Foucault, ethical self-concern and the other." *Philosophia* 36, 593-609.
- Dean, M., & Hindess, B. (1998). *Governing Australia: Studies in contemporary rationalities of government*. Cambridge, UK: Cambridge University Press.
- Dhawan, N. (2014). "Affirmative sabotage of the master's tools: The paradox of postcolonial enlightenment." In N. Dhawan, *Decolonizing Enlightenment: Transnational justice, human rights and democracy in a postcolonial world (19-79)*. Leverkusen: Barbara Budrich Publishers.
- Fanon, F. (1967). *Black skin, white masks*. New York: Grove Press.
- Escobar, A. (2007). "Worlds and knowledges otherwise: The Latin American modernity/coloniality research program." *Cultural Studies* 21(2-3), 179-210.
- Faubion, J. D. (2013). "Foucault's ontology and epistemology of ethics." In C. Falzon, T. O'Leary, & J. Sawicki, *A companion to Foucault (493-509)*. Malden: Wiley-Blackwell.
- Fischer, S. (2004). *Modernity disavowed: Haiti and the cultures of slavery in the Age of Revolution*. Durham, CA: Duke University Press.
- Foucault, M. (1985). *The use of pleasure: Volume 2 of The History of Sexuality*. New York: Random House.
- Foucault, M. (1997a). "On the genealogy of ethics: An overview of work in progress." In P. Rabinow, *Ethics, subjectivity and truth: The essential works of Michel Foucault 1954-1984, Vol. 1 (253-80)*. New York: New Press.
- Foucault, M. (1997b). "The ethics of the concern for self as a practice of freedom." In P. Rabinow, *Ethics, subjectivity and truth: The essential works of Michel Foucault 1954-1984, Vol. 1 (281-301)*. New York: New Press.
- Foucault, M. (1997c). "What is Enlightenment?" In P. Rabinow, *Ethics, subjectivity and truth: The essential works of Michel Foucault 1954-1984, Vol. 1 (303-19)*. New York: New Press.

- Foucault, M. (1998). "What is an author?" In J. D. Faubion, *Aesthetics, method, and epistemology: The essential works of Michel Foucault 1954–1984*, Vol. 1 (205–22). New York: New Press.
- Foucault, M. (2003). *Society must be defended: Lectures at the College de France 1975–1976*. London: Penguin.
- Foucault, M. (2005). *The hermeneutics of the subject: Lectures at the College de France, 1981–1982*. New York: Picador.
- Fricker, M. (2007). *Epistemic injustice: Power and the ethics of knowing*. New York: Oxford University Press.
- Gardiner, M. (1996). Foucault, ethics and dialogue. *History of the Human Sciences* 9(3), 27–46.
- Gilroy, P. (1993). *The black Atlantic: Modernity and double consciousness*. London: Verso.
- Hesse, B. (2007). "Racialized modernity: An analytics of white mythologies." *Ethnic and Racial Studies* 30(4), 643–63.
- Hunter, I. (2010). "Global justice and regional metaphysics: On the critical history of the law of nature and nations." In S. Dorsett, & I. Hunter, *Law and politics in British colonial thought: Transpositions of Empire* (11–30). New York: Palgrave Macmillan.
- Iverson, D. (2010). "Justice and imperialism: On the very idea of a universal standard." In I. Hunter, & S. Dorsett, *Law and politics in British colonial thought: Transpositions of Empire* (31–50). New York: Palgrave Macmillan.
- Kaiser, B.M. & Thiele, K. (2017). "What is species memory? Or, humanism, memory and the afterlives of '1492'". *Parallax* 23(4), 403–15.
- Latour, B. (1993). *We have never been modern*. Cambridge, MA: Harvard University Press.
- Legg, S. (2007). "Beyond the European province: Foucault and postcolonialism." In J. W. Crampton, & S. Elden, *Space, knowledge and power: Foucault and geography* (265–89). Hampshire: Ashgate.
- Levinas, E. (1988). *Entre-nous: On thinking-of-the-other*. New York:

Columbia University Press.

- Lorde, A. (1984). "The master's tools will never dismantle the master's house." In A. Lorde, *Sister outsider: Essays and speeches* (110–13). New York: Crossing Press.
- Mbembe, A. (2003). "Necropolitics." *Public Culture* 15(1), 11–40.
- McNay, L. (1992). *Foucault and feminism: Power, gender and the self*. Cambridge, UK: Polity Press.
- Mezzadra, S., & Rahola, F. (2015). "The postcolonial condition: A few notes on the quality of historical time in the global present." In P. K. Malreddy, B. Heidemann, O. B. Laursen, & J. Wilson, *Reworking postcolonialism: Globalization, labour and rights* (36–54). London: Palgrave Macmillan.
- Mezzadra, S., Reid, J., & Samaddar, R. (2013). "Introduction: Reading Foucault in the postcolonial present." In S. Mezzadra, J. Reid, & R. Samaddar, *The biopolitics of development: Reading Michel Foucault in the postcolonial present* (1–14). Springer: New Delhi.
- Mignolo, W. (2009). "Epistemic disobedience, independent thought and decolonial freedom." *Theory, Culture and Society* 26(7–8), 159–81.
- Mills, C. (2015). "Decolonizing Western political philosophy." *New Political Science* 37(1), 1–24.
- Mitchell, T. (2000). "The stage of modernity." In T. Mitchell, *Questions of modernity* (1–34). London: University of Minnesota Press.
- Nichols, R. (2010). "Postcolonial studies and the discourse of Foucault: Survey of a field of problematization." *Foucault Studies* 9, 111–44.
- Ogletree, T. (1971). *Hospitality to the stranger: Dimensions of moral understanding*. Philadelphia: Fortress Press.
- O'Leary, T. (2002). *Foucault and the art of ethics*. London: Continuum.
- Ong, A. (2008). "Scales of exception: Experiments with knowledge and sheer life in tropical Southeast Asia." *Singapore Journal of Tropical Geography*, 117–29.
- Outtes, J. (2003). "Disciplining society through the city: The genesis

- of city planning in Brazil and Argentina." *Bulletin of Latin American Research* 22(2), 137–64.
- Samaddar, R. (2013). "Michel Foucault and our postcolonial time." In S. Mezzadra, J. Reid, & R. Samaddar, *The biopolitics of development: Reading Michel Foucault in the postcolonial present* (25–44). New Delhi: Springer.
- Shilliam, R. (2011). "Decolonising the grounds of ethical inquiry: A dialogue between Kant, Foucault and Glissant." *Millennium: Journal of International Studies* 39(3), 649–65.
- Smart, B. (1995). "The subject of responsibility." *Philosophy & Social Criticism* 21(4), 93–109.
- Spivak, G. C. (1994). "'Can the subaltern speak?'" In P. Williams & L. Chrisman, *Colonial discourse and post-colonial theory: A reader* (66–111). New York: Columbia University Press.
- Spivak, G. C. (2005). "Use and abuse of human rights." *Boundary 2* 32(1), 423–581.
- Stoler, A.L. (1995). *Race and the education of desire: Foucault's History of Sexuality and the colonial order of things*. Durham: Duke University Press.
- Thompson, K. (2003). "Forms of resistance: Foucault on tactical reversal and self-formation." *Continental Philosophy Review* 36(2), 113–38.
- Tully, J. (2008). *Public philosophy in a new key, Volume II: Imperialism and civic freedom*. New York: Cambridge University Press.
- Vintges, K. (2012). "Muslim women in the Western media: Foucault, agency, governmentality and ethics." *European Journal of Women's Studies*, 283–98.
- Wenar, L. (2008). "Property rights and the resource curse." *Philosophy & Public Affairs*, 2–32.
- Wynter, S. (2003). "Unsettling the coloniality of being/power/truth/freedom: Towards the human, after man, its overrepresentation – An argument." *CR: The New Centennial Review* 3, 257–337.
- Young, R. J. (1995). "Foucault on race and colonialism." *New*

Formations 25, 57–65.

Zamora, D., & Behrent, M. C. (2015). *Foucault and neoliberalism*.
Cambridge, UK: Polity Press.

Seeing Things Differently: A Phenomenological Account of Depersonalization in Social Phobia

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Abstract: While analyses of mental disorders are multifarious in the field of phenomenology, there is little work done examining social phobia (SP). This is a notable lacuna, given that one of the most prevalent topics in phenomenology is intersubjectivity, a theme which appears to lie at the root of social phobia. Further, although recent studies suggest that experiences of depersonalization (DP) and derealization (DR) are highly prevalent in SP, there is a distinct lack of philosophical literature discussing this. The aims of this paper are twofold: to gain deeper understanding of the experiences of DP and DR as symptoms which occur in SP, and to provide a philosophical account of social interactions within SP. In the first part of this paper, I demonstrate that the account of intersubjectivity given by Jean-Paul Sartre is a useful explanatory framework for the presence of DP and DR in SP. Following this, I look more broadly at SP, and indicate how accounts of intersubjectivity which emphasize the importance of intercorporeality, such as those given by scholars such as Maurice Merleau-Ponty and Shogo Tanaka, allow us to contextualise the pathological social interactions socially phobic persons face. Ultimately, I argue that we can best understand social phobia if we recognize that it is a disorder not merely of sociality, but of perception

Keywords: Social Phobia, Phenomenology, Depersonalization, Objectification, Perception

Introduction

While analyses of mental disorders are multifarious in the field of phenomenology, there is little work done examining social phobia (SP). This is a notable lacuna, given that one of the most prevalent topics in phenomenology is intersubjectivity; after all, SP appears to be a disorder of, or about social interaction. Further, evidence collected from recent psychological studies suggests that the experience(s) of depersonalization (DP) and derealization (DR) are highly prevalent in SP (Čolić, et al. 2020; Gül and Karaaslan 2014; Hoyer, et al. 2013). Despite this, there is a distinct lack of philosophical literature discussing the subject. In this paper I aim to fill this gap by providing a philosophical account of social interactions within SP, and the experiences of DP and DR as they occur within the disorder.

I will first examine DP and DR as prevalent symptoms in SP. I will argue that a Sartrean account of intersubjectivity, centred around his seminal description of the look, is instructive in this endeavour. However, in order to fully understand an experience or symptom within any specific disorder, it is important to ‘zoom out’ and contextualize this within the disorder itself. The examination of symptoms can be informative of the nature of disorders, and vice-versa. With this in mind, I will first examine the experience of DP/DR and draw a correlation between this and the Sartrean look. Following this, I will look more broadly at social phobia, and blend three arguments presented by Maurice Merleau-Ponty, Shogo Tanaka, and Martin Heidegger, to compose an understanding of the disorder which has explanatory currency for the asymmetrical social interactions present in the illness. In doing so, I identify flawed perception as the engine of the disorder.

Social Phobia, Depersonalization and Derealization

SP is recognized as a mental disorder in both main psychiatric nosology manuals: the Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) and the Tenth Edition of the International Classifications of Diseases (ICD-10). SP, also known as social anxiety disorder, is characterized by marked fear or anxiety in social situations where the individual is exposed to possible scrutiny by others. Situations in which anxiety

arises include having a conversation, giving a speech, or being observed doing something such as eating or drinking (American Psychiatric Association 2013; World Health Organization 1992). Social interactions are characterized by fear and anxiety, and are either endured with intense suffering, or avoided altogether (2013; 1992). One of the cornerstone features of this disorder is the fear of negative evaluation, and the stipulation that this fear is out of proportion to the actual risk of being judged in the interaction (American Psychiatric Association 2013). Without treatment, the illness usually endures chronically, resulting in impairments to one's social and occupational functioning (McManus, et al. 2010, 581).

DP and DR are dissociative symptoms. Dissociation is defined as the disruption or discontinuity of the normal integration of consciousness, perception, temporal experience, identity, sensations, motor control and behaviour (American Psychiatric Association 2013; World Health Organization 1992). Dissociation is thought to be deeply related to trauma; in the DSM-V dissociative disorders are positioned next to the trauma and stressor related disorders as a way of indicating the entanglement between these two categories (American Psychiatric Association 2013). DP is described as experiences of unreality and detachment from self, mind, or body; sufferers may report feeling as though they are watching themselves from the third person, may not recognize themselves in mirrors, and report that their memories do not feel like their own (Reutens 2010, 278). DR is understood to be characterized by experiences of unreality or detachment from one's surroundings; objects may appear lifeless, colourless, artificial, or distant (American Psychiatric Association 2013; World Health Organization 1992).

While these experiences are distinct from one another, in that DR is directed outward toward the world while DP is directed inward toward the self, they are usually discussed in tandem. There are two reasons for this: firstly, it is common for them to be experienced simultaneously, and secondly, there is no evidence of a discrepancy or distinction between persons who experience one over the other (American Psychiatric Association 2013, 291). For instance, when it comes to diagnosis of depersonalization-

derealization disorder (DDD), persons are diagnosed if *either or both* symptoms are present (2013, 291). For these reasons I too will discuss these experiences in tandem as a unitary experience of DP/DR, unless otherwise stated.

This paper will examine the presence of DP/DR in SP specifically, however it is worth noting that these symptoms can be experienced in a variety of different circumstances. They do not only occur in psychopathological cases; approximately half of the entire population has a transient experience of DP/DR within their lifetime (American Psychiatric Association 2013, 303). This is perhaps unsurprising given that such an experience often accompanies fatigue, something most of us will face at some time or another (World Health Organization 1992, 172). DP and DR are also prevalent across the spectrum of anxiety disorders¹, and are a common feature of panic attacks, which can occur in any anxiety disorder (Hoyer, et al. 2013, 179). These symptoms endure chronically for persons who suffer from DDD, a disorder which is noted for its high levels of comorbidity with anxiety and depressive disorders (American Psychiatric Association 2013; Hunter, et al. 2003; World Health Organization 1992).

In this paper I am concerned with answering the following question: what conditions engender the experience of DP/DR for the socially phobic person? But first I want to answer; what does DP/DR *feel like* for the person experiencing it? Dylan Trigg (2017, 277) looks at the experience of DP/DR, and outlines three main features: a sense of displacement underpinned by a feeling of disturbed bodily subjectivity, a dislocation from intersubjective relations, and sense of estrangement and alienation from one's surroundings. DP/DR is described as a detachment from the self and the world, with sufferers reporting; "my surroundings feel detached or unreal, as if there was a veil between me and the outside world" or "out of the blue, I feel strange, as if I were not real or as if I were cut off from the world" (Michal, et al., 2016, 4). Giovanna Colombetti and Matthew Ratcliffe (2012, 145) note that sufferers of depersonalization report feeling like they are actors being watched from the third person,

¹ They have been recorded in test anxiety, post-traumatic stress disorder, borderline personality disorder, major depressive disorder, panic disorder, schizophrenia, substance abuse etc. (Čolić, et al. 2020, Hoyer, et al. 2013, Hunter, Sierra and David 2004, Michal, et al. 2016).

that they felt like lifeless robots cut off from their body.

One of the more complex and interesting aspects of DP/DR is the fact that it is an issue of appearance, or perception. The distinction between belief and feeling is important here. There is no concurrent *belief* that the self or world is unreal, it is merely perceived or felt as such. Having insight into the fact that this experience is subjective and not a true alteration in the environment is one of the key diagnostic criteria for DP/DR (World Health Organization 1992). The distress felt during episodes of DP/DR is caused by an awareness of the discrepancy between the current altered perception and the memory of the pre-morbid state (Hunter, et al. 2003). If the person suffering DP/DR had the concurrent belief that what they were perceiving was not reality, they would instead be suffering from an episode of psychosis. Instead, they find themselves in a world of unfamiliar seemingly unreal objects, in an unfamiliar or absent self, a feeling which they know to be specific to and for them, unshared with others.

Now that we are familiar with the phenomenology of DP/DR, let's examine why it is so present in the case of SP. Recent studies suggest the prevalence rate of DP/DR is significantly higher in socially anxious individuals, with the symptoms frequently surfacing in social spaces and situations which the person deems embarrassing (Čolić, et al. 2020; Gül and Karaaslan 2014; Hoyer, et al. 2013). Hoyer et al. (2013, 181) in particular, found that over ninety-two per cent of SP patients experienced DP/DR during such a moment. Interestingly, evidence suggests that embarrassing situations are triggers for DP/DR for all persons, not merely for those who are suffering from SP (Čolić, et al. 2020; Hoyer, et al. 2013). Čolić et al. (2020, 1) demonstrate that DP/DR are regularly occurring responses to embarrassing situations for both SP patients and controls. Therefore, we can identify embarrassing situations as the instigator of DP/DR in the context of SP and more generally; the difference is that individuals with SP judge more interactions as embarrassing, and therefore experience DP/DR more frequently².

² Alongside the SP patients, persons with major depressive disorder (MDD) were found to also experience embarrassment more frequently than controls. This is an interesting correlation that is unfortunately beyond the scope of this paper, but which hints at a similarity in the underlying structures of perception within these two disorders.

Indeed, embarrassment appears to be central to SP. This seems intuitive; as emotions go, embarrassment lies at the core of our being social animals (Benziman 2020, 89), so surely it would have a marked presence in a disorder relating to sociality. Indeed, Gerlach et. al (2003, 198) suggest that embarrassment might be the main motivation for avoidance behaviour in SP, as opposed to that of anxiety. Embarrassment arises when we feel we have broken a societal norm or presented ourselves as deficient in some way (Bas-Hoogendam, et al. 2018, 16), and we become concerned with the impression we make on others in the present moment (Goffman 1956, 265). Embarrassment is understood to be connected to the presence of a real or imagined audience, and the expectation of a negative evaluation is the main cause of embarrassment (Müller-Pinzler, et al. 2015, 253).

Embarrassment is also deeply related to shame. While some argue that these are distinct emotional responses (e.g. Bastin, et al. 2016, 456), others hold that embarrassment is merely a variation of shame. Scholars make different suggestions as to what might be the differentiating factor between shame and embarrassment. Some suggest that the intricacy lies in the strength or depth of the emotion; that embarrassment is surface level whereas shame runs deep (Stolorow 2010; Tangney, et al. 1996). Others suggest that duration is a key differentiating factor; that embarrassment passes quickly while shame lingers (Zahavi 2011, 218). Others still contest that there is any real difference at all; Gershen Kaufman holds that regardless of the mildness or intensity, embarrassment is not a different affect to shame³ (Kaufman 1989, 24). I will adopt Kaufman's approach as I believe that embarrassment is merely one variant of the multidimensional emotion of shame. It is worth noting however, that even if I rejected Kaufman's approach and decided to accept the general rules for the differentiation of shame and embarrassment, these rules appear to be broken in the case of SP; the evidence suggests that persons with SP feel embarrassment more often, for longer, and more deeply than others (Gerlach, Wilhelm and Roth 2003, 198), and as such the line between it and shame becomes blurred. When it comes to looking at these

3 It is worth noting that Kaufman does allow that the different faces of shame, such as embarrassment or discouragement, have distinct phenomenologies from one another, however he holds that nonetheless they are merely different expressions of the one emotion of shame (Kaufman 1989, 22).

emotions in the context of SP, a marked delineation is unpragmatic, and as such, unnecessary. Thus, in the remainder of the paper I will make allowances such that shame and embarrassment are used interchangeably.

Sartrean Intersubjectivity: Shame and the Look

Shame and embarrassment are the emotions that accompany the phobic object of SP, namely, negative evaluation. We might deduce then that it is the experience of these emotions which lies at the heart of the disorder. We might even wish to review the object of fear in this phobia: are persons afraid of being negatively evaluated, or afraid of feeling shame/embarrassment? It is in situations that are deemed to be embarrassing that the person with SP experiences DP/DR; what does this tell us about these experiences? Moreover, what does this tell us about the disorder? I will now discuss these questions by looking at DP/DR in SP through a Sartrean lens. It is striking to read Sartre with this disorder in mind; traces of SP appear to be littered throughout his account of intersubjectivity. Sartre's conception of intersubjectivity is not harmonious; following Hegel, he depicts interpersonal interactions as a struggle. As we have seen, fear of embarrassment is a central aspect of SP. We have also seen that embarrassing situations are triggers for episodes of DP/DR, not just for the socially anxious individual, but for all. Sartre's work on shame will, I believe, offer a new explanation of why it is that shame/embarrassment and DP/DR are related.

Sartre proposes that being presents in two dimensions: the in-itself (*en-soi*) and the for-itself (*pour-soi*) (Sartre 2003, 19). The difference between the in-itself and for-itself lies in consciousness. On the one hand, that which exists merely in-itself is non-conscious, it does not "refer to itself as consciousness does", for it is identical to itself. Sartre writes that the in-itself is so "completely [itself] that the perpetual reflection which constitutes the self is dissolved in an identity" (2003, 21). Essentially, for the in-itself, its selfhood is so determined that the notion of a self becomes obsolete. On the other hand, the being-for-itself is conscious, and as such, its being is a question for it (2003, 98). The being-for-itself is not identical to itself, because consciousness allows us to open a dialogue with the self, and as such our identity is never static. The in-itself is often regarded as facticity, while the for-itself is seen to represent

transcendence (Dolezal 2012, 11).

Sartre's account of shame is central to his conception of intersubjectivity, and indeed to his overarching ontology. Sartre holds that certain modes of consciousness are not accessible in isolation, we rely upon the perspective of the other to fully realise all the structures of one's being (Dolezal 2012, 11). He introduces being-for-others, a self-reflective ontological structure, through a discussion of shame. According to Sartre, there are different elements to the structure of shame. It is both self-conscious and intentional. In its intentionality, I am the intentional object; I am ashamed of myself. In this way, shame reveals to me new aspects of my being. While it is possible to reach shame through self-reflection, Sartre makes clear that the primary structure of shame is reliant on the presence of another person (Sartre 2003, 245-46). Importantly, this presence can be either real or imagined. He gives the example of making a vulgar gesture:

I have just made an awkward or vulgar gesture. This gesture clings to me; I neither judge it nor blame it. I simply live it. I realize it in the mode of for-itself. But now suddenly I raise my head. Somebody was there and has seen me. Suddenly I realize the vulgarity of my gesture, and I am ashamed... the Other is the indispensable mediator between myself and me. I am ashamed of myself *as I appear* to the Other. (Sartre 2003, 245-46)

For Sartre, the awareness of the other comes with the awareness of a world of reference, of phenomena which exist not for me but for the other, and allowing room for the perspective of the other equates to a diminishment of my own world (Tulloch 1952, 44). Thus, the other is a threat to my freedom and menace to my existence. Further, I am reduced to an object in the sphere of the other (Tulloch 1952, 44). Sartre gives a second example of a voyeur looking through the keyhole: in the moment, curiosity or jealousy compels me to look through the keyhole. Consumed by the act, I am pre-reflective and not considering my actions. Suddenly I hear footsteps, and I feel the look of the other, I move from pre-reflective to self-conscious as shame shudders through me. In this moment, I am objectified by the look of the other (Sartre 2003, 246,

283).

This conception of intersubjectivity might seem unnecessarily negative for many. Stout (2015, 634) argues that Sartre is overly dramatic in his claim that the look of the other translates to a lack of self-determination and therefore is shaming, noting that “being an object for others is not degrading in itself since it is the basis of all social interaction; it only becomes degrading in certain circumstances”. Whether one chooses to side with Sartre or Stout on this, what is clear is that Sartre’s argument is not nearly as stretched when applied to the socially phobic person. There exists a kind of hierarchy when it comes to objectification through the look; some people are more vulnerable to it than others. For instance, as pointed out by Simone de Beauvoir (2007), women are more objectified by the look than men; more often, and more deeply. Frantz Fanon (2008) makes a similar argument, pointing out how black people are objectified by white people in a non-reciprocal way because of unequal power relations. The socially phobic person also appears to be particularly vulnerable to the look of the other and to the resultant objectification; feeling the effects of the look more frequently, and suffering more viscerally from it.

Why might it be the case that the socially phobic person is more attuned to objectification than others? To answer this, we must look at Sartre’s three ontological dimensions of the body. The first ontological is the body as being-for-itself (Sartre 2003, 330). In this mode, “I exist my body” (2003, 375), meaning that I live through my body transparently (Dolezal 2012, 12); it is the body *for-me* (Sartre 2003, 362). The body *for-me* recedes out of my awareness and does not present to me as an object. Examples in this mode include when we are without any pain or illness, or when we are fully absorbed in a task, just as the voyeur was. The second dimension is that of the body-for-others. Here the body “is utilized and known by the Other” (Sartre 2003, 375). It is in this mode that I become aware that I exist for the other as an object (Dolezal 2012, 12). Importantly, these two first dimensions are incompatible; we are either in the mode of the body *for-me*, which has no external existence, or in the mode of the body-for-others, which exists only externally, as a physical entity with objective features; an object amongst other

objects (Dolezal 2012; Sartre, 2003).

The third and final dimension of the body is the most important for our discussion. In this mode, “I exist for myself as a body known by the Other” (Sartre 2003, 375). Sartre argues that through the objectifying experience of the look I come to know my body-as-object, and understand that my transcendence has been transcended. Luna Dolezal (2012, 13) points out that this mode is in some ways the bridge between the first two; through the awareness of my being for others I exist both for myself and for them. Sartre writes:

The shock encounter with the Other is for me a revelation in the emptiness of the existence of my body outside as an in-itself for the Other. Thus my body is not given merely as that which is purely and simply lived; rather this “lived experience” becomes—in and through the contingent, absolute fact of the Other’s existence—extended outside in a dimension of flight which escapes me. My body’s depth of being is for me this perpetual “outside” of my most intimate “inside.” (2003, 375)

In other words, I recognize that the other is a subject for whom I am an object; what Dolezal calls the ‘seen’ body (2012, 13). She distinguishes between the visible body and the seen body by pointing out that the perspective is different in each of these modes. On the one hand, the visible body is that which arises in cases of pain or illness, it is surface level. The seen body on the other hand is viewed from a more distanced perspective (2012, 13). It is not merely that I realise I am a body with organs and flesh and that I have objectivity on some level, it is that my internal subjectivity is grasped as an external objectivity by another. The seen body is portrayed by Sartre as a kind of exposure, whereby my “most intimate ‘inside’” (2003, 375) is exposed, or given away to the other by the external features of my embodiment. It is here I become self-reflective on my appearance; I experience and I am aware of how (I believe) the other sees me (Dolezal 2012, 13).

If we return to the cases whereby persons are more vulnerable to the look than others, we can understand this further by saying that

they spend more time in this mode of being; they spend more time in the seen body. It is worth noting here that there is a dichotomy in place for these persons whereby they are at once hyper-visible, or over-seen, and hypo-visible or under-seen. This tension between being hyper-visible and hypo-visible is again pointed out by authors who examine embodiment within the context of discourses on racism and feminism, for example Frantz Fanon (2008), Ralph Ellison (2001), and Simone de Beauvoir (2007). The tension is to do with *how* they are seen. They are over-seen in the mode of objectification, but are under-seen in the mode of their subjectivity. On the subject of female embodiment, Dolezal writes, “while often feeling threatened with invisibility in social relations due to a diminished social status, women’s bodies enjoy a hyper-visibility in the social realm; they are objectified and on constant display” (2015, 105). Therefore, as I have hitherto suggested, some people are especially sensitive to the look, which is not a “neutral *seeing*”, but always “a value-laden *looking*” which objectifies (Dolezal 2012, 15). Because of the social hierarchies in place, these persons are forced to spend more time in their public, seen body.

However, social hierarchies do not explain why the socially phobic person is more sensitive to the look than others. While one might argue that there are certain existing stigmas concerning mentally ill persons which would situate them lower down on a hierarchical structure of social power, for the most part, SP is not *seen* in the same sense that one’s gender or skin colour is seen. That said, it is also clear from our discussion of the seen body that this is the ontological mode of embodiment that we would uptake when we are embarrassed or ashamed. Think back to the accounts of shame and embarrassment given by Sartre and other authors⁴; what matters is how we appear to others. I suggest then, that rather than being thrown into the seen body because of outside objectification, as in the case of women and persons of colour, the socially phobic person, who appears to be overly attuned to the look and senses it where it is not present⁵, suffers embarrassment and shame and finds themselves in the seen body too often, and for too long.

⁴ See pages 5-7.

⁵ This idea is in line with the stipulation in the nosology manuals that the fear socially phobic persons feel about judgement is overemphasized and does not match the actual threat.

Dolezal (2012, 16) delineates the look into three separate layers or presentations: (1) epistemological, (2) self-evaluative, and (3) ontological. By looking further at these subgroups we can further understand how the person with social phobia experiences the look. In the first case, (1) the look is literal; I am seen and objectified in the moment by the other. I am given epistemological information because through the presence of the other I learn something about myself. In the second case, (2) the other is not (necessarily) present. Dolezal points out that the capitalized 'Other' for Sartre does not always designate another person in the sense of another fully fledged individual with a set of eyes looking at you. Rather, the 'Other' can sometimes be symbolic. "In the self-evaluative case of the Look, the Other's Look is not about being literally seen by another person, but rather, it is about seeing oneself from a distance, *as though* through the eyes of another" (Dolezal 2012, 19). Finally, in its ontological mode, the look symbolizes an awakening of self-consciousness (Dolezal 2012, 16). This mode serves to signify our dependence on the existence of the other in order to know myself. Dolezal quotes Sartre in saying "I can know myself only through the mediation of the other" (Dolezal 2012, 20). It is especially significant to note that here the other need not ever be present, because they are in fact omnipresent in existence. As such, the look is neither a singular event as in the first case, or imagined as in the second case, but is rather a kind of intersubjective structure that permeates our subjective existence. Dolezal argues that in order to fully comprehend the meaning of the look, we must recognize that it has these three alternative, sometimes overlapping presentations (Dolezal 2012, 20).

There is a clear alignment between the clinical and Sartrean accounts described above; where embarrassing situations cause DP/DR, the look causes objectification. If we can equate an embarrassing situation to feeling the look of the other (which aligns with the clinical description of social anxiety) we can infer that the look causes DP/DR to occur. Depersonalization in particular is very well described by the Sartrean account of objectification; in this state I feel an affective loss of subjectivity, a loss of selfhood in the phenomenological sense. Depersonalization is clearly closely linked both conceptually and pragmatically to de-subjectification, or objectification. I do not feel like me, I do not feel like I have any

selfhood at all. To lose my personhood is to lose some aspect of my subjectivity, and therefore is to drift away from subject and into object.

Further, this feeling is often accompanied by a change in perspective which adds to the feeling of objectification; many persons who experience DP see themselves from the third person. They are no longer a subjective person looking out into the world, rather they see themselves as though they are the Other, they look at their external object body from the outside. If we contextualize this through Dolezal's account, it appears that the person undergoes a mix of the first and second presentations of the look, and in the process confuses them. Given that DP/DR occurs in the actual presence of another person, we can see the epistemological mode is present. However, it also seems that the experience is self-evaluative; the person sees themselves as through the eyes of the other. They appear to literally uptake the role of the other in the self-evaluative level of the look; they look at how they appear to others without being seen from a concrete individual perspective.

What is so alarming about the experience of DP/DR in SP is that it is directly caused by the look. Unlike other instances in which DP arises, such as fatigue or DDD, it is intersubjective relations which are the clear instigator of this pathological experience of self and world. I argue then that the best way for us to understand the presence of DP/DR as regularly occurring phenomena in SP is to understand them as a kind of literal account of Sartrean objectification.

Intercorporeal Relations, Moods, and Perspectives

Now that I have addressed and contextualized the experiences of DP/DR within SP, I wish now to step backwards to take a broader look at SP. I aim to show how this disorder is best understood through the phenomenological concepts of embodiment and intercorporeality introduced by Edmund Husserl and Maurice Merleau-Ponty. These thinkers reject the Cartesian dualist conception of a separate body and mind, each made up of radically different substances, arguing that this is impossible as it overlooks the fundamental intertwining of body and consciousness; the mind as embodied. Merleau-Ponty was greatly influenced by

Husserl, whose later work in particular focuses on the concept of embodiment. Dermot Moran's (2017, 28) commentary on Husserl's work in this period notes that, for him, "embodiment forms the basis of perception and agency but also lies at the root of the human "existential" experience of being-in-the-world". For Husserl, to be in the world is to be in the world with others (Husserl 1982). He maintains that the interpersonal dimension is always set against the backdrop, or horizon, of the world being a *shared* world (1982, 40). Dolezal (2017, 238) notes that to truly understand the concept of intersubjectivity as given by Husserl and Merleau-Ponty, is to see that "conscious experience is not only corporeal, or embodied, but is necessarily *intercorporeal*".

While this phenomenological account of embodiment emphasizes that we cannot separate mind and body, there is a separation or distinction of the modes of embodiment. Following Husserl, we must distinguish the body as object (*Körper*) from the lived, feeling body (*Leib*) (Husserl 1989, 167). To exist as embodied means to surpass being subject and/or object, transcending both possibilities (Zahavi 2001, 163). Merleau-Ponty (2005, 94) presents the body as our position in the world. It is our situation, our capacity, our vehicle for being in the world; having a body necessarily means to be intertwined in the external world, in its natural and cultural conditions.

Shogo Tanaka (2015) develops the Merleau-Pontian account of intercorporeality into a theory of social cognition, which proves highly relevant to the study of SP. He highlights three key features of intercorporeality: first, the other when met in ordinary situations is not split into interior and exterior (or subject and object), rather we perceive the other's internal state through their behaviour. Second, our interactions are embodied, our natural reaction is to follow a pointing finger with our gaze, or answer a smile with another smile. He argues that a fundamental social understanding takes place in these interactions, a mutual understanding of the other's intentionality. Lastly, the others' behaviour appears in a shared context. The other is "not a physical entity in a vacuum, but a living body embedded in the world" (2015, 459 – 460). Tanaka maintains that within a Merleau-Pontian account of intercorporeality the self has a tacit understanding of the other without the need to

run simulations, this process which occurs as a kind of “mind reading”, allows for the other’s emotional states to be known and is made possible through gestures, expressions and actions enacted through embodiment (2015, 468).

I suggest that the socially phobic person experiences a deviance to these structures of intersubjective experience. To support this argument, I will reference phenomenological research undertaken by Ronan McSorely through interviews with SP patients. McSorely (2017, 27) found that the person with SP is not altogether wrong in their fear that others will judge them negatively in social interactions. A number of studies suggest that the conversational partners of socially anxious individuals felt less positive affect and less of a liking toward the person from the interaction compared to an interaction with non-socially anxious persons. This deviates from the nosology manuals which claim that the fear of negative evaluation is over-emphasized compared to the actual threat. I argue that this can be accounted for by the description of intercorporeal interaction as outlined above; the socially phobic person lives and enacts the anxiety they are feeling, and the non-socially phobic person interacting with them registers this instinctively; thus the interaction is negative for both parties. This lived enactedness of the anxiety often manifests through the employment of overt or covert safety behaviours (McSorely 2017, 28). Common safety behaviour strategies identified include avoidance (e.g., minimizing talk, avoiding eye contact) and impression management (e.g., excessive self-monitoring, overpreparation). McSorely highlights how the use of avoidance behaviours resulted in the conversational partner lacking interest in having future interactions with the socially anxious person, and that all the socially phobic individuals underwent “a subjective sense of inauthenticity during the interaction” (2017, 29).

It is illuminating to consider these findings on the account of corporeal intersubjectivity above. Considered in relation to Tanaka’s features of intercorporeality; the second feature of mutual understanding of the other’s intention is lacking (2015, 459). The conversation between the socially phobic individual and the non-socially phobic is asymmetrical, as one of the participants is acting inauthentically, using safety behaviours, is more conscious

of themselves, and less engaged with the other. I argue this asymmetry is because of the socially phobic person's heightened sensitivity to the look; it is akin to the non-reciprocal objectifying interactions that Fanon and de Beauvoir describe. Interestingly, studies have found a correlation between safety behaviours and DP in socially phobic patients, finding that experiencing these symptoms may even provoke the use of safety behaviours (Čolić, et al. 2020; Hoyer, et al. 2013). We can then understand the lack of authentic engagement with the other from the point of view of the patient experiencing depersonalization; after all, how can one authentically engage in an embodied interaction when they feel detached and disembodied?

This idea of asymmetry in interactions is supported by further data collected in McSorely's research, finding that the participants felt more at ease and more themselves around others who they could "read" as also being anxious (McSorely 2017, 72). In this scenario, the symmetry of the interaction is restored and is facilitated by what appears to be a kind of recognition. It is interesting that the idea of "reading" a person through their body is mentioned both by Tanaka in his explanation of intercorporeality and here by one of McSorely's participants. It seems that when a socially phobic person meets a non-anxious individual a corporeal misreading occurs. The normal tacit bodily understandings are suddenly subject to scrutiny from both sides, and the person with SP who experiences DP/DR in the moment scrutinizes themselves alongside the other. The misreading may lie in the fact that the socially phobic person is taking the look to be of epistemic character, when in fact it is self-evaluative. However, in this a cycle is created; in responding to the look they give themselves in DP (rather than the look of the other), they make themselves an object for the other. The objectification may begin from within, but it ripples outward toward the other who uptakes and adopts it in turn.

Infant-caregiver relationships can further guide us in our discussion about the experience of the socially phobic individual. Susan Bredlau (2016, 1) holds that our perception of the world and our interpersonal relationships are not distinct from one another. We live the meaning of the world through our body rather than as mental ideas, and as a result, we should not consider perception

a sensory activity, but an existential one (Bredlau 2016, 3). She utilizes the example provided by Merleau-Ponty in *Phenomenology of Perception* in an effort to explicate this idea. The caregiver playfully puts the fingers of the baby in his mouth and pretends to bite them; the baby responds by opening his own mouth as if he were also biting, adopting the caregiver's intention. The explanation for the understanding of the action is intercorporeal relations; the baby does not separate the caregiver's actions and his mental state and assert the meaning through an assessment of the two, he perceives the intention through his behaviour (Bredlau 2016, 4).

Bredlau holds that the shared context of the interaction is due to a shared perception; the mood of the caregiver unravels around the infant and envelops him. Here she employs a Heideggerian use of the term mood, as not being intentional or relating to an object, but rather as a way of having the world. (Bredlau, 2016, 4) In this example, the caregiver felt playful because in that moment they were in a playful mood, meaning they perceived the world as a place for play. However, for the *interaction* to be playful, the baby needs to *join* the caregiver in perceiving the world as a place for play. He must perceive the biting as pretend; if he does not, the moment is no longer characterized by playfulness but is perceived as threatening. Bredlau notes that “rather than perceiving [the caregiver], one could say, the baby perceives through him” (2016, 4). Therefore, in order to share the context of the interaction, as Tanaka argues we must do in intercorporeal relations, both parties must perceive *through* one another's perception. This collaborative effort makes them partners and transforms the world from *my* world to *our* world (Bredlau 2016, 6).

I suggest here then that it might help to consider social phobia as a kind of Heideggerian mood. Indeed, there is evidence which suggests that this is exactly how social phobia patients understand their illness: Freda McManus et. al (2010, 586) note that all participants in their study felt that their SP permeated every aspect of their life, and had become “a *way of being*” (emphasis in original). If we can consider social anxiety as a kind of Heideggerian mood we understand the discrepancy in the intercorporeal interaction for the socially anxious person. It seems in this mood the boundaries

are too solid, the walls of its exterior too thick to allow for a blending with the mood (and perception) of the other. Merleau-Ponty writes “the other is not shut up in my perspective of the world, because this perspective itself has no definite limits, because it slips spontaneously into the other’s. . .” (2005, 410–11). For the socially phobic individual, this is not the case. The mood of social anxiety translates to a marked closedness to the perception of the other. Once again, we see this idea demonstrated in the study conducted by McManus et. al (2010, 583), where participants report that their way of being in the world is characterized by intense introspection which serves to detach them from their surroundings and others. All the participants spoke of how they were so “absorbed in their own world” they could not “[see] outside of themselves” (McManus, et al. 2010, 583). So, for the socially phobic person the other is “shut up in my perspective of the world” (Merleau-Ponty 2005, 410–11).

Without openness to the other, the shared world is split into two worlds which do not align. If I refer to Tanaka’s three features of intercorporeality once more, we see the third feature of shared context is lacking (2015, 459). The persons involved in the interaction cannot be collaborators, for the patient only sees through their own perspective, through their own mood and their own context; naturally, given their mood of social anxiety, they perceive themselves as an object of embarrassment in the eyes of the other. What follows from this, is the experience of DP/DR, an intensely subjective experience and the very antithesis of a shared perspective. The resultant employment of safety behaviours as a response to this then serves to widen the gap between self and other even further, as the person with SP covers up their feelings and intentions and becomes difficult to understand, or ‘read’. The result of which is an asymmetrical interaction laden with misunderstanding.

I have at this point shown that the second and third features of Tanaka’s intercorporeality suffer a breakdown in relations for the person with social anxiety disorder. However, does the first feature, whereby the other is never separated into subject and object, still stand? The first feature of unified embodiment is broken not in relation to the other, but in relation to myself. In the experience of DP, the other reduces me from Leib to Körper, a body

disembodied, a person reduced to object. Think of persons who observe themselves from a non-distinct third person perspective during the experience of DP, in which they appear to themselves uniquely objectified, and they feel severely disembodied.

The break with normal intercorporeal relations in SP can help us further contextualize the distressing experiences of DP/DR in the disorder. We have seen that embarrassing situations are a DP trigger for all persons, not only those suffering from SP. I have also shown that the person with SP experiences these phenomena more often because they perceive more situations as embarrassing. Čolić et al. note the significance of these findings; the heightened DP in SP is not caused by the anxiety disorder itself, given that it occurs in non-anxious individuals who experience embarrassment also, but by *misconstruing* many social interactions as embarrassing (Čolić et al. 2020, 5). This, I believe, is caused by the highly isolating mood of SP, the inability to share the others perception, coupled with a heightened sensitivity to the look of the other. On Merleau-Ponty's account of interactions, perception is usually laden with a sense of trust (Bredlau 2016, 12). This trust is not an affective experience in consciousness, but a way of perceiving (ibid.) For the socially phobic person, their perception is instead marked by an undercurrent of *mistrust*. The truth of this is echoed in the experience of DP/DR; persons suffering these symptoms know them to be illusionary and untrue. They do not trust what they perceive. Flawed perception therefore appears to be at the heart of social phobia. It accounts not only for the disrupted social interactions within the disorder, but can be identified as the instigator of the distressing experiences of DP and DR, themselves also disruptions to perception. In this way, a cycle of perceptual problems commences.

References

- Čolić, Jasmin, Tyler R. Bassett, Anna Latysheva, Christian Imboden, Klaus Bader, Martin Hatzinger, Thorsten Mikoteit, Roselind Lieb, Andrew T. Gloster, and Jürgen Hoyer. 2020. "Depersonalization and derealization in embarrassing social situations: an experience sampling study in social phobia, major depression and controls." *Journal of Anxiety Disorders* 70.
- American Psychiatric Association. 2013. *Diagnostic and Statistical Manual of Mental Disorders*. 5th Edition. Arlington: American Psychiatric Publishing.
- Bas-Hoogendam, Janna Marie, Henk van Steenberg, Nic J.A. van der Wee, and P. Michiel Westenberg. 2018. "Not intended, still embarrassed: Social anxiety is related to increased levels of embarrassment in response to unintentional social norm violations." *European Psychiatry* 52: 15-21.
- Benziman, Yotam. 2020. "Embarrassment." *The Journal of Value Enquiry* 54: 77-89.
- Bredlau, Susan. 2016. "On perception and trust: Merleau-Ponty and the emotional significance of our relations with others." *Continental Philosophy Review* 52: 1-14.
- Colombetti, Giovanna, and Matthew Ratcliffe. 2012. "Bodily Feeling in Depersonalization: A Phenomenological Account." *Emotion Review* 4 (2): 145-150.
- de Beauvoir, Simone. 2007. *The Second Sex*. London: Vintage Publishing.
- Dolezal, Luna. 2012. "Reconsidering the Look in Sartre's Being and Nothingness." *Sartre Studies International* 18 (1): 9-28.
- Dolezal, Luna. 2015. *The Body and Shame: Phenomenology, Feminism and the Socially Shaped Body*. London: Lexington Books.
- Dolezal, Luna. 2017. "The phenomenology of self-presentation: describing the structures of intercorporeality with Erving Goffman." *Phenomenology and the Cognitive Sciences* 16: 237-254.

- Ellison, Ralph. 2001. *Invisible Man*. UK: Penguin Books.
- Fanon, Frantz. 2008. *Black Skin, White Masks*. New York: Grove Press.
- Gül, Ali Irfan, and Özgül Karaaslan. 2014. "Is There a Dissociative Subtype of Generalized Social Phobia?" *Journal of Psychiatry* 17 (6).
- Gerlach, Alexander L., Frank H. Wilhelm, and Walton T. Roth. 2003. "Embarrassment and social phobia: the role of parasympathetic activation." *Journal of Anxiety Disorders* 197-210.
- Goffman, Erving. 1956. "Embarrassment and Social Organization." *American Journal of Sociology* 62 (3): 264-271.
- Hoyer, Juergen, David Braeuer, Stephen Crawcour, Elisabeth Klumbies, and Clemens Kirschbaum. 2013. "Depersonalization/derealization during acute social stress in social phobia." *Journal of Anxiety Disorders* 27: 178-187.
- Hunter, E C M, M Sierra, and A S David. 2004. "The epidemiology of depersonalisation and derealisation: A systematic review." *Social Psychiatry and Psychiatric Epidemiology* 39: 9-18.
- Hunter, E.C.M., M.L. Phillips, T. Chalder, M. Sierra, and A.S. David. 2003. "Depersonalisation disorder: a cognitive-behavioural conceptualisation." *Behaviour Research and Therapy* 41 (12): 1451-1467.
- Husserl, Edmund. 1982. *Cartesian Meditations: An Introduction to Phenomenology*. 7th Impression. The Hague: Martinus Nijhoff Publishers.
- Husserl, Edmund. 1989. *Ideas Pertaining to a Pure Phenomenology and to a Phenomenological Philosophy. Second Book: Studies in the Phenomenology of Constitution*. Dordrecht: Kluwer Academic Publishers.
- Kaufman, Gershen. 1989. *Psychology of Shame: Theory and Treatment of Shame-based Syndromes*. New York: Springer.
- Müller-Pinzler, L, V Gazzolac, C Keyzers, J Sommer, A Jansen, S Frässle, W Einhäuser, FM Paulus, and S Krach. 2015. "Neural Pathways of Embarrassment and their Modulation by Social

Anxiety.” *Neuroimage* 119: 252-261.

- McManus, Freda, Dawn Peerbhoy, Michael Larkinc, and David M. Clark. 2010. “Learning to change a way of being: An interpretative phenomenological perspective on cognitive therapy for social phobia.” *Journal of Anxiety Disorders* 24: 581-589.
- McSorely, Ronan. 2017. “An Exploration of how Socially Anxious Individuals Experience Interpersonal Relationships.” University of East London: PhD Thesis.
- Merleau-Ponty, Maurice. 2005. *Phenomenology of Perception*. Tr. Donald A Landes. London: Routledge.
- Michal, Matthias, Julia Adler, Jörg Wiltink, Iris Reiner, Regine Tschan, Klaus Wölfling, Sabine Weimert, et al. 2016. “A case series of 223 patients with depersonalization-derealization syndrome.” *BMC Psychiatry* 16 (203).
- Moran, Dermot. 2017. “Intercorporeality and Intersubjectivity: A Phenomenological Exploration of Embodiment.” In *Embodiment, Enaction, and Culture: Investigating the Constitution of the Shared World*, edited by Christoph Durt, Thomas Fuchs and Christian Tewes, MIT Press. 25-46.
- Reutens, Sharon, Nielsen, Olav, Sachdev, Perminder. 2010. “Depersonalization Disorder.” *Current Opinion in Psychiatry* 23 (3): 278-283.
- Sartre, Jean-Paul. 2003. *Being and Nothingness*. tr. Hazel E. Barnes, London and New York: Routledge.
- Stolorow, Robert D. 2010. “The Shame Family: An Outline of the Phenomenology of Patterns of Emotional Experience That Have Shame at Their Core.” *International Journal of Psychoanalytic Self Psychology* 5 (3): 367-368.
- Stout, Rowland. 2015. “On Shame - In Response to Dan Zahavi, Self and Other.” *International Journal of Philosophical Studies* 23 (5): 634-638.
- Tanaka, Shogo. 2015. “Intercorporeality as a theory of social cognition.” *Theory & Psychology* 25 (4): 455-472.
- Tangney, June Price, Rowland S Miller, Laura Flicker, and Deborah

- Hill Barlow. 1996. "Are shame, guilt, and embarrassment distinct emotions?" *Journal of Personality and Social Psychology* 70 (6): 1256-1269.
- Trigg, Dylan. 2017. "On the role of depersonalization in Merleau-Ponty." *Phenomenology and the Cognitive Sciences* 16: 275-289.
- Tulloch, Doreen M. 1952. "Sartrean Existentialism." *The Philosophical Quarterly* 2 (6): 31-52.
- World Health Organization. 1992. *The ICD-10 Classification of Mental and Behavioural Disorders: Clinical descriptions and diagnostic guidelines*. Geneva: World Health Organization.
- Zahavi, Dan. 2001. "Beyond Empathy: Phenomenological Approaches to Intersubjectivity." *Journal of Consciousness Studies* 8: 151-167.
- Zahavi, Dan. 2011. "Shame and the Exposed Self." In *Reading Sartre: On Phenomenology and Existentialism*, by Jonathan Webber, 211-226. London and New York: Routledge.

An Exercise in Serving Two Masters: COVID Precaution Resistance, Christianity, and Partisanship

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Abstract: The COVID-19 pandemic has afforded a unique opportunity to examine the way that social groups can influence individual beliefs in unexpected ways—especially when there is an incongruence between social identities. In this paper, I examine the phenomenon of “Covid Precaution Resistance” (CPR) amongst Christians in the United States with the aim of explaining this seemingly counterintuitive behavior. Given the teachings of Jesus and the apostles, I argue, one would not expect Christian social groups to display CPR; yet, CPR was prevalent amongst Christians in the United States. To explain this phenomenon, I first show how group identity politics likely played a role in the development of CPR amongst Christians during the COVID-19 Pandemic. Indeed, CPR amongst Christians was starkly divided along partisan lines, with Republican Christians in the United States being far more likely to display CPR than Democratic Christians. I then argue that one possible explanation for this divide is that for some Christians, “Republican” may have been more central to their identity than “Christian”—even if this identity structure was not doxastically affirmed. Still, one might question how incongruous belief sets like this can be formed and sustained in the first place. To this, I show how CPR amongst Republican Christians likely arose arationally as a form of Belief Signaling amongst Trump supporters and was then likely sustained by Identity-Protective Cognition.

Keywords: Social Epistemology, Belief Signaling, Identity Protective Cognition, Christian Conservatism, COVID-19.

1. Introduction

In early 2021, during one of the peaks of the COVID-19 Pandemic, I experienced an awkward situation that I've found was common among those who dared to venture out into the world. My friend and I were invited to a small gathering by people from our church that we felt obligated to attend. "It will only be close friends and family," we were told assuringly while voicing our hesitation. Against our better judgement, we decided we would go. As we approached the door to the house where the gathering was being held, I noticed an unusual number of cars in the driveway. Uneasy, we walked through the door with our masks on only to be met with a group of ten to fifteen people in a small space—none of whom were wearing masks. "What should we do in a situation like this?" I thought. We could turn around and leave, insulting our friends and other members of our church. We could stay and keep our masks on as pious conscientious objectors to the situation. Or we could conform to the crowd and assume the risk that everyone else in the group was assuming. As these thoughts were rushing through my mind, I turned to look at my friend only to see that she had already removed her mask. Alone at this point, against what I believed to be right, I caved in to the pressure to conform as well.

I tell this story for a few reasons. First, I want to say that many people like me have been far from perfect Kantians during the COVID-19 pandemic. I will be targeting the actions and beliefs of some Christians throughout this piece, and I do not wish to come across as "greater-than-thou" as I mount my attack. Second, I wish to point to an example of what I will not be talking about in this piece. I do not wish to discuss here instances where people have had lapses in judgement, have given into peer pressure, or have made momentary concessions where they act against affirmed values that they hold. In this paper, I will be focusing on the values that a large number of Christians have affirmed during the COVID-19 pandemic and how those values have or have failed to align with previous value systems that they hold. More particularly, I wish to evaluate what I will call COVID Precaution Resistance (CPR) among the Christian community. I will take CPR to mean any affirmed belief set that resists, rejects, or dispositionally avoids COVID precautions where COVID precautions are recommended

by experts.

Indeed, the COVID-19 pandemic, and the CPR that resulted, affords us a unique opportunity to examine the way that social groups can influence individual beliefs in unexpected ways—especially when there is an incongruence between social identities. I will focus on Christian and Republican identities primarily because it gives us an interesting and relevant example of this incongruence, through which we can evaluate how social identities influence belief.

Overall, the goal of this paper is two-fold. First, I wish to argue that, put simply, the resistance toward taking COVID precautions among Christians is primarily a result of Republican affiliation rather than a result of rational Christian theology. Indeed, I will argue that CPR is in direct conflict with the teachings of Jesus and that this is one instance where some Christians valued their Republican identity over their Christian identity. Second, I wish to survey various theories that might explain this strange phenomenon among Christians. I wish to answer the question, “Why didn’t many Republican Christians support COVID precautions, even though such precautions seem to strongly align with Jesus’s teachings?” I will argue that there are many potential answers to this question that are plausible. In surveying them, I hope to show how this historical instance can be understood through the lens of political identity theory, belief signaling, and identity protective cognition. As I develop an account for how CPR might be explained by each of these models, I wish to show how we might recognize the doxastic concessions that are made under each model in order to see what sort of reasoning, or lack thereof, is involved when Christians affirmed CPR. This evaluation weighs into the larger philosophical issue of how our beliefs are not always rationally selected by us, but rather are often merely products of social influence. Indeed, our reasoning often plays second-fiddle to social identity when it comes to forming our beliefs—and the example that I evaluate, as I will show, is likely an instance of this.

2. How Christians Ought to Have Viewed COVID Precautions

First, I wish to turn our attention to the question: given the teachings of Jesus and the apostles, how would we expect Christians to

behave during a global pandemic? Would Jesus have worn a mask, socially distanced, quarantined, and encouraged others to do the same? How we answer these questions will depend heavily on the attitudes we take toward the pandemic. Let us assume, for the sake of argument, a premise that I think most potential objectors will accept. I will not assert what I find to be reasonably supported by evidence—that COVID precautions effectively mitigate the spread of a harmful disease. Here, I will only assume that COVID precautions have a *possibility* of protecting others from a *potentially* dangerous disease. Most reasonable people would recognize that COVID-19 is, at the very least, *potentially* harmful and that COVID precautions have some likelihood of protecting ourselves and others from the disease. This much is well supported by scientific evidence that I will not discuss here;¹ though, later in the piece we will discuss what might be going on when someone rejects this assumption. Granting this first assumption, there are a few points of contention that ought to be addressed concerning discomfort, personal choice, and reasonable risk. In discussing each of these points, I will argue that, given the teachings of Jesus and the apostles, and granting the assumption above, we would expect Christians to welcome COVID precautions.

It is true that COVID precautions can make us rather uncomfortable. That is to say, there is some cost to us in taking these precautions—we must wear a mask, stay away from one another, avoid large groups, etc. Thus, a Christian may reasonably question just *how* much discomfort we ought to take on for the sake of others. Jesus and the apostles had a lot to say about this issue in particular, though they generally spoke about it in terms of love and what it looks like to love one another. Indeed, for Christians, the paradigm case of love is that of Jesus who laid down his life, suffering a gruesome death, for the sake of others.² Of course, this is Jesus, the perfect version of humanity—are Christians expected to live up to something similar? Put simply, yes. In John 15:12-13, Jesus tells the disciples to love one another, then describes the greatest love: to lay down one's life for one's friends. Paul later echoes this in Ephesians

¹ CDC, "COVID-19 Overview and Infection Prevention and Control Priorities in Non-US Healthcare Settings," Centers for Disease Control and Prevention (Centers for Disease Control and Prevention, 2019), <https://www.cdc.gov/coronavirus/2019-ncov/hcp/non-us-settings/overview/index.html>.

² Romans 5:8, "But God Shows his love for us in that while we were still sinners, Christ died for us."

5 by saying “Therefore be imitators of God, as beloved children; and walk in love, just as Christ also loved you and gave Himself up for us, an offering and a sacrifice to God as a fragrant aroma.”³ Now, assuming that COVID precautions fall somewhere shy of laying down one’s life, we will assume that Jesus (and Paul) could have easily made a much weaker statement: “marginal love, perhaps even common decency is this: to bear minor inconveniences for the sake of others.” In taking COVID precautions, Christians were not being asked to “lay down their life,” they were only being asked to bear minor inconveniences. Given these teachings, it is difficult to see how a Christian might reasonably argue that their minor discomfort ought to be valued over the wellbeing of others.

But perhaps for some Christians it isn’t as much about the discomfort of COVID precautions as it is about a belief in the *personal choice*. Someone might say, “Taking COVID precautions is my personal choice, and it isn’t the business of you, the government, or the church to tell me what I should be doing.” Toward this claim I wish to turn to Phillipians 2:1-5:

Therefore if there is any encouragement in Christ, if any consolation of love, if any fellowship of the Spirit, if any affection and compassion, make my joy complete by being of the same mind, maintaining the same love, united in spirit, intent on one purpose. Do nothing from selfishness or empty conceit, but with humility consider one another as more important than yourselves; do not merely look out for your own personal interests, but also for the interests of others. Have this attitude in yourselves which was also in Christ Jesus.⁴

Here, we see Paul beckoning the church to remain unified by the principle of love exemplified in Jesus. He specifically rejects valuing personal interests over collective unity and reiterates a humble, self-sacrificial spirit as the guiding principle for our actions. With this in mind, it is difficult to see why a Christian would appeal to personal choice to defend actions that may put others at risk (again, granting my first assumption). What is more consistent

³ Ephesians 5:1-2 (NASB).

⁴ Phillipians 2:1-5 (NASB).

with these teachings is a way of life wherein we govern our actions by considering the wellbeing of others before we consider our own personal interest. Thus, for a Christian, personal choice ought to be guided by collective consideration.

Still, one might argue that choosing to take precautions is only reasonably taken when there is a high risk of some threat. For example, there is some risk every time we drive that we accidentally kill someone. One precaution we could take against this is to avoid driving. Should a follower of Jesus never operate a vehicle? A response to this could get quite dense, and I do not have time here to explore all the ethical avenues that one could take. At the very least, I would argue that, given all that has been laid out above, and the assumption that I laid out at the start, the way that a Christian answers this question ought to begin with a consideration of the wellbeing of others. One might justify the use of their car in order to adequately support their family, serve the homeless, bring meals to widows, comfort a grieving friend in another state, etc.⁵ However, actions like not wearing a mask and refusing to social distance do not have this potential utility—they are intrinsically selfish and likely harmful. What difference is there in our ability to serve others while wearing a mask opposed to not wearing it? What greater benefit would it serve others for me to sit in church shoulder-to-shoulder instead of six feet apart? I take it that the Christian who endorses CPR would be hard-pressed to answer these questions in a way that considers others to be more important than oneself.

Now, with these considerations placed aside, it is not difficult to see the strong connection between Christian teaching and taking COVID precautions. For those who are still reluctant, I will formulate my argument as follows:

⁵ I should note that this will not stand as a sole ethical principle for driving or actions of the like. Christians may also wish to drive to the movies or drive for leizer. There is a certain complexity in this issue and a lot that hinges on what counts as a reasonable risk for one to take. All that I wish to say here is that, for the Christian, consideration of these issues begins with consideration of others, it does not necessarily need to stop there. There are good reasons to do things for one's own benefit—indeed, ensuring the wellbeing of oneself is an important component of being able to adequately serve others. For more on this see: Susan Wolf, "Moral Saints," *The Journal of Philosophy* 79, no. 8 (1982): 419-39.

1. COVID precautions sustain (or have a chance of sustaining) the wellbeing of others. (Substantiated Assumption)
2. Christians are told to love others. (Matthew 22:37-39, John 13:34, John 15:12-13)
3. Loving others involves seeking the wellbeing of others. (Ephesians 5:1-2, Philippians 2:3-4)
4. Therefore, Christians ought to take COVID precautions. (From 1, 2, and 3)

This argument is quite simple, and given a rudimentary understanding of Christian teachings, one would expect (2) and (3) to hold. The stronger form of premise (1) is likely the more contentious premise of the argument, but I would expect the weaker version (that COVID precautions afford a chance of sustaining the wellbeing of others) to be granted assuming that one gives some credence to epidemiologists. Thus, we might expect, assuming that Christians are versed in Christian teaching and would seek to adhere to it, assuming that Christians would trust epidemiologists, and assuming that Christians are rational, that Christians would not widely display CPR. Unfortunately, this is not the case.

3. How Christians Did View COVID Precautions

Drawing from surveys from the Pew Research Center, two things are clear: 1) CPR was widespread in churches, and 2) CPR was doxastically affirmed amongst Christians. In July 2020, three months after the CDC first urged Americans to wear masks in public,⁶ the Pew Research Center surveyed Christians who typically attend a church service at least once monthly to ask them about the COVID precautions being taken by their church. 31 percent of Churches were closed altogether, 45 percent required social distancing, 36 per cent were restricting capacity, and only 35 per cent were requiring masks. In March of 2021, these numbers seemingly improved, although likely in part because some churches who had been closed reopened with precautions: 17 per cent were closed altogether, with 51 per cent of churches requiring masks and social distancing, and 42 per cent restricting capacity.⁷

⁶ Kaitlin Sullivan, "A Brief History of COVID, 1 Year In," *EveryDayHealth.Com*, (February, 2021): Accessed April 27th, 2021, <<https://www.everydayhealth.com/coronavirus/a-brief-history-of-COVID-one-year-in/>>.

⁷ Pew Research Center, "Life in U.S. Religious Congregations Slowly Edges Back

There is some discrepancy, though, in these surveys. In July only 6 per cent of respondents said that their church was “open and holding service in the same way as before the outbreak” with 55 per cent saying “open to the public for services but with changes as a result of the outbreak.” For March this changed to 12 per cent and 64 per cent respectively.⁸ This could be explained by churches simply not taking adequate precautions. For example, we can imagine that churches may more commonly provide hand sanitizer or may be streaming services online. These would count as “changes” but not adequate precautions. In any case, what we can draw from this survey is that in July, the majority of churches that were open were not following CDC guidelines for the pandemic, and by March, only half of churches were. These numbers are surely enough to claim that CPR was prevalent among churches.

But how did individuals feel about the measures that their churches were taking? When asked if congregations *should* be enforcing social distancing, mask-wearing, etc., the numbers did not change much. In July, 51 per cent of respondents said their congregation should enforce social distancing, 44 per cent said masks should be required, 41 per cent said churches should restrict capacity, and 28 per cent said churches should be closed. In March, 50 per cent said that social distancing and mask wearing ought to be required, with 42 per cent in favor of restricting capacity, and 15 per cent for their church being closed altogether. Thus, CPR was not only something that was reported to occur in churches, but was something that was largely affirmed by the congregation itself. Indeed, from these numbers we can say that around half of Christians who attended church during the pandemic doxastically affirmed CPR.⁹

4. Party Lines, Christianity, and COVID Precaution Resistance

In the previous two sections, I highlighted a discrepancy between what we might expect Christians to do and believe about COVID precautions during a pandemic and what they actually did and

Toward Normal,” Pew Research Center, (March 2021); Accessed April 27, 2021, <<https://www.pewforum.org/2021/03/22/life-in-u-s-religious-congregations-slowly-edges-back-toward-normal/>>.

⁸ Ibid.

⁹ Ibid.

believed about COVID precautions. This discrepancy raises the question: what explains this misalignment of values? If my argument about what Christians ought to have done holds, then why was CPR a contentious issue among Christians? In this section I will argue that there is another piece in play here: political party affiliation. As we will see, there are significant differences to the way that Republicans and Democrats responded to COVID precautions, and this division is also salient among Christians.

Before we move on to consider why there was a moral discrepancy among Christians, it is important to consider political factors that were at play during the pandemic that might have affected attitudes related to CPR. Importantly, there was a stark divide between Democratic and Republican attitudes concerning CPR in the U.S. overall. According to the Pew Research Center's review of data from March 2020 to March 2021, Republicans were increasingly resistant toward various precautionary measures. In early May 2020, 69 per cent of Democrats believed that social distancing measures helped reduce the spread of COVID compared to 49 per cent of Republicans. In June, 44 per cent of Republicans agreed that "actions of ordinary Americans affected the spread of the virus a great deal," compared to 73 per cent of Democrats. Concerning masks, 76 per cent of Democrats in June reported that "they had worn a mask in stores all or most of the time in the past month," whereas only 53 per cent of Republicans reported doing so. More generally, on the question of whether or not the coronavirus outbreak was a major threat to the health of the U.S. population, less than half of Republicans in February 2021 reported that it was a major threat, compared to over eight in ten Democrats.¹⁰ From this abundance of data, it is quite clear that CPR was more prevalent throughout the pandemic amongst Republicans than Democrats—and often by significant margins.

Do these party divides help explain the prevalence of CPR among Christians? If Christians are more likely to be Republicans, there is a strong case to think political affiliation may be involved. First, it is important to note that the Pew Research Center has not updated

10 Claudia Deane, Kim Parker, and John Gramlich, "A Year of U.S. Public Opinion on the Coronavirus Pandemic," Pew Research Center, (March, 2021): Accessed April 27th, 2021, <<https://www.pewresearch.org/2021/03/05/a-year-of-u-s-public-opinion-on-the-coronavirus-pandemic/>>.

their party-lean among Christians since 2014, so unfortunately we are not able to determine with certainty what percentage of Christians identify with each political party. There are some other indicators, though. In 2019, the Pew Research Center reported that 79 per cent of Republicans identified as Christian compared to 55 per cent Democrats.¹¹ Of course, we cannot use this to say definitively that most Christians are Republicans—it could be the case that most Christians identify as Independent (and there is some reason to think this may be the case given prior surveys from the Pew Research Center).¹² Voting behavior is another good indicator. In a Pew Research Center survey from 2020, most Protestants (which is historically the largest group of Christians in the U.S.)¹³ tended to favor Trump, while Catholics favored Biden.¹⁴ If we were to assume that Protestants and Catholics hold a 1:1 ratio among Christians in the U.S., we could conclude from this poll that 49 per cent of Christians total likely voted for Trump and 46 per cent voted for Biden.¹⁵ Still, as I mentioned above, Protestants tend to hold a plurality over Catholics among Christians, so it is likely that these numbers would favor Trump even more. From this, there is good reason to think that more Christians are Republicans, though the numbers are quite close. There are many other variables to consider, and an updated Religious Landscape Survey would be far more helpful than these speculations.¹⁶

Still, from what we have so far, we can draw the inference that since Republicans were more likely to display CPR, and the political

11 Pew Research Center, “In U.S., Decline of Christianity Continues at Rapid Pace,” Pew Research Center, (2019): Accessed April 30th, 2021, <<https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>>.

12 Pew Research Center, “Religious Landscape Survey” Pew Research Center, (2014): Accessed April 30th, 2021, <<https://www.pewforum.org/religious-landscape-study/>>.

13 *Ibid.*

14 Gregory A. Smith, “White Christians Continue to Favor Trump over Biden, but support has slipped,” Pew Research Center, (2020): Accessed April 30th, 2021, <<https://www.pewresearch.org/fact-tank/2020/10/13/white-christians-continue-to-favor-trump-over-biden-but-support-has-slipped/>>.

15 Here, I simply took the combined percentages among Catholics and Protestants who favor Trump or Biden, and divided it by 200 to get a percentage for each based on a 1:1 ratio.

16 It is also appropriate to note here that there are other Christian groups to consider beside Protestant and Catholic. I have chosen to focus on these two because this is how the Pew data is divided (and these are the most prevalent groups in the U.S.).

landscape is divided among Christians, then political affiliation may explain why CPR was prevalent among Christians and why the issue was contentious. If this is the case, we would expect there to be a stark divide among Christians toward CPR based on political affiliation. That is to say, if Christians displayed CPR primarily because of their political affiliation, we would expect Republican Christians to display CPR more prevalently than Democrat Christians. This is demonstrably the case.

In the first survey we explored, which asked Christians about their COVID precaution practices, there are some clear differences among Republicans and Democrats. Democrats were nearly two times more likely to report that their church had closed in July, and four times more likely to report that it had closed by March. Concerning what they thought their church ought to be doing, Republicans were over three times more likely than Democrats in July to say their church should have no restrictions, and nearly six times more likely by March.¹⁷ These numbers are perhaps the most convincing to show that party affiliation had a major role in how Christians felt about taking COVID precautions.

In the previous two sections, I have developed an empirical account of the way that Christians displayed CPR during the COVID-19 pandemic. I have argued that in virtue of Christian teachings, we would not expect Christians to display CPR; however, not only was CPR prevalent among Christians, but it was also primarily displayed among partisan lines. In the next sections, I will turn my attention to explaining why this might have been the case. First, I will argue for an overarching explanation of this behavior: that it is a result of Identity Politics. I will show that for some, accepting CPR exposes a conscious or unconscious identity structure where “Republican” takes primacy over “Christian.” With political identities in mind, we will then examine why we might expect some Christians to have formed CPR beliefs despite their Christian Identity. Finally, we will explore the notion of Identity-Protective Cognition and how it might also be used to explain the prevalence of CPR among Christians.

¹⁷ Pew Research Center, “Life in U.S. Religious Congregations Slowly Edges Back Toward Normal,” Pew Research Center.

5. Identity in Christ or Identity in Party?

At the end of section II, I listed off a few assumptions that allow us to draw the conclusion that we would expect Christians to have welcomed COVID precautions. Among those assumptions were: 1) that Christians are rational, 2) that Christians would trust epidemiologists, and 3) that Christians would seek to adhere to Christian teachings. In this section, I will reevaluate (3) and begin to build the concepts we need to reconsider (1). In section six, I will conclude our discussion of (1), and in section seven I will reevaluate (2). Concerning rationality, the question is not whether or not Christians are rational, but whether or not, in general, humans govern their actions primarily by reason or by something else. To help answer this question, I will explore the way that Christopher Achen and Larry Bartels talk about the effect of group identity in *Democracy for Realists*. I will make the case that Christians who exhibit CPR do so primarily because they identify as part of a particular group—namely Republicans. Indeed, the discrepancies between Christian CPR and Christian teachings, and the discrepancy between Christian Democrats and Christian Republicans in regard to CPR are good indicators that Christian CPR fits into the group identity politics explored by Achen and Bartels.

I should note here that I will not be arguing that Christianity as a whole is contradictory with one political affiliation or another—that is, I am not arguing that Republican identity as a whole clashes with Christian identity as a whole. Republican Christians may have a reasonable basis for the party that they choose to support, but these identities surely do not always align in every way. I take the CPR phenomenon to be an instance where these identities clashed on a specific point in a way that exposed an underlying identity structure among Republican Christians. Before I develop this point, however, let's examine the identity theory explored by Achen and Bartels.

In Chapter 8 of *Democracy for Realists*, Achen and Bartels argue for a group theory of politics which emphasizes “The powerful tendency of people to form groups, the ensuing construction of “us” and “them,” and the powerful role of emotion rather than

reason in directing group activity.”¹⁸ Much of this chapter is devoted to exploring the history of group theory in politics, but near the end of the chapter they introduce Identity Theory more broadly and offer an overview of their argument. Here, it is important to understand what they mean by “identity” in general. Identity refers not merely to adherence to a particular group; rather, it has more to do with someone forming an understanding of their *self* as located within that group:

This concept serves to distinguish groups to which an individual belongs that are not central to his or her self-concept from those that are a more integral part of the personality. Different people in the same group may differ. Thus some Catholics have a purely nominal attachment to the denomination. Others think of it as central to who they are, so that a disparaging remark about Catholics is an attack on them. The latter group have a Catholic identity.¹⁹

Thus, for someone who has as a central part of their identity being “Christian,” they understand themselves in the world in terms of that identity. The same is true for being a Republican or a Democrat. These identities become a central way that we live and understand ourselves in the world. How we behave in society is often some form of expression of our social identities. The Democrat who talks their co-worker’s ear off about how great Joe Biden is, likely holds “Democrat” as part of their identity. Moreover, the Christian who attends church every Sunday, reads their bible during their break at work, and has a “He>I” tattoo likely holds “Christian” as part of their identity.

In chapter 9, Achen and Bartels turn their attention to the way that these social identities shape policy reasoning. They argue that, historically, “social identities have trumped policy reasoning in shaping the politics of religion, race, and abortion in contemporary America.”²⁰ Intuitively, we often assume that we choose our political parties based on our policy preferences. If I am a Christian who

18 Christopher H. Achen and Larry M. Bartels, *Democracy for Realists: Why Elections Do Not Produce Responsive Government*, (New Jersey: Princeton University Press, 2016) p. 215

19 *Ibid*, 228.

20 *Ibid*, 231.

believes that abortion is murder, and one party says they will make abortion illegal, I will most likely align with that party; if I am a member of the LGBTQ+ community, and one party seeks to limit my rights to healthcare, and the other party does not, I will likely choose to align with the party that doesn't limit my basic rights. While this form of decision making may apply in some instances, Achen and Bartels argue that often, political loyalties matter more to individuals than the details of political policy.²¹ Often, individuals actually shape their preferences to match the political party with which they identify rather than the other way around. To help prove this point, Achen and Bartels examine several historical instances wherein major political shifts resulted in instances where individuals seemed to favor group attachments in determining their behavior over what we might expect individuals to do from reason.

One of the more salient examples that they point to is the case of and development of the abortion debate, particularly among men. To test if party shapes position, they set out to examine how political affiliation affected abortion attitudes from 1982-1997 when parties were beginning to take a more conspicuous stance on the issue. They found that among pro-life citizens in 1982, Democrats were the most likely to have become pro-choice by 1997.²² This effect was even more pronounced among men—who may not have a competing identity at stake in the matter. They conclude:

Thus, data on Americans' abortion views from a long-term panel survey show exactly the patterns one would expect if parties help shape opinion. Parties do not shape *all* opinions, of course. Women's gender identity, whichever way it brought them out in the issue of abortion, was likely to invest their views with special significance, helping them to resist the cross-cutting pressures created (for some) by their partisan loyalties.²³

Here, we get a glimpse into how political parties can shape our beliefs, rather than our beliefs determining our political party.

²¹ Ibid, 233.

²² Ibid, 262-236.

²³ Ibid, 264.

It is not a far cry to say that something similar may have happened concerning CPR among Christians during the COVID-19 pandemic. My hunch is that if the Pew Research Center had surveyed Republican Christians in 2015 to ask them, “If there were a global pandemic, do you believe that you and your church ought to adhere to CDC recommended precautions?” the overwhelming majority of them would respond “yes.” And yet, if this question were asked today, there is good reason to think that many would respond “no.” Moreover, because the difference is so accentuated between Democrat Christians and Republican Christians, there is good reason to think that political party is the determining factor. To verify these claims with more accuracy, though, a survey of the sort I describe would be needed.

Still, if identity theory is correct, one possible (if not quite likely) explanation for why Christians displayed CPR despite it being contrary to Christian teachings is simply that “Christian” was not as central to their identity as “Republican.” This would mean that assumption (3), that Christians would seek to adhere to Christian teachings, may not be the case for some. Indeed, any time there is a conflict of identities, one must choose which of their identities takes priority. For example, we could imagine a Christian Republican who recognizes the discrepancy between the CPR that is common amongst Republicans and Christian teachings, but makes the conscious decision to value their Republican identity over their Christian identity. I should also note that the decision need not be conscious. The behavior itself might be an expression of a preexisting identity structure at play. That is to say, Christian Republicans who displayed CPR may have revealed that “Republican” is more central to their identity than “Christian” without consciously affirming that structure. But what sort of mechanisms are at work here? More importantly, are they irrational, arational, or, perhaps, even partially rational? I will turn to these questions in the next sections.

6. Arational/Irrational Belief Signaling

One might rightfully ask why CPR would be wrapped up in Republican identity. That is to say, why would CPR be something that creates a clash of identities between “Christian” and “Republican”? We have examined some evidence that shows

that CPR was more common among Republicans and Republican Christians alike. Moreover, in the prior section we examined the possibility that CPR exposed an underlying identity structure among some Christians. In this section, I wish to offer an account of why CPR in particular may have been strongly linked to Republican identity. Here, I will argue that CPR manifested as a form of *Belief Signaling*—beliefs and dispositions that were held primarily for the sake of communicating group identity or group commitment. On this, CPR may have been a form of political expression. It was not adopted by Christians *from reason*, it was adopted as a way of signaling commitment to the Republican party (and more likely the Republican president of the time).

In “A Tribal Mind: Beliefs that Signal Group Identity or Commitment,” Eric Funkhouser develops the account of belief signaling that I mention above. He argues that some beliefs have primarily social functions that are adequately modeled by signaling theory.²⁴ He begins by defining what qualifies as a “signal” in signaling theory:

1. Any object that is successfully *designed* or *selected* to communicate information,
2. So as to be *detected* by some receiver,
3. In order to *modify* its behavior.²⁵

(1) is intended to capture that the *function* of the object is to signal information, (2) captures the requirement that the signal’s function relate to some other member (some other entity is involved), and (3) requires that the signal is designed to alter the behavior of the receiver in some way.

There are many good examples of signaling in the animal kingdom. A peacock’s tail feather signals fitness to potential mates. The leap of a gazelle signals fitness to potential predators. Bright colors on some frogs signal that they are poisonous. These are all examples where an animal has some object that is designed to communicate something to another animal in order to modify the other animal’s behavior. Humans display signaling as well. Wearing expensive brand sunglasses, such as Ray Bans, shoes such as Jordans or a Rolex

²⁴ Eric Funkhouser, “A tribal mind: Beliefs that signal group identity or commitment,” Mind Lang, (John Wiley & Sons Ltd, 2020): p. 1.

²⁵ Ibid, p. 3.

watch may be signals of status and wealth. If I walk into a Ferrari dealership wearing each of these items, I may be signaling to the sales representatives that I am a serious buyer. Alternatively, if I were to walk in wearing a torn up hoodie and sweats, I would likely not be taken seriously. One important note is that for some object to be a signal, it must exist for the function of communication. A Rolex, for example, tells time as well as any old watch, but they are famously symbols of wealth and status. People do not buy a Rolex primarily to tell time—they buy them to signal status.

Funkhouser's key claim is that beliefs can function in the same way as a Rolex—beliefs can be signals. Take the following example: Imagine that I am sitting around with a group of co-workers talking about music. As we talk, one person says that they love to dance to EDM—everyone agrees that it is the best music to dance to. “What is EDM?” I say as everyone turns to stare at me in astonishment. My friends proceed to play an EDM song for me. “Isn't this great dance music?” they ask me. Now, suppose I am not much of a dancer, but I agree (and genuinely agree) primarily because I wish to signal to the group that “I am one of you.” I form the belief that EDM is good music to dance to simply for the function of fitting into the group that I wish to be part of—even if I will never dance to EDM (or any other music for that matter). This is an example of belief signaling.²⁶

Stated more formally: “S's belief B serves as a signal to audience A of some informational content I, which induces behavioral manipulation M in A.”²⁷ Thus, in my example, my belief that EDM is good dance music serves as a signal to my coworkers that I am one of them. As a result, they may be more accepting of me, and more importantly, they will not continue to press me on the issue. Moreover, my belief that EDM is good dance music is not rational. I did not listen to a variety of music, try dancing to various genres, observe the way that others dance to them, and form the conclusion that EDM is good music to dance to. The function of my belief was to signal something to other people—and it was formed primarily for that reason.

²⁶ There are, of course, instances where someone might simply be lying in these sorts of situations. What we're talking about here is a particular shift in doxastic states that happens for the sole purpose of signaling something to a group.

²⁷ Ibid.

Moreover, belief signals can have characteristics that communicate ethnic or tribal affiliation.²⁸ Tribal-characteristic beliefs are beliefs that can signal either “intentions and behavioral strategies” that allow members of the tribe to trust and anticipate the behavior of the believer and/or that the believer is worthy to receive benefits from the tribe.²⁹ Thus, if CPR is a tribal-characteristic belief signal, then it: 1) is primarily held for the function of signaling group identity, 2) signals either a) intentions and behavioral strategies or b) worthiness to the target group, and 3) induces some behavioral manipulation of the target group. Concerning (1), there are a few points to be made. First, as we have seen, CPR is far more prevalent among Republicans than it is among Democrats. While this alone does not prove that it is held for a signaling function, it does show that it is specific to a certain identity group, which means that it may be a marker of group identity.

Second, it is quite likely that CPR arose as a form of expressing solidarity with a Republican president who voiced skepticism over masks and frequently held gatherings and rallies that violated CDC guidelines. An article by *The New York Times* collected a litany of Trump quotes wherein he often gave mixed signals about taking COVID precautions. On one of the first occasions that he spoke about masks he said,

The C.D.C. is advising the use of nonmedical cloth face covering as an additional voluntary public health measure. So it's voluntary. You don't have to do it. They suggested for a period of time, but this is voluntary. **I don't think I'm going to be doing it.**³⁰

This is merely one among many listed statements that shows Trump's tendency to promote CPR. Moreover, a study published by Stanford University researchers estimated that over the course of eighteen Trump campaign rallies from June 20th to September 30th, 2020, more than 30,000 people contracted COVID-19,

²⁸ Ibid, p. 5.

²⁹ Ibid.

³⁰ Daniel Victor, Lew Serviss, and Azi Paybarah, “In His Own Words, Trump on the Coronavirus and Masks,” *The New York Times*, (October, 2020): accessed May 1, 2021, <<https://www.nytimes.com/2020/10/02/us/politics/donald-trump-masks.html>>.

resulting in approximately 700 deaths.³¹ This was likely due to the widespread CPR displayed at Trump's rallies.³² Thus, there seems to be good reason to think that CPR arose primarily among Trump supporters, likely as a form of signaling solidarity with Trump's statements about masks and COVID—as well as the lack of precautions taken among supporters.

Concerning (2), the informational content that is signaled, the case is less demonstrably clear, but we can offer some speculation. Given the statements about masks by Trump, and the display of CPR among his supporters, the signal being sent may have been quite similar to an example that Funkhouser uses:

Information content signaled (I): I am a Republican; I am a loyal Republican—I can be trusted to advance the cause; I share Republican values; I am a trusted epistemic source.³³

On this model, it is not difficult to see why Republican Christians may have displayed CPR in their church: they were communicating loyalty to their party and to their president. They were performing an action in order to be recognized, respected, and welcomed into their target audience. Moreover, if the behavioral response by the receiver reflected these goals, then we have an account of (3) as well.

Now, it cannot be said from this that CPR was *always* a form of belief signaling, but it seems likely that it was at least some of the time. Moreover, this sort of tribal-characteristic belief signaling offers a fruitful explanation for the CPR that was displayed among Christians. If I am correct that this belief did not arise rationally (since it was in conflict with Christian teachings), and that CPR was related to Republican identity as a sort of tribal characteristic belief, then there is a compelling case that CPR was often a form of

31 B. Douglas Bernheim, Nina Buchmann, Zach Freitas-Groff, Sebastian Otero, "The Effects of Large Group Meetings on the Spread of COVID-19: The Case of Trump Rallies," Stanford University, (Stanford: Stanford University Department of Economics, 2020) p. 11.

32 Boris Sanchez, "No Social Distancing and Few Masks as Crowd Waits for Trump Rally in Nevada," CNN, September 12, 2020, Accessed May 1st, 2021, <<https://www.cnn.com/2020/09/12/politics/trump-nevada-rally-face-masks-social-distancing/index.html>>.

33 Eric Funkhouser, "A tribal mind: Beliefs that signal group identity or commitment," p. 5.

belief signaling. This helps explain the division between Democrats and Republicans regarding CPR, and it offers an account of why Republican Christians would have displayed CPR in the face of Christian teachings—because the development of belief signals are arational. That is, if CPR developed arationally as a belief signal, then it may have existed untouched by rational processes that would have revised the belief to make it consistent with Christian teachings.

Here, and for the purposes of the next section, it may be appropriate to clarify the distinction between rational and arational belief formation. Often we take ourselves to be rational creatures with rationally ordered beliefs. We believe something *because of* some other reason that we take to be substantiated evidence that supports the given belief. A rationally formed belief, as I define it, is one that is formed through a process that seeks substantiated evidence or sound reasoning to form a belief. The key here is that the reasoning process is the source of the belief itself. To illustrate this point by recalling an earlier example, the belief that EDM is good dance music: presumably one would need to have at least observed others dancing to EDM or tried dancing to it themselves, so that the reasoning process led them to the formation of a belief one way or another.

An arationally formed belief, in contrast, is formed outside of these processes. There are many ways that beliefs are formed arationally, and I take it that arationally formed beliefs are quite common (and they are not inherently pernicious). A belief formed as a small child before the development of proper reasoning capacities would be arational, since no reasoning processes were employed in order to form the belief. Beliefs formed for the purpose of belief signaling are arational, since the belief was formed outside of proper reasoning processes. Of course, there is the possibility that we form a belief arationally, then employ the reasoning process afterward. This is the possibility that I will explore in the next section.

7. The Reasoning Resistor

To call back the argument that I make in section II, there is always the possibility that someone could reject premise (1): That “COVID precautions sustain (or have a chance of sustaining) the wellbeing

of others.”³⁴ They might argue that COVID precautions do not mitigate the risk of a potentially dangerous disease. However, in doing this, they would be arguing against the guidelines of the CDC and most of the world’s epidemiologists—they would be rejecting what Dan M. Kahan calls “decision-relevant science (DRS).”³⁵ For the purposes of this paper, I will not seek to invalidate claims in support of CPR by citing scientific evidence, pointing to CDC guidelines, or quoting the leading epidemiologists in the field. I consider claims of this sort to be already invalidated. Instead, I will argue that this move is likely a result of *Identity-Protective Cognition*.

In “Misconceptions, Misinformation, and the Logic of Identity-Protective Cognition,” Kahan explores how misinformation and misconceptions of science relate to political controversies concerning DRS. He considers two possible options to explain controversies over DRS: 1) the public irrationality thesis and 2) identity-protective cognition. Ultimately, Kahan rejects the public irrationality thesis in favor of identity-protective cognition. To explain CPR amongst Republican Christians, I will do the same.

The public irrationality thesis is simply the idea that people tend to reject DRS due to poor critical thinking skills and scientific illiteracy. For example, it could be that Republican Christians are more likely to display CPR than Democrat Christians because they are more likely to be poor reasoners or scientifically illiterate. They could conceivably reject premise 1 of my argument because they do not adequately *comprehend* the available DRS on COVID Precautions. Kahan, however, argues that this is likely not what is at work when there is controversy over DRS. According to several studies cited by Kahan, there is good reason to reject the public irrationality thesis primarily because “individuals whose understanding of science is most likely to be free of such misconceptions [referring to errors in scientific inference] are the ones who are most likely to be polarized along cultural lines.”³⁶

³⁴ See page 6.

³⁵ Dan M. Kahan, “Misconceptions, Misinformation, and the Logic of Identity-protective Cognition,” Cultural Cognition Project Working Paper, No. 164, (2017) p. 1.

³⁶ *Ibid*, 3. Kahan also cites five studies to support this claim: National Academy of Sciences, *Communicating science Effectively: A Research Agenda*, (Washington, DC, 2016); D.M Kahan, E. Peters, M. Wittlin, P. Slovic, L.L. Ouellette, D. Braman, and G. Mandel, “The Polarizing Impact of Science Literacy and Numeracy on Perceived Climate Change Risks,” *Nature Climate Change* 2, (2016): 732-735; E.

In support of this, Kahan explains an experiment where subjects were asked to evaluate a scientific study to determine what sort of inferences could be drawn. Subjects who scored highest in numeracy (“a capacity to draw correct inferences from data”) were more likely to provide the correct answers when the study’s content was apolitical.³⁷ When the content of the study concerned politically-related content, however, subjects who were highest in numeracy were only likely to provide the correct answer if the study supported the position of their political predispositions.³⁸ Studies like this work against the public irrationality thesis because they offer evidence contrary to what we would expect if the thesis were true. On the public irrationality thesis, we would expect the root cause of error by the subjects to be related to scientific illiteracy. That is to say, with higher numeracy, we would expect higher accuracy. As it turns out, though, when politics is involved, subjects tend to favor their own political predispositions—and higher scientific literacy does not ameliorate this tendency. But if scientific illiteracy or poor critical thinking skills isn’t the culprit in DRS controversies, what is? What best explains the phenomenon represented by this study?

To these questions, Kahan introduces identity-protective cognition as a more likely alternative. Identity-protective cognition is the “tendency to selectively credit and discredit evidence in patterns that reflect people’s commitments to competing cultural groups.”³⁹ This theory offers an adequate explanation for the outcome of the above study in ways that the public irrationality thesis does not. The reason that subjects with high numeracy answered incorrectly in the case of politically charged content was not because of scientific illiteracy, it was because they filtered the information through their political identities, selectively discrediting content that jeopardized their identity. Kahan goes on to state:

Suhay, J.N. Druckman, T. Bolsen, and F.L. Cook, “Citizens’, Scientists’, and Policy Advisors’ Beliefs about Global Warming” *The ANNALS of the American Academy of Political and Social Sciences* 658, (2015): 271-295; L.C. Hamilton, M.J. Cutler, A. Schaefer, “Public Knowledge and Concern About Polar-region Warming, *Polar Geography* 35, (2012): 155-168; D.M. Kahan, “Climate-Science Communication and the Measurement Problem,” *Advances in Political Psychology* 36, (2015a): 1-43.

³⁷ Dan M. Kahan, “Misconceptions, Misinformation, and the Logic of Identity-protective Cognition,” p. 3

³⁸ *Ibid.*

³⁹ *Ibid.*, p. 1.

The basic premise of identity protective cognition is that *culture* is prior to *fact* in the apprehension of societal risks. Culture is not just *normatively* prior, in the sense that values guide individuals' decision making *conditional* on their perception of facts. It is *cognitively* prior, in the sense that people's perception of what the facts *are* is shaped by their values.⁴⁰

Thus, when people encounter DRS, their interpretation of just what the facts are is dependent on the identity through which they interpret the DRS.

One specific example he cites in support of identity-protective cognition is a study concerning how people perceive scientific consensus.⁴¹ When Republicans and Democrats were shown the credentials of a climate scientist, they would agree that this "expert" was credible "only if that scientist espoused their groups' position on whether humans are the cause of global warming."⁴² Thus, quite predictably, when Republicans were presented with a scientist who purported their group's views, they would agree that citizens ought to defer to this expert's advice only when the expert agreed with the Republican position on climate change, and the same was true for Democrats.

Concerning CPR and its prevalence amongst Republican Christians, it is not difficult to see how identity-protective cognition may have been at work. Republican Christians were likely not more prone to be irrational or scientifically illiterate than Democrat Christians. Instead, when confronted with the DRS concerning COVID precautions, they may have simply interpreted the information through the lens of their Republican Identity, crediting and discrediting the information that was amenable to their preexisting views. Though the CPR belief itself may have originated arationally (perhaps through belief signaling), when given the opportunity to revise this belief using reason, this process of reasoning was likely employed after identity-protective cognition had already revised the perception of the subject. Thus, in the face of DRS about COVID

⁴⁰ Ibid, p. 2.

⁴¹ Ibid, p. 2. Originally in: D.M Kahan, H. Jenkins-Smith, D. Brahman, "Cultural Cognition of Scientific Consensus," J. Risk Res, 14, (2011): 147-174.

⁴² Ibid.

precautions, premise 1 of my argument may have been discredited through identity-protective cognition and the employment of reason thereafter. In other words, the issue may not have been with the reasoning capacities of the Republican Christian; rather, the problem started with the perception of the very facts at hand.

8. Conclusion

The main goal of this paper was to examine the prevalence of CPR among Christians and offer several accounts to explain this phenomenon. Moreover, I hoped to offer a salient example of the way that social identity can sometimes come prior to belief. I began by showing that CPR was in direct conflict with Christian teachings; yet, despite this, CPR was prevalent among Christians. To explain this instance where Christians held beliefs and acted in ways contrary to what we would expect, I examined several ways that political identity may have been involved. I showed that CPR was more prevalent among Republicans than Democrats in the U.S. More broadly, I argued that this division was also present among church-going Christians, and that the prevalence of CPR among Christians can likely be explained by the prevalence of Republicans within the wider Christian demographic. I then surveyed a few theories to explain how Republican Christians may have held and formed CPR beliefs, despite them being contrary to Christian teachings. First, I drew from identity theory to show how Republican Christians may have simply prioritized their Republican identity over their Christian identity. Next, I explained how CPR might have arisen arationally as a belief signal. Finally, I showed how these arationally formed beliefs might have then been rationally affirmed due to identity-protective cognition. Overall, I hope to have highlighted several possibilities for how to explain the prevalence and acceptance of CPR among the Christian community.

References

- Achen, Christopher H., and Larry M. Bartels. *Democracy for Realists: Why Elections Do Not Produce Responsive Government*. New Jersey: Princeton University Press, 2016.
- Bernheim, B. Douglas, Nina Buchmann, Zach Freitas-Groff, Sebastian Otero. "The Effects of Large Group Meetings on

- the Spread of COVID-19: The Case of Trump Rallies.” *Stanford University*. Stanford University Department of Economics, (2020): 1-15.
- CDC. “COVID-19 Overview and Infection Prevention and Control Priorities in Non-US Healthcare Settings.” [www.cdc.gov](https://www.cdc.gov/centers-for-disease-control-and-prevention/2019-ncov/hcp/non-us-settings/overview/index.html). Centers for Disease Control and Prevention, 2019. <https://www.cdc.gov/centers-for-disease-control-and-prevention/2019-ncov/hcp/non-us-settings/overview/index.html>.
- Deane, Claudia, Kim Parker, and John Gramlich. “A Year of U.S. Public Opinion on the Coronavirus Pandemic.” *Pew Research Center*, 2021. <https://www.pewresearch.org/2021/03/05/a-year-of-u-s-public-opinion-on-the-coronavirus-pandemic/>
- Funkhouser, Eric. “A tribal mind: Beliefs that signal group identity or commitment.” *Mind Lang*, (2020): 1-21. <https://doi.org/10.1111/mila.12326>
- Hamilton, L.C, M.J. Cutler, and A. Schaefer. “Public Knowledge and Concern About Polar-region Warming.” *Polar Geography* 35, (2012): 155-168.
- Kahan, D.M, H. Jenkins-Smith, and D. Brahman. “Cultural Cognition of Scientific Consensus.” *J. Risk Res*, 14, (2011): 147-174.
- Kahan, D.M. “Climate-Science Communication and the Measurement Problem.” *Advances in Political Psychology* 36, (2015a): 1-43.
- Kahan, D.M, E. Peters, M. Wittlin, P. Slovic, L.L. Ouellette, D. Braman, and G. Mandel. “The Polarizing Impact of Science Literacy and Numeracy on Perceived Climate Change Risks.” *Nature Climate Change* 2, (2016): 732-735.
- Kahan, Dan M. “Misconceptions, Misinformation, and the Logic of Identity-protective Cognition.” *Cultural Cognition Project Working Paper*, No. 164, (2017): 1-9.
- National Academy of Sciences. *Communicating Science Effectively: A Research Agenda*. Washington, DC: National Academies Press, 2016.
- Pew Research Center. “Religious Landscape Survey.” *Pew Research*

- Center, 2014. <https://www.pewforum.org/religious-landscape-study/>
- Pew Research Center. "In U.S., Decline of Christianity Continues at Rapid Pace." *Pew Research Center*, 2019. <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>
- Pew Research Center. "Life in U.S. Religious Congregations Slowly Edges Back Toward Normal." *Pew Research Center*, 2021. <https://www.pewforum.org/2021/03/22/life-in-u-s-religious-congregations-slowly-edges-back-toward-normal/>
- Sanchez, Boris. "No Social Distancing and Few Masks as Crowd Waits for Trump Rally in Nevada." *CNN*, September 12, 2020. <https://www.cnn.com/2020/09/12/politics/trump-nevada-rally-face-masks-social-distancing/index.html>
- Smith, Gregory A. "White Christians Continue to Favor Trump over Biden, but support has slipped." *Pew Research Center*, 2020. <https://www.pewresearch.org/fact-tank/2020/10/13/white-christians-continue-to-favor-trump-over-biden-but-support-has-slipped/>
- Suhay, E., J.N. Druckman, T. Bolsen, and F.L. Cook. "Citizens', Scientists', and Policy Advisors' Beliefs about Global Warming." *The ANNALS of the American Academy of Political and Social Sciences* 658, (2015): 271-295.
- Sullivan, Kaitlin. "A Brief History of COVID, 1 Year In." *EveryDayHealth*. Com. Everyday Health, 2021. <https://www.everydayhealth.com/coronavirus/a-brief-history-of-COVID-one-year-in/>
- Victor, Daniel, Lew Serviss, and Azi Paybarah. "In His Own Words, Trump on the Coronavirus and Masks." *The New York Times*, 2020. <https://www.nytimes.com/2020/10/02/us/politics/donald-trump-masks.html>
- Wolf, Susan. "Moral Saints." *The Journal of Philosophy* 79, no. 8 (1982): 419-39.

Law as Collaboration

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Abstract: This article shall provide a critical exposition of two opposing views of law in the context of adjudication. The One-Way View holds that law is a one-way projection of authority by official unto citizen and emphasizes three “family resemblances” that tend to be shared by theories that espouse it: the formal character of its legal rules, its institutionality, and the conceptual significance of coercion. This article will offer three arguments against this view, which may be referred to as the Arguments from the Natures of Law, Language, and the Judicial Role.

The Two-Way View, on the other hand, holds that law is a collaboration. Law, far from being an autonomous and self-contained system, does not arise in a vacuum, unrelated to the society to which it owes its existence. Rather, law is a collective endeavor, the product of a collaborative effort between official and citizen that inevitably reflects the principles, conventions, and goals of the community. This article will argue that the Two-Way View not only better captures how judges actually decide cases, but that there are good reasons for even the citizen’s view of what is binding to be factored into adjudication and treated as law as well. It shall also be argued that because the collection of institutional materials cannot contain all that is relevant to the resolution of a case, the non-institutional and non-legal materials that contain information about beliefs, ideals, and other standards that aid in their interpretation inevitably come to form part of the law’s content.

Keywords: Law, Morality, Adjudication, Collaboration, Authority

Introduction

This article shall advance the thesis that law is a collaboration. That is to say, law, far from being an autonomous and self-contained system, does not arise in a vacuum, unrelated to the society to which it owes its existence. It is not, as Lon Fuller correctly stated,

a “one-way projection of authority, originating with government and imposing itself upon the citizen” (1969, 204). Rather, law is a collective endeavor; it is the product of a collaborative effort between official and citizen that inevitably reflects the principles, values, and goals of the community. Many aspects would be rendered unintelligible to officials unless it were applied against this social background, but the same aspects would also be incapable of guiding citizens’ behavior unless authoritative determinations of what it requires were made.

To this end, this article shall provide a critical exposition of two opposing views of law specifically in the context of adjudication. The first may be referred to as the One-Way View, which, broadly speaking, insists that law is a one-way imposition of authority. On this view, to determine the content of law, judges need only be guided by explicitly written legal rules, the institutional history of the court, and their own legal training, for these are by themselves sufficient. The second may be referred to as the Two-Way View, which acknowledges both the importance and dominance of institutional sources of law but denies that these exhaust its content. It holds that law has non-institutional, social origins as well, and that judges must necessarily refer to the background principles, values, and goals of the community to determine what it says, even if these are not, strictly speaking, law. On this view, what the law is partially depends on what society—not just the court—believes. This article shall argue not only that the Two-Way View better captures how judges decide cases, but that there are important reasons for society’s views to be factored into adjudication. Furthermore, it shall also argue that because the collection of institutional materials cannot contain all that is relevant to the resolution of a case, the non-institutional and non-legal materials that contain information about beliefs, ideals, and other standards that aid in their interpretation form part of the law’s content and are allocated a commensurate amount of weight in the balance of reasons.

Before proceeding further, it might be asked why the focus of this article is on adjudication rather than legislation. After all, democratically-elected lawmakers collaborate with their constituents more directly than politically independent judges who

are confined to their chambers. Joseph Raz gives two reasons why law-applying bodies such as courts possess greater legal authority than lawmaking bodies such as Parliament. First, since there are multiple sources of law in most legal systems, the only way to determine which institutions possess the authority to create law is to establish which are recognized by the courts. Second, when the actions of law-creating and law-applying organs conflict, it is the actions of the latter that are considered as the authoritative declarations of what the law is (1979, 88). In short, courts—not lawmaking bodies—have the final say on contested legal matters. There is another sense, however, in which judges wield greater authority than lawmakers. It might be said that legislators are primarily concerned with the written law; after all, it is their role to reflect on the needs of their constituents and to author laws to provide them. As shall be explained, however, the law often contains more than is explicitly stated, and it is the role of judges—not lawmakers—to interpret what more the written law might say.

The rest of this article shall be divided into two main parts. The first shall be devoted towards criticizing the One-Way View, while the second shall be concerned with developing the Two-Way View. Part One will focus on the role of judges in determining what the law says, and if it is true that law is the product of a two-way collaboration, then much of what will be said will be relevant to Part Two. Part Two shall argue that law is indeed a collaboration, focusing on how ordinary citizens are involved in this dynamic.

In no way is it claimed that the contributions of judges and citizens are of equal importance. In fact, it is conceded from the onset that judges necessarily have the final say on what law is in most, if not all, cases. It has been said, after all, that it is a conceptual feature of law that it occupies a limited domain (Postema 1996, 83); that is, not every social norm—regardless of how deeply entrenched—counts as a legal reason. But simultaneously, the contributions of citizens are not insignificant and may often be treated as binding. One final clarification: in no way is it claimed that all the ways in which law is a collaboration will be covered here, but it shall nonetheless endeavor to shed light on some of the important ones.

I. The One-Way View

A. The Essential Features of The One-Way View

The One-Way View originated with the likes of Thomas Hobbes, Jeremy Bentham, and John Austin, but a number of noteworthy contemporary thinkers have either accepted or continue to refine their own versions of this view to this day. While no two theories under the wide umbrella of the One-Way View are identical (as in most, if not all areas of philosophy), they share what might be referred to as “family resemblances” among them. And for the purposes of this paper, I have chosen to explicate this view in terms of three resemblances: the formal character of rules, the institutionality of law, and the conceptual significance of coercion.

A.1. The Formal Character of Rules and Adjudication

Formalism is the view that law speaks clearly and unambiguously, that rules can be applied independently of background reasons, that law is a gapless system, that all cases are regulated by legal rules, and that adjudication is a matter of logical deduction (Stone 2002, 171). In other words, it is the view that the body of legal rules is so complete that it supplies the correct answer to every conceivable case that comes before the court. Judges never have to reach outside of the law during adjudication. They need only to subsume the facts of the case under the rule that directly covers it to arrive at the logically entailed decision.

Jeremy Bentham advocated a formal model of adjudication. In his view, legislators could theoretically anticipate every possible offense, provide for their regulation, and codify the entire body of laws into a comprehensive repository known as the *Pannomion* that judges could refer to in deciding a case (1970 [1945], 246). Under this model, the body of legal rules is treated as a logical whole that classifies all actions into general classes, which can each be bi-partitioned into mutually exclusive groups according to distinguishing properties. In turn, these sub-classes can be split further and further into smaller groups whose members share an increasing number of essential similarities. This scheme of classification is continued down to the case level until no particular action is left unprovided for by the law *ex ante*, resulting

in a highly precise set of individuated laws that are tailor-fit for any conceivable case. When deciding a case, the judge would simply have to open the rulebook, locate the specific statute under which it falls, and applying the corresponding sanction (Lobban 1991, 128–31; Ferraro 2013, 142–3). Having decided all cases in advance, the model would have the advantages of virtually eliminating the need for adjudication altogether. No room would be left for them to engage in substantive reasoning or to exercise their personal discretion.

The formalist, however, need not adopt a view of adjudication as rigid as Bentham's. Surely, applying the law blindly without consideration for the social context would lead to grave injustices. Some formalists have advocated a more moderate position that, like Bentham's, encourages judges to decide cases in accordance with the literal meaning of a rule. On this approach, judges' hands would still be considerably tied; they would place less weight on extraneous factors such as the social, moral, or political advantages of a certain decision, but ascribe more importance to the linguistic constraints of the legal text, its legislative intent, and past decisions of the court. Although doing so may lead to undesirable results, it upholds predictability and stability within a legal system guiding judges to apply the law uniformly. It would also restrict the discretion of misguided, incompetent, or power-hungry judges whose own conception of law digresses from that of the legal system (Schauer 1988, 541–3).

No contemporary philosopher, however, has written about Bentham's jurisprudential views more than Gerald Postema. Though not himself a formalist, Postema has endeavored to cast the incredible *Pannomion* project in a more plausible light. In his view, the code was not designed to be viewed by judges as a set of fixed, peremptory rules, but a systematic guide that mapped the law to relevant utilitarian considerations. These considerations, however, would primarily be codified at the *genus* level, not necessarily in every sub-species of law; the impartial judge would still be able to make a decision after weighing the nuances of the case (2019, 173). Postema's interpretation, taken in conjunction with his earlier works on Bentham's larger project of legal reform—e.g. upholding publicity in the Common Law system, separating

the jurisdictions of law-making and law-applying institutions, improving court procedures, and appropriating powers to judges to set the fundamental ends of community welfare, etc. (1996, 403–8)—has led contemporary readers to reconsider the merits of Bentham’s model. While it remains unlikely that anything close to resembling the *Pannomion* will ever be crafted, it is certain that balancing the Benthamite virtues of predictability and flexibility in adjudication will remain a point of philosophical interest for years.

A.2. *The Institutionalality of Law*

The One-Way View claims that law arises exclusively from institutionalized acts of lawmaking. John Austin’s Command Theory of Law defined law as a set of general commands that are necessarily issued by the sovereign of a state (1998 [1832], 23).¹ According to this theory, laws are commands that can be traced back to a determinate source known as the sovereign whose will is obeyed by his followers, the sovereign being a body whom the bulk of the population is habitually obedient to and who does not answer to anyone else in turn, such as the King or Parliament. For Austin, judges are extensions of the sovereign charged with dispensing its will while judicial decisions are his tacit commands. They are, effectively, mouthpieces through whom the sovereign communicates his orders, merely parroting what he commands rather than arriving at independent decisions of their own. Accordingly, Austin described society—citizens and officials alike—to be in a “state of dependence” upon the sovereign (1875, 82). They never consult social norms and other non-institutional considerations to settle disputes; what they really do is confine their judgments to what the sovereign has expressly or tacitly commanded.

Neil MacCormick, on the other hand, acknowledged that law may originate from society and not just institutions, though he emphasized the authority of the latter to give social norms explicit formulations and promulgate them as legal rules. In his view, although social norms and legal rules are both prescriptive,

¹ It should be noted that although Austin’s version of the Command Theory enjoyed far greater prominence, Bentham’s formulation, which defined law as an “assemblage of signs that declared the volition of the sovereign concerning the conduct of persons who were subject to his power in order to bring about certain desirable events” (1970 [1945], 1), was the original.

a key difference between them is that social norms do not have any official formulations because they only emerge as informal practices from shared beliefs. For instance, although the social practice of queueing in public is widely embraced, there is no universal agreement about its exact rules. Some people agree that there are situations when it is permissible to jump the queue and move to the front, such as when someone is a senior citizen, or when someone is in the midst of a medical emergency. Others, however, may refuse to honor these exceptions in the spirit of fairness. Only when queueing is institutionalized do its rules become clearly defined, as when an airport creates an express lane policy for solo travelers to check-in their baggage, or when an embassy stipulates that visa applicants who fail to appear when their queue number is called forfeit their appointment. MacCormick explained that legal institutions perform the same function (2007, 23). When social customs are given explicit formulations as legal rules, there is far less room for their interpretation. The institutions that legislated these rules have effectively made decisions, assigned priorities, and settled disputes in advance. But as far as legal rules are concerned, it is almost always the point-of-view of the norm-giving institution that is privileged, not that of the norm-user. Greater weight is ascribed to how institutions stipulate a practice ought to be done than how citizens think it should be done. It is in this sense that, for those who espouse the One-Way View, legal facts are “institutional facts”, not plain, brute, or social facts that can be empirically observed in human society (MacCormick and Weinberger 1986, 49).

This phenomenon has recently been described by David Enoch as the “triggering function of law”, which he describes as law’s function of giving reasons for action by virtue of manipulating the non-normative circumstances in a way that triggers a pre-existing conditional reason. Enoch obviously recognizes that some laws merely express unconditional reasons for action that exist independently of any institutional authority, but he also makes the strong claim that “all relevant cases of reason-giving are cases of triggering-reason-giving” (2011, 26). That is to say, law is a reason-creating system in that its reasons are partially, in a sense, artificial—it can manufacture and institutionalize reasons for action that otherwise would not have factored into

the process of deliberation. Such reasons exist, for example, when a neighborhood grocer increases the price of milk and thereby triggers the general but dormant reason to save money. Similarly, a law to wear seatbelts reinforces the general but not always motivating reason to ensure one's safety, a law to pay a sin tax when purchasing alcohol activates the general but often unheeded reason to drink moderately, and a law requiring financial institutions to report suspicious transactions to regulators triggers the general but inconvenient reason to ensure that proceeds from potentially fraudulent or money-laundering transactions are not facilitated by their services. While independent reasons exist for car riders, drinkers, and financial institutions to behave *in accordance* with the law, they acquire a new level of normative force *because* of the law. All of these examples suggest not only that legal institutions give social norms explicit formulations, but that they create norms and reasons for actions as well. Courts perform the same functions: judges not only articulate the law in writing their decision to a case, but they also create new norms in the form of the *ratio decidendi* that citizens and judges presiding over similar cases in the future are bound to recognize as law.

A.3. The Conceptual Significance of Coercion

The third aspect of the One-Way View is an emphasis on the conceptual significance of coercion to law. The Coercion Thesis states that it is a conceptually necessary condition for the existence of a legal system that it backs legal norms with a threat of detriment that rational subjects have a practical reason to avoid (Himma 2020, 1). Hans Kelsen, who embraced the Coercion Thesis, explained that not only does law possess a wide arsenal of resources that compel compliance in ways that morality cannot, but that the entire body of law can be conceived as a coercive normative system. It consists of general norms, such as that which says that anyone who jaywalks shall be fined, and individual norms, such as the ruling of a judge who decrees that a murderer shall be imprisoned or hanged. Kelsen also argued that power-conferring norms—such as the law that authorizes citizens to kill in self-defense—are only “dependent” norms. They depend on another norm that is, in fact, attached to a sanction, such as the law that punishes acts of manslaughter unless committed in self-defense. Laws in their complete sense

may thus be formulated as conditional statements such as “If \square conditions obtain, then sanction \square will follow” (Kelsen 1967 [1960], 54–58). On this view, law is an indirect system of guidance; it does not tell citizens what to do so much as it directs judges to sanction citizens who neglect their duties. In Kelsen’s view, because all legal norms could be expressed in this manner, then law could maintain its coercive, one-way character.

Frederick Schauer defends the more moderate position that although coercion may not figure into the essential definition of law—especially given H.L.A. Hart’s famous objection that its normative force cannot be likened to the threat of a gunman who *obliges* compliance from his victims as opposed to a social rule that *gives people obligations* (1961, 20–5)—coercion nonetheless figures into the “central case” of law.² In Schauer’s view, it is unreasonably optimistic to expect large portions of the population to internalize legal rules and obey law *qua* law, citing several psychological, sociological, and cultural case studies suggesting that in the absence of coercion, people are statistically likely to ignore, defy, or even break the law if they can get away with it (2015, 57–74). While law can theoretically exist without being attached to sanctions, in practice, it must be supplemented by external threats of force to be efficacious. Even courts participate in acts of coercion, not only when they mete out penalties and sentences, but also when they settle disputes concerning public policy or morality. For example, a court might decide that in a secular society, religious displays or garments ought to be prohibited in public, even if most citizens believe in religious freedom (2015, 104–6). In such situations, the values and opinions of the citizens count for very little, and attempts to defy the court are sanctioned.

Schauer’s work has spawned a host of new theories that reconsider the place of coercion in law, some of which are even more committed to the Coercion Thesis than Schauer’s. Michael Potacs (2016, 126) has argued that there are two main reasons in support of the coercive character of law. First, human behavior is unpredictable

² The Central Case method in jurisprudence is an attempt to explicate the unified purpose of different legal practices. The general concept that underlies this explication captures those instances that constitute the central case of law, as opposed to peripheral cases in which some of the essential features of the former are less well-instantiated (Lamond 2020, 27–8).

and there is therefore no guarantee that their actions will contribute towards peace and order within the community, and second, the members within any community hold conflicting interests and therefore need a coordination mechanism to help them solve their problems. Coercion, fortunately, ensures the effectiveness of law and therefore provides legal security, which is a fundamental value within any society. Potacs supports his argument with a historical example. Perhaps law could have theoretically existed without coercion in ancient tribes consisting of thirty members, but it would have been highly implausible that larger communities could have sustained mutually beneficial agreements without it. Even the early Christian communities that were based on love and peace, he explains, saw the need to strictly enforce rules as their populations increased over time. What about more modern societies that consist of millions? Thus, Potacs concludes, “As law has no empirical existence without obedience, it does not exist without force.” (2016, 128). Christoph Bezemek, meanwhile, offers an anthropological theory about the relationship between law and coercion (2016, 22–5). The first argument for ascribing central significance to coercion is the familiar Hobbesian argument that, without it, law would fail to govern humans, whose state of nature is a state of envy, competition, and conflict. The second, more original argument is that whether someone were, on one hand, like Holmes’ Bad Man (1897, 458), who is only interested in predicting how he would be sanctioned for breaking the law, Shapiro’s Good Citizen (2011, 70) at the other end of the spectrum, who believes that laws constitute independent moral reasons for action, or even Hart’s Puzzled Man (1961, 39) in between, who is genuinely interested in learning what ought to be done, that person is, first and foremost, rational; she has a practical interest in knowing what she and other people can or cannot do—an answer that is supplied by law’s coercive character and its effects upon our calculations. These are but a few examples of new theories that have arisen due to recent advances in sociology, psychology, history, and anthropology that consider coercion to be indispensable to the concept of law.

B. Some Arguments Against the One-Way View

The One-Way View undoubtedly captures important truths about law and adjudication. In this sub-section, however, it shall be argued that it overestimates the independence of courts from broader society, and that, consequently, it arrives at the distorted conclusion that law is a one-way projection of authority. It shall also be argued that institutional materials, by themselves, often fail to exhaust the content of law, and that non-institutional background beliefs, values, and goals of the community aid in their interpretation, factor into the decision, form part of the law's content, and thereby become binding. I shall introduce three reasons why this is so, and these arise from the nature of law itself, the nature of language, and the nature of the judicial role. This section also marks the beginning of our explication of the Two-Way View.

B.1. The Argument From the Nature of Law

The first reason arises from the fact that the law says more than is explicitly stated. In addition to explicitly-written legal rules, the law contains unwritten legal principles that often do not have any single formulation. While they do not specify how citizens ought to behave in concrete situations, they nevertheless function as general premises that are used to create new legal rules, interpret existing ones, modify the scope of their application, and reconcile them when they conflict (Pound 1954 [1922], 56). There is nothing uniquely "institutional" about these principles, for they often belong to the domain of general practical reason. Some of these principles state that manufacturers have special obligations unto their customers, that people should not be allowed to profit from their own wrongdoing, that contracts signed under false pretenses should not be enforced, or that special considerations should be given to the most vulnerable members of society. As Ronald Dworkin explained, principles originate not from a particular legislative statute or judicial decision, but from a "sense of appropriateness developed in the profession and the public over time" (1977, 40). In other words, it is the public's acceptance of principles as being "right"—in the broad sense of the term—that makes them legal principles. This means that citizens may already be guided by certain principles independently of the existence of laws that

institutionalize them. This constitutes a powerful objection against the One-Way View: people do not always conform their behavior to legal standards because they are coerced; rather, they observe certain forms of behavior because they uphold principles that are held dear and are internalized by citizens of their own volition.

Furthermore, principles form a vague, nebulous, and amorphous bundle of standards that constitute the background against which judicial decisions are made. In doing so, they function differently from explicitly written rules on two levels (Raz 1972, 830–41). On the first level, they influence the outcomes of judicial decisions indirectly by operating on a higher level of generality. It is possible for different versions of the same principle to be articulated by different judges so as to directly apply to the specific facts of a case. For example, the general principle that people are entitled to what they persevere for may be reformulated as a more specific legal principle of equal opportunity in a workplace discrimination lawsuit just as much as it can be reformulated as a principle of equal access to education in a lawsuit against a military institute that enforces a male-only admission policy. Thus, not every legal standard is restricted to a single formulation. On the second level, principles function on a meta-level by being indirectly linked to certain rules. Principles interact with rules in two ways. First, they determine the scope of rules by providing the grounds of their interpretation, such as by narrowing, widening, or qualifying rules in the light of their underlying values. For example, the principle of strict liability that defendants are liable for their actions regardless of their mental state when committing an action is enforced more frequently in American tort law than in English tort law, the latter of which is still overwhelmingly fault-based. Consequently, negligence laws are legally and financially more pro-plaintiff in the United States and are applied in a greater number and broader range of cases than in England (Atiyah 1987, 1021). A plausible social explanation for this difference might be that Americans are generally more assertive of their rights, confrontational, and less willing to tolerate disturbances caused by others against them, and so their values find their way into the law and are upheld in litigations far more frequently than their British counterparts. If this is correct, then the range of cases covered by American tort law is both broader and more elastic than its English counterpart.

Second, principles furnish rules with justifying rationales which essentially supply them with weight. The weight of a rule consists of reasons for its application and is measured against the weights of other rules or reasons for their non-application. For example, the rule that guarantees laborers the minimum wage does not possess a rationale of its own. It incorporates the general principle that social justice should be upheld or the intermediate principle that employers should compensate their workers adequately. Hence, the weight of a rule is not only determined by its place in the hierarchy of laws, but also by a collection of widely accepted principles that furnish its justification.

Accordingly, it might be said that social norms, background principles, and widely accepted values form part of the law's content because they are used to determine its scope and limits. They provide standards which judges have a legal duty, not just discretion, to take into account. Some of them thus qualify as legal norms as well and constitute substantive reasons for judges to decide cases one way or another, of which there are two kinds (Summers 2018, 165–6). They either function as “rightness reasons” by expressing socio-moral norms, such as when judges decide cases on the basis of rights, conscionability, punitive deserts, due care, or the relational duties of parents, or they may function as “goal reasons” because they serve desirable social goals, as when judges decide cases on the basis of improving public safety, upholding democracy, protecting public health, or promoting family harmony. Legal rules, then, are embodiments of substantive moral reasons and policies. They are, however, often formulated too generally to be applied on their own. They cannot, by themselves, explain their legal roles, intentions, or justifications (Raz 2009, 228). Their proper interpretation requires judges to exercise their moral acumen, social sensitivities, cultural enlightenment, economic knowledge, and political understanding. Substantive reasoning is therefore an indispensable aspect of legal reasoning. Formal reasoning alone is inadequate, for legal rules cannot exhaust the substantive considerations that factor into a case. Without them, there are bound to be gaps in cases that are so complex that the rules cannot determine what the law really says, nor can they simplify adjudication into a matter of deduction. But at the same time, a substantive reason, no matter how sound or

forceful, is insufficient by itself to justify the decision to a case. It must be anchored in a legal rule under whose ambit the facts of the case fall. Thus, unlike principles, rules affect the decision directly; they function as intermediaries through which the justificatory force of non-institutional substantive reasons are transferred so they apply indirectly to a case. Without them, law cannot maintain its formal character. In this sense, society depends on institutions to define law's domain and the kinds of substantive reasons that may count as legal reasons as well. This is the first sense in which law is a collaboration.

B.2. The Argument From Language

The second criticism against the One-Way View arises from the nature of language. Hart pointed out that because legal rules are intended to express general standards of behavior, they are oftentimes formulated in broad "open-textured" terms. For example, consider a judge who must determine whether a rule prohibiting vehicles in a park has been broken. The term "vehicle" has a core of settled meaning as well as a "penumbra of uncertainty". While the judge may often encounter the paradigmatic case of an automobile that has entered the park, he may also be faced with borderline cases involving roller skates, toy cars, or horse-drawn carriages in which the application of the rule is not automatic due to linguistic uncertainty (1958, 607). Vagueness of this kind is only one among many sources of legal indeterminacy. The language of rules may be imprecise. For example, what amount of care is needed for conduct to be "reasonable"? The meaning of this vague word varies across different jurisdictions. For example, in the United States, most legislative codes, judicial opinions, and secondary sources do not provide any test for determining when a certain form of conduct fails to qualify as "reasonable". They merely refer, rather circularly, to the care that would be exercised by the "ordinary" prudent, careful, or "reasonable" man in similar circumstances (Wright 2002, 143). Thus, in some states, parents who leave their toddler in the hands of a seventeen-year-old may be credited for exercising "reasonable care" and may be deemed as not guilty of breaking the law on negligence even if their toddler figures into an accident. In other states, however, particularly those with stricter and more conservative familial standards, those same parents

may be cited for failing to exercise “reasonable care” in the same circumstances and be convicted of negligence. To complicate things further, the language of the reasonable care standard is itself imprecise, i.e. the phrase “reasonable man” is a point of much controversy. It has been said, for instance, that the law tends to enforce fundamentally androcentric norms (Fraser 2013, 169); the fact that certain terms are gendered (e.g. “reasonable man”) is proof of that. It has also been pointed out that lawmakers and judges have historically been predominantly male, with laws as primary as those in the Constitution all the way down to judicial decisions often being written from the male perspective (MacKinnon 1989, 238). In no way is it suggested that these are the correct ways of crafting, teaching, and enforcing the law, but if these criticisms are correct, contrary to the One-Way View, societal standards relating to gender, race, or religion may form a considerable portion of the law’s content, properly or not.

Imprecision is not the only problem raised by vagueness. Laws may be incomplete (Does committing international telephone fraud constitute an offense “within a jurisdiction?”), incommensurable (How can the value of ‘public interest’ be compared with that of the “right to privacy”), contested (Does pornography qualify as “art?”), ambiguous (If a poultry supplier delivers stewing chickens to a client instead of broiler chickens that are suitable for cooking, does he commit a breach of contract for failing to deliver “chickens?”), and so on (Endicott 2000, 31–55). Hence, contrary to what the One-Way View claims, canonical formulations often fail to eliminate vagueness and indeterminacy. Judges inevitably engage in substantive reasoning to balance the interpretation of rules against various considerations to uncover what they “really mean”, i.e. their plain meaning, the intentions of their authors, the social context, their history of invocation, and their subsequent development.

Furthermore, there are occasions wherein clear cases of the application of a rule are suddenly thrown into uncertainty by language-related reasons. Michael Moore points out that scientific progress often changes the common understanding of legal terms. For example, the word ‘death’ was once equated with the cessation of heart and lung functions. Technological advances, however,

allowed patients whose hearts had stopped beating to be revived and thereby changed our understanding of death to the status of non-revivability (1985, 293–294). There was conceivably some point in the past, therefore, during which it would not have been clear whether a doctor who removed a patient’s organs after he had flatlined was guilty of murder even if he had consented to become a donor upon “death”. There are other situations in which paradigm cases become penumbral ones. Sometimes, changes in the linguistic habits of a community may widen the range of a word’s referents. For instance, whereas “caregiver” was formerly applied exclusively to women, the trend of using language in a more inclusive and gender-neutral manner caused men to become legally recognized as caregivers as well. In yet other instances, the literal reading of a statute may lead to a grave injustice or manifest absurdity. It is often thought that the wide array of techniques of statutory interpretation that are available to a judge eliminate these problems. It is said, for example, that a statute’s legislative intention is fortunately part of its institutional history, for it allows statutes whose literal interpretation would have otherwise led to undesirable outcomes to be applied in a just and reasonable manner. But even this popular alternative is not without its difficulties. It assumes, for instance, that a judge can easily discern a statute’s dominant, univocal intention—presumably that of its primary author—when, in reality, modern legislatures are structured in such a way that it is difficult to pinpoint *whose* and *how many* lawmakers’ intentions are actually part of its institutional history. Lest we forget, lawmaking is a deliberative process that is characterized by substantive disagreement: scores of lawmakers who represent various political parties and lobby for a wide array of partisan interests often engage in a long series of deliberations and debates whose outcomes not only determine whose intentions will ultimately be granted legislative authority in the form of a statute, but even its content, language, and scope of application (Waldron 1999, 41). The difficulties presented by statutory wording and legislative intent, of course, must often be balanced against other considerations, such as its history of invocation, subsequent development, and the present social context. Ironically, in this sense, the wealth of institutional materials may lead judges to engage in some kind of substantive reasoning to determine the true meaning of legal rules. Finally, the existence of dialects within

sub-communities may make it difficult for a judge to determine whether a law has been broken. It might be the case, for example, that the terms of a contract mean different things to someone who subscribes to the “conventional” use of language and to the member of a cultural minority. A judge would be hard-pressed to find fault with the latter because when speakers treat a dialect as natural, they see no need to explain their intentions or the meaning of their words to anyone else. Moreover, it cannot be argued that just because the contractual language did not explicitly mention background practices, no reference to such practices are necessary for the language’s interpretation. In all of these situations, judges must factor in the shared beliefs, habits, attitudes, and values of a community to interpret legal rules (Bix 1993, 63–76). But when this occurs, the coercive dimension of law assumes a less prominent role; judges do not impose particular interpretations of rules as *the* correct ways of understanding them so much as they allow their judgments to be influenced and modified by social mores and customs. These new interpretations eventually become part of the law. This is the second sense in which law is a collaboration: vagueness in law sometimes leads judges to balance the court’s traditional interpretation of rules against the changing linguistic practices of a community.

B.3. The Argument From The Judicial Role

The third criticism against the One-Way View arises from the nature of the judicial role, and it is directed at the undue significance it ascribes to the role of formal reasoning. To begin with, judges often interpret rules in the light of rule of law values partly in order to satisfy public expectations. For example, judges strive to uphold the value of consistency—of treating like cases alike—in accordance with the doctrine of *stare decisis*. This entails making substantive considerations to determine not only how a dispute is sufficiently similar to a past case in the relevant respects, but also to discern the legal principle that constitutes the *ratio decidendi* enshrined as judicial precedent. Additionally, judges tend to observe the liberal principle of interpreting criminal statutes restrictively in order to uphold the rights of the accused and to give the public due notice about what conduct is proscribed (Lucy 2002, 233). Procedural rules tend to promote substantive

reasoning as well. The adversarial method of resolving disputes allows opposing counsel to offer more than just formal reasons on behalf of their clients. Surely, both sides will take the opportunity to present strong substantive reasons to advance their cause, many of which the judge will take into account.

Furthermore, judges must consider their standing in the community. As legal professionals, they must preserve the legitimacy, standing, and good name of the court by tempering the law with a common sense of justice and reason. If they fail to at least give the appearance of probity, or if the court is seen as a monolithic institution that is detached from the community, citizens become more likely to settle disputes among themselves and resort to violence.³ Even within the legal community of academics, lawyers, and other judges, their reputations will rest not only on their formal skills of legal reasoning, but by their substantive skills as well, which require them to exercise their moral acumen, social sensibilities, cultural enlightenment, and so on. But even *their* expectations are inevitably shaped by society as well, so they cannot help but consider the value their colleagues subscribe to social considerations. This is the third sense in which law is a collaboration: while judges wield the final authority to declare what the law is, they must satisfy the public expectation that the outcome will be just, fair, and responsive to the needs of citizens.

II. The Two-Way View

While the Two-Way View acknowledges the place of law's formal character, institutionality, and coercive character, it also ascribes significance to its substantive aspects, relative openness, and intimate connection with social conventions. In the previous section, the substantive aspect of adjudication was explained by arguing how substantive reasoning is made indispensable by the nature of law, language, and the judicial role. The focus of this section shall be on law's relative openness and connection with social conventions. The first sub-section shall describe the structure of the collaboration, which, it shall be argued, is relatively open, whereas the second shall describe its content, which, it shall be argued, incorporates social conventions. Scott Shapiro's

³ See the "Ghetto Argument" in Lucas 1966, pp. 66-7.

relatively new Planning Theory of Law provides useful conceptual devices for developing these points, and so it shall serve as our starting point.

A. The Structure of the Collaboration

Shapiro conceives of laws as plan-like norms and legal activities as forms of social planning. Legal institutions lay out plans for what the community aims to achieve, how these goals are to be achieved, and who is authorized to tell others what they may do in the pursuit of their realization (2011, 155). In the same way that a group of friends makes plans to eat dinner together by deciding what food to cook, which ingredients to buy, where to meet, and whom shall be assigned to prepare each dish, legal institutions create plans that identify which projects to prioritize, what conduct to prohibit, what public goods to achieve, how to raise funds to attain these goods, and who shall be charged with their implementation. A key difference between the plans of cooking clubs and legal institutions, however, is that the latter must coordinate the behavior of much larger groups of individuals, many of whom have competing interests, divergent views, and incommensurate values that may frustrate their collective goals. Hence, without plans, the remaining solutions would often be contentious and complex. They would largely consist of forms of improvisation, private bargaining, communal consensus, or personalized hierarchies—many of which are costly and inefficient. Against this background, legal systems may be understood as institutions whose fundamental aim is to compensate for the deficiencies of alternative forms of planning (2011, 171).

Plans, however, are often left open-ended because a certain degree of flexibility is often seen as desirable. For instance, a consumer goods company might craft a plan to launch a new product by rolling out a comprehensive marketing campaign. They might, however, spend only half of their budget throughout the first month to monitor their campaign's performance, ready to either allocate an even bigger portion if it succeeds, or revise their strategy altogether if it fails. They are likely to have implemented sub-plans in service of the overall plan, such as hiring a new celebrity endorser, increasing the airtime of a commercial, expanding their target market, reviewing their financial targets, and so on.

Obviously, any changes to the overall plan will not be unilaterally decided upon by the marketing department; they will need to consult with their colleagues in the finance, sales, or analytics departments to identify the optimal course of action because many sub-plans may be affected. They will also likely connect with people outside their company, such as the advertising agency who shoot their commercials, third-party distributors who interact with sellers, salesmen who observe consumers' reactions to products, and consumers themselves by conducting interviews, surveys, and facilitated group discussions. In this light, plans are shared activities that consist of feedback loops.

Similarly, laws may be formulated at such a high level of generality that they are modified, filled out, and developed incrementally over time. While they express overall plans to uphold certain principles or achieve desirable social goals, they may also be supplemented by sub-plans that involve the cooperation of many groups throughout society in order to execute various parts of the overall plans. This is not to say that all sub-plans are developed in detail from the very beginning; the court may have to interpret the overall plan repeatedly over time and create new sub-plans along the way. For example, in the United States, the Sherman Antitrust Act of 1890 stipulated that “restraints of trade” were henceforth to be illegal without specifying what activities qualified under its definition. This did not, however, mean that the act was any less of a plan to regulate economic activity and protect the free market; all it meant was that Congress left it to the courts to determine its scope. True enough, the court clarified in a line of cases that activities such as price-fixing, bid-rigging, and market allocation schemes counted as restraints on trade—even though these were not explicitly included in the original plan. But in drawing the boundaries of the law to apply to such instances, the court in effect said that they *had always been* part of the plan.

In this sense, laws are plans that require interpretation, and for Shapiro, the roles of individuals within a legal system—of which he names four—can be organized around this purpose: (1) “officials” such as judges, senators, and administrative officials who occupy offices, (2) “actors” such as citizens who are delegated legal rights and responsibilities so they may contribute to the realization of the

plans, (3) “planners” such as legislatures, courts, and administrative institutions that create, modify, and operationalize the plans of the system, and (4) “meta-interpreters” such as judges who determine the appropriate interpretive methodology for an actor to use (2011, 355–65), e.g. whether laws should be read as promoting desirable social goals such as economic prosperity as opposed to upholding individual rights at all costs. It also goes without saying that judges may belong to all four categories, but what distinguishes them from any other member of a planning group is their authority to interpret what the legal plans say and to apply them accordingly. But as in the marketing example, the interpretation and application of legal plans is a relatively inclusive and “open” activity in a qualified sense. While legal institutions wield the final authority to interpret what the plan “really” says and how it is to be achieved, they are not insulated from the wider social context from which it arose. After all, plans are tailor-fitted for specific purposes and audiences; how can judges only consider what lawmakers had in mind when they crafted the plan without probing into the rights, needs, and responsibilities of “actors” that the plan was created for? Furthermore, in cases involving constitutional provisions and statutes that were authored decades prior, how can the judge interpret the law against its original background to the neglect of the present social context? Thus, legal systems are structured in a manner that allows the plan-related procedures of courts to be balanced against the principles, values, and goals of the community.

The respective roles of planners within this structure may be elucidated by Kevin Toh’s distinction between plan-attitudes and plan-contents (2018, 2–6): the former refer to the psychological states of having plans, whereas the latter refer to what the plans themselves consist of. For example, consider a sociology professor who assigns her advisee to submit a research proposal before he begins working on his dissertation. She expects his proposal to have the semblance of a plan by incorporating a focused research question, a review of related literature, and some high-level methodology. Her task is first, to ascertain that a plan is in place and that he intends to execute it (the plan-attitude), and second, to review its content to determine whether it is feasible and relevant (the plan-content). Should the proposal fail to meet her standards, he may inform her either that she does not really have a plan or

that she has a plan but it is one that must be substantially revised. Even though the revisions will ultimately be incorporated by him, it does not nullify the fact that the proposal, research, and writing processes will be collaborations between professor and student over the years. They will exchange ideas back and forth until the plan becomes clearer and more impactful.

A judge may find herself in a similar position, for instance, when she presides over a case involving a newly ratified anti-terror bill that is challenged by a civil liberties union on the grounds that its provisions authorize the government to publish the names of activists who are “red-tagged” as suspected terrorist sympathizers. She must ascertain two things: first, that there is, in fact, a plan that the government intends to implement (the plan-attitude), and second, that the provisions of the plan actually serve its purpose of combatting terrorism (the plan-content). The first task requires the judge to conduct an empirical investigation into the validity of the plan, i.e. that the bill was enacted in accordance with the proper legislative procedures. The second task, however, while it would require an empirical investigation into its provisions, might also require a normative investigation to be conducted as well. In determining whether the provision in question serves the plan’s overall purpose, for instance, she might need to assess its value relative to that of the constitutional plan to protect the right to free speech, especially if there is good reason to believe that the bill might be weaponized to silence political dissidents. In the Philippines, for example, the recently ratified Republic Act No. 11479, also known as the Anti-Terrorism Act of 2020—has generated much political controversy. Its proponents and supporters have cited the need to create an Anti-Terrorism Council (ATC) which could officially designate persons who could be arrested as “terrorists” and the need to allow for suspects to be detained without a judicial warrant of arrest for fourteen days and to be placed under surveillance for sixty days. They believe that more drastic measures need to be taken against longstanding terrorist groups such as the Moro National Liberation Front (MNLF) and the Abu Sayyaf Group (which is said to have ties to the Islamic State of Iraq and Syria [ISIS]) which have perpetuated hundreds of attacks for five decades. Its critics, however, have pointed out that government institutions in the Philippines cannot be trusted based on multiple reports of

extrajudicial killings, documented abuses committed during the war against illegal drugs by the police, and lingering concerns over human rights violations committed against outspoken activists who have been falsely accused of aiding terrorists and unlawfully detained (Mendoza et al. 2021, 253). In their view, national security issues bleed into matters of free speech, political expression, social reform, and other sectoral interests whose advocates are likely to be targeted by the state. There is thus a clear conflict of values in such cases—many of which may be in equipoise—and to arrive at a decision, the judge cannot simply rely on her personal convictions. She must also consider how a democratic society balances competing values, what goals it tries to achieve, and which background principles are relevant to the issues. In short, the content of a plan—while it might be formalized by the officials of legal institutions—is not necessarily a unilateral determination of what the court values. Rather, it is a dynamic work-in-progress that evolves alongside the society for which it is crafted, made possible by a constant negotiation between the views of the judge and those of the citizen.

B. The Content of the Collaboration

It should be clarified how ordinary citizens provide input into the contents of legal plans. This occurs in two ways. The first is through some kind of political engagement through the democratic process. For instance, they may elect politicians on the basis of their platforms, e.g. to introduce a law that temporarily prohibits landlords from evicting tenants who lost their jobs due to the COVID-19 pandemic and are therefore unable to pay their rent on time—a bill whose contents may eventually be interpreted by judges as reflective of the call for social justice.⁴ Alternatively, they may participate in campaigns, rallies, or movements that advocate certain causes, thereby creating the moral and political background against which judges may interpret laws to keep in the spirit of the times. This occurred, for instance, when the Supreme Court of the United States overturned the decision in *Baker v. Nelson*⁵ (1971) that construing a marriage statute to restrict marriage licenses to persons of opposite sexes did not offend the

⁴ The United States Congress enacted such a federal eviction moratorium under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020

⁵ 291 Minn. 310, 191 N.W.2d 185 (1971).

Constitution. In 2015, it was ruled on a 5-4 split in the landmark case *Obergefell v. Hodges*⁶ that both the Due Process and Equal Protection Clauses of the Fourteenth Amendment guarantee same-sex couples the fundamental right to marry after all. In fact, Justice Anthony Kennedy, who penned the majority decision, acknowledged how supporters of same-sex marriage had achieved considerable success in persuading fellow citizens to adopt their view through the democratic process, without whose efforts society's understanding of inequality and discrimination would not have evolved as much as it had since *Baker*. *Obergefell* now requires all states to issue marriage licenses to same-sex couples and to recognize as valid same-sex marriages that were performed in other jurisdictions. The issue, however, is that although the concept of interstate recognition binds states to legally honor transactions and notarial acts performed in accordance with the originating state's laws, there has often been tension between a federal court's ruling and that of the Supreme Court on marriage-related issues (Bix 2005, 337-44). It would not be surprising, for example, if courts in Utah would espouse very different attitudes towards same-sex couples from those in San Francisco. This means that the question of what is legally binding may often be a deliberation about what the democratic process on the state level leans towards versus what the democratic process on the national level does. The second is through the formation of widespread social practices that are deemed to be of such great importance within a community that they eventually come to be held as binding. Borrowing from John Searle's concept of a regulative rule (Searle 1970, 33), Andrei Marmor explains that some laws are created to regulate some antecedently and independently existing conventions. This occurs, for instance, when some conventions of etiquette become codified into law. Examples of these include laws in some countries that require individuals to stand up in cinemas when the national anthem plays before the movie proper, statutes that prohibit lewd gestures or sexually provocative utterances, or codes of conduct that obligate government employees to uphold certain standards of respect becoming of the dignity of their office. In these situations, officials do not create practices that constitute laws, but take pre-existing ones and institutionalize them (Marmor 2009, 35-52). This implies that even before such laws are passed,

6 *Obergefell v. Hodges*, 576 U.S. 644 (2015).

there exist standards of behavior that members of the community expect others to live by, such that those who violate them are subject to some kind of censure, disapproval, or sanction. The law merely enhances the coercive force of these standards with its own apparatus. In short, there are norms that citizens hold as binding with or without law. The statute that formalizes them merely expresses these norms in canonical formulations to guide both citizens and judges.

There is a less direct sense in which the members of a community play a role in adjudication. This occurs in cases when legal rules fix the identification of what the law is, but fail to fully determine its content. In these situations, the correct applications of rules are “ongoing negotiations” that cannot be resolved by any pre-existing conventions because there is deep theoretical disagreement over their boundaries (Coleman 2001, 99). Such disputes are only decided when judges engage in substantive argument that do not lend themselves to conventional solutions. They must thus break new legal ground by developing the law while making it appear that their legal reasons are derived from what the law has always been, especially in common law systems where decisions are based on customary standards of what has been deemed reasonable or unreasonable by the community since time immemorial.

Conclusion

In this article, it has been argued that while the One-Way View illuminates essential aspects of law such as its formal, institutional, and coercive character, it unfortunately does so at the expense of others, such as its substantive aspects, relative openness, and intimate connection with social conventions. The Two-Way View, in contrast, holds that law is a collaboration—that its content is never fully fixed by legal rules, that it often originates from citizens, and that judges inevitably invoke the values, principles, and goals of a community in determining what it says and what it holds to be legally binding. A deeper understanding of the relation between law and society undoubtedly sheds light not only on the nature of our legal institutions, but on ourselves—the people we have become and the community we aspire to be.

References

- Atiyah, P.S. 1987. "Tort Law and the Alternatives: Some Anglo-American Comparisons." *Duke Law Journal* 6 (Dec. 1987). 1002-1044.
- Austin, John. 1875. *Lectures on Jurisprudence*. Ed. Robert Campbell. New York: Henry Holt and Company.
- Austin, John. 1998. *The Province of Jurisprudence Determined*. 1832. Indianapolis: Hackett Publishing Company, Inc.
- Bentham, Jeremy. 1970. *Of Laws in General*. 1945. Ed. H.L.A. Hart. London: The Athlone Press.
- Bix, Brian. 1993. *Law, Language, and Legal Determinacy*. Oxford: Clarendon Press.
- Bix, Brian. 2005. "State Interests in Marriage, Interstate Recognition, and Choice of Law." *Creighton Law Review* 38. 337-352.
- Coleman, Jules. 2001. *The Practice of Principle*. New York: Oxford University Press.
- Dworkin, Ronald. 1977. *Taking Rights Seriously*. London: Duckworth.
- Endicott, Timothy. 2000. *Vagueness In Law*. New York: Oxford University Press.
- Enoch, David. 2011. "Reason-Giving and the Law." *Oxford Studies in Philosophy of Law*. Ed. Leslie Green & Brian Leiter. New York: Oxford University Press.
- Ferraro, Francisco. 2013. "Adjudication and Expectations: Bentham on the Role of Judges." *Utilitas* 25:2 (June). 140-160.
- Fraser, Nancy. 2013. *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis*. New York: Verso.
- Fuller, Lon L. 1969. *The Morality of Law*. Revised Ed. New Haven: Yale University Press.---
- Hart, H.L.A. 1958. "Positivism and the Separation of Law and Morals." *Harvard Law Review* 71:4 (Feb). 593-629.
- Hart, H.L.A. 1961. *The Concept of Law*. Oxford: Clarendon Press.
- Himma, Kenneth Einnar. 2020. *Coercion and the Nature of Law*. New York: Oxford University Press.

- Holmes, Oliver Wendell Jr. 1897. "The Path of the Law." *Harvard Law Review* 10. 457-478.
- Kelsen, Hans. 1967. *Pure Theory of Law*. 1960. 2nd Ed. Trans. Max Knight. New Jersey: The Lawbook Exchange, Ltd.
- Lamond, Grant. 2020. "Methodology." *The Cambridge Companion to the Philosophy of Law*. Ed. John Tasioulas. Cambridge: Cambridge University Press. 17-37.
- Lobban, Michael. 1991. *The Common Law and English Jurisprudence 1760-1850*. Oxford: Clarendon Press.
- Lucas, J.R. 1966. *The Principles of Politics*. Oxford: Oxford University Press.
- Lucy, William. 2002. "Adjudication." *The Oxford Handbook of Jurisprudence and Philosophy of Law*. Ed. Jules Coleman and Scott Shapiro. New York: Oxford University Press. 206-267.
- MacCormick, Neil. 2007. *Institutions of Law*. New York: Oxford University Press.
- MacCormick, Neil and Ota Weinberger. 1986. *An Institutional Theory of Law*. Holland: D. Reidel Publishing Company.
- MacKinnon, Catharine. 1989. *Tiward a Feminist Theory of the State*. Cambridge: Harvard University Press.
- Marmor, Andrei. 2009. *Social Conventions: From Language to Law*. New Jersey: Princeton University Press.
- Mendoza, Ronald et al. 2021. "Counterterrorism in the Philippines: Review of Key Issues." *Perspectives on Terrorism* 15:1 (Feb). 246-261.
- Moore, Michael. 1985. "A Natural Law Theory of Interpretation." *Southern California Law Review* 58:1. 277-398.
- Postema, Gerald. 1986. *Bentham and the Common Law Tradition*. New York: Oxford University Press.
- Postema, Gerald. 1996. "Law's Autonomy and Public Practical Reason." *The Autonomy of Law: Essays in Legal Positivism*. Ed. Robert George. New York: Oxford University Press. 79-118.
- Postema, Gerald. 2019. *Utility, Publicity, and Law: Essays on Bentham's Moral and Legal Philosophy*. New York: Oxford

University Press.

- Potacs, Michael. 2016. "Does Law Exist Without Force?" *The Force of Law Reaffirmed*. Ed. Christoph Bezemek and Nicoletta Ladavac. Switzerland: Springer International Publishing.
- Pound, Roscoe. 1954. *An Introduction to the Philosophy of Law*. 1922. New Haven: Yale University Press.
- Raz, Joseph. 1972. "Legal Principles and the Limits of Law." *The Yale Law Journal* 81. 823–854.
- Raz, Joseph. 1979. *The Authority of Law*. Oxford: Clarendon Press.
- Raz, Joseph. 2009. *Between Authority and Interpretation*. New York: Oxford University Press.
- Searle, John. 1970. *Speech Acts: An Essay in the Philosophy of Language*. New York: Cambridge University Press.
- Schauer, Frederick. 1988. "Formalism." *The Yale Law Journal* 97:4 (Mar.) 508–548.
- Schauer, Frederick. 2015. *The Force of Law*. Cambridge: Harvard University Press.
- Shapiro, Scott. 2011. *Legality*. Cambridge: The Belknap Press of Harvard University Press.
- Summers, Robert. 2018. *The Jurisprudence of Law's Form and Substance*. New York: Routledge.
- Stone, Martin. 2002. "Formalism." *The Oxford Handbook of Jurisprudence and Philosophy of Law*. Ed. Jules Coleman and Scott Shapiro. New York: Oxford University Press. 166–205.
- Toh, Kevin. 2018. "Plan-Attitudes, Plan-Contents, and Bootstrapping: Some Thoughts on the Planning Theory of Law." *Oxford Studies in Philosophy of Law* Vol. 3. Ed. John Gardner, Leslie Green, and Brian Leiter. Oxford: Oxford University Press. 1–48.
- Waldron, Jeremy. 1999. *Law and Disagreement*. New York: Oxford University Press.
- Wright, Richard W. 2002. "Justice and Reasonable Care in Negligence Law." *American Journal of Jurisprudence* 47. 143–196.

III: Symposium Papers

We Are All In This Together

Photography, digital collage, and creative writing, 2021

by *Paraskevi (Evie) Filea*

To me, social philosophy is all about humans exploring their connection to their community and their environment. The title of this work is a reference to the era of the COVID-19 pandemic, but instead of encouraging for social distancing, I hope, it is more like a call for connection, and socially getting together instead. I wanted the trunk of the tree to look as if it was made from words and ripped book pages because philosophy is mostly associated with, communicated, and reproduced in written word. The tiny little ripped pages that create the main body of the tree stands for the process of research itself, which involves synthesizing fractions of many different works. The young bare hands touching the tree trunk is a reference to the journal itself which hosts and gets edited by young scholars in a collective manner. It also stands for the field of social philosophy which is always made from people about people.



A Critical Theory of Epistemic Injustice

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Abstract: Following developments in contemporary critical social theory and social epistemology that (re)think the interdependence of knowledge and society, I elucidate in this paper the recognitive dimension of epistemology. I do this by bringing into conversation the ideas of Miranda Fricker on epistemic injustice, the theory of communicative rationality by Jürgen Habermas, and the concept of intersubjective recognition by Axel Honneth. On the one hand, I stress the need for discussions on epistemic injustice to be informed by critical theories of recognition such as that of Habermas' and Honneth's, in order to provide a more robust account of the social-moral dimension of epistemic forms of injustice. On the other hand, I emphasize that there is also a need to rethink the role of epistemological discussions within critical theory and stress that social justice is impossible without epistemic and epistemological justice. Contrary to the tendency to reduce epistemic forms of injustice to social and moral pathologies, I argue that there are forms of injustices that while they are social and moral, they are specifically epistemic at the same time; that is, they are exerted and sustained through or against knowledges and knowers.

Keywords: Critical Theory, Social Epistemology, Epistemic Injustice, Theory of Communicative Rationality, Intersubjective Recognition

Introduction

Developments in the analytic tradition of epistemology that take more seriously the social dimensions of knowledge beginning in the latter half of the twentieth century, in the form of social epistemology, feminist epistemology, and virtue epistemology, have opened new and instructive ways to rethink the questions about knowledge. These include what knowledge is, what it means to know, the extent of our reliance on one another when generating and validating knowledge, how salient contexts and identities are

in our thought-processes, and how society and knowledge are related. In an overlapping, although differently oriented fashion, similar questions have been explored in continental philosophy, perhaps most prominently in phenomenology, hermeneutics, and critical theory. Further still, more recent and interdisciplinary approaches such as post-colonial and decolonial thinking, black feminist thought, as well as critical race theory have also unrelentingly engaged with the social, political, and ethical aspects of knowing.

Following these traditions of (re)thinking the interdependence of knowledge and society, I aim to elucidate the recognitive dimension of epistemology by bringing into conversation the ideas of Miranda Fricker on epistemic injustice, the theory of communicative rationality by Jürgen Habermas, and the concept of intersubjective recognition by Axel Honneth. On the one hand, I stress the need for discussions on epistemic injustice to be informed by critical theories of recognition such as that of Habermas' and Honneth's, in order to provide a more robust account of the social-moral dimension of epistemic forms of injustice. The aim here is to make social epistemic theories of injustice critical at the same time as they are analytic. On the other hand, I also emphasize that there is a need to rethink the role of epistemological discussions within critical theory and stress that social justice is impossible without epistemic and epistemological justice.¹ Contrary to the tendency to reduce epistemic forms of injustice to social and political forms of injustice, I argue that there are forms of injustices that while they are social and moral, they are specifically epistemic at the same time—by this, I mean that they are exerted and sustained *through or against knowledges and knowers*.

This work is divided into three parts: The first part elucidates Habermas' central ideas about the conditions of the ideal speech situation and presents how his work provides a helpful starting point for understanding Fricker's notion of epistemic injustice. The second part shifts the discussion to Honneth's account of

¹ Gurminder Bhambra explains that epistemological justice is different from epistemic injustice insofar as the former refers to the "adequacy of the 'grand narratives' that structure the contexts within which we come to understand ourselves and others." Gurminder Bhambra, "Decolonizing critical theory?: epistemological justice, progress, reparations", *Critical Times* (April 2021) 4:1, 76.

intersubjective recognition; first as a way of expanding Habermas' ideas about intersubjectivity, but second, to emphasize Honneth's position that rather than mutual understanding as Habermas argues, mutual recognition is the motor of social life. In the last part, I argue that while Honneth's theory of intersubjective recognition provides a starting point for understanding the recognitive dimension of epistemic injustice, it however falls short in accounting for specifically epistemic forms of social injustice. Building on this, I offer a critique to the tendency in Honneth's theory to reduce epistemic injustice to social injustice. I stress that the theory of intersubjective recognition would be enriched by a serious engagement with works in epistemology that bring to light the epistemic dimension of social inequality and oppression, such as Fricker's, as well as of Kristie Dotson's and Patricia Hill Collins' among others.

Part I: Communicative Rationality and Epistemic Injustice

In Jürgen Habermas' theory of communicative rationality, one finds an argument for the internal connection between reason and society that elucidates the rational grounds for social reproduction and the intersubjective grounds of reason.² Habermas' theory of communicative rationality responds to the first generation Frankfurt School critical theorists' position that rationality in the modern period, in the form of scientific or enlightenment thinking, fosters a repressive cognitivist and instrumentalizing relationship with nature, the world, and other human beings. Theodor Adorno and Max Horkheimer for instance argue that scientific or enlightenment thinking is guilty of being complicit with the capitalist social order, rather than being critical of capitalism's instrumentalizing, externalizing, commodifying, and dominating features and power structures.³ Reason in the modern period for them, has ceased to be a tool of emancipation and has instead become a tool of subjugation.

² See also Jürgen Habermas' *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (John Wiley & Sons, 2015).

³ See Max Horkheimer's *Critical Theory* (Continuum, 1972); also, Max Horkheimer and Theodor Adorno's *Dialectic of Enlightenment: Philosophical Fragments* (Stanford University Press, 2002).

Contrary to this bleak analysis of reason, Habermas argues that there is a more primordial form of rationality that is embedded in social life that is discoverable in our communicative practices. He calls this *communicative rationality* which refers to social actors' intersubjective practices of reaching mutual understanding through the exchange of reasons.⁴ For Habermas, reason in modern society is not only cognitive-instrumental, concerned only with the representational and instrumental mastery of an objective world by a solitary thinking subject. He argues instead that *cognitive-instrumental rationality* presupposes communicative rationality which is oriented towards the mutual communicative understanding of subjects within an intersubjectively shared lifeworld. Communicative rationality, Habermas explains, is the cooperative orientation on the part of reason givers to arrive at an intersubjectively valid claim that is grounded upon the rational force of the better argument. Such validity claims are generally classified into: (a) propositional truth or fact, (b) normative rightness, or (c) sincerity, that refer to different things.⁵ Whence propositional truth refers to an objective or factual reality, normative rightness refers to norms and standards of value, and sincerity refers to the authenticity or truthfulness of one's speech.

Our discursive practices, for Habermas, have a public character, and are preconditioned by four elements: (1) the inclusion of all concerned, (2) the participants have equal communicative rights, (3) they mean what they say, and (4) they are free from coercion.⁶ He calls these four elements the *justification enabling conditions* of speech. What Habermas emphasizes through his discussion of these preconditions of speech is that in contrast to cognitive-instrumental rationality, the validity of the claims raised in communicative rationality are not only derived from their so called 'objective' validity, but also from the 'intersubjectivity' of the process of arriving at mutual understanding and consensus about these claims. This indicates that the reliability of the knowledge produced through discourse is equally dependent upon the ideal quality of the conditions of the discourse, because it is the *ideal*

⁴ See Jürgen Habermas' *Theory of Communicative Action: Reason and the Rationalization of Society*, Vol. 1 (Polity Press, 1986).

⁵ See Jürgen Habermas' *Theory of Communicative Action* Vol 1.

⁶ Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory* edited by Ciaran Cronin and Pablo De Greiff (Polity Press, 1998), 44.

speech situation which in the first place makes the proper exchange of reasons or justifications possible. What is worth noting is that the object of epistemic evaluation in the context of the preconditions of speech is not the *arguments* in the discourse (their consistency, correspondence to reality, etc.), but the pre-argumentative conditions surrounding *subject knowers* who participate in the discourse. For Habermas, for claims to truth, rightness, or sincerity to be made, the justification enabling conditions must first be met, otherwise the validity of such claims is weakened if not voided/nulled.

This dependence on the four preconditions of communication is the significant point in communicative rationality which I claim to be helpful in clarifying the social dimension of epistemic injustice as conceived by Miranda Fricker. I argue that Fricker is ultimately making the same point as Habermas regarding the necessity to first meet certain conditions for the communication or uptake of testimonies and knowledges to be possible. The core difference is that whereas Habermas' discussion focuses on the processes necessary for achieving the validity required for our knowledges, Fricker's analysis is oriented towards unraveling the ways in which the violation of the conditions of discourse become wrongs and harms against knowers—to which I add, to knowledges—to the extent that they constitute an (epistemic) injustice. To clarify this, I discuss what Fricker means by epistemic injustice.

Fricker defines epistemic injustice as a “wrong done to someone in their capacity as a knower”⁷ and articulates two primary forms of epistemic injustice: testimonial and hermeneutical. She explains that testimonial injustice is characterized by an *identity-prejudicial credibility deficit*⁸ wherein hearers, consciously or unconsciously, give a deflated level of credibility to a speaker's word on account of the speaker's identity. Meanwhile, hermeneutical injustice points to a lacuna in our collective interpretive resources caused by the “asymmetrical ability of some groups to affect the ways in which a

⁷ Miranda Fricker, *Epistemic Injustice: Power & The Ethics of Knowing* (Oxford university Press, 2007), 1.

⁸ Fricker, 28. Fricker also talks about *credibility excess* in contrast to *credibility deficit* but notes how the latter is of greater importance in terms of the ways in which they disadvantage epistemic agents.

given society makes sense of the world.”⁹ This can be through the deliberate or non-deliberate exclusion or marginalization of those persons or groups who are directly impacted by the development or underdevelopment of epistemic or communicative resources. Epistemic or communicative resources—from language, to concepts, or terminologies, or ways of saying, to frameworks and standards of knowing—are necessary in rendering certain experiences and knowledges intelligible. Their presence or absence have a direct impact on the level of engagement or uptake knowers will have over the said experiences and knowledges.¹⁰

Several scholars have picked up on Fricker’s theory of epistemic injustice and identified several other types of epistemic injustice. One of which is developed by Gaile Pohlhaus Jr. namely, willful hermeneutical ignorance. Willful hermeneutical ignorance refers to a case in which dominantly situated knowers willfully ignore the epistemic resources developed by marginally situated knowers.¹¹ This form of epistemic injustice differs from hermeneutical injustice inasmuch as willful hermeneutical ignorance highlights not the situation where one does not have the hermeneutical resources to name and therefore callout an injustice, but where there are resources available except that dominantly situated knowers *refuse* to acknowledge or engage with them. This is very similar to what Kristie Dotson refers to as a third kind of epistemic injustice, i.e. contributory injustice which she explains to be, “caused by an epistemic agent’s situated ignorance, in the form of willful hermeneutical ignorance, in maintaining and utilizing structurally prejudiced hermeneutical resources that result in epistemic harm to the epistemic agency of a knower.”¹² Finally, Andrea Lobb, is another scholar who points to another type of epistemic injustice, namely, prediscursive epistemic injury. She explains that this refers to how harms against our *affective* or *embodied* states translates to harms against our *epistemic* states. For instance, how bodily

9 Kristie Dotson, “A Cautionary Tale: On Limiting Epistemic Oppression”, *Frontiers: A Journal of Women Studies*, Vol. 33, No. 1 (2012), 29.

10 Under this sense, hermeneutical injustice can further disadvantage marginalized knowers, particularly when it comes to making sense of their social experiences of marginalization. Fricker, 1.

11 Gaile Pohlhaus, Jr., “Relational Knowing and Epistemic Injustice: Toward a Theory of ‘Willful Hermeneutical Ignorance’”, *Hypatia*, Vol. 27 No. 4 (Fall 2012), 715-735.

12 Dotson, “A Cautionary Tale”, 31.

violations subsequently harm one's capacity to function well as a knower specifically by way of compromising bodily knowledge.¹³

What is significant to stress in Fricker's conception of epistemic injustice is that testimonial and hermeneutical injustice, alongside other forms of epistemic injustices, are not simply instantiations of a breakdown of communication or epistemic failures. Rather, they are also assaults against our identities as knowers such that they constitute a moral wrong at the same time as they constitute an epistemic harm. They are forms of *injustices* because they are based on unequal attributions of credibility, misrecognition or ignorance of knowledges, marginalization or exclusion of knowers from the processes aimed at developing epistemic resources, among others. Meanwhile, they are *epistemic* forms of injustice because they happen through or against knowers and knowledges. To clarify this further, I draw on Mathew Congdon's argument about the ethical and epistemic nature of the concept 'knower' and on Dotson's and Patricia Hill Collins' ideas on the harms of epistemic oppression and exclusion.

Congdon in his work on epistemic injustice and recognition theory explains how the concept of a 'knower' is a normative concept that is simultaneously epistemic and ethical. He writes: "it is epistemic insofar as the label 'knower' indicates the roles that one may legitimately assume within practices of justification and warrant, and ethical, in the sense that being a knower implicates one within interpersonal relations of answerability that invoke notions of justice and injustice, flourishing and degradation, virtue, and vice, rightful treatment and moral injury."¹⁴ This then means that when one is wronged and harmed in their capacity and status as knowers, they are wronged and harmed ethically *and* epistemically. On the one hand, one is ethically wronged when they are not recognized as knowers; but on the other hand, such a wrong also harms one epistemically in terms of being prevented from actualizing one's

13 Andrea Lobb, "'Prediscursive Epistemic Injury': Recognizing Another Form of Epistemic Injustice?", *Feminist Philosophy Quarterly* Vol 4 Issue 4 (2018), 17-18. Several other scholars further develop other types of epistemic injustice. Another one is a form of epistemic injustice caused by a prejudiced not against who knowers are, but on what they communicate. See Robin Dembroff and Dennis Whitcomb's "Content-Focused Epistemic Injustice" in *Oxford Studies in Epistemology* (forthcoming).

14 Matthew Congdon, "'Knower' as an Ethical Concept: From Epistemic Agency to Mutual Recognition", *Feminist Philosophy Quarterly* Vol. 4 No. 4 (2018), Article 2, 2.

epistemic agency (since as I will show, epistemic agency is co-dependent on one's epistemic partners' recognition of that agency) and consequently from discovering the best available knowledge. This latter phenomenon is what Collins speaks of in her work on *Intersectionality*. She writes that when ideas are not shared freely, 'this harms the quality of knowledge itself and fosters ignorance among dominant group members about what subordinate group members think'; it "quiets' dissident voices and by doing so 'smothers' good ideas of their members."¹⁵ When this happens, the discovery of the best available knowledge is stifled because the free and democratic exchange and contestation of ideas is stymied. Collins picks this up from Dotson's conceptualization of 'epistemic oppression,' who in turn draws on Collins' analysis of epistemic exclusion. In epistemic oppression Dotson explains that there is a "persistent and unwarranted infringement on the ability to utilize persuasively shared epistemic resources" which then hinders "one's contribution to knowledge production"¹⁶ and consequently the achievement of an intersubjectively and democratically arrived at knowledge. Thus, in the context of epistemic injustice, knowers and knowledges are both harmed. This is where the epistemic nature of the injustice comes from; while it is a form of social-moral wrong and harm, it is *also* epistemic and is irreducible to social-moral wrongs and harms.¹⁷

Drawing on Fricker's, Congdon's, Collins', and Dotson's insights, I am emphasizing the epistemic nature of the social-moral harm in order to draw attention to how social injustice cannot be fully understood without at the same time understanding its epistemic dimensions. By this I mean to refer to how knowledges and knowers (in their capacity as knowers) can reproduce or challenge social injustice, and how social injustice can in turn affect the quality of knowledges. Fricker's notion of epistemic injustice is helpful in this regard inasmuch as it brings into the limelight another fundamental aspect of social interaction: the mutual desire to be recognized as a *knower* and to express and achieve valid *knowledge*

¹⁵ Patricia Hill Collins, *Intersectionality as Critical Theory* (Duke University Press, 2019), 135.

¹⁶ Kristie Dotson, "Conceptualizing Epistemic Oppression", *Social Epistemology* 28:2 (2014), 116.

¹⁷ This is also Dotson's point regarding epistemic oppression, one should not reduce epistemic harms to social-political harms. Dotson, "Conceptualizing Epistemic Oppression", 115-117.

about the world, others, and of oneself. In light of this, I also emphasize that the frustration or denial of epistemic recognition and knowledge is a form of injustice because as I will show in the succeeding section, they constitute a form of disrespect, they harm identity formation, and they inhibit epistemic agency. Relating this back to Habermas, I argue that his theory of communicative rationality helps to clarify the social-epistemic motivation to be recognized as a knower and express or achieve knowledge. It can be inferred from his theory that we seek epistemic recognition and knowledge because we want to come into agreement with our fellow knowers about our communicatively shared lifeworld. Exclusion, unequal communicative rights, deception, and coercion, like testimonial injustice, hermeneutical injustice, contributory injustice, or prediscursive epistemic injury, disadvantages knowers, impoverishes knowledge, and at the same time, deny from knowers the fulfilment of the fundamental social impulse to achieve communicative understanding. In this sense, epistemic injustices or the violation of the preconditions of communication¹⁸ show how we can be prevented from actualizing fundamental facets of our social-epistemic lives. In the next section, I expand this further and argue that over and above mutual understanding, epistemic recognition and knowledge have direct impact on our self-relation, self-understanding, and self-trust. To explain this, I extrapolate Honneth's intersubjective theory of recognition into epistemology.

Part II: Intersubjective Recognition and Positive Self-Relation

Following one of the motifs of Habermas' critical theory, Honneth embarks on the further theorization of normatively recognizable forms of intersubjective rationality and ethicality that could be a basis for social change. In particular, a kind of social theory that is able to provide insight on the human struggle for "expanded forms

¹⁸ I opt for this term rather than Jilly Boyce Kay's term 'communicative injustice' insofar as Kay limits the definition of communicative injustice to the denial of one's voice. I take epistemic injustice to be a wider form of injustice that is concerned not only with the denial of voices but also of being harmed recognitively as a knower. This explains why I see the necessity of turning to Habermas and later on to Honneth, in order to unpack the specifically cognitive dimension of the epistemic harm being alluded to.

of recognition and new forms of social organization.”¹⁹ In his article on “Integrity and Disrespect”, he asserts that the integrity of human subjects is dependent on whether they receive approval or respect from others and that human subjects are therefore vulnerable to insult and disrespect.

Honneth defines disrespect as “the specific vulnerability of humans resulting from the internal interdependence of individualisation and recognition.”²⁰ Disrespect, he explains, is the withholding or withdrawing of recognition, that can build or destroy the *identity of a person*, in terms of its direct effect on their *dignity*. He writes:

Negative concepts of this kind are used to characterize a form of behavior which does not represent an injustice solely because it constrains the subjects in their freedom for action or does them harm. Rather, such behavior is injurious because it impairs these persons in their positive understanding of self an understanding acquired by intersubjective means. There could be no meaningful use whatsoever of the concepts of “disrespect” or “insult” were it not for the implicit reference to a subject’s claim to be granted recognition by others. Hence the language of everyday life, which [Ernst] Bloch himself, too, invokes as a matter of course, contains references to a concept based on the theory of intersubjectivity; this concept holds that the inviolability and integrity of human beings depends upon approval offered by others.²¹

Honneth stresses that a positive relation-to-self necessary for self-realization emerges only with the experience of recognition.²² This means that the prerequisites for the freedom associated with self-realization is something that one does not have at one’s disposal and can only be acquired through the affirmation

¹⁹ Danielle Petherbridge, Introduction, in *Axel Honneth: Critical Essays: With a Reply by Axel Honneth* Edited by Danielle Petherbridge (Brill, 2011), 18.

²⁰ Honneth, *The Struggle for Recognition*, 131.

²¹ Axel Honneth, “Integrity and Disrespect: Principles of a Conception of Morality Based on a Theory of Recognition,” 249 in *The Fragmented World of the Social: Essays in Social and Political Philosophy* (SUNY Press: New York, 1995), 247-260. To be cited as ID hereafter.

²² Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Polity Press, 1995), 173.

of one's interaction partners.²³ As he writes, "the forms of recognition associated with love, rights, and solidarity provide the intersubjective protection that safeguards the conditions for external and internal freedom"²⁴; "freedom is necessarily intersubjective"²⁵. Furthermore, as explained in the quotation on integrity, for Honneth, the injustice caused by disrespect not only comes from how it inhibits freedom and agency, but more so from how it inhibits the development of positive self-relation—a relation that can only be arrived at intersubjectively.

In his work *The Struggle for Recognition*, Honneth develops the structure of relations of recognition:²⁶

Table 1: The Structure of Relations of Recognition

Mode of Recognition	Emotional Support	Cognitive Respect	Social Esteem
Dimension of Personality	Needs and Emotions	Moral Responsibility	Traits and Abilities
Forms of Recognition	Primary Relationships (Love, Friendship)	Legal Relations (Rights)	Community of Value (Solidarity)
Developmental Potential	-----	Generalization, De-formalization	Individualization, Equalization
Practical Relation-to-Self	Basic Self-confidence	Self-Respect	Self-Esteem
Forms of Disrespect	Abuse and Rape	Denial of Rights, Exclusion	Denigration, Insult
Threatened Component of Personality	Physical Integrity	Social Integrity	'Honour', Dignity

²³ Honneth, *The Struggle for Recognition*, 174.

²⁴ Honneth, *The Struggle for Recognition*, 174.

²⁵ Axel Honneth, *Freedom's Right: The Social Foundations of Democratic Life* (Polity Press, 2014), 42.

²⁶ Honneth, *The Struggle for Recognition*, 129.

As can be understood from Table 1, every form of disrespect corresponds to a form of recognition that is withheld or withdrawn. The first form of disrespect that Honneth identifies is physical injury or abuse, such as torture or rape, which hurts the positive self-image of a person and corresponds to the withholding of 'love', generally defined as a strong emotional attachment developed through socialization beginning with infancy.²⁷ This form of disrespect forcibly deprives persons to freely dispose or autonomously control their bodies, and positions them in a state of defenselessness and at the mercy of another subject.²⁸ In being loved and cared, as in the love of a mother to a child, Honneth asserts that subjects gain affirmation and emotional confidence. In the experience of physical disrespect, this care for the well-being of the other and the recognition of their independence is absent, which leads to the shattering of *self-confidence*.

The second form of disrespect that Honneth identifies is the structural exclusion of a subject from the possession of rights, like social ostracism, which collapses the normative self-understanding of a person.²⁹ A system of rights, Honneth explains, is the symbolic representation of the universal recognition that a person is a morally responsible member of the community.³⁰ The denial of one's rights thus correspond to the denial of being treated as a morally autonomous and accountable individual. In the context of legal rights, Honneth argues that having such recognition withheld "signifies a violation of the person's intersubjective expectation that she will be recognized as a subject capable of reaching moral judgments."³¹ This constitutes a form of disrespect because it signifies that the subject is not being recognized as another subject's moral-political equal.³² The denial of rights as disrespect means the denial of the recognition of equality. Honneth suggests

²⁷ Honneth, *The Struggle for Recognition*, 95. Honneth provides an extensive discussion of the psychoanalytical proof of this in the second part of *The Struggle for Recognition*.

²⁸ Honneth, "Integrity and Disrespect", 250.

²⁹ Honneth, "Integrity and Disrespect", 251.

³⁰ Honneth, *The Struggle for Recognition*, 110; 120.

³¹ Honneth, "Integrity and Disrespect", 249.

³² Joel Feinberg for instance writes, "Having rights enables us 'to stand up like men; to look others in the eye, and to feel in some fundamental way the equal of anyone.'" Cf. Joel Feinberg, 'The nature and value of rights', *Rights, Justice, and the Bounds of Liberty: Essays in Social Philosophy* (Princeton, NJ: Princeton University Press, 1980), pp. 143ff, in Honneth, *The Struggle for Recognition*, 120.

that this can lead to the loss of *self-respect* and the formation of feelings of inferiority on the part of the subject whose rights are denied. Furthermore, it restricts the subject's freedom to act.

The third form of disrespect that Honneth identifies is social devaluation in the form of denigration or insult. The main difference of this type of disrespect from the denial of rights lies in the object of disrespect. In legal recognition, the central question is 'the universal features of human subjects' or 'the constitutive quality of persons'. Meanwhile in social-cultural recognition, the question is 'the characteristic differences among human subjects' or 'the constitution of the evaluative frame of reference within which the "worth" of characteristic traits can be measured'.³³ Honneth explains that "persons can feel themselves to be 'valuable' only when they know themselves to be recognized for accomplishments that they precisely do not share in an undifferentiated manner with others."³⁴ Social esteem is directed at these personal differences among people, which are "judged intersubjectively according to the degree to which they can help to realize culturally defined values" or "cultural self-understanding."³⁵ Denigration or insult is an attack to the social value of a person's identity, uniqueness, or difference. This for Honneth results in the downgrading of *self-esteem*.

Honneth's theory of intersubjectivity as recognition shares a lot of themes and motifs with Habermas' theory of communicative action but Honneth diverges from Habermas when it comes to the question of the ground of intersubjectivity. For Honneth, instead of the cognitive motivation towards mutual understanding through linguistic communication, it is the moral motivation for human identity development through reciprocal recognition that grounds social life.³⁶ For him, mutual recognition is what in the first place drives mutual understanding. He argues that a critical theory that analyzes the pathologies of social reality only in terms of rationality suffers from a one-dimensional view of society that prevents the coming to light of non-cognitive pathologies, which he thinks, run through the more primordial base of human life

33 Honneth, *The Struggle for Recognition*, 113; 122.

34 Honneth, *The Struggle for Recognition*, 125.

35 Honneth, *The Struggle for Recognition*, 122.

36 Danielle Petherbridge, *The Critical Theory of Axel Honneth* (Lexington Books, 2013), 19.

and social interaction.³⁷ As he writes in his reconceptualization of Georg Lukács' concept of reification: "recognition enjoys both a genetic and conceptual priority over cognition". . . "empathetic engagement precedes a neutral grasping of reality". . . "recognition comes before cognition".³⁸ I will return to this point later.

Having laid out Honneth's theory of intersubjective recognition, I now extrapolate a key idea in his theory that I think is instructive in understanding the other social-moral harm of epistemic injustice, in addition to the Habermasian insight about the foreclosure of mutual understanding—that is, *the withholding of the intersubjective conditions for positive self-relation through the denial of recognition*. To clarify my point, I argue that the denial of epistemic recognition is a denial of the intersubjective condition for the positive *epistemic* self-relation or self-understanding as a knower. In line with this, I stress that such self-relation or self-understanding is necessary for self-trust. Following Danielle Petherbridge, I suggest that normative recognition must not only be limited to love, rights, and solidarity/achievement, but instead add knowledge as a fourth form of recognition.³⁹ We do not simply

37 Petherbridge, *The Critical Theory of Axel Honneth*, 18.

38 Axel Honneth, *Reification: A New Look at an Old Idea* (Oxford University Press, 2008), 40.

39 Danielle Petherbridge, "A Fourth Order of Recognition?: Invisibility and Epistemic Recognition" in *Epistemic Injustice and the Philosophy of Recognition* (Routledge). *Forthcoming*.

Pioneering works in this area are Jane McConkey's "Knowledge and Acknowledgement: 'Epistemic Injustice' as a Problem of Recognition", *Politics* Vol. 24 No. 3 (2004): 198-205; Gaile Pohlhaus Jr.'s "Discerning the Primary Epistemic Harm in Cases of Testimonial Injustice," *Social Epistemology* Vol. 28 No. 2 (2014): 99-114; Matthew Congdon's "What's Wrong with Epistemic Injustice? Harm, Vice, Objectification, Misrecognition" in *The Routledge Handbook of Epistemic Injustice* edited by Ian James Kidd, José Medina, and Gaile Pohlhaus, Jr. (Routledge: 2017): 243-253; and Paul Giladi's "Epistemic Injustice: A Role for Recognition?", *Philosophy & Social Criticism* Vol. 44 No. 2 (2018): 141-158.

Taking off from these pioneering works, a special issue on "Epistemic Injustice and Recognition Theory" was published by the *Feminist Philosophy Quarterly* in 2018, edited by Giladi and Nicola McMillan. The issue consisted of works by José Medina, Matthew Congdon, Andrea Lobb, Louise Richardson-Self, Michael Doan, Anna Cook, Debra Jackson, and an afterword by Miranda Fricker. See *Epistemic Injustice and Recognition Theory*, *Feminist Philosophy Quarterly*, Vol. 4 No. 4 (2018).

Also forthcoming is an anthology on *Epistemic Injustice and the Philosophy of Recognition* to be published by Routledge with a foreword by Fricker. It will consist of works by Congdon, Giladi, Axel Honneth, Lois McNay, Cynthia Nielsen, Kelly Oliver, Lucius Turner Outlaw Jr., Danielle Petherbridge, Rocío Zambrano, Lorraine Code, Lauren Freeman, Katina Hutchison, McMillan, Mari Mikkola, Katherine O'Donnell, Ezgi Sertler, and Rebecca Tsosie.

use knowledge to navigate the world, we navigate the world with the taken for granted self-knowledge that we are in the first place capable of achieving or generating knowledge about the world. When this is misrecognized by other knowers, this withholds from us the necessary intersubjective confirmation of our knowledge, epistemic identity, and epistemic agency, *and* the possibility of developing self-trust and gaining the skills we need to generate certain knowledges *or* allow our knowledges to influence the way our societies make sense of things and experiences in the world. Furthermore, when we receive epistemic misrecognition, we feel and perceive ourselves as dehumanized, because it puts into question our normative standing as epistemic agents. I have stressed earlier that Fricker's concept of epistemic injustice is helpful because it brings to mind the specifically epistemic dimensions of social injustice. However, it also draws our attention to why certain ways and structures of epistemic interaction can be considered *unjust*, as opposed to simply being instantiations of *epistemic failures* or *communication breakdown*. In particular, I have alluded to how epistemic injustice is another form of disrespect, a harm to identity formation, and inhibits epistemic agency. I draw this insight particularly from the Honnethian thesis that the denial of recognition is injurious to personal integrity and human dignity. With it, I extrapolate the view that knowledge, epistemic identity (as knowers), and epistemic agency are intersubjectively dependent upon our epistemic interaction partners and that we are vulnerable to recognition failures that can impair our self-trust and sense of self. While Honneth considers our epistemic standing as secondary to our affective and moral standing as humans, as I will show in the next section, I push back against this claim and recapitulate Congdon's discussion of the concept of knower as both normatively ethical and epistemic. In addition, I reiterate Collins' and Dotson's insights that the failure to acknowledge the irreducibility of epistemic forms of oppression to social, political, and moral forms of oppression, results to a failure in understanding the ways in which knowledges challenge or sustain social injustice and how epistemic oppression can corrupt the quality of knowledge.

Part III: Epistemic Recognition and Affective Recognition

As I have signaled in the earlier sections, Honneth's theory of recognition is both helpful and unhelpful in different ways when it comes to fully understanding epistemic forms of injustice. In this section, I elaborate on his notion of affective recognition and reification that seem to foreclose the possibility of using his recognition theory for the purpose of grounding the theory of epistemic injustice in critical theory. I then provide a critique to this approach and endorse the coming into dialogue of critical theory and social epistemology.

I have preempted in my discussion that [affective] recognition for Honneth comes before cognition. By cognition, he specifically refers to what he calls 'detached' cognition or an 'affectively neutral' cognitive stance. For him, this form of cognition is objectifying and is 'forgetful' of the prior empathetic engagement that must take place *before* any act of cognition, objectifying or otherwise. He refers to G.H. Mead's developmental psychology theory that provides evidence for the claim that our [affectively] recognitive stance towards the world precedes our affectively neutral stance. In Mead's work, one finds the conclusion that "a small child must first have emotionally identified with an attachment figure before he can accept this person's stance toward the world as a corrective authority"⁴⁰. Honneth uses Mead's work in addition to the ideas of John Dewey, Martin Heidegger, Adorno and Lukács to provide support for the argument that "our epistemic relation to the world must be preceded by a stance of care, existential involvement, or [affective] recognition."⁴¹ He writes that "these authors intended to demonstrate that our efforts to acquire knowledge of the world must either fail or lose their meaning if we lose sight of this antecedent act of [affective] recognition."⁴² This "forgetfulness of [affective] recognition" is the new definition he gives to *reification*. The objectifying stance in reification which Lukács particularly emphasized and criticized is explained by Honneth as something that can only come about as a result of the loss of our attentiveness to our antecedent affective relation to the world, others, and

⁴⁰ Honneth, *Reification*, 42.

⁴¹ Honneth, *Reification*, 47.

⁴² Honneth, *Reification*, 47.

ourselves.

While Honneth's account of the ontogenetic and conceptual priority of [affective] recognition over cognition in the context of a subject's relation to the world is convincing, I argue that his account of reification as forgetfulness of [affective] recognition in the context of a subject's relation to or interaction with other subjects is rigidly moral in that it is unable to fully accommodate a pathology of recognition that is affective but 'at the same time' epistemic, as in cases of epistemic injustice.⁴³ Honneth points out that while we do not violate any practical preconditions in detached cognition, we commit moral violations when we engage in a reifying stance towards our interaction partners. Such practical preconditions Honneth explains are the "non-epistemic requirements"⁴⁴ of our dealings with other subjects. [Affective] Recognition, he stresses, is a "practical, non-epistemic attitude"⁴⁵ in the form of a "non-epistemic affirmation"⁴⁶. Using Stanley Cavell's conceptual distinction between acknowledgment and knowledge, interchangeably referred to by Honneth as [affective] recognition and cognition, Honneth emphasizes that [affective] recognition is the condition for the possibility of cognition but is not itself cognition. He draws on Cavell's insight that the expression "I know you are in pain" is not an expression of certainty, and therefore not an expression of knowledge, but is instead an expression of sympathy which is a form of affective engagement.⁴⁷ Furthermore, with reference to Jean Paul Sartre's phenomenology, Honneth emphasizes how we are never able to access the mental or emotional states of other subjects through cognition, and are only able to access them via affectedness, involvement, or [affective] recognition. From this, he infers the idea that "we should not conceive of a communicative agent as an epistemic subject"⁴⁸ since 'epistemic' for him represents a reified relation with the world, others, and oneself.

43 Furthermore, his idea of self-reification, in my view, needs further reworking in order for it to tie in well with his earlier theory of recognition where he discusses the intersubjective ground of self-relation and self-realization. But this will be a subject for another discussion.

44 Honneth, *Reification*, 64.

45 Honneth, *Reification*, 54.

46 Honneth, *Reification*, 51.

47 Honneth, *Reification*, 49.

48 Honneth, *Reification*, 48.

It is this clear-cut division between recognition and cognition in Honneth's account which I find to be too rigid. Such a rigid distinction between the two is unhelpful when it comes to understanding the connection between the social-moral and epistemic aspects of our being human and being-with-others. While Habermas' precondition of communication seems to lay down an initial base for understanding the *recognitive* dimension of epistemic injustice, a move to Honneth leads to the downplaying of its *epistemic* dimension. Again, as I have alluded to earlier, his three forms of normative recognition—love, rights, and solidarity or achievement—are framed in moral terms because what can be surmised in his critique of early Frankfurt School Critical Theory is that ultimately, epistemic or cognitive pathologies are always-already moral and social pathologies. While I agree with Honneth on this point, it remains to be demonstrated how we can properly analyze social pathologies that are at the same time *epistemic* without reducing them to simply being *social* pathologies. This would mean that strictly speaking, epistemic injustice is a *social-moral* harm because it harms subjects in relation to their *identity* not in relation to their epistemic claims. As can be surmised by now, this is a conclusion that I would disagree with. While I agree that epistemic injustice is a social-moral harm, an epistemic injustice is not a harm *only* in the social-moral sense. Again, recalling Congdon's insight, insofar as our status as knowers is concerned, the social-moral and epistemic aspects of our being human overlap. Furthermore, following Collins and Dotson, I stress that such a reductive account is short-sighted of how epistemological systems and resources perpetuate (or challenge) social inequalities and exclusions. While I understand Honneth's position to be responding to a reifying pathology of recognition, a view of recognition that is only limited to its social-moral features, to my view, is also narrow. I do not dispute the argument that epistemic injustice is a social-moral wrong, but I add the point that it is *also* an epistemic wrong. It is committed within a social-moral context that is *also* an epistemic context, it wrongs subjects specifically in their capacity as *knowers*, and it also harms the *quality of knowledge* itself—neither Honneth's theory of affective nor normative recognition in their current form is able to fully accommodate this.

It is on this account that I argue that epistemological concerns within Critical Theory must be renewed. A robust account of society must be able to account for the ways in which existing forms of social injustice are reproduced or challenged by *what* and *how* we know; as decolonial, feminist, and critical race theorists emphasize—social justice is incomplete without epistemic and epistemological justice. Lobb's discussion of 'prediscursive epistemic injury' provides one way of reconceptualizing the relationship between our affective and epistemic states and agencies. Meanwhile, Petherbridge's proposal to consider a fourth order of [normative] recognition in the form of epistemic recognition, is another way of expanding Honneth's theory. Lobb's and Petherbridge's works are only some of the ways in which the theorizations on the connection between our affective and epistemic features can be reworked. While Honneth's (and to a certain degree, Habermas') critical theory does not preclude this, a good amount of work still needs to be done.

Conclusion

In this article I brought into dialogue the ideas of Fricker on epistemic injustice (as well as of Dotson's and Collins' ideas on epistemic oppression), the theory of communicative rationality of Habermas, and the theory of intersubjective recognition of Honneth. In my discussion, I presented how Habermas provides a good ground for understanding the social-moral harm of epistemic injustice: i.e. it prevents us from actualizing our fundamental human impulse to reach mutual understanding about our intersubjectively shared lifeworld. I then emphasized how this is only one of the social-moral harms of epistemic injustice that can be conceived in critical theory, since if we turn to Honneth, we can extrapolate the view that epistemic injustice at the same time can impair our self-relation and self-understanding as knowers, and consequently harm our self-trust. I further argued that Honneth's theory of recognition is helpful in giving us a recognitive framework to understand epistemic injustice but it falls short in fully accounting for the 'epistemic' nature of the injustice. In response to this, I defended the view that we should add another order of recognition— that is *epistemic recognition*—to his theory, and consider knowledge as one of our fundamental human aspirations not only because we want to

arrive at mutual understanding with our fellow knowers, but also because it has direct implications on our self-understanding and self-trust. This article is far from exhaustive but I hope it modestly contributes to the ways in which theories of epistemic injustice in social epistemology and theories of recognition in critical theory can be mutually enriched by bringing them into conversation; particularly in terms of thinking about the overlaps between (1) our normative standing as social-moral and epistemic agents, as well as (2) the concerns about the generation, distribution, and uptake of epistemic resources and the problem of social oppression and inequality.

References

- Bhambra, Gurminder. “Decolonizing critical theory?: epistemological justice, progress, reparations”, *Critical Times* (April 2021) 4:1, 73-89.
- Collins, Patricia Hill. *Intersectionality as Critical Theory*. Duke University Press, 2019.
- Congdon, Matthew. “‘Knower’ as an Ethical Concept: From Epistemic Agency to Mutual Recognition”, *Feminist Philosophy Quarterly* Vol. 4 No. 4 (2018), Article 2.
- Dembroff, Robin and Dennis Whitcomb. “Content-Focused Epistemic Injustice” in *Oxford Studies in Epistemology* (forthcoming).
- Dotson, Kristie. “A Cautionary Tale: On Limiting Epistemic Oppression”, *Frontiers: A Journal of Women Studies*, Vol. 33, No. 1 (2012), 24-47,
- Dotson, Kristie. “Conceptualizing Epistemic Oppression”, *Social Epistemology* 28:2 (2014), 115-138.
- Fricker, Miranda. *Epistemic Injustice: Power & The Ethics of Knowing*. Oxford university Press, 2007.
- Habermas, Jürgen. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. John Wiley & Sons, 2015.
- Habermas, Jürgen. *The Inclusion of the Other: Studies in Political Theory* edited by Ciaran Cronin and Pablo De Greiff. Polity

Press, 1998.

Habermas, Jürgen. *Theory of Communicative Action: Reason and the Rationalization of Society*, Vol. 1. Polity Press, 1986.

Honneth, Axel. "Integrity and Disrespect: Principles of a Conception of Morality Based on a Theory of Recognition," in *The Fragmented World of the Social: Essays in Social and Political Philosophy*. SUNY Press: New York, 1995.

Honneth, Axel. *Freedom's Right: The Social Foundations of Democratic Life*. Polity Press, 2014.

Honneth, Axel. *Reification: A New Look at an Old Idea*. Oxford University Press, 2008.

Honneth, Axel. *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. Polity Press, 1995.

Horkheimer, Max and Theodor Adorno. *Dialectic of Enlightenment: Philosophical Fragments*. Stanford University Press, 2002.

Horkheimer, Max. *Critical Theory*. Continuum, 1972.

Kay, Jilly Boyce. *Gender, Media and Voice: Communicative Injustice and Public Speech*. Palgrave MacMillan, 2020.

Lobb, Andrea. "'Prediscursive Epistemic Injury': Recognizing Another Form of Epistemic Injustice?," *Feminist Philosophy Quarterly*, Vol 4 Issue 4 (2018), Article 3.

Petherbridge, Danielle. "A Fourth Order of Recognition?: Invisibility and Epistemic Recognition," *Epistemic Injustice and the Philosophy of Recognition*. Routledge. (Forthcoming.)

Petherbridge, Danielle. *Axel Honneth: Critical Essays: With a Reply by Axel Honneth* Edited by Danielle Petherbridge. Brill, 2011.

Petherbridge, Danielle. *The Critical Theory of Axel Honneth*. Lexington Books, 2013.

Pohlhaus, Gaile, Jr. "Relational Knowing and Epistemic Injustice: Toward a Theory of 'Willful Hermeneutical Ignorance'," *Hypatia*, Vol. 27 No. 4 (Fall 2012), 715-735.

Acceleration in Nature: A Critique of Hartmut Rosa

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Abstract: This paper focuses on Hartmut Rosa's theory of social acceleration. In this theory the object of critique is acceleration but limited to the scope of society. I bring forward the Anthropocene and the notion of "acceleration in nature" to complete and reconsider this account. Bringing these elements into the discussion allows me to show the limits of a theoretical framework whereby society is the mere object of analysis, independently of its material basis in nature. I show how this assumption provokes difficulties in an account of ecological damage and argue that the acceleration going on in nature gives the complete image of the worrying temporality of modern society. This new picture, I believe, shows the way to a new framework for critical theory.

Keywords: Hartmut Rosa, Anthropocene, acceleration, nature, critical theory.

This paper is part of a broader project which sees the Anthropocene as a major event that changes the stage on which the critique of society is set. Simply put, the idea behind the term Anthropocene, coined by Paul Crutzen in 2000, is that humanity has become a geological force that has a dramatic impact on the conditions of life on this planet. The Anthropocene entails the end of the Holocene, the geological epoch of the last 11,000 years, characterised by relative climate stability. The Holocene corresponds to the conditions that allowed the proliferation of our species and the development of civilisations. Hence the statement that "we are entering the Anthropocene" is also the disturbing "farewell to the Holocene". As Crutzen puts it, we are "treading on *terra incognita*" (Crutzen, 2002).

It is important to highlight the two features of the Anthropocene: there is "clear evidence for fundamental shifts in the state and

functioning of the Earth System¹ that are (1) beyond the range of variability of the Holocene, and (2) driven by human activities and not by natural variability” (Steffen et al., 2015). In other words, we are leaving climate stability behind and entering a *terra incognita*, with a worrying state of shifting natural conditions which have been brought about by humanity.

In this paper, I take Hartmut Rosa’s theory as a case in point to show the limits of the usual framework of critical theory. Nature is usually taken to be a stable backdrop against which social pathologies are diagnosed. Rosa follows that tendency by limiting his analysis of acceleration to the scope of society. I bring forward the notion of “acceleration in nature” to complete and reconsider his account of “social acceleration”. I argue that this acceleration, forgotten by Rosa, gives the complete image of the worrying temporality of modern society. By doing so, I propose another framework to criticise society.

First, I go through Rosa’s account, including what seems to be a paradox around his idea of “frenetic standstill” (§1). Second, I introduce the Anthropocene and the idea of “acceleration in nature” (§2). This then allows me to reconsider Rosa’s account and criticise the “frenetic standstill” paradigm (§3).

§1: Social Acceleration

a) Acceleration and Autonomy

In *Social Acceleration* (2013), Hartmut Rosa presents a critical theory of modernity from the point of view of time by studying its specific accelerated temporality. This analysis of acceleration includes the physical movement of people and things, the pace of social change, and the rhythm of life. Rosa’s claim is that modernity is characterised by an ever-accelerating rhythm in its temporal structures and that this trend has gone beyond a threshold and now puts in danger social integration, synchronisation between different spheres of society, democracy, and our sense of self. It allows Rosa to distinguish between *classical modernity* and *late modernity*. Also known as postmodernity and starting somewhere

¹ Earth System science is the application of system science to the Earth; it studies the interaction and feedback effects of different processes (physical, chemical, biological, etc.).

in the 1970s, the latter phase is marked by temporal pathologies and alienation.

What kind of pathologies and alienation are we talking about here? In Rosa's theory, the distinction between *classical* and *late modernity* allows him to put together a theoretical claim about modernity and a critique of its latest phase. The claim is that the temporality underlying modernity is this ever-going process of acceleration. However, in late modernity, this dynamic has reached a critical pace that endangers the original promise of modernity, i.e. autonomy. This is where the critical stance comes in: acceleration in late modernity endangers the possibility for autonomy at the individual and collective level. At first, acceleration allowed autonomy by breaking off from fixed patterns of social life, rigid hierarchies and so on. But in late modernity, acceleration becomes a threat, the compulsion to keep up, to adapt, in order not to fall behind. This threat applies both to the individual level (e.g. rhythm of life, temporal alienation at work and pressure to perform in other spheres of life) and the collective level (transformation of politics, from collective self-determination to the constant adaptation to "objective" constraints—embodied in Margaret Thatcher's TINA slogan).

Thus it is legitimate to speak of pathologies related to the intense rhythm of society in late modernity. First, individual pathologies such as burnout or depression can be seen as aftereffects of acceleration: "depression and related disorders may appear as a pathological reaction to and withdrawal from the social pressure to accelerate" (Rosa, 2013: 84). But more largely, it is the whole of society that is brought to a pathological state of stupefaction and paralysis as a paradoxical effect of social acceleration. As Rosa shows, along with the impression of constant movement, a feeling of crystallisation and immobility accompanies modernity. At the collective level, this means that the more phenomena change on the surface, the more the deep structures of the social world seem unchangeable.

This paradox is condensed in the expression of *frenetic standstill* taken from Paul Virilio: "Frenetic standstill therefore means that *nothing remains the way it is* while at the same time *nothing essential*

changes.” (Rosa, 2013: 283). The passage from a directed movement (a “steered” society) to “directionless dynamization” has meant the diminution of the ability to choose and act so as to change the process. The result is a feeling of “standstill” in the midst of frenetic change. Our present and future look like the fatal outcome of the runaway world. Hence what is given up is the ability to change the world, since change is reserved to the superficial evolutions of the same social reality. Rosa uses notions such as the Weberian “iron cage” of capitalism (Weber, 2001), Jürgen Habermas’ “exhaustion of utopian energies” (Habermas, 1989) or Francis Fukuyama’s “end of history” (Fukuyama, 1992) to characterise the political and cultural atmosphere distinctive of late modernity. In a way, the world goes so fast that it is unthinkable to change it.

b) Desynchronisation

Rosa’s main critique is developed through this contradiction between autonomy and acceleration. However, another angle of his critique appears with the idea of *desynchronisation*. For Rosa, desynchronisation occurs between different social spheres as a result of the differentiated capacity to adjust to the general process of acceleration. Individual pathologies such as burnouts or depressions are examples of a desynchronisation between subject and social rhythm: they manifest the collapse of the subject under temporal pressure. Rosa considers other examples like the difficulty of maintaining democratic deliberation in the context of high-pace social change, or the temporal contradictions within the economy, between the financial sphere (high-frequency trading etc.) and the sphere of real production.

What interests me here is Rosa’s contention that desynchronisation can also occur “between the social and extra-social world” (2010: 70). With this idea, his theory includes the material consequences of the economic system on the natural world. Nature appears as the extra-social sphere that can clash with the temporality of capitalist modernity: “the inversion of the mastery of nature into the destruction of nature (and the potential destruction of ourselves by nature) seems to be primarily a result of a lack of respect for the ‘intrinsic temporalities’ of nature” (2013: 285). Nature represents a “natural limit to speed” (2013: 81) in that it can resist to the relentless temporality of modernity, and possibly bring about

its most dramatic outcome: “wherever the time pattern of society overstrains the reproductive and regenerative capacities of the natural environment, what is potentially the most devastating form of desynchronization shows up: . . . social acceleration threatens to lead to ecological catastrophe” (2013: 319).

Undeniably the ecological crisis can be described as a problem of rhythm:

[I]t is not at all a problem that we cut down trees and catch fish – but it is a problem that we cut down the trees in the rainforest and catch the fish in the oceans at rates too high to keep pace with their natural reproduction. Obviously the discrepancy vastly increases when we look at the rate at which we deplete oil and carbon-based energy supplies and the time needed for nature to reproduce them. (Rosa, Lessenich and Dörre, 2015: 290-1)

But a desynchronisation can only occur between two temporalities, and Rosa only accounts for one. Indeed the rate of consumption compared to natural reproduction plays a role. This comparison has, for instance, inspired the notion of “Earth Overshoot Day”,² the day in any given year when humanity’s consumption of ecological resources exceeds the Earth’s regenerative capacities for that year. But what remains to be studied is how nature reacts. Rosa’s descriptions are limited to “social acceleration”, even though the “potential destruction of ourselves by nature” has been acknowledged. This is, I believe, the limit of his analysis of the ecological issue: an analysis of society’s temporality is required, but he avoids a detailed account of the ecological mutation itself, and how it impacts society in turn.

c) “Frenetic Standstill” versus Ecological Damage

In his analysis of how the “incredible increase in the speed of production has fundamentally changed the relationship between human beings and their material surroundings”, Rosa limits the “material structures of our life-worlds” to “the furniture and the

² The Earth Overshoot Day is calculated by the Global Footprint Network. See <<https://www.overshootday.org>>.

kitchen, the cars and computers, the clothing and the nutrition, the appearance of our cities, schools and offices, the tools and instruments we work with etc.” (2010: 45). This is what I refer to as the classical framework of critique, which has to be changed in the new situation we are in now. In this classical framework, nature is a background that cannot be moved, and it is only society that is the object of analysis. In Rosa’s case, man-made material surroundings seem to be the only elements changing at an accelerated pace. But as an even more fundamental “material structure of the life-world”, nature should deserve a cautious analysis once we have acknowledged that it has been altered by human activity. Thus, the framework Rosa uses is insufficient for an element he himself brings forward, namely, that something significant is happening within nature. Actually, Rosa makes it clear when he writes that “many things. . . can’t speed up at all (e.g. most processes in nature and geology)” (2010: 69). Ironically, the Anthropocene is exactly this: an acceleration in nature and in geology.

What appears is a contradiction between a temporal diagnosis of the ecological crisis and a framework where critique is limited to society while nature is taken as an unmovable background. This contradiction culminates at the end of *Social Acceleration*, where Rosa puts together his idea of “frenetic standstill” and catastrophic predictions regarding the future of the accelerated society. At first, Rosa analyses late modernity as the strengthening of the two apparently contradictory processes of dynamisation and rigidification. This is the crux of the “frenetic standstill” argument: “the impression of a *standstill* (in spite of or precisely because of a very dynamic field of events) is created by the transition from a form of movement that is experienced as directed to a *directionless dynamization*.” (2013: 284). But then Rosa states that the most likely scenario for the future of the accelerated society is the “unbridled onward rush into an abyss”, and makes a curious distinction between a “logical” and an “empirical” point of view.

From a logical point of view, this abyss is characterized by . . . *frenetic standstill* as the flip side of a *total mobilization*. From an empirical point of view, however, presumably long before that point is reached the abyss will be embodied in either the collapse of

the ecosystem or in the ultimate breakdown of the modern social order. . . It stands to reason that modern society will have to pay for the loss of the ability to balance movement and inertia with nuclear or climatic catastrophes, with the diffusion at a furious pace of new diseases, or with new forms of political collapse. . . (2013: 322).

The transition from the logical to the empirical point of view seems quite brutal. On the one hand, the idea of a standstill as an outcome of acceleration; on the other hand, the possibility of “collapse”, “breakdown”, and “catastrophes”. Interestingly, most of the catastrophes Rosa mentions come from the side of nature. He even anticipates the COVID-19 crisis by referring to “the diffusion at a furious pace of new diseases”. Certainly, this shows the merit of his analysis of temporal pathologies, since the world and the economy have been brought to their knees (and to a standstill) because of the diffusion of a new virus. However, this pessimistic take on the future comes unannounced; it is not theoretically grounded since Rosa bases his critique on the idea of “frenetic standstill”. He casually switches from the idea that “nothing essential changes” to concrete material destruction, as if the latter did not undermine the former. Surely ecological collapse would qualify as an “essential change”?

The reason for this paradox, I believe, is that Rosa does not account properly for the material damage that is the result of acceleration. As has been shown before, the material structures of the life-world for Rosa are limited to man-made surroundings. For the same reason, the deep structures of society which remain unchanged are only man-made; they are a certain social organisation, e.g. capitalism. It is with this in mind that the idea of frenetic standstill should be read. Rosa writes that despite social change, there is “the suspicion that the apparently limitless contingency and openness of modern societies and their rapid, continuous change are merely appearances at the ‘user interface’, while the solidification and hardening of their deep structures goes unnoticed.” (2013: 89). But once we include natural conditions as part of the “deep structures” of society, in the sense that they allow social life in the first place, it is no longer true that they are solidifying and hardening. In order to make sense of Rosa’s shortcomings and complete his picture, we

need to address the temporality of nature itself.

§2: *Acceleration in Nature.*

Rosa's theory leads to the paradoxical announcement of concrete destruction just as his critique consisted in bemoaning a historical standstill. This paradox comes from the traditional framework of social theory in which society is the only object of analysis, whereas nature is only in the background. However, by taking humanity's impact on nature seriously, we are brought to the temporality within nature itself. Ironically, it is the object of Rosa's critique that we find there, namely, acceleration.

The Anthropocene is shattering the assumption that nature's temporality would be so slow as to be irrelevant for human history. Any article about the environment, in scientific literature as well as in the media, will insist on how the natural world is itself shifting and transforming in an accelerated way—and often “faster than anticipated”. These dynamics are disturbing because of their speed more than anything else (for example, McKibben, 2020). To Rosa's social acceleration, we can add acceleration in nature, i.e. the crucial shift in the conditions of life on earth.

The form of acceleration that we bear witness to in the Anthropocene puts an end to the classical modern separation between nature and humanity, where the former is seen as the realm of eternal laws while only the latter has its “history”. Dipesh Chakrabarty makes that point in the first of his four thesis about the “climate of history” (Chakrabarty, 2009). Climate change challenges the classical idea—taken up by critical theory—that history would only concern human affairs and would be independent from natural conditions. The end of this distinction is a matter of temporality. To give an idea of this classical idea, Chakrabarty quotes Stalin's *Dialectical and Historical Materialism* (written in 1938): “Geographical environment. . . is not the *determining* influence, inasmuch as the changes and development of society proceed at an incomparably faster rate than the changes and development of geographical environment” (quoted in Chakrabarty, 2009: 204). Whereas this picture of “nature-as-a-backdrop” prevailed until now, Chakrabarty remarks:

In today's climatologists' terms, we could say that Stalin. . . and others who thought thus did not have available to them the idea, now widespread in the literature on global warming, that the climate, and hence the overall environment, can sometimes reach a tipping point at which this slow and apparently timeless backdrop for human actions transforms itself with a speed that can only spell disaster for human beings. (2009: 205).

Nature is no longer a timeless soil for human affairs but a shifting ground imposing itself on us. In a sentence that could be a direct reply to Rosa, Bruno Latour writes: "We had heard about the acceleration of history, but the idea that this history could also accelerate geological history is what leaves us stupefied." (Latour, 2017: 45). Therefore the temporality of nature should have been included in a critique of acceleration. However, this would have entailed a change of paradigm against well ingrained intellectual habits.

Moreover, there are two other senses in which we can speak of an acceleration in nature. First, we should mention the notion of "Great Acceleration" (Steffen et al., 2015; McNeill and Engelke, 2016), curiously absent in Rosa's book, but famous in Anthropocene studies to account for the tremendous dynamics in society and in nature that mark the post-war period. The so-called "Great Acceleration graphs" (Steffen ed., 2005: 132-3; Steffen et al., 2015) are a famous illustration of the Anthropocene, for they show the parallel dynamics of socio-economic indicators and biophysical trends of the Earth System. The indicators (twelve in total) on the human side are, for instance, (urban) population, GDP, water use, transportation, fertiliser consumption, and so on. On the other hand, the twelve Earth System trends include the concentration of carbon dioxide, nitrous oxide, and methane, as well as surface temperature, ocean acidification, tropical forest loss, and terrestrial biosphere degradation, etc. Whether the curves rise continually from 1750 or start later, they all increase sharply, in an almost exponential way, from the mid-twentieth century.

The point of these graphs is clear: human history is entangled with nature's history in an unprecedented way, and the parallel evolutions of the two have to be carefully observed. Not only is

nature no longer a backdrop, but exponential dynamics are visible both in society and in nature, which proves the degree to which humanity has altered the earth. Thus, the Great Acceleration is taken as a possible starting point of the Anthropocene.

Another aspect of acceleration in nature that is worth mentioning is the partial autonomy of the new processes. What is arguably the most disturbing feature of the Anthropocene is that the processes already triggered are no longer under control. Acceleration in nature is not an influence humans have in real-time, nor is it instantly reversible. The Anthropocene begins an era of uncertainty where the forces of nature, significantly triggered by human activity, rearrange the human environment in unpredictable ways. Small changes—like an increase of one or two degrees in average temperatures—can have tremendous effects because of feedback loops and unknown causalities that we discover too late.

This idea is encapsulated in the notion of “tipping point” (Pearce, 2007), the crossing of which would mean irreversible damage in the biosphere. It has encouraged the definition of “planetary boundaries” in a famous article of 2009 from the Stockholm Resilience Centre (Rockström, Steffen et al., 2009). Those boundaries would define a “safe operating space for humanity”. On the other hand, “transgressing one or more planetary boundaries may be deleterious or even catastrophic due to the risk of crossing thresholds that will trigger non-linear, abrupt environmental change within continental- to planetary-scale systems”. We have already crossed three of those nine planetary boundaries, the ones that concern climate change, biodiversity loss, and nitrogen and phosphorus cycles.

Hence the Anthropocene is an ambiguous zone where humans see at the same time their influence on the earth and feel powerless over it (Hamilton, 2017; Latour, 2017: 44-5). Therefore, acceleration in nature is not merely the “mirror” of social acceleration, it takes a life of its own, and its processes are partly autonomous, as the fear of “tipping points” suggest. The evolutions of nature become, at least partially, a fate we have brought on ourselves, and that is now too late to reverse or prevent.

§3: Conclusion: Acceleration (and Frenetic Standstill) Reconsidered

I have claimed above that Rosa is led to a paradox because of his account of environmental problems within the classical framework of social theory. The idea of acceleration in nature is supposed to renew this framework and propose a completed account of modern temporality. That way, the Anthropocene can be included in the picture without contradicting the former assumption of social theory regarding nature.

Instead of as a background for human history, nature appears as another layer of temporality. While the “material structures of the life-world” for Rosa only includes man-made surroundings (i.e. objects, buildings etc.), I include nature as the first material basis which allows social life—and as we have seen, this basis is “accelerating” too. But this acceleration has no “standstill” as a counterpart; it is simply cumulative and concerns the irreversible temporality of the biosphere. In other words, while in the classical framework change can always be undone in the historical course of events humans find themselves into, this time important changes occur among the natural circumstances which have been there all along. It is the prerequisite of history that is put in question.

Whereas “frenetic standstill” implies a historical paralysis as the hidden truth of social change, I propose that we recognise an acceleration happening at a deeper level. Thus, I propose to add a third level to the picture of “frenetic standstill” given by Rosa. While it is true that the changes in society and in our lives occur against the backdrop of the same social structure, this sameness has to be contrasted with changes in the environment. The three levels are 1) the level of surface phenomena changing all the time; 2) the deeper level of social processes unchanged and imprisoning people in an “iron cage”; and 3) the transformations happening in nature, which promise catastrophic conclusions rather than the depressing standstill of history. Thus, being stuck in a certain social reality, like capitalism, is all the more scandalous if we consider the constant damage it does to the environment. The critique of society in the Anthropocene does not only set the right stage for its exercise (i.e. shifting natural conditions), it also ponders

on the responsibility of this social organisation in regard to the disaster. While we are “stuck” in the iron cage of capitalism, carbon emissions keep rising exponentially.

Whereas for Rosa, nothing “essential” happens because we are under the pressure of autonomised social processes, the Anthropocene adds nature as a huge factor of change that escapes human control. In fact, humans have lost control over forces of nature that now take the main responsibility in the process. In that sense, frenetic standstill can be redefined as a paradoxical shift in the responsibility of historical movement. Even if he does not address it in those terms, Bruno Latour formulates this idea:

We were already trembling as we observed the acceleration of history, but how are we to behave in the face of the “great acceleration”? Through a complete reversal of the favorite trope of Western philosophy, human societies seem to be resigning themselves to playing the role of witless object, while it is nature that is unexpectedly taking on the role of active subject! . . . it is *human* history that appears cold and *natural* history that is taking on a frenzied aspect. (Latour, 2017: 73-4).

Rather than insisting on the double process of acceleration and rigidification within society, we can contrast the accelerated natural history with the paralysis of society. What we witness is a reversal of categories that challenges human autonomy from another angle.

Adding nature to an analysis of modern acceleration sheds light on contemporary issues which are appreciated by Rosa but without the broader context of environmental mutation. The Anthropocene requires a rematerialisation of social issues, it brings forward the earthly soil we never left but which we tended to forget. Against a dematerialised critique that focuses on historical paralysis and the disappearance of autonomy, an “anthropocenic” one includes the transformations occurring in nature. An anthropocenic critique does not mean that human autonomy is still intact; on the contrary, it is even more under pressure in this context. What has changed is the definition of our current temporality, in a world that not only

seems to strengthen itself despite every change and to enclose us within its realm but also to destroy our material basis. In other words, our socio-cultural and technological life-world is a giant with feet of clay.

References

- Chakrabarty, Dipesh. (2009). "The Climate of History: Four Theses", *Critical Inquiry*, Vol. 35, No. 2, 197-222.
- Crutzen, Paul J. (2002). "Geology of Mankind", *Nature*, vol. 415, n°6867.
- "Earth Overshoot Day 2021 Home", <<https://www.overshootday.org>>.
- Fukuyama, Francis. (1992). *The End of History and the Last Man*, New York: Free Press.
- Habermas, Jürgen. (1989). "The New Obscurity: The Crisis of the Welfare State and the Exhaustion of Utopian Energies", in *The New Conservatism: Cultural Criticism and the Historians's Debate*, 48-71, Cambridge: MIT Press.
- Hamilton, Clive. (2017). *Defiant Earth: The Fate of Humans in the Anthropocene*, Cambridge: Polity Press.
- Latour, Bruno. (2017). *Facing Gaia: Eight Lectures on the New Climatic Regime*, Cambridge: Polity Press.
- McKibben, Bill. (2020). "How Fast is the Climate Changing? It's a New World, Each and Every Day", *The New Yorker*, September 3. <<https://www.newyorker.com/news/annals-of-a-warming-planet/how-fast-is-the-climate-changing-its-a-new-world-each-and-every-day>>
- McNeill, J.R., Engelke Peter. (2016). *The Great Acceleration: An Environmental History of the Anthropocene since 1945*, Cambridge (MA) and London: Harvard University Press.
- Pearce, Fred. (2007). *With Speed and Violence: Why Scientists Fear Tipping Points in Climate Change*, Boston: Beacon Press.
- Rockström, Johan, Steffen Will, et al. (2009). "Planetary Boundaries: Exploring the Safe Operating Space for Humanity," *Ecology and Society*, 14(2), <<http://www.ecologyandsociety.org/>

vol14/iss2/art32/>

- Rosa, Hartmut. (2010). *Alienation and Acceleration: Towards a Critical Theory of Late-Modern Temporality*, Aarhus: NSU Press.
- Rosa, Hartmut. (2013). *Social Acceleration: A New Theory of Modernity*, New York: Columbia University Press.
- Rosa, Hartmut. Lessenich Stephen, Dörre Klaus. (2015). *Sociology, Capitalism, Critique*, New York: Verso.
- Steffen, Will, ed. (2005). *Global Change and the Earth System: A Planet Under Pressure*, New York: Springer.
- Steffen, Will, et al. (2015). "The trajectory of the Anthropocene: The Great Acceleration", *The Anthropocene Review*, Vol. 2(1) 81–98.
- Weber, Max. (2001). *The Protestant Ethic and the Spirit of Capitalism*, New York: Routledge.

The Social Dimensions of the Critique of the Power of Judgment

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Abstract: Although Kant's *Critique of the Power of Judgment* does not deal primarily with sociality or politics, it does involve concepts that are important for these areas. In this paper, I look at how Hannah Arendt and Friedrich Schiller have used Kant's work on aesthetics to more explicitly deal with these themes. As I show, Arendt does so by expanding on the imagination and the *sensus communis*, and Schiller by building on the Kantian framework to introduce the play drive and connect aesthetic experience to freedom and the state. Finally, I highlight the differences between the ways Arendt and Schiller use Kant's account, and I examine the similarities between them.

Keywords: Kant, Arendt, Schiller, aesthetics, imagination

Introduction

In this paper, I explore two ways of developing political conclusions or insights from the not explicitly political framework laid out by Kant in the *Critique of the Power of Judgment*; the first of these is developed by Hannah Arendt, the second by Friedrich Schiller. After briefly explaining the Kantian context, I will look at Arendt's and Schiller's accounts in turn, focusing on how they derive political notions from their interpretations of Kant; finally, I will discuss ways in which these accounts relate to one another.

The first part of Kant's *Critique of the Power of Judgment* focuses on aesthetic judgment, a species of judgment characteristic of aesthetic experience. Kant divides judgements into two broad categories: determining or determinative judgements, which fit given particulars under appropriate known universals, and reflecting or reflective judgments, which try to find as yet unknown universals for given particulars. In an aesthetic judgment, one considers the form of an object without needing a determinate

concept that subsumes the object, so it is reflecting (FI V 211)¹. For Kant, in the case of the beautiful (setting the sublime aside for present purposes), the two main cognitive faculties involved in this process are the imagination and the understanding. Ordinarily, the activity of the imagination is bound by the understanding: it provides intuitions of an object or set of objects that must conform to concepts of the understanding. In aesthetic judgment, however, the imagination acts more freely. While it must still act within the broad categories of the understanding, it no longer needs to fit the object under any specific concept. This state is called the free play or free harmony of the faculties (CJ §9 217).

A key problem for Kant is the odd blend of subjectivity and objectivity in aesthetic judgment. On the one hand, there aren't any proper rules for deeming an object beautiful, and it doesn't seem like there could be (unlike empirical or moral judgments). However, there is still an expectation of agreement—Kant holds that we tend to think “This object is beautiful” rather than “I *find* this object to be beautiful” or “This object is beautiful to *me*” (formulations that indicate a more reserved judgment that limits its scope to the subject), and we may even feel that those who disagree with us are incorrect in some way. Kant tries to solve this issue with the notion of a “common sense” or *sensus communis* (CJ §18–20 236–238). Because our pleasure in aesthetic judgment comes from a harmony in our cognitive faculties, and we have these faculties in common with everyone else, we have some reason to expect that others will agree with our aesthetic judgments, or that they *would* agree if they properly reflected on the object. This makes these judgments “universally communicable” (CJ §40 293–295). However, because these judgments are not governed by concepts, we cannot actually require this agreement (as we might in, for example, moral judgments).

¹ In citing Kant, the initials indicate the text (FI for the First Introduction to the *Critique of the Power of Judgment*, CJ for the main body of the third *Critique* itself, and CPR for the *Critique of Pure Reason*), roman numerals indicate parts of the Introduction, section numbers indicate sections of the main body of the third *Critique*, and plain numbers indicate the margin numbers of either text (B edition for the first *Critique*). In citing Schiller, roman numerals indicate the letter, and numbers indicate the paragraph number.

Arendt, Imagination, and Publicity

In Arendt's *Imagination*, compiled from notes for a seminar on the third *Critique*, she characterizes Kant's version of the imagination as the power of representing that which is not present, or the "faculty of having present what is absent" (Arendt 1992: 79; cf. Kant CPR B151). With imagination, one can call to mind the image² of an object that is not immediately present to the senses. She makes two important notes at the outset. First, she remarks that Kant distinguishes between the reproductive and productive capacities of imagination. The former involves representing something that has already been experienced, the latter something that has not. Secondly, she points out that, while the most obvious example of the reproductive kind of imaginative activity is memory, productive imagination in fact goes far beyond that. There is of course the opposite of memory: the ability to represent the future. But more importantly, Arendt links Kant's account of imagination to insights from Parmenides. Imagination can represent not only what is not present, but something that *cannot be present*: the it-is, or Being (Arendt 1992: 79-80). For Arendt, therefore, the imagination as Kant describes it is a faculty that allows us to grasp Being despite the fact that it is never present to us³.

In her *Lectures on Kant's Political Philosophy*, Arendt very closely links the role that imagination plays in aesthetic judgment with the latter's communicability, and therefore its political importance as well; it is also in this capacity linked to Kant's requirement that aesthetic judgment be "disinterested" (not to be confused with "uninterested": Kant requires that we be impartial, not bored). In §2 of the third *Critique*, Kant begins to explain this stipulation. He notes that in a judgment of taste, we are not concerned with whether the object of our judgment is useful, commendable, convenient, etc.; we are not concerned with "whether there is anything that is or that could be at stake, for us or for someone else, in the existence of the thing" (CJ §2 204). Instead, we consider only the form of the object,

² Kant and his interpreters often use the terminology of vision in describing the phenomena and processes he discusses, but this could easily be extended to hearing and, arguably, any sense available.

³ Arendt's interpretation here perhaps reaches a bit beyond Kant; it is not at all obvious where Being in this sense would come into the picture for him. What is important here is the idea that the imagination can, at times at least, allow us to reach beyond appearances in some way, whether this is towards Being or the more traditionally Kantian supersensible.

its representation (which is really the object of judgment), and this is what is essential in judging whether something is beautiful (CJ §2 205). He goes on to contrast the satisfaction⁴ taken in the beautiful with that taken in the agreeable and the good. These other two both involve a concern with the actual existence of their object (CJ §5 210). Disinterest is key to aesthetic judgment because it ensures that the object is being judged only on its beauty (or lack thereof), and an interest in the object changes the criteria and creates an entirely different relation to the object.

For Arendt, the imagination plays a key role in this disinterested regard, and this role is central to the communicability of aesthetic judgment. As noted above, Arendt considers the imagination a power for making present what is absent. In the Seventh Session of her *Lectures*, she discusses the importance of “publicity” to any kind of critical thought. In order to apply critical thinking to both others’ views and one’s own, one must have standards of critical thought, which can only be gained through the public use of one’s critical capacities (which necessarily involves engaging the others’ public use of their capacities) (Arendt 1992: 42). Ronald Beiner, in his *Interpretive Essay on Arendt’s Lectures*, connects this explicitly with Kant’s “What is Enlightenment?”, in which Kant clearly lays out the importance of the public use of one’s reason, as opposed to private. Beiner remarks that for Kant “thinking *in public* can be considered constitutive of *thinking as such*” (Beiner 1992: 122). Being able to exercise one’s reason publicly, as a public citizen addressing a reading public, is essential to freedom and enlightenment in a way that private expression (that is, in one’s capacity as the member of some institution or private organization) is not (Beiner 1992: 123). It is this publicity of thought that is important for Kant and Arendt. In judgment, it is important to be able to achieve impartiality or what Kant terms “the enlargement of the mind” so as to have judgments that are valid, and this is accomplished by considering other viewpoints: “impartiality is not the result of some higher standpoint that would then actually settle the dispute

⁴ “Satisfaction” is potentially misleading when applied to beauty in Kant’s account since it may imply the meeting of a need. This would run counter to the requirement of disinterest, so it must be made clear that it is more specifically a kind of pleasure. One could also take an approach closer to Schiller’s, in which the pleasure taken in aesthetic experience fulfills a need for imaginative free play in the human being, which is not quite the same as a physical need and does not actually involve an active interest in the object.

by being altogether above the *mêlée*”, but rather by adopting a wide variety of standpoints on a level similar to one’s own (Arendt 1992: 42). The ability to do this is rooted in the imagination. By using the imagination, one can place oneself in a number of different standpoints; put differently, the judging subject makes present a large number of absent others in order to expand their thinking and view the object in an impartial, semi-objective way. Importantly, the subject is not calling to mind the actual judgments of other people or submitting to popular judgment or opinion, but rather making present many possible judgments so as to make a more considered judgment of their own (Arendt 1992: 42–3). This begins to show us a key insight from Kant (and Arendt’s interpretation): judgment—including aesthetic judgment—is inherently intersubjective, and the imagination is key to this intersubjectivity.

Schiller, Play, and the Aesthetic State:

Schiller’s *On the Aesthetic Education of Man* was written as a response to what he saw as the failures of the French Revolution. Ultimately, he argues that the attempt to enshrine lofty ideals in law came too quickly: “The moral possibility is lacking, and a moment so prodigal of opportunity finds a generation unprepared to receive it” (V.2). Part of his goal will be to explain the moral development of human beings and societies, and he will argue for the role of beauty and aesthetic experience in this process. It is important to note that at times, he talks about the individual, and at others, the society or state. He does seem to hold that certain things are true of both, such as the necessity of aesthetics as an intermediary between sense and form (see below), but by the end of the text, his argument focuses on the state, and it is that side of things that is most relevant to this paper.

Schiller explains that there are two fundamental human drives, the sense drive and the form drive. Building on a view of a twofold human nature (Person and Condition), he says that the laws of human nature give rise to (or require) the two drives. The sense drive is of course closely related to sensation, as well as Schiller’s human Condition. This drive supplies time with content and “demands that there shall be change” (XII.1). This drive is limiting in a particular way: a thing in time can only exist in one mode at once, with all other possibilities excluded. For Schiller, a human

operating under this drive alone would be devoid of Personality, as this aspect of the human being is absolute or infinite (broadly meaning that it is timeless and unchanging), and when one is purely engaged in sensation and confined to a succession of individual moments, this absolute is suspended (XII.2). The form drive, on the other hand, is connected to rationality and the human Person. This drive seeks universal laws that apply regardless of time, and in fact this drive “annuls time and annuls change” (XII.4). It is therefore also linked closely with morality. Schiller holds that, contrary to the sense drive’s limitation, the form drive abolishes limitations, and in this way, it eliminates the individual in favor of the species (XII.6). In key respects, these drives seem quite similar to Kant’s cognitive faculties: the sense drive, with its connection to particulars, is roughly parallel to the imagination, and the form drive, with its universals, to the understanding. There are key differences of course: the sense drive encompasses the role of sensation as well, which Kant does not give as great a role in judgment, and the drives generally seem to have a greater motivating force than the faculties. Furthermore, the understanding, though its concepts and categories are universals, is not entirely timeless and is in fact concerned with time in a way that the form drive is not, as it must deal with cognition in time rather than annul or abolish it⁵ (CPR B202). However, it is clear that the functions and dynamic the drives have for Schiller are at least in part drawn from the Kantian framework.

These drives, opposed as they are, seem to give us a picture of a divided human nature. Schiller aims to show that a unified picture of human being is possible, and through this to come to the play drive. When the drives do not act in harmony and instead encroach on each other’s proper spheres, one portion of human nature is suppressed or eroded, and the other is allowed to dominate (XIII.4–5). However, when the drives act in reciprocal coordination with one another, a human being is able to fulfill their dual nature by experiencing a great deal of feeling in the world and developing their reasoning capacities so as “to be at once

⁵ The relationship that the form drive has to time could also relate it to Kant’s reason, as this faculty does indeed not pertain so directly to time and often deals with ideas that reach beyond it, such as freedom and God (CPR B391-2). However, reason does not play as great a role in judgments of the beautiful, and it is the understanding that helps relate such judgments to free play and purposiveness.

conscious of his freedom and sensible of existence... to feel himself matter and come to know himself as mind”, thereby satisfying both the drives (XIV.2). This cooperation between the two drives leads to the awakening of a third, which Schiller calls the play drive. It works with the rules of the material and the moral while working against contingency, but it also makes things contingent and works against constraint; this allows it to introduce freedom from the constraints of both reason and nature and to reconcile reason and sense (XIV.3–6). This synthesizing role of the play drive helps us to more clearly understand its object. The object of the sense drive is life (sensible material), and the object of the form drive is form (formal qualities and their relations to thought). The object of the play drive is therefore, according to Schiller, living form, which he calls beauty (XV.2).

For Schiller, beauty plays a key role in establishing a unified human nature. The senses provide thought with the opportunity to perform its function, but the two are entirely separate otherwise: thought is only noticeable when it comes into conflict with the senses. Schiller then notes that beauty, rather than helping thought along, “furnish[es] the thinking faculty with the freedom to express itself according to its own laws”, and it is this that makes it possible for beauty to lead from matter to form, rather than actually bridging the irreconcilable distance between feeling and thinking (XIX.6). Here we see another connection to Kant’s aesthetics: beauty, as an object of reflecting thinking/judging (as opposed to the understanding’s determining judging), occasions a kind of autonomy/play in human faculties. For Kant, this is the free harmony of the imagination and the understanding, whereby the imagination is able to operate independently of the understanding, in contrast to its usual functions and thereby gestures towards freedom. For Schiller, this is the ability of thought to operate autonomously, under its own laws, presumably as part of the free play Schiller discusses earlier. Both, then, assign a role to beauty that has it cause some faculties of the human mind to operate more freely than usual, in some sort of balance with other faculties, and this amounts to a kind of unusually pure activity.

Schiller points out that, although the drives have their own necessities, their striving towards opposite aims cancels out the constraints they place upon the human being, and this is the origin

of freedom (XIX.10). The drives come into their power only after the human being encounters their objects, namely life and form. The awakening of the sense drive brings about individuality (presumably because it allows for, among other things, differentiation), and the form drive brings about personality (perhaps related to the capacity for understanding law). Upon establishment of this balance, our humanity is established, and it is from this point that internal necessity loses its hold and makes way for freedom (XIX.12). This freedom is expressed fully in the awakening of the play drive, as it involves a harmony between these aspects of the human being, and aesthetic experience is therefore intimately related to this form of freedom, which, as Schiller remarks in a footnote to this letter, is not the freedom associated with intellect alone, but rather with our entire nature, intellect and sensibility together. As Frederick Beiser puts it, the former is freedom as autonomy, while the latter “means acting according to the totality of our being, which involves not only reason but sensibility too” (Beiser 2005: 153). So, by conceiving of freedom as involving our whole nature and making beauty the key to harmonizing our disparate qualities, Schiller makes aesthetic experience central to freedom.

Schiller also conceives of an aesthetic state, one that lies between the “dynamic state” and the “ethical state”. The dynamic state is characterized by the concept of right and limits action, while the ethical state is characterized by duty and limits desire. The aesthetic state is governed by beauty and the encounter with the other as an object of free play; this state is characterized by freedom and free interaction (it is important to remember that this is freedom construed as acting in accordance with our whole nature) (XXVII.9). It is also, echoing his earlier remarks, the one that makes sociality real. Aesthetic communication, which takes the form of taste, is the only one that is unifying rather than dividing for society (again, we have here a link back to Kant, with the importance of communicability). Sense cannot be universal, and knowledge cannot be individual, but beauty is enjoyed “at once as individual and as genus” and thereby appeals to all people without denying their individuality (XXVII.10). In other words, the aesthetic state, as we might expect from Schiller’s preceding analysis, is the only one that appeals to our entire being. He sees taste in the aesthetic state as having a role in bringing science and physical desire towards a middle ground and thus constituting a

kind of equality (XXVII.11).

Connections

With Arendt and Schiller, we have two distinct ways of drawing a social or political philosophy from Kant's aesthetics. Arendt, with her examination of the importance of the imagination and common sense, finds a politics within the third Critique. She considers the importance of judgement generally and aesthetic judgment specifically for public and critical thought. Schiller moves from the Kantian framework to establish a modified picture of human nature and its essential connection to aesthetic experience, and from here he develops a concept of human freedom and the ideal state that is dependent upon beauty and aesthetic education.

However, perhaps more important are the similarities in these accounts. First, both Arendt and Schiller affirm the centrality of the imagination in the intersubjective or social import of aesthetics. For Arendt, the imagination plays a role in the creation of a pseudo-public in the performance of aesthetic judgement, which makes this process inherently social. For Schiller, the role of the imagination is also important, though more ambiguous. As mentioned previously, there seem to be parallels between the Kantian imagination and the sense drive in their engagement with particulars in experience. However, there is also a similarity between the activity of the imagination in aesthetic judgment and the operation of the play drive: both work freely upon sensed particulars in a way that broadly interacts with universals without being constrained by them. It is in this latter sense that Schiller begins to connect imaginative activity to sociability. This imaginative play has as its object beauty, but it also can allow us to regard others as living form, as both particular individuals and as members and representatives of a human whole; it is only in this way that we can regard ourselves and others as free beings.

Second, Arendt and Schiller both center communicability and common sense in their accounts. Arendt seizes on Kant's connection between reflecting judgment and the *sensus communis* to explicitly connect various threads in Kant's thought and bring a politics out of it⁶. She draws a close connection between the

⁶ This is not to say that Kant's work here is apolitical, as ideas of freedom and

activity of the imagination and an engagement with a common sense by showing how the judging subject imaginatively places themselves in a generalized standpoint, abstracted from their individual concerns and interests, in a way that renders judgment communicable and grants it a subjective universal validity. For Schiller, in addition to the role aesthetic experience plays (or could play) in creating a society of free human beings, there is also the fact that aesthetic communication, or taste, is the only truly unifying form of communication, as beauty manages to be both universal and individual. A state or society characterized by the aesthetic is therefore the only one that appeals to our entire being. So, for both Arendt and Schiller, aesthetic communicability and common sense are not only inherently social but are in fact constitutive of sociability and publicness. Both of these thinkers, though they approach the subject in very different ways, derive important, and in some ways connected, political and social ideas from Kant's account of aesthetic judgment.

References

Arendt, Hannah. 1992. *Lectures on Kant's Political Philosophy*. Edited by Ronald Beiner. Chicago: The University of Chicago Press.

Beiser, Frederick. 2005. *Schiller as Philosopher: A Re-examination*. Oxford: Oxford University Press.

Kant, Immanuel. 2003. *Critique of the Power of Judgment*. Edited by Paul Guyer, translated by Paul Guyer and Eric Matthews. Cambridge: Cambridge University Press.

Kant, Immanuel. 1998. *Critique of Pure Reason*. Edited and translated by Paul Guyer and Allen W. Wood. Cambridge: Cambridge University Press.

Schiller, Friedrich. 1982. *On the Aesthetic Education of Man In a Series of Letters*. Edited and translated by Elizabeth M. Wilkinson and L. A. Willoughby. Oxford: Clarendon Press.

history are closely related to it, and other works do deal explicitly with such matters; indeed, Arendt draws on some of these for her account. However, these themes are not explicitly political in the third *Critique*, which is my focus here; a further engagement with the political nature of these concepts therefore lies beyond the scope of this paper.

IV: Interview Articles

What We Hold Dear To Us

Photography, 2021

by Caoimhe Murphy

'What We Hold Dear To Us' challenges the beliefs and views that people voice in society in day-to-day conversations that lead to powerful life-altering decisions like voting in elections. Many people discuss and share misinformed opinions that are given as true and spread across communities at an alarming rate, yet these points would not hold in formal debates. These misinformation and fake news are not solid worthy facts, however they have the power to alter society and our behaviours towards one another. Perhaps that, as a society, we should challenge those beliefs we hold dear to us and see what values they hold and whether they serve society.



Researching AI Ethics and Human Ambiguity during a Pandemic: Interview with Abeba Birhane

Clémence Saintemarie (*University College Dublin, Ireland*)

Abeba Birhane is a PhD researcher in cognitive science at the Complex Software Lab in the School of Computer Science at University College Dublin in Ireland, and at Lero, the Irish Software Research Center. Her interdisciplinary research stands at the intersection of 4E cognitive and affective sciences, philosophy, complex adaptive systems, machine learning, ethics and critical race and gender studies. She has authored many articles and made invaluable academic and public interventions on complex adaptive systems, ambiguity, AI ethics, and critical technology studies.

Clémence Saintemarie: Thanks for accepting our invitation in these strange times. I have introduced you as an interdisciplinary researcher. Yet, I interview you for *Perspectives'* special issue on 'Social Philosophy'. Would you define yourself as a social philosopher, and if you do, what does social philosophy mean to you?

Abeba Birhane: Would I define myself as a social philosopher? I don't actually know. I find it increasingly difficult to define myself. As an interdisciplinary researcher, I take a little bit from different research areas, I work with different communities. Therefore there are pros and cons to the research process: you know that you are able to bridge the gaps between different disciplines or communities. However I don't belong to only one community or group... Someone said of interdisciplinary researchers that they are "disciplinary homeless", because one doesn't have just one home. So I might end up switching to calling myself a social philosopher, maybe. But, it might be safer to say that I'm a cognitive scientist even if, within cognitive science, I work in a very niche area that most people don't know about. Moreover, I work with philosophers,

I work with computer scientists, I work with AI researchers, and so I do interdisciplinary work, which makes it difficult for me to say that cognitive science is my home.

C.S.: There is an interesting paradox between having many disciplinary homes and being a “disciplinary homeless”... You mentioned that you’re in a “very niche area” in cognitive science, and you also cross-pollinate between philosophy, AI ethics and social justice. Can you say more about the interdisciplinary character of your research and the paths that led you to bridge these research areas?

A.B.: In cognitive science, I work within the 4E approach, which means: embedded, embodied, enactive, and expanded. The idea is that cognition doesn’t end at the brain or skull, and that a person doesn’t end up at the skin. Rather, you have to constantly consider the whole environment in which a person is situated in order to understand cognition, states of mind, or action. It understands cognition as dynamic, contextual, continually changing, and challenges the idea that there is an essence to what persons are; rather, we are continually moving, and it’s really difficult to say something final about a person’s state or their cognition because it can be very contingent and depends on so many environmental factors. I look at AI and machine learning research from that background and apply it in a sense. 4E and AI are almost opposite approaches, when you look at research and its applications. At the core, what machine learning research, especially in its application, is trying to do, is to put people’s behaviors and actions in clusters, and to classify them based on similarities. Patterns are then used to make predictions, to know how the person will behave or act. Research applications can be then used to decide whether someone should be hired or not, whether someone should qualify for social welfare or insurance policy... It is also big for advertisement: Google search engines or even Facebook advertising itself use these kinds of machine learning tools to decide who should see housing ads or job ads or any other ads.

This research is really important because these applications of machine learning have a real impact on people’s lives and determine whether someone will get medical treatment or attention, or

whether someone will be hired, for example. My research uses the philosophical foundations of both the 4E approach and complex system science, which is also very aligned with the 4E approach. Critical arguments have already been made by decades of research that complex adaptive systems are indeterminate in number and are unpredictable. I'm leaning on those theories to push back against machine prediction, to say that it is both scientifically bogus and ethically problematic, since the downstream effects have an impact on real people. That is the kind of intersection of research designs, with a purchase on machine learning, and what I am... reluctant to call "ethics". Let's say that I am inspired by the arguments of Black scholars, who suspect and argue that, when we build models, including 'artificial' models of social systems, we are encoding a historical injustice; the same applies with data and algorithms.

C.S.: This fluid ambiguous and indeterminate conception of cognition and personhood stands in sharp contrast with the predictive models of behavior, that you say are about identifying patterns and regularities and that in turn shape behaviours and policy. We chose to interview you for this issue on 'Social Philosophy' because yours is a very interactive and social model of cognition: for your idea that the mind is an embodied and an extended being, in relation with social, natural and technological environments, and for your urgent critical discussions of algorithmic injustices... May I ask more about the 4E approach and complex system theory? Why do you think that they are more successful than cognitivist, functionalist, behaviourist or other frameworks?

A.B.: Many people would contest that they are better. Traditional approaches to cognitive science are Cartesian and individualist in as much as they look at cognition and the individual in isolation. 4E on the contrary does not get rid of the body, environment, sociality, and makes space for uncertainty and ambiguity. It is in that sense that I contend that it works better and challenges the traditional assumptions of cognitive science, even when those are not clearly stated. The problem is that those assumptions influence research methodologies, findings, and downstream applications and effects.

Let's take the example of research on memory. If you come from an

individualistic approach, and that you assume that a memory is a kind of representation stored in the person's mind, you will devise methods and experiments accordingly: you will bring a subject to a lab, give them a list of words to memorize and then ask them to regurgitate or recite that information, you will record their performance and then you will say "here is our theory and here is evidence for it". It satisfies the scientific criteria of evidence-based research. However, this works with a very specific and narrow definition of memory. The 4E approach questions this whole set of metaphysical and epistemological assumptions as not adequately capturing reality. Under individualist approaches, participants become lab rats as opposed to thinking subjects evolving through interactions with others and their environment. If your working definition of the person is that it is messy and ambiguous, dependent on so many contingent factors, then you don't necessarily get a neat way of understanding and devising methods and experiments, because you are rejecting all this neat understanding. In a sense, that is how, for me, 4E better captures reality as it is, because reality is not static, and a person doesn't exist on an island, isolated from others, or in a lab.

So, back to my example, we would try to understand memory not as something static and stored in the brain, but rather as something that's dependent on the meaningfulness we attach to things. We usually remember, not because we are given a list; remembrance is not regurgitation, rather we remember because things matter to us, or thanks to environmental cues.

C.S.: ...as well as emotional and social ones?

A.B.: Exactly. Understanding memory as inherently interpersonal and communal is more capacious and plausible, whereas this is not reflected in the understanding of memory mentioned above. In a way, I don't know if 4E is better or worse, but in my own PhD, I contend that it is reductionist to approach the person's cognition in reductionist ways. I also focus not solely on theoretical battles but show that these models with reductive assumptions on the essence of human behaviour do not reflect how people really behave and sometimes have catastrophic downstream effects. I thus challenge both the scientific validity of these models and

point out some dangerous applications in the real world, such as education or employability. Yet people continue to tend to think that machine learning is magic and lend undue credibility to it, believing that it can understand and solve everything.

C.S.: You mention dangerous downstream effects in some social settings, such as the school system or the workplace, do you have particular examples in mind?

A.B.: There are plenty these days. Almost every day, someone comes up with an AI application for the education sector or for hiring agencies, announcing that it will make the world a better place. For example, to assess a student or candidate's motivation based on facial recognition of expressions... And this is tested in online classes. It is also quite pseudo-scientific and is reminiscent of physiognomy, which has long been refuted. The application similarly claims to infer internal processes, emotional or mental states based on outer expression. Yet, whenever AI is mentioned, people seem to kind of lose their critical faculty and not question it, just because there's so much hype. There is an undeserved and complete blind faith in the possibilities that AI can achieve, which makes it really difficult to challenge.

C.S.: Your research also shows that the methodologies used are not made explicit or justified in a rigorous fashion, compared to the way it would have to be in an academic article on the psychology of emotions for example.

A.B.: Exactly, there is a lack of transparency. Algorithms are protected by patents and intellectual property rights. Most models operate like a black box: you feed your neural nets with thousands and maybe millions of data points and then, depending on the layers of analysis for that input, you get a certain output, but you don't really know what those layers are, or the steps taken towards a particular decision. So the systems can even be unexplainable by engineers themselves. That's why I argued that, when we are clustering information to predict human behaviour based on correlations, those correlations end up reflecting historical prejudices, social inequalities, power dynamics as well as oppressions. These dimensions are often not considered as

variables or factored in as sources for errors. A series of associations and correlations produce, reproduce, and pick on stereotypes. Educators or employers then think that they know what a good student or a suitable job candidate looks like. But, more than anything, they are just picking stereotypes based on prejudice.

C.S.: In the summer 2020, one of your research articles resulted in the withdrawal of a database of images hosted by MIT that were used to train AI. Your research showed that this dataset was 'contaminated' with racist and misogynistic stereotypes. How did you find that out, what were the stereotypes, and did you make a case for the withdrawal?

A.B.: We were looking at ImageNet, a huge database for computer vision and deep learning. It always had problems and various people have pointed out these issues at various times. The data curators themselves had displayed some awareness of those issues and had been trying to clean up the database and improve it. Nonetheless, there were inherent problems with the database. Images were indiscriminately taken from the web, so there were going to be issues no matter how much cleaning was being done. Most of the time, images were of objects and things that you train a computer to recognise, for example a cup. The people category, on which we focused, was actually very small in comparison. We were looking at how the images of people were labeled and found very problematic labelings, which we argued followed in the steps of eugenicist stereotyping. The reason is that, when you start curating an image database, or any data involving people, you need to create taxonomies: it can be very tedious. So curators adopt the already existing taxonomy of WordNet, which is a huge words and nouns database, that groups words in clusters of synonyms and related terms.

Our article is looking at WordNet to trace the taxonomy used for categories and labelings in ImageNet and 80 million other tiny images. We couldn't believe the kind of images there were and the kind of labels people on those images were given. We couldn't even report and type them because they were offensive and really insulting. It was very hard and emotionally taxing, exhausting and disturbing to go through, basically, Wikipedia-style lists of swear

words and slurs. In the end, the article's section on stereotyping that gained media traction is actually a very small part of the paper. However, it got to MIT, which hosts the data, and to the curators - who claimed that they weren't aware (I mean, they should be aware) removed the database. The problem with removing the database from a hosting portal is that it doesn't imply that it will stop existing elsewhere or stop being used. There is research showing that when datasets become problematic and are withdrawn, researchers continue to use them nonetheless. The MIT datasets curators would have shown much more dedication and care if they had taken time to clean it up to make it better, rather than just withdrawing it, which is what happened.

C.S.: Thanks so much for detailing the research and writing process of the article. What you describe is very disturbing, especially when computer vision expresses and reinforces the racial biases of humans and unjust decisions. I cannot help but think of 'Artificial Judge' softwares and the correlations they make based on race, wealth and criminality in order to advise on court sentences...

Interestingly, you just said that the withdrawal of the database is not the best approach. I know that you are inspired by critical race and feminist theorists. Audre Lorde famously claimed that the "Master's tools will never dismantle the Master's house" (1984). Her conference presentation was not about AI, but universities and tools for the production of emancipatory knowledge. This quote can be seen as pessimistic, but it is also a call to radicalize our critiques and create new tools. What is your take on this? Do you think that curating is enough or should we go at the root of the problem? What would that imply? Could AI ever be used to help us get rid of, or correct, some of the biases that we have?

A.B.: As a caveat, I'll say that I have a really strong view that a lot of people disagree with and deem a bit too radical. So, I don't think that we can just correct things here and there and re-devise the dataset, whatever that would mean. It would be like taking huge pride in trying to put sellotape on a leak. Similarly, using the term 'racial bias' makes it something abstract, something not related to individual people, specific groups, or institutional practices. If you know it's racism, call it racism, if it's sexism or homophobia or

transphobia, call it so, instead of using 'bias'. The term 'bias' makes it seem like there is this perfectly objective database, a perfect world view, a computer view from nowhere, and then mere unlucky deviations from this model. It assumes that your model aligns with that objective, neutral worldview - which doesn't exist because data curation, like building a database, always has to be done by a person, from a certain perspective, so that there is always bias, and it's not necessarily a bad thing. Again, individualistic notions of cognition in cognitive science entertain this idea of a neutral objective universal worldview that is static and this, in turn, does not help to understand how assumptions are made and processed by human beings and computers based on perspectives of people influenced by their environment and background. It eschews the idea that computer scientists, machine learning experts or cognitive scientists are at every stage of their work shaping datasets in a particular way.

Going back to the quote, I love it and the radical me says, against people that claim that AI can be used for good, that much of AI research and application as it is, is done using the master's tools. Furthermore, it all boils down to what you mean by good, of course, and for *whom*. Is it good for hiring agencies? Is it good for my minority? Are communities negatively and disproportionately impacted by it? If the application of AI aligns with the welfare and protection of such groups, then you should invest your time in making AI work for them. But for this purpose, you can't use the master's tools, you will need a radically different approach to AI, radically different tools, radically different sets of questions, and radically different sets of methods. So I don't know if it's possible to keep dreaming about the emancipatory uses of AI, and it's not the only way either. We can strive to make the existing system better - we can also work on the master's tools - while also devising other radical tools. In the end, I do not want to portray those as opposite, they can combine.

C.S.: So you can use the tool but, in order for it to be doing the good that would benefit minorities and the welfare of the community, the tool must stop to be a tool of mastering or domination in the first place, and is not going to be the same tool or may end up being entirely different?

A.B.: Precisely.

C.S.: I know that you teach critical thinking, both for philosophy students and computer scientists. Is that the kind of upstream, preventive approach that you would advocate for? Teaching cognitive scientists or computer scientists to think critically about their assumptions, technology, and the tools that they work with and produce?

A.B.: Definitely, and I think it's crucial, especially for computer science, AI and data science students, those are the ones I teach. When you are trained through the computer science and data science programs, there's a unique set of mentality assuming that what students are building is just technical and therefore free from values, ethics, morality, politics... that it is removed from the social sphere and the social sciences. On the contrary, I argue that going through the computer science and data science streams shouldn't prevent you from thinking about your subjects in a responsible and accountable manner. I think that it's really important to develop critical thinking and to create an ecology, where people think that their work is not just concentrated in the lab but has a real impact down the line. It's simple to think about the societal impacts of their work and to think of their work as necessarily containing moral and ethical issues. So there is a more and more urgent need for critical thinking.

C.S.: Fantastic. You're nearing the end of your PhD research at UCD. Do you have any new and upcoming research projects that you would like to share with us?

A.B.: I have a list of projects on top of having to finish writing my thesis! I'm excited about a few papers on algorithmic injustice and on the impossibility of encoding ambiguity that should come out towards the end of 2021. I'm trying to concentrate on all my efforts on getting the thesis done, however, so I take everything one step at a time for the time being.

C.S.: The pandemic was also likely unhelpful for focusing... Was your research affected for technical, institutional or personal reasons? If you feel comfortable sharing your personal experience...

A.B.: It's been difficult to work from home in a pandemic. More concretely some of my collaborators experienced extreme difficulties, with family members or colleagues who were ill or passed away. And when you live abroad, you are constantly worrying about your family back home, which has been the case with me and my collaborators. So it has definitely been difficult.

C.S.: Yet you have continued to carry on this wonderful research and we are very much looking forward to reading what's coming up at the end of the year. Thanks so much again for your time!

A.B.: Thank you for the excellent questions. This was an amazing conversation.

References

Lorde, A. (1984/2007). "The Master's Tools Will Never Dismantle the Master's House." 1984. *Sister Outsider: Essays and Speeches*. Ed. Berkeley, CA: Crossing Press. 110–114.

Going Further

Birhane, A. & Uday Prabhu, V. & Kahembwe, E. (2021). Multimodal datasets: misogyny, pornography, and malignant stereotypes. arXiv.

Birhane, A. & Kalluri, P. & Card, D. & Agnew, W. & Dotan, R. & Bao, M. (2021). The values encoded in machine learning research. arXiv.

Birhane, A. (2021). The impossibility of automating ambiguity. *Artificial Life*. https://doi.org/10.1162/artl_a_00336

Abebe, R. & Aruleba, K. & Birhane, A., & Kingsley, S. & Obaido, G. & Remy, S. & Sadagopan, S. (2021). Narratives and counternarratives on data sharing in africa. *Proceedings of the 2021 ACM Conference on Fairness, Accountability, and Transparency*. <https://doi.org/10.1145/3442188.3445897>

Birhane, A. (2021). Algorithmic injustice: a relational ethics approach. *Patterns*. <https://doi.org/10.1016/j.patter.2021.100205>

Birhane, A. & Guest, O. (2021). Towards decolonising computational sciences. *Women, Gender & Research*.

Birhane, A. & Uday Prabhu, V. (2021). Large datasets: a pyrrhic win for computer vision?. *Proceedings of the IEEE/CVF Winter Conference on Applications of Computer Vision*.

The Ethics of Microaggression: Interview with Professor Regina Rini

Cathrin Fischer (*University of Exeter, UK*) and Kelly Agra (*University College Dublin, Ireland*)

Kelly Agra: Thank you so much again Professor Rini for agreeing to do this interview with us. As a way of starting the conversation, maybe we can begin with a few questions about the concept of microaggression. Can you clarify to us what microaggression is? What are the wrongs and harms of microaggression at the ethical, epistemic, and political level?

Professor Regina Rini: A microaggression is an event expressing disregard for a marginalized person, which in isolation would be relatively innocuous, but is made harmful by the fact that it participates in a pattern of similar events directed toward similarly marginalized people. For example: asking an apparently non-white person “Where are you from?” when you wouldn’t ask the same question of a white person. Or repeatedly beginning emails to female professors with “Dear Miss So-and-so” rather than the “Dear Dr. So-and-so” or “Dear Professor So-and-so” you use for male faculty.

Microaggressions are harmful because they contribute to a pattern of systemic disregard that reminds marginalized people of a second-class status in society and sometimes amplifies or reaffirms that status. So that explains the moral concern. But for an ethicist, there’s another challenge: explaining moral responsibility for microaggression. Can a person be to blame for committing a microaggression? After all, they usually aren’t doing it on purpose, and may not even realize what they have done. How (if at all) do we hold people to account for causing a type of harm that is spread across all of society and often seems to not be under volitional control?

Before getting deep into the ethics, it’s useful to distinguish

different ways that psychologists, philosophers, and others have thought about how to study microaggressions. Fundamentally, what is a microaggression? The most influential theory, which goes back to the psychologist Chester Pierce, who first coined the term “microaggression” in 1970, is what I call the motivational account. This assumes that the person who commits a microaggression does so because of some sort of unconscious or implicit psychological process which, perhaps without their knowledge, drives them to enact social hostility against a marginalized person. In other words, what makes something count as a microaggression is a fact about the unconscious psychological motivation of the microaggressor.

So that is the traditional definition. I’ll say in a minute why I’m hesitant about that. But let me put another definition on the table first, which is what I call the structural account. This is a more modern account, which I think many more philosophers are in favor of. It ignores the psychological basis of the act, and instead looks at the social structure. So the question is “Does the act contribute to structural ratcheting of oppression? Is it a manifestation of structural oppression? Does it do its tiny causal bit to keep the social structure going?” It doesn’t matter why anybody did it, it doesn’t matter what is in their head—that is what it takes to count as a microaggression. That is the structural account.

I reject both of these two accounts for slightly different but related reasons, both epistemic and moral. Here is the epistemic reason: I think both of these accounts will often make indeterminate whether a particular event counts as a microaggression, because the relevant facts that determine whether it counts or not are unavailable to us. If we disagree about whether something counts as a microaggression, it will be settled by either the unconscious mental state of someone, which no one has access to because it is unconscious, or by very, very large social scale causal claims about social oppression, and how that is manifested in the very particular contingent causal circumstances of the moment. Both of those are extremely complicated causal questions, which I think we often do not, in principle, have epistemic access to. So, I think both of the accounts make it likely that we will often just be fighting over whether something counts as a microaggression, which is ultimately not a super useful fight to be having.

The second reason is the moral reason, which we have already mentioned. Even if we somehow could settle the epistemic problem, it is not going to advance us very much because we run into this problem of moral responsibility. On the motivational account, it is hard to assign moral responsibility to somebody for a non-conscious motivation they don't even know they have, they didn't know they were expressing. It is not clear whether you can be blameworthy for that. Philosophers have talked about this, but it is complicated. On the structural account, again, just like in the case of climate change, it is hard to assign moral responsibility if all that is happening is that you are manifesting a large social structure you may not even be aware of. So both of these accounts may cause epistemic problems, and they don't actually get us anywhere morally. So I set them all aside.

My own account, which I call the ambiguous experience account, accepts that there is ambiguity in it. In my view, for something to count as a microaggression, all that needs to be true is that a member of a marginalized group experiences something as possibly, but not certainly, being a manifestation of oppression. In other words, if something happens to a member of a marginalized group and they say: "*I feel like I've just been treated in a racist or sexist or homophobic way, but I'm not sure. It wasn't a blatantly obvious hate crime. It wasn't something where I can definitely say what happened to me.*", that's a microaggression. Done. Full stop. No further discussion. Notice, epistemically, it is actually pretty easy. There is no debate here, people are authorities on their own experiences.

A helpful analogy for me is the concept of *déjà vu*. You know, this experience where you say "*It feels to me like this has happened before, but I'm not sure*"? Whether or not it has actually happened to you before is ambiguous, unclear, and unsettling; but *that* you are having the experience of *déjà vu* is settled and certain, because you are having the experience of *déjà vu*. I think microaggression is like that. It is settled and certain, you are having an experience of being microaggressed. Whether or not that is because of some unconscious prejudice in the person who did it, whether that is because of structural oppression—that might not be clear, but it is clear you are having the experience. The experience itself

is constitutive of many of the moral harms of microaggression, the destabilizing, ambiguous experience, all of that. So I think this ambiguous experience account rightly locates the epistemic problems and the moral problems, and sets us up for being able to more effectively say what is morally at stake.

Cathrin Fischer: Thank you for leading us towards that aspect of morality; you have published extensively on the philosophy and psychology of morality and what it means to be a moral agent. Why are you drawn to this field? And how did this orientation lead you to begin developing an ethics of microaggression? How are we to understand moral agency in the context of microaggression?

R.R.: I am glad you asked me that, because after you write a book, you sort of forget where you started. What is striking for me to think back five, six, or seven years ago, is that I started off as a skeptic about microaggression. When I first encountered this concept, not that long ago—the concept has been around for fifty years, but I first encountered it about a decade ago in social media—my initial perception was: this is confusing and this is confused. As a philosopher, I thought, “This is just getting morality wrong, people are not getting the right way of assigning blame for things”.

Let me give a bit of background as to why I thought that. Like you mentioned, my background is in moral agency, especially from a psychological angle. I started my career in neuroscience, my PhD was on nonconscious cognition and how that plays a role in moral judgment; so, a lot of my research in the past was about what we can learn from fMRI studies, evolutionary biology and science generally, about how humans make moral judgments, and how we connect that to philosophical concepts like the Kantian conception of moral agency.

What I was seeing five, seven years ago was a lot of people blaming each other for microaggressions in ways that struck me as just unfair, because microaggressors were often not meeting the necessary conditions for moral responsibility. My instinct as a philosopher was to say, the people who are blaming each other for microaggressions are just wrong about this. They don't understand how blame works. Then I had another reflection on

that, and I thought that was uncharitable: what is probably going on here is that people are trying their best to grapple with a really hard problem, which is “How do we deal with entrenched social oppression in ways that do not easily fit into our traditional philosophical conceptions of what an agential act is or what is blameworthy?”. And so for me, the project started from my initial impulse to dismiss talk about microaggression, and then realizing that dismissal is unproductive socially. If we simply refuse to acknowledge microaggression, it keeps happening, and that is just bad for marginalized people. The project came out of trying to say, “*What can I do with the tools of philosophy and psychology, what is the more nuanced and sophisticated way of coming back to this concept that acknowledges the complexity of assigning moral responsibility, but also does not just dismiss it?*”

K.A.: Microaggression is definitely a moral concept, and as you have explained it earlier, it also falls within social epistemology because of the epistemic dimension of trying to identify whether a microaggression really did happen or not. Would you consider the philosophical discussion on microaggression as social philosophy as well? What might be philosophy’s role in fostering social transformation? In other words—and you talked about this in *The Ethics of Microaggression*—how macro or micro would the role of the philosophical discussion on microaggression be in fostering social change?

R.R.: I think social philosophy is a good designation. A lot of people dismiss microaggression as a faddish, millennial, Gen Z, or “young person” thing, a thing of the internet or whatever. They have this caricature version of what this conversation is. I think they do not appreciate that this is actually an incredibly deep problem. Tons of stuff in this discussion is being quickly glanced over, but the tools of philosophy reveal that all these different areas within philosophy are involved. Obviously, there is the question of moral agency, but there are also other dimensions. We are talking about structural oppression here, and that is an intrinsically political question. We are talking about epistemic questions, whether we can identify particular microaggressions and what that means. There is the metaphysical question about what causation is and how structural causes work. There is the metaphysical question about groups:

what it is to be a member of a group, a marginalized group or any group for that matter. All of these questions that philosophers think about are presumed in this debate, in a way that I think people who don't take it seriously are missing out on or just ignoring an opportunity. So, this is just interesting for a philosopher, because so many different philosophical tools come to bear on this to get clarity on something that is really hard to address.

This sounds a bit like philosophy is just playing with ideas, but let me make a second pass. You are asking about locating the role of philosophy socially, or perhaps politically. This, I think, is interesting and complicated. I think that philosophy and other academic disciplines have a role to play in clarifying *what's at issue*. I think the most important contribution we can make as philosophers is to defuse some unproductive misunderstandings. A lot of the political debate about microaggression or social justice, or right now critical race theory, whatever is the current buzzword in some culture war, is just that no one knows what they are talking about. Or there is no agreement on what we are talking about, we are just fighting over how to use words. I think about this like Wittgenstein worrying about language being the thing that gets us confused, and philosophy is about getting us out of the confusions of language. I think that Wittgenstein is overly ambitious, but when it comes to culture wars, I think it might often be true that we are just in these pointless fights over definitions and confusions. Philosophy, and some other academic disciplines, are in really good positions to say "*Slow down, here are some existing tools we have from metaphysics, from political philosophy, from epistemology, from ethics, that can help us identify what the dispute is actually about.*" I don't think philosophy is ever in a position to solve disputes of this sort, but what it can do is try to cut past some of the ridiculous and pointless fights over things that do not actually matter, and identify the real fault lines, the things we really are fundamentally disagreeing about. We might not be able to resolve those, but at least it can reorient the debate. I think as philosophers, that is probably the best we can hope for, to do that kind of intellectual ground clearing. Now, of course, it is great if some individual philosophers acting in their capacities as citizens, as participants of the social environment can do more than that. However, I think as philosophers, our main responsibility is the intellectual one I

just described.

C.F.: So if we take microaggression not just as a moral, but a political concept, can it be used as an effective critical tool for revealing a different and underplayed dimension of the struggle of minorities? Could it indeed be politically charged so as to aid the political struggle of minorities?

R.R.: I am glad you asked that question, because I think there are two things going on here. One is, it is inescapable that there is a political element to what microaggression is and why it is important to address it. At the same time, I think politicizing, or drawing attention to a political charge, is likely to make things worse rather than better for almost all issues. That's a problem. For intellectual honesty, we need to recognize the political embeddedness of these questions. This is an intrinsically political question (even if my ambiguous experience account of microaggression is focused on individual experiences). Nevertheless, for the people whose experiences are at stake—marginalized people, oppressed people—the groups they belong to are an objectively existing entity, which has a political definition. Oppression is a structural matter, it is a fundamentally political matter. It is not an individual question. It is a question of what sorts of categories of people are considered lower in the implicit social hierarchy and how they are kept down. The only effective means of causal change, the only way you change that over time is also through political organizing. In that sense, it is inevitable that there is a political element to this. That is the first pass.

The second pass is the problem that once you acknowledge the political dimension, people just go right to their parties and corners, and they fight it out in a partisan way. A really clear example of this right now is just the incredibly mindless fight in the United States—which is probably popping up in the UK now as well, and we are starting to see a little bit of it in Canada—over critical race theory, about banning it from schools. Most people on all sides of this debate have no idea what critical race theory is. It is just shorthand for generic attitudes of anxiety about historical racism versus efforts to confront historical racism. I just think that this is in the nature of politics—all of us live in a world where there is a lot

of information available and we do not have the time to dig deeply into forty years of history of critical race theory (or whatever the current topic is). Most of us are not academics and just do not have the luxury of being able to deal with that. We have got jobs to do, people to take care of. Given that, people reasonably default to shorthands and heuristics, and a lot of those come from partisan identity. So, the problem is that once you politicize a topic, it just gets sucked up into partisan nonsense, which is often more about gaining electoral advantage and strategizing demographics and that sort of stuff, and much less about actually trying to solve something. It is a kind of trap. I wish I had an answer; I don't. The book I am writing right now is about social media and democracy, and a big part of my worry is that social media just encourages us all to turn everything into another nonsense partisan fight about status jockeying, rather than trying to address actual underlying problems. Microaggression, oppression, is intrinsically political, but discussing it, qua politics, as a political matter, makes it really hard to make social progress.

K.A.: Let us return to your ambiguous experience account and relate it to one of the ideas in your keynote lecture at the “Philosophy of Conspiracy Theories” conference at University College Dublin, on 2 July 2021. In the conference, you discussed narrative explanation and the relationship between narratives and identities. These ideas seem to speak to the ambiguous experience account of microaggression in the sense that (1) the narrative that the person who experienced microaggression plays a distinct role in bringing out into the open the experience itself, but (2) the objective, as it is in most narratives, is less about reaching *certainty*, and more about reaching an *understanding* of the concept and an awareness that this thing occurs. In addition to that, the articulation and uptake of that particular narrative can have consequences for identity formation. Is it potentially productive, or at least sensible, to draw connections between narrative explanation and the ambiguous experience account?

R.R.: That is interesting. I was not thinking about the connection when I said that, but I can see that that is a sensible way to connect them. In the talk, I made the point that part of what drives the social structure of a conspiracy story [n.b. The term Prof Rini used

in the keynote in place of conspiracy theory] is that you get to play the role of investigative journalists, you and your friends are figuring out the real truth behind the conspiracy. To some extent that can be fun. I drew the analogy to internet fandom communities where you are investigating what is the real truth about this story. We are all watching the TV show together, this can be fun. The danger I tried to suggest is that this can also go very badly wrong, like with QAnon. You are drawing the connection to the way that microaggressions and social structures can constitute narratives, which in turn can constitute identities.

A good and interesting example of that, which I talk about in *The Ethics of Microaggression*, is a character that Cheshire Calhoun describes, that of the old-fashioned man. This is a great paper from 1989 called “Responsibility and Reproach.” In it, she talks about the idea that 1980s-style sexism—not sexual assault, but serious workplace sexual harassment, 1980s style, the kind of stuff that women working in offices in the 1980s had to deal with on a day-to-day basis—we might say that the men who do this do not fully understand why they are doing what they are doing; they do not *get it*. Calhoun says we cannot blame them in the traditional philosophical sense of blame, because they were brought up, say, in the 1950s, and they grew up to be old-fashioned men, where this is just the way to do things; you are just mildly sexist all the time. What is really striking and really difficult to work with, although also really helpful because Calhoun is really getting into the problem, is that we also cannot not blame them. If you tell somebody “*I wish you had not done that. But it is not your fault.*” That gives them an out. It lets them say “*Yep, it is not my fault. I need not do anything different. Changes are uncomfortable, so I am not going to change and I have got an excuse now, so you can’t blame me. Haha, I can go on being an old-fashioned man forever.*” Calhoun’s point is that we have to deprive the old-fashioned man of that excuse by going ahead and blaming or reproaching him anyway, *even though technically he does not deserve blame*. That is the only way to end entrenched sexism, she suggests.

That seems really plausible to me, I rely upon that in the book. Notice how that connects to narrative. The old-fashioned man is a character, a character who has ready-made stories about how

he got to be that way and how that is just how you have to be. That is how you live in the world if you are an old-fashioned man. Calhoun's point is that in order to solve the problem of structural sexism, we have to destroy the availability of the character of the old-fashioned man. We have to make it the case that this is no longer a recognized social character. We have to change existing structural narratives of who people can be and what options are available to them. That in turn changes the availability of excuses and ways of avoiding problems.

I am glad you are drawing this connection because I did not use this in my book, but had I perceived the narrative angle, I would have drawn on the philosopher Hilde Lindemann. She has a book called *Damaged Identities, Narrative Repair* (2001). Part of her point is the way in which "Master narratives"—which are background social accounts of what people are, what they are like and what opportunities are available to them—can control people's lives, in ways that are oppressive themselves. Part of her project is to identify the nature of narrative and the role it plays in lives, how we can use those philosophical concepts to think about new narratives that change the available options for oppressed people, and again, Calhoun's point, remove some of the excuses and ways of avoiding responsibility that are currently available to privileged people.

It is interesting because narrative is this concept that analytic philosophers do not spend a lot of time with. It is much bigger in continental philosophy, and obviously in literature, but speaking as someone who used to work in neuroscience and works in philosophy of cognitive science, I think narrative can be given a naturalistic gist. A narrative is just a composite way of describing a bunch of really complicated social/individual causal forces. We do not have good vocabulary for those incredibly complicated social/individual causal forces, and narrative is a way of re-describing them in a tractable way that makes sense to our minds. So, I think it is really important to keep that tool on the table, and it is something that I hope analytic philosophers, building on work by people like Hilde Lindemann, do a better job of developing in the future.

C.F.: You already touched a little bit here on the practical implications

of philosophical discussion, but can you talk more about the role philosophy can or has to play in the case of social injustices such as microaggressions? What are your recommendations for “how to do better”, as you frame it in chapter 6 of *The Ethics of Microaggressions*?

R.R.: I think the first thing to do is to acknowledge that philosophers are not best placed to answer “how-to” questions. I think that social scientists, people who are activists on the ground or people who have lived experiences directly involved with social injustice are generally better placed than philosophers as such. I mean, of course, philosophers could also be other things such as people with lived experience. However, just under the heading of being a philosopher, I think we are often not in the best position to answer practical questions about how to change things. So it is important to be humble about it. I tried to do this to some extent, wherever I can, in the book, particularly about the limitations of how much I can say about what actually has to change. That said, I do think philosophy has some distinct contributions to make. One I already alluded to is that philosophy can clarify, philosophy can do the Wittgenstenian project of saying “*That thing you are fighting about is actually not what is really at issue. Here is some underlying logic and some tools that help us clarify.*”

The other thing philosophy can do, which I think is really important, relates to a question about how academia works. Most academic disciplines are siloed, in the sense that you work in your discipline and there is an implicit assumption that you do not go beyond it. If you are in neuroscience, most neuroscientists are not going to give public commentary on literature. If you work in medicine, most medical academics are not going to give public commentary on politics. That is just part of what it is to be in a particular discipline. Philosophy, more than most, has some permeable boundaries. Historically, I think that has to do with the fact that so many of these other disciplines were once part of philosophy. Back to Aristotle, or Descartes, they were doing anatomical research alongside philosophy. Mathematics, psychology, all of these other disciplines at some point or another overlap with, or especially in the case of psychology, spun off from philosophy. This does not mean that philosophy is the queen of the sciences, or whatever term people

like to use for it. What it *does* mean is that we have more overlap than most disciplines do. I think that gives us more permission to range across and rely upon work from different areas. So I tend to draw on work from neuroscience, perhaps because of my training, but also social science, sociology, anthropology. Increasingly, I am interested in literature as another way of framing these things. Or economics. All these different areas where I think we are able to step across disciplines and draw together converging lines of research on a topic.

I do want to flag one thing though. There is, of course, a danger in doing that—it is a lack of humility. A problem you see in a lot of academics is once they get famous in one field, say neuroscience or physics—probably the two biggest offenders on this line—they start getting asked by reporters to comment on everything. You can see some people just making completely uninformed commentary on stuff. Philosopher Nathan Ballantyne has this term “epistemic trespassing”, which he uses to describe when an expert in one field just goes off into another field and speaks with authority even when they do not actually know the field. I think this is a real problem. That is the flip side of philosophy being able to cross disciplinary boundaries. There is a risk of us doing that all the time. I try to keep that in mind, but I do think that that is a distinct merit of philosophy, that we have the capacity to integrate and synthesize information from a variety of areas, and hopefully, through our clarifying function, make that available to people trying to achieve social progress.

C.F.: We have to keep that humility in mind going forward as young, budding philosophers! We have asked a lot about the role of the philosopher, but in *The Ethics of Microaggressions*, you are also concerned with our role as social agents with regards to microaggressions. You suggest that we probably are not to be blamed for perpetuating a microaggression, but we are to be blamed if we do not take them seriously, by learning about them and dealing with the harms they cause. Could you expand on the kind of recommendations that you offer about the form of moral responsibility microaggressions entail?

R.R.: The way to think about it is that we often do not have agential

control over individual, in-the-moment microaggressive instances, but we *can* contribute to long term structural change that makes it less likely that people would go around doing microaggressions, or that mitigate the harmful effects of microaggressions. One of the examples I give in the book is the media. This is something that philosophers really have not attended sufficiently to, particularly, the role of media in seeding stereotypes and creating those compromised narratives that slot some people in a second-class status. It is very basic things like when you are watching a prestige drama on HBO, where all of the young black male characters are violent criminals. Think about the *Sopranos* in 1998, for example. Maybe it is not the point of the HBO prestige drama, but every time they pop up, every time a young black man pops up in the narrative, that is his role. That is the only thing being made available. I am not an HBO executive so I cannot do anything about that. What I can do, however, is consciously think about what kind of media I want to consume, and whether I want to support, through my advertisement-targeted eyeballs, or through my subscriptions to a streaming service, *“Do I want to support the production of media that continues to perpetuate narratives that are ultimately going to make other people’s lives worse?”* We can make a volitional choice to just say, *“You know what, it’s not 1998 anymore. If prestige dramas are going to only feature young black men as violent, I’m not gonna watch. It doesn’t matter if it’s actually good. I’m just not going to watch it because I need to do my part to reduce the chance of that.”* Or alternatively, I am going to encourage producers of these cultural narratives to have diversity in casting, to have a variety of different stories and allow people of different backgrounds to be creators and the show runners as well.

I think for philosophers, this feels like such “small potatoes”, because it is just TV, it is not an eternal truth, but as far as structural narratives making people’s lives goes, it is incredibly important. I think that is one of the obvious examples. There are smaller ones, which I talked about in detail in the book: for example, what I call reparative renaming, which refers to this effort to take the names of enslavers and colonialists and mass murderers off of our public institutions. Right now in Toronto, we are just about to rename Dundas Street. Henry Dundas was a British politician with authority over some of what happened in Canada. I am not a historian and this

particular history is disputed, but on one account he slowed down the end of slavery in the British Empire. A lot of things in Ontario are named after Dundas and so there is a discussion now to take that name off of a lot of things. It looks like Toronto is going to go ahead with that, that is just starting to happen. That is an example of that kind of thing. The reason to do that, in particular cases, is because we have social environments right now that are reminders to people that “*here are the sort of people who are valued and here are the sort of people whose pain and whose being murdered and tortured is sort of like, oh, well, yeah, that happened to you, but that is not as important as being a famous leader.*” Those are not good reminders to have in our society. Part of what I have discussed in the book is an argument about how giving names and statues and things like that is a way of continually marking and recreating those times. That is something you have an obligation to interrupt. So it is not that by renaming Dundas Street, I thereby cancel out microaggressions. That is not how it works. But what I might do over time, by changing the social environment or who gets praised, I might shift the social structures such that it becomes less likely that people who were in oppressed groups feel the assumption that they are second place, and that privileged people have the assumption that whatever they do wrong will be forgotten about in the long term. What I try to argue in the book is that there are really good causal, structural reasons for thinking that these are not just empty political gestures. Over the long term, they reduce harm to people.

K.A.: You began with individual experiences of microaggression but what you just explained also helps clarify how individual efforts against microaggression can correspond with structural efforts against it. Furthermore, we were reminded of María Pía Lara’s work on film or cinema as a form of public reason, especially her recent book, *Beyond the Public Sphere: Film and the Feminist Imaginary* (2021), when you were addressing how we can use the media. This seems to resonate with what you are explaining about the role of the media in shaping and informing public reason.

R.R.: It is really helpful for philosophers to think about this. Coming back to your question about what philosophers can do and how the philosophical project is part of social change, I think—and this

is not in the book—that the framework for ethical moral agency that I find most helpful here does not come from traditional philosophers. It comes from Emile Durkheim, one of the founders of sociology. Durkheim was trained as a philosopher, a Kantian style philosopher, and he had some discontent with the Kantian anti-naturalist methodology. If you read Durkheim on morality, in *Moral Education* (1925) and some other writings, he kind of still has a Kantian picture. What is really interesting is his account of how moral agency works. He thinks that we do not have synchronic moral agency, i.e. in a given moment, I basically can't just decide what to do. So I cannot be morally responsible for individual choices “in the moment”.

I don't know if Durkheim would agree with exactly what I just said, but the key thing is that what he wants to focus on is *mediated diachronic moral agency*. He thinks our real ability to change our actions is not about goodwill. It is not about deciding to be better individually. It is about deciding to harness the power of social science to learn about the causal forces that are causing me to act in such-and-such a way; and by working with others to change the giant social structure around me, that will indirectly cause me to act differently in the future. It changes my incentive structure, it changes the kind of psychological cues I have in front of me and I gradually treat myself—and this is the tension here for Durkheim, the naturalist and the Kantian—as a causal object for the purpose of achieving diachronic moral agency. This is a problem for a Kantian, but not a problem for a Durkheimian. I really think that this is a productive way for philosophers with broadly Kantian inclination, which I am, but who also care about the naturalist way of approaching things to see social change—this Durkheimian picture of using our knowledge of social science to make ourselves into effective diachronic agents.

K.A.: That is beautiful. I am now reminded of what you have highlighted in *The Ethics of Microaggressions*: the “conflict averse egalitarian”.

R.R.: For me the fundamental tension is always that. The fundamental problem for a Kantian is that human beings *are* causal statistical objects, but treating human beings as *simply*

causal statistical objects is a moral violation, in and of itself. The challenge of actually changing social structure is incredibly hard because you are always one step away from violating this Kantian dignity. The really hard work is finding a way to do both at once: (1) to acknowledge the fundamental fact that we are causal statistical objects and we do not achieve social change without using some of our causal statistical nature, and yet (2) also being respectful of ourselves and others, and not treating ourselves as solely causal statistical objects. That is super hard. I do not know if I have done it, but that is what I am trying to do in the book.

K.A.: As our final questions, what recommendations would you have for people studying microaggressions? You mentioned earlier the tension between the inescapably political dimension of microaggression but being wary about politicizing everything. Another tension lies in navigating social structures but not treating oneself as a causal statistical object. What further recommendations would you like to give?

R.R.: I am glad to be given the chance to do that. I can think of two things, one small scale and one bigger scale. I will start with the small scale.

I already talked about this a bit in print, I have a paper in *Philosophy Compass* with Emma McClure [n.b. “Microaggression: Conceptual and scientific issues”, 2020], and we give a taxonomy of the different accounts of microaggressions, which I have mentioned in this interview. One of the things we suggest in this article is that it might be useful for philosophers to pursue hybrid accounts that, using social science methods primarily, try to explore overlaps between the ambiguous experience account and the structural account. As a defender of the ambiguous experience account, I will obviously say that there are fundamental insights from it, but, of course, there are truths as well in the structural account. So we suggest using the power of social science, like behavioural economics or sociology, to be able to look at overlaps between what we *can* know, how we *can* get past the epistemic problem of large social structures, and use that to look at the things behind ambiguous experiences. That is, I think, a way of making progress. This is already happening to some extent, but I am flagging it

because the origin of the concept of microaggression comes out of psychology, which is a more individualistic discipline, and it is only within the last decade or so that people have started integrating that individualistic methodology with social science methodology that is less individualistic. There is a lot of space there for new, productive work to be done.

The bigger picture suggestion I had is something we have already alluded to in this conversation. It has to do with these concepts of narrative, which I intend here as a shorthand for a naturalistically respectable way of describing that part of us that is not just a causal statistical object of social science research. (It is also that, but it is not *just* that.) Using tools that people like Hilde Lindemann have already developed, narrative is a way for analytic philosophers and other researchers to integrate a lot of social science, moral theory, and politics together to see the big picture. I do not know exactly what to do with that, but you asked about future research and I think that is really a promising way to go. Analytic philosophy in general would do better if we give narrative a more central role in our theorizing and not see it as a caricature, but see it to be important in how we think about the way human beings occupy the social world. We can borrow there from literary theorists, continental philosophers, and others who have spent more time thinking about this, and hopefully this will give us greater clarity on the big picture stuff.

K. A.: Thank you so much Professor Rini. We really enjoyed this conversation.

References

- Durkheim, Émile. (1961). *Moral Education: A Study in the Theory and Application of the Sociology of Education*. Translated by Everett K. Wilson and Herman Schnurer. USA: The Free Press.
- Lara, María Pía. (2021). *Beyond the Public Sphere: Film and the Feminist Imaginary*. USA: Northwestern University Press.
- Lindemann, Hilde. (2001). *Damaged Identities, Narrative Repair*. Ithaca and London: Cornell University Press.

- McClure, Emma and Regina Rini. (2020). "Microaggression: Conceptual and Scientific Issues". *Philosophy Compass* 15 (4): n/a.
- Pierce, Chester. (1970). "Offensive Mechanisms". In F. B. Barbour (Ed.), *The Black Seventies*. Porter Sargent. 265-282.
- Rini, Regina. (2020). *The Ethics of Microaggression*. London and New York: Routledge.

V: Book Reviews

Take-a-Tag

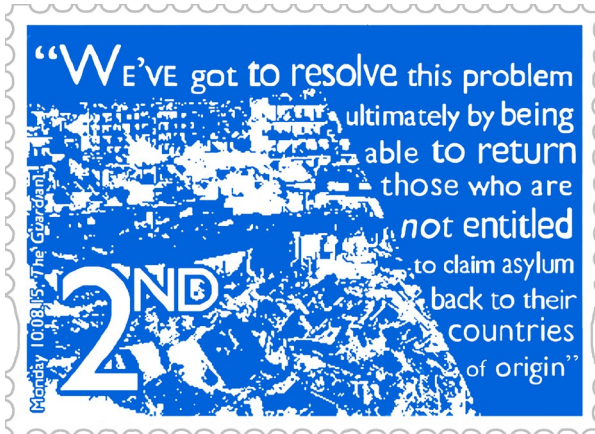
Digital, paper, postal service, 2016-17

by *Shelley Campbell*

For less than a pound, stamps possess a store of power. As little portraits, stamps are ornaments of pride, representing a national hero or a symbol of a country's fortitude, beauty or distinctiveness. Ubiquitous and quotidian, stamps are icons of our social and national status quo. Stacked with potential, I decided to wage a protest by tapping into the authority embedded within postage stamps.

My second line of enquiry came about because of the humanitarian crisis regarding the movement of people. In 2015 when I started this project, the British public was hearing daily reports of the unbearable suffering of people fleeing their homelands in search of safety and asylum. Our leaders were using the tools of propaganda to condition public opinion. Against this rhetoric, I wanted to direct my anger into the construction of image-and-text stamps. I visualised a forceful message by bringing together the throwaway words of the politicians with extant images revealing the sad reality of the crisis. To abbreviate this complex idea perilously carrying the weight of human tragedy, I used the means of irony.

The stamps are from a larger project called *Painting the Bible: The Movement of People, The Book of Ruth and Socially-Engaged Artwork*.



Rethinking Pluralism, Secularism and Tolerance: Anxieties of Coexistence.

By Neera Chandhoke.

(New Delhi: SAGE Publications India Pvt Ltd, 2019) x-223. ISBN: 9789353281984. Hbk €45.13.

Ankita Kushwaha (*Jawaharlal Nehru University, India*)

The increasing numbers of riots, lynchings, and hate speeches bring secularism in India into a critical examination. In India, the conflicts result from a deep-rooted diversity based on religion, caste, language, ethnicity, etc., but religion and caste-based conflicts are more persistent than others. In her book, *Rethinking Pluralism, Secularism and Tolerance: Anxiety of Coexistence*, Neera Chandhoke discusses how diverse groups can coexist together in a just and peaceful manner. It is a significant contribution to the recent debates on secularism in India. Political thinkers and leaders like Ambedkar, Gandhi, and Nehru argue that independent India must accept the principles of secularism to maintain a harmonious coexistence. Still, the questions of what these principles are and how they are significant in the Indian context have remained ambiguous. The ambiguity has caused some serious theoretical and political attacks in the last three decades. The purpose of the book is to remove the ambiguity and to justify secularism in the Indian context.

The book is divided into eight chapters that broadly cover four major themes: pluralism, secularism, tolerance, and coexistence. Contrary to the established view that pluralism is only a social fact, chapter one argues that it is also a social value. It holds that secularism is a political doctrine that fills the gap between pluralism as fact and as value. Nevertheless, it also maintains that secularism alone is insufficient in dealing with religious conflict; society must be guided by toleration as a social virtue. Hence, secularism and toleration are complementary to each other. The

book asserts that mere tolerance is not sufficient. Secularism and tolerance are instruments to open up the possibility of dialogues; a dialogue, in turn, is essential in finding a way out of conflicts.

The book's main contribution lies in its attempt to situate secularism and toleration in the Indian context. The second chapter explicates the political context responsible for adopting secularism in India, wherein, as the author argues, communalism is in the background. In the third chapter, different debates on secularism are being discussed. Then, in the fourth chapter, Chandhoke argues that the politicization of religious identity is a significant cause of communalism. She also asserts that for peaceful and just coexistence, religious identities must be de-politicized. Afterwards, in the fifth and sixth chapters, she elaborates on the historical development of secularism in India and its compatibility with minority rights. Then, the seventh chapter clarifies how tolerance as a social value helps secularism in countering religious conflicts, before she draws the proposed arguments to conclusion in the final chapter.

Secularism in India, as the book states, is distinct from the western liberal model. The liberal model does not recognize the significance of a pluralistic community in an individual's life; it is purely individualistic and cannot fulfil the requirements of minority communities. As a result, the liberal model of secularism often finds itself in conflict with minority rights. However, according to Chandhoke, secularism in India holds that there would be no state religion, that everyone has freedom of religion, and that no preferential treatment would be given to a particular conception of the good. In her view, secularism is consistent with the ideas of the protection of minorities and their special rights. As secularism addresses the problem of religious inequality by protecting the rights of communities, many critics argue that such a conception of secularism prioritizes equality over freedom. Thus, it appears to undermine the rights of an individual. Chandhoke, however, emphasizes that individual rights must be protected if there is a clash between the individual and the community. Therefore, it is inadequate to claim that the rights of individuals get undermined in her model of secularism. Unlike western variants of secularism, Chandhoke's model is accommodating of the rights of minorities.

Additionally, the book argues that protecting community life is essential not only for maintaining pluralism but also for the individual self, because an individual is not an isolated entity. S/he exists with others. S/he borrows the language to make sense of the world in relation to others. The community shapes an individual's identity and self-esteem; hence, pluralism becomes a normative value. Consequently, protecting the community becomes crucial for individuals, since Chandhoke's secularism protects both community and individual. Thus, by protecting minority rights, the book goes beyond the idea of a mere peaceful society and tries to build a just society. The purpose is not to make a mere peaceful society but also a just society where citizens might exercise their religious freedom and exercise their rights as an individual, as well as a group.

The book also states that the law and accompanying legal infrastructure is not enough for protecting communities. Tolerance must likewise be cultivated as a social value, so that, through respect and recognition, there will be a community in which no one will feel alienated. Therefore, Chandhoke argues that the principle of tolerance is an important social virtue as it brings change in the attitude of ordinary people and develops the notion of respect and recognition for those who are different. For a peaceful and just accommodation of diversity, democratic dialogue is essential. Secularism and tolerance open up this possibility.

Like Chandhoke, the political philosopher Rajeev Bhargava also holds that secularism ensures religious equality and strengthens democracy. He similarly suggests that mere coexistence is not sufficient in a democratic society; instead, the coexistence must be accompanied by multiple values such as justice, equality, liberty, peace, and tolerance, etc. However, unlike Bhargava, Chandhoke argues that secularism focuses more on finding norms and principles for resolving inter-religious conflicts than intra-religious or caste-based conflicts. Secularism, she holds, is an allied principle of democracy as it aims to eliminate religious inequality only. Its scope is limited to dealing with inter-religious intolerance, not intra-religious intolerance. It is the task of democracy to counter intra-religious and gender-based inequality. On the other hand, Bhargava maintains that the distinctness of Indian secularism lies

in its capacity to resolve both inter-religious and intra-religious/caste-based intolerance and injustices. His secularism's "principled distance" model allows state interference in the case of intra-religious injustices, whereas, for Chandhoke, democracy takes care of caste-based injustices, not secularism.

Moreover, unlike critics such as Nandy and Madan, both of whom argue for the recovery of religious tolerance as the best remedy for communalism, Chandhoke goes beyond and suggests that while secularism and tolerance are developed in the Western Christian tradition, these two concepts must be reconceptualized without referring to religion. Therefore, she constructs the principle of tolerance on philosophical doubt and respect, which holds that one cannot know everything; hence, others' opinions can have a truth claim. Consequently, other conceptions of the good should be recognized and respected. Though there can be differences on the conceptual level when a different conception of the good makes a truth claim, it would not lead to violence or intolerance. Doubting one's arguments and respecting others' enables the reevaluation of one's arguments. Grounding tolerance in philosophical doubt and the acceptance of others' views is worth considering, according to Chandhoke, as it enables people to avoid violence or other forms of intolerance.

Noteworthy, Chandhoke's idea of toleration is not entirely free from the grasp of religion even though it claims to be so. The book goes to some episodes of the *Mahabharata* and derives the ideas of doubt, dilemma, and *dharma*. By referring to the *Mahabharata*, an epic of orthodox tradition, the book itself situates the ideas of tolerance and peaceful ways of life on the dominant religious tradition of India. Specifically, it discusses the concept of *Rajdharma* (the duty of a righteous ruler) that embodies three ideas: *prabhavaya* (well-being and nurturing) of all subjects; *dharma* (holding together or sustaining) every human being, and *ahimsa* (nonviolence). A righteous ruler is neutral, supports his subjects, and chooses nonviolence over violence; hence, he maintains peace and justice. In a way, Chandhoke intends to locate the notions of neutrality, tolerance, and peaceful coexistence in the *Mahabharata*.

Further, Chandhoke also refers to Gandhi's concept of secularism as *Sarva Dharma Sambhava* (equal treatment to all religions). For him, respecting others and treating them as equals is an essential human value as we owe a debt to other human beings. The idea is borrowed from the Vedic concept of *rina* that refers to one's obligation towards others. Further, he argues that every religion must be treated equally because no one knows the Truth; human minds can only apprehend it partially. His argument for tolerance is rooted in an idea from the Jain tradition, which suggests that one can only know the Truth partially. Thus, Gandhi's conceptions of tolerance and secularism are descended from orthodox and heterodox Indian traditions. Chandhoke also situates tolerance and secularism within these traditions. She argues, however, that these are not just religious traditions, but they are also philosophical, and as such, do not contain any religious bias. But these ideas are shared by some religious communities too. Most importantly, those religious groups who do not share these ideas are left behind in formulating the conceptions of secularism and tolerance in India.

Nevertheless, Chandhoke's *Rethinking Pluralism, Secularism, and Tolerance* provides theoretical and empirical justifications for the relevance of secularism and tolerance in the Indian context. Her writing is both descriptive and analytical. Her analysis of various concepts is critically dense. She opens up scope for an earnest discussion on secularism in India when its future is argued to be in doom. She provides a nuanced examination of secularism's content and scope in India and its relation to tolerance and minority rights. This book is a must-read for scholars and for anyone interested in communalism, secularism, minority rights, tolerance, and other related themes.

References

- Chandhoke, Neera. *Rethinking Pluralism, Secularism and Tolerance: Anxieties of Coexistence*. New Delhi: SAGE Publications India Pvt Ltd, 2019.

Grandstanding: The Use and Abuse of Moral Talk.

By Justin Tosi & Brandon Warmke.

(Oxford: Oxford University Press, 2020) 1-248. ISBN: 97801909000151. Hbk €17.58.

Julien Delhez (Georg-August-Universität Göttingen, Germany)

This relatively short book is the product of collaboration between two American moral philosophers: Justin Tosi, Assistant Professor of Philosophy at Texas Tech University, and Brandon Warmke, Assistant Professor of Philosophy at Bowling Green State University. Both authors have previously collaborated to generate philosophical reflections (see 2016a, 2016b). However, *Grandstanding: The Use and Abuse of Moral Talk* is the first major publication of Tosi and Warmke together. Before discussing the authors' views, it is worth presenting the main concepts they resort to:

- *Moral talk* is talk about moral issues. It includes talk about *people*, e.g., who is a morally good person, and talk about *things*, e.g., what is morally good (see pp. 3–4).
- *Grandstanding* is quasi-synonymous with *showing off*. It refers to the public display of qualities that are deemed socially desirable in the grandstander's (i.e., the person indulging in grandstanding) social environment. Tosi and Warmke distinguish several types of grandstanding: *religious grandstanding* refers to the public exhibition of one's faith, and *intellectual grandstanding* is the attitude of those who display their cognitive skills or their breadth of knowledge (see pp. 13–14).
- *Moral grandstanding* is the only type of grandstanding discussed in depth by Tosi and Warmke. It involves the public displaying of one's supposed moral qualities. It has two components: *recognition desire* and *grandstanding expression* (see pp. 14–15).

- *Recognition desire* pertains to the psychological condition for grandstanding to take place. It refers to the desire of being recognised by the members of one's in-group, be it social or political, as morally admirable. Tosi and Warmke suggest that grandstanders seek not only recognition from their peers but also *dominance*, i.e., a higher status obtained by instilling fear (the higher status leads the dominated to treat the dominants with deference). Tosi and Warmke state that domination attempts are primarily aimed at members of political or social out-groups (see pp. 14–18; the authors' conception of dominance is inspired by evolutionary psychology, see pp. 16–17 & p. 190, note 6).
- *Grandstanding expression* refers to any expression aimed at satisfying the grandstanders' recognition desire. Tosi and Warmke note that grandstanders try not to be perceived as such by their peers, hence, their resort to *indirect* grandstanding expression, e.g., "As someone who has long fought for the poor ..." instead of "I care more about the poor than the rest of you" (both passages quoted from p. 20).

Having described Tosi and Warmke's key concepts, one may turn to their thesis. Briefly stated, they think that moral grandstanding is socially harmful (see chapter 4, pp. 67–95) and morally unacceptable (see chapter 5, pp. 97–118), and that it is unlikely to be practiced by genuinely moral persons (see chapter 6, pp. 119–137). The social costs of moral grandstanding, the authors argue, include *polarisation*, i.e., the increasing hostility between political groups competing with one another, and *cynicism* due to the citizens' doubts about the sincerity of moral talk *in general*. As far as morality is concerned, Tosi and Warmke regard *moral grandstanding* as immoral insofar as it fails to treat others with respect (however, they do not define *respect* or explain how it relates to *justice*, *goodness*, or other fundamental concepts). Lastly, the authors do not believe there is any valid reason (virtue, positive consequences, etc.) for a virtuous person to indulge in *grandstanding* (they regard *virtue* as a personal trait but do not provide a clear definition of it, see pp. 119–121).

The two final chapters deal with moral grandstanding in politics

(see chapter 7, pp. 139–166) and with potential solutions to moral grandstanding in general (see chapter 8, p. 167–187). Tosi and Warmke note that in the political sphere, incentives to grandstand are considerable. Politicians, for example, need to gather funds and to win elections. Among the costs of moral grandstanding in politics, the authors mention the increasing difficulty of making compromises with another political camp, the adoption of policies that are socially harmful but make their proponents look virtuous, and the rise of movements dedicated to activism for its own sake rather than specific objectives. Only the former, Tosi and Warmke suggest, allows for grandstanding without any time limit (see pp. 160–164), and in particular they note that “if an organization is established to solve a problem, and that problem then goes away, people could be out of job” (p. 162). The remedies the authors recommend are primarily aimed at individuals. They recommend that all readers resist temptations to grandstand, set a good example (they refer to philosopher Robert Fullinwider, see p. 183), and sanction the grandstanders by refusing to praise them, or even by highlighting the grandstanders’ hidden motives (“skeletons in the closet”).

Without a doubt, my overall perception of Tosi and Warmke’s book is positive, for reasons given below. With this in mind, I think it is fair to state that the book has one major strength, i.e., innovativeness, and one major weakness, i.e., the lack of clarity regarding the authors’ worldview. I shall start with the latter.

Since both authors are moral philosophers, one may ask which philosophers have shaped their worldview. One may also ask whether the authors follow a specific tradition of thinkers. In fact, these questions are not clearly answered. Tosi and Warmke referred to authors such as Gustave Le Bon, who wrote in *The Crowd: A Study of the Popular Mind* that the masses were only impressed by excessive sentiments (see p. 75); to John Stuart Mill, who noted in *Utilitarianism* that lying weakened “the trustworthiness of human assertion” (quoted by Tosi and Warmke on p. 81); and to Friedrich Nietzsche, whose critique of morality they find inspiring (see p. 131–136). However, except for Nietzsche, the references are punctual and related to very specific issues, and the authors do not position themselves toward the authors they quote.

With respect to Nietzsche, Tosi and Warmke refer to his distinction between aristocratic morality and slave morality in *On the Genealogy of Morals*. While the authors often disagree with Nietzsche (see p. 134), they see his concept of *slave revolt* as relevant for their work. Nietzsche, Tosi and Warmke write, “offers an important insight about morality in general: people frequently use morality to feel powerful, and even to exert their will over others. Indeed, this insight can help us think about grandstanding in a new light” (p. 134). Tosi and Warmke’s discussion do justice to Nietzsche’s original work (see *On the Genealogy of Morals*), but one wishes the authors had clarified which passages of Nietzsche they had in mind. Their discussion contains only *one* reference to the original text (see p. 201, note 17; they use a 1989 reprint of the 1967 reedition of *On the Genealogy of Morals and Ecce Homo* by W. Kaufmann & R.J. Hollingdale).

Aside from the question of which philosophers from the past inspired them, the authors do not explain which worldview they embrace or which school of thought they belong to, if any. They do refer to schools of thought embraced by others, e.g., virtue consequentialism (see p. 126), but without positioning themselves toward such schools. This is true both when it comes to *philosophical* schools and when it comes to *psychological* schools (Tosi and Warmke refer to findings of evolutionary psychology and social psychology). Of course, it is never *compulsory* to belong to a school of thought, but if Tosi and Warmke refuse to identify with one, it would have been good for them to make it clear. Clarity regarding one’s worldview is important insofar as it allows fellow researchers to assess one’s coherence.

Let us now turn to the positive quality of the book: I am very impressed by its innovativeness. Indeed, since *moral grandstanding* is a commonly observed phenomenon, those who open the book may start by wondering how much there is left to tell. The initial chapters of *Grandstanding* mostly provide descriptions rather than explanations of causes or consequences of *moral grandstanding* (e.g., chapter 3 describes the strategies used by grandstanders, including resorting to strong emotions and dismissiveness toward other viewpoints). But from chapter 4 on, one finds reflections that are genuinely insightful and interesting.

Take, for instance, the profile of grandstanders: among other findings, Tosi and Warmke note that grandstanders, while being found on all sides on the political spectrum, are especially prevalent *at the political extremes* (p. 35). The authors also point out that grandstanders act the way they do not because they are unique in their recognition desire (all humans are affected by it), but because they *fail to control* their impulses and in particular their desire to be seen as virtuous by others. Perhaps Tosi and Warmke could have connected this with existing research on narcissism (see, for example, Twenge & Campbell, 2010). In any case, the findings Tosi and Warmke report cast light on some of the social consequences of low impulse control. Besides, the book *Grandstanding* may encourage political philosophers and scientists to investigate the relationship between the rise of political extremes and the rise of grandstanding.

Another worthwhile topic (at least for those being concerned) is the way grandstanding affects political moderates. Tosi and Warmke note that moral discourse is often emotionally exhausting and that moderates may “feel unwelcome in a world of polarized groups yelling at each other” (p. 89; Tosi and Warmke’s conclusion is backed by empirical evidence, see p. 199, notes 51–52). The authors also suggest that a political camp facing an opposing group may be tempted to ignore its moderate members and to draw attention to its most extreme ones, in order to present *all* members of the opposing group as a threat. This increases the visibility of extremists (see pp. 148–149 for examples). Finally, the intimidation of moderates may come from what Tosi and Warmke describe as the *Black Sheep Effect*: those having minor disagreements with their own group are judged more severely than members of opposing groups, because the latter are perceived as wrong but principled (p. 49; the authors provide empirical evidence for the effect, see p. 192, note 12).

While the authors leave some questions unanswered (especially regarding their own views), *Grandstanding* is very worth reading. It is consistently accessible and restrained in tone, and it addresses an issue of extreme importance—due to the great harm moral grandstanding can cause to reason and democratic life. In all likelihood, the readers will be better equipped to recognise the

grandstanders they have been confronted to, and better armed to resist them.

References

- Tosi, J. & Warmke, B. (2016a). Moral grandstanding. *Philosophy & Public Affairs* 44(3), 197–217. <https://doi.org/10.1111/papa.12075>
- Tosi, J. & Warmke, B. (2016b). Punishment and Forgiveness. J. Jacobs & J. Jackson (Eds.), *Routledge Handbook of Criminal Justice Ethics* (203–216). Routledge.
- Tosi, J. & Warmke, B. (2020). *Grandstanding: The Use and Abuse of Moral Talk*. Oxford University Press.
- Twenge, J. & Campbell, K.W. (2010). *The Narcissism Epidemic*. Atria Publishing Group.

Infinite Mobilization: Towards a Critique of Political Kinetics.

By Peter Sloterdijk. Tr. Sandra Barjan.

(Cambridge: Polity Press, 2020) xi-161. ISBN: 978-1-5095-1848-7. Pbk. €19.99.

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Peter Sloterdijk's *Infinite Mobilization: Towards a Critique of Political Kinetics* is a long-delayed translation of *Eurotaoismus: Zur Kritik der politischen Kinetik* (Suhrkamp, 1989). Sloterdijk's first major work, *Kritik der zynischen Vernunft* (Suhrkamp, 1983), established his reputation in the Anglophone community with the publication of its English translation *Critique of Cynical Reason* (University of Minnesota Press, 1987) just a few years after the original. However, the current book under review, while further swaying German academia, did not receive simultaneous recognition in the Anglophone community. This arguably left a gap in English Sloterdijk scholarship, for in the decade following the publication of this book came other major works such as two parts of his *Sphären* (*Spheres*) trilogy: *Blasen* (Suhrkamp, 1998; *Bubbles*, Semiotext(e), 2011) and *Globen* (Suhrkamp, 1999; *Globes*, Semiotext(e), 2016). Thus, with this translation that is composed of seven parts—an introduction (which he calls premises) and six chapters—we are offered a glimpse of the transition from the themes Sloterdijk tackled in the *Critique of Cynical Reason* such as dada art and cynicism and those later developed in his other works such as architecture and Christianity's development.

Despite the delay in translation, reading this book does not give the impression of examining a text originally published three decades ago. It is rather astonishing if not uncanny how apt certain of the book's themes are to contemporary society for the fact that this book provides a fork between modernity and postmodernity: on the one hand, modern society represents that promise of a kinetic utopia founded on the "primitive accumulation of subjectivity" (16), bolstering humanity's endeavors as efforts to mobilize the world;

on the other hand, postmodern society is the space of increased self-reflexivity, not as complete mobilized subjects pondering what is left to do, but as finding ourselves less perfect than imagined and “staying to make up the missed lessons of modernity” (125). When Sloterdijk uses mobility or mobilization as an object of critique, he is referring to the cynical state of society’s acceptance of this as *the* modern condition. To articulate our modern conundrum would be to point out the cynicism of mobilization en route to infinity. Seemingly, mobility is the harbinger of modernity in that “what we have learned in the good old modern age no longer applies to anything” (2). However, such movement in modernity is reified to be movement *ad infinitum* and is accumulated under the banner of a kinetic utopia, a utopic vision of when “The movements of our day-to-day lives become progressively identical with the movement of the world itself” (2). It is in this state of infinite mobilization where the difference of individuals vanishes and likewise that between the human and the nonhuman.

It therefore makes sense why the appropriated title of *Infinite Mobilization* is favored in place of the title’s literal translation *Eurotaoism*. Juxtaposing the two titles, we are afforded a bigger picture of what this book contains; Sloterdijk diagnoses contemporary society and, mindful of the problems that infinite mobilization poses, provides not an antidote but a recuperative practice contained in the word “Eurotaoism” as a critique of political kinetics. With such a condition of mobility’s goal, simply an amalgamation of movement in a kinetic utopia, modernity’s trajectory goes beyond any historical narration: “to a world that can neither date or narrate itself, every now is too cramped and too vast, while a need for space immediately merges into a fear of limitlessness” (136–137). From a glimpse of the modern condition is where Sloterdijk induces Eurotaoism which literally joins Europe and Taoism, figuratively melding what these two words represent. This allows us to “hear the remaining echoes of the history-making discontent that drove the great revolutions of modernity”, but at the same time it “heralds an alternative critique of modernity” (ix) that finds resources not simply in the West but arguably the vast untapped potentials in the East. His use of this word does not direct our gaze to Asian philosophy *per se* but exhibits a mimesis of the Taoist practice within the mobilized condition of modernity.

The entire book is written in such a way as to demonstrate the mimetic practice of a meditation on nothingness in the Western experience of modernity. Originally written in the 80's, one may understand this as an initial attempt to do comparative philosophy, not in a traditional sense of presenting two visions of society (Western and Eastern), but by providing an admixture of both ways of doing philosophy: the peculiarity of thinking from nothingness and pondering on nothingness—this type of thinking is what is eradicated in the modern grammar of experience. It is for this reason that the book does not begin with an introduction but rather with a section entitled *premises* for “instead of orienting ourselves by the progressive norm that so quickly degenerates to a forward crawl” which an introduction foreshadows, Sloterdijk recommends “being attentive to sideways mobility” (ix). An introduction hints at a progressing motion while *premises* would give emphasis to sideways mobility, i.e., how wide of a space on which the foundations have been put. In the *premises*, he lays down an overture of the entire book and establishes the need to further discuss other points which the following chapter dwells on.

Sloterdijk begins the book's first chapter entitled “The Modern Age as Mobilization” with a diagnosis of society that uncovers how the Age of Reason signified not just a rationalization of desires but the realization of the fundamentality of the mobilization not just of bodies but also of ideas. “Modernity as a techno-political composite has unhinged the old familiar equilibrium between human power and powerlessness” and has been “established on the basis of a *kinetic utopia*” (2). Society's development banks on this image of thought qua kinetic utopia that stood as a driving factor for individual self-intensification through the “accumulation of subjectivity” (17). Such discourse of modernity presents not the individual as the pinnacle of progress but the “automobile” (9) as the embodiment of free and infinite mobility. Modernity had set forth like a thinking avalanche that ravages any hindrances to self-mobilization. However, almost immediately modernity's promise of mobility represented by the automobile faces its end with the appalling discontent of forced immobility experienced in traffic jams. This forced immobility is a condition in which “a piece of false modernity fails and in them that we encounter the end of an illusion” (10). The cynicality of a kinetic utopia is this propensity to

go astray due to the inability to contain itself; in face of this cynical state, the postmodern experience of immobilization represents the kynical scoff¹, and those who are truly mindful of this become according to Sloterdijk “not the agents of mobilization but the guardians’ of real movement.” (23)

Through such an assessment of modernity, Sloterdijk also notes the development of alternative cultures to the modern condition in the second chapter, “The Other Change: On the Philosophical Situation of Alternative Movements.” He presents how mobilization “is the modern response to the transience of life and the inequality of destinies” (51), and it, therefore, comes unsurprisingly how humanity as a whole has striven for alternatives to mobilization. Sloterdijk presents two alternatives—metaphysics and poeisis—but does so with reference to releasement as contrary to mobilization and accumulation. This is a releasement of subjectivity, a releasement from its own self-accumulation in modernity. Our current efforts at providing an alternative to mobilization are insufficient for we “reside in such a penetrating de-eternalization and mobilization that we are not even able to speculatively conceive of an opposite concept to the dominant concepts of movement and event” (50). Sloterdijk instead posits a critical theory from Freiburg rather than Frankfurt, a phenomenological turn that focuses on presence rather than movement, on nothingness instead of an Absolute.

This is perhaps better understood in his next chapter entitled “Eurotaoism?” which contains a considerable discussion of Sloterdijk’s aim. The word Eurotaoism is only mentioned twice in the book. The first is located in the premises, and the second in this chapter but mentioned in a rather contemplative manner. In face of a historical consciousness—Sloterdijk argues from Nietzsche—that paves way for nihilism, we are to see that “the issue of nihilism must become the focal point of modern cultural self-understanding” (61-62), thus require a different understanding of nothingness. Here is where the importance and the only other mention of Eurotaoism

¹ Sloterdijk distinguishes cynicism from kynicism in his *Critique of Cynical Reason* to point to how such a characterization developed. Cynicism refers to our current condition of a diffused sense of enlightenment, understanding how pathological various aspects of existence are yet still persisting to engage in such practices. Kynicism on the other hand Sloterdijk uses to invoke the original cheekiness best exemplified though Diogenes’ bold refusal to simply be consumed by the refinement of what Athens represented.

comes in. After a considerable discussion of subjectivity, birthing, and history, Sloterdijk ends the chapter with the subheading “Eurotaoism” that is comprised of only three sentences. The first two are a quote from the *Tao Te Ching* followed by an abandoned Taoist meditation: “The Eurotao that can be spoken is not the real Eurotao, etc.” (86). It is peculiar how an author of profound thoughts simply ends one of the most important chapters of the book with “etc.” Yet, a contemplative reader may understand this as one of the book’s salient points. Sloterdijk points to the Greek *askesis*, the root of asceticism, which signifies a “strong pooling of will, an energetic summary of all partial drives in a single ray of will,” that serves as the cornerstone of modernity’s own exaltation as “self-making, self-reliance, self-birth, self-realization” (75). Modern society is one that fashions itself towards its birthing in time. The abrupt end of the Eurotao chapter with the Taoist introduction (“The Eurotao that can be spoken is not the real Eurotao, etc.”) is a minute digression to expose the reader to a mantra for a possible critique of this kinetic drive. It is nearly as if Sloterdijk incites anyone familiar with the *Tao Te Ching* to pick the invocation up as a mantra similar to Buddhist sutras that disclose nothingness as the point of meditation. How about those who are unfamiliar, we ask? Well, it seems this is an opportune time for society to learn a Taoist fascination.

The following two chapters provide Sloterdijk’s treatment of the Eurotao in two ways: the fourth chapter, “The Fundamental and the Urgent—Or: the Tao of Politics,” provides an encounter between the Protestant ethic and the Tao of politics, a discussion of politics and ethics; while the fifth chapter, “Paris Aphorisms on Rationality,” dwells deeper on the human condition and on thought itself, focusing on anthropology and philosophy. “The imperative of wisdom ‘know thyself!’ transforms into the existential motto ‘be yourself!’” which “thus means ‘invent yourself!’” (121). The transition of the Socratic dictum challenges how we understand ourselves vis-à-vis a society enthralled in mobility and speed. Sloterdijk shows to us that “Modernity has exhausted all the possibilities of formulating enlightened displeasure with the world” (88) and postmodern lingering allows us to be critical of our humanity’s transition from the experience of foraging and gathering food to the modern “gathering and taking home of the right discoveries”

(108). The crisis of modernity is that it shakes the correspondence of what we have gathered; it has made us gather quickly, but at the same time, it has made us unsure of what we gather and why we gather them in the first place. This ultimately points to how mobilization has disinhibited society, making us simply equate modernity with civilization, i.e., understanding the civilizing process as “the replacement of convictions with manners” (111) and ultimately becoming “the intolerable burden which [we] were supposed to evade by moving towards the tolerable” (119).

With such a presentation of modernity, when we speak of Eurotaoism we are brought to the imagery of being “passers-by on an escalator” (123). The celebrated mobilization of modernity finds its eternal representation ironically not in the automobile – although this is its crowning glory—for the sheer reason of the impossibility of further movement in a jam-packed highway. Rather, it is infinitely represented by the escalator that is condemned to its perpetual movement, immovable but infinitely moving. This figures a society “rolling on a conveyor belt into the unpredictable” (124). The last chapter, “After Modernity,” comprises part of Sloterdijk’s conclusion to this oeuvre in which he presents the space for any consideration of society today. From such a cynical and damaged position of fantasizing modernity, we can recognize a shift in what we mean with freedom. “Freedom is not only serenity towards the real, in which [...] the ‘essence of truth’ lies, but also the disembarkation into the risk-filled” (145). A society that fails to realize the cynicism of infinite mobilization fails at recognizing what Sloterdijk would consider an ontology of still-being. Contrary to modernity’s promise of kinetic utopia, “the utopian ‘place’ can only be ‘arrived at’ by a ‘turn’ back into the still open” (152). Contrary to modernity’s Absolute, Sloterdijk hints at the experiences of Lao Tzu and Gautama as possible ventures. A releasement as a real critical theory provides society a critique of infinite mobilization, a step into the unknown, into nothingness, into freedom.

Overall, this work puts forth “subversive exercises against the absolutism of history and socialization” (ix). Such exercises are necessary to reorient a society impelled by mobility not by exactly providing a countermeasure but by allowing individuals to map uncharted terrain through a reminder of society’s aesthetic

quality for it to be sensitive to how cynical it has become and to be sensitive to true alternatives and critiques. Again, he does not supply a conclusive answer, but leaves the readers to continue mapping the unchartered territory of postmodern experiences of which current society already has a glimpse. What he does in the book is a series of “diagnostic exercises” that project the post-modern as a passive voice to modernity’s active voice, “to explicitly own up to the congestion, vortices, vacuities, and depressions that come with the kind of spontaneity that the modern era has triggered” (4). With such a blistering mindset, it comes as no surprise that a difficulty of reading this book, as perhaps true of Sloterdijk’s other writings, is the density of his ideas that are packed in each paragraph. If the reader’s mind momentarily wanders away from the argumentation, one would find oneself lost on the next plane Sloterdijk brings the readers onto. His tone of writing echoes Nietzsche and Heidegger, so one must be vigilant of how a single word is first used as the same connotation is maintained throughout the work. This is especially true when he discusses concepts such as promises, placing, vertical rising, and stances to name a few.

As characteristic of his works, this book is wide in scope and readers ought to have a penchant for literature, history, and art besides an enormous knowledge of philosophy both Western and Eastern, from Plato to Heidegger and from Lao Tzu to Gautama. It is from such richness that Sloterdijk’s books draw their strength, and *Infinite Mobilizations* is an oeuvre that resonates themes he develops in other works: the imagery of birthing such as in *Bubbles* (Semiotext(e), 2011); hieroglyphics and Egyptology in *Derrida, an Egyptian* (Polity Press, 2009) and *God’s Zeal* (Polity Press, 2009); emotions in *Rage and Time* (Columbia University Press, 2010); discussions on Nietzsche in *Thinker on Stage* (University of Minnesota Press, 1989) and *Nietzsche Apostle* (Semiotext(e), 2013); and even his musings on architecture expanded in *In the World Interior of Capital* (Polity Press, 2013) and *The Aesthetic Imperative* (Polity Press, 2017) to say a few. Those who would find such topics remarkable are urged to consider his other works devoted to them.

References

- Sloterdijk, Peter. *The Aesthetic Imperative: Writings on Art*. Edited by Peter Weibel. Translated by Karen Margolis. Cambridge: Polity Press, 2017.
- Sloterdijk, Peter. *Bubbles*. Translated by Wieland Hoban. Los Angeles: Semiotext(e), 2011
- Sloterdijk, Peter. *Critique of Cynical Reason*. Translated by Michael Eldred. Minneapolis: University of Minnesota Press, 1987.
- Sloterdijk, Peter. *Derrida, an Egyptian: On the Problem of the Jewish Pyramid*. Translated by Wieland Hoban. Cambridge: Polity Press, 2009.
- Sloterdijk, Peter. *Foams*. Translated by Wieland Hoban Los Angeles: Semiotext(e), 2016.
- Sloterdijk, Peter. *Globes*. Translated by Wieland Hoban. Los Angeles: Semiotext(e), 2016.
- Sloterdijk, Peter. *God's Zeal: The Battle of the Three Monotheisms*. Translated by Wieland Hoban. Cambridge: Polity Press, 2009.
- Sloterdijk, Peter. *In the World Interior of Capital: For a Philosophical Theory of Globalization*. Translated by Wieland Hoban. Cambridge: Polity Press, 2013.
- Sloterdijk, Peter. *Infinite Mobilization: Towards a Critique of Political Kinetics*. Translated by Sandra Barjan. Cambridge: Polity Press, 2020
- Sloterdijk, Peter. *Nietzsche Apostle*. Translated by Steven Corcoran. Los Angeles: Semiotext(e), 2013.
- Sloterdijk, Peter. *Rage and Time: A Psychopolitical Investigation*. Translated by Mario Wenning. New York: Columbia University Press, 2010.
- Sloterdijk, Peter. *Thinker on Stage: Nietzsche's Materialism*. Translated by Jamie Owen Daniel. Minneapolis: University of Minnesota Press, 1989.

The Epistemology of Groups.

By Jennifer Lackey.

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On 22 April 2010, two days after an explosion occurred at the British Petroleum-owned *Deepwater Horizon drilling rig* in the Gulf of Mexico, a massive oil leak was discovered. Lasting for more than five months, and expelling almost five million barrels of oil into the sea, it turned into the largest oil spill in history to the present day. Fuelled by anger about the devastating effects this spill had on the marine environment throughout the entire Gulf of Mexico, and the following disastrous crisis management of BP, a fundamental question emerged: who (if anybody) is responsible for the harms caused?

When thinking about collective responsibility, we face a dilemma: on the one hand, we want to hold individuals, such as the responsible—or representative members accountable; on the other hand, we want to blame the entire corporation, as an independent entity over and above its composite parts. Such questions are taken up by Jennifer Lackey in her short but rich monograph. She points out that the two described ways of approaching collective responsibility are linked to the central divide between *deflationist* and *inflationist* approaches to social philosophy. While deflationists understand collective attitudes as being entirely grasped by analysing “individual members and their states”, inflationists hold that “group phenomena are importantly over and above, or otherwise distinct from, individual members and their states” (3). Amidst several thought-provoking and insightful philosophical ideas introduced and discussed by Lackey, there is one that stretches throughout the entire book: the will to overcome this traditional division between inflationism and deflationism.

As such, the book can be understood as having two interrelated projects, one being negative and the second being positive. The

critical project is an extensive critical analysis of both inflationary/non-summativist, as well as deflationary/summativist approaches to socio-epistemological phenomena. In five chapters, each devoted to one phenomenon, Lackey discusses group belief (chapter 1), group justified belief (chapter 2), group knowledge (chapter 3), group assertions (chapter 4), and group lies (chapter 5). In each chapter, Lackey gives intuitive, case-driven insights into the flaws and shortcomings of well-known accounts of the respective phenomena. These critiques are usually the strongest parts of the book leaving the reader convinced that the discussed approaches are defective or at least incomplete. The reconstructive project, on the other hand, is the attempt to employ new understandings able to accommodate for the identified flaws, usually residing in between the traditional dichotomy of inflationism/deflationism. In particular, Lackey introduces such hybrid accounts of group belief, group justified belief, and group lies. In what follows, I will focus on her positive project as it emerges from the discussion of the literature, and end with some critical remarks about the generality and novelty of Lackey's approach.

Her endeavour begins by acknowledging that groups are not only capable of believing and asserting things, but can also intentionally deceive or misguide us. She gives several examples, such as Phillip Morris lying to us about the addictive and exceedingly unhealthy nature of smoking or BP's executive committee jointly spreading misinformation about dispersants being used in the clean-up process of the Deep-Water Horizon drill. While she understands the first case as a bald-faced *group lie*, the second example is introduced to demonstrate that groups can also *bullshit* just as much as individuals can.¹ As a result, Lackey identifies being able to distinguish group lies and group bullshit from genuine group belief, as the two central desiderata of an adequate account of group belief. Since group lies and group bullshit "undeniably involve the absence of belief", she thinks that the fulfilment of both desiderata is "non-negotiable for a tenable account of group belief" (34).

Unfortunately, the inflationary (non-summative) accounts of group

¹ Here, *bullshit* is used in the technical sense of Harry Frankfurt, who describes the bullshitter as being "neither on the side of the true nor on the side of the false", but instead makes things up to suit his purpose without caring "whether the things he says describe reality correctly" (Frankfurt 2005, 56).

belief, which in recent years became orthodoxy, are ill-equipped to satisfy either of the desiderata. For example, joint acceptance accounts, which interpret groups as believing in p when their members jointly accept p , allow groups to intentionally choose to believe things for pragmatic or principled reasons. This outcome is not only diametrically opposed to our non-voluntaristic understanding of individual belief but furthermore makes group beliefs and group lies functionally indistinguishable. Similar problems are faced by premise-based judgment aggregation accounts, which break down a complex proposition (conclusion) into subparts (premises) and ask whether the majority of the (operative) members believe them. In these views, groups can believe that p , while no individual member of the group believes that p (if the majority believes the respective subparts). This allowance of a divergence between the group-level and member-level beliefs would provide companies, such as Phillip Morris with an instrument to endorse desired beliefs: each member can believe that smoking is dangerous for one or another reason while the group happily proclaims otherwise.

Based on these observations, Lackey proposes her own account of group belief, called the *Group Agent Account* (GAA), which understands groups as being agents in their own rights in a robust and substantive way. Since this account is also the centrepiece for Lackey's understanding of group justification and group lies it is worth stating it in full:

Group Agent Account: A group, G , believes that p if and only if: (1) there is a significant percentage of G 's operative members who believe that p , and (2) are such that adding together the bases of their beliefs that p yields a belief set that is not substantively incoherent (48-49).

This account, designed to avoid all the problems afflicting rival views, is neither entirely inflationary since it concerns the number of operative members believing that p (1), nor entirely deflationary in also considering the bases of the member-beliefs (2).

Moving the focus from the beliefs themselves to the bases of the beliefs in GAA is the first step towards the *Group Epistemic Agent*

Account (GEAA) of justified group belief (introduced in chapter 2).² In addition to the conditions of GAA, GEAA demands that the beliefs that *p* held by the operative members are themselves justified. Furthermore, “full disclosure of the evidence”, and “rational deliberation” in “accordance with [...] group epistemic normative requirements” *would* not lead to “a total belief set that fails to make sufficiently probable that *p*” (97). This emphasis on counterfactual disclosure and deliberation of evidence among operative members allows Lackey to deal with cases of defeated or distributed evidence. Moreover, the normative requirements enable Lackey to govern the amount of deliberation that would be necessary for the group to be justified. Therefore, GEAA accommodates cases in which a group *should* have possessed some evidence but failed to do so. These cases, as Lackey emphasises, have turned out to be troublesome for both inflationary, as well as deflationary accounts in the literature. As was the case with group belief, joint acceptance accounts of group justification are vulnerable to willful manipulation of the evidence possessed by the group. Equally, summative accounts, as proposed by Goldman (2014) are insensible to the evidential base of the group. They allow for defeated evidence to support beliefs or beliefs being formed among members for different reasons.

GEAA’s focus on justified member beliefs and counterfactual disclosure of the respective evidence leads her to reject the possibility of groups knowing something by functionally integrating evidence into its structure in a compartmentalized way (chapter 3). Such processes are often referred to as distributed cognition or social knowing, “where no single individual knows a given proposition, but the information plays a particular functional role in the community” (111). While most famously defended by Edwin Hutchins and Alexander Bird, similar notions also occupy an important place in US law. Lackey not only raises various objections to these conceptions of socially extended knowledge, she even goes a step further by dismissing the whole endeavour as leading “to unacceptable epistemological consequences” (115). Given that GEAA is unable to explain this kind of social knowledge, it is not surprising that Lackey confronts them with such a harsh critique. Any piece of evidence that would be embedded directly into the

2 This chapter is a reprint (including minor modifications) of Lackey (2016).

structure of the group, without the awareness of any (operative) member, could not be revealed by any amount of deliberation. Furthermore, both GAA and GEAA deny that there are (justified) group-level beliefs that are not (justifiably) held by a significant amount of the operative members—something that is common in cases of distributed cognition.

While much of the critique concerning prevalent accounts of social knowledge is warranted, it appears overzealous to conclude that there are no instances of groups justifiably believing things in these distributed ways. This conclusion is especially surprising in light of Lackey's inflationary understanding of group assertions. Instead of surpassing the dichotomy of inflationism and deflationism again, Lackey straightforwardly understands group assertions in inflationary terms. In her view, group assertions are either a result of coordinated group activity, or authority based acts, such as an announcement being made by a spokesperson on behalf of a group (the latter is built on a critical discussion of Kirk Ludwig's theory of proxy agency). While she discusses authorized group assertions in great detail, she does not spend much time on coordinated group activity. Her omission is probably no coincidence, since group assertions of the latter kind, such as the collective drafting of a research paper, are structurally very similar to cases of distributed cognition. For example, we could think of instances in which a group is asserting that *p*, as the result of coordinated processing of evidence among the members. We can even assume that all members (and therefore the group) believe *p*, and some members justifiably believe that *p*; still according to GEAA we need to regard the group as not being justified in believing that *p*, since the group belief is not a result of a significant percentage of the operative members justifiably believing that *p*.³

The last chapter circles back to group lies, under consideration of the insights gathered on group belief and group justification. Lackey starts with revitalizing the traditional understanding of lying which recently came under repeated attack. This traditional understanding does not only involve (a) stating that *p*, and (b) believing that *p* is false, but furthermore (c) an intention to deceive. Recent works have, however, referred to cases that show that the

³ See Bird (2010) for a similar case.

will to deceive is not a necessary condition of lying, as is the case in instances of bold-faced, or coercion-lies. These recent arguments have led to a rejection of (c). Lackey, nonetheless, thinks that the “tides have turned too quickly” and that these cases do not “warrant severing the connection between lying and deception altogether” (167). While she modifies the traditional account to be able to handle various counterexamples, she simultaneously shows that non-deception accounts wrongfully regard cases of selfless assertion to be lies. As a result, Lackey proposes a refined deception view of group lies, that again understands the group as “the agent at the center of the view” (186).

In general, I have two major misgivings with Lackey’s understanding of the epistemology of groups.⁴ First, throughout the book, Lackey understands groups as epistemic entities in their own rights, having (justified) beliefs, lying, asserting via acting as independent agents. Simultaneously, she emphasises that groups are, nonetheless, directly constrained by member-level properties, such as the belief states and the evidence possessed by the operative members. This analysis is comparable to Condorcet-inspired premise aggregation accounts, which while being inflationist regard attitudes and properties of the members directly restricting the group level attitudes. Especially, List and Pettit’s (2011) understanding of group agency is strikingly similar in this regard. They understand groups as irreducible agents while maintaining methodological individualism, the doctrine that the social world is essentially explained in terms of individuals and their properties. Whilst being independent agents, List and Pettit insist that “the attitudes and actions of a group agent supervene on the contributions of its member” (2011, 66). While Lackey herself talks about this notion of supervenience (115-116), she refers to List and Pettit’s account throughout the book as being inflationary. Given that, it is unclear how novel Lackey’s approach truly is regarding the underlying social ontology. That is, Lackey’s book does not present the reader a clear understanding of either emergence, supervenience, or how we should think about the relation between members and the group on ontologically firm grounds. Depending on the underlying understanding of emergence, much of the analysis given about

⁴ I want to thank Haixin Dang, J. Robert Williams, and Andrew Peet for discussions on these issues.

group belief, group justified belief, and group lies might be framed as being straightforward inflationist (in a similar manner to the proposed understanding of group assertions). On the other hand, if the supervenience relation, as described by List and Pettit, would be sufficient to denote an account as being not entirely inflationary, their account would equally reside in the middle ground between inflationism/deflationism.

Second, Lackey allows for a certain amount of discontinuity in our epistemic theorizing regarding our theories of belief, assertion, and justification. For example, GEAA presupposes a certain structure of the group, by speaking of operative members, their justified beliefs, and the way the evidence is distributed among the members. This presupposition commits the account to distinguish between non-operative and operative members “who are responsible for the group belief having the content that it does” (27). This distinction not only completely divorces our understanding of individual justification and collective justification (individuals simply cannot have operative members), but also restricts the analysis to a particular understanding of (group) belief. While other accounts of group justification found in the literature are more flexible on the nature of group belief, GEAA is directly built on GAA, and, therefore, leaves little space for groups holding beliefs in distinct ways. This discontinuity is also manifested in GEAA’s restriction to small-scale, committee-like structured groups which could—in principle—deliberate their evidence, leading to a rejection of distributed cognition and social knowledge (as discussed in chapter 3).

As my outline indicates, Lackey’s monograph is not only a rich and sophisticated work, but also provides an extensive overview of the contemporary field. While being primarily concerned with epistemology, Lackey also touches on metaphysical and ethical questions urgent in the social philosophy of groups. Her proposed hybrid understanding of different collective phenomena significantly contributes to the existing literature by incorporating various ideas from seemingly opposing accounts. Especially GAA and GEAA combine virtues from accounts as different as Schmitt’s joint acceptance account, or Goldman’s justification aggregation model. Her focus on smaller-scale highly deliberative groups,

as well as the lack of a detailed ontological analysis, however, assumes an understanding of socio-epistemic entities that can neither be extrapolated to larger groups nor individual epistemic agents. The latter is especially problematic since it disconnects social epistemology from individual epistemic theorizing. Whether you agree with her positive proposal or not, Lackey's ambitions actualize the possibility of defending a socio-epistemological understanding of groups that resides in between the dichotomy of inflationism and deflationism.

References

- Bird, Alexander. (2010). "Social knowing: The social sense of 'scientific knowledge'". *Philosophical Perspectives* 24 (1): 23-56.
- Frankfurt, Harry G. (2005). *On Bullshit*. Princeton University Press.
- Lackey, Jennifer. (2007). "Norms of Assertion." *Noûs* 41: 594-626.
- Lackey, Jennifer. (2016). "What is justified group belief?" *Philosophical Review* 125 (3): 341-396.
- Lackey, Jennifer. (2021). *The Epistemology of Groups*. Oxford University Press.
- List, Christian and Pettit, Philip. (2011). *Group Agency: The Possibility, Design, and Status of Corporate Agents*. Oxford University Press.

In Defense of Secrets.

By Anne Dufourmantelle. Tr. Lindsay Turner.

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What if secrets were not only synonymous with the art of deception but were a crucial element of our social and ontological life? This is the question that Anne Dufourmantelle poses in her book, *In Defense of Secrets*, recently translated into English. In this text, Dufourmantelle, philosopher and psychoanalyst, focuses on the notion of secrecy, which is crucial when it comes to understanding interpersonal relations as well as the social fabric in general. She explores this concept through different approaches and different epochs, being careful to never give the impression that her concise words are equivalent to an oversimplification. Indeed, even if her book is only 160 pages long, it never lacks in precision and refinement. Before going deeper into the subject of the book, we must note that it was first published in French in 2015 under the title *Défense du secret*, and then reedited in 2019, after Anne Dufourmantelle's tragic death, with a short preface written by Charlotte Casiraghi.

The book is structured into six parts, subdivided into short but dense chapters. Dufourmantelle's goal is not to present a genealogy of the notion of secrecy or an exhaustive definition. In addition to this, her text is neither a treatise nor a handbook which comprehensively attempts to produce a systematic account of the subject matter. Rather, she attempts to unfold certain aspects of it, especially those elements which push us towards thinking the relationship with the Other (family, psychoanalyst, God ...). She explores these folds, these corners of our intersubjective and social life, not only through philosophical references (Derrida, Heidegger, Kierkegaard, and Patočka, to quote only a few) but also through literary texts and processes. Indeed, three *storia*, as she calls them, are interspersed into her discussion in the book (one in the second part and two others in the third). They are short stories

that seem to come directly from Dufourmantelle's experience, and their more personal tone highlights that those narratives built, for instance, around a trauma, contain a secret that cannot necessarily be pinpointed, telling a story that lies half hidden. These three moments are not pure fantasies of the author; on the contrary, they allow the reader to grasp that the secret is not a fleeting moment or an unspoken anecdote, but rather a crucial dimension of being. In advancing such a claim, one can find that there is a clearly Heideggerian kernel at work within Dufourmantelle's discussion. In a chapter titled "Veils", she explores the importance of secrecy for Heidegger, discussing the underlying dynamic of veiling and unveiling that is crucial for his analytic of Dasein. She points out that *aletheia* (the Greek term reemployed by Heidegger) is not simply about a voluntary hiding of a truth. Secrecy is a necessary element to the unveiling of truth. It is more deeply about a certain ambiguity that does not value unveiling over veiling but that makes them work together. As Dufourmantelle points out, "The secret is not always the truth of a being [...]. The secret is a time, a relation to truth [...] and not truth itself."¹

Paralleling Heidegger's return to the Greeks (i.e., to their words, their culture), the first step that Dufourmantelle proposes to take is to examine the etymology of the "secret" or "secrecy". From antiquity to the Middle Ages and the importance of religion, she points out the link between the origin of the words secret and separation in Latin (*segrada/secretus*). Through this etymological enquiry, the author points out that the secret is neither the enigma nor the mystery (both of which are closer to *occulta*: to what has not yet been uncovered as opposed to that which is set apart). From there, a galaxy of concepts is explored by Dufourmantelle including silence, intimacy, and the unavowable, all of which are linked to the theme of the secret and to its impact. This initial etymological reflection is not an academic exercise in rhetoric but rather allows the author to evade the error of simplifying her description of the secret into that of an activity, as something passing that can be achieved as well as undone. On the contrary, the secret is set apart in such a way that it belongs to another realm completely, a certain form of beyond that almost holds another ontological value.

¹ Anne Dufourmantelle, *In Defense of Secrets*, tr. Lindsay Turner (New York: Fordham University Press, 2021), 50.

Dufourmantelle's goal is indeed to explore the concept of secrecy in its incessant movement and duality, with a particular focus on its double link to time and space. To this end, she quotes at length from Lewis Carroll's *Alice's Adventures in Wonderland*, in her chapter "The Last Secret," referring to the passage detailing the moment Alice faces the smoking caterpillar, questioning her identity. I believe that this passage is illuminating, not only in relation to this specific chapter and the secret that holds our own body, but to the experience that Dufourmantelle cultivates throughout the whole book. Indeed, following Alice, we jump from adventure to adventure throughout the chapters, not always understanding the sense of certain elements, plunged into the text, into a world that questions knowledge, transmission, and boundaries.

The question we must ask now is how this notion of secrecy allows Dufourmantelle to interrogate our social environment? The answer cannot be simple or unified, but a few elements of this mosaic can be highlighted. She points out that we live in a society that tries to set aside secrets, that, almost in an Orwellian manner, breeds a certain "tyranny of the right to knowledge."² The right to know, not necessarily as an individual but also as a political society, questions the notions of transparency as well as voyeurism, constantly pushing the limits of intimacy farther away. Indeed, this peculiar tyranny is linked to a notion of transparency, to a contemporary ideal of absolute openness, of authenticity as we could call it (albeit in a different sense than Heidegger's). However, the social construction is not only built on this element, but it is also full of dark corners, hidden rooms, and secret groups. This idea of transparency is therefore contrasted with dialogues on a specific form of paranoia, embodied by the discourse constructed by conspiracy theorists. It is this form of paranoia, which characterises those who believe that the real explanation of crucial events and

2 Ibid., 9

actual mechanisms of politics are more sinister than they appear to be, and furthermore that they are kept hidden from us. We see here the difficult position in which secrecy is situated: the constant gaze and the inquiring eyes valued by our contemporary society is also the one that incessantly perceives shadows and dark corners where secrecy seems to prosper. Secrets, then, point out the paradox of knowledge: it is not all-encompassing; it is what is capable of noticing those cataracts, these *terra incognita*.

To highlight this peculiar dynamic of secrecy, Dufourmantelle provides an example in the fourth part: secret societies. This example is particularly well chosen as, with the help of Georg Simmel's work on this subject, it shows something crucial of the social dimension of secrecy: it both unifies and separates. The secret unifies because it creates a particular link between the individuals that share it, they are the initiators; at the same time, the secret also separates because anyone who does not have this obscure knowledge is left out from these interactions. In this duality, another element clearly emerges: the secret can be a tool of power, shaping the social body in a certain hierarchy, creating dynamics oscillating between obedience and rebellion. Dufourmantelle makes us understand that the secret does not stand still. This is why it is constantly capable of evolving to be a part of the social and political construction, forging its margins, its clandestine rituals, playing with words and silences to both engage and refuse communication. In this "civilization of confession,"³ something resists through secrecy, through this transmission and, at the same time, this tear in the ability to transmit. The secret is constantly to be found in this double movement, between giving and taking, or the play of presence and absence. The text written by Dufourmantelle follows the same dynamic, cultivating a certain distance.

I believe then that another question hovers over the text: What happens when a culture declares that secrecy is the enemy, refusing this "other side" of individuals? Even if surveillance has become a significant social glue, as Dufourmantelle points out, whereby those who do not participate in technological "progress" (which is linked to the proliferation of surveillance) are left out, throughout

3 Ibid., 22

In Defense of Secrets, she refuses to succumb to fatalism. However, no definite answer is given to this interrogation. This shows that Dufourmantelle's book is not about setting in stone anything about secrecy, it is about proposing a positive approach to this notion and exploring its different aspects. This reflection can be disorientating at times, and a reader with some prior knowledge of Derrida or Heidegger, for instance, may have a certain advantage, but I believe it is also the desire of the author to make us experience first-hand the untold, which provides our reflections with a starting point as opposed to a destination.

It is interesting to point out that the difficulty of the task at hand is highlighted at the very beginning of the book, when the notion of secrecy is linked to the idea of knowledge. This link is made with the help of Oedipus, of the man who discovered the cruellest side of secrecy. I believe that the heart of the problem is on how to talk or write about something that is often beyond the area of knowledge (not as absolutely unknowable but as out of our reach, for now), how to talk about something that does not ask to be uncovered but protected. The secret problematizes the logic of epistemology, it is both a product of the essential inexhaustibility of our desire for knowledge and through its constant metamorphosis, is also a negative limit which calls the very possession of knowledge into question. Further still, the secret interrogates our notion that knowledge can be owned and commodified. The secret is that which is beyond possession, located in the moments between veiling and unveiling, the hidden and the revealed. In this regard, it is a crucial dimension of being. It is not taken but given in an incessant movement of passage, that links the notion of sacrifice and of sacred, constantly being a new address to the Other, to an alterity which also constitutes us.

To conclude I would like to underscore that, in her text, Dufourmantelle questions the ideal of knowing everything, of seeing everything. It is the totalizing desire of knowledge and of socialization that is put under the microscope. It is also in this spirit that this book acts as the starting point of a reflection that is up to us to follow and create. We could have hoped for it to be a form of introduction to a more developed work from Dufourmantelle, constructed, perhaps, similarly to one of Derrida's seminars,

however, the untimely death of the author may have robbed us of such developments. This text then acts as a key that will allow us to address other crucial reflections from authors such as Heidegger, Kierkegaard, Machiavelli, etc. These authors are always only briefly mentioned, even though we may have sometimes wanted a lengthier engagement with them. It is then up to us to read them in parallel with Dufourmantelle's work. However, even this reproach can be counterbalanced by the desire of the author to stand against a fully illuminating approach. Some shadows must remain. Secrecy is not our enemy, but it is that which helps us grow, protecting us. It is what remains secret within us, our intimacy that forges our relation to the world and to the other. The secret is a risk that must be taken and it is perhaps for this reason that this book should be read in parallel with another of Dufourmantelle's essays: *In Praise of Risk* (2019).⁴

References

- Dufourmantelle, Anne. *In Defense of Secrets*, tr. Lindsay Turner. New York: Fordham University Press, 2021.
- Dufourmantelle, Anne. *In Praise of Risk*, tr. Steven Miller. New York: Fordham University Press, 2019.

⁴ See Anne Dufourmantelle, *In Praise of Risk*, tr. Steven Miller (New York: Fordham University Press, 2019).

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