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Reviews

Self-Determination and Responsibility in Schelling's *Freiheitsschrift*

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Schelling's *Philosophical Investigations into the Essence of Human Freedom* – the so-called *Freiheitsschrift* – is the first book in the age of German Idealism to carry the word "freedom" in its title. This is all the more remarkable when we discover that the *Freiheitsschrift* both effectively erodes some of the claims for freedom made by Schelling's predecessors and ignores contemporaneous innovations in the theory of self-determination. Working within its own distinctive set of interests the *Freiheitsschrift* defends human independence, denies predestination, rejects Spinoza's form of determinism, develops the notion of the agent and proposes a version of the theory of self-determination. The language of Kant and Fichte is also evident. Nevertheless, the central objective of the *Freiheitsschrift* is to provide a theory of the positivity of evil, and how it achieves that theory ultimately sets it against various aspects of the German Idealist tradition. Its historical location is noteworthy in that it stands apart from certain post-Kantian developments in the philosophy of its times. The *Freiheitsschrift* is a work of 1809, yet there is in it no trace of the notion of freedom and self-determination as recognition. That notion was given philosophical prominence in Fichte's 1798 *Science of Ethics,* in his account of the basis of legal individuality, and revised by Hegel in the *Phenomenology of Spirit* (1807) to explain the constitution of free agency. Self-determination was now to be understood as a process in which the self's conception of itself was always already social and historical. The *Freiheitsschrift* offers no considerations of the sociality or intersubjective constitution of the ethical agent.

What Schelling wants to establish, in contrast to what he finds among his idealist predecessors, is a satisfactory explanation of evil as a possibility for morally responsible agents. He develops an account of the absolute responsibility – inexcusability – of individuals for their evil actions. It is an attempt to acknowledge the modern notion of autonomy without neglecting original sin, our coeval capacity for evil. Schelling claims that Fichte "reverted in his theory of morals… to the current humanitarianism and was content to find this evil… only in the inertia of human nature" (PHF 67, SW VII 388-9). Schelling, by contrast, wants to affirm that evil is positive and not merely an absence of the good. From the perspective of the Christian

theology to which Schelling is committed, there are obvious worries about a theory of freedom which seems falsely to model human beings as creatures without sin.

By construing moral agency as a reflective process that can operate independently of our pathological motivations and tendencies to self-love, it appears to Schelling that Kant's theory of autonomy in particular excludes the possibility of acting immorally in perfect freedom. This objection, it seems, is not answered by the argument that since for Kant all decisions are free – *willkürlich* – immoral decisions are free and therefore liable to normative assessment. What Schelling is troubled by is the impossibility of explaining perfectly immoral action when the agent – as an essentially rational being – is conceived as incapable of choosing evil. In response Schelling will endeavour to revise the notion of self-determination so that it can explain the possible choice of evil.

We also find in the *Freiheitsschrift* criticism of the model of choice upon which the Kantian-Fichtean notion of self-determination is based. Schelling's view is that the conception of freedom offered by his idealist predecessors can explain choice only as arbitrariness. Because the idealists abstract moral personality from actual personality – rendering it purely formal – the choosing agent has no background of preferences; a background which makes those choices the choices that are meaningful for him or her.

Schelling understands his revised conception of freedom to be addressing explanatory gaps in the theories of his predecessors (choosing without preference, the freedom to choose evil). What he provides as an alternative though, as I want to show, effectively withdraws in significant ways the very possibility of freedom understood as self-determination. Self-determination is understood here as the capacity of an individual to adjust the course of his or her life through the choices he or she reflectively makes. The difficulties of Schelling's position become evident when we examine three specific strands of the *Freiheitsschrift*.

> 1. Since Schelling ties character to a primal act of self-positing he actually undermines the possibility of experience. He leaves no space for a being operating in response to a sense of its own insufficiency. Action can have no transformative dimension. In Schelling, in effect, action is *self-deduction*, rather than *self-determination*. (The self-deduction problem.)

> 2. The act of primal self-positing is not a practical relation of oneself to oneself, since the intelligible self is already eternally committed to a self-determination to which the empirical self

cannot relate. (Not practical in principle problem.)

3. The *Freiheitsschrift* is a theory of human culpable responsibility, rather than of freedom. (Absolute responsibility rather than freedom problem.)

Before turning to these criticisms we should look at the basic elements of Schelling's position.

Intelligibility

Early in the *Freiheitsschrift* Schelling writes: "the true conception of freedom was lacking in all modern systems, that of Leibniz as well as that of Spinoza until the discovery of Idealism" (PHF 17, SW VII 345) – the discovery of the idea of intelligibility. Schelling argues that we must look to intelligibility, rather than to our ordinary empirical world, for the ground of freedom. It was of course Kant who proposed the very notion of the intelligible world in order to conceptualize a space of freedom, as opposed to a space of causes. Were our choices explicable solely within the phenomenal world of causality, the claims of determinism could hardly be denied. In the second *Critique* Kant writes:

> [The moral law] can be nothing less than what elevates a human being above himself (as part of the sensible world), what connects him with an order of things that only the understanding can think and that at the same time has under it the whole sensible world and with it the empirically determinable existence of human beings in time and the whole of all ends… It is nothing other than *personality*, that is, freedom and independence from the mechanism of the whole of nature, regarded nevertheless as also a capacity of a being subject to special laws – namely pure practical laws given by his own reason, so that a person as belonging to the sensible world is subject to his own personality insofar as he also belongs to the intelligible world (Kant 1997: 74, 5: 86-87)

The *Freiheitsschrift* does not use the term "personality" when considering human beings in so far as they belong to the intelligible world. We might speculate that a reason for this is that whereas Kant ties the notion of intelligible personality to the capacity for moral self-legislation, to autonomy, Schelling does not accept that intelligibility is exclusively connected to

morality. (As we shall see, Kant does not believe this either and he continues to use the term "personality" even when considering the freedom-immorality connection.)

An issue that goes beyond terminology is Schelling's worry that the Kantian account of personality leaves the intelligible self with insufficient determinacy; that is, without sufficient personal character. It is merely the formal capacity to act freely, i.e. agency not subject to causality. For Schelling, Kant does not explain what could motivate the intelligible self – personality – to act one way rather than another, even towards the good. The Kantian account, Schelling believes, is incomplete unless we can build into it the notion of a determinate character whose nature determines its choices. And quite contrary to the Kantian model of the noumenality of the self, that determinacy of a specific, not formal, character must be located in the intelligible sphere. Schelling contends that any act we categorize as a free act is necessarily the act of a determinate character. Were an act to be understood as the product of an indeterminate character it could not be explained why that act was preferred over any other by the agent. An indeterminate character would be quite indifferent to the choices in front of her. There would be an absence of "motivating reasons (*bewegende Gründe*)" (PHF 60, SW VII 382). Actions could only be "accidental" (PHF 60, SW VII 383) and not the characteristic expressions of a being with a non-abstract identity. Freedom as accident is no concept of freedom at all. This intelligible character must be determinate since, Schelling reminds us, "there is no transition (*Uebergang*) from the absolutely undetermined to the determined" (PHF 62, SW VII 384). The essence of Schelling's contention, then, is that there can be no action from a void. As he puts it: "Free activity follows immediately from the intelligible nature of man. But it is necessarily an activity of determinate character" (PHF 61, SW VII 384).

Schelling notes, though, that the mistaken theory of a "completely undetermined power (*Vermögen*)" (PHF 59, SW VII 382) has "in its favour the original indecision of essential human nature" (PHF 60, SW VII 382), that is, the possibility of pure spontaneous freedom. But he argues that this "original indecision" is not present in individual human action: that claim would lead back only to the problem of undetermined and therefore arbitrary choice. Instead we must look to "essential human nature" to find this action free of all prior determinacy, look, that is, to "the essence of the active agent itself" (PHF 61, SW VII 383), to "its own inner nature" (PHF 62, SW VII 384). Schelling speaks about the "intelligible essence… [as] outside of all causal connections as it is outside or beyond all time" (PHF 61, SW VII 383). But what does it mean for the intelligible essence to be outside space and time?

Schelling believes that it is within the conceptual space of intelligibility that we can legitimately introduce the moment of original indecision in which there is no prior determination. Schelling describes it as follows:

> [I]t can never be determined by anything which preceded, since it itself rather takes precedence over all else which is or develops within it, not in time but in terms of its concept as an absolute unity whose totality and completeness must ever be actual in order that a specific act or determination may be possible in it (PHF 61, SW VII 383)

He claims that self-determination of the intelligible self is the primal act of self-determination, "the intelligible deed, through which man's being and life are determined" (PHF 68,SW VII 389). It is the act that establishes the determinacy of character through which the determinate choices of our concrete lives are made. And the concrete determinate choices we make can be understood to be free because they are the products of a freely self-determined character. Wilhelm G. Jacobs suggests that Schelling's concept of freedom should be thought of as "strictly transcendental". It can be explained analogously with everyday decisions that although freely taken commit us necessarily thereafter to a set of circumstances (Jacobs 1995: 129). If this is so, each agent's character is simply a condition of the determinate nature of his or her actions. But Schelling is also insisting that *the character we are* is our responsibility. This may seem to be a claim of a transcendent rather than transcendental order.

Galen Strawson's argument for the impossibility of moral responsibility sets out the conditions that would have to be met for the claim of responsibility to be true. Schelling's notion of the original act of self-determination in the primal deed is an effort to answer something like Strawson's position. Strawson holds that "true moral responsibility is impossible, because it requires true self-determination" which is itself impossible (Strawson 1994: 7). By the latter he means that

> to be truly responsible for how one acts, one must be truly responsible for how one is, mentally speaking… But to be truly responsible for how one is, mentally speaking, in certain respects, one must have brought it about that one is the way one is, mentally speaking, in certain respects. And it is not merely that one must have caused oneself to be the way one is, mentally speaking. One must have consciously and explicitly chosen to be the way one is, mentally speaking, in certain

respects, and one must have succeeded in bringing it about that
one is that way (ibid: 6)

What is notable about Schelling's position, though, is that his argument that
we are truly self-determining is close to meeting these terms (though the
question of how far he actually believes this will be considered in the final
section of this paper). The intelligible deed is the action through which one
establishes one's character without any antecedent determining conditions.
The peculiar atemporality of the intelligible deed gives it the status of
primacy, since it is not simply a moment in time. (This is hardly an answer
to Strawson, of course, but it shows us that Schelling's analysis of
responsibility is cognisant of the challenge of true self-determination even if
it then meets that challenge in wholly questionable ways.)

Among the many objections against the notion of a primal deed is the
argument that the primal act of self-determination inflicts a character on the
empirical individual. What is wrong with that objection, Schelling would
reply, is that it imagines primal self-determination as a single, one-off action
from the past. However, precisely as an atemporal act, an act of the
intelligible self, it is present throughout all action:

> Man, even though born in time, is nonetheless a creature of
> creation's beginning… The act which determines man's life in
> time does not itself belong in time, but in eternity. Moreover it
> does not precede life in time but occurs throughout time
> (untouched by it) as an act eternal by its own nature… Through
> it man's life extends to the beginning of creation (PHF 63-4, SW
> VII 385-6)

And:

> Therefore man, who here appears as fixed and determined,
> took on a specific form in first creation and is born as that which
> he is from eternity, since this primal act determined even the
> nature and condition of his corporealization (PHF 64-5, SW VII
> 387)

In what way, though, does this extra-temporal though perpetually occurrent
deed relate to the identity of the person, that is, to the empirical actor? It is
one thing to devise the philosophical construction of the intelligible essence,
with the inferred property of atemporality, but what does "the intelligible
essence of this specific human being" (PHF 62, SW VII 384) actually mean to

"this specific human being"? Schelling attempts to draw the two sides together through some experiential reflections, adverting to intuitions he believes we have about freedom. Although our original act of self-determination takes place outside time, it is experienced by us as our character. When we act as we necessarily do from character there is no feeling of arbitrariness or compulsion or self-alienation: there is the feeling of freedom. Moreover, "there is in every man a feeling… that he had been what he is from all eternity" (PHF 64, SW VII 386). This feeling of eternity is the existential connection between the empirical and the intelligible. This "feeling of eternity", whose existence may well be disputed, is not at odds with freedom: it is not the feeling of being burdened with a changeless character, but is the feeling of one's identity through which all choices are formed.

1. The self-deduction problem

This first criticism bears on Schelling's claim that the intelligible essence is necessarily self-identical. As we have seen, for Schelling the motivations and self-determinations of the intelligible essence are its alone. And its actions necessarily follow from what it is as an intelligible essence: "activity can follow from its inner nature only in accordance with the law of identity and with absolute necessity" (PHF 62, SW VII 384). Schelling, as again we saw, describes the intelligible essence as "an absolute unity whose totality and completeness must ever be actual in order that a specific act or determination may be possible in it" (PHF 62, SW VII 383). What Schelling is saying here is that the totality and completeness of the intelligible essence fulfils the requirement of being a determinate self which can make determinate choices.

That very claim, though, seems to work against the possibility of self-determination, as it cannot explain why one should choose to undertake any action that one might categorize as transformative. Transformative acts are motivated by a sense of incompleteness or insufficiency. The intelligible essence as Schelling describes it, though, excludes insufficiency in principle. When it acts it acts necessarily only in accordance with its eternal nature. Yet Schelling does not deny that it chooses and acts. But what is the meaning of choice and act for a being which is already total and complete? At worst, one might say it is an almost Eleatic notion of choosing, in which choice is an illusion (being cannot move to non-being, i.e. what it is not already, without ceasing to exist; being cannot move to being, since it is that already). At best, what Schelling describes distorts the dynamic of choosing into a process of *self-deduction*. I call it self-deduction because it is a process in which nothing new is added to the character by the choices made in the course of a life.

(Choosing as an act of amplification.) Schelling seems to say as much: "His conduct does not *come to be*, as he himself, as a moral being does not *come to be*, but it is eternal in its nature" (PHF 66, SW VII 387-8).

Schelling is aware that his theory could be seen to work against transformation or "*Transmutation*". He anticipates the objection that, as he puts it, "it cuts out all conversions (*Umwendung*) from good to evil and vice versa for man, at least in this life" (PHF 67, SW VII 389).[i] Schelling provides an answer to that objection which, no sooner than it grants the possibility of change, takes back that possibility by denying that it is essential change. Rather, any change we may witness at the empirical level is, in fact, already implicit in the primal act of self-determination. That change, as Schelling explains, "is also to be found in the initial act because of which he is this individual and not another" (PHF 67, SW VII 389). Essential change, therefore, could never occur. It is excluded in principle, since the possibility of essential change would introduce some degree of indeterminacy into the intelligible essence.[ii]

This notion might seem to be first expressed by Kant, but a closer look shows us that Kant's notion of intelligibility differs sharply from Schelling's. In *Religion with the Boundaries of Mere Reason* Kant discusses the "propensity" (*Hang*) to do evil. A propensity, Kant tells us, is "a subjective determining ground of the power of choice *that precedes every deed*, and hence is not yet a *deed*" in the empirical sense (Kant 1996: 79, 6: 31). A propensity in this sense relates to our rational natures since it is essentially free. The propensity for evil is "the power of choice to maxims that subordinate the incentives of the moral law to others (not moral ones)" (ibid: 78, 6: 30). Were we to look to our empirical nature for the source of evil we could no longer explain evil as an option available to beings who are essentially free. The empirical-phenomenal self belongs to the space of causal determinism. By contrast, Kant argues, the "propensity to do evil is a deed... an intelligible deed, cognizable through reason alone apart from any temporal condition" (ibid: 79, 6: 31). And we can hold the agent responsible for actions we judge evil because evil is a possibility that lies within his or her rational nature.

It is a fundamental tenet of Kant's critical philosophy that rational nature is intelligible in that it is that dimension of agency that is neither empirically acquired nor empirically conditioned. The notion of the intelligibility of a propensity to evil places the possibility of evil within the identity of our rational being (and evil is in this context is not simply a material or empirical act). Henry E. Allison explains:

> [The] propensity cannot be thought as self-consciously adopted
> at a particular point in time. On the contrary, it is found already

> at work when moral deliberation begins and must be presupposed in order to conceive the possibility of immoral actions in beings for whom the moral law provides an incentive. It is in this sense alone that it is to be viewed as timeless and intelligible (Allison 2002: 341)

It is "timeless" in that it is a condition (analogous with "the understanding as a capacity or power of mind that remains ever present and one and the same under all circumstances" [see Munzel 1999: 84]). Once we see that Kant's metaphysical looking language does not project human agency into non-temporal action, the basic outlines of his position become more conventional in their objectives. He cannot permit his theory of rational agency to exclude the execution of evil actions, and the possibility of evil must be made compatible with that theory. Because his theory refers to our essential rational nature, our capacity for autonomy, it is not a story about the character of any particular individual. For Kant, in contrast with Schelling, the intelligible deed is not equivalent to an act of self-making in which the character is determined from and for all eternity. (The deed is a propensity, rather.) Furthermore, and as a corollary of evil as freedom, Kant claims that "it must equally be possible to *overcome* this evil, for it is found in the human being as acting freely" (Kant 1996: 83, 6: 37). Michelle Kosch argues that Kant pulls his punches with this last claim, and that Schelling's exclusion of moral reform is the only consistent conclusion that can be drawn from the notion of propensity as an intelligible deed (Kosch 2006: 96). It may be more correct to say that Schelling's consistency is purely internal. Because he reads the notion of intelligible deed in a non-Kantian way, we are really talking about two different theories of intelligibility. Schelling, as Heinz Heimsoeth points out, effectively distorts the Kantian thesis by reading it as a pre-temporal act which produces all subsequent temporal moral life.[iii] Timelessness becomes eternity. Dieter Sturma puts it succinctly:

> While Kant introduces the timelessness of autonomy solely as a transcendental determination, Schelling, as a consequence of his ontology of the person, raises timelessness to a concept of eternity (Sturma 1995: 163)

2. Not practical in principle problem

The impossibility of an account of practical action in any recognizable sense is the focus of this second criticism of Schelling's theory of freedom. As with the previous criticism (no moral transformation, only self-deduction) the

difficulty that the theory imposes on self-determination is to be examined.

I want to turn to Fichte for a moment as it seems to me that his *Wissenschaftslehre* provides the benchmark for a plausible and pertinent theory of practical self-determination. In the *System of Ethics according to the Principles of the Wissenschaftslehre*, Fichte argues that acts of self-determination are temporal and are not to be explained through any prior conditions. What the individual self actually is must be understood purely through such acts of self-determination:

> What is required on the part of the subject for a successful outcome is not given prior to the [free act of] self-determination. Instead, this is given through and by means of the act of self-determination, and with this we have assembled everything needed in order to produce an efficacious action. Self-determination provides the force of my nature with the requisite principle, that prime mover that my nature itself lacks; for this reason, its driving is from now on *my* driving, as a genuine I, which has made itself into what it is (Fichte 2005: 203)

For Fichte, the noumenal or intelligible self cannot be proposed, therefore, as an element of the process of self-determination. This means that self-determination really comes about through a process of self-relating at, what we might call, the historical level: it is not the obscure influence upon us of an allegedly fully formed deeper self. The self is in a dynamic process of constant transformation. For example, when the self decides to satisfy a "longing" of its natural drives, it does not merely endorse that drive, it transforms itself:

> If, however, I freely determine myself to satisfy this longing, it then becomes 'mine' in a completely different sense: it becomes mine insofar as I am free and insofar as I am freely posited and determined. In this case I appropriate this longing not merely ideally, not merely by means of theoretical cognition, but I appropriate it in reality, by means of self-determination (ibid: 202)

Ernst Tugendhat calls this a "reflective self-relation" (Tugendhat 1986: 211). Self-determination in this sense requires self-reflection because self-determination is undertaken through acts of the will which effectively redefine what the self will consider to be its own (not alien) nature. In this way, as Frederick Neuhouser explains, the subject enters into "a kind of

reflexive, nonobjective relation to itself, through which the subject constitutes itself" (Neuhouser 1990: 117).

How well does Schelling's position accommodate this notion of practical self-relating without which we cannot make sense of self-determination?

When Schelling speaks about self-determination he locates it, in so far as it is recognizable as such, in the primal act. He speaks of the primal act in which one determines oneself as evil as follows:

> the beginning of sin consists in man's going over from actual being to non-being, from truth to falsehood, from light to darkness, in order to become the creative basis and to rule over all things with the power of the centre which he contains (PHF 69, SW VII 390)

But why would she, he or it choose this determination? The determinacy required for choosing cannot pre-exist a primal act of self-positing (otherwise it would not be primal and radically free). Yet without determinacy we return to the problem of arbitrary choice.

Schelling nevertheless holds that the thesis of the primal act enables us to avoid the problem of predestination. Schelling's objection to the theory of predestination is that it places the act of primal determination in God, and "thus" its proponents "destroyed the root of freedom" (PHF 66, SW VII 387). Schelling suggests instead, as we saw, that

> man, who here appears as fixed and determined, took on a specific form in first creation and is born as that which he is from eternity, since this primal act determined even the nature and condition of his corporealization (PHF 65, SW VII 387)

We must emphasize Schelling's words here: "fixed and determined". This is underpinned by the further remark that

> as man acts here so has he acted since eternity… His conduct does not come to be, as he himself, as a moral being, does not come to be, but it is eternal in its nature (PHF 66, SW VII 387-8)

What this account entirely excludes is the point that is so important to Fichte and indeed to any contemporary theory of self-determination. It excludes the possibility that self-determination is brought about by a process of practical self-relating in which I make decisions based on what I am, can be,

and ought to be.

To summarize, Schelling's thesis excludes any viable conception of practical self-determination on several grounds:

(i) The character is fixed.

(ii) There is no space for self-relation. Self-relation involves the act of attempting to understand what one takes oneself to be. And what I am is never complete. Schelling's essentialism of the personality does not accommodate this.

(iii) Freedom is explained as the determinate action of the self-determining intelligible essence. The intelligible essence, which is not subject to temporal reflection, is the source of my actions.

3. Absolute responsibility rather than freedom problem

The *Freiheitsschrift*, as earlier noted, has as a central objective the provision of a potent defence of the possibility of freedom within a theistic order. Why does Schelling think it important to provide the concept of freedom with a philosophical defence? Like all other defences of freedom, it attempts to repudiate some kind of determinism or fatalism. But there is more to it than that: many such defences are largely academic matters. For Schelling, as for all the idealists, there must be something to be gained for humanity in establishing the reality of freedom. Freedom was often, in effect, the banner name for a broader normative programme. For Fichte and even Kant, the defence of freedom served to underpin the valuable difference between human beings and the remainder of the world, i.e. nature. And that difference came with the privileges and obligations that are distinctive to "autonomous" beings: we ought to create a moral order.

What does Schelling think we gain from a justification of freedom? We establish that human beings can be held *absolutely responsible for evil actions* because – as the work begun in Kant's *Religion* tried to show – evil is an option for essentially free beings. Schelling's justification of freedom is geared, then, towards the justification of responsibility as culpability: the capacity to be blamed for one's actions. Culpable responsibility is a property of freedom that other philosophers, before and after, have certainly noted. But never before – at least outside the context of Christian theology – did it receive such focus in the question of freedom. As a theory of freedom with this overriding emphasis, it separates itself from the emancipatory programme of German Idealism.

Schelling makes a number of claims, which he appears to believe capture intuitively the notion of our ineludible responsibility.

> (i) Thus someone, who perhaps to excuse a wrong act, says, "Well, that's the way I am" – is himself well aware that he is so because of his own fault however correct he may be in thinking that it would have been impossible to act differently (PHF 65, SW VII 386)

This statement excludes the possibility that there may be a legitimate question about one's responsibility for one's action. But whence would such a question arise? Perhaps we can consider a few examples from conventional moral experience. When I act I may afterwards, perhaps even immediately, fail to understand why I took that action: e.g. I may strike out in anger, or purchase an item on impulse without then understanding how I found myself so agitated or why the object purchased seemed irresistible at the time. What, if any, of those actions should lead me to being held accountable? I cannot say that I *did not do it*. And yet, I may fail to recognize much of myself in those actions. (That is why the "feeling of eternity" notion seems to lack intuitive force.) This is all very well on the level of a purely personal reflection. I am free to be troubled by that odd feeling of self-alienation. But some systems of moral reckoning appear to require assignations of guilt (not to mention our legal systems). We are forced to accept those judgments even when the actions for which we are judged seem in some sense alien to us. Needless to say, our moral or practical lives do not always, or even often, present us with these problematic outcomes. And there is nothing unconventional about Schelling's general principle of "a tendency to do evil… as being a free deed" (PHF 65, SW VII 387). However, occasions of moral self-alienation are a feature of our practical lives that Schelling's theory could never explain. And that is because of the strict identity that he draws between character and action. What he says is that "an individual act is the consequence of an inner necessity of the free being and accordingly it is itself necessary" (PHF 62, SW VII 384). There can therefore be no dissonance between what I am and what I do. The acts that I undertake are fully determinate as the necessary products of my determinate character.

What Schelling offers us here is more unsettling than simply an unusual appreciation of the conflicts of the moral life. As the formulation of his argument reveals, he may be aware that there may be more to the position than his theory allows. He writes:

(ii) How often does it happen that a man shows a tendency to evil from childhood on, from a time when, empirically viewed, we can scarcely attribute freedom and deliberation to him, so that we can anticipate that neither punishment nor teaching will move him, and who subsequently really turns out to be the twisted limb which we anticipated in the bent twig. But no one questions his responsibility, and we are all as convinced of the guilt of this person as one could be if every single act had been in his control [*…und von der Schuld dieses Menschen so überzeugt ist, als es nur immer seyn könnte, wenn jede einzelne Handlung in seiner Gewalt gestanden hätte*] (PHF 65, SW VII 386-7)

What can Schelling intend when he introduces the subjunctive voice, "*if* every single act had been in his control" or power? It could say that the individual is responsible on the condition that – "if" – every single act for which we hold him responsible lies within his control (*Gewalt*). But this does not seem to be the most natural interpretation of that passage. The grammar suggests, rather, that Schelling is aware that the paradigm instance of culpability is to be identified when we can actually ascribe absolute control or power to the individual over her acts (Strawson's thesis). Moral responsibility typically involves that we are certain that that for which we hold an agent culpable actually or really does lie within his or her control. But Schelling appears to concede that we cannot assert as a matter of fact that a person acts with control over every feature of those acts we consider evil. We can only posit it (*wenn… hätte*). Were such control a matter of no discussion for us in specific cases, then absolute responsibility – which is what Schelling works to affirm – would be the case. If we are to disregard questions of degrees or control in all cases, we deprive human beings of the possibility of exculpation. We say not only that we are responsible for what we can reasonably be judged to have known to be involved in our actions, but also for what we could not have known (including features of our own personalities). And with that we effectively reformulate our concept of freedom as a concept of absolute responsibility.

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Abbreviations used in the text

PHF: Schelling, F. W. J. (1936) *Philosophical Inquiries into the Nature of Human Freedom*, trans. J. Gutmann (Chicago: Open Court Publishing).

SW VII: Schelling, F. W. J. (1856-61) *Sämmtliche Werke*, (ed.) K. F. A. Schelling (Stuttgart: Cotta), vol. VII.

Endnotes

[1] The qualifier "at least in this life" points us to the Lutheran notion of "sola gratia."

[2] The idea that Schelling's notion of character contains Aristotelian elements is proposed by Dale E. Snow, but it is hard to see how fixed character fits within Aristotelian notions of the ethical self (a temporal entity) as produced through education and cultivation. See Snow (1996): 171-3.

[3] Heimsoeth's interpretation is cited in Munzel 1999: 84n.

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Civic Virtue and Fraternity: Problems of Rawls's Luck Neutralizing Approach

by Kazutaka Inamura

Abstract

This paper examines Rawls's luck neutralizing approach to distributive justice from an Aristotelian republican perspective, and offers a constructive criticism of Rawls's theory as to the notions of civic virtue and friendship. In particular, the paper argues that Rawls needs to incorporate into his theory the civic republican idea of the virtue that enables an individual to overcome the effects of luck, and that Rawls needs to take the idea of reciprocity in relation to duties as well as benefits more seriously if he wishes to promote social cooperation between citizens. The paper concludes that as opposed to Rawls's distinction between a religious, philosophical or moral doctrine and a political conception of justice, there is need in political philosophy to examine any religious, philosophical, moral and political doctrine in a self-critical way and thereby consider alternative approaches to the issues concerning distributive justice, even though those issues are highly controversial and divisive in a political sphere.

1. Rawls's Luck Neutralizing Approach to Distributive Justice

Rawls's theory of justice is largely based on his aversion to inequalities that are brought by luck. In other words, Rawls develops his theory of justice on the basis of his sense of 'fairness' that inequalities for which people are not responsible need to be mitigated in a liberal democratic society. In particular, the following two notions play a key role in appealing to this sense of fairness: 'the original position' and 'distributive justice'. First, Rawls formulates his two principles of justice without referring to the concept of good through his theoretical idea of the original position, since what concept of good people hold is contingent upon a particular situation they happen to face. In this original position, people do not know all of their accidental properties, such as their place in society, their fortune in the distribution of

natural assets and abilities, their intelligence and strength, their economic situation, the level of civilization, etc. The object of assuming this highly unlikely, hypothetical situation is to make it possible for citizens to choose the principles of justice in such a way that none of them exploits their accidental properties to their own advantage. In other words, the original position ensures that people choose the principles of justice in the 'fair' situation without being affected by contingencies (Rawls, 1971: 11-22, 136-142). In this hypothetical situation, Rawls thinks, the following two principles are chosen. The first principle: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. The second principle: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all (Rawls, 1971: 60).

Secondly, the second principle of justice, or his notion of distributive justice, is developed further on the basis of his aversion to luck. Rawls aims to mitigate the effects of natural and social contingencies by removing the ambiguity of the interpretations of the second principle in two respects. First, concerning (b), Rawls adds a further condition of the principle of 'fair' equality of opportunity, since the requirement of (b), 'careers open to all', simply guarantees a system of equal liberty where all have the same legal rights of access to all advantaged social positions. In this formal equality of opportunity, no efforts are made to preserve the equality of social conditions. Rawls then maintains that those who have similar abilities and skills should be allowed to have the same prospects concerning careers regardless of their initial position in society. In particular, a school system needs to be designed to eliminate class barriers so that chances to acquire cultural knowledge and skill are open to any social class. Even under this condition of 'fair equality' however, Rawls thinks, the distribution of wealth and income may be influenced by the natural distribution of abilities and talents. In his view, this natural lottery is also arbitrary from a moral perspective, because no one is responsible for the fact that he or she is not talented. The second principle aims to mitigate this influence of natural lottery on distributive shares by 'the difference principle', which means that social and economic inequalities are permissible only insofar as those inequalities contribute to the benefit of the least advantaged. By this difference principle, Rawls aims to create a fair situation where people make use of the natural distribution of assets and talents for the sake of the least advantaged. Rawls thus reformulates the second principle of justice as follows: 'Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under

conditions of fair equality of opportunity' (Rawls, 1971: 83).[1]

Rawls's aversion to luck is shared with many contemporary egalitarian theorists of justice, and his way of thinking about social justice is called 'a luck-neutralizing approach to distributive justice' (Hurley, 2003: 133-145). Although there is a difference between Rawls and 'luck egalitarians', such as Dworkin, G. A. Cohen and Roemer, to the extent that Rawls simply 'mitigates' the effects of social and natural contingencies while luck egalitarians aim to nullify those effects completely (Freeman, 2007: 111-142, Knight, 2009: 1-9, Mandle, 2009: 24-29), all think that inequalities that are a matter of luck demand a governmental redistribution policy. It seems to me, however, that the following two problems still remain in Rawls's luck neutralizing approach: first, Rawls does not fully develop the notion of civic virtue, or character traits, necessary for people to put the principles of justice into practice in a particular situation, and second, he does not specify the necessary conditions for them to build a friendly relationship, even though his principles of justice are intended to propose the reasonable terms under which people develop a cooperative relationship in a liberal democratic society (Rawls, 1971: 15, Rawls, 1993: 3, Rawls, 2001: 5-8). In this paper, I will examine these problems of Rawls's luck neutralizing approach from a civic republican, especially Aristotelian, perspective, because an Aristotelian theory provides useful insights into the problems of both civic virtue and friendship. Although Aristotelian scholars have been criticising Rawls's theory of justice, especially to the extent that Rawls cannot assess a social policy properly without the concept of the good life (e. g. MacIntyre, 1985, Sandel, 1998, Nussbaum, 2006, Nussbaum, 2011), they do not fully address the problems of Rawls's view on luck and responsibility from an Aristotelian perspective.

In particular, in the next section I will argue that although Rawls opposes Aristotelian political theories as 'a comprehensive philosophical doctrine' on account of the fact that they are concerned with ideals of personal virtue (Rawls, 1999c: 468-470, Rawls, 2001: 142-145, cf. Rawls, 1999a for 'a comprehensive philosophical doctrine'), Rawls needs to incorporate an Aristotelian or civic republican concept of virtue in order to make it possible for people to deal with matters brought by fortune in line with his principles of justice. In Section 3, I will argue that an Aristotelian concept of friendship provides Rawls with useful insights into the problem of how to build a cooperative relationship between citizens. According to Rawls, as mentioned, his principles of justice are intended to specify the necessary conditions for people to develop a cooperative relationship in a liberal democratic society. In particular, the difference principle is intended to express the democratic interpretation of the traditional idea of 'fraternity'

(Rawls, 1971: 106). With reference to Aristotle's concept of friendship, however, I will argue that the difference principle does not promote social cooperation between citizens, because it does not take the idea of reciprocity seriously and thereby gives a sense of 'charity' to the well-off on the one hand and a sense of dependence to the least advantaged on the other. I will therefore offer a more constructive criticism of Rawls's theory of justice than other Aristotelians by comparing Rawls's theory of justice with Aristotle's as a useful alternative, thereby illuminating the necessary character traits required for people to put the principles of justice into practice (in Section 2) and the necessary conditions for them to build a cooperative relationship in a pluralistic society (in Section 3).

2. Virtue and Luck

In the scholarly literature, just as Rawls takes it (Rawls, 1999c: 468-470, Rawls, 2001: 142-145), there are two types of civic republicanism: Aristotelian and Machiavellian. Both types of civic republican theorist lay emphasis on the importance of the political participation of citizens, but there is a difference between them concerning the purpose of political participation. In 'Aristotelian republicanism', political participation itself is an intrinsic good for the well-being of an individual. In this view, political life is the privileged locus in which we can attain our essential nature and thereby enjoy the good life (Arendt, 1958, Sandel, 1996). By contrast, in 'Machiavellian republicanism', the purpose of the political participation of citizens is to promote the greatness of a self-governing republic, or a free state, which is able to act according to its own will without external servitude in pursuit of its own chosen end. In this view, citizens are required to engage in public life in order to uphold the freedom of their community. In 'Machiavellian republicanism', therefore, the purpose of political participation is to enjoy as much freedom as possible in a self-governing republic (Skinner, 1990, Skinner, 1998, Pettit, 1997).[2]

In this respect, Rawls thinks that Machiavellian republicanism is not fundamentally different from his liberalism, insofar as it supports the view that citizens need to cultivate political virtue and participate in democratic politics in order to preserve their own basic liberties and prevent their institution from being corrupted, while Aristotelian republicanism is not compatible with his theory of justice as fairness, because it holds a comprehensive philosophical doctrine (Rawls, 1999c: 468-470, Rawls, 2001: 142-145). There is, however, an interesting similarity between Aristotle's and Machiavelli's notions of 'virtue': both take it that virtue enables its possessor to control the effects of 'fortune'. In Machiavelli's term, fortune holds no

sway over a great man: a man of virtue remains resolute in mind and action even when fortune changes (Machiavelli, 1983: 488). This conception of virtue is clearly expressed also in Aristotle's *Nicomachean Ethics* [*NE*] as follows:

> We suppose that a truly good and prudent man bears all the fortunes nobly and always performs the finest things under the circumstances, just as a good general makes the best use of his army, and a good shoemaker makes the finest shoe from the hides given to him (*NE* 1100b35-1101a5)[3]

In the context of this passage, Aristotle argues that human well-being is not dependent on luck, because its defining characteristic lies not in the possession of some goods, but in virtuous activity, which anyone can perform even in the face of great misfortune. In his view, a person of virtue is expected to do what is best under any circumstance in a struggle against contingencies. In Aristotle as well as in Machiavelli, therefore, virtue is considered to be the capacity for managing the affairs brought by fortune.[4]

This notion of virtue reveals a fundamental difference between Rawls's liberalism and civic republicanism, both Aristotelian and Machiavellian. In Rawls's view, as mentioned, the effects of natural and social contingencies are mitigated through social arrangements based on his second principle of justice, especially the difference principle. It is thus the basic constitutional arrangement that needs to control the effects of fortune through the difference principle, whereas in a civic republican theory it is an individual who is primarily responsible for dealing with the effects of luck. Rawls does not argue about the civic republican image of virtue, presumably because this image of virtue is part of a comprehensive philosophical doctrine. Rawls defines political virtue as the capacity for respecting his two principles of justice, and enumerates as its examples civility, tolerance, reasonableness and the sense of fairness. Someone practising these virtues is expected not to be engaged in philosophical, contentious arguments, but rather to remove divisive issues and uncertainty from political agenda (Rawls, 1999b: 437-440, Rawls, 1999c: 457-461). Because his image of virtue is completely liberal, Rawls does not argue about how to cultivate the virtue that civic republicans think enables an individual to struggle against the effects of contingencies.

By contrast, Aristotle thinks that a political society needs to be designed to contribute to the good life of citizens and promote the cultivation of their virtue (e. g. *NE* 1099b29-32, 1102a5-13, *Politics* [*Pol.*] 1280b5-8).[5] In the light of his view on luck and virtue, this understanding of politics means

that the role of a political society is to make it possible for citizens to perform what is best under any circumstance through exercising virtue. In his view, we need to arrange a social system for an individual not only to have external goods necessary for leading the good life, but also to develop the capacity for making the best use of them and overcome the effects of contingencies. From this perspective, it would seem that Rawls does not develop an argument for citizens to stop wasting natural endowments and losing a fair opportunity because of his aversion to contingencies. Aristotle would think that Rawls's idea of political virtue simply recommends people to take a stance distant from other citizens' business, and does not encourage them to take burdens of supporting other citizens actively, though his two principles of justice are intended to build cooperative relationships between citizens. Hence, although Rawls assimilates his liberalism to Machiavellian republicanism easily on account of the concept of liberty, Rawls needs further to incorporate the republican image of virtue into his concept of political virtue so that citizens can seize a fair opportunity of offices and make the best use of primary goods provided by luck.

Furthermore, Aristotle's theory of justice has an advantage over Rawls's theory to the extent that it takes ability, or virtue, into account when it comes to the distribution of resources. Because of fears over natural contingencies, Rawls never attempts to incorporate the element of ability into his theory of justice: in his Kantian view, both the initial endowments of talents and their development in family and society are too arbitrary for us to be able to assess any element of 'desert' or 'merit' in distributive shares. Surprisingly, Rawls dismisses the element of 'effort' as well as 'ability' in assessment, because how people are willing to make an effort is also influenced by their contingent natural abilities and skills. Rawls therefore maintains that the idea of rewarding desert is impracticable because we cannot practically discount the influence of contingencies for its assessment (Rawls, 1971: 310-315). If a fundamental meaning of justice is to give somebody their due, Rawls's concept of justice regards 'somebody' as a subject who has both a sense of justice and a deliberative ability regarding their own good, excluding other contingent abilities and efforts, and is concerned with the distribution of rights and resources to any such subject.

By contrast, Aristotle's concept of distributive justice requires us to distribute things in proportion to what people contribute to the common activity which people are engaged with (*NE* 1131b27-32). When it comes to the distribution of political authority then, Aristotle thinks that it is in accordance with justice that political authority is distributed to citizens according to their merit or virtue (*Pol.* 1281a2-8). This is because a person of virtue can make the best use of political authority for the benefit of other citizens and thereby contributes most greatly to the well-being of the whole

city (*Pol.* 1280b40-1281a8). Although Aristotle's concept of distributive justice can be seen also as an expression of the more basic notion of justice as giving somebody their due, 'a due' is here defined according to people's merit.

From this Aristotelian perspective, it would seem that any society where 'efforts' are not assessed properly cannot be sustained, since there are no motivational grounds in this society for citizens to make an effort to sustain the society and contribute to the benefit of other persons. To be sure, when it comes to the assessment of 'needs', people do not establish the criterion, 'to each according to their virtue', in the original position, because people there wish to advance their own benefits regardless of their natural abilities. They would, however, adopt the precept, 'from each according to their virtue', because this precept contributes to the benefit of the least talented as well as the talented. In fact, Rawls admits the principle of distributing judicial authority according to virtue, when he says 'if some have to a preeminent degree the judicial virtues of impartiality and integrity which are needed in certain positions, they may properly have whatever benefits should be attached to these offices' (Rawls, 1971: 507), but Rawls does not pursue this line of thought further. His aversion to the influence of contingencies on ability thus makes it difficult for him to assess 'natural talents' properly in the distribution of political authority.

This problem of the luck neutralizing approach can be made clearer with reference to Aristotle's argument about equity in *NE* V.10. Aristotle there thinks that even if law is properly set up, equity is needed to deal with particular situations, because law cannot prescribe for them in general. In the same way, given that political governors apply the principles of justice to particular cases, any political theorist needs to consider the system in which political authority is allocated to those who are virtuous and thereby exercised in line with the principles of justice. Rawls, however, has a strong aversion to particularities when he considers the principles of justice as fairness, because a particular situation is biased by arbitrary contingencies (Rawls, 1971: 141). It would then seem that even if his theory of justice regulates the basic structure of society, the characteristic of society is conclusively determined by the character of political governors when they apply the principles of justice to particular cases. Rawls therefore could develop a more useful argument for citizens to put his theory of justice into practice in a particular situation, if he incorporated Aristotle's, or some civic republican, image of virtue into his liberal concept of political virtue.

3. Civic Friendship

Next, let us examine whether Rawls's luck neutralizing approach fulfils the necessary conditions for citizens to build a cooperative relationship in

society, and consider how Aristotle's theory of friendship instead provides more useful insights into the problem of social cooperation. In Rawls's view, a key principle in his luck neutralizing approach, the difference principle, provides an interpretation of the notion of 'fraternity', or 'the idea of not wanting to have greater advantages unless this is to the benefit of others who are less well off' (Rawls, 1971: 105). Rawls then makes an analogy between citizen and family relationship: just as family members do not wish to gain unless the gain contributes to the interests of the rest, so in a liberal society the talented do not wish to have their greater advantages unless those advantages contribute to the benefit of the less fortunate. On the one hand, Rawls admits that in a modern democratic state the concept of fraternity has had a lesser place. If it is considered to be the ties of sentiment and feeling between citizens, it is unrealistic to expect members in a wider society to develop it. On the other hand, Rawls argues that if the concept of fraternity is understood as formulating the difference principle, then it certainly provides a feasible standard and imposes a definite requirement on the basic structure of a society (Rawls, 1971: 105-106). In Rawls's view, the difference principle embodies an idea of reciprocity in the sense that the better endowed are allowed to 'acquire still further benefits […] on condition that they train their native endowments and use them in ways that contribute to the good of the less endowed' (Rawls, 2001: 76, cf. Rawls, 1993: 16-17).[6]

From an Aristotelian viewpoint, however, Rawls's concept of reciprocity is not actually 'reciprocal' between the talented and the least well-off in his well-ordered society. According to the difference principle, those who are favoured by nature are required to make use of their natural endowments for the good of the least advantaged. In this respect, the difference principle aims to offset the disadvantages brought by fortune, and encourages citizens to contribute specifically to the benefit of the least advantaged in society. If we focus on gains and losses within society, however, the Rawlsian society does not contribute to the benefit of the talented on a par with that of the less fortunate. For this reason, there is no mutual benefit between the talented and the least advantaged for living in this society, just as Rawls admits that if we transpose people from the state of nature into his well-ordered society, there is no guarantee that all will gain by the change (Rawls, 1993: 17).[7]

In consequence, Rawls's concept of fraternity becomes similar to a Christian concept of 'charity', not the notion of friendship. Although there are many minor differences among Christian concepts of 'charity', their most important element is the rejection of 'the reciprocity principle', while the notion of friendship requires a reciprocal relationship between friends. For example, Jackson argues that a Christian concept of 'charity' goes beyond

the reciprocal principle, and requires care for others without qualification regardless of their merit, while Aristotelian 'friendship' is based on the equality of getting and giving the same (Jackson, 1999: 54-91).[8] According to this concept of 'charity', even if other people do not benefit us, we need to be friendly to them and look after their benefit. Moreover, even if enemies do great harm to us, we need to put enmities aside and love our enemies for God's sake. In contrast, Aristotle does not expect people to develop friendship, when they do not give each other some benefit, whether it is virtuous action, advantage or pleasure. In his view, reciprocity is one of the most important conditions for people to develop friendship (*NE* 1155b27-1156a5). From this Aristotelian perspective, it would seem that Rawls's difference principle does not promote 'fraternity' between the fortunate and the unfortunate, although it may give the sense of 'charity' to the fortunate and the sense of 'dependence' to the less fortunate. Rawls's two principles of justice thus formulate not the traditional ideas of 'liberty, equality and fraternity', which he supposes them to do (Rawls, 1971: 106), but rather 'liberty, equality and charity'. To 'impose' the requirement of 'charity' on the basic structure of a society is, however, never preferable in politics, because a sense of dependence fostered by the difference principle does not develop a sense of 'self-respect', which Rawls counts as the most important primary goods (Rawls, 1971: 440-446, Rawls, 1999c: 454). Rawls therefore needs to take the concept of reciprocity more seriously in his justification for a governmental redistribution policy and examine whether his theory of justice is influenced by a particular religious doctrine or not.[9]

The lack of reciprocity between the talented and the less fortunate in Rawls's theory comes from his concept of 'justice as fairness'. As mentioned, the point of 'the original position' is to create the fair situation in which people do not take their natural endowments and social conditions into account. In his Kantian view, to take such property for one's own advantage is not in accordance with justice as fairness. From an Aristotelian viewpoint, however, it is rather unfair to transpose those who are historically and socially conditioned into the situation in which they are not allowed to consider those conditions. In Aristotle's view, what is just is relative to the qualities of people, as he says:

> If people are not equal, they will not receive equal shares. Indeed, there will be quarrels and complaints, whenever equal people receive unequal shares as their portions, or unequal people receive equal shares (*NE* 1131a22-24)

In this respect, from the viewpoint of the fortunate in nature, the difference

principle takes advantage of their natural endowments, since it tends to distribute equal shares to unequal people. In an Aristotelian view, whether natural endowments are contingent on good or bad luck, these are the property of an individual. The role of a political theorist is not to ignore this fact under 'the veil of ignorance', but to design a social system in which people use their own endowments for the benefit of each other in a reciprocal way. Rawls therefore needs to consider how the endowments and assets of the least advantaged can be used for the benefit of the advantaged, if he really wishes to develop a reciprocal relationship between citizens.

Furthermore, Rawls takes the equality of burdens as well as profits in relation to 'social cooperation' less seriously than Aristotle. Aristotle's perspective on this problem is best illustrated in the following remark:

> If people work hard for themselves, property arrangements will give rise to a lot of discontents. For if they are not equal but unequal in their work as well as advantages, then complaints must be brought against those who take lots of profits yet do little work, by those who take less profits yet do harder work (*Pol.* 1263a10-15)

Aristotle here points out that there are many disputes about how much work they do as well as how much profit they can take when they work by themselves. In his view, we need to be equal in the sharing of profit in proportion to how much work they do for the profit. From this Aristotelian viewpoint, Rawls's difference principle does not seek equality of burdens between the naturally endowed and the less fortunate at all. Given that the resources of a governmental redistribution policy come largely from the contribution, or work, of the fortunate, then the fortunate will inevitably complain about Rawls's difference principle.

Rawls also does not fully address a perennial problem with 'common assets' in his interpretation of the difference principle. In his view, by agreeing to the difference principle, people agree to regard their natural endowments as common assets. Rawls regards as a 'moral truism' his claim that we do not deserve to be born more gifted than others (Rawls, 1971: 104, Rawls, 2001: 74-75). From this assumption, Rawls thinks, it follows that the talented should use their natural endowments for the common benefit of citizens. To be sure, it is a truism that we do not deserve our place in the distribution of nature, but not that we should make use of common assets for the benefit common to other citizens.[10] In Aristotle's view, first of all, as he criticises Plato's common ownership system in *Politics* (II, 1261b32-40), people do not take full responsibility for looking after common assets, but

rather try to take the most advantage from it. Rawls's understanding of natural endowments as common assets therefore may cause many difficulties between citizens concerning who is responsible for the management of those common assets and who is a beneficiary of those assets.

For addressing this problem of personal responsibility more specifically, it is here very useful to examine Aristotle's concept of friendship again. Although I have been stressing that friendship involves reciprocity, namely liking and being liked, in Aristotle's view the essential element of friendship lies in its active side rather than its passive side (*NE* 1159a27-b1, 1169b10-11, 1171b20-25). Aristotle makes a point of drawing attention to the active side of friendship in the following passage:

> Every craftsman likes his own product more than it likes him if it becomes animated. Presumably, this holds true of poets, since they love their own poems exceedingly and are fond of them like children. This is then similar to the case of benefactors. For the beneficiary is their product, and so they like their beneficiary more than the product [beneficiary] likes its producer. The reason for this is that being is choice-worthy and lovable for all, and we exist by activity (or by living and acting). The product is in some sense the producer in actualization. He is thus fond of the product, just as he is fond of his being. This is natural, since what the producer is potentially is what the product indicates in actualization (*NE* 1167b34-1168a9)

Aristotle here argues that a benefactor likes his or her product, or beneficiary, more than the latter likes the former, since the product is the result of the activity of the benefactor, and so it reveals the essence, or existence, of the producer, just as a house (product) reveals what the carpenter is potentially (the capacity for, or art of, house-building). In contrast, soon after the quoted passage, Aristotle argues that a beneficiary finds nothing in a benefactor other than some advantage, which passes away soon, and so the former does not love the latter as persistently as the latter does.

It would seem that this view of friendship implies one way of resolving the problem with common assets, namely the fact that no one feels responsible for the management of common assets for common benefit. Aristotle's theory of friendship implies that it is necessary to make a citizen a benefactor, not a beneficiary, of managing those assets. The importance of action for politics is that by their own activity people become benefactors in politics and thereby can regard themselves as living in their society. A sense

of responsibility thus comes from one's own action. How can people feel responsible for the management of common assets, if they are not allowed to take actions concerning this management? In this respect, Aristotle's concept of friendship underlies the significance of participatory politics. From this point of view, Rawls's difference principle makes it possible for the advantaged to regard political governance as their own product, whereas it does not consider how the less fortunate can be a benefactor in their liberal democratic society. In Rawls's view, as mentioned, the reason for the political participation of citizens comes simply from the necessity of securing basic liberties (Rawls, 1999c: 469, Rawls, 2001: 142-145). Rawls then opposes Aristotelian republicanism to the extent that it regards political participation as the privileged locus of the good life. Rawls thus does not acknowledge that in Aristotle's theory of friendship, there is one important element, namely the development of a sense of responsibility, which would help to promote social cooperation in a liberal democratic society. Given that the difference principle requires citizens to regard their natural endowments as common assets, they need to take active part in the management of those assets so that they can look after the good of each other in a reciprocal way. Political participation gives the least advantaged as well as the fortunate the opportunity to contribute to the good of others through political and judicial processes. Rawls's theory of justice therefore would encourage citizens more strongly to build a cooperative relationship, if he drew more attention to the element of 'action' and a key relevant implication of Aristotle's theory of friendship, the reciprocity of burdens.

4. Conclusion

I have considered whether Rawls's luck neutralizing approach formulates the notion of civic virtue necessary for people to deal with the matters brought by fortune, and whether it fulfills the necessary conditions for people to develop a cooperative relationship. From an Aristotelian republican perspective, I have argued that Rawls needs to incorporate into his theory of justice the civic republican idea of virtue that enables people to overcome the effects of contingencies in a particular situation, and that Rawls needs to take the idea of reciprocity in relation to duties as well as benefits more seriously in order to promote social cooperation in a liberal democratic society. In his later career, however, Rawls comes to stress that his theory of justice is based on the fact of pluralism, rather than the Kantian idea of autonomy that underlies his aversion to luck, and that any philosophical, moral doctrine cannot play a role in providing a firm basis for the concept of political justice, because in his view we cannot expect to come to

agreement about a philosophical, moral doctrine (Rawls, 1999b: 427). The difficulty of agreement, however, does not give a proper reason for not arguing about it in society, just as Rawls assumes that citizens can argue about and eventually agree to his concept of distributive justice even though it is highly controversial. If philosophical arguments cannot be taken into account as political arguments just because of their difficulty of agreement, Rawls's philosophical arguments are also pointless in liberal democracy. It would rather seem that the role of a political philosopher in a pluralistic society is not to draw an arbitrary distinction between a religious, philosophical or moral doctrine and a political concept of justice, but to examine any religious, philosophical, moral and political doctrine in a self-critical way and thereby prevent our currently dominant political theory from degenerating into uncritically accepted ideologies (Skinner, 1998: 116-120). Aristotelian republican political thought can also play a role in this, namely illuminating the influence of a particular religious, philosophical doctrine on Rawls's luck neutralizing approach, and thereby providing alternative notions of virtue and friendship necessary for people to develop a cooperative relationship in a struggle against contingencies.

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Endnotes

[1] For example, Pogge, 2007 is a very helpful introduction to Rawls's theory of justice.

[2] Although I draw a clear contrast between Aristotelian and Machiavellian republicanism, Machiavelli's political philosophy is greatly influenced by Aristotelian civic humanism. For its influence, see Skinner, 1978: 152-186, Viroli, 1990: 143-171.

[3] As to the references to Aristotle's texts, I make clear the page, column and line number of Bekker's edition in line with the rules of the scholarly literature on Aristotle. For the translations of Aristotle's *Nicomachean Ethics*, this paper follows Aristotle, 1999, slightly modified with reference to the Greek texts (Bywater, 1894).

[4] There seems to me to be a fundamental difference between Aristotle and Kant: Aristotle finds the point of virtue in controlling the effects of luck and dealing with particulars, even though he argues that human well-being is not dependent on luck. By contrast, Kant does not take the effects of luck into account at all for moral assessment of a person, but rather regards only a good will as a criterion for a person or action. In Kant's view, moral assessment is concerned not with the achievement of a person in face of luck, but solely with the person's 'willing' for good (Kant, 1997: 7-8). Rawls develops this Kantian line of thought for his distributive theory.

[5] For the translations of Aristotle's *Politics*, this paper refers to Aristotle, 1981, slightly modified with reference to the Greek texts (Ross, 1957).

[6] Cohen criticises Rawls's concept of 'fraternity' by arguing that Rawls's concept is 'not compatible with the self-interested motivation of market maximizers, which the difference principle, in its purely structural interpretation, does not condemn' (Cohen, 1997: 15-17).

[7] Rawls here clearly says that 'the idea of reciprocity is not the idea of mutual advantage', whereas he originally argued that the difference principle is 'a principle of mutual benefit' (Rawls, 1971: 102-103). Nozick also points out that Rawls here does not provide any adequate reason for the well-off to play a cooperative role with the worst-off (Nozick, 1974: 189-197).

[8] For a slightly different account of 'charity', see Porter, 1989: 197-213, where he argues that Aquinas regards 'charity' as true friendship 'based on mutual communication between God and the justified', although in Aquinas' view as well, charity is independent 'both of the neighbour's attractiveness and of the presence of a response from him or her'. By contrast, a classical Greek concept of '*charis*' is inextricably related to the concept of reciprocity. For this point, see one passage in *NE* V.5 (1132b34-1133a5).

[9] Furthermore, as examined in the previous section, in Rawls's view, the idea of rewarding both 'desert' and 'effort' in distributive shares is impracticable, because we cannot practically discount the influence of contingencies for their assessment (Rawls, 1971: 310-315). This idea also implies that Rawls's theory of justice is based on the concept of charity, which usually does not take 'desert' or 'effort' into account, rather than on the concept of friendship, which, by contrast, takes them into account to ensure that people build a reciprocal relationship.

[10] Sandel criticises this point in Rawls's difference principle, which, in Sandel's view, presupposes some prior moral tie among those whose assets it makes use of for common benefit (Sandel, 1984: 87-91).

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Between Theory and Praxis: Art as Negative Dialectics

by Rebecca Longtin Hansen

Abstract

This paper takes up Adorno's aesthetics as a dialectic between philosophy and art. In doing so, I argue that art provides a unique way of mediating between theory and practice, between concepts and experience, and between subjectivity and objectivity, because in art these relations are flexible and left open to interpretation, which allows a form of thinking that can point beyond itself. Adorno thus uses reflection on art as a corrective for philosophy and its tendency towards ideology.

Adorno's *Aesthetic Theory* begins by questioning the possibility of its very object of investigation: art. "It is self-evident that nothing concerning art is self-evident anymore, not its inner life, not its relation to the world, not even its right to exist… It is uncertain whether art is still possible…" (Adorno, 2006: 1). This observation throws into question the possibility of Adorno's aesthetic theory. How are we to think about art when nothing about art, including its very possibility, is evident? Where are we to begin? To complicate the matter further, Adorno's Draft Introduction to *Aesthetic Theory* describes how works of art defy our efforts to conceptualize them such that "[a]esthetics is compelled to drag its concepts helplessly behind a situation of art" (Adorno, 2006: 339). Adorno further notes that aesthetics has fallen out of favor in academic inquiry. The hope of attaining a systematic approach to aesthetics that is relevant to other theoretical areas, such as epistemology or metaphysics, sounds anachronistic—a relic from 19th century philosophy and the ideal of an absolute science that can unify all philosophical investigations.[1] Adorno thus problematizes aesthetics on two fronts: its relation to concrete works of art and its relation to other forms of theory. Yet this two-fold problem does not undermine the possibility of aesthetics. Rather these very problems create the impetus for Adorno's *Aesthetic Theory* because they indicate that art is an activity of resistance.

For Adorno it is these very problems—the contradictions and

impossibilities in and between art and thinking about art—that allow aesthetics to provide a proper space and process for contemporary theory and praxis. Adorno states that "[t]he task of aesthetics is not to comprehend artworks as hermeneutical objects; in the contemporary situation, it is their incomprehensibility that needs to be comprehended" (Adorno, 2006: 118).[2] This task of aesthetics, comprehending the incomprehensible, is obviously contradictory. This inherent contradiction, however, is not meant to be resolved or to find a positive solution. Instead, we must explore the depth and negative relations of these contradictions to understand their full significance.

This paper will demonstrate how Adorno's aesthetics attempts to think the incomprehensible in a way that is fruitful on the side of theory as well as practice. The problematic effort to relate theory and art—or to create art at all—reflects the attempt to re-envision social and political practices without merely subjecting thought to the same forms of domination that it seeks to overcome. By thinking the impossible art and aesthetic theory enact a form of negative dialectics between theory and praxis, between concepts and experience, and between the subject and object, which Adorno uses as a corrective for philosophy.

Between Theory & Praxis: Utopia and Art

The contradictions within *Aesthetic Theory* gesture towards the tension between theory and praxis. Adorno thematizes this tension throughout his writings, especially insofar as the culmination of theory and practice—utopia—creates a particularly difficult and contradictory relation. In *Minima Moralia*, Adorno states that the goal for philosophy is to see everything from the 'standpoint of redemption'—from the perspective of the utopian ideal (Adorno, 2005: §153). This standpoint is both the easiest perspective to attain and the most difficult: "It is the simplest of all things, because the situation calls imperatively for such knowledge… But it is also the utterly impossible thing, because it presupposes a standpoint removed, even though by a hair's breadth, from the scope of existence, whereas we well know that any possible knowledge must not only be first wrested from what is…" (Adorno, 2005: §153). Although we must think and create new possibilities, we cannot simply think of something outside of actuality. We can never escape *what is* in order to arrive at a pure form of *what should be*. We cannot have the perspective of redemption even though every instance points towards its necessity. For Adorno, we must contemplate the impossibility of redemption in order to have any sense of its possibility (Adorno, 2005: §153). Due to the impossible nature of redemption, the utopian ideal cannot be objectified or

realized through action, but must be contemplated as the incomprehensible.

For Adorno, contemplating the incomprehensible is not resignation or defeatism, but a more determined commitment to utopianism by rejecting all of the easy answers of naïve, non-dialectical social activism, or "pseudo-activity", which do not and cannot recognize the impossible (Adorno, 1998: 287). In his 1969 radio address "Resignation", Adorno discusses the need to rethink the relation between theory and praxis such that they form a more dialectical relation: "Thinking is not the intellectual reproduction of what already exists anyway. As long as it doesn't break off, thinking has a secure hold on possibility. Its insatiable aspect, its aversion to being quickly and easily satisfied, refuses the foolish wisdom of resignation" (Adorno, 1998: 292). In this sense, it is thought that allows the possibility of utopia. In contemplating the impossibility of utopia, thought does not objectify redemption and thus undermines its possibility by reducing or conflating it to the current forms of domination, or what is. In this sense, thought bears the weight of redemption that praxis loses when it attempts to throw off thought for the sake of action. As Adorno proposes:

> The utopian moment in thinking is stronger the less it—this too a form of relapse—objectifies itself into a utopia and hence sabotages its realization. Only thinking points beyond itself. For its part a comportment, a form of praxis, it is more akin to transformative praxis than a comportment that is compliant for the sake of praxis. Prior to all particular content, thinking is actually the force of resistance (Adorno, 1998: 292-293)

Thought is a form of resistance because it recognizes the impossibility of utopia, which allows its possibility. Within this contradiction, however, we see that thought should not be separated from praxis, but forms its own dialectical movement between theory and practice.

Given this dialectical movement between theory and praxis, the tension between art as a concrete practice and philosophy as a theoretical process does not undermine aesthetics but instead elevates it. Aesthetics draws out the very tensions that are significant to Adorno's philosophy. For Adorno, positive accounts of utopia always fall into the error of ideology and undermine the possibility of utopia. Thus the very illusory and incommensurable nature of art allows it to fulfill the social function of utopianism without becoming ideology. Like utopianism, works of art envision possibility and create something new. Yet art cannot create from nothing and must draw its possibilities from what is. Art negates what is, without merely reasserting another positive option that would fail by trying

to make its ideal concrete and actual, and in this sense allows the possibility of utopia without any trace of ideology. If a work of art attempted to concretize an ideal, it would be too literal and become mere propaganda, not art: "Artworks that unfold to contemplation and thought without any remainder are not artworks" (Adorno, 2006: 121).[3] As such artistic practices are practices that resist the error of ideologies that attempt to realize utopias concretely and thus cancel its possibility.[4] Here we gain some insight as to why Adorno's late works privilege aesthetics and make it central to his thought.[5]

In rethinking this relation between theory and practice, we see why aesthetics becomes so central to Adorno since art occupies this troubled interface between thought and action. Adorno further problematizes the dialectic between thought and praxis in his account of experience and concepts. Just as Adorno rejects positive approaches to utopianism, which fall into ideology, so he also rejects an epistemological framework that accepts experience as simply given, i.e. positivism. Through his critique of positivism, Adorno further indicates an open space for art.

Between Experience and Concepts: Infinite Mediation, Negative Dialectics, and Art

In his treatment of different ways of theorizing, Adorno rejects epistemological frameworks that take experience to be unproblematic and immediately given, especially positivism. In *Minima Moralia*, Adorno frames the problem of positivism as an issue of distance—or lack of critical distance, since positivism takes experience to be transparent and immediately available to thought. This assumption of immediacy undermines the possibility of thought grasping anything. When we attempt to grasp facts and to take experience as literal, i.e. given without the need for interpretation, we fail to grasp anything. By ignoring the mediated relation between thought and reality, thinking fails to understand anything—its supposedly given object and itself: "as soon as thought repudiates its inviolable distance and tries with a thousand subtle arguments to prove its literal correctness, it flounders. If it leaves behind the medium of virtuality, of anticipation that cannot be wholly fulfilled by any single piece of actuality; in short, if instead of interpretation it seeks to become mere statement, everything it states becomes, in fact, untrue" (Adorno, 2005: §82). In this sense, thought cannot approach experience as empirical data or discrete information or assert a statement of fact. Nothing is immediate or factual—everything is mediated.

Nevertheless, this mediation prevents thought from reducing itself

to the abbreviated form of the actual and opens up the possibility of intellectual inquiry that can "illuminate the realm of facticity…with reflections of a different type" (Adorno, 1997: 7). Facticity describes the thisness of experience, the here and now, which is not immediately given or completely analyzable.[6] The realm of facticity presents itself as a complex of conceptually mediated contradictions, the true that is always false in some sense, the continually negated whole. As he states in his foreword to the English translation of *Prisms*, Adorno considers "matters of fact to be not mere fact, unreflected and thinglike, but rather processes of infinite mediation, never to be taken at face-value" (Adorno, 1997: 7). Experience is given in one sense and infinitely removed in another because of this infinite mediation.

The concept of infinite mediation distinguishes Adorno's negative dialectics from Hegel's dialectics. In some ways, Adorno adopts dialectical thought from Hegel. Dialectics in general relates to the problematic effort of thought to subsume particulars under universals—i.e. the problem of conceptualizing experience. "The name of dialectics says no more, to begin with, than that objects do not go into their concepts without leaving a remainder, that they come to contradict the traditional norm of adequacy" (Adorno, 2005a: 5). Adorno, however, distinguishes his dialectics from Hegelian dialectics because Hegel's idealism requires that dialectics find resolution, i.e. that dialectic method ends in the assertion of some positive form of truth or identity—the truth of the whole.[7] Since the insight of dialectics is the contradiction between objects and the concepts we use to identify them, Hegelian dialectics does not sustain a meaningful relation to objects of experience and instead subsumes them into one concept as an absolute identity. For Hegel, double negation leads to identity. His dialectical thought ends with the Absolute.[8]

For Adorno, the negation of dialectical thought does not lead to identity because there can be no synthesis. He claims that the "nonidentical is not to be obtained directly, as something positive on its part, nor is it obtainable by a negation of the negative. This negation is not an affirmation itself, as it is to Hegel…To equate the negation of negation with positivity is the quintessence of identification" (Adorno, 2005a: 158). For Adorno, Hegel's positive synthesis of identification undermines dialectics, which is necessarily negative since "dialectics means to break the compulsion to achieve identity" (Adorno, 2005a: 157). Hegel's dialectics suspends identity, but then asserts a higher, more absolute form of identity. For this reason, Adorno describes his own thought as *negative* dialectics in order to maintain, and not resolve, the problematic relation between objects of our experience and the concepts we use to analyze them.[9] Adorno's dialectics is essentially

a way of thinking through contradictions without canceling those contradictions in order to indicate "the untruth of identity, the fact that the concept does not exhaust the thing conceived" (Adorno, 2005a: 5).

Adorno's negative dialectics thus works with these contradictions, in particular the contradiction between objects of experience and the concepts we use to identify them. In understanding these contradictions which come to the fore through the process of dialectic negation, we see that objects always elude thought. We do not have immediate access to objects through experience. Experience is always mediated. This mediation not only prevents thought from subsuming objects completely into its concepts, but it also serves to indicate the sense in which objects are incommensurable with empirical data and cannot be reduced to or specified in concrete terms. While Adorno addresses these issues throughout his corpus, they are central to his *Aesthetic Theory*. Moreover, in posing these questions in terms of works of art and aesthetic theory, Adorno demonstrates the way in which aesthetics serves negative dialectics. We come to understand the nature of philosophy and thought in understanding how aesthetics situates itself in this contradiction between experience and concepts. This mediation between thought and its object is especially pronounced within aesthetics' attempt to understand the work of art.[10]

With aesthetics, art relates to thought but is not immediately comprehensible – there is no intuitional understanding or immediate experience of art. An artwork that is completely obvious and immediately grasped would lack any artistry. Such art would be too literal, as "[t]he literal is barbaric. Totally objectified, by virtue of its rigorous legality, the artwork becomes a mere fact and is annulled as art" (Adorno, 2006:61). Art cannot be mere fact. Instead, art is factical. Art always invites us to consider it more, to examine it from a different perspective, to see it transformed by another context. Art resists thought—which always seeks to understand through analyzing separate parts that can be resolved into concepts. Understanding art is not consonant with dissecting and analyzing each individual element, because the reduction of the work of art to its separate pieces still does not achieve a comprehensive grasp of it as a whole: "As soon as one imagines having a firm grasp on the details of an artwork, it dissolves into the indeterminate and undifferentiated, so mediated is it" (Adorno, 2006: 101).

Arthur Danto provides a good example of why dissecting a work of art into separate analyzable parts prevents understanding it when he describes a hypothetical exhibit consisting entirely of paintings that look almost identical—a collection of works that are red paint on canvas (Danto, 1981: 1-4). In one case, however, the painting presents the spiritual turmoil felt by the Israelites crossing over the red sea. Another painting entitle

"Nirvana" presents the relation of identity between Nirvanic and Samsara religion. Another painting is a minimalist geometrical painting entitled "Red Square". While the elements of these paintings are all similar, it is impossible to reduce them to the same identity. Yet what separates them from each other, as well as what separates them from anyone painting something red in a non-artistic context, is not obvious to analysis. The analyzable details are all the same in this instance. As Adorno notes, "the so-called primal elements turned up by analysis are usually eminently insubstantial. Only insofar as these elements asymptotically approximate nothingness do they meld—as a pure process of becoming—into a whole" (Adorno, 2006: 100-101). That is, only insofar as these elements appear to become one whole, or give the semblance of meaningful totality, do they relate in a way that can be grasped by concepts. Yet this whole is still false—it approximates nothingness—and cannot be given as a complete or positive entity. We can never pin the work of art down in a sense that clearly defines it. What brings its discrete elements into one whole lacks proper expression. This process of becoming whole that expresses nothing mirrors Adorno's claim that "the whole is the false" (Adorno, 2005: §29) – the work of art only resembles or gives the appearance of being whole; it cannot be whole in a true sense. "The illusory quality of artworks is condensed in their claim to wholeness" (Adorno, 2006: 101). As such, the work of art is always illusory and only given in a process of becoming, never as a complete whole to be grasped. Moreover, the work of art contradicts itself, because even as art presents itself as existing it still discloses the possibility that it could completely otherwise: "in an artwork everything can just as well be different from the way it is" (Adorno, 2006: 101). The work of art is itself mediated through a series of inner antagonisms: "every element of aesthetic semblance includes aesthetic inconsistency in the form of contradictions between what the work appears to be and what it is" (Adorno, 2006:101). Art contradicts itself and what it presents itself to be; it cannot be a discrete whole easily grasped by thought.

Understanding art is always mediated through several contradictions, and yet the work of art is not completely opaque. Instead the conflict between the work of art as the illusion of a conceptual whole and the work of art as factical, i.e. that which denies thought, describes the process of negative dialectics. Thus art occasions thought to realize that it cannot apply its concepts absolutely, and at the same time thought occasions the possibility for rescuing art from being treated non-dialectically as simple fact.[11] Adorno asserts that works of art are neither factual nor conceptual, but still relate to the non-conceptual mediation of thought.[12] Adorno describes this non-conceptual thought of art as the logic of the "as if" (Adorno, 2006: 137).

While Adorno does not describe the logic of the "as if" thoroughly, it seems to indicate an act of relating two things without determining them in any absolute sense. Metaphor and simile are ways in which we indicate "as-if" relations, especially within art, without insisting upon any form of necessity. The logic drawn is relational, it mediates between two separate instances or objects, but does not determine either of them or the relation. In fact, when a metaphor or simile is drawn, it is necessary that it only suggests similarity or relation without indicating identity. If a metaphor draws a relation too closely, the metaphor would collapse into identity (A=A) and would no longer be metaphorical. In this way, the logic of art, i.e. the way in which we can think of art, allows relation without identity. For this reason, Adorno relates the logic of art to the logic of our experience because "[i]t draws consequences from phenomena that have already been spiritually mediated and to this extent made logical" (Adorno, 2006: 136). Just as experience always already relies upon the process of applying concepts and is never grasped through pure intuition, so art is never pure and immediate. Both art and experience resist concepts and rely upon concepts[13]—a process of infinite mediation, or negative dialectics.

Art and theory form a negative dialectic not simply in terms of its infinite mediation, but also in terms of what remains inaccessible to thought. Adorno's development of negative dialectics is an attempt to think in a way that allows for incommensurability. The way in which experience denies commensurate concepts reveals something of our relation to the world and in effect dismantles simplistic subject-object relations.

Between Subjects and Objects: Incommensurability and Art

For Adorno the question of how thought appropriates or fails to appropriate things requires understanding more than the relation between concepts and experience; it requires understanding the relation between subject and object. Adorno's essay "Subject and Object" discusses the problem of epistemology at the very foundation of its formulation – the relation between subject and object. This relation between subject and object has proved to be very problematic throughout the philosophical tradition, and Adorno's concern with it is by no means unique. The difference in Adorno's account, however, is the way in which he is able to maintain the tension of this problem without reifying it.

Adorno maintains this tension in several ways. First of all, Adorno addresses the subject-object relation without providing a substantial or determinate definition of either subject or object. Instead of providing such definitions that would reify the subject and object and assert some form of

separation, Adorno enters the relation and the debate surrounding it *in media res*. Not only does this move avoid the reification of subject and object, but it also bears witness to the "reciprocal need" between these two ideas (Adorno, 2006a: 138). The subject cannot be a subject without an object, and the object cannot be an object without a subject. As such, Adorno cannot begin with simple definitions of subject and object apart from each other, which would be not only naïve in terms of their mutual entanglement but also uncritical in terms of finding the deeper tension between them. For these reasons, Adorno begins with stating how problematic his topic is: "To engage in reflections on subject and object poses the problem of stating what we are to talk about. The terms are patently equivocal" (Adorno, 2006a: 138). If, on the other hand, Adorno had begun epistemology with the separation of these equivocal terms, he "would land in an aporia that adds to the problematics of defining" (Adorno, 2006a: 139). That is, the contradiction of this attempt would be immediately realized since a definition always implies objectivity and subjectivity because a definition means that a concept has effectively captured an object, but that act of capturing implies a subject who is defining. There is an implied subject and object behind every definition. Thus beginning from definitions of subject and object is both illogical since it creates circular reasoning—it assumes in advance the terms that it seeks to ascertain—and superficial since it fails to understand the constantly implied subjectivity and objectivity in its own formulation of the problem.

In dealing with this problem of formulation, Adorno takes us through a series of necessary contradictions that preserve the tension needed to develop a critical epistemology in opposition to the naïve epistemologies of both realists and idealists. The first contradiction Adorno introduces is: "The separation of subject and object is both real and illusory" (Adorno, 2006a: 139). The separation is true because we experience it cognitively and can recognize this dichotomy; it is false because in asserting it we reify these terms apart from each other, which is impossible due to their "reciprocal need" (Adorno, 2006a: 138). For Adorno, epistemology must recognize and deal with this contradiction and not lose sight of it. To keep this contradiction in mind, we must understand how subject and object "mutually mediate – the object by the subject, and even more, in different ways, the subject by the object" (Adorno, 2006a: 139). Realists and idealists fail to address this mediation properly and either liquidates the subject or reduces the object such that "the subject swallows the object" (Adorno, 2006a: 140). Without mediation, the separation of subject and object becomes ideology (Adorno, 2006a: 139).

Adorno's discussion of subject and object reflects the idea of mediation and incommensurability, but also formulates its own questions

in terms of art. As Shierry Weber Nicholsen has stated, "As we know from Kant, it is in the aesthetic dimension that the intimacy of subject and object is particularly pronounced, and it is in his aesthetics that Adorno provides us with his most emphatic model of genuine and valid, if difficult and problematic subjectivity" (Nicholsen, 1997: 15). In *Aesthetic Theory,* we can see how Adorno uses aesthetics and considerations of art to maintain this negative dialectic between subject and object. For Adorno, art becomes *deaestheticized* when it is completely subordinated to the subject and becomes a vehicle of the spectator (Adorno, 2006: 17). At the same time, the work of art cannot be absolutely objective or conceived of in-itself, since "absolute artwork converges with the absolute commodity" (Adorno, 2006: 21). What defines art cannot be merely the subjective experience of it nor pure facticity as an object, which would reduce it to a mere commodity. Instead, art must occupy the intermediate territory where subject and object relate and yet contradict. In this sense, art recognizes the intimacy of subject and object, their necessary relation, even in their division: "it is the form of knowledge that—having preceded the polarity of subject and object—does not recognize this polarity as definitive" but instead dialectically moves in contradiction of these poles without ever arriving at synthesis (Adorno, 2006: 111). As Weber Nicholsen notes, Adorno's aesthetic theory draws out this tension in ways that "Subject and Object" does not:

> The work of art may be objective, both in being object—artifact—and in embodying an objective relationship to societal dynamics, and in this sense nonsubjective in that it is not simply an expression of some purportedly unique and original personality exercising its creativity, but the objectivity of the artwork is nevertheless mediated both by the subject who produces it and by the subject who experiences it. This is the "objective mediatedness of art through the subject", in Adorno's words. It is this quality of kinship within difference between artwork and subject that makes the subject-object dialectic particularly acute in the case of the aesthetic (Nicholsen, 1997: 15-16)

The aesthetic draws out the way in which subjectivity and objectivity are caught up together. Art thus makes us aware of how we experience and how we think of experience in problematic and open-ended ways.

Adorno even claims that art *corrects* our conception of the subject-object relation: "Art corrects conceptual knowledge because, in complete isolation, it carries out what conceptual knowledge in vain awaits from the

nonpictorial subject-object relation: that through a subjective act what is objective would be unveiled" (Adorno, 2006: 113). As a subjective act that reveals the objective, art occupies this space in which subjects and objects are contradictory and yet in necessary relation to one another, but are a part of a process of infinite mediation. Art eludes identity; it is an enigma. Art is never wholly revealed or given over to semblance, even in the infinite process of mediation: "All artwork—and art together—are enigmas; since antiquity this has been an irritation to the theory of art. That artworks say something and in the same breath conceal it…" (Adorno, 2006: 120). If the work of art did not escape or elude the processes of thinking in some sense, it would not be art—it would be mere ideology, i.e. something that can be summed up in its content or the idea it puts forward.

Since art resists theory in terms of its enigmatic quality, in order to think about art, aesthetics must attempt to understand what cannot be understood. Aesthetics must engage art as a question. For Adorno, a work of art "reveals itself as a question and demands reflection; then the work vanishes into the distance, only to return to those who thought they understood it, overwhelming them for a second time with the question 'What is it?'" (Adorno, 2006: 121). For Adorno, art always invokes a question, but is never resolved by an answer. The enigma of each work of art is incommensurable with any answer that could be provided. The work of art always negates and in doing so continues the process of philosophizing, or negative dialectics: "art causes people to wonder, just as Plato once demanded that philosophy do, which, however, decided for the opposite" (Adorno, 2006: 126). Art enacts the process of questioning that Adorno wishes to pursue and likewise rejects a positivistic account of art that could be reduced to its empirical data: "What is essential to art is that which in it is not the case, that which is incommensurable with the empirical measure of all things" (Adorno, 2006: 335). Since art always appears as an enigma that cannot be fully conceptualized but always leaves a remainder, art always gestures beyond itself towards what is not the case. In this sense, art opens our thought beyond the limitations of its concepts.

Conclusion: Art as Resistance

Adorno's aesthetic theory is not confined to the limits of the work of art, as if this limit could be drawn explicitly and concretely around works of art without touching upon other questions. Instead, Adorno opens up philosophical inquiry through aesthetics and thinking about art by indicating the ways in which practices, concepts, and approaches to objective knowledge fall short of what they seek. In this sense, the problem of

aesthetics on the side of theory—that philosophical inquiry cannot have concrete or determinate principles in relation to art—is actually its strength. Art and thinking about art allow us to rethink what we take to be merely given. Aesthetics allows thought to open itself, because art leads to the wonder that should define philosophy and motivate inquiry continuously, negatively, and without any pretension to arrive at a synthetic truth of the whole: "Common to art and philosophy is not the form, not the forming process… Both keep faith with their own substance through their opposites: art by making itself resistant to its meanings; philosophy, by refusing to clutch at any immediate thing" (Adorno, 2005a: 15). In this way art always relates to utopia—it points towards what is possible beyond the narrow bounds of the present and allows practices and ways of thinking that resist the current forms of domination.[14]

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Endnotes

[1] At the time he wrote *Aesthetic Theory* in the 1960's, Adorno noted that "philosophical aesthetics has an antiquated quality, as does the concept of a system or that of morals. This feeling is in no way restricted to artistic praxis and the public indifference to aesthetic theory. Even in academic circles, essays relevant to aesthetics have for decades now noticeably diminished" (Adorno, 2006: 332). Stephen Regan describes a revival of aesthetic theory in the 1990s. He cites the announcement of "The Return of the Aesthetic" in the 1991 volume of the *Oxford Art Journal* to discuss his point (Regan, 1992). For Regan, the issue of aesthetics reopened due to the failure of psychoanalysis and deconstruction to provide a satisfactory account of value in cultural theory. This edited volume discusses Marxism and the Frankfurt school in relation to this return to aesthetics.

[2] Adorno contrasts his dialectical method to hermeneutics, however, this task does not have to be anti-hermeneutical. Hermeneutics can be considered as negative, i.e. as saying the unsaid in a way that preserves the incommensurability of experience. Cf. Arnason, 1988.

[3] For Adorno, art is to be contrasted from both propaganda and mass culture, which are forms of ideology. In "The Culture Industry", when Adorno and Horkheimer discuss the style – or pseudo-style – of products of the culture

industry, they contrast it to the style of great art. The culture industry does not produce style, but "the negation of style. The reconciliation of general and particular, of rules and the specific demands of the subject, through which alone style takes on substance, is nullified by the absence of tension between the poles" (Horkheimer and Adorno, 2002: 102). This negation of style is the negation of the particular and the assertion of the universal. It is the negation of negation. It demonstrates unproblematic synthesis, not negative dialectics.

[4] Some scholars have considered Adorno's aesthetic theory to narrow the relation between theory and practice rather than open it to new possibility. For a critique of Adorno's aesthetics cf. Roberts 2009: 92-103.

[5] While some have considered Adorno's movement away from the practices of social sciences and more concrete analyses such as his work in *Stars Down to Earth* towards the more theoretical works on aesthetics to be a movement towards intellectual resignation and defeatism, others have seen his late works as hopeful and far from giving up on the possibility of action. Cf. Sullivan and Lysaker, 1992.

[6] The contemporary concept of facticity is derived from the debates between Neo-Kantians and life-philosophers at the end of the nineteenth century (Raffoul and Nelson, 2008: 1-2). Facticity takes up the idea of a fact, something given empirically, but also has the sense of something that is made (*factum*) or fabricated. Facticity problematizes what is given to thought in experience. "Facticity designates a kind of 'fact' that has not been previously thematized in the history of philosophy. Although clearly contrasted with transcendental ideality and normative validity, it nonetheless does not designate empirical 'factuality', a fact of nature, or an ontic occurrence. It points to another kind of fact, one that falls out of and subverts the transcendental/empirical duality" (Raffoul and Nelson, 2008: 2-3). For this reason, I will distinguish between 'facts' in a positivistic, empirical sense and 'the factical' as a subversion of both idealism and realism.

[7] For Hegel, "The True is the whole" (Hegel, 1977: 11). For Adorno, "The whole is the false" (Adorno, 2005: §29). Adorno negates Hegel's dialectics.

[8] For another critique of Hegel's thought as a dialectics of absolute identity, Cf. Marcuse, 1999.

[9] In his preface to *Negative Dialectics*, Adorno describes his project as an attempt to make dialectics thoroughly negative in contrast to the tradition

of positive dialectics: "As early as Plato, dialectics meant to achieve something positive by means of negation; the thought figure of a 'negation of negation' later became the succinct term. This book seeks to free dialectics from such affirmative traits without reducing its determinacy" (Adorno 2005a: xix). Positive dialectics ends in synthesis, i.e. the "return to the starting point" of thought that "was supposed to bring about a continuous identity of subject and object" (Adorno 2005a: 156).

[10] Adorno's forward to *Prisms* describes why he looks at specific artists and works of art as a way of rejecting "the usual mode of thought which is content to register facts and prepare them for subsequent facticity" and then justifies his method in terms of his book *Negative Dialectics* (Adorno, 1997: 7).

[11] "The truth content of artworks cannot be immediately identified. Just as it is known only mediately, it is mediated in itself. What transcends the factual in the artwork, its spiritual content, cannot be pinned down to what is individually, sensually given but is, rather, constituted by the way of this empirical givenness. This defines the mediatedness of the truth content" (Adorno, 2006: 129).

[12] "Although artworks are neither conceptual nor judgmental, they are logical. In them nothing would be enigmatic if their immanent logicality did not accommodate discursive thought, whose criteria they nevertheless regularly disappoint" (Adorno, 2006: 136).

[13] Adorno's discussion of this space in between thought and concepts, as well as the process of mediation, relies upon Kant's aesthetics. Although Adorno is critical of Kant's aesthetics, particularly insofar as he sees that Kant fails to allow the movement of dialectics, some scholars have attempted to draw stronger ties between these two thinkers. Cf. Huhn, 1997: 237-257.

[14] I would like to thank Michael Sullivan and Andrew Mitchell for their critical feedback on earlier drafts of this paper.

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Reviews

Empathy Imperiled: Capitalism, Culture, and the Brain
by Gary Olson
London & New York: Springer, 2013, pbk £44.99 (ISBN: 978-1-4614-6117-3), 110pp.

by Elliot Rose

In the past decade or so a great deal of research – in fields as diverse as neuroscience and ethology (the study of animal behaviour) – has focussed on the concept of empathy, the ability to put oneself into the position of the other. This capacity is held to be both emotional and intellectual – we can occupy the other's perspective in thought and also, quite often, we *feel* ourselves to be in their position. Inevitably this has caused some of those doing this research to reflect on how empathy functions in our present society. In *The Age of Empathy* Frans de Waal (2009) argued both that our current society places a surprisingly low value on empathy (whilst simultaneously human society *per se* relies quite heavily upon its existence) *and* that empathy and our ability to empathise constitute the tools with which to extract ourselves from this situation.

Gary Olson conditionally shares this viewpoint, but believes that it does not go far enough. When its proponents venture to discuss the current culture they are critical and concerned, but not especially deconstructive. Olson contends 'that the fatal missing piece within today's flourishing cottage industry on empathy is the failure to identify and explain its dynamic relationship to corporate capitalism, a class-based social, political, and economic order.' (Olson, 2013: 6) *Empathy Imperilled* is an attempt at laying out just such a project that goes even further than the arguments made by de Waal and others. In doing so, Olson deploys a much more nuanced and scrupulous use of the latest scientific research than previous attempts at introducing science to social theory, [1] in the course of sketching 'a science-based, empirically grounded dissent from capitalist ideology's mythic narrative about human nature.' (2013: 9) His aim is to weave together Gramscian concepts, and critiques of structural violence with neurobiology to demonstrate how the current socioeconomic order threatens parts of us which are not just integral to being human, but to being a social species as such.

A lot is made of mirror neurons throughout the work, as these suggest a 'pre-introspective, pre-intuitive' level of understanding the emotions and experiences of others. (2013: 82) These neurons are activated in identical

ways when we carry out an action (including a facial expression) *as well as* when we observe someone else carrying out the same action. Although we do not copy their behaviour, that behaviour is "mirrored" in our brains. Mirror neurons in their turn activate the appropriate associated areas of the brain for whatever they are mirroring. (2013: 22-24) Thus we feel sad when we can see someone is upset, or get caught up in instances of contagious yawning. Empathy is, at least in its emotive aspect, something entirely prior to our political affiliations; it is an instinctive, distinctly social, animal impulse, something that directly affects us and thus has a subversive potential. As such it often identified as a core source of our moral and ethical sense. (c.f. Boehm, 2012; Killen & Cords, 2002)

Olson outlines how empathy has been understood in contemporary culture and used in the service of corporate PR and marketing to make brands appear empathetic and give them a "human face". Neoliberalism in general has demonstrated an orchestrated tendency to suppress empathy in day-to-day situations, particularly in encouraging people to discount or blind themselves to the plight of those suffering from its ideological practices and structures. All the while, and following on from this, the empathic potential of individuals is seen as a resource by the powerful. Instead of fostering affective relationships between individuals, advertisers seek to foster empathy between customers and their client brand. Olson recounts how PR and advertising gurus talk of 'leveraging' empathy in order to outsmart 'their competition'. 'It seems that [neuromarketing] must calculate how to take advantage of this irrefutable fact of a human predisposition toward empathy without taking it too seriously, that is, to its natural, universal, and corporation threatening application.'(2013: 64) This manipulation also occurs in avoiding political criticism – military and civilian authorities shape the kinds of images that are available to encourage fellow feeling in some instances or, for the most part, to limit exposure to stimuli that might elicit emotional affect or feelings of solidarity.[2] Those in power will always attempt to channel empathy 'toward safe outlets, human-interest stories, and away from superpower rockets and ... [wounded] Iraqi children, where empathy is divorced from the context of critical cognitive connection.' (2013: 89) So brave combat veterans are thrust in front of the media whilst their mutilated comrades and the local population are kept strictly off-limits. Olson cites the advice of marketing consultants and the operational principles of military "human terrain" strategies (or to give it another term, "weaponised anthropology") to demonstrate how corporations, states and the military appeal explicitly to concepts of empathy (and its exploitation) in their methods for achieving their respective ends.

There is, of course, more that could be looked at. Olson brings up,

almost in passing, some problems with society that are raised by attachment theory. The lack of early contact that is synonymous with the high-pressure expectations of work experienced by both parents in many families (lack of adequate maternity and paternity leave; lack of childcare provision; curiously detached child-rearing techniques, etc.) can result in insecure and poorly socialised individuals.[3] (2013: 55) This – and the attendant questions that it raises about our culture more generally (whether intimately connected with capitalism and neoliberalism or not) – would be deserving of attention itself, something which is set to one side in the present volume. Additionally the primary antagonist to empathy identified by Olson is culture, and there is little discussion of the ambiguities of human nature that Mary Midgley, in her *Beast and Man*, argued problematised any conceptualisation of our being. For example John Teehan (2010) has pointed out that that our innate capacity and tendency for in-group bias can itself positively reinforce but channel our empathic and cooperative tendencies (a current which he discerns in religion, and which may also be at work in the political manipulations just mentioned). Any long-term project of the sort Olson believes necessary will need to grapple with these ambiguities, although resolving them may prove quixotic.

With this caveat stated, there remains a spark of hope, however, since from the outset – and spelled out explicitly in the final few chapters – Olson believes, like de Waal, that empathy has the potential to break the constraints placed upon it, and that activism and pedagogy can foster the revivification of what he calls 'dangerous empathy' by following the examples and techniques of Martin Luther King and Paul Farmer. This is empathy applied to people beyond our immediate sphere, and in such a way that it does not result in mere philanthropy but instead considers and critically engages with the underlying causes of the suffering we empathise with (structural violence, hegemonic domination and a culture of egoism). Thus (emotional/affective *and* cognitive) empathy can become tools for an 'antimarket "marketing" strategy.' The issue, as Olson sees it, is turning images and experiences of empathy into calls to question the context of the experience. Of overcoming the difficulty in reconciling the 'disconnect... between the automatic, hard-wired empathetic impulse and a mindful, engaged, *dangerous* response.' (2013: 28; c.f. Olson, 1988) Images and explanations on their own cannot convey the underlying causes behind the events they relate. It is 'the viewer's responsibility to explore the context, to do some analytical work.' Work that might cause emotional disquiet at one's own complicity. (2013: 86) The role of a critical political project is to provide access to this context, to demand that people turn their attention to it; and to ensure there is a strong empathy-inducing experience to trigger an affective

response, since without either one the other is unlikely to adequately motivate people. In effect, an empathetic project requires we rescind the 'permission not to care' granted by those in power.

Olson believes that by combining radical critique with empirically-informed notions of what human nature really is we can rectify the mutilation done to that nature by the current socioeconomic order. Our numbed sense of empathy contributes to an inauthentic, estranged self identity, but our *capacity* for empathy, if reawakened and properly marshalled, can itself help pull us out of this situation by challenging the root causes that lead us to a society where narcissism is lauded as the highest good – indeed, a society where it can even begin to seem sensible to claim that 'there is no such thing as society.

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Endnotes

[1] Sociobiology is, of course, encompassed within this, but I am mainly thinking here of the cruelly mutilated science served up by the so-called New Materialists.

[2] Tendencies which are, somewhat perplexingly, voluntarily reinforced by news agencies themselves. (see Olson, 2013: 89-90)

[3] On the subject of attachment theory and other similar work, see Narvaez, Darcia *et. al.* (2013), *Evolution, Early Experience and Human Development: From Research to Practice and Policy*, Oxford: Oxford University Press. See also Wilkinson, Richard and Pickett, Kate, (2009) *The Spirit Level: Why Equality is Better for Everyone*, London: Allen Lane

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State Power and Democracy:
Before and During the Presidency of George W. Bush
by Andrew Kolin
New York: Palgrave Macmillan, 2011, hbk $85 (ISBN 978-0-230-10935-3),
251pp.

by Huw Rees

"The tradition of the oppressed teaches us that the 'state of emergency' in which we live is not the exception, but the rule." (Benjamin, 1999: 248) So says Walter Benjamin. Andrew Kolin's new book describes what such a "permanent state of emergency" has done to the great democratic experiment of the United States.

Professor Kolin is a political scientist, and his book is an empirical rather than a theoretical text. This is a mixed blessing. Readers may find themselves overwhelmed by facts, but these are important facts that must be faced. The theorists among us can supply our own frameworks. The breadth of background allows the reader to trace the ebb and flow of the American "police state," as Kolin calls it, over the last century and a half. At the same time, the level of detail allows us to see these trends in practice, at the level of individual institutions, laws, programmes and personalities.

The uneven ebb and flow of authoritarianism is in fact Kolin's main theme. He employs, without articulating it, what we might call a "pendulum model" of the police state. Ever since the Revolution there have been periods in which the American government has used violence and authoritarian measures in response to some threat or "emergency". The motif of these periods is the growth of executive power at the expense of the other branches of government, and its entanglement with the security services. These episodes occurred during the Civil War; the First World War and the Red Scare that followed; the Second World War into the early 1950s; during Richard Nixon's presidency, and (finally, irreparably) during the Bush years. Each authoritarian swing of the pendulum is followed by a back-swing towards the rule of law, as procedural democracy and dissent reassert themselves. (Consider the falls of McCarthy and Nixon.) Kolin argues, however, that the back-swings have become successively weaker. Each authoritarian episode leaves behind institutions and legal precedents that persist during the intervals of relative liberalism and flourish again in the next "emergency". It is here that Kolin's long-term institutional analysis comes into its own. Readers who want to know about the history of the GID (2011: 36) and the abuse of the Foreign Intelligence Surveillance Act of 1978 (2011: 104) will have their curiosity satisfied. More casual readers can simply note the trends that Kolin describes. It goes without saying that the back-

swing under President Obama has been particularly weak, as his recent passage of the National Defense Authorization Act indicates (Nakamura, 2011).

One intriguing aspect of this book is the nature of the "threats" that are invoked during authoritarian episodes. The ideal threat, as Kolin convincingly argues, is both internal and external. This role was played perfectly by Communism during the Cold War. It could be identified with a powerful hostile state, and with spectral domestic subversion. "Crime" and "drugs" were less convincing substitutes used during the 1980s and 1990s, but in the last decade Islamic terrorism has once again met all the criteria. The significance of the internal/external threat is that it allows the more draconian elements of state power, originally intended to counter external enemies, to be unleashed on the country itself. Such was the case when President Johnson set the CIA (in theory the external security service) to monitor anti-war protesters in the late 1960s (2011: 79–80). Kolin suggests that President Nixon's failure to entrench his authoritarian rule was due to his lack of a credible internal/external threat; 9/11, however, provided the Bush administration with the paradigm of such an enemy (2011: 89). Kolin concludes that, unlike in earlier authoritarian episodes, the state of emergency is now permanent (2011: 139–40).

For all its merits, the book has flaws. Some of them are due to its empirical rather than theoretical orientation. Kolin never gives a precise definition of what he means by a "police state", and some of his assumptions about police states are questionable. He assumes, for example, that they are naturally war-like, which allows him to include the familiar history of the United States' imperialism (Guatemala, Chile, Vietnam, Iran) in his account. It is not clear to me that police states are always militarily aggressive. East Germany and Franco's Spain were not, and neither is contemporary Burma. It may be that Kolin conflates empires with police states. He does suggest that "(e)mpires are incompatible with democracy," (2011: 131), which may well be the case, but this is a complex point that deserves more attention.

Readers may also be struck by Kolin's tone. In the early part of the book, his constant use of terms such as "police state," "mind control" and "destruction of democracy" (2011: passim) can seem like overheated rhetoric. By the final chapters, however, readers will feel that this is no more than the truth. Chapters six and seven become increasingly upsetting to read, as Kolin calmly lists the details of Guantanamo, Abu Ghraib and Bagram – only the most visible islands in the archipelago. I noticed that although the book is generally well edited, typographical errors cluster in these pages, as if the editor found it physically difficult to keep reading. Torture, dehumanization and unrestrained state power are the norm.

Although Kolin never mentions him, this is the world of Carl Schmitt, where the Sovereign decides where the law begins and ends. Under the Bush administration, the executive branch reserved the right to decide who was an "unlawful enemy combatant" (2011: 158–9, 176) and thus exempt from the laws concerning either criminals or POWs. The extraterritorial nature of Guantanamo Bay (2011: 169) helped put the base, and the things that happened there, "outside the law." The use of "signing statements," which allow the president to decree which parts of laws will apply and which will not, (2011: 183–5) is a deeply Schmittian manoeuvre, which Kolin does well to highlight. Ultimately, Kolin's assessment that by the Bush years "(t)he administration's ideology was that it was in a permanent state of exclusion from the law" (2011: 203) is not far removed from Schmitt's argument that "(w)hat characterizes an exception is principally unlimited authority, which means the suspension of the entire existing order. In such a situation it is clear that the state remains, whereas law recedes" (Schmitt 2005: 12). The pendulum has swung as far as it can. The state of emergency is permanent; the enemy is everywhere and nowhere; the war will never end.

Professor Kolin's book presents us with important if disturbing information about the waxing and waning of the police state in America. It dextrously balances broad historical trends and the details of institutions and events. Theorists will wish for less data and more interpretation, but the book is no worse for being empirical. It teaches an upsetting lesson, but one that must be learned.

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Reification: A New Look at an Old Idea
by Axel Honneth, with commentaries by Judith Butler, Raymond Guess, and Jonathan Lear
Oxford: Oxford University Press, 2008, pbk $19.95 (ISBN: 9780199898053), 182pp.

by Chris Byron

Axel Honneth should be lauded for bringing the theory of reification back into the limelight. Honneth's Berkeley Tanner lectures, along with essays by other notable commentators, have been published in *Reification: A New Look at an Old Idea*. Honneth wants to further develop his theory of recognition against the backdrop of Gyrog Lukács's theory of reification from *History and Class Consciousness*.

Reification presents a dialogue between philosophers. Honneth's intention here is to justify the new "forgetful" component to his theory of intersubjective forms of recognition. Whereas Lukács wanted to analyze reification as emanating from the commodity-structure of society, Honneth wants to reorient the theory towards intersubjective relations, in which the subject sees another subject as an object, by forgetting how to recognize appropriately. The book's introduction is written by Martin Jay, who points out that the theory of reification has "fallen into virtual oblivion in recent years" (Honneth, 2008, 3). Thus, Honneth hopes to "settle the question of whether the concept of reification still retains any value today" (Honneth, 2008, 21). Honneth wants to mitigate the Marxist tone of reification and reorient the theory towards ontogenetic intersubjective relations, i.e., empirically analyzing how humans develop and lose the ability to engage empathically with others. The lecture is followed by commentaries from Judith Butler, Raymond Geuss, and Jonathan Lear. The book ends with a rejoinder by Honneth.

Honneth's theory can be summarized briefly. At around the age of nine months, babies learn to empathically engage with a parent figure, despite the fact that they have not yet developed full cognition. This leads Honneth to the conclusion that the capacity for emotional "recognition precedes cognition" (Honneth, 2008, 29). During the aging process, humans gradually lose their capacity to be engaged empathically with fellow human beings, and thus suffer from a social pathology described as "forgetfulness of recognition" (Honneth, 2008, 52). For example: If I forget how to recognize another human being – empathically – I have reified her. According to Honneth, this is roughly the theory that Lukács and even Heidegger and Dewey were aiming at in some of their published works. Honneth wants

humans to re-engage with one another, not as objective calculators, but as emotionally attached fellow human beings. Unfortunately, he does not offer us a way to put this normative desire into praxis, and, against the Marxist current of reification, he does not posit the end of capitalism as a necessary condition for ending reification. Butler also points out the need for more empirical evidence to vindicate Honneth's theory. By relying solely on infant studies, it is not made at all clear that reification is a social pathology and not an ontogenetic development (Honneth, 2008, 118). If empathic engagement is a necessary process of ontogenetic development, Butler points out that reification may be a necessary ontogenetic development too.

Honneth is clear that he wants the theory of reification to "lose its dramatic character and instead prompt some illuminating speculation" (Honneth, 2008, 28). Thus, we are not treated to a theory that is intended to incite revolutionary fervour or the desire for a socialist tomorrow. Instead we are given philosophical food for thought and paradoxical problems related to intersubjectivity and the loss of empathic engagement with fellow human beings. Human labour-power, seen as a commodity, as Lukács emphasized, is oddly debarred from considerations of reification.

Honneth leaves the reader with quite the philosophical conundrum regarding recognition and our forgetfulness of how to "empathically engage" with the other. By failing to consider structural sources of reification, and capitalism as necessarily reifying relations between people, he does leave those of us who read the book hoping to expand our critical Marxist and Lukácsian perspectives disappointed. However, as a further development of his theory of recognition, watching Honneth navigate uncharted waters is quite illuminating.

Honneth refuses to consider socio-structural arrangements as necessarily reifying people, in the way that Lukács does, because supposedly Lukács's theory relies too heavily upon a unidirectional understanding of the economic base determining the superstructure of society, and because "the persons with whom we interact in the process of economic exchange are normally present to us, at least legally, as recognized persons." This view is rather disconcerting, and it was precisely Marx's and Lukács's point that the legal relation between exploiter and exploited reflects the already reified relationship at hand. Lukács emphasizes that "capitalism has created a form for the state and a system of law corresponding to its needs and harmonizing with its own [reifying] structure" (Lukács, 1968, 95). Just because one has *legal* rights, it does not follow that *economic* reification has ceased. Also, employer and employee are rarely present in an intersubjective relation; thus it is doubtful that when CEOs consider how to cut down on labour costs, they simultaneously enter into an intersubjective relation with all their employees.

Honneth's book is worth reading. The empirical analyses he draws together, and the philosophical implications of forgetting one's antecedent recognition capabilities, are definitely worth exploring, and contain normative potential. Moreover, the addition of forgetfulness to the process of misrecognition is an exciting advancement to Honneth's critical theory. As Honneth rightfully remarks from the start, social philosophers are overly concerned with "deficits of democracy and justice, without making use of concepts referring to social pathologies such as reification or commercialization" (Honneth, 2008, 18). Honneth's new ideas are engaging, but I am not sure that they move the theory of reification forward philosophically in the critical Marxist vein. When one jettisons capitalism as a necessary source of reification, the idea of retaining what is of value in Lukács, or Marx, is lost. And, by failing to give us an idea of how to put Honneth's normative critique into praxis, we are left acknowledging reification without seeing to its demise.

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Immunitas: The Protection and Negation of Life
by Roberto Esposito
London: Polity Press, 2011, pbk £16.99 (ISBN: 978-0-7456-4914-6), 200pp.

by Arthur Willemse

"But Spirituall Common-wealth there is none in this world: for it is the same
thing with the Kingdom of Christ; which he himselfe saith is not of this world"
(Hobbes 1996: 317, pp. 398-399)

Philosophy of immunity, immunity from philosophy

After Robert Esposito's *Bíos: Biopolitica e filosofia* was made available to English-reading audiences in 2008 (University of Minnesota Press), and *Communitas* followed in 2010 (Stanford University Press), in 2011 appeared Zakiya Hanafi's translation of *Immunitas*, subtitled: *the protection and negation of life*. Etymologically, the term *immunity* connotes to be deprived of *community*, as Esposito explains by way of exposing the origins of the term in classical Roman law. Immunity designates precisely an exception with regards to the communal, and this is exactly how it pertains to foreign officials: it means to hold an office that sets one apart from the community. In Esposito's example we have learned this from the complicated legal procedures against Augusto Pinochet several years ago, when for human rights activists an opportunity to establish a common law of human rights, from which there is no immunity, presented itself. In accordance with these issues of immunity, there is in this book a concern with the notion of sovereignty, the doctrine of the King's two bodies, and more generally theories of incarnation that allow for an introduction of what is outside to the inside, and an exclusion of what is inside to the outside. These are the self-encapsulating – and thereby self-reiterating – distinctions that are made in political theology, radically separated from metaphysics, and it appears Esposito's book could best be understood within this area of thought. More precisely, it fits within the scope of Hobbes's political theology of the absent God, from which this review selects an epigraph, and that marks one of the crucial beginnings of modernity.

The subtitle is appropriate. What the book offers is an explanation of how the protection of life that is the *raison d'être* of the community relies on its negation, on 'the lethal principle.' The problem the book attempts to deal with is how the law might be, at one and the same time, the instrument to defend the community *as well as* life itself. The way in which the law can do

this, is by injecting the community with its originary danger: violence. This is done in the form of the sovereign. The claim that the sovereign makes to the monopoly on violence is that vaccinating moment, to free the community from violence henceforth – of course only on the premise that violence remains also married to the community, embodied by the sovereign. The community is that form of life that has organized itself in defence against this mortal enemy – death – but this defence only works by way of the constantly repeated, or at least always pertinent, decision on the *sacrifice* of life. As long as the community decides which life is to die, death is kept at bay. It is for this reason that Esposito's earlier translator Timothy Campbell introduces him as a contemporary counterpart to Thomas Hobbes, with whom he shares his comprehensive materialism (Campbell in: Esposito 2008: xi-xii): what is at stake is the body of the state, through the bodies of its subjects, without recourse to any metaphysical account of the connection between the two. Instead, the process of immunisation is one always already inscribed in the sole element of politics: the body.

Esposito shares the broader understanding of this with many others of course. As the theory of the origin of the relatively peaceful state finds its object in a warlike situation, so legal theory often identifies an originary violation at the foundation of law. Yet Esposito appears to be able to move beyond these analyses, as he has located in immunity the structural principle that organizes these connections; it is this further step that I would like to criticize in this review. Esposito's capacity to illuminate diverging, political and religious, aspects of community-life from the vantage point that immunisation gives him is remarkable. There is a wealth of philosophical thought in this volume, and this review could not aspire to recapitulate his entire trajectory. Instead, I will briefly indicate the possibility of a fundamental problem with his approach.

Esposito provides a revealing comparison between (philosophical) anthropology and biopolitics: "The contrast arises from the fact that while the anthropological model tends to separate life from itself by accentuating the formal elements, on the contrary, the biopolitical apparatus tends to eliminate any mediation" (Esposito 2011: 14). Whereas anthropology is concerned with a particular form of human life and the attempt at a truthful description of it, biopolitics is a term that designates how power makes an immediate claim to life: power pertains to life directly, not mediated by any hermeneutical system and not in virtue of any particular kind of life. The problem is that to eliminate this mediation, also anything that might be understood other than the biopolitical law of nature itself is rejected. So biopolitics presents us with a problem. It is not self-evident that it is *life as such* that is at stake in the community, as life as such was never jeopardized

in a way that would provide the community with a justification in the first place. The "Warre, where every man is Enemy to every man" (Hobbes 1996: 13, 62 p. 89) was never a threat to life as such; it jeopardizes the *lives of human beings*. If life as such was ever in danger because of war, then this is precisely due to the warfare between communities of men.

This raises a fundamental worry with a work like Roberto Esposito's, for it appears that Esposito was able to identify a crucial political principle at the expense of philosophy itself. When, for instance, Jacques Derrida located a structurally similar key term in *pharmakon*, its ramifications would be understood to register on the level of *meaning*, which is pertinent to philosophy in an immediate way. The implications of biopolitical immunity, however, register immediately on the level of *life*, thereby circumventing the issue of the truth of the matter. For it matters no more. We see here the reduction of political philosophy to the fact of politics, which dictates in agreement with Hobbes: 'authority and not the truth creates the law.'

Esposito's work is considered a pertinent analysis of the modern condition, in its reflection on the way that *logos* has entered into an alliance with law (*nomos*), no longer mediating between justice and truth. Yet it appears modernity has come to a silent end for Esposito, for whom law conflates with life in this immediate way. In the recent works that Giorgio Agamben (to whom Esposito expresses an intellectual closeness) has dedicated to political theology, philosophical anthropology becomes the innovative *telos* for thought, precisely because Agamben's intent is to employ thought beyond its principle of revelation. Biopolitics and its organizing principle, immunity, regarded on their own terms remain aporetic. Roberto Esposito's biopolitics, then, could be considered as botched or deconstructive political theology: its epistemological merit succumbs under the weight of its illuminating principle – immunisation – while its political power is consigned in advance to affirming a positive biopolitics, which he finds in the notion of the implant. For Esposito, politics henceforth holds the means to answer its own questions. Thus it appears that Esposito has found a way to let the body speak for itself, and that this speaking body is the immune body.

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Introduction to Systems Theory
by Niklas Luhmann, Peter Gilgen (Trans.)
Cambridge: Polity Press, 2012, pbk. £18.99 (ISBN: 978-0745645728), 300pp.

by Andrew Mitchell

Introduction to Systems Theory is a book based on a lecture course Niklas Luhmann gave in 1991. Luhmann is a rather controversial figure in sociology for his insistence that it is social systems and not individuals that construct society. Luhmann's sociological systems theory is a theory of communication; for him only social systems can communicate in society. His name is not well-known within the English speaking world, but his influence has spread far beyond Germany, where he is considered one of the great sociologists of the 20th century, to impact sociological thought in countries as distinct as Chile and Japan. There is a general movement towards his works being published in English of which this book is but one. But can it deliver in its implied promise of being able to introduce systems theory to the previously unaware sociologist?

The book follows a path through Luhmann's thought, beginning with its emergence from Talcott Parson's action theory, to the application of a systems theoretical approach to society. Luhmann discusses some of the main theories he utilises in making this transition, specifically what social systems are, Maturana's biological theory of autopoeisis, and Spencer Brown's mathematical Laws of Form. The use of autopoeisis (the theory that a system constructs its own elements) in social systems theory is not without controversy: Maturana dismissed it and Habermas accused Luhmann of taking a meta-biological approach to sociology. Happily Luhmann engages with some of these criticisms as well as discussing other foundational aspects of his systems approach such as observation, coupling, meaning within systems, and double contingency. By the end of the book the reader will have been taken through the groundwork of Luhmann's thought with all the major theoretical aspects of his work covered.

One aspect of this work that has particular contemporary significance, is that the problem of social complexity and a discussion on time both have their own chapters. This allows Luhmann to elucidate both the need for a systems approach to manage complexity and why the future never becomes the tomorrow that we think it will today. This resonates with contemporary movements towards understanding society as risk based; a move which has been proposed by thinkers such as Anthony Giddens and Ulrich Beck, and popularised recently by Nassim Taleb's Black Swan theory. Whilst Luhmann does not specifically discuss ecological and social risks in this work (though

he has published on each of these issues separately), his social systems theoretical approach lays a methodological groundwork for understanding the conflict between modern democracies on the one hand, and the technological risks of industrialisation and its irreducibility to populist decision-making on the other. Regardless of one's consideration of Luhmann's theory as a whole, these two chapters in particular stand out for me as highlighting an underlying current of modern society which all those engaging in social theory must tackle.

Luhmann is renowned for being a notoriously difficult thinker to understand, something not helped by his idiosyncratic writing style. He often asks open-ended questions and leaves other avenues of exploration unsatisfactorily answered. In spite of its name, the book has an opacity to it which requires a steely resolve to keep pushing through at points. A criticism of Lacan, that one must understand his theories before reading his works, does not seem far off the mark for Luhmann either. This is not just a problem with Luhmann's style: the vast swaths of theories incorporated into his work, from sociology and phenomenology to biology, engineering and mathematics, make understanding social systems theory difficult for any beginner reader. This said, there is probably no other book by Luhmann available in English which collects such a large amount of his thought together in such a concise fashion. This book may be an introduction to systems theory, but it is certainly not a beginner's guide.

It would therefore be difficult to recommend it to anyone wishing to learn about social systems theory and Luhmann's approach for the first time. I would recommend *The Radical Luhmann* by Hans Georg Moeller or *Niklas Luhmann's Theory of Politics and Law* by Michael King and Chris Thornhill for this purpose. Moeller's book caters more for the philosopher wishing to understand Luhmann's epistemology, whilst King and Thornhill's book deals more with its implications for, unsurprisingly, law and politics. Both are excellent reads in their own right and, even for someone knowledgeable in social systems theory, they allow a fresh perspective to be thrown upon this intricate theory. For those who wish to engage deeper with Luhmann's sociology however, *Introduction to Systems Theory* is an excellent guide to the development of his thought and a clarification of the various methods and terms he uses. It is by no means an easy read: like most things in life though, the reward from this book comes with perseverance.

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