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Hauke Brunkhorst

Democracy under Siege

Democratic Solidarity between Global Crisis and Cosmopolitan Hope

Abstract For almost half a century (between 1940 and 1990) the democratic and social state has solved the twofold problem of growth *and* social exclusion *through social inclusion* within the borders of the national state. This solution since the 1970s came under threat of multiple crises of the environment, secular stagnation, under-consumption, legitimization and constitutionalization. There might be a social solution of present crisis possible through massive redistribution plus decent basic income (on the level of tuition-costs) plus green growth. However, after globalization of capital there are no longer national social alternatives available. Therefore, there is no alternative to transnational democratic state-formation. But are there actors relevant, strong and motivated enough to do that?

Keywords: growth, environment, secular stagnation, under-consumption, legitimization crisis, global capitalism, transnational democracy

The first part of the paper is a brief diagnosis of modern society under conditions of global crisis (7 theses), and the second part draws some political conclusions (related to four fundamental problems of the global system of functional differentiation, in particular the globalized capitalist economy).

I

The basic problem of modern democracy can be defined as follows. Modern democracy must solve the *societal problems produced by functional differentiation in the environment of social systems, in particular in the social and natural environment of the economic system*, which *cannot be solved by functional differentiated systems alone*, and it must solve these problems democratically. This means through the political, social, economic and cultural *inclusion of the other as the subject of self-legislation* (Brunkhorst 2005: 81–-101). To be a subject of self-legislation therefore is based on the constitutional norm that all affected must equally participate in the legislative procedure that is not restricted to one organ (e. g. parliament) but includes all organs of a democratic legal community (e. g. Art 20 II of the German Constitution).

For the societal basic problem of functional differentiation, Marx's analysis of modern capitalism is still paradigmatic. Marx has shown in *Capital*

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that the self-referential closure of the economy can solve *all* problems of *exchange-value* and *dead labor* (capital) through the expanded reproduction of exchange value and dead labor – but cannot solve the problems, which its own reproduction causes in an environment that is a social life-world where *use-value* and *living labor* matter. Simply, modern capitalism relies on the solution of environmental problems, which capitalism generates but cannot solve, therefore a *political solution* is needed.

As it seems, democracy is as minimally dependent on capitalist relations of production as capitalist relations of production are dependent on democracy. Consequently, there is no modern, inclusive democracy beyond functional differentiation. However, functionally differentiated societies cannot preserve themselves without *growth*, and growth comes regularly together with *enlargement*, transgressing borders and boundaries.[1] Moreover, as Durkheim, Parsons and Luhmann illuminated, it is not only the efficiency and viability of the economy (regardless of capitalist or non-capitalist), but also the efficiency and viability of all important social systems that is *dependent on growth* – such as medicine, science, education, political power and law (but also art, sports and so on).[2]

Furthermore, the dependence of functional differentiation on growth is not only due to *factual* reasons but also to *normative* ones. There is at least one *ethical premise of good life* shared by all modern societies, and it is general and negative: *nobody* really wants to live *without* the five great inventions of electricity, running water, pharmaceuticals, mass-communication and mass-transportation, which all were made between 1870 and 1940.[3]

There is, as John Dewey rightly explained from an evolutionary perspective, an internal relation between *democratic solidarity and quantitative growth and enlargement*. On the road to the Great Community, *growth and enlargement are unqualified goods*, and they are unqualified because, for the sake of democracy, they must be kept open for democratically self-determined qualifications and revisions (democratic experimentalism) at any time.[4] Therefore, my first thesis is:

1 I am thankful to Regina Kreide for a controversial discussion of this point.

2 By all means, the successful solution of problems, for example of health care, regularly has unplanned side-effects, causes succession-related problems, and also reflexive problems such as medically induced epidemics. The solution needs ever more medical and therapeutic technologies and inventions, and that means growth not only in medicine but also in other systems (in this case especially of science, economy, administrative power and traffic) – and vice versa, growth effects of other systems such as scientific inventions, industrial diseases, war injuries and car accidents stimulate medical growth and enlargement.

3 See Gordon 2016.

4 Dewey's idea of democratic solidarity is not legal but Aristotelian, targeting a concrete but (and this goes beyond Aristotle) indeterminate form of life.

(1) There is no modern society, and in particular no socially inclusive democratic society that is beyond *growth* and *enlargement*.

Bourgeois class rule was celebrated as the revolutionary subject of growth by Marx and Engels, and Marx's admiration for the achievements of modern capitalism never ended (Marx/Engels, internet).[5] However, as the young Marx rightly observed, only the emergence of "true democracy" in the course of class struggles could solve the environmental, at least the social problems of capitalism (Marx 1972: 231–2).

In a reconstruction of the constitutional evolution in his long comment to the public law part of Hegel's *Philosophy of Right* from 1844, Marx explains the historical truth of democracy by means of an *immanent criticism* of the constitutional law of liberalism (as it is represented by Hegel's theory of constitutional monarchy) (Marx 1972: 230–2). All that is needed for this critique is already present within the *existing contradiction* of constitutional history between power-limiting and power-founding constitutions. As Marx has shown in his *18th Brumaire*, the basic constitutional contradiction between power-founding and power-limiting constitutions, between subjective property rights and popular sovereignty, between Rechtsstaat and democracy, appears in public class struggles *once the parliamentary constitution is completed by universal suffrage and decoupled from the monarchic constitution*.[6] Together with its democratization, constitutional and public law overcomes – and here Marx anticipates Dewey *and* Kelsen – the old-European "dualism" of subjective and objective law, private and public law, subjective rights and democratic self-legislation, in other words: of power-limiting and power-founding constitutional law (Marx 1972: 232). Therefore, the "*real* movement" (Marx/Engles 1973: 35) of true democracy or communism (at that time, mid of the 1840s, the meaning of both terms was equal) is not beyond modern law, but is instead the *dynamic procedure of the existing contradiction of modern law* between a *law of domination that is civil law*, grounded in subjective rights, and *public law*, which is *emancipatory* because it enables the *self-determination of the addressees of law*. From Marx over Kelsen to Habermas, therefore, it is the procedural paradigm of egalitarian and inclusive democratic self-legislation (Kant's '*communio*', Marx' 'communism') that overcomes constitutional welfarism (and bureaucratic socialism) as well as liberal capitalism.[7]

True democracy that is socially inclusive, egalitarian and power-founding and, therefore, the *real movement* of communism, began in the mid-19th

5 For the late Marx see Marx 1953.
6 See Brunkhorst 2007b; Brunkhorst 2017.
7 See Habermas 1996, 388–445.

century. A century later democratization and democratic class struggle, reforms and revolutions (closely connected to the world wars, global and regional civil wars and the social revolutions of 20th century) had largely overcome, or at least curtailed and weakened bourgeois class rule, and transformed the constitutional state into egalitarian mass-democracy of power-founding constitutions.[8] Thus, thesis no. 2 is:

(2) For almost half a century (between 1940 and 1990) the democratization of the constitutional state (more or less) solved the twofold problem of growth *and* social exclusion (resp. economic exploitation) *through social inclusion*.

However, from the beginning this solution suffered from two problems. The first is due to the *imperialist differentiation of the center and the periphery* that is a byproduct of the gloomy *heritage of Western colonialism*. Affirmative action of national welfarism was white, male and heterosexual (Katznelson 2005). Egalitarian democracy was realized only in a small global segment of rich and highly industrialized countries, all dominant factions in the prior world of global empires, and it halted at the color and the gender faultline. It is hardly surprising, therefore, that the revolutionary victory of democratic egalitarianism was largely at the expense of the formerly colonized world, and the vast majority of the world's population. Nevertheless, normatively the democratic nation state (which factually excluded the rest of the world) was bound to the "*exclusion of inequalities*" culturally and legally (Stichweh 2000: 52). The normative basic idea of the national state that is the exclusion of inequalities, does not only mean national exclusion of inequalities but also the universal exclusion of inequalities – from the *Declaration of Independence* from 1776 and Art. 16 of the French Declaration from August 1789 to the International Covenant on civic, political and social rights from 1966 and the Vienna Convention on the Law of the Treaties from 1969.[9]

Moreover, since the mid-19th century at the latest, world society factually is a single community of fate, and a community of fate, a *Schicksalsgemeinschaft* in the terminology of Right-Hegelian German *Staatsrecht*is a nation, at least in the state of latency (status passivus).[10] Thesis 3 is:

8 See Thornhill 2011.

9 From the beginning, modern state formation had a cosmopolitan side that is constitutive. On the co-evolution thesis see: Brunkhorst2007a; Brunkhorst 2014b; Matthias 2005; Thornhill 2011.

10 Osterhammel and Petersson 2003: 63. On the Staatsrecht side of Schicksalsgemeinschaft see Böckenförde 1991.

(3) The exclusion of the majority of world population from democratic welfarism poses a *serious problem of legitimization* that is *internal* to all members of the rich and (more or less) democratic family of national states.

Philosophically speaking, a regime that cannot solve the (factually and normatively) universal problem of democratic legitimization *should* not exist.

The name of the second problem is *secular stagnation*. To take only one number which is significant because it is of a country with presumably higher growth than others, between 2000 and 2016 (after already 30 years of stagnation) despite of the celebrated "structural reforms" of the Schröder government, *real investment* in Germany decreased by 20% (Offe 2016).The great electronic inventions of the present, the internet, the mobile phone and the personal computer, are all at best *low-growth inventions* with (probably dramatically) *negative effects on the future of employment* (Crafts 2015, Gordon 2016).[11] Thesis no. 4 is:

(4) *Secular stagnation* is a challenge modern society never had to face before. Secular stagnation is due *first and fore most* to the (temporary) *finalization of the great industrial inventions* in 1940, and *secondly* to the *secular increase of inequality* since the late 1970s.

Sociologically speaking, a complex society that cannot solve the problem of secular stagnation *cannot* exist. The bicycle stops, the bicycle falls.

The secular growth of inequality was the result of, first, a critical situation of democratic welfarism at the *end of the great push of technological, infrastructural and industrial growth, enabled by the Great Inventions* (1870–1940),[12] and second, and not in all instances (Chile, Argentina) democratic *decisions of world politics*, triggered by the United States and Great Britain, and driven by the religious fundamentalism of free but virtual markets. The relations of dependency were turned upside down. First the *tax state* that (as democratic legislator) takes the money away from the rich, was replaced by the *debt state* that is dependent on the generosity of the investors. Then the same happened to the working class, they lost their right to strike and blackmail the owners of productive forces factually, and in exchange got credits unlimited at the expense of a new form of debt slavery. After 40 years of politically implemented neoliberal globalization, capitalist world economy has itself dissolved from state-control and turned *state embedded markets* into *market-embedded states*.[13]

11 See Gordon 2012, internet; Gordon 2014, internet. With emphasis on the more utopian aspects of a post-capitalist transformation of unemployment see Mason 2015.

12 See Gordon 2016.

13 Streeck 2005; see Streeck 2013.

No wonder that in nearly all OECD-countries we now have an extension of social differences that mirrors exactly that of 1900 (Piketty 2014). Within the neoliberal political-economic regime high profit rates can be maintained only at the expense of growing social differentiation. But increasing inequality has strong negative effects on growth rates. This gives Paul Sweezy's theory of under-consumption surprising actuality (Baran/Sweezy 1966: 76–111). It was carved out for monopoly capitalism of the 1960s that was dominated by car-industry. Sweezy predicted in 1966 the coming stagnation of monopolistic capitalism because it "tends to generate ever more surplus, yet it fails to provide the consumption and investment outlets required for the absorption of a rising surplus, …, it follows that the *normal* state of monopoly capitalist economy is stagnation."(Baran/Sweezy[1966: 108]) Under conditions of a neoliberally *monopolized* world economy *market competition becomes largely virtual*.[14] Prices are decoupled from markets, profits are stable, their increase rates are predictable and can be planned, the cyclic (sinusoid-like) fall and rise of profits suddenly comes to an end, and the profit margins of the 500 biggest US-firms remain consistently high since 2008 – to the horror of Goldman & Sachs.[15] Today, the social class at the top holds nearly all assets, and the lower and middle classes at the bottom do not have enough money to buy the most urgent consumer goods, including in particular education (tuition), private health care, decent housing, and so on. The result is a crisis of under-consumption, as Marx had already written in *Capital*: "The ultimate reason for all real crises always remains the poverty and restricted consumption of the masses as opposed to the drive of capitalist production to develop the productive forces as though only the absolute consuming power of society constituted their limit." (Marx 1968: 501) [16]

For capitalist economy after the end of the Great Inventions and under neoliberal conditions of increasing social differentiation, it follows – thesis 5 – that

(5) Secular stagnation with high profit rates and increasing social differentiation causes a *global crisis of under-consumption* (Paul Sweezy).

For democracy dramatically increasing differences between social classes have disastrous causal effects (Schäfers 2015).[17] Theses 6 is:

14 I thank Lisa Herzog for this hint.

15 Weisenthal internet; see the summary of the internal study of Goldman & Sachs in SZ Feb. 4, 2016 (Kapitalisten zweifeln am Kapitalismus). They should have read (and maybe they have) Baran/ Sweezy1967: 63ff.

16 English translation quoted from https://www.marxists.org/archive/marx/works/1894-c3/ch30.htm

17 See Wilkinson and Pickett 2010; see Judt 2010.

(6) Increasing social inequality causes increasing *political inequality*.

Not absolute poverty but relative inequality *discourages* the people, resulting in a *crisis of motivation* that explains the dramatic decrease of the turnout for middle and underclasses down to 30% and less in nearly all OECD-countries.[18] Leftist parties lose their voters and turn steadily farther right whereas right-wing parties stay where they are, until finally we are left with *no alternative to austerity* politics. Leaving at best, the gloomy alternative between *right parties* of market fundamentalism plus PC-culture and *far right parties* of market fundamentalism plus a neo-conservative cultural background that is nationalist, racist and religious fundamentalist (reaching from the German AfD to the American G.O.P.). However, there are already former democracies where factually only the far-right alternative is left (i.e. Hungary). *If societal facts are running out of alternatives, legal normativity becomes fiction* (Möllers 2015).

At the same time, globalization powered by disembedded markets, supported by states and state combines, like the EU who have no alternative, and reinforced by the new media of dissemination and global cultural and environmental movements – which are partly critical of neoliberal globalization – have led to a global situation where no way back to the old system of state-embedded markets seems possible. The global community of fate that existed since the mid19th century (Bright/Geyer 2011) is now no longer just functionally (or negatively) integrated but also culturally (global human rights culture, global memory culture) and normatively (global law). After a long social evolution, there is only one single society left, that is thoroughly modern everywhere and any time (Meyer 2005:144–181). Moreover, it already has a global legal and constitutional order (Brunkhorst 2012, Brunkhorst 2005). However, and this is thesis 7:

(7) The rise of global societal constitutionalism comes with a fall of global (and national) democracy. Civil law successively subverts and replaces international and national public law.

Different from public law that has inbuilt emancipatory potential, civil and private law is – in the old Roman empire as well as in modern capitalism – basically nothing other than a law of coordination of the interests of the ruling classes (Teubner 2012). The surprising but expectable effect of the publication of the Panama Papers was that most of the offshore companies and tricky money transactions were completely legal – thanks to civil and private law's legal construction.

18 The typology of crises in Habermas 1972 is still actual.

The final conclusion of our theses can only be that the project of nation-state-based democracy to exclude inequalities finally failed. It failed *normatively* because it was not able to globalize the exclusion of inequalities. It failed *factually* because it was not able to avoid secular stagnation. It failed *constitutionally* because global constitutionalism finally led to a regression from power-founding democratic to power-limiting liberal constitutions, which Martti Koskenniemi has described as a regression from the Kantian to the managerial legal mindset (Koskenniemi 2006: 9–36).[19]

II

Under conditions of the threefold crisis of *under-consumption*, *motivation* and *legitimization* plus a growing migration of excluded surplus-populations, reinforced by ecological devastation, the still existing global hegemony of neoliberalism makes an *authoritarian solution* to the cumulating crises and problems ever more likely. There is strong evidence that neoliberal hegemony can prevail only as *authoritarian* or *fascist liberalism* (Heller 2015:295–301).[20] Already in the 1970s the political project of neoliberalism (Thatcher, Reagan) began with the bloody authoritarian experiments in Chile and Argentina. We are now approaching a new kind of a hypermodern double state.[21] Without reduction of inequality and exclusion, high rates of profit can be maintained only by *constitutional regression* from normative to nominal constitutions: *over-integration of the ruling classes* (they appear only as plaintiffs before court) and *under-integration of the lower classes and excluded populations* (they appear only as defendants before court, if they appear at all).[22] Prerogative law and the declared or undeclared state of siege are becoming unavoidable: the war on terror at home and abroad, the legal construction of the public enemy – where in cases of any doubt, the option remains to send in the marines and re-create the state of siege repeatedly exists (as now in France). Last but not least, there is the emergence of smart and flexible border regimes, which – as in Australia, the US and Europe– consist of *bracketing the constitutional rights of all citizens living within the border region*. In the US, this affects already two third of the entire population (Coast Region and Great Lakes).[23] Finally, mass-incarceration may not remain an American exception (Murakawa 2014, Harcourt 2011). Europe is already experimenting

19 See also: Koskenniemi2002; Koskenniemi1995: 325–348; Brunkhorst2014a; Brunkhorst 2014b.

20 See Wallerstein 2013. Still actual: Marcuse 1965: 17–55.

21 The double state is a mix of (inclusive) norm-state (or *Rechtsstaat*) and (exclusive) prerogative state (or police-state), and there are more formations of the double state than pre-war fascist regimes. On the paradigm case of the latter see Fraenkel 1969.

22 Still paradigmatic: Neves 1992; see Neves 1999: 557–577.

23 See Shachar 2015: 12, 32–35.

with detention camps for illegal refugees. AfD, Front National, Victor Orban and Donald Trump are the *logical consequence of market fundamentalism impermanent crisis*. To avoid expenses for the solution of ecological problems *science must be silenced*, whilst concurrently the pressure on science by religious market fundamentalists is already enormous, at least in the US.[24] Finally the global double state is stabilized through the complete subsumption of constitutional and public law under the priority of civil and private law. In case of doubt private *contract law derogates parliamentary legislation*.

In this situation, only the almost impossible, the *cosmopolitan project of democratic socialism* can save egalitarian mass-democracy.[25] This could lead to a new formation of socialism or a mixed economy that saves capitalism from itself. Facing the nearly unresolvable cumulation and reciprocal reinforcement of problems, the question if their democratic solution finally will save capitalism from itself or transform it into socialism is subsidiary.

(1) To save growth and democracy in times of secular stagnation, *massive redistribution of wealth to the lower and middle classes is the only hopeful perspective*. Only massive redistribution in favor of the middle- and lower-classes can *keep growth running* because only lower- and middle-classes buy masses of consumer goods, and growth in post-industrial societies *based on industry* (electricity, pharmacy, mass-transportation etc.) still comes from *mass-consumption*. The solution of the problem of social differentiation would kill both birds with one stone, the problem of growth, *and* the problem of social and political inequality. Unfortunately, there are much more birds in the air over Bodega Bay.

(2) For the inclusion of the dramatically growing national and regional periphery of excluded populations and countries (Greek) – national exclusion rates since 2000 rose by 22% and 40% (Offe 2016) – *massive investments in educational and socialization agencies of all kind are needed together with a decent basic income*.[26] Everything else will not work. If the following problem (3) could be solved, even a solution for the global, in particular the African problem of exclusion (and migration) could become possible.

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24 Again, the American Republican Party is the model. There is not a single Republican member of Congress who recognizes publicly the scientific evidence that man-made climate change is a real danger - even if privately ninety percent of them accept these facts – because they are completely dependent on right wing billionaire benefactors and voters with strong bounds to religious fundamentalism, see Tomasky2016:4.

25 With concern to the first three points, I follow here in diagnosis and therapy broadly Offe 2016.

26 Here well calculated models are available: Ackerman/Alstott 2001. Grözinger / Maschke/ Offe 2006.

(3) The only realistic solution for the environmental problems (if there is any) is *green growth*. The enormous proportions of the problem come to the fore once we take into account only the problem of CO2-reduction trough carbon capture and storage, because this is possible only with *far reaching public infringements of land ownership worldwide*, which are widely entangled with the results of post-colonial landgrabbing.[27]

In principle, all of this is feasible by parliamentary legislation. However, it seems illusionary that such radical changes (that must be enforced against the national, regional and globally organized power of money, connected power-elites and the hegemonic managerial mindset) could be realized through coordinated intergovernmental action. This is absolutely impossible at the level of the G20, and not even possible at the level of such a highly integrated political system as that of the EU's mix of institutionalized inter-governmentalism and supplementary supra-governmentalism (parliamentary legislative procedure). On the contrary, this system seems to be designed to exclude any radical change of economic, political, and even environmental politics (Dawson and De Witte: 2015). Therefore,

(4) To keep the tremendously grown blackmailing power of global capitalism at bay, there is no alternative but transferring real power – still known by the outdated term 'sovereignty' – to *democratically legitimated and controlled transnational governmental structures* on regional and global levels. Intergovernmental governance without government is over. Governance is the cure that makes the ailment worth, in particular if we take not only capitalist economy but also the closely related private law and structures of (ever more informal) political hegemony into account, not to talk about the anti-democratic side effects of many other functional systems (for instance the globalized sport-system, global media and cultural industries).

Nobody knows if there is any possible democratic solution to the cumulating problems, and one has to face the gloomy perspective that 1989 was not the advent but the decay of global constitutionalism.[28] But nothing will work without the thrust of a *real movement* towards cosmopolitan democracy, and (as Marx and Engels) by 'real movements' I mean not only movements of social groups and people in streets and halls but also emerging organizations and institutions, in particular those of public law. There are already some important international organizations which are bodies of public law and not of civil law, encompassing the UN General Assembly and the European

27 See: Edenhofer et al. 2012, 34–50; Von Bernstorff 2012; Prien 2014.
28 See Brunkhorst 2016; Koskenniemi 1995.

Parliament including their many commissions, whilst there is also growing number of Courts of international public law, such as the old international and the new criminal court in The Hague, a couple of Inter-American courts, and the courts of the EU and the Council of Europe (Bogdandy 2012, Bogdandy/Venzke 2014). Insufficient, decoupled from democratic legislation, and often mentally conforming to the interests of the global ruling and propertied classes as they (or at least some of them sometimes) are, *they are there*, and they can be converted into institutions of true democracy.

Even if transnational social movements are still marginal, there is already a real movement of an emerging global civil society (with hundreds and thousands of INGO's), which represents 99% of the world population, compared to the 1% of the Wall Street and Davos communities of the world, and there are at least beginnings of transnational social and ecological movements and organizations of workers (international trade unions) and excluded populations. Social movements today are ever more movements of superfluous academics. In a world society where between 20% and 50% of the younger generation have academic training, individualistic and universalistic orientations, post-conventional lifestyles and use-value oriented practices are spreading rapidly, and they are already a serious alternative to neo-conservative lifestyle-reforms – which have also spread globally splitting the new academic class-formations. Together with ever more people growing up with the internet, nothing seems more predictable than the end of narrow national bounds and nationalist mentalities – on the left but also on the right (global fundamentalism). Finally, when Marx and Engels in 1848 referred to the real movements of true democracy and communism, they referred to a concept, whose existence was not much further (probably even less) developed than that of cosmopolitan democracy today.

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Hauke Brunkhorst

Demokratija pod opsadom

Demokratska solidarnost između globalne krize i kosmopolitske nade

Apstrakt

Skoro polovinu veka (između 1940. i 1990.) demokratska i socijalna država je rešavala dvostruki problem rasta *i* socijalne ekskluzije *putem socijalne inkluzije* unutar granica nacionalnih država. Ovo rešenje se od 1970ih našlo pod pretnjom višestrukih kriza životne sredine, sekularne stagnacije, niske potrošnje, legitimizacije i konstitucionalizacije. Možda bi postojalo društveno rešenje postojeće krize putem masovne redistribucije uz pristojan osnovni prihod (na nivou troškova školarine) i uz zeleni razvoj. Međutim, nakon globalizacije kapitala više nisu dostupne nacionalne alternative. Prema tome, nema druge alternative do formiranja transnacionalne demokratske državne formacije. Ali, ima li relevantnih aktera, dovoljno snažnih i motivisanih da to izvedu?

Ključne reči: razvoj, životna sredina, sekularna stagnacija, niska potrošnja, kriza legitimizacije, globalni kapitalizam, transnacionalna demokratija

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Daniel Witte

The Precarity of Critique: Cultures of Mistrust and the Refusal of Justification

> "Nothing guarantees, after all, that we should be right all the time. There is no sure ground even for criticism. Isn't this what criticism intended to say: that there is no sure ground anywhere? But what does it mean when this lack of sure ground is taken away from us by the worst possible fellows as an argument against the things we cherish?"
>
> (*Bruno Latour*)

Abstract The paper reflects on recent developments towards authoritarianism and right-wing populism that have become apparent in a number of Western societies and aims at pinpointing possible cultural foundations for this trend. Using the example of the German PEGIDA movement and the wider milieu in which it is embedded, it identifies and describes a rapidly spreading culture of mistrust and discusses some of its political and epistemological implications. In a second step, the paper draws on Luc Boltanski's theory of justification in order to attain a better understanding of this political movement's specificities. It is argued that it is a quasi-violent *refusal* of justification which is constitutive for the movement in question, thereby transcending the reach of Boltanski's framework to some extent. In a third step, a closer look is taken at the epistemological paradox that results from the fact that a number of the PEGIDA movement's crucial points of criticism are effectively shared by a larger part of the overall population, raising severe problems for the question of sociological critique. The paper utilizes ideas by Bruno Latour in order to illuminate this paradox further and examine its consequences. It closes with remarks on the possibility to "reassemble" trust and critique as crucial but contested – and, hence, *precarious* – foundations of modern society.

Keywords: mistrust, distrust, trust, paranoia, right-wing populism, PEGIDA, justification, critique, Luc Boltanski, Bruno Latour

1. Introduction

Since a few years, things are seemingly changing considerably in a number of Western societies.[1] Political discourse, at least according to some observers, is becoming rougher; right-wing populism and authoritarianism seems to be on the rise in several countries; and the overall climate is characterized

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more and more by an enormous extent of mistrust towards political institutions, democracy and the state. Old certainties seem to be under threat – and a feeling of instability that has been largely unknown for the past decades is starting to spread. Paralleling these primarily political developments, previously unquestioned historical "truths" and scientific "facts" are becoming increasingly contested as well. Conspiracy theories are flourishing, fueled by the dynamics of social networks, while traditional media is viewed suspiciously more than ever before. Peculiar neologisms, such as "hate speech", "fake news" or "alternative facts", speak volumes about these different developments and can be treated as alarming indicators for a cultural change that may be happening right in front of our eyes; but it appears that we still lack a proper account of these processes – how they fit together, where they stem from and where they might lead us.

The following paper presents some tentative ideas regarding the nature of one problem at the core of this unsettling state of affairs, namely a rapidly spreading culture of mistrust and its political and epistemological implications. To this end, it will first give a descriptive account of the German case which serves as a paradigmatic example: the right-wing PEGIDA movement, the wider social milieu in which it is embedded and the worldview shared by a large part of its supporters (2). In a second step, and in order to attain a better understanding of this political movement's specificities, the paper will draw on one of the most influential contributions to contemporary social theory, Luc Boltanski's theory of justification, an approach that puts societal conflicts and the ways in which actors justify their own actions and criticize those of others center stage. As will be argued, it is precisely the quasi-violent *refusal* of justification which is constitutive for the movement in question, thereby transcending the reach of Boltanski's framework to some extent (3). In a third step, a closer look will be taken at the epistemological paradox that results from the fact that a number of crucial points of criticism are far from exclusive to the PEGIDA movement but rather shared by a larger part of the overall population (not limited to Germany), which raises severe problems for the question of sociological critique. At this point, the paper will refer to a number of ideas by Bruno Latour in order to allow for a better understanding of this paradox and its consequences (4). The paper closes with a few remarks on the possibility to "reassemble" trust and critique as crucial but contested – and, hence, *precarious* – foundations of modern society (5).

2. Cultures of Mistrust: Into the Heart of PEGIDA

The far-right PEGIDA movement, which first emerged in Eastern Germany and has since spread over Europe with offshoots in virtually all European countries, has left a mark on current German political culture and discourse

that cannot be overlooked. PEGIDA, the *Patriotic Europeans Against the Islamisation of the Occident*, started by organizing large-scale weekly "Monday demonstrations" from October 2014 on, drawing up to 25,000 participants in Dresden alone (in January 2015, after the *Charlie Hebdo* attacks in Paris). Similar movements quickly formed in many German cities, and the recent success of the right-wing party AfD (*Alternative für Deutschland*, engl.: "Alternative for Germany") can be seen as a direct effect of that movement and as its institutional, party-political branch. The present paper is not so much interested in the timeline of historical events, however, or in the political power struggles both inside the actual movement and the German political system as a whole, but in the epistemic and discursive order at the heart of this movement.

PEGIDA and its followers have become infamous for their openly provocative symbolism, for example by picturing Chancellor Angela Merkel as a Muslim with a headscarf, or as a Stasi or, alternatively, NSA agent. Also, the pejorative term "Lügenpresse" ("lying press"), which was voted the "ugliest word of the year" in 2014, is probably well-known already. What is striking, beyond this use of symbols and intended provocation, is the kind of overarching worldview that seems to be at the core of PEGIDA, the AfD and their supporters, which can be observed in interviews and especially in social media. PEGIDA reached the mark of 200,000 Facebook likes on February 6, 2016.[2] In comparison, the two largest German parties, the Christian Democrats (CDU) and the Social Democrats (SPD), had around 100,000 likes each on the same day. This, of course, not only gives insight into the socio-demographic structure and media preferences of PEGIDA followers and Facebook users, but also opens a large space for empirical observation, since actors are rather outspoken even in publicly accessible social media and do not mince their words. Once one delves into this rather unpleasant discourse bubble, one quickly finds oneself bewildered by a widespread mixture of misanthropy, hate speech, skewed ideas of politics, conspiracy theories and revolutionary fantasies. In effect, what one can observe in this discourse is what we may call a *relatively closed worldview* that is shared to a large degree in the groups of concern here. Of course, not every single individual member of PEGIDA will subscribe to every single statement referred to in the following sketch, but as a general pattern, it might sum up well how the world works for PEGIDA, the AfD and their members, voters and supporters.

First and foremost, and giving the movement its founding name, Islam in general (as opposed to any more differentiated accounts, such as "radical Islamism", "Salafism", etc., and usually conceived of in a "monolithic" way) is considered a threat to culture and society and, hence, allegedly has no place

2 The page was permanently banned from Facebook in July 2016.

in Germany or Europe at all. As chance would have it, the emergence, consolidation and proliferation of PEGIDA just happened to fall into times not only of terrorist acts in the middle of Europe, further enforcing stereotypes and hatred against Muslims and foreigners, but also of what became known as the "refugee crisis", leading to a generalization of xenophobic attitudes with a particular focus on refugees seen as "invaders" and "social parasites" conquering Europe. According to many followers of PEGIDA, however, this "invasion", and here it is getting substantially bizarre already, is conceived as being *intended* and *controlled* by the German government whose aim is the "replacement" of the autochthonous German population, a policy which again is considered to be guided by a secret UN policy of "replacement migration". More generally, there is a broad agreement on the idea that the German government, indeed, purposefully serves the interests of foreign countries and that this government continuously breaks the prevailing law, climaxing in the very commonly accepted idea that Angela Merkel (and other leading politicians) are to be charged and sentenced for high treason and treason against the people ("Volksverräter"). In this worldview, political leaders are perceived as enemies of the people (which by all accounts is not just semantics but meant literally), Merkel is not only "Europe's most dangerous woman" but effectively a dictator ruling against the will of "the people", and so on and so forth.

But the irritating ideas of PEGIDA and its political milieu are not limited to politics and politicians alone. According to its supporters, all "mainstream" media is politically coordinated, cooptative (using the term "gleichgeschaltet", deliberately referring to Nazi Germany) and, hence, simply permanently lying ("Lügenpresse"), which also leads to the strong and prominent conviction that Germany's TV and media license is an illegitimate type of forced taxation that has to be abolished immediately.[3] Freedom of speech, one is convinced, does not exist at all, since political discourse is dominated by gag orders, political correctness and taboos on speaking, allowing right-wingers to stage themselves as *parrhesiastae* (in the Foucauldian sense), as the ones taking personal risks to speak "the truth to power" (cf. Foucault 2011; Dyrberg 2014). Furthermore, it is no wonder that similar accusations are aimed at opinion polls and scientific research in general, which is allegedly far from objective and only serves the "anti-popular" interests of the government. Lastly, the same thus applies to any state or state-affiliated institution: the education system and its "perverted" curricula, courts and the legal system in total, bureaucracy and public administration. Those not participating in

3 In Germany, monthly licence fees for state-funded media (radio and TV) are collected from every household by the fee collection center of public-law broadcasting institutions in the Federal Republic of Germany (GEZ). The fees have to be paid by every household with a TV set, radio or internet access, irrespective of the number of devices and of whether or not they are used to receive and consume public broadcasting content.

the movement or even voicing their differing opinions are pejoratively labeled "do-gooders" ("Gutmenschen", i.e. starry-eyed, naive idealists), while anti-PEGIDA protesters are believed to be unemployed "parasites" (again), secretly paid by the government and brought to demonstrations by organized bus transfers.

While all of this already sounds like an abstruse conspiracy, it is indeed worrying that there is no irony involved in this worldview at all. However, it gets even worse at the point where the PEGIDA milieu coalesces with parts of the so-called "Reichsbürger" (Reich Citizens' Movement) as well as ideological patterns stemming from the nationalist-conservative revolutionary movement of the Weimar Republic, thereby adding downright revolutionary aspirations to the picture. In this part of right-wing discourse, it is not an uncommon idea that the "Federal Republic of Germany" factually does not exist because it is not a "state" but actually a "firm", owned by the U.S. (or the "major banks", alternatively, that is "the Jews", and so forth). More often than not, this conviction goes hand-in-hand with a strong sympathy for Russia and Vladimir Putin, who is frequently stylized both as a hero and as the victim of Western media politics, censorship and propaganda. Consequently, the more radical parts of the movement claim that the German government (that is the Merkel regime, in particular) and also "the system" overall must be boycotted or, even better, toppled entirely – and interviews with PEGIDA protesters have repeatedly shown that there is a fairly common belief that both will indeed be overthrown soon. At this point, specific Eastern German traditions come into play, giving room for the idea that after 1989 a "second" revolution originating in Dresden is now almost around the corner because the governmental system of lies is already close to collapsing – "We did it once. We will do it again." It is, of course, never fully clear what kind of alternative system should be established after "it", but what is frequently made clear by the movement's supporters, not shy of openly threatening their political opponents in interviews or social media communication, is that names and faces "will be remembered". In fact, "remember the names" temporarily became a popular hashtag whenever politicians were attacked or criticized, and once one delves into the depths of Facebook and the like, it is not unusual at all to read that the representatives of the government and the "lying media" will be "first to be put up against the wall".

Of course, the picture drawn up unto this point is broad-brush and intentionally generalizing, yet hardly exaggerating. We might consider this milieu, its worldview and its bizarre ideas mesmerizing from a solely sociological or discourse analytical point of view, but in a political sense, it is truly frightening and indeed alarming. It is alarming not least because the recent success of the AfD, which achieved double-digit results in several recent elections and

received up to 25 percent of the votes in Saxony-Anhalt, has to be seen in this discursive context; it is alarming as well because even the intellectual debate has dramatically changed under the pressure of PEGIDA and its institutional offshoots. By now, it is no longer exclusively right-wing authors, such as the recently deceased Udo Ulfkotte, who enjoy great success with book titles such as *Corrupt journalists: How politicians, intelligence services and high finance control Germany's mass media* (Ulfkotte 2014). It is also not only the revival of extreme right-wing intellectuals, such as Götz Kubitschek, a central figure of the "New German Right" (Müller 2016) and one of Germany's leading right-wing publishers, who, alluding to Nietzsche, recently talked about a "political dawning" and a rediscovered "passion to be furious" that is spreading over the country.[4] Instead, established bourgeois philosophers alike, including Peter Sloterdijk and Rüdiger Safranski, as well as recognized conservative authors such as Botho Strauß, have also entered this discursive sphere and fantasize about governmental "decisions to flood Germany with refugees" or a policy of "self-destruction" and join PEGIDA in its radical critique of the media as an "ether of lies" (cf. Matussek 2015; Strauß 2015; Cicero 2016).

Leaving exaggerations and semantic excesses aside and looking at all of this with the sober gaze of a social scientist, what has been called "closed worldviews" are of course only *relatively* closed. The radicalness of opinions differs greatly, and what we are able to observe is rather a discursive field that ranges from ultra-conservative skepticism to plain pathological paranoia. Yet, there is one common denominator running through all of these positions, namely a firmly established *culture of mistrust* that affects a considerable part of society. It is based on a deeply rooted mistrust not only towards the state, the government, democracy and "the system" overall, but also towards the media, the law, the educational system and sciences – or, to put it more plainly and technically, an enormous mistrust towards *institutions* in general. The actual problem with this culture of mistrust, however, is that it has become, by its very mistrustful nature, hermetically sealed and hence established highly disintegrated social milieus. The social and political problem here arises from the fact that if mistrust is directed towards institutions in such a general sense – political institutions, law, media, science, education –, it becomes an increasingly impossible task to reach these milieus by way of rational arguments. Of course, this is precisely how strong ideologies and, even worse, conspiracy theories work, as a wealth of research literature demonstrates: Opposing ideas, arguments or viewpoints and their respective advocates almost automatically *have to be* considered part of the very false system that is

4 Orig.: "Denn es ist am Horizont eine neue Möglichkeit aufgegangen, eine politische Morgenröte, und es ist eine Lust, zornig zu sein und der Politik die Zähne zu zeigen" (Kubitschek 2015).

refused and has to be overcome. As long as this mechanism operates in rather obscure segments of societal discourse, it may be treated more or less lightly and constitutes an interesting subject for epistemology and the sociology of knowledge. In the present case, however, it reaches a point in which the very foundations of civil democratic societies become friable.

3. Boltanski and the Refusal of Justification: A Theory and Its Significant Other

What does sociological theory have to offer for understanding this situation, and how can it possibly make sense of it? From a formal point of view, the discourse described here can obviously be understood as a radical type of criticism. In current social theory, it is Luc Boltanski who not only worked extensively on the dynamics of societal conflicts and their inner logics, but also formulated the most significant single contribution to the modern debate on critique. His theory of justification, comprehensively published in a work with Laurent Thévenot, tries to describe and explain how agents critically deal with situations they consider problematic, how they refer to different "worlds" or "orders of justification" when they perceive social injustice and suggest solutions that are considered more just, and how they eventually solve conflicts by making reasonable compromises between these different orders (cf. Boltanski & Thévenot 2006). At first, the PEGIDA discourse and its patterns of argumentation, if one cares to call it that, do bear certain similarities to what Boltanski and Thévenot call the "domestic world", which is essentially constructed along the lines of the family and puts emphasis on tradition and one's place in a hierarchy of personal dependencies (Boltanski & Thévenot 2006: 164 et seqq., 241 et seqq.). Indeed, the political vision of PEGIDA and the AfD as well as their agenda, rationale and logic strongly resemble certain elements that are characteristic for the domestic order, namely a strong affinity to authority and hierarchical thinking, a stressing of ancestry and tradition, and an emphasis on trust that is paradoxically at the bottom of mistrust. In addition, there are some elements which could well be drawn from what the authors call the "inspired world" (Boltanski & Thévenot 2006: 159 et seqq., 237 et seqq.), in particular the charismatic aspirations of right-wing leaders and their tendency to produce themselves as enlightened saviors of the country, enabled to look behind the curtains of the political stage: *"It Is Written, but I Say unto You"* (cf. also Weber 1978: 243). However, the underlying "logic of the house" ends beyond its very doorstep in the current case, radically excluding "the other" from the idea of generality and common good. Thereby, the PEGIDA model, as one that is based on primordial exclusion and the *negation* of fundamental principles, such as solidarity and equity, already violates a crucial assumption vital to Boltanski's entire polity model. As he argues on the case of eugenics

and national-socialism, "[a]n order supported by an *illegitimate value* is […] not established in full generality, insofar as its compatibility with the principle of common humanity has not been established", with "hierarchies relying on racial inequalities, and on biological inequalities in general" being the example given for illustration purposes (Boltanski & Thévenot 2006: 80). In Boltanski's model, which draws on political philosophies that have stood the test of time, the vision represented by PEGIDA and comparable movements should therefore not fall into a valid *cité* of justification that anyone may convincingly and acceptably refer to. In this orthodox reading, it *cannot* rely on any of the established orders of value because it challenges the very sense of justice of anyone referring to it.

It would, of course, be the easy way out to reify theory instead of taking empirical evidence seriously, only to then give up the theoretical model in its entirety for the current case. One other way to deal with the empirical observations at hand would be to introduce a new regime of justification into the framework, an "order of chauvinism" for instance, that renders racist and excluding claims of superiority legitimate. The problem here is the axiom that the idea of common [sic!] humanity [sic!] is the cornerstone of *every* valid regime of justification (which has been pointed out as a problem by a number of commentators before, Bruno Latour (1998; 2004a: 255) among many others, sometimes referring to Michael Walzer (1983) and his "spheres of justice", which actually allow the distribution of goods to be tied to particular groups of actors). There is another element in Boltanski's and Thévenot's theory, however, that appears interesting for the present case: the anomalies in orders of justification which the authors describe only very broadly on the last pages of their seminal book. While their entire theory is fundamentally based on the assumption of what Boltanski and Thévenot (2006: 34, 346) call the "imperative of justification" in modern, democratic societies, they are smart enough to also take notice of the crosscurrents of this imperative, if only very briefly.

On these last pages of the book, Boltanski and Thévenot discuss a number of strategies (so to speak) that actors may adopt when resolving conflict by way of justification seems too costly, pointless or otherwise impossible. Among those alternative strategies, we find *firstly* private arrangements, namely a deal between two parties that allows mediation between their particular interests but is not oriented towards a *common* good (cf. Boltanski & Thévenot 2006: 336 et seqq.). At the same time, this allows one to question a societal compromise by reducing it to a "solely" private arrangement. Interestingly, the authors mention racist ideologies in this context (cf. ibid.: 338) as a case of agreements that are essentially particularistic and not based on the idea of common humanity. *Secondly*, Boltanski and Thévenot mention the exposure of implicit allusions that are inherent to a justificational discourse, which is

then uncovered as being untruthful (for example, when somebody uses legitimate political arguments to conceal his or her actual, illegitimate interests) (cf. ibid.: 338 –339). *Thirdly*, the authors introduce the "flight from justification" (ibid.: 339–340.) as a special type of conflict solution, but it is noteworthy that this technique is narrowed down to cases in which actors *mutually agree* on the idea that the matter of debate did not really matter at all to begin with, an "active complicity among persons" which may then lead to a "relativization" of the conflict, understood as being based on a "tacit agreement to interest themselves in contingency and bring it into the foreground" (ibid.: 340). *Fourthly*, and as a more stable version of relativization, Boltanski addresses "relativism" as a general approach to life in which all orders of justification and the underlying common good are considered equally meaningless, but *without* referring to an alternative order of things (cf. ibid.: 340 et seqq.).

For the present case of relatively closed right-wing ideologies, it could be argued that elements or motifs of at least the first three strategies mentioned may be observed, while the full phenomenon cannot be captured by it. PEGIDA supporters, indeed, accuse established politics of being involved in specific types of private arrangements that ignore the alleged interests of the German people, while paradoxically their own conceptions, in fact, match the very same type of particularistic design. Furthermore, we also find an element in their rhetoric that claims to uncover the secret, scandalous plans of politicians behind the detested "humanitarian talk". What Boltanski and Thévenot call "flight from justification", however, falls remarkably short in this special case. PEGIDA is far from fleeing into contingency or from retreating into privatism. Its protagonists and supporters do have a political vision – and the AfD now also has a full-fledged party program to bring it about – but the more interesting point is that they largely *refuse* to enter into a serious discourse about this vision at all. At this point, it may be possible to introduce precisely this as another strategy to the model, namely the *refusal of justification*.

If we look at the structure of argumentation more closely, a difference may be stated between the logic at play when PEGIDA actors refer to their vision internally and externally. Among their own peers, their logic is indeed to a large degree inspirational (in Boltanski's terms), mixed with elements borrowed from the domestic order, focused on an idealized "community of blood" and on a neo-romantic glorification of what is considered the good old times of a traditional, homogeneous society. When defended against opposing views represented by outsiders, however, it is remarkable that these motifs move to the background – not to be substituted by other patterns of justification, but by a strong, emphatic will to refuse any kind of justification at all. What can be observed then is not a different type of reasoning,

justification or critique, but the general denial of argumentative discourse in principle, based on the total denial of the other's arguments, combined with an almost totalitarian claim to truth.

But where do such phenomena fit into Boltanski's framework? After having briefly discussed the aforementioned special cases, Boltanski and Thévenot (2006: 343–346) *lastly* mention the tension between violence and justification in a rather cryptic final paragraph that evokes more questions than it is able to answer. It becomes apparent only in the 1991 afterword to *De la justification* (Boltanski & Thévenot 2006: 347–358) as well as in Boltanski's parallel volume on *Love and Justice as Competences* that "justice", as the crucial point of reference in the theory of justification, solely constitutes one of four possible "modes of action" (Boltanski 2012: 68 et seqq.), with "the idea of a universe operating wholly according to justice" being considered "utopian". On several levels, the empiric case discussed here falls into the realm of violence – symbolically, ideologically and sometimes even practically –, and Boltanski makes a relevant point when he describes the "regime of dispute in violence" as one in which "[t]hings […] – and the category includes people, too, when they are in violence – are no longer human things, stabilized by their association with persons, but […] forces of nature", showing "themselves as foreign and unknown" (ibid.: 72). The notion of "refusal" fits into this scheme of dispute in violence rather well – and into the idea that "the impossibility of converging towards a principle of equivalence is what differentiates a dispute in violence from a dispute in justice" (ibid.: 68). However, these trenchant distinctions are already made on the periphery of Boltanski's model before he quickly turns towards "love" as an alternative regime, leaving "violence" behind as a desiderate of his framework, as the residuum which lurks in the dark for those analytical cases in which other "regimes" of dispute resolution have failed.

With this ultimately asymmetrical conceptual decision, the reader, looking for proper tools to deal with violent phenomena, is gracefully ushered out of the theoretical framework. While the ideological patterns and practical manifestations found in the PEGIDA movement may be far from a singularity, Boltanski's theory of conflict and justification remains strangely quiet here, and thereby to some extent shows a certain bias towards rationalist and idealist conceptions of social action, discourse and conflict. If we agree on this observation, we may raise much more general questions in this context, questions that might be addressed to large parts of our entire theoretical arsenal and our general ideas of justification, deliberation and rational democratic discourse. Without being able to further pursue this lead at this point, we should indeed ask ourselves what other theoretical means we actually do have available to address this type of a radical refusal of justification.

4. Latour and the Precarity of Critique: Epistemopolitical Problems

That being said, the problem we face with the described culture of mistrust goes even further. This is where the key notion of *critique* comes into play – in all its contested complexity and, hence, its *precarity*. To pinpoint the problem, the central *political* question arising from the aforementioned may be repeated here: How can voter milieus be reached by means of political communication and democratic discourse *at all* if any attempts at doing so are *a priori* considered untruthful and already part of a "larger" conspiracy against the people? Unfortunately, the problem is even more complex and far-reaching: Faced with the immense amount of mistrust towards the "lying press" and other parts of "the system", which has been observed in PEGIDA and its wider social context, major surveys were conducted in Germany in 2014 and 2015 in order to draw a more concise image of this spreading mistrust. The findings of these surveys were as consistent as they were alarming: Around 60% of all German respondents admitted to having *little* to *no trust* in the verisimilitude or "truth" of major media reports – 60% of the German population who basically does not believe what they read in the newspapers or see on TV (ZEIT Online 2015). Looking at the survey data in more detail, it is likewise remarkable and surprising that actors with above-average education and income, in particular, perceive media coverage as being "politically controlled".

In what was labeled the largest Europe-wide youth survey ever, these findings have recently been validated even further: The *Generation What?* Study, which surveyed almost one million 18 to 34 year olds from 35 European countries, found that 66% of the German respondents have "rather no" or "no trust at all" in political institutions (with educational effects opposing the aforementioned findings). Relative and/or absolute distrust in other institutions ranges from 33% (police) to 42% (legal system/judiciary) to 61% (media) and 81% (religious institutions) (Calmbach 2017). However, the situation is even worse in a comparative perspective: The number of young Europeans who more or less distrust politics averages at 82% (with the highest figures in France, Italy and Greece, ranging from 92 to 94%), and 79% of the respondents reported a mistrust of media (again over 90% in countries like the UK or Italy).[5]

5 Cf. the survey website at http://www.generation-what.eu/en/; some comparative results can be found at https://www.ebu.ch/news/2017/04/ebus-landmark-generation-what-project-reveals-picture-of-modern-european-youth; and at https://www.ebu.ch/events/2017/04/ebu-media-lunchtime-talk--generation-what-how-do-18-34-year-olds-feel-about-europe-and-many-other-things (last viewed: 15 May, 2017).

Faced with these disturbing figures, we need to acknowledge that the above-mentioned kind of mistrustful criticism is not at all a phenomenon particularly special to PEGIDA and its supporters. On the contrary, in 2014, even the official German broadcasting council blamed both the wider German media and the official "consortium of public-service broadcasters in Germany" (ARD), in particular, for their coverage of the Ukraine crisis, calling it "fragmentary", "tendentious", "flawed" and "one-sided" (Telepolis 2014). Effectively, not only protesters in Dresden, but also critical sociologists of the media, the media's very own broadcasting council, and, finally, a majority of the population seem to meet in a similar critique which happens to peak with the term "lying press" at some points and turns out more nuanced and sophisticated at other times, but ultimately is highly congruent substantially. In effect, while the described "cultures of mistrust" may form the foundation and background for the emergence of movements such as PEGIDA, they are far from reducible to it. But does that mean that the critique expressed by PEGIDA is, in fact, justified and reasonable after all? How do we draw the boundaries then, and how may we remain capable of differentiating between extremist conspiracy theories, cultures of institutional mistrust and objective, well-founded criticism?

To illustrate another facet of this problem, we may cite a simple, example: The German weekly intellectual newspaper *Die ZEIT* recently confronted Alexander Gauland, a founding member, vice speaker and by now one of the two frontrunners of the AfD, with selected statements by Sahra Wagenknecht, who in turn is the deputy chairperson of the German socialist party "Die Linke" ("The Left"). *Die ZEIT* asked Gauland: "Wagenknecht [the leader of the left] has, let us put it carefully, commented critically on questions of migration and immigration. She is less critical towards Russia. She is highly critical towards the USA. She is highly critical towards the 'economic imperative', and she hates the 'system parties' ("Systemparteien"). So, we ask ourselves, what is the difference between you and Wagenknecht?" To which Alexander Gauland answered, laconically: "That she's in the wrong party" (Ulrich/Geis 2016).

If there is only a pinch of truth to this assessment, does it mean that the differentiation between critical positions which are part of "paranoid" worldviews and those which constitute a "rational" critique towards certain politics and media practices cannot be drawn on the basis of *substantial* criteria anymore but only by attributing them to specific *speakers* – that is in the *social* dimension? Of course, this would be a dangerous path to follow, but it does, indeed, lead to the crucial question of how we can determine the borders between criticism and contempt or even condemnation of the media, between "appropriate" and "inappropriate" forms of mistrust in institutions. It is again Boltanski who, in his latest masterpiece on *Mysteries and Conspiracies*, makes

a fascinating point by proposing that the paranoid and the sociologist share one crucial trait, namely the firm conviction that there is always a concealed truth hiding behind things and how they seem to be (Boltanski 2014: esp. 170–267).[6] Paranoia, as a clinical disorder, and sociology, as a discipline with its generalized "hermeneutics of suspicion", historically developed around the same time, and thus are like unequal twins according to Boltanski. But then, how can they be distinguished? How, in other words, may we determine the "conditions that must be met for […] narratives […] to be judged *acceptable* or *unacceptable*" (Boltanski 2014: 213, emph. in the orig.)?

As far as looking to speaker positions is considered a reasonable starting point, the next step would be to generalize trust in public institutions or experts that "supply the official explanation", thereby falling into a "cult of *trust*" (Boltanski 2014: 207, emph. in the orig.; cf. ibid.: 209–212) which seems equally as dangerous as the cult of mistrust that is to be overcome. Another classical answer from the social sciences would be: by looking at the referred sources, the methods applied for determining truth as well as the inner logics of reasoning and argumentation. In Boltanski's words, we may try "to specify the formal properties a narrative has to manifest, in a given situation of utterance, in order to be judged acceptable or at least open to discussion, even by persons who do not accredit the way in which certain events are recounted in the story", that is to "orient us towards the analysis of the narrative grammars on which the character – acceptable or not – of the story of an event depends" (Boltanski 2014: 214). Boltanski calls these formal narrative structures the "grammar of normality" (ibid.: 215) and the "grammar of plausibility" (ibid.: 217). However, a number of problems arise at this point: Boltanski's issue (very much in line with Dewey) is not the identification of "objective" truth conditions but rather the *pragmatic* logic behind the "truth" of conspiracy theories and their "denunciation", the practical establishment of "acceptable" utterances or ideas, and the social logics behind it. His inquiry into the elective affinities of conspiracy theories, paranoia and allegedly "rational" sociological analyses is enlightening in that it shakes false certainties and illuminates the ambiguities of *both* everyday life and scientific accounts, yet it remains rather iconoclastic in the end and leaves a lot of burden on the actors and their capability to negotiate social realities. It may appear doubtful whether his otherwise lucid analysis helps to actually understand (let alone "solve") the *aporiae* that the "age of suspicion" (Boltanski 2014: 164, 226) has produced.[7] A substantial problem persists where even the very standards of scientific thinking are not *criticized* but entirely *rejected*, where what we call

6 The general motif is, of course, already prominent in, e.g., Popper (2002 [1945]: 306–308), with whom Boltanski (2014: esp. 234 et seqq.) deals extensively.

7 Boltanski borrows this term from Nathalie Sarraute (1963 [1956]).

a "reliable source" is already considered part of the false and corrupted system, and particularly where this rejection is based on criticisms and sceptical ideas very similar to those voiced by a large number of otherwise unsuspicious observers, including critical thinkers, sociologists and so forth. It is exactly this similarity (or potentially: indistinguishability) which makes it a delicate endeavor to tell the difference between justified ("acceptable") and unjustified ("inacceptable") critique or even call the spreading rejection of reason and justification into question. Surely not on the level of differing accounts and opinions, but on this meta-level of discourse is where any kind of rational and responsible discussion becomes truly difficult.

It is another leading French theorist, Bruno Latour – who in turn obviously studied *On Justification* more than just superficially before writing his own *Inquiry into Modes of Existence* (Latour 2013) – who identified this very paradox much earlier. In his much-cited essay on the question *Why Has Critique Run out of Steam?*, Latour (2004b: 228–229) asks: "What's the real difference between conspiracists and a popularized, that is a teachable version of social critique inspired by a too quick reading of, let's say, a sociologist as eminent as Pierre Bourdieu […]? In both cases", Latour answers his own question, in words almost identical to those of Boltanski, "you have to learn to become suspicious of everything people say because of course we all know that they live in the thralls of a complete illusion of their real motives. Then, after disbelief has struck and an explanation is requested for what is really going on, in both cases again it is the same appeal to powerful agents hidden in the dark acting always consistently, continuously, relentlessly. Of course, we in the academy like to use more elevated causes […], but I find something troublingly similar in the structure of the explanation" (ibid.). "Of course," Latour (2004b: 230) states further, "conspiracy theories are an absurd deformation of our own arguments, but, like weapons smuggled through a fuzzy border to the wrong party, these are our weapons nonetheless. In spite of all the deformations, it is easy to recognize, still burnt in the steel, our trademark: *Made in Criticalland*" (emph. in the orig.).

But there is even more to this strange relationship of paranoia, mistrust and critique: The actual and equally unsettling point is, in fact, not that conspiracy theories may be treated as "deformed" twins of "our own arguments", but the fact that in the process of their emergence and rise to popularity, "our own arguments" as well are "deformed" in a mirror-inverted manner. We should be aware that the appropriation of critical discourse *changes* the very character of critical arguments itself since the paranoid nature of conspiracy theories unleashes feedback effects unto the discursive sources upon which it draws. "What has become of critique", we have indeed to ask ourselves, "when there is a whole industry denying that the Apollo program landed on the moon?" (Latour 2004b: 228). By poisoning certain sources of critique

and contaminating them with the odor of paranoia, consolidated cultures of irrational and ideological mistrust endanger the possibility conditions of rational scientific critique as well. It is therefore not at all a random episode when Latour starts his narrative on the *Modes of Existence* with a business meeting in which an entrepreneur challenges the scientific account of climate change since he does not "believe" in it, which gives a first hint at what Latour will later describe as differing "modes" of being in the world, "modes" that may be translated into each other by means of "diplomacy", yet entail and uphold their very own, irreducible "veridictions" (in plural) (Latour 2013: 366). Needless to say that it is precisely at this point where sociological critique *itself* ultimately becomes precarious.

Under these premises, what Latour aims at, first and foremost, is nothing less than a renewal of sociology based on a critique of critique[8] – on "bring[ing] the sword of criticism to criticism itself" (Latour 2004b: 227). For Latour, the classical critical posture "was predicated on the discovery of a true world of realities lying behind a veil of appearances" (Latour 2010: 474–475) and, hence, absorbed by a (too) sharp, binary distinction between "*fact* and *fairy*" (Latour 2004b: 237, emph. in the orig.). Because of this, the genuinely "modern" critic, according to Latour, was practically forced to "alternate[…] haphazardly between antifetishism and positivism like the drunk iconoclast drawn by Goya" (Latour 2004b: 246), the precise state of affairs that constitutes the focal point of Latour's critique. As far as a positive concept is included in this project, it consists in "suspending the critical gesture" (Latour 2010: 476) by way of a largely descriptive (cf. Savage 2009), ethnographically-oriented style of research which he calls "composition" or "compositionist" in that it *brings together* elements in order to make them "speak" in all their potentially conflictual heterogeneity. Culminating in the *Inquiry* and the accompanying *AIME* project for the time being,[9] this "relativist relativism" (Latour 1993: 111–114) (or maybe better: *epistemological relationalism* and *ontological pluralism*) is conceived as a more "realistic" foundation for the social sciences that allows one to overcome the pitfalls of "critical" thinking and, if the allusion to Husserl is permitted, to go back "to the things themselves": "My argument is that a certain form of critical spirit has sent us down the wrong path, encouraging us to fight the wrong enemies and, worst of all, to be considered as friends by the wrong sort of allies because of a little mistake in the definition of its main target. The question was never to get *away* from facts but *closer* to them, not fighting empiricism but, on

8 Even though Latour (2010: 474) claims that his project of "compositionism could stand as an alternative to critique (I don't mean a critique of critique but a reuse of critique; not an even more critical critique but rather critique acquired secondhand—so to speak—and put to a different use)."

9 Cf. www.modesofexistence.org.

the contrary, renewing empiricism" (Latour 2004b: 231, emph. in the orig.). For the question of critique, this can only lead Latour to the same conclusion that Boltanski drew in the debate on critical sociology vs. the sociology of critique: namely to "follow the actors themselves" (Latour 2005: 12, 121, 227; Boltanski & Thévenot 2006: 10–12; cf. Boltanski 2011: 23–29) in their specific ways to "adopt a [critical] position with respect to the world, and lend it *meaning*" (Weber 2004: 381, emph. in the orig.).

5. Reassembling Trust and Critique: An Outlook

Again, the reader may find a number of interesting ideas in Latour's dealing with critique, but whether or not these turn out as useful tools for tackling recent political developments still remains an open question. So what is it that we may learn from Boltanski's and Latour's writings, and what is it that these two might add to the discussion on mistrust, right-wing populism, conspiracy theories and "fake news", as well as matters of critique and critical reason that run through these issues like a common thread? The case discussed here is, in fact, a special one: Politically, it is based on an extreme particularism and thus not exceptional in any regard. Epistemologically, however, it draws on conspicuous and conspiratorial, hermetically sealed patterns of reasoning. In this respect, it marks the exact opposite of what Boltanski (and in a certain regard also Latour) asks of critical sociology in order become a more reasonable, *pragmatic* sociology of critique, namely making its measures, reference points and standards of critique explicit and taking into account the very logics of justification of the other. For a start, we might acknowledge this ambiguity and come to understand the problems outlined here as epistemopolitical hybrids, for we are forced into dangerous dilemmas when focusing on only one side of this hybridity. The questions at stake are genuinely political ones at first glance, yet they quickly come to involve complex epistemological issues that have to be dealt with in order to reach a better understanding of the former. At the same time, the current debates on truth, knowledge, reason and (mis-)trust turn out to be deeply political, both in their inner structure and with regard to their actual and potential consequences. It is this very hybridity of conflictual issues that Latour has stressed for several decades, and we surely are well-advised not to "purify" them by blanking out one side or the other if a better understanding of these issues is what we are looking for (cf. only Latour 1993: 10–12). Our political problems with trust and critique *are,* in fact, epistemological problems – and *vice versa*.

On another note, we might take the pragmatistic impulses of both Boltanski and Latour seriously on an empirical level even if we are not buying into their epistemologies and ontologies in their entirety. If there is one thing

we might actually learn from these two authors, it is to observe more attentively again, to look more closely and to listen more carefully to what is happening in these dark places of society, places which precisely will *not* disappear, but will potentially even be bolstered by exorcistic critique and forceful refutation. Instead of falling either into naivety and excessive trust on the one hand or into mutual excessive distrust on the other (the "fact" and the "fairy" position, respectively) (Latour 2004b: 227), it might, indeed, be a good idea to follow Latour's understanding of critique and critical discourse as a practice of *composing* – of *assembling* heterogeneous elements that might otherwise soon end up as parted, separated ontological zones. "The critic", in this understanding, "is not the one who debunks, but the one who assembles"; he is "not the one who lifts the rugs from under the feet of the naïve believers, but the one who offers the participants arenas in which to gather" (ibid.: 246). Rather than countering cultures of mistrust with even more mistrust, thereby constituting *our very own culture of mistrust* to sink into, we might thus look for better ways "to protect and to care" with "caution" (ibid.: 232, 246) for those critical arenas and the elements which they entail. In the end, and on a practical level, these suggestions might lead into rather well-known (and in effect: rather Habermasian) models of discourse, yet (and in contrast to classical models of deliberation) there is reason "to visit successively and to document the different truth production sites that make up our civilisation" (Crease et al. 2003: 18) in order to bring them into a truly critical dialogue with each other.

In fact, there surely *are* means to distinguish between appropriate and inappropriate trust and mistrust, and between appropriate and inappropriate critique, but elaborating on reliable criteria to make these distinctions (and what does "relieable" mean under late-modern conditions?) *still* constitutes a pressing task for the sociology of mistrust and critique. Boltanski's original suggestion to overcome this problem was to take the respective critiques of the very actors in question more seriously, and we might add with Latour that the elements involved in these critiques first need to be "*re*assembled". Paradoxically, we might still end up with the fundamental problem of determining and justifying the respective epistemic *place* from which these distinctions can be drawn at all and how to take up a truly "metacritical position" (Boltanski 2011: 4–8) – the classical problem of ideological criticism and critical sociology. But we have good reasons to continue reflecting on the vital question of how criticism and well-founded, justifiable mistrust in institutions can remain thinkable and communicable, especially in times when hermetic arguments and paranoid thinking seem to be becoming more and more socially acceptable – thereby threatening to appropriate critical discourse and at the same time demonstrating how *precarious* this critical discourse is.

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Daniel Witte

Prekarnost kritike: kulture nepoverenja i odbijanje opravdanja

Apstrakt

Tekst se bavi skorašnjim razvojem u pravcu autoritarizma i desničarskog populizma koji je postao vidljiv u velikom broju zapadnih društava i pokušava da označi moguće kulturalno zasnivanje ovog trenda. Koristeći primer nemačkog pokreta PEGIDA i šireg miljea u koji je ugrađen, u tekstu se identifikuje i opisuje brzo širenje kulture nepoverenja i diskutuju neke od njenih političkih i epistemoloških implikacija. U drugom koraku, tekst se okreće teoriji opravdanja Lika Boltanskog, kako bi se postiglo bolje razumevanje ovog političkog pokreta. Argumentuje se da je kvazi-nasilno *odbijanje* opravdanja konstitutivno za ovaj pokret, te se stoga u izvesnoj meri transcendira okvir koji je postavio Boltanski. U trećem koraku, više pažnje je posvećeno epistemološkom paradoksu koji nastaje iz činjenice da su brojne glavne kritike koje iznosi pokret PEGIDA zajedničke za veći deo ukupne populacije, što dovodi do ozbiljnih problema za pitanje sociološke kritike. Tekst se koristi idejama Bruna Latura da bi bolje rasvetlio ovaj paradoks i ispitao njegove posledice. Zaključuje se sa primedbama o mogućnosti da se „ponovo združe" poverenje i kritika kao ključni, ali osporavani – i prema tome *prekarni* – temelji modernog društva.

Ključne reči: nepoverenje, sumnja, poverenje, paranoja, desničarski populizam, PEGIDA, opravdanje, kritika, Lik Boltanski, Bruno Latur

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The Game You Are in: Misleading through Social Norms and What's Wrong with It

Abstract This paper discusses the phenomenon of misleading about "the game you are in." Individuals who mislead others in this way draw on the fact that we rely on social norms for regulating the levels of alertness, openness, and trust we use in different epistemic situations. By pretending to be in a certain game with a certain epistemic situation, they can entice others to reveal information or to exhibit low levels of alertness, thereby acting against their own interests. I delineate this phenomenon from direct lies and acts of misleading by implication, and discuss some variations of it. I then ask why and under what conditions it is morally wrong to mislead others about the game they are in. I distinguish three normative angles for understanding the phenomenon: deontological constraints, free-riding on a shared cultural infrastructure, and implicit discrimination against outsiders and atypical candidates. I conclude by briefly discussing some practical implications.

Keywords: epistemic situations, lying, misleading, social norms

1 Introduction

This paper discusses the phenomenon of misleading about "the game one is in." It occurs when one party in a social interaction, A, implies, by drawing on established social norms, that this interaction is a certain epistemic situation for which certain degrees of alertness and trust are appropriate, although this is not the game she actually plays. By doing so, she puts the other party, B, at a disadvantage in the epistemic processes that take place between them. It is because human communication is embedded in social contexts that one can mislead others not only by violating epistemic norms, such as the norm of truthfulness, but also by violating social norms.

Consider the following example, which is atypical in its simplicity, but therefore helpful as an illustration. An engineer, Anne, is in negotiations with another engineer, Bert, from a different company. They discuss a deal about a new product that their companies might develop together. They agree that doing so would be profitable for both sides, but it is still open how the gains will be divided. Anne is keen to find out how large the other company's budget is: this would allow her to suggest a maximum price for her own company's contribution without putting the deal at risk. But during the first half of the negotiations, when they talk money, Bert is on guard not to reveal

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this information, because he is aware of its strategic importance. Later in the day, however, they walk over to the test stand where the prototypes are mounted. They get excited about the project, and start a heated discussion about how to solve the remaining technical problems. Both being engineers, and given that there are strong social norms about cooperation among fellow engineers, they are used to having collegial conversation in which they share their expertise. At one point, Anne notes, in a casual tone: "Well, that solution might work, depending on how much money you'd want to spend on it." In the heat of the moment, Bert readily reveals the information about his budget. Anne does not show any outward sign of triumph, but rather continues the technical discussion

Anne got Bert to reveal important information by catching him when he was in a different frame of mind than that of "talking money." Bert was relying on social norms about honesty and collegiality that apply to conversations among fellow engineers, but not to business negotiations. Anne blurred the boundaries between these two games, to her own advantage. Our intuitions about this case are likely to be torn between admiration for her shrewdness, and resentment towards the way in which she tricked Bert. My analysis will make clear why this is a borderline case, and why other instances of this phenomenon are clearly morally wrong.

This case is one instance of the broader phenomenon of morally questionable forms of behavior that I describe as "misleading about the game." This phenomenon has not yet been discussed in moral or political philosophy or social epistemology, although related themes have received some attention. Tamar Schapiro (2003) discusses a constellation that she calls the "sound and fury" problem, other people's undermining a shared practice make one's own actions change their meaning, so that one can become a "tool for evil;" for example, what one participates in is not the practice of "law enforcement" but of "running a mafia." Schapiro asks whether this can lead to situations in which moral agent are justified in not doing what would otherwise be their duty. One subgroup of cases of being misled about the game one is in are cases in which we think we participate in a shared practice, but the other party does not comply with its spirit. But the phenomenon is broader, and has distinctive moral features of its own. It is also different from the cases of "epistemic injustice" that Miranda Fricker (2007) analyses, i.e. cases in which individuals are not granted full epistemic standing because of racial or sexist prejudices, or cases in which individuals lack the vocabulary to express moral wrongs done to them. While not knowing what game one is in can lead to similar experiences of discrimination and exclusion, it is a different phenomenon.

What misleading about the game has in common with these cases, however, is that it can only be understood if one takes seriously the social embeddedness

of human behavior, including communication. Human behavior is often highly interdependent, and subtle differences in what others do can make a difference for one's own reactions and for the normative evaluation of the situation. These nuances are hard to capture if one assumes a picture of human decision-making and agency that focuses exclusively on our rational capacities. But if one takes a realistic picture of how human beings react to social cues, for which there is good empirical evidence (see §4), we can see that there are forms of misleading that "rational man" would not succumb to, but that are nonetheless widespread and that raise complex moral, social, and political questions.

In this paper I focus on one category of such cases, which I call "misleading about the game you are in." In the next section, I clarify the notion of games and of the epistemic situations they create. I then discuss how one can mislead others about the game they are in, and differentiate this phenomenon from lies and from misleading by implications, and explore a number of variations of the phenomenon. I distinguish three normative angles from which one can approach it. The duty to treat others with respect can explain some, but not all instances. A second possibility is to understand such forms of misleading as free-riding on a shared cultural infrastructure that is, on the whole, beneficial for the kinds of fallible creatures human beings are. Finally, such cases can also be problematic because they can lead to implicit discrimination against outsiders and atypical candidates. I conclude by briefly discussing some practical implications, both at the level of individual moral behavior and at a broader political level.

2 Social games and epistemic situations

Our interactions with others are socially embedded. In differentiated societies, they can fall into different social spheres in which different kinds of social interactions or "games," governed by different sets of norms, take place. For example, among family members in good standing we expect trust, honesty, and mutual support – we can "open up" before them. Among colleagues, we expect a certain degree of loyalty, but not necessarily complete openness about our private lives. Being a trusted, year-long business partner evokes different norms than entering into a one-off exchange. When one meets in court, it would be naive not to expect some degree of strategic communication. This is a fact of life, and while we may disagree about the moral qualities of specific games, for example about the degree of adversarialness in legal interaction, the plurality of games as such is not morally problematic – or so I assume in what follows.

The notion of "game" that I use to describe different kinds of interactions in different social spheres is, or course, a metaphorical notion. It nicely captures a number of aspects that are important for understanding the phenomenon

I am interested in. Games are something one plays together, and games have rules that everyone needs to know in order to participate. Nonetheless, many games also leave scope for individuals to make moves of their own within the framework of these rules. Playing a game skillfully means being able to move in ways that further one's own interest or the interests of one's team. Many games contain some degree of competitiveness, but it is considered unfair to break or bend the rules in order to outcompete others. These features of games cohere nicely with the social interactions within which the phenomenon of "misleading about the game" can take place. A feature that coheres less well with this phenomenon is the fact that games are played for fun, and nothing serious is at stake. This *can* be case in the phenomenon of "misleading about the game," and if so, the weight of moral wrongdoing can be diminished accordingly. But it is not true for all instances of this phenomenon. It can have a serious impact on the rights and the welfare of individuals, for example when it takes place within job negotiations.

Many theories of social differentiation conceive of the social realm as being cut up into different games, with "large chunks" of social life belonging to one game or another. But in real life these relations can be rather complex and hence difficult to navigate. Different games can overlap, or be part of more complex meta-games. The boundaries of games can be fuzzy. Some games include meta-rules about how to change the rules, others don't. Sometimes, individuals are caught in roles that simultaneous belong to different games, and have to negotiate the relations between them. For example, in an ethnographic study of a tech company Kunda discusses the case of a married couple who both work for the same company. They have to go to considerable lengths to clarify their different roles as spouses and colleagues (1996, 196f.). Economic relations, which are often more interest-driven than other social relations, are embedded in social relations (see e.g. Granovetter 1985), which can create tensions and conflicts between the roles individuals have within different games.

Depending on the game we are in, different epistemic situations can arise. Epistemic situations are characterized by the norms that govern the epistemic processes in a social interaction. These norms usually flow from the broader norms governing the game within which the epistemic situation takes place. In a trustful relationship with a friend or lover, I expect openness and fully rely on her testimony. It would be foolish to rely on the same standards in legal negotiations. When I ask a distant acquaintance how she likes my new neck tie, I should expect a polite phrase, not a truthful statement of his opinion. The norms about what can be left *unsaid* without violating epistemic standards also vary depending on the game within which an epistemic situation takes place. We not only evaluate the epistemic acts of others, but also adapt our own levels of alertness, openness, and trust

depending on what we understand the epistemic situation to be. This is why it is usually[1] advantageous to know what kind of game one is in: this allows us to understand how to approach the epistemic situation, and to participate in the relevant games on an equal footing.

3 Misleading about the game

In standard cases, the social norms of a game clearly signal which epistemic situation we find ourselves in. But individuals can benefit from misleading others about the game they are in, because this can give them an epistemic advantage. For example, the other party might behave more trustingly if she thinks that the game is a friendly collegial chat in which no strategic interests are at stake. By pretending to be in a different game, e.g. by blurring the boundaries of different game or by abruptly switching games, individuals can opportunistically exploit the tendency to adapt one's epistemic stance to the game one takes oneself to be in. This can happen in face-to-face interactions, as in the example of Anne and Bert, but also in more anonymous contexts, including online interactions.

In a job interview, the conversation can switch from the game of "will we hire you?" to the game of "we want to hire you – how much do we have to offer to make sure you'll accept?" The epistemic situation changes accordingly: in the first game, it is unproblematic for applicants to signal their eagerness to receive an offer, whereas in the second game, it may be appropriate, and indeed necessary for defending one's own interest, to communicate in a more strategic way, e.g. by not revealing that one does not have any alternative offers. Hence, if the potential employer is not open about which game is being played, he is in an epistemically privileged position. Or take a conversation between a doctor and a patient about treatment options, which the patient takes to be one in which the doctor speaks as a medical expert with a professional responsibility, and hence fully trusts her judgment, while the doctor has her financial interests in mind. If the patient knew this, he could adapt his epistemic stance to a more skeptical attitude, questioning the usefulness of different therapies instead of blindly trusting the doctor. Some websites seem to practice a similar kind of misleading by pretending to be a different kind of website than they actually are, e.g. services free of charger rather than subscription-based sites.

Such acts of misleading are different from direct lies, in which someone makes a statement that is contrary to what she knows to be the case. In most situations, lies are morally wrong, and there is a venerable philosophical

1 There may be occasional exceptions, e.g. in the artistic realm, where the attraction of a game may stem from individuals not knowing what game it is.

tradition of discussing the question of whether or not they can be morally justified under certain conditions, e.g. in order to protect some other moral good. Often, lies are also forbidden by law and one can take legal action against them if one has sufficient evidence. This is probably why many agents try to avoid direct lies – either because they genuinely care about not violating the norm not to lie, or because they fear the consequences of being caught – and resort to other forms of misleading instead. Misleading about the game, however, is also different from standard forms of misleading, which exploit the implications of what is being said.[2] To cite an example used by Bernard Williams: if someone says "Someone has been opening your mail," we usually do not expect the person to refer to herself as the one who opened the mail, although this possibility is, technically speaking, included in the set of individuals described by the term "someone" (2002, 96f.). Such forms of misleading do not come to us naturally: we have to think carefully about how to craft statements that are technically correct, but from which the other person will draw a wrong conclusion.[3]

What differentiates acts of misleading about the game one is in from lies and misleading by implication? Lies violate a core epistemic norm: the norm of truthfulness. Misleading by implication does not directly violate the norm of truthfulness, but rather violates linguistic norms about how we use certain terms. In both cases, the relevant norms are *epistemic* norms. If one misleads someone about the game that she is in, in contrast, one violates non-linguistic norms: social norms that signal to others which game is being played, and hence which epistemic situation they are in. This form of misleading would not be possible if epistemic processes were independent

2 It is an old discussion in moral philosophy whether there are morally relevant differences between lying and other forms of misleading (for a historical account see e.g. Williams 2002, 100ff.). In a recent account, Jennifer Saul has scrutinized various arguments that have been suggested for establishing such a difference (2012, chap. IV). Candidates that have been suggested include the more active role of listeners who draw a wrong inference, or the additional efforts it can take to mislead someone in this way. Saul rejects these arguments as insufficient: there are either counterexamples that prove them wrong, or they are not consistent with what we think makes a moral difference in other contexts. Often, she concludes, we mix up judgments about an agent's characters with judgements about the act, and this leads to the impression that lying and misleading are morally different (ibid., 86ff.). Another approach, suggested by Webber (2014), is to ask what damage a lie and an act of misleading can do. If someone misleads another person, her trustworthiness with regard to the implications of her statements is damaged, but her trustworthiness with regard to the truth-value of statements – what Webber calls "credibility in assertion" – is kept intact; a lie, in contrast, damages both.

3 Another variety of deceptions, which is already very close to misleading about the game one is in, is the use of non-verbal clues, such as packing a suitcase in order to suggest that one has the intention to go on a journey (see e.g. Saul 2012, 75ff.; the example goes back to Kant).

of the social situations in which they take place (whereas we can understand lies and other forms of misleading independent of social context, at least up to a point). But given that different epistemic situations *are* part of different social games, and given that human beings tend to adapt their epistemic stance to these games, this form of misleading is possible. When one lies or misleads by implication, the deception takes place *within* the epistemic situation. When one misleads about the game, one ushers the other person into the wrong room, as it were, and once she has adopted the wrong epistemic stance, one can proceed without other forms of lying or misleading.

To be sure, in many cases these different phenomena go together: once one has misled a person about the game she is in, it may be temptingly easy to also use misleading statements or even lies. But the example of Anne described earlier shows that misleading about the game can also work on its own. Anne did nothing but ask an implicit question ("How high is your budget?") – which, not being a statement, cannot be a lie, and which can hardly be reconstructed as a form misleading by implication, along the lines of "Someone has been opening your mail." The act of misleading, if one wants to describe it as such, was not to ask the question, but rather to casually weave it into what Bert took to be a different epistemic situation.

One can distinguish a number of different variations of this phenomenon, which are relevant for a normative evaluation. A first distinction can be drawn between *catching others unaware* drawing on *genuine ignorance* of relevant social norms on the part of those who are misled. Living in a complex world, and navigating different social spheres, human beings are used to relying on social norms in order to adapt their behavior to these spheres. When they are familiar with the rules of the games, this can happen more or less unthinkingly. We see certain cues or symbols that stand for a certain social sphere and automatically switch into a certain frame of mind. Psychologists distinguish, as a metaphorical short-hand, between two modes of human cognition: "system 1 thinking" and "system 2 thinking." System 1 "operates automatically and quickly, with little or no effort and no sense of voluntary control" whereas system 2 is "slower, conscious, effortful, explicit, and more logical" (Kahneman 2011, 20-23). When operating in a "system 1" mode, switching into the right mode for different games happens just as "automatically and quickly," triggered by linguistic or other signals, almost below the level of conscious perception.

As psychologists have shown, certain words can have a "priming" effect on human beings: being exposed to them influences our reaction to other stimuli. For example, some words signal cooperativeness, whereas others signal antagonism. In one experiment, researchers used an identically structured repeated prisoner's dilemma game under different names: "Community

Game" and "Wall Street Game." Participants reacted very differently, showing higher levels of cooperativeness in the "Community Game" (Liberman et al. 2004). Humans also adapt their behavior to that of others, using a "do what the majority of peers do"-heuristic (Gigerenzer 2010, 539ff.). If others behave differently from what we think would be the right way to behave, this can create considerable discomfort – as was the case for the participants in Solomon E. Asch's famous experiments, in which a group of people confidently gave wrong answers to simple questions (1951). The tendency to adapt to the behavior of others almost instinctively can also be used for misleading others about the game they are in.

Being misled by being caught unaware is different from being misled because one does not know the rules of the game. Take the example of job negotiations and the shift from "will we hire you?" to "how much do we have to offer?" Often, there will be subtle cues, for example a shift in tone or the involvement of additional individuals, that allow experienced candidates to understand what is going on. He may not even actively register these cues *as* cues, but simply understand that he is now in a different game. An unexperienced candidate, in contrast, may not know the relevant norms of hiring processes, and therefore not capture these signals.

The French sociologist Pierre Bourdieu (e.g. 1986) has famously distinguished various forms of capital: economic capital in the conventional sense; social capital, i.e. membership in certain groups and access to networks; cultural capital, i.e. education and knowledge that allow individuals to act as cultural authorities; and symbolic capital, i.e. recognition, prestige, and trust from others. The possession of social and cultural capital can help individuals to get a better understanding of the games they are in, and makes it less likely that they can be misled about them. For example, they might be better able to notice subtle social cues that signal persistent conflicts of interests or a willingness to compromise. Candidates who lack social and cultural capital, in contrast, may not be able to anticipate such mechanisms and to catch the signals for a switch of games. They may therefore remain in a defensive mode in a succession of different games, and that may make it harder for them to defend their own interests.

While the examples I had discussed earlier mostly consisted of cases in which the act of misleading about the game was an intentional act, this last example illustrates that such acts can also happen unintentionally.[4] Unintentional acts of misleading about the game can happen, for example, if someone simply cannot imagine that the other party would *not* understand certain signals.

4 In this respect, misleading about the game is different from manipulation, which, as Baron (2014) convincingly argues, requires intent.

But the different games we participate in, and the different epistemic situations that arise within them, take place in societies that are vastly unequal and highly differentiated. Therefore, a signal that is completely obvious for individuals from one background may be unreadable for individuals from another background. Semi- or unconscious processes on the part of the person who misleads may also play a role; for example, in the case of job negotiations she may hold a semi-conscious view that if a candidate does not get the signals she sends, then this candidate does not "fit" into the company.

A third dimension that helps to understand the variety of cases of misleading about the game concerns the question of who can define what the game is. In some situations, e.g. in the case of Anne and Bert, the opportunity to do so is symmetrical. Both parties are on a par in the sense that they jointly define the game, and both can switch to a different game – Bert could have tried to mislead Anne in the same way as Anne misled him. In other cases, one party asymmetrically defines the game, and the other party can either accept or reject this game, but cannot suggest a different game. In the job market, candidates usually cannot switch to the game of "how much do we have to offer?," although if they have other offers they can switch to a game of "can you make me a better offer than others?"

Finally, one can also distinguish between malevolent and benevolent acts of misleading about the game. In "malevolent" cases the person who misleads others does so in order to further her own interests, at the costs of others' interests. One can imagine, at least as a theoretical possibility and as a point of comparison, that someone does so in order to further the interests of the person she misleads. For example, a benevolent HR officer might want a certain candidate to be hired, but realizes that he might, out of naiveté and inexperience, demand far too high a salary. It would be better for the candidate if he did not push his luck too far. In such a situation, the HR officer could attempt to mislead the candidate about the game he is in, in order to prevent him from harming himself by making demands that are perceived as impertinent, which would lead to him not getting an offer at all.

4 The wrongness of misleading about the game

How can we evaluate the phenomenon of misleading about the game from a normative perspective? Act consequentialism, which takes into account the interests of the individuals involved in concrete cases, does not get us very far, because all depends on the circumstances and the concrete constellation of interests. For example, if Anne's company is under pressure and she might have to lay off employees if she does not get a good deal, it may seem justified to trick Bert into revealing the upper limit of his budget – unless there is some even weightier interest on *his* side. In a case of benevolent misleading,

there would not be any "moral remainder" from this perspective; a result many commentators would reject as implausible. Instead of act consequentialism, I suggest three other normative angles that allow us to grasp what might be wrong about such cases, but also to distinguish between the different varieties of the phenomenon distinguished above.

4.1 Deontological constraints

A promising candidate for understanding what is wrong with acts of misleading about the game, at least intentional ones, is the imperative to treat others with respect and not to use them as instruments of one's own will, which creates deontological constraints on how we may treat them. The way in which Anne treated Bert implies that she put her own will and interests above his, not treating him as an independent agent worthy of respect. With regard to a similar constellation, the unilateral subversion of practices, Schapiro notes that what is problematic about it is that "it makes you end up serving a unilateral will" (2003, 345). This one-sidedness also characterizes cases of being intentionally misled about the game one is in. They can be described as a form of manipulation in which the other person is not treated with the respect owed her as moral equal.[5] This is morally problematic, no matter whether it is a case of catching others unawares or of playing on their ignorance; it seems wrong in symmetrical as well as asymmetrical cases. It also explains why even in benevolent cases, there is a "moral remainder": it remains the case that treating someone in this way expresses a lack of respect, even if this failure may be outweighed by good consequences.

It is interesting to note that in many cases, the strategy of misleading others about the game cannot be revealed to them without destroying its effectiveness. It could hardly be translated into a general law, in the sense of Kant's categorical imperative, without undermining the conditions under which it

5 In the philosophical debate, various suggestions have been put forward for how exactly to understand the wrongness of manipulation. For example, is deception a necessary element, or is it necessary to address non-rational aspects of the object of manipulation? (for an overview of the debate see Coons/Weber 2014, 9ff.). What unites different cases of manipulation, as Coon and Weber argue, is that the manipulator (A) shows a lack of consideration for the object of manipulation (B) that cannot be generalized: when A influences B, she has "no regard for whether the influence *makes sense* to the manipulator were he or she the person being influenced" (ibid., 13, cf. similarly Gorin 2014). This criterion is sufficiently general to also capture (at least some versions of) the phenomenon of misleading about the game. An important difference between manipulation and misleading about the game, however, is that manipulation – at least as usually understood in the debate – concerns processes of reflection and the formation of preferences. Acts of misleading about the game do not "intrude" into an agent's inner life, but rather set up a trap in her environment, which concerns the agent's immediate behavior, not so much her processes of reflection and the formation of her preferences.

is possible to use it. If everyone tried to mislead others about the game they are in, the social norms on which such maneuvers rely would break down, just as the institution of a promise would break down if everyone broke their promises.

The deontological constraint is especially plausible for ruling out cases of misleading about the game in which the other party was genuinely ignorant about the norms in question. For cases that play on lack of awareness, however, an objection might be raised: an argument from consent. It might be said that there are situations in which both parties agree, implicitly or explicitly, to treat one another not according to standards of complete openness and honesty, but to allow strategic behavior. This is more plausible when the situation is symmetrical, i.e. when both parties jointly define what the game is, but we can also imagine cases in which an individual consents to a situation that is unilaterally defined by another person, but in which strategic behavior is permitted. Here, as in "the sound and the fury" phenomena discussed by Shapiro, one question is how to establish that genuine consent has been given. It might be said that by initiating certain forms of social interaction, individuals agree to by their rules, and also agree to let others play by them. One might say that they have consciously and voluntarily entered a game (or meta-game), e.g. "business negotiations," that allows participants to use various tricks, including misleading about the game, once they are on the playing field.

To be sure, there is something disingenuous about misleading others about the game they are in. It exploits our less-than-fully-rational nature: our tendency to follow cues, to jump to conclusions, or to be swayed by the heat of the moment, e.g. by an intense discussion in which we jointly tackle technical problems. This happens to the overwhelming majority of people from time to time, and it seems not especially virtuous to abuse this tendency. Nonetheless, it might be said that in certain situations, we simply have to be on guard, and if we behave less-than-fully-rationally, others cannot be blamed for taking advantage of this fact. Such arguments seem somewhat plausible for business contexts or legal contexts in which parties have conflicting interests. There has been some debate about the permissibility of deviating from everyday moral standards in such situations.[6] For the sake of argument, we can assume that it is sometimes the case that by entering certain games, we implicitly agree to being treated in ways that would violate deontological constraints if they took place elsewhere.

6 See e.g. Dees / Cramton (1991) on a "trust based" perspective on business ethics that argues that situations *with* trust, or in which trust can be *built,* need to be distinguished from other kinds of situations. For the context of law, Applebaum (1996, chap. 6), provides a discussion of the conditions under which "adversarial" behavior that deviates from everyday morality can be justified. As he argues, such deviations are possible, but the conditions for them to be legitimate are far more stringent than is often assumed.

Some of the ambiguity about the case of Anne and Bert can be explained by the fact that we do not know whether or not implicit consent can be assumed. Some might say that it was Bert who made a mistake by not being on guard. He should have kept in mind that the broader context was one of business negotiations, and should have been more careful not to reveal strategically important information. One can imagine different versions of the story in which this is more or less plausible. For example, Anne might have a reputation as a shrewd businesswoman, or it might be known that she fights tooth and nail to keep her company in business. In a different version, Anne and Bert might have cooperated before and some level of mutual trust might have developed between them, or they might work in an industry in which there are high standards of honesty and fair dealing. Depending on such details, it can be more or less plausible to blame Bert rather than Anne. What makes this more likely in the example of Anne and Bert is the fact that their relation is symmetrical: both jointly defined their situation, and both could try to play tricks on each other.

Thus, while consent can *sometimes* remove deontological constraints, the argument remains limited in scope. While there can be cases in which normatively meaningful consent – i.e. fully informed, voluntary, and rational consent – can be presupposed, especially in symmetrical cases, this does not cover all cases. It rules out cases in which individuals genuinely could not expect that someone would mislead them about the game.[7] It is important to note, however, that this argument is difficult to apply to cases of *unintentional* misleading about the game. If there is no intention to treat others instrumentally, it seems difficult to hold that a duty of respect has been violated – unless one postulates a duty to make sure that even unintentional acts of misleading about the game do not happen, so that a failure to do so is a case of culpable negligence. As we shall see, there are good reasons for doing so.

4.2 Free-riding on the cultural infrastructure

Acts of misleading about the game blur the boundaries between games, or abruptly switch between different games, in ways that the other party does not expect. This is only possible against the background of social

7 To take an extreme case: there have been reports about an undercover agent who started a romantic relationship with a woman in order to spy on her and her group of friends, who were environmental activists (http://www.theguardian.com/commentisfree/2015/jul/28/relationships-undercover-officers-lies-mark-kennedy-police). When the woman discovered his true identity, the agent left in a hurry, leaving her devastated and deeply unsettled. In this case, there were probably many lies and deceptions involved – but we can imagine a scenario in which it happened without any direct lies, because most individuals do not explicitly ask their romantic interests whether they might be undercover agents, which means that direct lies might not be necessary.

differentiation: in different social spheres, different social norms prevail. These social norms protect something valuable, namely the opportunity to live a life that contains different social games, with different epistemic situations. More specifically, what is protected is the ability to maintain *some* games in which we can trust others, rely on their words, and do not have to fully concentrate on opportunities that they might size in order to mislead us. Without social norms that single out certain situations as "trust games," as it were, the default epistemic attitude would have to be the expectation that other individuals (maybe with the exception of close family members and friends) are epistemically non-cooperative, so that in order to protect our interests, we would, at any point in time, have to be maximally on guard.

When someone misleads another person about the game she is in, she free-rides on these valuable social norms: she draws on them, but does not help maintain them. In order to be stable, social norms need reinforcement: most individuals, most of the time, need to obey them and sanction deviations, otherwise the norms can easily unravel. Nonetheless, it can be tempting for individuals to deviate from them for their own benefit. The situation has the structure of a prisoner's dilemma: it is collectively rational to maintain these norms, but individually rational to deviate from them in order to pursue one's own interests. One can condemn such free-riding from different moral perspectives: from a contractualist perspective, it violates the conditions of the possibility of certain forms of cooperation; from a (rule-) consequentialist perspective it destroys opportunities for increasing total welfare. By postulating a duty not to mislead others about the game, we preserve a cultural infrastructure that protects our interests even in situations in which we do not pay full attention, or do not know the subtleties of the social norms invoked.

"So what?," someone might say, "it's a cold world out there. Why should I stick to these norms rather than pursue my own interests?" But the picture suggested by this remark is deeply at odds with what we know about human cognition and about the ways in which it depends on supporting structures in the external world. Human beings are not Cartesian egos, completely autonomous and independent of external support. Rather, they constantly use what philosophers of mind have called "scaffolding" in order to improve their cognitive and volitional capacities – from pen and paper for memorizing things, to maps or computer programs that help us find our way.[8] As one scholar put it: "it is the human brain *plus* these chunks of external scaffolding that finally constitutes the smart, rational inference engine we call mind"

8 E.g. Clark 1996, 45. As he notes, the term has its roots in the work of Soviet psychologist Lev Vygotsky.

(Clark 1996, 180). We are embodied creatures, not Leipnizian monads, and we have adapted to a material and social world.

The cultural infrastructure that helps us to navigate the complex social world we live in can also be understood as a form of "scaffolding." In some games, we trust others almost unconditionally; in others, we want to make sure that we possess the right level of alertness, and so on. If we know that there are some games in which we better not trust others too easily and which ones these are, we can prepare ourselves. For example, we might avoid such spheres when we have a headache and have trouble concentrating.

If we do not know which game we are in, however, we feel at a loss. We do not know how to behave and what level of alertness to exhibit. Sometimes, we may be able to creatively make up the rules of the game as we go along, especially if we are in symmetrical situations in which we can do so together. But in many situations, there are preexisting asymmetries of power that make it hard or impossible to play a part in defining the rules of the game. Even if it turns out that we did not make any "mistakes" in the sense we have fallen into a trap set up by others, we are often stressed out by such situations. If we had to live with the constant fear that some individuals might trick us by blurring the boundaries of different games, this would make our lives very strenuous: we would always have to look out for signs that reassure us about the game we are in, in order to make sure that we are not being misled. Social norms help us to decide when we are justified in letting our guard down and speak and act spontaneously, on the assumption that others will not exploit this fact. This is a collective achievement that is worth protecting.

The maintenance of the cultural infrastructure that helps us differentiate between different spheres can be understood in analogy to the maintenance of an epistemic regime in which truthfulness is the norm. Williams provides a compelling genealogical account of why we should endorse such a norm, starting from the fact that human beings practice an "epistemic division of labor": they pool information, relying on others for observations or other forms of knowledge that they have not acquired themselves (2002, 43f.). To do this successfully, Williams argues, the virtues of "accuracy" and "sincerity" are needed, to resist the temptations of "fantasy" and "wish" and the temptation to avoid costly "investigative investments" in acquiring correct information.[9] In other words, the members of the group that Williams imagines need to overcome a prisoner's dilemma: for each of them, it is easier not to make such investments and to free-ride on others contributing knowledge, but this is collectively irrational, as it leads, by assumption, to an underinvestment in the acquisition of knowledge. This is why we should endorse

9 Ibid., chap. 5 and 6.

the virtues of "accuracy" and "sincerity," and why strong social norms against lying and misleading are appropriate.

A parallel argument can be made for maintaining the cultural infrastructure of social norms that signal which game we are in: whether it is appropriate to trust one another or whether we need to be on guard, whether we can be spontaneous and share personal information or whether we need to factor in that it might be used against us. The fallback option, outside the circle of one's close allies, is to be on guard as much as possible, so what these norms make possible is the creation of protected spaces in which we play different games, with higher degrees of trust and openness. Maintaining them, however, requires more than "accuracy" and "sincerity;" it also requires that we are open about the game we are in.[10] This is why there is a moral remainder if we mislead others about the game they are in – even if, and especially when, we accept that there are some games, e.g. business negotiations, in which we do not have to be fully open.

To be sure, not every single instance of free-riding contributes to the undermining of a social norm. Many social norms are fuzzy around the edges and tolerate some violations. But violations, if left unsanctioned, can nonetheless have wider implications: norms can unravel because violations are perceived by others as signals that the norms are not valid. From a consequentialist perspective, these can be described as "spirals," in the sense of the term introduced by Jonathan Glover: actions can have "an influence on people," which is then "repeated" and thus snowballs into a larger effect (1975, 179f.). While a contractualist would condemn acts of free-riding as wrong in themselves, a consequentialist would probably distinguish between cases in which such further effects are more or less likely. For example, if Anne's behavior towards Bert is widely visible within their industry, and contributes to the destruction of beneficial norms of honesty and collegial collaboration, a consequentialist would evaluate this case differently from a one-off scenario in which no one but Bert is affected. What is interesting to note, however, is that this perspective captures the wrongness not only of intentional, but also of unintentional acts of misleading about the game: an act of unintentional misleading expresses a lack of attention to social norms that we all have a co-responsibility to protect, and can therefore also be morally wrong.

10 This can be understood as an "other-directed epistemic virtue," in the way in which de Bruin, for example, describes "epistemic generosity": it helps *others* to acquire knowledge (De Bruin 2015, 53ff.; see also Kawall 2002); sometimes it can also include genuine moral generosity if it allows others to better pursue their interests. But while such generosity is usually understood as addressing the person we are directly interacting with, honesty about the game one is in also protects a *general* good: the ability to maintain certain norms that we all benefit from.

4.3 Implicit discrimination

A third perspective from which to judge acts of misleading about the game asks who is most likely to be their victim. Many such manoeuvers will hit individuals randomly, especially those that try to catch us unaware.[11] But we can nonetheless expect that the phenomenon reinforces existing inequalities in our societies. This is true in particular for versions that play on individuals' genuine ignorance of social norms. Individuals from different backgrounds, e.g. along lines of gender, race, or class,[12] have differential access to, and opportunities to internalize, knowledge about context-specific norms, for example the norms that govern job negotiations. This can lead to serious disadvantages, no matter whether a potential employer intentionally misleads them or whether she is simply inattentive to the applicant's lack of understanding. This is particularly problematic when situations are asymmetrical, with one party defining the game and the epistemic situation: if the other party lacks relevant social and cultural capital, it is very likely that she ends up in a position in which it is hard or impossible for her to defend her legitimate interests.

Most individuals are more likely to share knowledge with individuals with similar socio-economic characteristics, i.e. family members or friends. This creates a structural asymmetry can coexist with formally equal conditions. Acts of intentional or unintentional misleading about the game can take place without any direct discrimination against atypical candidates. The kind of social knowledge they need to move smoothly through, say, job negotiations, can be difficult to acquire if one has not acquired it during one's early socialization, because so much of it is implicit. Even if it can be acquired later in life – for example by reading guidebooks on how job negotiations work – there is still an asymmetry between those who acquire it automatically and without effort, and those who have to carry costs, both literally and metaphorically, to acquire it. These additional costs make it harder for "outsiders" to pursue their interests. To be sure, acts of misleading about the game are not the only phenomenon that plays a role in explaining their

11 However, in a discussion of manipulation, Cholbi (2014) argues that "ego depletion," i.e. the phenomenon that self-control can be depleted, is an important factor for understanding poverty, because poor individuals often have to exercise a high degree of self-control and are therefore more vulnerable to manipulators. Similarly, exercising self-control needed for remaining attentive to the cues that define the epistemic situation is probably more difficult for individuals who have to exercise self-control in many other areas as well, which is more likely for poor and disadvantaged individuals.

12 These run along similar, but not necessarily identical, lines as those analyzed in Fricker's (2007) account of epistemic injustice. It seems likely that these phenomena often go together.

disadvantaged position. But it is one worth noting, if only it is usually too subtle to be grasped by the tools of legal regulation.

Our complex social world with its various social games and epistemic situations, which may look like a wonderful playing field full of opportunities for various kinds of interactions to those familiar with the social norms, can look very unfriendly to those who have trouble understanding these norms. What is helpful social scaffolding for those who can read the signals, can be a dangerous trap for those who cannot. Moving in spheres in which one fears being misled about the game can require a lot of energy. It might be one of the reasons for why individuals from atypical backgrounds are reluctant to enter certain social spheres at all. It is safer to stick to the games one is familiar with, which one can play on an equal footing, than to enter games in which the rules are set by others, and in which one fears getting caught in a trap. If this is the case, the phenomenon compromises basic norms of equality of opportunity.

We can think about a version of the story of Anne and Bert in which these additional factors have to be considered for arriving at a correct moral evaluation. Assume, for example, that Bert is a newcomer in the industry, maybe the first member of his family to have gone to college and to have gotten a professional job. He may have had few opportunities for mentoring or networking in order to "learn the ropes." In this case, it seems far more problematic that Anne plays her trick of asking strategic questions in unexpected moments, and Bert could rightly complain about it.

But what if Bert is a really street-smart guy and manages to play such a trick on Anne, who – by assumption – is in a well-established, privileged position? We may have some sympathy with the clever underdog who manages to outwit privileged individuals in order to pursue his interests, and we may also have some sympathies with such a person misleading others about the game they are in. But we could still hold that this behavior is wrong in a *pro tanto* sense, and that our sympathy can be explained by other factors that outweigh this wrongness. In fact, I venture the guess that our sympathy stems from the fact that we instinctively assume that normally, the situation is reversed – normally, it is the underdog who is misled about the game he is in. Maybe it is the very fact that an underdog can sometimes beat his opponents at their own game that makes us feel a vicarious triumph in such cases.

5 Conclusion

In this paper I have discussed the phenomenon of misleading about the game you are in, which is different from lies or acts of misleading by implication. I have analyzed its wrongness in terms of a violation of a duty of respect,

at least when the other party has not consented to such treatment, in terms of undermining the cultural infrastructure of social norms that demarcate different spheres in which different games are played, and in terms of discrimination against atypical candidates. In this concluding section, let me briefly comment on some practical implications that can be drawn from these reflections.

Like many other phenomena of deception and discrimination, the phenomenon of misleading about the game draws on subtleties that lie below the radar of formal regulation. This should not surprise us: this phenomenon has to do both with informal social norms and, at least in some versions, with less-than-fully-rational behavioral tendencies, the effects of which are highly context-dependent. This is why approaches beyond the law are required to address the problem: we have to find other ways of changing the norms that make it possible, and of holding others morally accountable where we cannot hold them legally accountable. This seems particularly relevant in the labor market, which plays a crucial role for the distribution of opportunities, resources, power, and influence in our societies. Take the example of an HR officer who interviews job candidates, some of whom come from disadvantaged backgrounds. Misleading them about the game they are in can be a way of letting them appear unqualified in comparison to other candidates. This can probably be done in ways that would not violate any formal norms of non-discrimination, and would hence be difficult to capture in legal terms. This means that they have to be countered in different ways.

We can here draw on a proposal recently brought forward by de Bruin in the context of applied epistemology (2015, chap. 7). He develops the ideal of "interlucency" for describing epistemic situations in which the sender and the recipient of information mutually support one another in making sure that they successfully share knowledge, for example by providing feedback on how they understand certain points or by granting requests to repeat or clarify issues. As de Bruin describes it, "[t]he recipient has to acknowledge receipt of the message and must try to make clear how she understands the message. Both sender and recipient have to contribute to sufficient openness concerning the communication and interpretation strategies they use in order that epistemic generosity gets off the ground" (2015, 163). Similarly, partners in conversation can make clear to one another which game and which epistemic situation they are in. If one party thinks that the other party violates the rules applying to this epistemic situation, it should be possible to pause the conversation and to move to a meta-level, in order to discuss what is going on. This seems all the more important the more "strategic" these games are. If such games are justifiable at all, it is essential to make sure that all parties know what they are up to.

Another lesson to draw from the analysis of the phenomenon of misleading about the game is the need for mentoring and acculturation in order to enable atypical candidates to enter games that had hitherto been inaccessible for them. Mentoring and acculturation through personal networks can help candidates to understand the games that are being played in different social spheres. This enables them to participate in them on a more equal footing, rather than being vulnerable to all kinds of intentional or unintentional acts of misleading. Misleading others about the game they are in can be a tool for maintaining unjust privileges, while mentorship and networks can be instruments for strengthening individuals to storm these bastions. But in many instances of the phenomenon we can probably also defend a duty of those who are in a position of power or act as gatekeepers nzot to mislead others about the game they are in, whether intentionally or unintentionally. Thus, with regard to the social discrimination that can happen by misleading others about the game they are in, an *ethos* of justice is needed. But this should not surprise us: if social norms are powerful tools for protecting privilege, changing them is of paramount importance for creating a more just society as well.

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Liza Hercog

Igra u kojoj si: obmanjivanje kroz socijalne norme i šta je pogrešno u vezi sa tim

Apstrakt

U članku se razmatra fenomen obmanjivanja u vezi sa „igrom u kojoj jesi". Individue koje na ovaj način obmanjuju druge iskorišćavaju činjenicu da se oslanjamo na socijalne norme pri regulisanju stepena opreznosti, otvorenosti i poverenja, koje upotrebljavamo u različitim epistemičkim situacijama. Pretvarajući se da učestvuju u izvesnoj igri sa izvesnom epistemičkom situacijom, oni mogu primamiti druge da otkriju informaciju ili da pokažu manje stepene obazrivosti, time idući protiv sopstvenih interesa. Razgraničavam ovaj fenomen od neposredne laži i implicitnih činova obmane, i razmatram neke njegove varijacije. Potom pitam zašto i pod kojim uslovima je moralno pogrešno obmanjivati druge o igri u kojoj jesu. Razlikujem tri normativna ugla za razumevanje tog fenomena: deontološka ograničenja, iskorišćavanje zajedničke kulturne infrastrukture i implicitnu diskriminaciju stranaca i atipičnih aspiranata. Zaključujem kratkim raspravljanjem nekih praktičnih implikacija.

Ključne reči: epistemičke situacije, laganje, obmana, socijalne norme

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Social Justice and the Formal Principle of Freedom

Abstract The aim of this paper is to show, *contra* the right-libertarian critique of social justice, that there are good reasons for defending policies of social justice within a free society. In the first part of the paper, we will present two influential right-libertarian critiques of social justice, found in Friedrich Hayek's *Law, Legislation and Liberty* and Robert Nozick's *Anarchy, State and Utopia*. Based on their approach, policies of social justice are seen as an unjustified infringement on freedoms of individual members of a society. In response to this critique, we will introduce the distincion between formal and factual freedom and argue that the formal principle of freedom defended by Hayek and Nozick does not suffice for the protection of factual freedom of members of a society, because it does not recognize (1) the moral obligation to help those who, without their fault, lack factual freedom to a significant degree, and (2) the legal obligation of the state to protect civic dignity of all members of a society. In the second part of the paper, we offer an interpretation of Kant's argument on taxation, according to which civic dignity presupposes factual freedom, in order to argue that Kant's justification of taxation offers good reasons for claiming that the state has the legal obligation to protect factual freedom via the policies of social justice.

Keywords: social justice, social policy, taxation, freedom, dignity, Hayek, Nozick, Kant

Should a society enforce policies of social justice and on what grounds? We will deal with this problem by presenting two influential right-libertarian arguments against the policies of social justice and against the very meaningfulness of social justice – arguments offered by Friedrich Hayek and Robert Nozick. We will argue that their critique is based on what they claim to be the grounding principle of a legitimate social order – which we will call the formal principle of freedom. In response to their critique we will suggest that, in order to justify policies of social justice, such as taxation, social minimum, social housing, universal health care, public education, unemployment benefits, gender justice and similar policies aimed at greater equality among members of a society, we need a more robust concept of freedom. This will lead us to propose a difference between formal freedom on the one hand and factual freedom on the other hand, in order to show why we believe that social justice indeed has a meaning and what we see as the main elements constituting its meaningfulness. As we intend to show, justifying social justice requires attributing value to another principle: the principle

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of factual freedom, i.e. the principle of respect for human life and dignity. Moreover, the principle of factual freedom can be understood not only in the ethical sense of governing individual behaviour, but has an important legal dimension as well. In the second part of the paper we will discuss the latter via Kant's argument on taxation which, as we will argue, rests upon an implicit defence of factual freedom, and thus can help us respond to the right-libertarian critique of social justice.

The issues revolving around the concept of social justice that we will discuss emerge in the context of the aftermath of the Second World War, The Cold War, and the problems of planned economies. Hayek's and Nozick's critiques presented here are mainly directed at the socialist planned economies and Keynesian economics, which was the dominant economic model from the later part of the Great Depression until the 1970s. Both sources of which we make use, Nozick's *Anarchy, State and Utopia*, as well as Hayek's *Law Legislation and Liberty* were published in the 1970s, the years which saw first the economic recession and then the general acceptance of neoliberal policies and neoliberal economic theories (with Hayek as one of their main proponents), as well as libertarian political ideals Nozick influentially advanced. Arguments against social justice discussed here should therefore be seen as contributing to the arguments against state planning of the economy and as an attempt to limit government intervention in the society. We begin with a presentation of Hayek's and Nozick's critique of social justice.

Critiques of Social Justice

Hayek's Four Arguments

When discussing Hayek's critique of social justice we can distinguish four interrelated key arguments: the ontological, the epistemological, the economic and the political argument.

The ontological argument is in fact the argument for social justice as a meaningless concept. The argument is called ontological because it reflects the ontological view of society as comprised of individuals and rejects the idea that there is a social entity with its own collective will. Only individuals with their individual wills exist. Our societies, says Hayek, are ordered, we have laws, institutions, customs, and we respect certain rules. We tend to understand this order as produced by somebody's deliberate design (whether it is a particular person, or a group of persons, an institution, or a class). However, this is not always the case. In fact, social order can, and in very complex societies most of the time does arise spontaneously, out of many descrete actions of many individuals which are mutually ignorant of any overarching goal or the entirety of the process. (Hayek 2013: 34–50) Out of this Hayek

derives his critique of social justice. For Hayek, only distributions that have been deliberately brought about can be called just or unjust. The term 'justice' has meaning only within the domain of deliberate actions. Unequal distribution of wealth produced by the "impersonal process of the market" cannot be called unjust, because it was not intentionally produced. When we attribute justice or injustice to the market, we mistakely transfer our experinece of personal face-to-face relationships to a realm where this is inapplicable. (Hayek 2013: 231–234, Tebble 2009: 583–585)

The second, epistemological argument states that if we attempt to create and preserve a just distibution in our society, we are faced with an insurmountable difficulty. Namely, we cannot predict the outcome of our actions, because there is too many factors in play. Market does not operate according to a deliberate plan and its outcomes are unpredictable. Deciding how to distribute resources based on some non-market criterion, such as people's needs or equality, will necessarily be flawed, because people's needs and intentions are many and changing, they are individual and impossible to calculate. They are in fact best reflected by the price of goods in the free market and the best way to manage them is to let people decide by themselves about their needs. (Hayek 2013: 250–253, Tebble 2009: 586–588)

Furthermore, according to Hayek, economically speaking it is more prosperous not to intervene in the market. Interventions are dangerous for the economy because they disturb the natural system of prices, which are only capable of giving us accurate information about supply and demand, enabling us to make good economic decisions. Moreover, economic inequality is socially necessary. The market only functions properly "at the price of a constant dissapointment of some expectations". (Hayek 2013: 267) This is the value of free competition for Hayek. It makes all the economic agents, both the successful and the unsuccessful ones, learn from the process, develop their skills, adjust and innovate. It is through such dispersion of knowledge that society can prosper.

Last but not least, social justice endangers individual freedom by putting too much power in the hands of the government. Prices "lose the guiding function they have in the market order and would have to be replaced by the commands of the directing authority." (Hayek 2013: 245) "No less than in the market order, would the individuals in the common interest have to submit to great inequality – only these inequalities would be determined not by the interaction of individual skills in an impersonal process, but by the uncontradictable decision of authority". (Hayek 2013: 245) The pursuit of social justice "must progressively approach nearer and nearer to a totalitarian system". (Hayek 2013: 232) Instead of this futile attempt at creating a society of social justice, Hayek argues, the state should provide the framework

for the free market, i.e. it should provide the set of formal conditions for the free competition in the market to take place.

However, it is worth mentioning that Hayek ultimately defends the state provision of the economic minimum. In the end, he conceded that there is no reason to reject the minimal income safety net in a free society, as long as we find some outside-of-market mechanisms for this. (Hayek 2013: 249). What does this mean though is not completely clear, because redistribution always involves at least via taxation, some sort of intervention in the market. This concession actually made his theory vulnerable to attacks, because it contradicts his earlier arguments against social justice (Tebble 2009). It shows perhaps that contrary to everything previously said, Hayek was aware that in a free society some role should still be left for social justice.

Nozick's Entitlement Theory

Nozick gives us some similar arguments as Hayek. He too accepts spontaneous order explanation and uses it to argue that the main aim of the state should be the protection of individuals against infringements on their freedom. The infringements involve use of violence, coercion, murder, theft, fraud, etc. Any more extensive state is unjustified because it violates individual rights of its citizens. Whereas Hayek's arguments are more epistemologically based (Hayek argues that we don't know what others need, we don't know what possible ill effects our actions could have on the market, so it's best to leave the market to function on its own), Nozick's arguments are based on the theory of natural rights. This allows him to make an even stronger case for inappropriateness of state intervention and redistribution, because in order to rectify inequalities, the state would infringe upon private property rights of individuals.

Social justice is about redistribution. It is about taking away from the wealthier and giving to those who are less fortunate. Nozick argues that this is not morally justified because every person should be guaranteed the right to decide on his or her property.

To support this claim he develops the entitlement theory of justice. We will quote Nozick's summary of his theory: "the holdings of a person are just if he is entitled to them by the principles of justice in acquisition and transfer or by the principle of recification of injustice." (Nozick 1974: 153) These two principles, of acquisition and transfer basically state that if a person aquires property in a morally permissible, lawful, just way (whatever this is, is rather complex and depends on the context), he or she is entitled to that property. The same goes if that property is transferred in a morally permissible, lawful and just way to another person. "Entire distribution is just if everybody

is entitled to the holdings they posses under the distribution." (Nozick 1974: 151) And: "Whatever arises from a just situation by just steps is itself just." (Nozick 1974: 151)

Nozick argues that it is important to take into account how a particular distribution came about, that is, whether a person acquired a holding in a just way and is therefore entitled to it, rather than simply looking at the distribution at a given time and judging that it is just or unjust based on the distribution itself. For example, if somebody judges that it is not just that so many people are starving, while a minority is extremely wealthy in a given society, that would be an ahistorical approach to justice and for Nozick the judgement would be flawed as long as it does not take into account the history of the acquisition. (Nozick 1974: 153–155)

Moreover, Nozick labels his entitlement theory as non-patterned, which means that the just distribution is not generated by some sort of decision on who and based on which characteristics should get what, but by a set of formal principles, formal rules in the game of just acquisition and just transfer.

Nozick gives a vivid and concrete example of his views in describing a hypothetical case involving a very successful basketball player at the time, Wilt Chamberlain. (Nozick 1974: 161–163) Nozick says let us start with any distribution that you consider just, let it be for example, that everyone has an equal share of wealth. Now, Wilt Chamberlain attracts audience, everybody loves to see him play, because he is so good, and various basketball teams compete to have him on their team, and so on. He decides to sign a contract with his basketball team, whereby he will get 25 cents out of every sold ticket. Everybody is ready to pay the price but in the end Wilt Chamberlain will have 25 000 dollars more. The distribution of wealth will become unequal. Where did everything go wrong? Nozick says, nowhere, Wilt is entitled to his money because no injustice has been done to anyone during the transfer, everybody willingly agreed to give him one small portion of what they have in exchange for the pleasure of seeing him play.

What this argument is meant to show is that any distribution of wealth in a free society will be unequal. If we allow people to freely exchange their holdings, we will inevitably end up with an unequal distribution. If we want to keep the distribution equal we would have to constantly interfere with people's lives. (Nozick 1974: 163)

Finally, why we shouldn't stop this from happening, why not simply stop the free exchange, is because it would be immoral. It would interfere with individual property rights, the rights to choose what we want to do with what we have. The basic fact of morality is that everybody should be allowed to live his or her life the way he or she wants, as long as they don't hurt anybody

else. Nozick is radical in endorsing this principle, so much so that for him taxation is the same as forced labour, because it forces us to do unrewarded work for others. (Nozick 1974: 172)

Should we say that for Nozick social justice is meaningless? The weight of Nozick's argument does not rely primarily on social justice being meaningless concept. However, it deprives social justice of its moral meaning. This effectively makes demands for social justice meaningless, because they rely on the premise that social justice is a morally desirable goal.

* * *

From these arguments we can derive the main principle both Nozick and Hayek see as the principle that every legitimate social order must respect. They did not invent this principle. It is the very same principle we find in Adam Smith, John Locke, John Stuart Mill and other classical liberals. It represents the social ideal of individual independence and liberty. It respects as the basic moral fact that everybody has their own life and should have freedom to decide on what makes their life valuable. In the words of John Stuart Mill: "The only purpose for which power can rightfully be exercised over any member of a civilized community, against his will, is to prevent harm to others." (Mill 2003: 80) The free society is the society which fulfills this condition.

The freedom established by this principle is identical with what Isaiah Berlin calls negative freedom, freedom from infringement. "I am normally said to be free to the degree to which no man or body of men interferes with my activity. If I am prevented by others from doing what I could otherwise do, I am to that degree unfree." (Berlin 2002: 169) We named this principle the formal principle of freedom, because it fixes only the necessary formal condition of freedom, but not the sufficient conditions of factual freedom. The latter include all the possibilities open to me and all those closed to me based on the concrete, material circumstances of my life and the society I live in. It is the factual, not the formal freedom that we experience in our everyday lives. We experience freedom and unfreedom in relation to certain concrete possibilities that we have or don't have. Most of the time, such experience is linked to the resources that we have or don't have, and to the concrete power relations in our society. Resources have an important influence on the factual freedom, because they greatly determine how much power we will have to change circumstances that are unfavourable to us.[1]

1 The term 'factual freedom' is also used in order to defend social constitutional rights by Robert Alexy. See Alexy 2002: 337–348.

The formal principle of freedom does not suffice for the protection of factual freedom of members of a society, because it does not recognize (1) the moral obligation to help those who, without their fault, lack factual freedom to a significant degree, and (2) the legal obligation of the state to protect civic dignity of all members of a society.

The formal principle of freedom does not recognize (1) because it only protects individual freedom from infringement. Therefore, if I choose not to help somebody in danger crying out for help, even if helping would not represent any significant risk for me, I am not morally responsible, according solely to the formal principle of freedom. In a similar way, although taxes could be used to help the less fortunate members of a society and guarantee to them a degree of factual freedom necessary for living a dignified life (and not just mere subsistence), Nozick could still say that they are infringement on rights of those who have to pay taxes. In the case of conflict which one should we choose? If we wish to keep the moral obligation to help intact, we need another principle, the one that would protect factual freedom as well. However, we cannot prove that this is a desirable moral goal for everyone. Nozick could still argue that private property rights are more basic moral rights. We need another argument in order to show that, irrespectively of what we individually believe to be morally valuable, the state is somehow legally obliged to ensure some amount of social justice.

In response, we wish to stress the importance of another principle governing social life: respect for human life and dignity. We intend to show that this principle requires not only respect for the formal principle of freedom, but also an increase in the factual freedom of all members of a society, given that the factual, not the formal freedom is the sufficient condition for living a dignified life, because it presupposes having a concrete infrastructure to realize our freely chosen goals. This principle also includes the above mentioned moral obligation to help those less fortunate. In addition to being morally relevant in this way, we will show that it has legal relevance as well. This would justify redistribution via taxation, and other policies of social justice, to the extent to which they are means for improving chances of each member of a society to in fact live a dignified and free life. We will also show that the demand to protect factual freedom of members of a society includes the protection of civic dignity, i.e. equal rights of citizens to take part in the political life of their society.

In the next section, we intend to show how Kant's theory of justice can help us accomplish this goal, by recognizing how the question of factual freedom and civic dignities is related to the problem of taxation and social justice We will conclude with a brief critique of Nozick's and Hayek's arguments informed by Kant's theory.

Kant's Argument on Taxation

In many points Nozick's argument about formal principle of freedom is similar to the Kantian view of formal justice. Nozick even used Kant's claim to treat others as ends in themselves to defend his own thesis (Nozick 1974: 32). Taking this into consideration, it could look like the formal principle of freedom suffices to protect dignity in a Kantian sense (the possibility to choose one's own ends). Moreover, like Nozick, Kant actually rejects the idea that justice can require the redistribution of resources in response to needs (V-MS/Vigil, AA 27: 517,526), explicitly rejects juridical relevance of material inequality (TP, AA 08: 289–290) and "mere" needs and wishes (MS, AA 06: 213,230).

However, in *Metaphysics of morals* Kant is also explicit about the right of the state to introduce taxation of the rich:

> To the supreme commander (*Oberbefehlshaber*) there belongs indirectly, that is, insofar as he has taken over the duty of the people, the right to impose taxes on the people for its own preservation, such as taxes to support organizations providing for the *poor, foundling homes,* and *church organizations,* usually called charitable or pious institutions. (MS, AA 06:326)

In his *Lectures on Ethics* (*Moralphilosophie Collins*) Kant holds even more egalitarian view:

> One can participate in the general injustice even if one does no injustice according to the civil laws and institutions. Now if one shows beneficence to a wretch, then one has not given him anything gratuitously, but has given him only what one had earlier helped to take from him through the general injustice. For if no one took more of the goods of life than another, then there would be no rich and no poor. Accordingly, even acts of generosity are acts of duty and indebtedness, which arise from the rights of others. (V-MO/Collins, AA 27: 416)

For right-libertarians, such as Nozick, these claims contradict justice based on the principle of formal freedom. One of the solutions is to understand taxation as founded on the ethical duty toward the other, i.e. as the right of the state to enforce duty of benevolence – as claimed by Onora O'Neill (O'Neill 1989: ch10–12.). However, Kant explicitly rejects both that state could rely on voluntary contributions and, more importantly, that enforcement of current contributions would be a legal way to satisfy the needs of the poor[2], and rather argues for legal public taxation (MS, AA 06: 326). As we will argue, Kant's argument is specifically juridical and not (merely) ethical.

2 See Varden 2016.

Kant's main argument goes:

> The general will of the people has united itself into a society that is to maintain itself perpetually; and for this end it has submitted itself to the internal authority of the state in order to maintain those members of the society who are unable to maintain themselves. For reasons of state the government is therefore authorized to constrain the wealthy to provide the means of sustenance to those who are unable to provide for even their most necessary natural needs. The wealthy have acquired an obligation to the commonwealth, since they owe their existence to an act of submitting to its protection and care, which they need in order to live; on this obligation the state now bases its right to contribute what is theirs to maintaining their fellow citizens (MS, AA 06: 326).

As we see, Kant refers to the state right based on a 'duty of the people' (*Pflicht des Volks*). The preservation of the people, here in question, is not material existence of the state ("for it is rich"), but existence of its members *as citizens*.

Selbständigkeit, factual freedom and civic diginity

Kant characterizes citizens of the state with three main attributes:

> The members of such a society who are united for giving law (*societas civilis*), that is, the members of a state, are called *citizens of a state* (*cives*). In terms of rights, the attributes of a citizen, inseparable from his essence (as a citizen), are: lawful *freedom*, the attribute of obeying no other law than that to which he has given his consent; civil *equality*, that of not recognizing among the *people* any superior with the moral capacity to bind him as a matter of Right in a way that he could not in turn bind the other; and third, the attribute of civil *self-subsistence*, of owing his existence and preservation to his own rights and powers as a member of the commonwealth, not to the choice of another among the people. From his self-subsistence follows his civil personality, his attribute of not needing to be represented by another where rights are concerned (MS, AA 06: 314).

The most controversial of them is the attribute of self-subsistence (*Selbständigkeit*), not owning one's existence to the choice of other people. Unlike the first two attributes, self-subsistence is connected with factual (material) situation. Kant gives us varieties of examples, including servants, a minor (*naturaliter vel civiliter*), controversially all women, but also some explicit examples of economic organizations of society: "the blacksmith in India, who goes into people's houses to work on iron with his hammer, anvil, and bellows, as compared with the European carpenter or blacksmith who can put the products of his work up as goods for sale to the public; the private tutor, as compared with the schoolteacher; the tenant farmer as compared with the leasehold farmer, and so forth" (MS, AA 06: 314–315). In a word "anyone whose preservation in existence (his being fed and protected) depends not on

his management of his own business but on arrangements made by another (except the state)" (*ibid*). Though many of Kant's claims here could be taken as dubious and politically incorrect[3], it is important that he acknowledges the fact that status of the (active) citizen of the state could be violated by some material aspects of that person's life, e.g. by an infringement on her factual freedom – as it is the case with economic dependence on another person.

Implications of these claims are also controversial. Kant uses them to introduce a distinction well known from the French post-revolutionary Constitution, between active and passive citizens. On the one hand, Kant, as the old French Constitution, claims that those who lack (above all) economic self-subsistence are passive citizens, enjoying the protection of the state, but lacking rights to vote and participate in other public political decision-making. From this point of view, it could seem that Kant is only an old-fashioned theorist who promotes the unacceptable idea that some citizens should be deprived of their basic political right to vote. On the other hand, although Kant accepts that one could naturally or voluntary lose the status of an active citizen, he insists that there must be rightful conditions for everyone to become an active citizen:

> It follows only that, whatever sort of positive laws the citizens might vote for, these laws must still not be contrary to the natural laws of freedom and of the equality of everyone in the people corresponding to this freedom, namely that anyone can work his way up from this passive condition to an active one. (MS, AA 06: 315)

Kant's weak claim „that anyone can work his way up from this passive condition to an active one" could certainly not be used to defend egalitarian view of a society, nor the premise "to everyone according to their needs". However, it could be used as a strong argument in favour of some social policies, which are today in danger; for example, public health and social insurance, free public education, etc (Shell 2016).

To sum up this part of the text, Kant had recognized the dependence of person's possibility to be an active participant of political life from economical and factual situation. What is here at stake are not only basic needs, nor

3 Alessandro Pinzani and Nuria Sánchez Madrid listed three key limitations of Kant's account of passive citizenship. 1) They found Kant's argument that the poor should not vote, because they would sell their votes, double-edged – for the same argument could be used against the rich (buyers), and it was used for ostracism in Ancient Athens. 2) Kant addresses formal obstacles to attaining full active citizenship, while (intentionally or not) economic privileges and inequalities are left out of consideration. 3) Kant is very insensitive to the gender issue, for he finds that a woman renounces her civil independence by entering into marriage. (Pinzani, Madrid 2016)

universal human rights, but rather *civic dignities*.[4] Civic dignity implies equal rights to possibilities to take part in political decision-making, i.e. to become an active citizen of the state. Kant acknowledges that those rights could be affected through the material limits, limits of one's factual freedom, caused by dependence of their material existence from someone else. Although Kant's ethics certainly implies duties toward the other, to help others who are in trouble, the obligation implied by argument about self-subsistence of citizens is not reducible to (mere) ethical duties and, as we will see in the next part of the text, is connected with juridical questions and rights of the state.

General will, civil union and society

Kant makes a distinction between society and civil union:

> The civil union (*unio civilis*) cannot well be called a *society* [Gesellschaft]; because between the *commander* (*imperans*) and the *subject* (*subditus*) there is no partnership (Mitgenossenschaft). They are not social fellows [Gesellen]; rather, one is *subordinated to*, not *coordinated with*, the other, and being co-ordinated with one another must regard themselves as equals inasmuch as they stand under the same common laws. It is thus less the case that this union [Verein] is a society than that makes one. (AA 06: 306 – 307)

It is important to notice that civil society, thus, is not simple uniting of people who live in a same place, but, as previous quotation suggests, a society which has been made by a civil union, a society of active citizens living at equal as lawgivers, whose dignity is founded on public laws of the state. Kant refers to civil society both in the argument about taxation ("The general will of the people has united itself into a society") and in the argument about self-subsistence of citizens ("The members of such a society who are united for giving law (*societas civilis*)").

It is now clear that "preservation", previously mentioned in an argument about taxation, is not material preservation of the state, nor of existence of its members, but preservation of the civil society, which would be corrupted if the members of the state lose their active role in a society. Moreover, this right, according to Kant, belongs to the dignities of the state:

> Every state contains three *authorities* within it, that is, the general united will consists of three persons *(trias politica):* the *sovereign authority [Herrschergewalt]* (sovereignty) in the person of the legislator; the *executive authority* in the person of the ruler (in conformity to law); and the *judicial authority* (to award to each what is his in accordance with the law) in the person of the judge (*potestas legislatoria, rectoria et iudiciaria).* (AA 06: 313)

4 This term was introduced by Josiah Ober. He distinguishes *civic dignity*, as defined above, from universal human dignity and aristocratic or elitist dignity related to the social statuses and ranks (Ober 2012)

> All of those authorities in the state are dignities (Würden), since they arise necessarily from the Idea of a state as such, as essential for the establishment (constitution) of it, they are *dignities of the state (Staatswürden)* (AA06: 315)
>
> The legislative authority can belong only to the united will of the people. (AA06: 313)

With this, Kant's juridical argument about taxation and social policies is completed: the infringement on the factual (material) freedom of the people, if it happens that they become poor, implies that they will lose their active status in society and if people lose possibilities to become active members of society, civil society would become corrupted, thus the state has the right to impose taxes to enable those in a passive status to became active members of the society for the preservation of the civil society. But, there is also an additional argument, mentioned above, that probably could imply even more egalitarian consequences. Those who are rich are dependent on civil society in at least two ways: they owe their protection to the civil society, to the public laws, that regulate this society; and they owe to the society, because they became rich only in and with the help of the society (which protects trade rules, property, encourages others to cooperate inside its institutions, etc.)

The main difference between Nozick and Kant is, therefore, that for Kant things in some way change with the transition from private rights (in a state of nature) to the public rights ("the sum of the laws which need to be promulgated generally in order to bring about a rightful condition", AA 06: 311). Although, both private and public rights for Kant have the same content, and only the form changes, this change presupposes united lawgiving will. But here, the reasoning is not merely private, laws must actually be based on the public reasoning, and must protect public reasoning, which includes protection of rightful conditions for everyone to take part in the civil society. And this presupposes much more than just the formal principle of freedom, including the protection of factual freedom; as Shell wrote:

> As member of the general will, in other words, each wills his *own* existence as citizen only insofar as he also, and equally, wills the civic existence of every other member of the people (Shell 2016: 8)

We do not want here to discuss which view of society is ultimately better, but argument showed above indicates that Nozick does not actually defend (factual) freedom of all in the society, but the capitalist view of the society. Geral Cohen came to the same conclusion:

> Therefore Nozick cannot claim to be inspired throughout by a desire to protect freedom, unless he means by 'freedom' what he really does mean by it: the freedom of private property owners to do as they wish with their property. (Cohen 1995: 90)

From the Kantian perspective, protection of person's freedom under the public laws would imply much more than just the formal principle of freedom. It would demand the protection of factual freedom, e.g. through the relief of poverty. Thus it looks like freedom as understood by Nozick would for Kant still count as lawless freedom:

> And one cannot say: a state, a man in state has sacrificed a *part* of his own innate outer freedom for the sake of an end, but rather, he has relinquished entirely his wild, lawless freedom in order to find his freedom as such undiminished, in a dependence upon laws, that is, in a rightful condition, since this dependence arises from his own lawgiving will. (AA 06: 316)

Based on everything said above, let us dispose with Hayek's arguments as well.

First of all, Hayek's ontological argument, seems to us unconvincing because we can in fact attribute some responsibility for a particular distribution of wealth in the society to the institutions deciding on policies which are to be adopted. Therefore, we have responsibility as a political community for the particular distribution of wealth being just or unjust, because we adopted certain policies leading to such distribution.In the light of developments within social thoery in the last tree decades, Hayek's ontological position seems rather naïve. There has been a significant effort lately to explain and understand various collective social institutuions and their intentionality.[5]

As for Hayek's epistemological argument, he himself conceded that we can in fact have some knowledge at least regarding the minimal needs, for example shelter, clothing and food. There is no reason why we couldn't extend this even further, to encompass needs that are easily recognized as universally desirable: education, health care, sanitation, access to information, etc. Moreover, some of them directly follow from the political and economical organization of a society and enable the possibilities of factual freedom (for example, the need to use transport to go to or to find a job, or the need to use internet to access information).[6] The problem remains of course, where to draw the line. But the issue does not really confronts us with an impossible epistemological task described by Hayek (unless we set the task too stringently, demanding e.g. establishment of some perfectly egalitarian society). Social needs are many and changing, but that does not mean that they cannot be an object of knowledge for the social sciences.

As for Hayek's economic argument, we will not dwell upon it, but we do think that he overestimates the dangers for the economy that policies of

5 See Tuomela 2007; Searle 1995, 2010; Gilbert 1989.
6 See Geuss 1981: 22.

social justice can bring. There are theories that show the benefits of alternative economic models, as well as the perils of the neoliberal one. The success of neoliberal policies in the second half of XX century was followed by the serious economic crises in the beginning of the XXI century, indicating that neoliberal economy might not be a solution to all our problems.[7]

Finally, Hayek's political argument is at least double-edged, for, as we saw above in Kant's defence of social policies, and as we can see in the world today, if the factual freedom of people is in danger, members of the society could easily lose their possibilities to actively take part in a political decision-making, leaving the doors wide open for oligarchy.

Concluding Remarks

We tried to show that we need something more that the formal principle of freedom to make our society free. If the basic fact of human life and human freedom is something that we should build our society on, then we think that in formulating the principles of a free society, we need to be careful not to underestimate the lived experience of freedom and the facticity of life. The principle of respect for human life and dignity (civic dignities included), which is not blind to the problem of factual freedom, gives us very strong reason to defend social policies. This principle enables freedom itself to be more generally dispersed than if we stick only to the formal principle of freedom.

Following this line of argument, the social policies can be defended, via the principle of human dignity and respect, as moral obligations, as a duty of beneficence which could be institutionalized by the state. In addition, and this is often omitted from the story, they can also be defended juridically via civic dignity.

The importance of questions presented here is even greater because today we witness the worldwide degradation of social policies which enable protection of the minimum of factual freedom, such as universal healthcare, free public education, social insurance, the right to fair working conditions, poverty relief, and many more.

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Olga Nikolić, Igor Cvejić

Socijalna pravda i formalni princip slobode

Apstrakt

Cilj ovog teksta je da pokaže, nasuprot desno-libertarijanskoj kritici socijalne pravde, da postoje dobri razlozi za odbranu politika socijalne pravde unutar slobodnog društva. U prvom delu rada, predstavićemo dve uticajne desno-libertarijanske kritike socijalne pravde, izložene u knjigama *Pravo, zakonodavstvo i sloboda* Fridriha Hajeka i *Anarhija, država i utopija* Roberta Nozika. Na osnovu njihovog pristupa, politike socijalne pravde vide se kao neopravdana povreda slobode pojedinačnih članova društva. U odgovoru na ovu kritiku, uvešćemo distinkciju između formalne i faktičke slobode i tvrdićemo da formalni princip slobode koji brane Hajek i Nozik nije dovoljan za zaštitu faktičke slobode članova društva, jer ne prepoznaje (1) moralnu obligaciju da se pomogne onima kojima, bez njihove krivice, u velikoj meri nedostaje faktička sloboda, i (2) pravnu obligaciju države da zaštiti građansko dostojanstvo svih članova društva. U drugom delu teksta, nudimo interpretaciju Kantovog argumenta o porezima, prema kom građansko dostojanstvo pretpostavlja faktičku slobodu, da bismo tvrdili da Kantovo opravdanje poreza daje dobre razloge da se tvrdi da država ima pravnu obligaciju da zaštiti faktičku slobodu politikama socijalne pravde.

Ključne reči: socijalna pravda, socijalna politika, porez, sloboda, dostojanstvo, Hajek, Nozik, Kant.

POLITICS OF ENMITY – CAN NATION EVER BE EMANCIPATORY?

II

POLITIKE NEPRIJATELJSTVA – DA LI NACIJA IKADA MOŽE DA BUDE EMANCIPATORSKA?

Edited by Gazela Pudar Draško

Rogers Brubaker

Introductory remarks

Grounds for Difference was not conceived or written as a monograph. The essays were written at different times. The two long pieces at the beginning of the book ("Difference and Inequality" and "The Return of Biology") were written last and were not previously published. Indeed they were too long to publish as journal articles. (The maximum length of journal articles, alas, keeps shrinking, even in an age of electronic publication. Articles of more than 10,000 or 12,000 words are increasingly difficult to place. I essentially found myself having to write a book in order to publish these longer essays.)

The essays collected in the book treat themes that have preoccupied me for some time, including the transnational and global dimensions of ethnicity and nationalism, addressed in the final three chapters. But they also reflect new directions in my work. In the Introduction I characterize the new directions as engaging three increasingly salient contexts for the contemporary politics of difference: the return of inequality, the return of biology, and the return of the sacred. Let me say a few words about each of these.

Obviously, equality never disappeared as a theme in social-scientific research. However, inequality has been approached in different ways in recent decades, and ways that have been tied to the increasing concern with the politics of identity and difference. As a result of this broad shift in political and intellectual sensibility, there has been less concern with structural, political-economic forms of inequality. But in recent years there has been a striking "return of inequality" – and specifically of structural and political-economic forms of inequality – in public discussion and in scholarly work. The fact that Piketty became a best-seller is just one indicator of this. This is the sense in which one can speak of a return of inequality.

Something similar can be said about the return of biology. Biological ways of making sense of sameness and difference never disappeared, of course. But discussions of race and ethnicity in the social sciences in the second half of the 20th century focused increasingly on cultural ways of understanding human difference. Yet in the aftermath of the human genome project, we see a return of the language of biology, and more specifically genetics, in social-scientific discussions of race and ethnicity. This new objectivism or naturalism about race also informs biomedical research, ancestry testing, forensic investigations, and political claims-making. I wanted to make sense of this multifaceted return of biology, not least because it seemed to pose a challenge to the constructivist theory of race and ethnicity that I and others

have been working with and developing. I wanted to find a way of responding to this challenge, without simply repeating the usual constructivist mantra that there are no biologically significant differences between socially defined racial categories. I wanted to defend a constructivist theory of race, while engaging rather than ignoring or dismissing recent developments in genetics. But the return of biology is not just a *challenge* to constructivist social science, it's also an *opportunity* for constructivist social science. The new understandings of race, ethnicity, and ancestry that are in play in medical research, ancestry testing, forensics, and political claims-making provide a rich and interesting territory to analyse. So I attempted in this chapter to write a synthetic overview of recent discussions and developments in these domains of practice.

As for the return of the sacred: here too, of course, the sacred never went away. Yet again one can speak in a qualified way of a certain "return" of religion. The sociologist of religion José Casanova's great book on *Public Religion in the Modern World*, for example, discussed the return of public, de-privatized forms of religion in recent decades, reversing a longer-term trend toward privatized, individualized, subjectivized forms of religion in the West. So I use this phrase – the return of the sacred – to signal my own interest in the ways in which the politics of difference, or you could say the politics of multiculturalism, turns increasingly on matters of religion in Europe and North America. This is indeed a new development in the last twenty five or thirty years.

So these are the "three returns" that I use as an organizing device. But I wouldn't want to insist too much on this trope: it serves primarily to mark out a set of emerging interests in my own work that led me to bring together the pieces in this book.

Grounds for Difference: Seminar with Rogers Brubaker

Institute for Philosophy and Social Theory
Belgrade, 25. September 2016

Ljubica Spaskovska

I would like to pick up on Professor Brubaker's notion of regimes of inequality. My research is primarily historical, I work on a research project on the dissolution of state socialism in a global perspective. I've been primarily looking at the debates in the UN and especially at the UN Trade and Development Forums for developing countries, where Yugoslavia was one of the key players, such as the 'Group of 77 developing countries', and especially the shifts which took place in the IMF and World Bank and the language of development in the 1970s and 80s with the growth of the debt crisis. So I think that Professor Brubaker's implication that citizenship shapes life chances on the global stage rings particularly true in this case, and of course hierarchies and regimes of inequality can have both global and domestic repercussions, but just thinking about the North-South divide and this asymmetry which is still there, especially the prehistory of today's North-South in the 1970s and 80s when the developing countries of the South were trying to argue for a different approach to development compared to the industrialized North. Nevertheless, I'm working on a paper of the IMF and World Bank annual meeting which took place in 1979 in Belgrade, where countries such as Mexico and Yugoslavia argued that we have to tackle the debt crisis and the conditionality imposed by the IMF and the World Bank, while the director of the World Bank was arguing that actually the problem that we have on the global scale is overpopulation, not conditionality and debt.

So I think that, looking at the root of this debate about global inequalities and hierarchies, it really has its prehistory long before the 2000s and before the intellectual community decided to think about inequality. I've also been looking at human development indexes, and interestingly enough, the call from some circles to dethrone growth as an indicator of development. So growth alone is not a guarantee for human development. If we look at the historical trajectory of human development, where, for example, the socialist Yugoslavia was in the 1990, and where the countries in the region are today. Both human development and the GINI coefficient index, which is the primary indicator for income inequality, have increased of course. However, human development, mostly understood as fair opportunities, redistribution, decent standard of living – which the book very well pinpoints as important and connected to all sorts of other social differentiations such as race and religion and gender – in this region, in a post-socialist regime of inequality, these indicators of human development have decreased. Another issue I

would like to raise perhaps – the role of transnational corporations in this debate on global hierarchies. So, what was striking for us as a research team is that the UN Center for Transnational Corporations, which was set up in the 1970s to develop a code for behaviour for transnational corporations in developing countries was abolished in 1992. Some of the first countries to go to this UN center in the late 1980s, to seek advice on investment were China and Russia. So we see how in the 1980s this language of inequality and development basically shifts from countries which were pioneers of alternative globalization or development. Perhaps Professor Brubaker could comment on how he sees, in the future, citizenship and especially global citizenship developing and bridging the North-South divide.

Gëzim Krasniqi

I'm going to follow up on what Ljubica was saying about the relationship between citizenship, inequality and hierarchies that exist today in the world. I'll basically look at how citizenship feeds on and sometimes even perpetrates inequality and hierarchies both at the level of the nation-states, as the main sites of political membership in the modern world, but also more widely in the modern world. I have a final point about one of the claims that Professor Brubaker makes in his book about the relationship between difference and inequality. Citizenship today is one of the key concepts, and Professor Brubaker has written extensively on that. Citizenship is about membership in a political community, and I think this is where the contention starts. It raises a number of questions: What kind of membership? Who has a right to be a member? What kind of polity we are speaking about? Are we speaking about smaller polities, states, nations, federations, or bigger unions such as the European Union? But I think, when we see how citizenship works on the smaller scale of a nation state, it is both unequal and hierarchical. It is unequal in the sense that it provides more access and opportunities and rights to some categories than others within the polity. We have citizens, we have regular migrants, but we also have the category of refugees or irregular migrants who have a limited set of rights in a given polity.

Then, if you look at the different nation states, you will see that these problems are bigger in richer countries, but there is no necessary and clear relationship between economic well-being and the problems of unequal citizenship in a nation state. I think that citizenship is inherently unequal because the very modern concept of the state is based on the principle of exclusion and some sort of selectivity. Whenever we speak about citizenship we speak about citizens and non-citizens, about us and them, about those who are included and about others, until which point you have rights, and where your rights stop. And then you have other regimes which have other sets of rules

about who has the right to what. But I think that the problem is quite similar even at the global scale. We have a number of scholars who have spoken about that. Probably the most famous theory is Wallerstein's world-system theory about the core, periphery and semi-periphery. I think this could also be used to explain how the regimes of citizenship work in the modern world. It is not the same thing to be a British and American citizen, or a citizen of Somalia, Afghanistan, or other poor countries which are undergoing conflicts. But there is also the work by Stephan Castels, whom I have used in my papers on citizenship hierarchies, that explores the correlation between economic well-being and the prestige and rights associated with different types of citizenship stemming from different kind of politics and different states. One clear example would be the World Passport Index. If you look at the value of passports, you will see that the countries at the top are the richest and most dominant countries in the world, and the countries at the bottom are the poorest and most isolated. That makes a huge difference at the global scale.

Finally, I think that one of the points that Professor Brubaker makes in his book is that the relationship between difference and inequality is contingent, not necessary. It is empirical, not conceptual. But if citizenship is essentially about categories and about inclusion and exclusion, does this somehow imply that inequality is relational, not just empirical and conceptual, because citizenship is inherently about exclusion and inclusion? And the other question that this raises would be: if we somehow manage to de-territorialize citizenship, either through global citizenship, cosmopolitanism or stakeholder citizenship, would that avoid categorization and therefore reduce inequality and hierarchies that exist today in the modern world?

Tamara Petrović Trifunović

I would like to focus on another issue, more in the field of my research. It is connected to the first part of the book, the part on inequality. First of all, I would like to say that I highly appreciate the focus you put on the symbolic dimensions of inequality and how categories of difference produce and reproduce inequalities. Because I believe that it is of great importance to study "processes that contribute to the production and reproduction of inequality through the routine and taken-for-granted actions of both dominant and subordinate actors". This is in fact the quote of Michèle Lamont in a paper from 2014. In the same paper, the author says that the cultural processes are "a crucial missing link between cognitive processes and macro-level inequality", which is a field that I'm really interested in. With that in mind, my first question would be: would you say that the very theme of the next year's annual meeting of the American Sociological Association, which is connected

to the understanding of the nexus of culture, inequalities and group boundaries, in some ways represents a culmination of already existing strong currents in contemporary US sociology, or should it be seen as a breaking point for cultural sociology and sociology in general in the US?

The second question is connected to this one: at the beginning of this chapter you mention taste, as one of the dimensions on a horizontal plane, where people distinguish themselves from others according to the logic of difference. How would you, in this way, analyse the dimension of taste, or cultural consumption, cultural affiliations, level of cultural capital, and their role in the production and reproduction of inequality in the contemporary US society? Would you take the cultural competence – this is just a term I use for this short discussion – into account according to the three general processes that you distinguish in the book, especially the first two which are the allocation of persons to reward-bearing positions and the social production of unequally equipped categories of persons? Do you think that "cultural competence" still plays a significant role in the production and reproduction of inequality, and in the reproduction of "forced immobility" (not in the same way as citizenship, of course), or has it lost its power, especially in the United States? Or maybe you think it has never played a significant role, because there are some specificities and contingencies in the US society. So, in short, how do, in your opinion, cultural differences contribute to both symbolic and socio-economic inequalities? Cultural – in the narrower sense.

Rogers Brubaker:
Response to Ljubica Spaskovska, Gëzim Krasniqi and Tamara Petrović Trifunović

Thank you for this initial set of very interesting comments. Since Ljubica and Gëzim both focused on citizenship and inequality, let me speak to the issues that they raised first, and specifically to Gëzim's questions about whether citizenship is inherently hierarchical, both at the level of the nation state, and more broadly. He very clearly set out some key notions about citizenship, which of course is inherently categorical, has an inside and outside, a boundary; it is internally inclusive and externally exclusive. What I was trying to do by addressing citizenship as one nexus where difference and inequality intersect was to suggest that when we think about the exclusionary workings of citizenship, which everyone is aware of, we tend to think about those who are, as it were, *visibly* excluded. We tend to think in particular those who are within the territory of the state, but excluded from the privileges of citizenship. In the US now, we have approximately 11 million undocumented immigrants, and when one thinks about citizenship, exclusion, and inequality in the American context, these are the people one thinks about first. There

has been very interesting sociological research done on undocumented migrants. This is not a single category: it is highly differentiated, and there are many respects in which undocumented persons do have some rights, even what might be called citizenship rights in some local contexts. But of course they lack very critical fundamental rights, and there is good ethnographic work showing how many undocumented people avoid all forms of contact with state agencies, particularly in parts of the US where local officials have not only the power, but indeed the obligation to tap into state-wide databases and to report the presence of undocumented migrants. Since an encounter with a local official might lead to deportation, many people live in the shadows, avoiding institutions like hospitals and so on.

This is all very clear. What is less clear, and less often discussed, is the *invisible* exclusionary working of citizenship. This is what I wanted to highlight in my brief discussion of citizenship. That is, I wanted to talk not about the 10 million people that are excluded from US citizenship and its protections while living in the territory of the US, but rather about the *billions* of people who are excluded from the citizenship of powerful, prosperous, relatively peaceful countries, because they can't even become an undocumented immigrant. Of course, we didn't need the refugee crisis of 2015 to tell us that nation states are not hermetically sealed, that no states can perfectly seal their borders. Nonetheless, even the nearly one million people who arrived in Germany last year comprise a very small fraction of the number of people who would *like* to have access to German territory, even for the uncertain status of being an asylum-seeker. This brings into sharp relief the powerful and still largely taken-for-granted exclusionary workings of citizenship on a global scale. It is this that I wanted to highlight. Despite the decline of legal categorical exclusion based on race, sex, religion and so on, legal categorical exclusion based on citizenship continues to be built into the architecture of the global state system. And it is so fundamental that it is hard to imagine a world without it. Of course large numbers of people cross state borders. But a far greater number would like to do so, yet are prevented from doing so because of their citizenship.

Citizenships have radically different values. One indicator is indeed the price that people would pay for a "good" citizenship. Here's where we may have a small disagreement – is the inequality between different citizenships intrinsic or somehow contingent? I see it as contingent, in the sense that one could imagine a world of bounded and exclusive citizenships that did *not* have radically different values. If there weren't major differences in life chances between countries, then the inequalities associated with bounded citizenship wouldn't be so consequential. That is, you would still have exclusive, bounded, closed citizenships, but they would not be arranged in a steep

hierarchy. As a matter of fact, of course, the world we live in is not like this; citizenships *do* differ massively in value. Ayelet Shachar's book *The Birthright Lottery,* for example, describes citizenship as a valuable form of property that one inherits at birth in a morally arbitrary manner. And one can pass on this inherited property to one's descendants.

On the symbolic dimensions of inequality: Tamara, you quoted briefly from the work of Michèle Lamont. I see myself as engaged in a similar enterprise, and I presented an early version of this paper to Michèle's cultural sociology workshop. Both of us – and numerous others – are trying to connect, or reconnect, structural sources of inequality with the cultural dimensions of difference. Trying to reconnect these implies that scholarship had lost sight of this connection. This I think was the case, but increasingly people like Michèle and my former colleague Andreas Wimmer are giving renewed attention to the issue. One indicator of this is indeed the theme of next year's ASA meetings.

To your question about taste: I mentioned taste only in passing in this chapter. I have elsewhere engaged the work of Pierre Bourdieu, who of course comes immediately to mind if one thinks of taste in connection with cultural competences or cultural capital. And I have found Bourdieu's work to be immensely fruitful. However, I don't think one can simply take over what Bourdieu did in the French context and apply it in the American context. Bourdieu was writing about a landscape where the various forms of cultural capital were strongly hierarchized, a world in which high cultural forms had much greater prestige and value than pop-cultural forms. That is not the case in the US. There we see a pluralisation of taste worlds, even a de-hierarchisation. Paul DiMaggio has done important and interesting historical work on this. He shows how certain high cultural institutions were established around the beginning of the 20th century in many American cities. But by the end of the 20th century, the cultural consensus that sustained the connection between upper-class status and mastery of certain high cultural forms had vanished, and there is today no agreement about ranking of different forms of cultural competence. The world of taste is not as strongly hierarchized as a reading of Bourdieu would suggest.

Jovana Mihajlović Trbovc

I really enjoyed this book, because I was a little bit outside of the topic of identity and diversity for a few years, it was more a topic of my MA studies. In a way, it was a nice way to catch up with the field. I had the feeling, while reading, like there was an academic play-date: lots of new ideas and toys have been thrown up in the air, and then you tidied it up and organized it for us, or for somebody new entering the field, in order to get a general perspective

on the different ways and approaches how one can tackle these key issues related to diversity. For me personally this was more a book about the social organization of identity, because that is the perspective I was most interested in. Therefore, I was most drawn to the chapter on religion and nationalism. Going through an overview of different approaches how one can tackle these very complex and multilayered topics, was a nice way to check myself – so this is what I did when I was writing my thesis. I was actually reminded of something you said during the thesis seminar in 2008, and it was a very passing remark, but something that really stayed with me. We were discussing about religiosity as a concept that somehow describes the variety, the continuum between lower and higher levels of religious attachment, feeling or identity. And you said "Yes, we need that kind of word for ethnic identity, something like *'ethnocity'*. And I remember writing it down – 'ethnocity'", I was thinking about it because this kind of identification can be very salient for someone's identity, for the organization of the society, or it can be very marginal and less important for individuals or for the organization of society.

Therefore, when I was looking at this very nice mapping of different approaches to study of religion and nationalism I was wondering how this analysis of different approaches relates to the issue of gradation in religious or national identity, in the sense of higher/lower level of religiosity, or higher/lower level of saliency of the ethnic identity for the organization of society. I am not thinking only at the individual level of personal identity but also at the social level, because this is one quality of the book – that it somehow connects the bottom-up and top-down approaches, that is, researching these issues from the perspective of society or individual. When talking about different levels of salience or gradation in intensity of feeling ethnic or religious identity, I was wondering how your book communicates with intersectionality as an approach of study which looks at different axes of identity – race, class, gender, ethnicity and so on, and how they interact and create systems of diversifications and systems of discrimination. Because your book is also organized along these different axes – you look at different dimensions of citizenship, gender, religion, nationalism, and you go deep into each one of them, but we all know that none of these lines of diversification work individually or on their own in society. They are always working in combination, they are always historically contingent. And as much as I have personally deep support and respect for intersectionality as an approach and I like to advocate it around, it was immensely hard for me to apply it in practice. When you're conducting a research or writing a research project, you have this very abstract idea how you should do it, but it is very hard to put it into practice, because it becomes an equation with too many variables. And I was thinking – what do you think generally about intersectionality as an approach and how do you think the book relates to that concept?

Viktor Koska

I was thinking about how to make an introduction about what I am going to ask professor Brubaker today, because he gave me probably key theoretical approach in analysing the extensively rich data on ethnicity and migration integration issues and different categories of citizens. How did I find about the work of Rogers Brubaker? It was late 2006 when I was doing my masters at Oxford University, where, as a young scholar at that time, I decided to explore what has never been explored in Croatia before, the experience of the Serb minority returnees in the small town of Glina. What I was expecting was to see very clearly shaped entities of former refugees who are now returnees and who are obviously Serb ethnic minority. By that time I was also approaching what Professor Brubaker terms as the groupist approach. My difficulty was that, after conducting 30 interviews, I was approaching a groupist identity only at those times when I was imposing that on my respondents, or when I was asking the question in which they were reflecting not their personal experiences, but the experiences that they picked up somewhere else. This was happening after four or five hours of discussing what it meant to be an ethnic Serb in an environment which was expected to be extremely hostile, considering the ethnic cleansing. So I was in despair because I thought that I was going to fail my thesis, I don't have a theoretical approach through which I can explain what was going on.

A friend of mine suggested to me your books about ethnicity without groups and *Nationalist Politics and Everyday Ethnicity in a Transylvanian Town*, and that book literally saved my academic career. So thank you very much for that. I would disagree with Jovana that this book cannot offer a venue how to explore ethnographic research. I actually think that this is the book that allows researchers to explain a very complex reality within ethnicity, how it works, and to clearly see the areas within groupist approaches that have been institutionalized. In that case, I will just jump over to your newer book and the approaches that you developed in the fifth and sixth chapter, particularly on diaspora and membership migration in the member states, especially because today we have the referendum in Republic of Srpska. This book is so important because it actually allows us to explain in analytical language what is going on beyond the political discourse of everyday ethnicity which is always shaped in a groupist term.

In that case, I would like just to reflect briefly on the fact that, just as you said, diaspora is not an entity in the world, it is a stance toward the world. I would like to combine this with the analysis of a very particular Croatian case about how the external politics of inclusion have been shaped over the five or six years, and how they are sometimes aiming to include very complex ideas of ethnicity, but then exclude them on the other side. For example, if you take diaspora as the imagined groups of people who are having

their ancestry and descendants on a particular territory. In Croatia we have more than 400.000 people who were forced to leave the country – Serbs – in the 1990s, who are now settled in Serbia. On internal politics of belonging, Croatia has enacted a set of policies by which it is denying the right to these people to keep their residency in Croatia, even if they are citizens. On the other hand, the new strategy for Croats abroad has completely excluded this category of possible diaspora. On the other hand we are also seeing that there are different categories of tackling diaspora in the Croatian strategy. There are very clear goals about what we want to have, and which is basically measured in the nation state and ethnic Croatians in reality. For example, Croatia is obviously not setting the same strategy for Croats in Bosnia-Herzegovina, because it wants to keep its sovereignty over that section of the population in Bosnia. It is also pushing off possible return of non-wanted ethnic Croats who might come back. Those are Croats from Vojvodina, from less developed areas, and it comes very clear – the Croats who are actually welcome to come back are those who are not Croats at all. They are discovering their ethnicity where it does not exist. It is a similar situation with the Croatian national soccer team. The coach is going to Latin America and looking for talents and he is convincing them that they are Croats because of their ancestors. There is one model that I like to explain to my students which makes clear this differentiation and this challenging issue about how we are imagining even ethnic diaspora. For example, there is no question about that one particular individual who transgresses this idea of ethnic identity and turns to citizenship – this is Nikola Tesla, who is of Serb ethnicity, but he is considered to be Croat by the diaspora. But according to Croatian citizenship laws, the descendants of Nikola Tesla would not be eligible for Croatian citizenship. On the other hand, the descendants of Ante Pavelić, the notorious war criminal, would have the right to Croatian citizenship even if they didn't speak the language, and had no knowledge about Croatia at all.

Jovo Bakić

Since the end of the 1990s, when I read *Nationalism Reframed*, Rogers Brubaker has been one of my sociological guides through the study of nationalism and ethnicity. And it is a real pleasure to discuss some issues with such a scholar. As my students know very well, I introduced Brubaker's triangle in order to explain relations between Croatia, as a nationalizing state, Serbs in Croatia as national minority, and external national homeland – Serbia. Brubaker's triangle is an invaluable instrument, if one would try to explain historical circumstances and relations between both Serbia and Croatia, and Serbs and Croats.

Regarding "the return of biology" – I just don't want to talk about it because I do not have time to talk about it. I think that discussing the theme

of return of biology, especially from someone who is, like Rogers Brubaker, a constructivist, is something that we have needed. "Return of the sacred" – yes, it is; but late Anthony Smith dealt with this incomparably, and I would not repeat his arguments. Regarding "the return of inequality" – yes, I agree with almost all professor Brubaker wrote. However, I have an objection. I think that when you discussed the issue of inequality, and you dealt with Tilly's durable inequalities, you criticized him following your colleague and one another intellectual guide of mine – Michael Mann. You quoted Michael Mann, when he criticized Robert Tilly, that Tilly missed the class. And Tilly missed to explain inequality in terms of social class although he is a kind of neo-Marxist. We both agree with it.

At the same time, you do the same. You just missed the class. And I think that class is also an external category together with citizenship, ethnicity or religion. That is why I just want to ask you that – why did you do it? Why don't you involve the concept of the class? And you even mentioned it in your introductory word here, that capitalism is an important issue, that Thomas Piketty wrote about it insightfully, and I agree – but still, why don't you connect the issue of class with citizenship, with race, with ethnicity? And in many ways, they are more often than not overlapping. You have discussed legal boundaries, and legal propositions that race meant something different in the system of apartheid in South Africa. Today it is not legally codified. One could discuss the race issue in the USA as well. However, I want to stress especially lack of the class analysis in *Grounds for Difference*. I think that one has to take into consideration the class as a ground for difference. Workers were only half-citizens of a state, because many of them have no voting rights until the beginning of the 20th century. They have achieved thoroughly recognized citizenship rights only gradually and under pressure from organized workers' movement. However, neither this legal equality means proper social equality for workers, nor legal equality means social equality for Afro-Americans. There are several boundaries that obstruct the progression of workers, and not to mention the precariat (a very interesting category that appeared relatively recently). That is why I think that one should connect contemporary capitalism and the class in order to improve your otherwise excellent analysis.

Rogers Brubaker:
Response to Jovana Mihajlović Trbovc, Viktor Koska and Jovo Bakić

Again, a terrifically interesting set of comments. Let me be very quick and selective. I appreciate very much Jovana's two questions. The first was about gradational rather than categorical differences. While differences of religion – i.e. of religious affiliation or membership – are generally understood

in *categorical* terms, differences of religiosity are understood in *gradational* terms: one can be more or less religious. Jovana reminded me that I have the habit of remarking that we have no corresponding category for ethnicity. That is, we have ethnicity (like religion) as a categorical notion, but we do not have a term for "ethnosity" as a matter of degree that would correspond to religiosity. Yet such a notion would be useful, since in the study of ethnicity we would like to know – at least I would like to know – not only *what* someone's ethnic affiliation or identity is, but *how* ethnic they are. Deeply ethnic? Or only occasionally and symbolically ethnic? Degrees of identification with any category not only vary among people; they also fluctuate overt time and context. This is what I meant in writing in earlier work about "groupness" as a variable, or in suggesting an "eventful" perspective on nationness as something that happens with particular force at particular times and places.

About intersectionality, I struggle as you do with this notion. It is true that no category of difference works in the real world on its own. One is never just a woman; never just a Muslim; never just a member of a particular social class. All social determinations always act concomitantly and simultaneously. But that poses a huge and indeed intractable analytic problem. Unless you want to artificially restrict your attention to say two dimensions, you immediately confront exponentially increasing complexity. The combinatorics become impossibly complex. So, as you say, you get an equation with too many variables. This is something I struggle with also in my most recent book (*Trans: Gender and Race in an Age of Unsettled Identities*). How can one talk about the logic of race as a system of classification on the one hand, and the logic of sex and gender as a system of classification on the other, since race and gender never work independently? Indeed they don't. Yet at the same time they are two distinct systems of classification with quite distinct logics, and I think it is useful to consider the systems in relation to one another. Intersectionality is important, but social analysis does not have to be *always* and *only* intersectional.

Viktor, thank you for your kind words, it is always wonderful to know that one's writing has a certain resonance, that it helps think through problems. This is the best any author could hope for – to know that some concepts can be put to work! One doesn't fashion concepts just to fashion concepts; conceptual analysis is useful only if it improves the tools we have for thinking through substantive problems. So I appreciated very much your comments on the complexities – and I would say the absurdities, the ironies – of the internal and external politics of membership and citizenship in the Croatian case. I have one small illustrative discussion that resonates with your comment tucked away at the end of the chapter on "Migration, Membership, and the Nation-State." Here I drew on a much longer empirical piece that I wrote

with Jaeeun Kim on the politics of transborder membership and belonging in Germany and Korea. We considered ways in which certain *potential* external kin had been considered and defined at various times as *actual* transborder kin by Germany, and how the same thing happened in both North and South Korea, in different ways, with respect to potential transborder kin in China, in Japan, and in the former Soviet Union. We emphasized that one can't assume that transborder external kin are just "out there." Rather, they must be constructed, identified, defined, and delimited. Some who are excluded who might well have been included, others are included who might well have been excluded. There is a whole labour of construction of the population that is then given certain rights and privileges, such as the opportunity to acquire citizenship. So I loved your comments on the ironies of the Croatian case.

Jovo, thank you very much for your comments. Let me just address the question of why I don't discuss class in a sustained way in the chapter on "Difference and Inequality." This has to do with the way I set up the question that I address in this chapter. I pose a deceptively simple, but in fact quite complex question of how categories of difference, which are not in themselves *intrinsically* linked to inequality, are nonetheless *contingently* implicated in the production and reproduction of inequality. I do not treat class as a category of difference because it is intrinsically, by its very nature, *already* a category of inequality. So class doesn't belong alongside citizenship, alongside ethnicity, race, sex or gender, or religion, since all of these other categories of difference are *contingently* linked to inequality. You can imagine a world of difference without inequality, or a world in which patterns of inequality would be entirely independent of categorical differences of, say, ethnicity, religion, or gender. You can't even *imagine* this about class because it is intrinsically a form of inequality. That is why I do not address class in this chapter.

Marko Kovačević

Actually, it is really great to see that many colleagues here had previous experience with reading Professor Brubaker's book, and some of them have been reading him for one or several decades. I have to say that I have learnt about Professor Brubaker's work by chance two months ago. I come from area different area of study, International Relations and International Security Studies, and I find this book a good expression of meta-theory that can encapsulate certain perspectives, certain notions and concepts that are used in International Relations and International Security. My research deals with topics such as state building, Europeanization, and identities of post-Yugoslav states. I read this book as a way to give more meaning to certain concepts that are employed in the works of some Security Studies' theorists, most notably those who belong to the so-called *Copenhagen School*.

I found the line in your book that refers to the language being the medium of politics and communication. This can be related to the *Copenhagen School* and some of the concepts it uses and develops, such as identity, discourses, and the theory of securitization as a speech act. That understanding of the current developments in social theory more generally – where language is the medium through which security is constructed as a speech act sparks interests across the spectrum of social sciences today. Thus, the formative role of language in security practices is what we mean by security and is actually underscored by securitization theory. So, in my view, this understanding of identity language and the ways of difference has key implications for the contemporary International Studies. Here I would like to make another international security-related remark regarding the idea of modernity, and how it can be applied to the discussions of the ways states interact and develop in terms of state-building efforts in the 20th and the 21st century.

The latter is important for certain discussions about how the security dynamics reflect on regional levels. In this way, it is important to note that there are, in the works of Barry Buzan and his colleagues from the early 1990s, the conceptualizations of the pre-modern, modern and postmodern states. If we employ that kind of conceptualization of this triad of states – for example, from certain pre-modern states in the previous centuries, across the modern states that were present in the 20th century, to the postmodern states (i.e. the European Union member states, Japan, or the US) – does this understanding of modernity as a 'single modernity' have any implications for our thinking about states? Does this conceptualization of modernity as being one, except for its theoretical implications and fruitfulness for further thinking, have any implication for thinking about equality and what does that mean in terms of International Security Studies?

In this regard, there are some works by the authors who theorize within the 'postmodern' tradition in International Relations, such as Arlene Tickner, and who call for thinking about 'non-Western' IR theory and practices. My question would be whether having this one conception of single modernity, does that conception (you mention in the book that there are two components of the conception of modernity, one is the core and the other is flexible) – can we, for example, expect certain implications for the developments in Asian and other regionalisms in the world? For example there is ASEAN, which is a regional organization of the South-East Asian countries, and there are arguments about the differences and conceptions of the ASEAN regionalism compared to the European Union. This might further imply that the conception of modernity can be understood differently in those countries, reflecting the quality of their institutions. My second question is about state identity, since you also cover the notion of identities, and the differences in

identities on the level of individuals and the level of societies. In this sense, what would be your opinion on the notion of state identities – is it a viable concept today if we go for notions of pluralism? What is the usefulness of the concept of state identity today, in your view?

Ivan Đorđević

I will start with one reflection on singular versus multiple modernities. It reminds me of similar discussions in anthropology between postmodernity and coming back to some kind of positivist approach in ethnography and anthropology these days. As I understood, and you will tell me if I am wrong, your notion of single modernity here is a criticism of the concept of multiple modernities understood as something which is the consequence of the cultural turn in cultural studies or anthropology. I understood this as a culturalisation of politics, where culture became some kind of a core topic for human and social studies. But on the other hand, giving voice to indigenous people also focused politics on culture and blurred somehow the other kinds of inequality. From my point of view, coming back to the concept of single modernity gives an opportunity to reconsider these concepts that criticized the mid-century concept of modernity. But, on the other hand, if we take the notion that multiple modernities concept somehow contested the ideological nature of the mid-century concept of modernity, it also, from my point of view, became part of the culturalised and deeply ideologised polity which could be connected with the concept of the end of history. Or a concept that basically promoted new values, values of liberal democracy and market economy as a main goal of whole societies around the world.

I would also like to mention – you mentioned actually – the adaptability of nationalism and the nation state as something which is in the real core of nationalism and the nation state. I was thinking about something which is relevant within the EU during this period. From one point of view, the EU is now something I would call the double-edged politics of belonging. The EU now considers itself as an entity that protects itself, protecting its own values like human rights, like plenty of different results of identity politics during the last decades. Now it is making a kind of a fortress of Europe, protecting itself like a typical nation state. It builds itself as something which is territorialized, and it has its own identity, from the point of view of EU members. On the other hand, within the EU, we now have a debate which we can call 'more nation states against more Europe'. The concept of 'more Europe' is now abandoned, and the concept of the nation state is relevant again. Like in Hungary or in other countries of the so-called Visegrad group. My question is: is this adaptability of a concept of a nation state that we can see within the EU right now – it adapts itself, and is obviously very adaptable

as a concept? But on the other hand, other parts of this liberal discourse, like this teleological liberal discourse which is connected to the economy, is not abandoned at all. If we define the EU as a nation state broadly seen, or we define it as a different nation state which is now trying to make a different kind of community, there is no debate about the concept of progress. There is no mentioning of this kind of inequality, considering inequalities mainly in an economic discourse. So, my question is: if this liberal model is abandoned, is it possible to think about different economic models within the new emerging nation states?

Rogers Brubaker:
Response to Marko Kovačević and Ivan Đorđević

Regarding the question of single modernity versus multiple modernities, I should note that I address this issue in a very short chapter on "Nationalism, Ethnicity and Modernity." This was not framed as a broad-based intervention into debates about modernization theory. It addressed a limited and specific question: if we are talking about nationalism and politicized identity, do we need the concept of multiple modernities to make sense of the multiple forms assumed by nationalist politics, politicized ethnicity, indigeneity, and so on? Or is it helpful to think about the development, emergence, and worldwide diffusion of a set of models and templates for claims-making as part of a single global process, a process that assumes many different forms in different times and places, and yet is nevertheless a single process? I favor the latter view. The notion of diffusion may be seen by some as too closely linked to mid-20th century modernization theory, but I think diffusion can be understood in a more sophisticated way. What diffuses is not simply mechanically taken over from one context and used in another. Diffusion proceeds rather through a variety of creative syntheses through which what diffuses is melded with a variety of local, indigenous idioms and adapted to local circumstances. This produces a great variety of forms, but that variety can be interpreted as a set of variations on a certain core "package," a certain set of basic templates and models. This is what leads me to speak of single modernity rather than multiple modernities.

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Carl Schmitt's Friend-Enemy Distinction Today

Abstract After 1945, Carl Schmitt largely revoked his nationalist positions from before the war, although he also rarely publicly voiced his opinion about the Federal Republic of Germany and the development of the European Union. However, his complex system of categories offers manifold possibilities for an independent update. This paper aims to sketch the development of Schmitt's friend-enemy theory in his Theory of the Partisan, adapting this treatise to present issues. It further tries to, using Schmitt's categories, address the current situation in the EU from the perspective of the Federal Republic of Germany.

Keywords: Enemy, Partisan, Terror/Terrorism, Germany, Legality/Legitimity

A biographical sketch

Carl Schmitt (1888-1985)[1] is among the most recognised legal experts and political philosophers of the 20th century. He grew up in Westphalia's Plettenberg, earned his doctoral degree in Strasbourg in 1910 with a dissertation in criminal law. In 1915 he passed his bar examination in Dusseldorf, after which he went to Munich to work in the military administration. At the same time, he habilitated (received his professorial title) in Strasbourg. Even before 1918, he noticed a growth of power in the executive branch and an expansion of dictatorial entitlements. The civil-war-like situation of the Munich revolution of 1918/19 and the crises of the Weimar Republic contributed to making the subject of dictatorship his life-long preoccupation. From 1919 he taught in Munich, Greifswald and Bonn, and from 1928 until 1945 in Berlin.

Schmitt found the rule of law under a liberal multi-party system ungovernable, "weak" and inadequate to cope with its competences, which is why, as a legal expert, he pushed for a more executive-oriented and authoritarian transformation of the Weimar constitution. He argued for an extensive interpretation of the president's executive capacities, which made him one of the "crown jurists" of the Weimar presidential system (1930-1933). Before 1933, he was active in the right-wing intelligentsia of the "conservative revolution", supporting Weimar nationalism in its fight against Weimar parliamentarianism. After the Enabling Act of 24 March 1933, he switched to national-socialism, working (as a Party member and top legal expert) on the

1 For more, see: Mehring 2011; Mehring 2014a; Mehring; Schmitt 2003.

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"Gleichschaltung" (i.e. the forcible ideological assimilation) of law faculties, the justice system and jurisprudence in general.

As Prussian Privy Counsellor, Schmitt came into contact with Hermann Göring (1893-1946). More importantly, until 1936 he cooperated closely with the party jurist, "Reichsrechtführer" and minister Hans Frank (1900-1946), who would later become the "governor general" of Poland. Even after his fall in the NS-polycracy (in late 1936), brought about by the SS, Schmitt continued until 1941 to justify the "total state", as well as use his expertise in international law to defend the Reich's expansionist policies. Over the span of 70 years he published dozens of brochures and hundreds of papers and articles. The vast body of work he left behind is still in publication, with some of the most recently published volumes including important correspondence and a scandalous biography packed with excesses, affairs and polemics. Problematic as he was, Schmitt nevertheless possessed enormous charisma, which helped give him influence in academia. Extremely ambitious and vain, moody and unstable, he still managed to maintain life-long friendships. The political constants of his thinking were statism, caesarism, nationalism and antisemitism. Even after 1945 he remained an adherent of dictatorship. He denied the sovereignty of the Federal Republic of Germany and ignored it as a state.

The Friend-Enemy Theory Descriptively and Normatively

The high number of publications between 1910 and 1982 mean that Schmitt's theories cannot be reduced to a single text. However, two texts at least provide a starting point for the reception of his work: *Political Theology* (*Politische Theologie)* from 1922 with its doctrine of "Sovereignty" and the famous opening line "Sovereign is he who decides on the exception"; and the treatise *The Concept of the Political* (*Der Begriff des Politischen)* with similarly poignant formulations "The specifically political distinction [...] is the distinction between friend and enemy" (Schmitt 1963a: 26), and "The concept of the state presupposes the concept of the political" (Schmitt 1963a: 20). There are four editions of the latter treatise, published in 1927, 1932, 1933 and 1963. The last edition is amended to include a historicising preface, and coincides with the publication of *The Theory of the Partisan* (*Die Theorie des Partisanen),* which he himself described as a parenthesis to *The Concept of the Political.*

Schmitt explicitly states that his conceptualisation was but an analytical "criterion" (Schmitt 1963a: 26), not an "exhaustive definition", let alone an essentialist determination. The criterion should stand the test of application from the perspective of the observer, making political action as such clearer and easier to define. This means that Schmitt does not conceive this criterion as having a systematically-constructive meaning. Often his work is spoken of as the "Friend-Enemy Theory". But Schmitt never speaks of a political

"friendship", or even a political "peace". His theory has been criticised for promoting the "enemy" concept: Dolf Sternberger[2] and Jacques Derrida[3] are but two proponents of such criticism. In the strong sense, Schmitt is being accused of standing for the constructivist or creationist concept of the primacy of enmity: the claim being that Schmitt turns a more or less contingent occasional determinant of enmity into the primary purpose of political unification, and that he does not recognise any stable political identities. If we are to clarify these objections, we have to reconstruct his layered considerations with greater complexity.

A closer examination of the four versions of *The Concept of the Political* shows that Schmitt seeks to support his systematic elaboration of his primary political distinction using historical examples. The text alternates in an essayistic manner between theory and praxis: theoretical considerations and politically-practical conclusions. One should clearly differentiate between the systematic and the politically-practical reception: which systematic meaning Schmitt attributes to "friend" and which to "enemy" can only be determined by consulting other texts.

The essay, *Political Theology* seems to imply a somewhat transcendental and transcendentally-pragmatic foundation: political actors must actively opt for the prerequisites that make possible their standpoint as actors. What Schmitt means to say here is that political sovereignty is only possible within a theist and personalist worldview. This calls for rejecting atheist Marxism and choosing a theist and personalist counterrevolution. He interprets his opting for theism, personalism and decisionism through a decisively Christian key, which soon takes an anti-Semitic turn. Such a "friend", who shares this theist and personalist requirement of opting for sovereignty, does not yet have to belong to the same nation. The systematic approach of *Political Theology* doesn't yet seem to make a nationalist perspective imperative.

Neither is the latter necessarily implied in his 1928 textbook *Constitutional Theory* (*Verfassungslehre*), which is also fundamental to Schmitt's concept of political friendship: if we want to understand what Schmitt meant using the terminology of political "friendship", we have to take *Constitutional Theory* into consideration, especially the relation between the "positive" and the "absolute" concepts of constitution. Schmitt here elaborates how "political units" are constituted through "fundamental decisions" in demarcation from "concrete" alternatives. What he understands by political "friendship" is formally defined as a relative "homogeneity" and "substance". He identifies different "intensities" or levels of mobilising the political unity of attitudes and actions.

2 Sternberger 1961; Sternberger 1986.
3 Derrida 2000.

Schmitt describes the political dynamics and the constitutional struggles of the Weimar Republic predominantly through the tensions produced by ideas and arrangements of "Versailles", "Geneva" and "Weimar". He identifies various actors, and assumes strong internal antagonisms and constitutional struggles. Thus, in his 1923 paper, "The Crisis of Parliamentary Democracy" (*Die geistesgeschichtliche Lage des heutigen Parlamentarismus*) he observes civil-war-like strife between the Marxist movement and the nationalist "counter-revolution", predicting that the state will lose its political monopoly, resulting in tensions between the State and the Nation. Here his famous opening line gets its historical and systemic meaning: "The concept of the state presupposes the concept of the political" (BP 20). Within the system, this means that political monopoly, i.e. sovereignty, must be described based on primary political actors. From the standpoint of constitutional history, on the other hand, it means that the territorial and bureaucratic institutionalised state is, in its current condition, no longer self-evident and that various political actors are capable of doing politics against the German state, mobilising political forces and movements. In the context of the Weimar Republic, Schmitt is thus implying that the allied victors of "Versailles" and their liberal constitutional system, along with the Marxist movement in Russia and Germany, and generally all kinds of totalitarian parties that function on the principle of *pars pro toto*, including the nationalist opposition, and even churches and syndicalist unions as "pluralist" forces formulating alternative loyalties, all jeopardise the "ethics of the state" and its unity.

Schmitt's treatise *The Concept of the Political*, in its 1927 edition, is doubtlessly a nationalist pamphlet. It mobilises the political unity of the People and the Nation in a fight against the system of the winners of WWI. It also explicitly regards "liberalism" as a "negation of the political" (Schmitt 1963a: 69). Schmitt's nationalist ideal of political intensity and unity therefore significantly differs from the constitutional analysis and deconstruction of the Weimar Republic. In his *Verfassungslehre*, Schmitt distinguishes legal and political elements of the constitution. He wants to reduce the liberal elements of the constitutional state: the legalist concept of law, the basic rights and the separation of powers. Given that our aim here is to emphasise the importance of his work in our time, there is no space here to offer a detailed analysis of how, in his publications pre- and post-1933, Schmitt positions himself with regard to the national-socialist Leviathan.

Updating *The Theory of the Partisan*

As already stated, Schmitt distinguishes the concept of the political from the concept of the state. Even before 1933 he noticed a tension between state and nation, which was perhaps obvious considering the territorial losses after Versailles, but did not codify his concept of building political unity as

"nationalism". He never wholeheartedly situates "legitimacy" within state legality and in the ruling system of international law. His *Theory of the Partisan*[4] from 1963 revisits the distinction between the concept of the political and the concept of the state by explaining the figure of the partisan from the aspects of legality and legitimacy. Namely, the partisan is a sub-state political actor acting at their own peril: irregularly and illegally, but not *per se* illegitimately. Schmitt argues historically and genealogically by outlining the development of the partisan "figure". His historical line dates the origins of the partisan in the time of nationalist resistance to Napoleon in Spain and Prussia, dubbing the Partisan the "Prussian ideal" of 1813. Looking back at WWII, the treatise published in 1963 serves the myth of the "clean" Wehrmacht by making the Marxist line from Lenin to Mao responsible for the ideological and terrorist unleashing of partisan warfare, or to use current language – the asymmetrical warfare of global terrorism.

Yet even before 1933, i.e. in his 1923 brochure on parliamentarianism, Schmitt views the irregular, illegal partisan actor primarily against the backdrop of the "world civil war" of nationalism against Marxism. He seems to establish the legitimacy of the partisan from his defensive and telluric character. He principally separates legality and legitimacy: the former is a juridical criterion, the latter – echoing Max Weber – the main category of political sociology. Schmitt also differentiates this sociological aspect of legitimacy from the systematic foundation of law. Legality does not guarantee legitimacy: there is illegitimate law, as well as legitimate injustice. Even a collectively recognised and thus legitimate system of legality does not have to be just and true. Schmitt exemplifies this in his *Theory of the Partisan* with the "Salan case" (Schmitt 1963b: 86).

Schmitt's approaches to a normative differentiation and evaluation of the political actor are indicated by constantly differentiating between legality and legitimacy. This is also why he separates the concept of the political from the concept of the state: legal actions are not *per se* legitimate. There are politically possible and juristically legitimate acts of resistance against the state. In his *Theory of the Partisan*, after the experiences of WWII, decolonisation, the war in Algeria and the Chinese revolution, Schmitt comes close to the problems of today. In debates after 9/11, his *Theory of the Partisan* is repeatedly quoted as particularly relevant.

In 1963, Schmitt names various "aspects and concepts of the last stage". The spatial aspect of nationalist homeland defence, according to him, becomes increasingly diffuse and unclear, through the ideological orientation towards international Marxism as well as through the global political and technological

4 Schmitt 1963b.

integration. In Germany, this is currently concisely expressed in a formula by the former minister of defence, Peter Struck (1943-2012), who, in a 2004 statement justifying the deployment of German troops to Afghanistan said: "We are defending Germany at the Hindukush"[5]. This statement can today only be understood as satire – no one believes it in earnest. On the other hand, in times when humanitarian intervention seems necessary, there are no longer any clear criteria for differentiating aggressive from defensive wars.

In *Theory of the Partisan*, as well as other works, Schmitt further develops his thoughts for understanding today's "last stage". He speaks of the "human type" of the "industrial partisan" (Schmitt 1963b: 81), who, using advanced technology as means of abstraction and distancing from the concrete enemy, is about to lose the last of his human inhibitions. This makes us think of today's varieties of cyberwar or drone attacks.[6] In the asymmetrical war of modern terrorism, we see not only the application of modern technology, but also the simplest pirating and destruction of complex technical systems, as well as a combination of both atavistic and modern techniques and practices. Mobile devices and the internet are opening up an easy way of reaching global audiences. Terrorist videos of beheadings have a global political impact.

Schmitt concludes his *Theory of the Partisan* by distinguishing the actual and the absolute enemy. This is an imputation to Marxism, but he could have just as well named his own anti-Semitic paranoia. In his anti-Semitism, Schmitt has himself lost the ability to distinguish between the actual and the absolute enemy: he constructed phantoms of absolute enmity and clouded his perception with ideological bias. He then retroactively and unilaterally attributed this ideological construction of absolute enmity to Lenin. He writes: "Lenin, as a professional revolutionary of the world civil war, (…) has turned the actual into the absolute enemy" (Schmitt 1963b: 94). When an actual enemy is proclaimed to be the absolute enemy, this denies him any capacity for peace, he is demonised and dehumanised. Schmitt recognises not only the ideological identification and defamation of the enemy, but also his condemnation on account of his deeds and means. For this, he quotes Hegel: "the weapons are the essence of the fighter", and adds that "this means: the supraconventional weapon suggests the supraconventional man" (Schmitt 1963b: 95). He speaks of the "inescapable moral compulsion" to, following a "logic of value or lack thereof", declare certain types of enemies "criminal and inhuman", and push them "in the abyss of total devaluation" that ends in a "destructive spiral of absolute enmity" (Schmitt 1963b: 96).

Here Schmitt could have named excessive measures in fighting partisans during WWII, as well as other examples. In 1960s debates, the "supraconven-

5 https://de.wikiquote.org/wiki/Peter_Struck

6 For more on these justifications, see: Münkler 2015.

tional" weapon that threatened all rules of war was the atom bomb[7]. Today, we could add other forbidden weapons: biological and chemical, cyberwar and drone attacks, or even the regression to atavistic weapons like swords, machetes and axes. When an IS terrorist indiscriminately mows down pedestrians on a promenade in Nice, this renews the discrepancy between civilisation and barbarism, which is then perceived as especially inhumane and terrorist. The political motives of such an act are often contested: in an attack against the developed civilisation of humanity, the perpetrator seems only to care about maximising the dimensions of barbarism. Such a perpetrator is not perceived as a member of an organisation with limited political goals, but as the absolute enemy of humanity and civilisation. One would not even associate him with the notion of "radical evil", but deny him any human potential. He is thus proclaimed insane and demanded to be locked up in a psychiatric institution instead of a prison.

Any number of passages from the *Theory of the Partisan* can be similarly used for the analysis of contemporary terrorism. In Germany, this has been done by Herfried Münkler in numerous publications on the "new wars" (Münkler 2002). The most recent example comes from an article in the magazine *Die Zeit* (the issue of July 25th 2016) about the type and profiles of terrorist actors, after the attacks of Paris, Brussels and Nice. Münkler states that a clear distinction between the paradigms of war and criminality is not possible any more, and that Muslim petty criminals are using the IS as a means of self-aggrandisement and justifying running amok, being in turn instrumentalised for a politics of terror that aims to cause an all-out "conflict between the West and Islam". Here Münkler refers to Schmitt's allusion at the "interested third party" (Schmitt 1963b: 77f), who is needed for the terrorist to be recognised as a political actor. Münkler concludes: "He is hence also present in the new forms of terrorism, the 'allegedly interested third party'. However, it is not addressed directly anymore, but has to be constituted by the reactions of the afflicted". (Münkler 2016) The most recent reception of the *Theory of the Partisan* would be a big enough topic on its own.

The Current Situation in Europe (September 2016)

Before further applying Schmitt's categories to the present, I will reiterate some of my theses:

a. Schmitt has, with his *Concept of the Political*, at first formulated an analytic "criterion" from an observer's perspective. Only in conjunction with other works, like the *Political Theology* and *Constitutional Theory* can one speak of a terminologically elaborate theory.

7 For instance, Jaspers 1958.

b. Schmitt alternates between theory and praxis, descriptive analysis and normative partisanship. One can speak of a systematic partisanship for the conditions of possible political sovereignty. One cannot, however, find a clear option for nationalism or statism. Schmitt has rather relativised the concept of the state and has given no essentialist definition of the German "nation". After Luther's reformation, Germany lost its religious homogeneity, and Schmitt rejected the new humanism of Goethe's era as a possible religiously-neutral carrier of consensus.

c. After 1945, Schmitt transferred the distinction between the concept of the political and the concept of the state into his *Theory of the Partisan*. In doing so, he thematised and problematised the legality and legitimacy of this political actor and described his figure in a way which today, over fifty years later, is still relevant.

If we try to comprehend the current re-emergence of nationalism and national state in Schmitt's categories, we have to concede that his work *literally* does not allow us to do so. We cannot seek orientation by reading his work literally, nor by following its spirit: we cannot and will not follow his political motives, nor can we guess how he would have reasoned if he were living in our times. We can only take some of his concepts and categories and transform them. Schmitt barely stated his opinion on the development of the European Union, and remained conspicuously silent after 1945 about the state of the nation or the "German question". There are hardly any statements about the German Democratic Republic. Nor are there any strategic considerations concerning a possible German reunification. This silence can only be understood as his condemnation for the defeated of 1945: Schmitt probably interpreted the defeat as a military and political failure of the German people, which he answered by terminating his political loyalty. After 1945, he did not speak from a participant's perspective, since his view was that Germany lost not only its political sovereignty but also its position as a political actor. In his opinion, Germany was not only powerless and vanquished, but also politically disabled, making him renounce his nationality.

After 1949, it was Franco's Spain that became his adopted political home. The Federal Republic of Germany never was the home to which he owed loyalty. Behind his generalising diagnosis that "the era of the state" is over (BP 10), we can recognise the claim that Germany as a nation state is finished, annulling any national and citizen obligations towards it. In his last texts, such as *Clausewitz as a Political Thinker* (Clausewitz als politischer Denker) or *The Legal World Revolution* (Die legale Weltrevolution), Schmitt returned to national issues. On the other hand, a differentiated and generalised view of the European process can be found nowhere.

Let us try to look at the current situation using Schmitt's categories. It is understood that we cannot see with his eyes. He would have undoubtedly developed new aspects and categories to deal with today's issues. He did not regard his positions and concepts transhistorically. He spoke of a question-answer relation: whoever offers old answers to new questions has already lost the political game, meaning that he is incapable of appropriately understanding political dynamics.

We mentioned that Schmitt understood nations as historical formations and did not attempt to give essentialist definitions of national identities. The "substance" of national "homogeneities" can be diverse. Böckenförde[8] has further developed this idea, presupposing formative phases in the European nation building processes, as well as relatively stable identities. Schmitt on the other hand, in his *Political Theology*, assumed social and moral resources and cultural prerequisites of political unification. Here in Belgrade, one must remember that Schmitt, influenced by both his wives, had strong affinities towards Serbia and Orthodox Christianity. He was also interested in nation building processes after Versailles, and mentored several dissertations on the Yugoslav state. (Schilling 1939) After 1945, however, he raised the question of multipolar alternatives to the bipolarity of the Cold War only in the most general way and kept proposing a plurality of "large regions" (Großräume) as an alternative to a universalist "world unity" and the "legal world revolution" of a globalised Western constitutional standard. He was aware of continuous nationalist (under)currents within the Soviet sphere of influence, but rightfully did not recognise them as actually decisive political forces. He did not live to see the fall of the Eastern bloc.

In general terms, Schmitt asked about the unifying homogeneous foundations of federative structures, and identified them in his 1926 paper *The Core Question of the League of Nations* (Die Kernfrage des Völkerbundes) as a demarcation effort towards the common enemy – the Soviet Union. In his "Großraumlehre", after 1933, he supported hegemonic relations and legitimised national-socialist Germany as a regulating power in Europe. He viewed the post-war system of Versailles as unstable and supported the territorial revisions of German revanchism. In fact, since the demise of the Soviet Union in 1989, the territorial system of Versailles has continued to collapse. The territorial order of the Cold War has been reduced to the old nationalist fronts of 1918. Nationalist energies have thus shown themselves to be the stronger "myth", as foreseen by Schmitt in 1923. Czechoslovakia and Yugoslavia, products of the Versailles Treaty, exist no more. Nationalist dynamics have led to bloody territorial rearrangements and vicious ethnic cleansing. The explosive potential of nationalism and national claims

8 Böckenförde 1999.

for self-determination have also manifested themselves in the secessionist movements and state-building processes after the collapse of the Soviet Union. These processes of separation are still not complete. After the Chechen wars, Russia under Putin has launched a new bid for empire, as evidenced in Georgia and Ukraine. For this purpose, Russia has dug out old pan-Slavic ideologies and reanimated Orthodox Christianity as a geostrategic means of expansion. Today there are signs of a possible dangerous alliance between Russia and Turkey that could affect the geostrategic order of NATO and constitute a serious threat to fragile world peace. I do not know where Serbia stands on this issue, whether it shares Ukraine's inner conflict between Westernisation and Russia.

Amidst the new crises of the European Union, Germany has been assigned a difficult leadership role. Of all the founding members, Germany has lately been forced to carry the weight of the European process alone. In June 2016, Great Britain voted to leave the Union altogether, even if the actual process of separation has not yet begun, and France is economically weakened and afflicted by Islamist terror. In the autumn of 2015, Merkel, together with her French colleague, called the situation "exceptional". After the Paris attacks, France formally declared a state of emergency, which is today, after the attack in Nice on 14 July 2016, still in place. The burden of the European process is, for certain issues, shouldered by Germany alone. There is little support for its initiatives towards a "European solution" of the refugee crisis[9] through a more even distribution of the migration influx. Germany is becoming increasingly isolated in preventing the demise of the EU.

Germany's isolation is understandable. After 1945, it had an especially difficult relation to nationalism and nation state issues. During its Cold War division, it learned to distinguish between state and nation and to view nationalism primarily as a destructive factor. This is why right-wing movements in Europe are getting bad press in Germany. Right-wing extremism is fought and suppressed, which is why no strong populist party has been able to establish itself since WWII. There were only small and short lived attempts. The political system can continue to count on this organisational weakness of German nationalism, which is still under the heavy mortgage of national socialism. Such parties usually fail for their sectarian dynamics and their difficult position to anti-Semitism. This also seems to be the case with Germany's youngest populist party, the AfD: despite its huge success at the polls, it cannot seem to establish a stable organisational structure, morphing quickly from Euro-scepticism into right-wing populism, followed by internal quarrels and divisions. This does not mean that nationalism is not

9 For more on this, see: Mehring/Matejckova/Morkoyun (eds.) 2016.

a force to be reckoned with in the German electoral body. Right-wing violence is on the rise; however, as opposed to France or the Netherlands, German nationalism is still proving incapable of organising itself. It is lacking not only strong leader figures, but also public acceptance.

After 1945, the Federal Republic of Germany became the engine of the European process. Unfortunately, Germany forgets the strategic conditions of its Euro-enthusiasm: the economic and political rise after WWII was only possible through Western alliances, and even the reunification after 1989 was only successful under conditions of further strengthening those alliances. With the eastern expansion of the EU, the geopolitical situation has changed considerably. EU and NATO are at Russia's borders, which effectively mean the end of "soft" borders that empires actually require to function. The European Union is struggling to incorporate the various and diverging positions of its member states into nationhood.

Strong nationalist movements were not very common in Europe after 1945. This applies even to the "hereditary hostility" between Germany and France. Franco-German relations have been very successful for fifty years now. This is why there are still strong voices in Germany supporting a unified Europe, and dreaming of an end to national identities. A depressing testimony of such a dream, or nightmare, is a programmatic article in the *Frankfurter Allgemeine Zeitung* by Martin Schulz[10], President of the European Parliament, written in reaction to "Brexit". It lacks any realistic description of the current situation, crediting the EU with all the new constitutional achievements, while accusing national governments for all the problems. Certain left currents, even in the Social Democratic Party, have perceived the demise of the national state as a just punishment for Auschwitz[11]. In place of a nationalist sectarian ideology, here we have its equivalent – the ideology of a transnational "good European" in a United States of Europe.

Germany has yet to grasp that the eastern European countries have a different relation to the national state. In addition to economic benefits, what they expect from their EU-membership is the securing of their at long last achieved national autonomy against Russia. Europe is perceived as the enabler of national independence. Nor is it only the young Eastern European member states that are responding to the refugee crisis by reaffirming their national identity and closing their borders; there is no patience any longer for calls to European solidarity. Since its inception, the EU has been a predominantly political project, employing economic cooperation and liberalisation as a means to achieve unitarisation. It remains to be seen if the

10 Schulz 2016: 6.
11 As already stated by Winkler 2000: vol. II, 654 f.

economic liberties in the EU can be separated from other cooperations and solidarities. England appears to be attempting to negotiate Brexit in this direction. It is undisputable that the EU today is facing grave challenges to its unity. Schmitt would have maybe emphasised the integral correlation of constitutional standards, arguing against processes of differentiation and division between the core of Europe and the secondary members, a Europe of different speeds or articulated partial integrations. On the other side, he would probably have relativised strong substancialist presuppositions towards partial communitarian mobilisations, by stressing the external difference towards Russia.

After 1989, the relationship between NATO and EU has also changed. The growing EU has become somewhat of a buffer between the United States of America and Russia. During the 1990s, afflicted by the dissolution of the Soviet Union, Russia was barely perceived as a global power. The USA were credited as "the only remaining superpower". With the return to old imperial positions under Putin and the "new cold war", EU and NATO policies are growing closer. The borders of both alliances are more strongly identified. The integral connection of EU and NATO policies is evident in their stance towards the issues of Ukraine and Turkey. This however is making an independent political stance towards the USA more difficult. For instance, there are considerable differences between the EU and the USA regarding their policies on Ukraine. The massive and not entirely unjustified security interests of Poland and the Baltic states are impeding attempts of a de-escalating politics of understanding towards Putin. The USA, who consider the Eastern European border policies to be part of their stance against Russia, are not affected by refugee routes and migratory potentials of failing border states in between Russia and the EU. Germany is interested in assuring stability in Ukraine not least because it would not be able to absorb another wave of immigration.

Today the EU enforces a common European constitutional standard, considering human rights and democracy to be non-negotiable membership criteria. With regard to these criteria, further accession talks with Turkey are currently (as of August 2016) placed in jeopardy. Schmitt would have viewed the presidential, autocratic and even dictatorial transformations under Putin and Erdogan as exemplary cases of a constitutional reconstruction of more or less liberal "legislative states" into autocratic and executive systems of actions and measures. It is to be presumed that he might possibly opt for Russia, if the only alternative were the current Federal Republic of Germany. When we in present day Europe demand of Moscow and Ankara to adhere to our Western constitutional standards, we should not ignore the legal and democratic deficiencies of the EU. Schmitt's treatise *The State*

of European Jurisprudence (Die Lage der europäischen Rechtswissenschaft) is eerily relevant today. He would have possibly been interested in engines of the European process like the EUCB, or the EU Court of Justice[12]. He would surely ask about the present place and carrier of sovereignty. He would not, however, be interested in the usual references to a lacking European public community and a non-existent democratic pan-European government, as Schulz would have it. He was no liberal democrat, even if he held that a certain amount of plebiscitary legitimation was politically necessary. He would certainly criticise the informal and non-public centres of decision-making in the EU, ascertaining a kind of vagabond sovereignty, with no clear and transparent responsibilities. Therefore, he would perhaps draw parallels to the Cold War, stating that regardless of whether it is in Bonn, Paris, Strasbourg or Brussels, or even Athens and Warsaw, the EU is structurally and politically blocking its own options of action, which is shifting the place of sovereignty to "interested third parties". In a decisive moment of crisis, the place of decision is still located in the USA, whether it resides with the American president or with NATO's military strategists (formally situated in Brussels). This scenario has repeated itself numerous times over the last decades, such as during the Bosnian war, the bombing of Belgrade, even in Libya and Syria.

Here I must end. This overview of considerations cannot refer to the authority of Schmitt's work. We cannot say how Schmitt would have seen the situation today – his complex body of work allows different interpretations and applications. I will only mention one last aspect: Schmitt fought tirelessly against "universalist" thinking. In the end, he feared a "legal world revolution", that is, a universalisation of one given constitutional standard without alternatives. In his *Political Theology*, however, he only selectively touches on the social and moral premises of liberal-democratic constitutions. Today we are experiencing the limitations of universalist beliefs, especially when confronted with non-European cultures. National identities inside and outside the EU are once again proving to be the strongest sources of political solidarity and loyalty. "Ethnonationalist" identities are tearing the Arab world apart, mauling it through religious civil wars, with no trace of pan-Arab pacifism or civil political culture. The national prerequisites of liberal-democratic constitutions are today being recognised even in Germany. Schmitt's dramatic scenarios of states of emergency and civil wars appear to be coming true, and moving from the Middle East and Central Asia towards Europe. I have been studying the work of Carl Schmitt for more than 30 years now. He has never seemed as relevant to me.

12 For more on this, see: Gosewinkel 2016: 592 ff.

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Rajnhard Mering

Razlikovanje prijatelja i neprijatelja kod Karla Šmita danas

Apstrakt

Nakon 1945, Karl Šmit se uglavnom odrekao svojih nacionalističkih pozicija od pre rata, mada je takođe retko javno iskazivao svoje mišljenje o Saveznoj Republici Nemačkoj i razvoju Evropske Unije. Međutim, njegov složeni sistem kategorija pruža višestruke mogućnosti za nezavisnu procenu. U ovom radu se pokušava skicirati razvoj Šmitove teorije o prijatelju i neprijatelju u okviru njegove teorije partizana, adaptirajući ovu tezu u skladu sa današnjom situacijom. Dalje, pokušava da, koristeći Šmitove kategorije, opiše trenutnu situaciju u EU iz perspektive Savezne Republike Nemačke.

Keywords: Neprijatelj, partizan, teror/terorizam, Nemačka, legalnost/legitimnost

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Politics of Peoplehood: the Birth of a New Nation?

Abstract The political legitimation of nation states traditionally tended to claim homogeneity requirements that often exclude large sections of population. Taking this account of the traditional correspondence between nationality and state as a backdrop, I will attempt to sketch a new conception of peoplehood not based on class, race or religious membership, but on the acceptance of manifold social differences and on the construction of new belonging models. Basically I will suggest the exploration of new avenues of political research about the future of the nation with the following main goals: a) to argue for the persistence of differences among the members of a society at a global scale as a positive feature able to remove deep prejudices and biased views about the others, b) to highlight the prejudices that the neoliberal frame of the EU has supposed in the West Balkans area and c) to criticize the ideological resistance stemming from the idea of a nation state that usually turns down the birth of new nations in history as the result of wrongly solved conflicts. My claim for a politics of peoplehood as a regular source of conflicts and demands, which shouldn't be viewed as a civil failure or breakdown, will be especially inspired by some texts from Seyla Benhabib, Slavoj Žižek and Lea Ypi focusing on the necessary updates that the conditions of membership and political participation ought to include in our current times.

Key words: Peoplehood, Partisanship, Populism, Republicanism, Orwell, Laclau; Ypi, Žižek, Benhabib

The political legitimation of nation states traditionally claimed ethnic or religious homogeneity as a requirement that systematically condemned to exclusion large sections of the population.[1] Taking the aftermath of the traditional correspondence between the nation, people and the state as a backdrop, I shall attempt to sketch a new conception of peoplehood not based on class, race or religious membership, but rather on the acceptance of the interdependence among manifold social and cultural differences and on the framing of new membership models. Basically, I will attempt to explore new avenues of political research regarding the future of nation with the

1 This paper stems from a research funded by the following projects: *Naturaleza humana y comunidad (III). ¿Actualidad del humanismo e inactualidad del hombre?* (FFI2013-46815-P) and *Retóricas del Clasicismo. Los puntos de vista (contextos, premisas, mentalidades)* (FFI2013-41410-P), granted by the MINECO of the Government of Spain. A previous version of the paper was discussed at the workshop *Politics of Enmity*, held from 26th to 28th September 2016 at the Institute of Philosophy and Social Theory of the University of Belgrade. I am very grateful to the members of the Group for Social Engagement of that centre for their insightful remarks.

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following goals: a) to argue for acknowledging differences as a positive action leading to the enhancement of local political membership on a global scale, b) to criticize the model that considers that the neoliberal state paves the way to political and social development, especially taking into account the Balkan peoples' protests against this message and c) to present a new conception of peoplehood as a hinge between society and partisan structures.

The Differences We Belong to

One of the most deeply rooted prejudices about the forging of a nation refers to national homogeneity and the feelings expressing cultural belonging, as if they were the aesthetic expression of a nation-embedded political demand. It is a matter of fact that the modern framework of the nation-state is based on powerful images of enmity that charge the nation-state with the task of defending itself from other homologous political entities or potential internal separatist agents. Therefore the murmur of warfare lies under the foundations of the modern nation, but the postmodern constellation did not succeed in creating and consolidating a new political order free from this burden. As an example of this, my own country, Spain, officially acknowledged four languages in the state aside Castilian with the advent of democracy, but no governmental measures were taken to spread the knowledge of all these languages in our high schools, whose exams do not take them into any account, condemning them to minority and local status. People of my age from Madrid were forced to learn Catalan by their own means for accessing the worldly appreciated literature in this language.

According to this hegemonic point of view, far from the Kantian hymns in favour of the rule of law across the surface of the Earth as the key to solving our problems, ethnic, religious and political confrontations surround us everywhere we move. Based on the conviction that social and cultural differences design the backdrop of concrete politics, I suggest we appraise their political scope by reading accurately an excerpt of a survey that George Orwell carried out in the 1930s regarding mineworkers' groups and their families in England. It highlights that the heterogeneous ways of life adopted by the members of different social layers should not prevent them to give birth to a common political protest. On the contrary, these different uses are intended to lead them to the only path open to aggregating common forces with the aim of defending against shared enemies. Orwell does not hesitate to identify this enemy with the economic exploitation of all workers and with the on-going pressure of failure experienced by the called middle class:

> "[I]f you are constantly bullying me about my 'bourgeois ideology', if you give me to understand that in some way I am an inferior person because I have never worked with my hands, you will only succeed in antagonizing

> me. For you are telling me either that I am inherently useless or that I ought to alter myself in some way that is beyond my power. I cannot proletarianize my accent or certain of my tastes and beliefs, and I would not if I could. Why should I? I don't ask anybody else to speak my dialect; why should anybody else ask me to speak it? It would be far better to take those miserable class-stigmata for granted and emphasize them as little as possible. They are comparable to a race-difference, and experience shows that one *can* cooperate with foreigners, even with foreigners whom one dislikes, when it is really necessary. Economically, I am in the same boat with the miner, the navvy, and the farmhand: lay the emphasis on that and I will fight with them. Culturally, I am different from the miner, the navvy, and the farmhand: lay the emphasis on that and you may arm me against them. […] The weakness of the middle class hitherto has lain in the fact that they have never learned to combine; but if you frighten them into combining *against* you, you may find that you have raised up a devil" (G. Orwell, *The Road to Wigan Pier* (1937), Penguin Books, 1978, pp. 201-202).

Here we have an example of a political union stemming from the acknowledgment of multiple related demands. Orwell forces the reader to acknowledge that behind every political strategic agreement lays a stubborn disagreement regarding the sources of value that each group considers part of their identity. Yet this should not discard an effective cooperation grounded on the basis of shared damages. This seems not very far from Ernesto Laclau's claims for making the notion of totality more a horizon than a ground previous to the emergence of a political project.[2] In this context I agree that removing the blindfold that prevents the subjects from noticing a common social suffering will help them discover unexpected political partners. Yet, I am not arguing for the retrieving of an alleged civic virtue such as tolerance to deal with the alleged negative effects that heterogeneity has for collective coexistence and cohabitation. Kant already spoke in his *What is Enlightenment*

2 "Not a Ground but a Horizon: An Interview with Ernesto Laclau, Brian Price and Meghan Sutherland", *World Picture* 1 (2008), http://www.worldpicturejournal.com/WP_2/PDF%20Docs/LaclauPDF.pdf (viewed 1 September, 2016): "So the answer to this difficulty is to be found, in my view, in the notion of a particular object which, without ceasing to be particular, transforms its body through the process of representing (indeed, of constructing) that impossible object: the totality. The latter is, stricto sensu, incompatible with the particularity that incarnates it. This is the empty or hegemonic signifier. I have written that we are here in a situation comparable to that of the Kantian noumenon: an object that shows itself though the impossibility of its adequate representation. The obvious difference from Kant is that the noumenon has a precise identity, even if it is that of a Regulative Idea, and that the task that this Idea prescribes, although it is infinite, has a direction established from the beginning. However, in the case of the empty signifier there is no such unidirectionality: everything depends on the contingent process through which a certain particularity claims to be the locus of the universal. This particularity, in its universal role of representing the totality, works as the limit of what is representable in a certain space. Actually, it constitutes the latter; it is in this sense that it is a horizon and not a ground".

about "the presumptuous title of tolerance", which Goethe and Mirabeau also viewed in the XIX century as an insult and a temporary attitude, that should evolve into a full recognition of the values of others. I share Brown's misgivings about this virtue pervaded by a depoliticizing function, since it often fulfils a hegemonic judgment that does not need to be reviewed in turn through the process of toleration. Against Rainer Forst's appraisal of toleration as a concrete practice of justice, which prevents the person who holds an objection from transforming it into a rejection, as it considers the rejection to be an unfair deed, Brown has denounced in a Foucauldian sense the hegemony grammar in action in this behaviour:

> "How does tolerance discourse today recentre certain hegemonic norms? What hegemonic norm, for example, lurks in the formulation 'I'm against gay marriage but I'm for tolerance'? What hegemonic norm is recentred when Europeans or Americans speak of being tolerant towards Arabs, Muslims, or immigrants? What norm of the ethnic nation is circulated by the ostensibly liberal and inclusive utterance? How does tolerance hide and sometimes even legitimate existing violence in the societies that it governs? In short, I'm concerned with the ways that contemporary discourses of tolerance comprise a set of normative operations that often hide themselves as such" (Blasi/Holzhey, 2014: 20).

Instead of dwelling on the production of stigmatized, 'non-normal' identities – as the not-heterosexual or the not-nationalist – toleration, I find it more useful politically to fly as a banner the unknown ground that leads different people to an unexpected pragmatic and actual consensus. Even if I do not agree with all the features entailed by the "unchosen condition" which Butler has repeatedly argued for, I believe that social and political cooperation should not depend on emotional upheavals, but on the consciousness and perception of an insurmountable interdependency that inspires our actions regarding the public goods we share:

> [I]t is not from pervasive love for humanity or a pure desire for peace that we strive to live together. We live together because we have no choice, and though we sometimes rail against that unchosen condition, we remain obligated to struggle to affirm the ultimate value of that unchosen social world, and affirmation that is not quite a choice, a struggle that makes itself known and felt precisely when we exercise freedom in a way that is necessarily committed to the equal value of lives (Butler, 2015: 122).

The context of the quoted text claims that the equal exposure to precarity and the consciousness of interdependency are preconditions for the good life and thus contribute to make possible the political appearance at a global scale. As Butler has repeatedly highlighted, the unsought *We* that we are determines our political subjectivity before we dispose of the tools able to scrutinize it. Popular protests could not be understood without first making the street a

house of the people, where the "I" discovers that she is also a "we" and thus that an unchosen plural condition precedes her and provides all her actions with a sound basis. Even if precarity stamps its hallmark on human bodies[3], Butler asserts that it also enables an unexpected community to come into view by the means of a "pre-contractual interdependency" that guides the search of values for defending an equal life. Given this account of interdependency, it will not sound odd that the body fulfils in Butler an overriding role compared to the human discourse, a feature of this discourse that leads "towards alternative versions of universality that are wrought from the work of translation itself".[4] According to Butler, the language of a gathered population should not be confounded with or reduced to the language of autonomy and dominance. It should rather acknowledge the unfailing labour of translations and transactions as its unavoidable task. Thus, the discussion about the aesthetics of the *thereness* formed by a protesting assembly allows the drawing of the conclusion that the struggle for social and ethical recognition is always a contingent feature that should take distance from the constraints of an identitarian project and redistribute the terms established by the dominant discourse,[5] since hegemonic social discourses usually condemn to oblivion those identities that do not meet the standard guidelines. An interesting point here hints at the borders of translation itself, t.i. at the limits of benefits stemming from the making of mutual comprehension a sacred social value. Diametrically opposed to transparency, real understanding at a psychological, social and political level should better admit that a background made of darkness, fuzziness and impotence from the point of view of modern autonomy patterns rules the whole process. Hence common commitments and participation should not lose their effectiveness for avowing their incapability to shape a universal subject which should overcome the manifold differences. On the contrary, I claim that the coming political projects have to overcome the traditional frame of class divisions without forgetting that it survives disguised in cultural and social heterogeneities. Without remembering this, we might take the risk of hurriedly building up a fetishized and filmy image of the community we really belong to.

The Neoliberal State has no Enemies? The Balkan Case.

As is well known, the advent of liberal capitalism in the former Yugoslavia did not solve poverty and underdevelopment problems. On the contrary, a deep dependency on foreign capital and waning sovereignty and democracy were the flipside of the economic and political liberalization coming after

3 See on this issue Lorey (2015).
4 Butler/Laclau/Žižek (2000: 179).
5 Butler/Laclau/Žižek (2000: 168).

the fall of the Yugoslav socialist model, as last decades have largely shown. This paradoxical phenomenon deserves an accurate analysis, which will also uncover the internal incoherencies of the EU political patterns and of the blames spread by the International Monetary Fund regarding the long crisis of most post-Yugoslav states. Furthermore, it should be accurately evaluated whether the current understanding of the nation state has become an exercise of a kind of populism without the people, charged with the task of preparing more and more people to passively abandon themselves to neoliberal anarchism. In this context I quite sympathize with the proposals for creating a Balkan federation[6] – an ancient model exalted for especially sensitive areas even by the conservative Hannah Arendt –p strong enough to free the former Yugoslav region from external dependency and to exorcise the ghost of ancient Serbian hegemony, to maximize the welfare of its citizens and emancipate them politically. To give a clear example of the changes that this proposal would entail, nationalising banks and industry and giving back economic control to producers and local communities might grant the governments of the Balkan area the power to even internal inequalities and to foster development, a horizon currently discarded by the diligent advisors of the troika. Andrea Živković coined this path as the purpose "to make a transition from the transition"[7], t.i. to take a critical distance from the narration used to approach the development difficulties that the countries in this region are facing. Naturally, this picture has neither helped to strengthen the civil society there nor to give a response to neoliberal hegemony. Yet from Laclau's and Mouffe's contributions for assessing populist power we are conscious about the achievements that political ontology and its mobility may attain. The engagement of heterogeneous actors appears as a key point for overcoming a post-communist regime stage that has hindered since the '90 any serious attempt to establish and make set in motion a real state of right, one that would not remain dead letter:

> "In order to understand the post-communist, eternal transitional predicament, and especially the current political and economic situation in the Balkans, we suggest that one has to go beyond the analysis of the state, its failures and weaknesses, and engage with the concept of regime. The post-socialist regime is a conglomerate grouping political elites, attaches businesses and their Western partners, media corporations, NGOs promoting the holy couple of electoral democracy and neoliberal economy, organised crime (itself intimately related to political and economic elites), predatory foreign-owned banks and, finally, a corrupt judiciary and controlled unions" (Igor Stiks and Srecko Horvat, "Radical Politics in the Desert of Transition", in Id. (eds.), 2015: 16-17).

6 Vd. A. Zivkovic/D. Plavsic (eds.) (2003).

7 A. Zivkovic, "From the Market … to the Market: The Debt Economy After Yugoslavia", in Igor Stiks and Srecko Horvat (2015: 64).

As Stiks and Horvat argue in the above cited book, EU authorities seemed to focus their political role on encouraging the former Yugoslav countries to replace the former institutional and statist structures by an awful *regime*, without hesitating to reduce both discursively and empirically the region to the Pandora's box of mythical forces –nationalism, racism, xenophobia–, which they considered to have definitely erased from European social imaginaries. Yet scholars such as Tanja Petrović argued that, on the contrary, the EU suffers similar symptoms that it is not disposed to recognize as a common burden shared with Western Balkans.[8] This kind of discourse hardly manages to conceal the European desire to keep its own threats outside its borders, which entails the propensity to leave the Balkans beyond them. This usual European appraisal has been rejected more than a decade ago by É. Balibar in the following terms:

> Either Europe will recognize in the Balkans situation not a monstrosity grafted to its breast, a pathological 'after effect' of underdevelopment or of communism, but rather an image or effect of its own history, and will undertake to confront it and resolve it and thus to put itself into question and transform itself. Only then will Europe probably begin to become *possible* again. Or else it will refuse to come face-to-face with itself and will continue to treat the problem as an exterior obstacle to be overcome through exterior means, including colonization (Balibar, 2004: 6).

Balibar's quote is as challenging as ever at the momento, since supervision and colonization have become in the new century the lure bringing the European 'future' to Balkan countries and thus a clear message conveyed to the actual or possible candidates for EU membership. Thus we have returned to a mixed narration that makes of European periphery the bulwark protecting Europe from barbaric enemies, but at the same time dreads the full reception of countries that fall outside the longed union and sees them as a part of the *no man's land* of the needful border. As Slavoj Žižek highlighted in the '90: "every actor […] endeavours to legitimize her place "inside" [Europe] by presenting itself as the last bastion of European civilization […] in the face of oriental barbarism".[9] In this vein Herfried Münkler claimed in his book *Empires*[10] that Europe, as every imperial power, would have borrowed from the imperial model the 'civilising' stage that should complete its expansion and consolidation using borders as one more military mean and thus condemning the Balkans to a kind of elusive inclusion. As Wendy Brown has pointed out, the multiplication of walls, imagined or factual, belongs to

8 Petrovic, "On the Way to Europe", in Horvat/Stiks (eds.) (2015: 119ss.)

9 Žižek, "Caught in Another's Dream in Bosnia", in (R. Ali/L. Lifschultz, 1993: 236). Cfr. The concept of 'nesting orientalisms' by Milica Bakić-Hayden (1995).

10 Münckler (2007: 167)

a conception of sovereignty where the discourse about national safety and the fear against a fuzzy enmity become key points:

> Viewed as a form of national psychic defense, walls can be seen as an ideological disavowal of a set of unmanageable appetites, needs, and powers. They facilitate a set of metalepses in which the specter of invasion replaces internal need or desire and the specter of violent hostility replaces reckoning with colonial displacements and occupation. Through their ostentatious signification of sovereign power and definition of the nation, they also deflect anxieties about the disintegration of national identity and about the decline of state sovereignty (Brown, 2010: 130).

The fairy tales of an idealized discourse of transition, whose aftermath the Balkan people have in fact felt since the '90s became a mainstream narrative in post-socialist states of Eastern Europe undergoing transition with the purpose to leave out of the political market alternative paths to access the European Union. This narrative needed to discursively reduce the region into a place requiring permanent external support and supervision to get completely pacified and to get acquainted with democratic patterns. As the former and unforgettable EU enlargement commissioner, Oli Rehn, claimed in plain language, the painful measures taken in these countries should not lead its people to feel "as 'takers' of externally imposed conditions, but rather as 'makers' of their own future".[11] In this context deregulation, unfettered markets, cuts of social spending and similar measures appeared in the Balkan public space as the most promising toolbox against the burden of ethnic and nationalist conflicts. Yet reality has proven how far from the truth was the mantra telling that liberalization of economic policies would adequately prepare the path of access to the EU. Actually, high unemployment, widespread corruption and low levels of trust in the political class depress a society that feels betrayed and heavily disappointed by the promises of a monitored transition.

As is often the case in extreme crisis, this situation also reveals chances to build new counter-hegemonic political subjectivities through social upheavals, as some worker and student protests display. Thus groups of common people "learn – as Žižek has stressed – the art of recognizing, from an engaged subjective position, elements which are here, in our space, but whose time is the emancipated future".[12] This will, in my view, open up new avenues to re-frame the nation state and attempt to stop the current global condition of the nation states being subjected to economic powers. As Igor Štiks

11 Rehn, 17 April 2008 (internet), available at: http://europa.eu/rapid/search-result.htm?sort=typeId&page=1250&query=18&direction=ASC&locale=EN&size=50 (viewed 1 September, 2016)

12 Žižek (2012: 128).

and Srećko Horvat have highlighted in "The Future of Radical Politics in the Balkans – Protests, Plenums, Parties" (Verso, 2015: 261ss.), non-institutional forms of organization and action have replaced in all Europe the function of the motor of social and political development supposed to be fulfilled by the alleged EU institutional map and agenda. Both authors hint to the 2014 worker's protests that started in Tuzla, in Bosnia-Herzegovina, and quickly spread from there to other Bosnian cities, with the aim of demanding unpaid salaries and pensions, which quickly spread to include students and other professionals, focusing on the fact that

> [m]ost canton governments resigned and the canton assemblies mostly accepted the main demands of the plenums – although their implementation remains another issue. After long deliberations open to all citizens, almost uniformly, although with some regional variety, they demanded the revision of privatisations, and end to politicians' excessive benefits, and the formation of the new state-level and local governments made up of people with proven expertise and no record of corruption (Stiks/Horvat, 2015: 262).

The plenum movement in Bosnia showed that spontaneous assemblies of a disappointed citizenship proved to be more effective in articulating popular demands and retrieving democratic control over people's lives than the bulk of measures recommended by EU advisers. Moreover, the participants' multilevel belonging of in such social phenomena deeply collided with the purposes of ethno-nationalist political elites, since they also proved that economic precariousness might bring about the firmest social cohesion. Naturally, the plenums could not last forever and they disbanded, as the most common political experience would have predicted. Yet they lasted long enough to redefine the public sphere and to influence the scheduled and supervised agenda devoted for the region, fulfilling the role that in the Enlightenment time Kant had assigned to the "historical sign" in *The Conflict of the Faculties*, t.i. a token capable to prove that history might evolve to more hopeful horizons. Thus between protests and plenums arises a connection comparable with Kantian intuitions and concepts, as – following Štiks and Horvat – "[w]ithout the protests, the plenums would lose their capacity to apply pressure, and without the plenums, the protests would lose their legitimacy and articulation" (2015: 263). Put differently, the theory's normative ground should learn from contemporary social practices that put ordinary people in the centre of the visibility and the political agenda, ensuring that their voice matters. Yet, as Micah White, one of the founders of the *Occupy* movement stressed with respect to the above, people "get burned out", so that political forces that aim to get into power ought to sing the unavoidable *carpe diem*:

> You can't maintain that exponential growth forever; people get burned out […] That sudden peaking has to somehow be locked in, some way of giving it a structure that is able to persist. Looking at where we need to go today in terms of social movements, we need to be able to combine the sudden peaking of a social movement with the ability to create structures that give it permanence. That's why I talk a lot about the hybridization between social movements and political parties.[13]

This perception of the simultaneously strong and vulnerable contingent nature of popular demonstrations should inspire political initiatives prepared to leave a more enduring impact in the Balkan societies and able to successfully take part in the polls, conscious that social movements offer a more reliable basis to coach partisanship for the complex dialectics of the present. Taking into account these examples of Balkan social movements, I shall devote the last section to the intersections between partisanship and peoplehood, a subject that Lea Ypi accurately dissected in last years.

The State after the Neoliberal Collapse of Nation: the Politics of Peoplehood

As Judith Butler pointed out in last year's visit to the Institute for Philosophy and Social Theory in Belgrade, it would be useful to remember in political theory that the "sovereign is not necessarily a figure of indivisible unity or a master figure. […] Sovereignty can be divisible; it can even be dispersed".[14] This claim reminds the politicians that the conditions of appearance precede the making of political agenda. It could be a good starting point for re-framing pluralism, understood as a form of cohabiting in ways that force the subjects to acknowledge difference, but also make them feel committed to the obligatory cohabitation with others. According to Butler, without sovereignty it is very hard to defend the very important concept of political self-determination that is needed in the struggle for decolonization and encouraging general political emancipation from external powers, but the sovereignty she is searching for diverges from ancient early modern patterns, as it moves from "a constitutive unfreedom"[15] that reminds us of the inability to choose with whom we cohabit the earth. The ideal of sovereignty at stake here is no more a vertical one, but it is based on a radical horizontality. I will

13 "The Challenge of Protest in Our Time: Micah White on Social Change Movements, Theories of Revolution, and Moving on from Occupy Wall Street", Los Angeles Review of Books, 17 September 2015 (access 10th September 2016): https://lareviewofbooks.org/interview/the-challenge-ofprotest- in-our-time-micah-white-on-social-change-movements-theories-of-revolution-andmoving-on-from-occupy-wall-street/.

14 Seminar on Judith Butler's "Notes Toward a Performative Theory of Assembly", Responses to Athena Athanasiou, Adriana Zaharijević , Vedran Džihić (2016: 89).

15 See Butler (2014: 176).

claim that the transition from a model of politics controlled by an oligarchy of parties to a partisanship responsive to the requirements and demands of peoplehood occupies the centre of the map of the new sovereignty that Europe is searching for. I am not claiming that institutional structures ought to be replaced by continuous plenums. Moreover it should be highlighted that the geography of the plenum movement strongly suggests that it in fact they did not transcend ethnic divisions, but remained mainly confined to the Muslim population. Even if Croatian population was involved in a lesser degree, the second largest community, that of the Serbs, was almost completely absent from these protests. It is not my aim to idealize the plenums formula, but rather to claim that the lack of communication among institutions, parties and society largely led to a political collapse in Europe, entailing a hard decreasing of legitimacy of institutional actors across the continent. I would like to take as a *leitmotiv* the claim raised by Rancière in his book *Disagreement: Philosophy and Politics*, where he explains that:

> There is politics from the moment there exists the sphere of appearance of a subject, *the people*, whose particular attribute is to be different from itself, internally divided. So, from the political point of view, the inscriptions of equality that figure in the Declaration of the Rights of Man or the preambles to the Codes and Constitutions, those that symbolize such and such an institution or are engraved on the pediments of their edifices, are not "forms" belied by their contents or "appearances" made to conceal reality. They are an effective mode of appearance of the people, the minimum of quality that is inscribed in the field of common experience. The problem is not to accentuate the difference between this existing quality and all that belies it. It is not to contradict appearances but, on the contrary, to confirm them. Wherever the part of those who have no part is inscribed, however fragile and fleeting these inscriptions may be, a sphere of appearance of the *demos* is created, an element of the *kratos*, the power of the people, exists. The problem is to extend the sphere of this appearance, to maximize this potential (Rancière, 1999: 87-88).

I agree with Rancière's remark about the need to let the appearances to raise their claims, which confirms what I consider to be the key task of our time, especially in the European area, due to the historical contribution it yielded to the establishment of sound political frames, t.i. the integration of social movements criteria in the structures encompassing traditional partisanship. Actually partisanship is a long-term activity, requiring endurance and constancy, but the established parties' organization seems to be more obedient to the powers that the constitutionalist Luigi Ferrajoli called savage than to their affiliated membership. I hold misgivings against the populist tendency to reduce a political party to a tool in search for hegemony, as I consider that such political agent ought to aspire to consciously influence and shape public opinion, instead of just mirroring the changeable moods of a social

group. In the words of a very stimulating article of Lea Ypi and Jonathan White: "The 'median voter', if there is such a thing, is not what a party must chase but what it must help to define".[16] The hope they show in relation to Corbyn's Labour leadership and the attempted *Corbexit* suggests that a new politics of peoplehood is coming.[17] A slew of symptoms confirm it decidedly. In a nutshell, traditional political structures will find it much more difficult to remain deaf before the voices of the street, which does not entail that spontaneity and common fight against a shared precarity might entirely replace the conventional political paths. Populist non conservative movements fulfil the function of reminding the states of the tenets of a welfare society and the large list of tasks they have abandoned for managing more profitable goals.

Beside this, I consider it useful to stress the difference between right and left populisms, since I claim that radical democracy is embedded in a deep emotional ambivalence. Briefly said, Laclau's floating signifier would easily admit catchwords such as "clean institutions", "safety" and "ethnic nationalism", so that this wide range of possible mottos framing figures of the people should excite our reflection about the shortcomings of political movements based only on the work made at the street. This ambivalence also highlights that the real Otherness of the neoliberal state is not democracy, which otherwise it views as a reliable and pliable partner, but the republican modern European tradition starting with Kantian Enlightenment. This tradition shares with the contemporary reconstructions of Marxism the conception of a state as the outcome of a long-term chain of demands and struggles among social classes, according to Poulantzas' words, as "a relationship of forces, or more precisely the material condensation of such a relationship among classes and class fractions, such as this is expressed within the State in a necessarily specific form".[18] Yet according to this view the state will not reduce itself to a mere mediator in class struggle, it will also demand the expansion of citizenship rights beyond ethnic or nationalist requirements. Hence we are claiming for a state committed to meet the goals of a cosmopolitanism for

16 White/Ypi (2016: 33).

17 White/Ypi (2016: 33): "What the process that brought to Corbyn to the head of the Labour Party did was question the model of parties as electoral machines and raise a larger set of issues about their democratic function. It gave reminder that a party properly understood is a community of principles, where people with broadly similar values, commitments and conceptions of justice make common decisions, take joint risks and distribute collective responsibility for how they want to shape future political life. Those who voted for Corbyn voted against the personalisation of politics, against a model of the party exclusively focused on the image and media appeal of the leader, and against an exclusive emphasis on how elections can be won. They voted to reappropriate the radical roots of the Labour party as an agent of social transformation, guided by a process where everyone, not just the leader, is understood to be responsible for the final outcome".

18 Poulantzas (1978: 128-129).

de-colonized times. The republican tradition would not thus tolerate to see the public authority of the state reduced to one more agent encompassed by the global market, but would rather encourage the state to get autonomously involved in this all-pervading sphere of the global market to argue for the rights of people. If one understands democracy as a political system where everything is subjected to agreement, I have my doubts about the chances that a state ruled by right will have in the case it is forced to obtain the consensus of neoliberal powers[19], since either that goal will never be attained or it will become real with heavy constraints.

Conclusions

In this paper I argued for revising rooted frames of the nation as an homogenized whole that in my view yield no more benefits for a political actor committed to solve the problems of our present. According to my claims, the only differences that should concern a state are related to social and economic inequalities, but they do not stem at all from the fact that people speak different languages or practice different religions. On the contrary, ethnic and religious conflicts might become the best instruments for diverting people's attention from their real problems. Thus I claim for gaining a new conception of peoplehood, which should overcome the gap between recent radical-democratic conceptions of peoplehood (Laclau, Butler, Brown) that seem to fetishize to some extent attributes such as plurality, heterogeneity and populism, on the one hand, and the liberal or republican institutional frames that put too much emphasis on the homogeneity, rationality and transparency of political actors on the other. In my view, a republicanism conscious of the challenges of the XXIth Century should make of the politics made on the streets one of its best tools for grounding a sound civil culture, but always taking into account that these radical democratic strategies should not conceal nationalist of racist claims. Hence a politics of peoplehood committed with the boost of civil freedom should intend to remove the blindfold that prevents – as it happened in the countries of the European area through the enlargement process of EU – a clear perception of the forces that abducted and were disguised as a state of right. Unfortunately, the EU institutional frame did not choose the side of law and order, but it took the easier way to become an actor under the pressure of global economic powers. It is a matter of fact that most European society of today has difficulties to view the European institutions as the solution for their real problems. In this large context, some examples of politics on the streets

19 É. Balibar has tackled this issue in several works, see *Citizenship* (2015: 128): "We must return to the idea that a force or a political movement can only democratize society if it itself is fundamentally *more democratic* that the system it opposes, with respect both to its objectives and to its internal operation".

made in different countries from the ex-Yugoslavia work as reminder of the tasks that need to be accomplished in order to improve the political maturity in the whole European area, but especially in the Balkans, which gave in the past great examples and formulas regarding the coexistence and cohesion of plural cultures and nations.

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Nuria Sančez Madrid

Politike narodnosti: rađanje nove nacije?

Apstrakt

Politička legitimizacija nacionalnih država tradicionalno je imala tendenciju da propisuje uslove homogenosti koji često isključuju velike delove stanovništva. Uzevši u obzir ovu tradicionalnu korespodenciju između nacionalnosti i države kao podlogu, pokušaću da skiciram novu koncepciju narodnosti koja nije zasnovana na klasi, rasi i verskoj pripadnosti, već na prihvatanju mnogobrojnih društvenih razlika i konstrukciji novih modela pripadnosti. U suštini, ja ću predložiti ispitivanje novih staza političkih studija o budućnosti nacije sa sledećim glavnim ciljevima: a) kako bih izneo tvrdnju da je opstajanje razlika između članova društva na globalnoj skali pozitivno svojstvo sposobno da ukloni duboke predrasude i pristrasnost prema drugima, b) da bih podvukao kako neoliberalni okvir EU ispoljava izvesne predrasude prema prostoru Zapadnog Balkana i c) kako bih kritikovao ideološki otpor koji proizlazi iz ideje nacionalne države koja uglavnom odbacuje rođenje nove nacije u istoriji kao rezultat pogrešno razrešenog sukoba. Moje zalaganje za politiku narodnosti kao regularni izvor nasilja i zâhteva, koje ne treba videti kao neuspeh ili slom građanske opcije, biće posebno inspirisana nekim tekstovima Šejle Benhabib (Seyla Benhabib), Slavoja Žižeka (Slavoj Žižek) i Lee Epi (Lea Ypi) čiji je fokus na neophodnim osavremenjivanjima koja bi uslovi pripadnosti i političke participacije trebalo da uključe u današnjem vremenu.

Ključne reči: Narodnost, partizani, populizam, republikanizam, Orvel, Laklau, Jpi, Žižek, Benhabib

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Enmity in the Intellectual World: Global Perspectives and Visions

Abstract This paper follows the perception of enmity relations in the recent online contributions of 20 global intellectual 'superstars', such as Habermas, Klein, Žižek and others. We observed two, very general distinctions; the first one includes several geopolitical oppositions such as Germany vs. the rest of the EU, Russia vs. the West and national vs. supranational, while the second is between the majority and privileged few/elites. We argue that contemporary intellectuals are still influential public figures, and that their efforts are more directed at empowerment and reform of the societies through the existing system than at promoting and advocating alternatives to the existing neoliberal socio-economical order.

Keywords: Intellectuals, enmity, public, elites, change

Anyone attempting to provide a general, consensual working definition of intellectuals or their role and impact in/on society faces a daunting task, and is easily reminded of the famous verse from Ecclesiastes: "For with much wisdom comes much sorrow". The proverb applies both to intellectuals and those wishing to study them, for their *differentia specifica*, relevance, public and emancipatory role have all been a matter of both their own internal and also broader scholarly disputes.

For those like Alvin Gouldner, intellectuals are our best card in history (Gouldner, 1979). Perhaps claiming that they pave the way for humanity is an overstatement, but they do indicate social change and its directions. They are a valuable part of societal landscape, providing legitimation (or sometimes delegitimation) of the prevailing order. Less enthusiastic but nonetheless instructive are Baert and Shipman, who rightfully point out that a significant number of current, high profile intellectuals come from the academia – e.g. J. Butler, N. Chomsky, P. Krugman, E. Said, A. Giddens, etc. (Baert and Shipman, 2012: 187).

On the opposite end, we find now rather frequent assumption that the role of intellectual is on the wane, especially when compared to earlier moral authorities like Zola, Solzhenitsyn, Sartre etc. (Jacoby, 1987; Posner, 2001). The paradigm itself comes from a perception that intellectuals more and more fail to "speak truth to power" (Havel, 1985; Said, 1996), and fail to address

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the public as they once did. In recent years, yet another set of arguments claiming the fall of intellectuals has emerged, which we could name as the set of *structural arguments*. These arguments are linked with social conditions of knowledge production, claiming that extremely increased specialization of knowledge has led to limited space for intellectual engagement on one side (Jacoby, 1987). A similar line of reasoning also notes that universities, a large source of intellectual work, have interests intertwined with other social realms, like economy and politics, which increasingly limits the scope of engagement of intellectuals (Nisbet, 1997). This is, of course, related to the normative argument that intellectuals should be independent and ought to "speak truth to power", but that they become instruments for production of social order and ultimately for satisfying the economic needs of society.

Pushing this outlook further ties us back to a reputable self-critical intellectual tradition that, to say the least, disputes the view of intellectuals as a vanguard of subversion and emancipation. Nearly a century ago, Antonio Gramsci dared to label intellectuals insistent on independence as utopian: "this position assumed by the social complex of intellectuals [and] can be defined as the expression of that social utopia by which the intellectuals think of themselves as 'independent', autonomous, endowed with a character of their own, etc."; instead, he claimed that "[e]very social group, coming into existence on the original terrain of an essential function in the world of economic production, creates together with itself, organically, one or more strata of intellectuals which give it homogeneity and an awareness of its own function not only in the economic but also in the social and political fields" (Gramsci 1989: 112-113). Only a few years later, Robert Michels wrote in similar fashion that observing intellectuals as immanently revolutionary is not in accord with the facts (Michels in Karabel, 1996: 206). Quite to the contrary, intellectuals are the officers and subaltern of all arms and armies, of those revolutionary, reactionary and even of reformative political forces. We therefore cannot claim that intellectuals were ever independent from social conditions of their societies (or global society lately), nor that they (as a social network) could claim moral characteristics of few individuals who were perceived as the protagonists. Karabel voices this current of thought as follows:

> "It is thus misleading to assume, as does much of the existing literature, that intellectuals will typically adopt an oppositional stance towards the existing order; most of them have, after all, attained a relatively privileged position within it, and their well-being often depends upon the acquisition of resources controlled by political and economic elites with whom they are socially and culturally linked. From this vantage point, what needs to be explained is less why intellectuals reach accommodations with the status quo than what it is that *causes some of them, at certain historical moments, to rebel*" (Karabel, 1996).

This contested framework calls for some moderation. There are authors who oppose the paradigm of intellectual decline and find it deceiving, but at the same time acknowledge structural changes of society and different functions of the intellectuals (Baert and Shipman, 2012; Bauman, 1989; Bourdieu, 1988; etc.). The proponents of this view could be said to subscribe to Bourdieu's notion of intellectuals as *the dominated fraction of the dominant class* (Bourdieu, 1990), and yet point to new channels of intellectual engagement with the public that did not exist before and are frequently missed in analyses. Indeed, it can be argued from this vantage point that public space has been democratized in the previous two decades, allowing significantly more equality in participation and expression, particularly if we observe the online realm. Of course, one needs to be very careful when making such conclusions on a global scale, but even with issues such as censorship of the Internet in some parts of the world, there is a general possibility of an unbounded online public engagement that cannot be easily disregarded.

Whom to consider as intellectuals?

In moving forward towards addressing the question of contemporary intellectuals and their perception of enmity, we tried to avoid the pitfalls of overarching definitions by relying on material less likely to be thought of as controversial by either intellectualophiles or intellectualoclasts. Patrick Baert suggests that Pierre Bourdieu (1988), Charles Camic (1987) and Randal Collins (1998) could be named as fathers of the sociology of intellectuals, while at the same time acknowledging the lack of research dealing with the public engagement of intellectuals (Baert and Shipman, 2012). By naming them *public* intellectuals, Baert seeks to stress their role in society as well as their engagement in the public realm as terra incognita that should be explored since we need to know how ideas, theories and concepts find their way to the wider public and into public discourse. However, we subscribe less to this distinction between public and *other* intellectuals, and rather hold that being public is intrinsic to being an intellectual. Having in mind this public aspect of their work, we emphasize an even greater lack of studies on contemporary intellectuals, not only the founding fathers.

We perceive intellectuals as *the loose elite network of specific social actors who possess advanced knowledge or creativity recognized in the cultural field of academia and/or art*. They draw certain authority or power to be heard from their position in the network. Finally, they are publicly engaged in a way that they address the public beyond their professional audience (Pudar Draško, 2016). In this sense, we readily recognize the public aura surrounding contemporary thinkers such as Butler, Chomsky, Žižek and others, but without imbruing them with an a priori positive or emancipatory public role. Therefore,

while recognizing their public presence and, arguably also influence, we still wonder whether the intellectuals with the strongest public profiles indeed sow the seed of social change through their discourse? And if they do, what is the direction of this orientation: emancipatory or conservative, reformist or consolidative? This question is far from trivial. Indeed, with due respect to great examples of intellectual defiance and courage, some of the authors we have mentioned have argued rather convincingly that actually the opposite of courage and defiance tends to be the rule.

In our text, we have focused on online publications of global intellectuals, many of whom work at universities and/or hold academic titles or positions. We have thus left out a substantial, and certainly important, aspect of their endeavour within national and state borders. Intellectuals we cover here are precisely *global intellectuals*, since they enter the online global public space and publish in renowned English language newspapers and magazines. For a convenient and representative sample of global intellectual writings on enmity, we relied on the contribution of 20 intellectuals proclaimed to be "world thinkers" by British Prospect magazine in 2013, 2014 and 2015[1]. The analysis focused on their articles, blogs and op-eds published online in the period from 2012 until August 2016. In the first step, all contributions still available online were collected (app. 390) and a sample of 25% per each person was included in the analysis. These 106 contributions were then submitted to critical discourse analysis. We searched for narratives and framings that operationalize enmity relations and/or those pinpointing the desired change. We were particularly attentive to the US and THEM distinction, alongside with the corresponding markers such as pronouns ("we", "they", "us", "them", "our") but also deixes like "here" and "there", as the most fundamental discursive markers (van Dijk 1993; 2009: 52). For the sake of clarity, enmity relations in this article denominate all those oppositional relations, where we could identify a clear distinction between *us* and *them* and between desirable and non-desirable.

1 Included intellectuals, in alphabetical order, with the number of collected postings: Arundhati Roy, writer (28), Esther Duflo, economist (6), Daniel Kahneman, psychologist (8), Amartya Sen, economist and philosopher (24), Anne Applebaum, publicist (40), Anne-Marie Slaughter, political scientist (24), Ha-Joon Chang, economist (29), Hilary Mantel, writer (12), Jürgen Habermas, philosopher (9), Mao Yushi, economist (13), Marilynne Robinson, writer (8), Martha Nussbaum, philosopher (15), Naomi Klein, journalist (29), Paul Krugman, economist (41), Peter Higgs, physicist (5), Raghuram Rajan, economist (19), Rebecca Solnit, writer (23), Roberto Mangabeira Unger, philosopher (7), Slavoj Žižek, philosopher (35) and Thomas Piketty, economist (26). The list of included intellectuals is based on their presence in the list for at least two out of three years. This means that some intellectuals whose contribution spiked in only one year, like Yanis Varoufakis, were excluded from consideration.

How do "world thinkers" operationalise otherness in their narratives?

Several oppositions or enmity perceptions spark across the included articles of prominent contemporary intellectuals. For analytical purposes, we make the distinction between geopolitical enmities and structural/systemic enmities. The first category includes identified oppositions between different geopolitical entities and leans very much on culture as the root of distinction. The second category introduces elites – privileged bearers of economic and socio-political power relative to others, especially to marginalized groups of citizens. In the following section, we will illustrate these two enmity categories and intellectuals' perception of their causes and possible progressive change.

a. Systemic geopolitical oppositions

The geopolitical opposition is a three-fold one. First, these intellectuals distinguish *Germany from the rest of the European Union*, which coincides with the break out of the Grexit crisis and the war in Ukraine in this period.

> "Germany is a reluctant but *insensitive and incapable hegemon* that both uses and ignores the disturbed European balance of power at the same time (emphasis added)." (Habermas, 2016)

> "Germany — not the European Union, and certainly not the United States — has convened all of the important meetings, pushed through sanctions and conducted most of the diplomacy designed to allow Russian President Vladimir Putin to 'deescalate' or to 'give him an off ramp' or whatever formulation is currently fashionable. Although it isn't clear that this diplomatic effort has borne fruit, no one doubts that *Germany has played a central role* and will continue to do so (emphasis added)." (Applebaum, 2014a)

Germany is thus perceived as the key player on the European scene, the nation whose strong diplomacy without any doubt defines the direction of EU politics. This power also bears responsibility, and intellectuals tend to hold Germany responsible for the future of the EU more than any other (nation) state.

Second, it seems that old and implicitly backward nineteenth-century arguments regarding the supremacy of Western(ised) world vs. Other have returned to the scene in intellectual discourse. Again, the geopolitical context placed a strong focus on Russia as the personification of the Other. This significant Other is implicitly characterized with non-Europeanism – the lack of democracy, oligarchy and dominance of the ethnicity as opposed to the Western model of citizenry.

> "For Russia, the point of the war is not to achieve a victory. The point is to prevent the emergence of anything resembling a prosperous, European Ukraine because such a state would pose an ideological threat to Putinism." (Applebaum, 2015)

> "If Ukraine ends up with a mixture of ethnic fundamentalism and liberal capitalism, with oligarchs pulling the strings, it will be as European as Russia (or Hungary) is today." (Žižek, 2014)

In addition, or rather contrary to such narratives, racism is identified as being ever-present, receiving a new face of climate ignorance which directly endangers marginalized races of the non-Western world.

> "Thinly veiled notions of racial superiority have informed every aspect of the nonresponse to climate change so far. Racism is what has made it possible to systematically look away from the climate threat for more than two decades." (Klein, 2014)

Finally, the third geopolitical opposition revolves around the *national vs. supranational* distinction as a relatively new axis in international affairs. Contemporary thinkers criticize phenomena such as the rise of right-wing populism and crisis of values within the EU as the regression to nation states, seen as resilient or resurrected political units.

> "This colonialization of societies, which disintegrate from within and take up rightwing populist positions against each other, will not change as long as no political power can be found with the courage to take up the cause of achieving the political aim of *universalizing interests beyond national frontiers*, if only within Europe or the Eurozone (emphasis added)." (Habermas, 2015)

> "The rise in national self-interests has undoubtedly prevented Europeans from adapting their institutions and their policies." (Piketty, 2016)

> "One result of European monetary integration, without a political integration, is that the population of many of these countries has no voice. Economics is delinked from the political base." (Amartya Sen in Storbeck, 2012)

Thus, the prevailing opinion among intellectuals is that the current state of affairs on European level is not satisfactory, meaning it does not lead to real unification or "universalizing interests beyond national frontiers". National elites still hold the lion's share of power; this prevents the development of functional EU institutions that would otherwise not be as alienated from citizens nor divorced from democratic control as they appear to be at present.

b. Minority vs. Majority: "the Enemy is the People"

The second category of structural/systemic enmities could also be presented as multidimensional. Its core is definitely the opposition between common,

marginalized people, or better put, the *majority*, and the privileged few or the *elites*. This is best summarized in the words of Arundhati Roy that "either way, the Enemy is the People" (Roy, 2016).

> "We are stuck because the actions that would give us the best chance of averting catastrophe – and would benefit the *vast majority* – are extremely threatening to an *elite minority* that has a stranglehold over our economy, our political process, and most of our major media outlets (emphasis added)." (Klein, 2015)

> "...[t]alks a lot about the need to make tough decisions, which somehow always involves demanding sacrifices on the part of *ordinary families* while treating the *wealthy* with kid gloves (emphasis added)." (Krugman, 2013)

> "Anyone who argues that doing something about global warming will be too expensive is dodging just how expensive unmitigated climate change is already proving to be. It's only a question of whether the *very wealthy* or the *very poor* will pay (emphasis added)." (Solnit, 2014)

Intellectuals emphasize that the enmity among ordinary citizens and powerful elites is raised to a level rather familiar in history – the "commoners" are intensively portrayed as lazy, morally unsuitable and generally speaking to be blamed for their own poor destiny. However, in distinction to the earlier instances of this antagonism, contemporary thinkers emphasize the unlikelihood, if not the impossibility, of an uprising or upheaval that would turn the tables round and truly endanger the elites.

> „What's happening here at the moment is really ugly. The government portrays *poor and unfortunate people as being morally defective* (emphasis added)." (Hilary Mantel in Scheuermann, 2014)

> "Gone are the days when the upper classes were terrified of the angry mob wanting to smash their skulls and confiscate their properties. Now their *biggest enemy is the army of lazy bums*, whose lifestyle of indolence and hedonism, financed by crippling taxes on the rich, is sucking the lifeblood out of the economy (emphasis added)." (Chang, 2013)

Predictably, intellectuals hold that, in addition to the public being manipulated by the elites, the system itself is corrupt and subject to the will of the powerful and wealthy for the sake of their own interests. Such a situation is recognized by various intellectuals, from those who advocate moderate state intervention for the benefit of citizens, to those who lean strongly towards the free market (i.e. M. Yushi).

> "The biggest reason to oppose the power of money in politics is the way it lets the wealthy rig the system and *distorts policy priorities* (emphasis added)." (Krugman, 2016)

> "So it is true that we live in a society of risky choices, but *some people (the managers) do the choosing, while others (the common people) do the risking* (emphasis added)." (Žižek, 2013)

> "They get extra income because of … privilege power. Big state enterprises are vested interest groups. They collude with politicians." (Mao Yushi in Montlake, 2012)

While the aforementioned "solutions" of either redistribution or further liberalisation fundamentally rest on the implied faith in the neo-liberal framework, the causes for this situation, set to work for the privileged elites, are identified with the structural factors of the capitalist system and its inability to resolve socio-economic problems, particularly visible in periods of crisis. Any downturn of the economy exposes latent social tensions where "people are unable to solve their social and unemployment and domestic problems through peaceful policies" (Piketty in Kumar, 2015). Such crises destroy social cohesion of societies and bring into the surface the injustice of the system, making "a mockery of the self-conception of democratically constituted societies" (Habermas, 2015). In addition, globalization cannot be overlooked, especially those of its consequences that alienate citizens from power ownership, causing regression to intolerant, isolationist and nationalist sentiments, which are then removed from any serious discussion on the political level.

c. What is to be done?

The leading contemporary intellectuals certainly advocate strongly for power to be given to the people, oppressed by the powerful elites. They also openly claim that mass movements and protests in general are a way to effect change. This trust in the social movements is obvious and largely a consequence of the new rising wave of movements from the USA, across the Arab world to Europe. Also, social movements are seen as a source of possible political alternative, which could enter the political scene and take power, pumping fresh blood into old liberal democratic systems, in order to heal but also change them in a way that would satisfy citizens' needs more than previous systems have done so far.

> "*Mass movements work.* Unarmed citizens have changed the course of history countless times in the modern era. When we come together as civil society, we have the capacity to transform policies, change old ways of doing things, and sometimes even topple regimes (emphasis added)." (Solnit, 2014)

> "A street movement's success isn't determined by the crowds it can mobilize, the clever slogans its members chant or even the government ministers it persuades to resign. *Success is creating a real political alternative* — and then getting that alternative elected to power (emphasis added)." (Applebaum, 2014b)

In their most progressive instances, intellectual narratives thus invoke a vision of change identified with bringing voice and power back to citizens. They advocate public engagement related to and invested in the movements, but also the necessity of a more general cultural change for reclaiming ownership of society. Personal responsibility, on one side, and securing basic common ground for living in a society on the other, are the prerequisites for achieving a better society in which even "the enemy itself starts to use your language, so that your ideas form the foundation of the entire field" (Žižek). Accordingly, some voices advocate a more progressive approach, which would allow citizens to truly participate in the decision and policy-making where "institutional arrangements need to be left open to experimentation and revision according to what works for the project of the empowerment of humanity" (Roberto Unger in Keliher, 2012).

Conclusion

As we argued, irrespective of whether one sees intellectuals merely as messengers of other social groups or real actors of social change, their perception of enmity relations and their own positioning provides insight into possible directions of social change in society. Thus, we understand intellectuals as those actors who give meaning and visibility to enmity through their discourse and narratives. Arguably, the main enmity relations and distinctions identified here could be taken as a personification of the ideological clashes in the globalized contemporary world.

In such circumstances, several intellectuals place emphasis on their own role and responsibility. They stress the need to use their resources in order to identify and present the vision for the society, to employ what has conveniently been labelled as "*structural imagination* – imagination of how structural change takes place in history and of how we can understand the prevalence of the existing arrangements without vindicating their necessity or their authority" (Social Science Bites, 2014). What is more, they imply that the work of intellectuals thus appears to bring changes to the ideas and values which may seem "insignificant or peripheral until very different outcomes emerge from transformed assumptions about who and what matters, who should be heard and believed, who has rights" (Solnit, 2016).

In general, intellectuals seek greater mobilization of citizens through social movements and other forms of bottom-up engagement that need to be built into the core of the system. *Bringing power back to the people* is a leitmotif of their discourse. Their perception and perspective is clearly international, insofar as they see this empowerment as restrained in two ways – through geopolitical enmities depicting clashes between different levels of (inter)national organizations of states, and other structural/systemic enmities portraying

the inherent clashes of capitalist societies between the elites and the rest. As we have mentioned, the emphasis on racism within the Western discourse about climate change was arguably very important for understanding the standing points of the majority of the intellectuals, who implicitly tend to expect the West to enlighten and take care of the rest of the Earth. The vision of their desired society thus posits a more significant role for the state, which needs to develop a more balanced power structure in order to diminish inequality and allow for greater citizens' participation.

Yet, critical and attuned as they are to political and economic elites' use of power for their own (selfish) benefits, intellectuals still overall rarely question liberal democracy as such. Nor do they question its basis in the market economy, focusing instead on the *empowerment of humanity within this system*. Perhaps, as some aforementioned authors have claimed, it is precisely their comfortable position of leading mainstream intellectuals that might be preventing them from seeing and offering more radical alternatives to the system and imagining a different society. Nonetheless, insofar as this article contributes in identifying the basic mainstream positions and antagonisms in the contemporary intellectual discourses, it does recognize traces of more radical thinking that could emerge into mainstream public discourse via intellectual engagement amidst clashes that shake and shape the contemporary world.

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Gazela Pudar Draško
Aleksandar Pavlović

Neprijateljstvo u intelektualnom svetu: globalne perspektive i vizije

Apstrakt

U ovom radu se dotičemo percepcije neprijateljskih odnosa u skorašnjim online prilozima 20 globalnih 'zvezda' intelektualaca kao što su Habermas, Klajn, Žižek i drugi. Zabeležili smo dve vrlo opšte distinkcije; prva uključuje nekoliko geopolitičkih protivstavljanja kao što su Nemačka vs. ostatak EU, Rusija vs. Zapad i nacionalno vs. nadnacionalno, dok druga pravi razliku između većine i privilegovane nekolicine/elita. Tvrdimo da su savremeni intelektualci još uvek uticajne javne ličnosti i da su njihovi napori više usmereni ka osnaživanju i reformi društava kroz postojeći sistem nego na promociju i zagovaranje alternatia postojećem neoliberalnom društveno-ekonomskom poretku.

Ključne reči: Intelektualci, neprijateljstvo, javno, elite, promene

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The Ethics of Drone Warfare

Abstract The paper investigates the compatibility of the modern technologies of warfare, specifically the use of offensive drones, with traditional military ethics and suggests that the new technologies radically change the value system of the military in ways which make large parts of the traditional military ethics inapplicable. The author suggests that Agamben's concept of 'effectivity' through 'special actions' which mark one's belonging to a particular community or profession is a useful conceptual strategy to explore the compatibility of drone warfare with traditional military ethics; this strategy shows mixed results at best.

Keywords: effectivity, warfare, drones, technology, military ethics.

Traditional military ethics has been responsible for the shaping of an entire culture and identity of the military, largely regardless of the political system or ideology where a military operates. Since the ancient philosophical accounts of social stratification and virtue the 'lords of war' or 'generals' have been considered examples of a particular type of coherent values and ethics which have placed the military apart from most other parts of society. A strong sense of identity among soldiers, which is based on such values, is practically unparalleled in any other social group except the 'organic' religious communities.

The technological reconceptualization of warfare, which is perhaps most starkly exemplified in the exceedingly common use of drones to conduct practically risk-less and victim-less missions as far as one's own forces are concerned, has not only tremendously increased the capacity of the military to aid politics with little regard for democratic legitimacy and a need to bear losses and account for them at home; it has also changed the nature of military ethics.

Giorgio Agamben has written about the traditional way of understanding the acceptance of common values and norms through the concept of 'effectivity': one leads a group by effectively participating in the group's life and all the situations in which the group's members find themselves; one leads an army by fighting the war and placing one's life at stake for what one considers worthy of the taking of others' lives (Agamben, 2013). The use of drones has changed this basic structure of effectivity which had marked traditional military ethics since the battles of Achilles.

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Military ethics from a disciplinary point of view

To understand the implications of military ethics generally, and that of the use of military force 'short of war' in particular, it is helpful to first locate military ethics within the general discipline of ethics. This simple and standard philosophical classification sheds considerable light on what to expect from military ethics and what likely ways of moral reasoning might most pertain to it.

Ethics is typically and most generally classified into normative ethics, which deals with what one ought to do from a moral point of view, and metaethics, which is concerned with the clarification of moral concepts, such as 'justice', 'fairness', 'equality', etc. The practical nature of military ethics places it firmly within the realm of normative ethics. This type of ethics includes, generally, the so-called theoretical ethics, which is preoccupied with issues of what is generally morally justified or desirable, and applied ethics, which addresses special moral challenges as they manifest themselves in particular practical situations. The difference between theoretical normative ethics and applied ethics, however, is not as straightforward as it might seem at first glance. Applied ethics does not simply 'apply' moral concepts articulated in theoretical ethics to concrete practical situations; it is more often concerned with the principled discussion of ways in which general moral norms might *deviate* or *differ* in special situations from what they would be like in a strictly theoretical context. A prominent aspect of applied ethics is professional ethics. In many professions, including the military one, it is particularly clear how ordinary moral norms which apply in the society at large might not apply in the same way in professional situations. For this reason, military ethics is a particularly fertile field of applied ethics which facilitates the testing of many border-line concepts in normative ethics.

The particularities of professional ethics vis-a-vis general social ethics open up the question of what conditions professional ethics must satisfy in order to be sufficiently socially legitimate. If various professions require various professional ethics, a key question is what standards all such individual ethics must adhere to in order to remain within what is generally believed to be socially acceptable. Clearly military ethics allows certain actions (such as killing other human beings) which social ethics strongly stigmatises and, certain exceptions granted, treats as a moral taboo. However, military ethics which would hold it entirely morally justified to kill all enemies would obviously violate our basic moral intuitions and render the military profession one of social outcasts, rather than an exemplary part of society. Thus professional ethics, while different from general normative ethics, must conform to the same general principles as social ethics; it must interpret the specificities of the moral circumstances encountered by a profession in terms which are

principally *reconcilable* with the principles of general social ethics, such as respect for human dignity, proportionality between the (legitimate) goals and the means employed to reach these goals, etc. In short, professional ethics is a highly complex and demanding field of moral reasoning methodologically speaking.

The professions of 'social warriors' (military and the police) require of their members' personal propensities and values which, in some cases, go directly against the norms which apply to other members of society. Where everybody else is legally required to move away from a threat of violence whenever possible, rather than deliberately engaging in one (doing so may lead to criminal responsibility), soldiers and police officers are required to move towards the threat of violence and control it. Where everybody else is required to abstain from the use of force in the resolution of any issue, social warriors are expected to use force to rectify problems or to enforce the law. They are thus in a potentially morally schizophrenic position: in their official capacity, they are entitled to act in ways which are forbidden to them in their capacity as private citizens. In other words, the values and the perimeter of moral action within which they operate 'on the job' are starkly at odds with the moral and social norms which apply to them in their private lives. Many have great difficulty adapting to this value-duality. Unfortunately, police officers are disproportionately represented among law breakers of various kinds, including, for example, the perpetrators of domestic violence in many parts of the world. The same applies to soldiers, and this is not an accident. Moving from one morality to another within a single day is both cognitively and emotionally taxing for anyone.

One of the ways in which the military was traditionally able to fend off the problem of incongruence of values pertaining to their profession vis-a-vis those pertaining to their social lives was by emphasizing the dividing line between war and peace. This boundary line allowed some values to be considered appropriate in wartime, while others were considered adequate for peacetime. The military profession's daily life was seen as preparation for war, and thus, to varying extents, an approximation to and imitation of wartime, where there was a clear difference between pretending to be fighting a war in the form of training, developing discipline etc., and actually waging war. However, with the changed nature of warfare, where traditional military virtues no longer apply, it has become increasingly difficult to distinguish between what is allowed in wartime and what is acceptable in peacetime. Virtues required of soldiers appear to have changed. I wonder whether army generals must still be brave as they clearly had to in times of conventional warfare. Can they be just frightened ordinary men behind computers, in possession of technocratic skills required to run a large operation?

Accordingly, the moral justifiability of extreme violence, including killing by the military, has changed. Traditionally, it was unacceptable for the military to kill people in peacetime, just as it was required in wartime. Today, the difference between war and peace is often fuzzy, and exceptionally violent actions, which still fall short of waging a full scale war, are routinely undertaken, including the taking of human lives. This opens the question of the values we need for military ethics in cases where force short of war is at stake. Some of the value-laden questions in this context are:

Does the military still need courage?

Does it need the willingness to make sacrifices?

What role does justice play in the application of military force short of war?

What is the role of traditional military virtues such as respect of the enemy and personal humility?

The corporatisation of the military has led to a situation where the instrumental rationality of efficiency has largely over-ridden the traditional virtue ethics which used to define the military profession as a moral community. Today's military leaders belong to more or less the same moral community as business leaders; in fact, they often change careers exactly by moving to positions of corporate responsibility. The use of drones for offensive actions is precisely the sort of military action which reflects all of the moral issues involved in the general decline of the military profession as a moral community.

The moral dimensions of drone attacks

The use of drones is already prima facie morally controversial because it fails to satisfy any of the four conditions for the justified use of military force mentioned above. First, to use drones, the drone operator or the military in general need no courage whatsoever. Secondly, they don't need to be willing to make sacrifices for the cause they fight for; drone attacks are costless in terms of risk to own soldiers; the only cost associated with them is financial. Thirdly, drone attacks are technological tasks for the drone operator, and justice does not factor into their daily work. Firing a missile from a drone, to the operator, is nothing like firing a missile on a battlefield; it is far more like firing one in a computer game where an immediate awareness of justice or injustice does not exist as a factor of decision-making. Fourthly and finally, to conduct offensive military operations by drones one needs no virtues, no humility, and one does not have a sense of oneself as a part of the military moral community. In fact, most drone operators are people who perceive their work as similar to any other 'job': they drive to work, leave their

children at the kindergarten on the way, and spend the prescribed number of hours operating drones. They get rewarded for successful 'releases' (strikes), and then drive home through the city traffic to eat dinner. Drone warfare, for those behind the controls of the drones, is not at all war-like.

One of the key features of organic military communities, which are communities based on specific military virtues and a shared sense of moral values, is what Giorgio Agamben famously called 'effectivity': the actual participation in the 'special actions' which characterize the community and help solidify its identity and inner solidarity (Agamben, 2013). For university professors, the special actions are teaching, researching and engaging in particular roles within the university; without doing these things, one does not belong to the organic community of university professors. For doctors, the special actions are the examination of patients, performing surgery and the like. One who does not perform these special actions simply fails to be a member of the community of doctors. For military people, the special actions are engaging, honourably, in warfare or war-like actions on behalf of their country, demonstrating courage and willingness to endure hardships and make sacrifices. Without the military virtues and the taking of risks, the special actions of the military community would hardly differ from the special actions of a community of assassins. There is a moral dimension which is connected with putting one's own safety on the line for greater good which defines military special actions. Drone attacks fail to satisfy the criteria for these special actions, and it is doubtful whether the people who operate drones (or their superiors) can be considered to belong to an organic military community.

In their account of the legitimacy of the use of force short of war Daniel Brunstetter and Megan Braun propose a sequence of concerns which must be addressed, including, e.g., the proportionality of the force used to the threat supposedly addressed by that force, the likelihood that a further escalation might be prompted by the use of force, and the maximisation of the protection of rights of others by using legitimate authority to use force (Brunstetter and Brown, 2013: 97–102). This type of account may be procedurally compelling (justifying the specific uses of drones as weapons within a general system of beliefs about the use of drones, where the latter remains largely unquestioned). It is, however, deeply doubtful whether a morally foundational authority to use drones can even exist in a conceptually consistent way.

One of the reasons to question the possibility of such authority lies in the concept of a military community just mentioned. The legitimacy and authority of the military community arises from its members' willingness to proportionately risk their lives in order to achieve a just cause by the use of legitimate force. The era of the use of drones sees the use of remotely controlled weapons (which evade all traditional considerations of the morality

of the use of military force) alongside with a continued use of soldiers. Some people, in armies which use drones, must still be brave, harbour military camaraderie, act skilfully on the battlefield and risk their lives for the just cause. Without such people, even today, it is usually impossible to achieve significant military objectives. Alongside the warriors, the armies are increasingly populated by people who operate drones and who do not satisfy any of the moral conditions to be considered warriors; in fact, their ways of operation resemble bureaucrats. This makes it difficult to establish the moral authority on which they act to protect 'the interests of others', as well as the nobility of their 'intentions', their real concern about proportionality, or their ability to factor in their decisions considerations of the likelihood of further escalation and the like. The use of drones cannot be an expression of the legitimate authority's concern for the welfare of others any more than the use of remote-detonated bombs by insurgent or terrorist groups can express their legitimate political aspirations. The fact that drones are used in ways which evade the ordinary circumstances through which structures of legitimacy are articulated (engaging in the use of force by placing a stake which founds a claim of legitimacy) removes the possibility of moral authority being exercised through their use. As military authority is enshrined in the effectivity of the military mission and identity, and those associated with the use of drones do not satisfy the conditions for membership in the military moral community in the sense of effectivity, the use of drones itself evades the traditional military moral logic or that of legitimate military authority. As drone attacks are controlled fundamentally bureaucratically, and drone operators are merely technicians, and not warriors or soldiers in the real sense, drone attacks embody the corporatized nature of the use of force by the modern intervenors. They open up the room for the potential political and procedural legitimation of evil, cowardice and the abolition of moral autonomy of soldiers.

The corporatisation of the military has potentially devastating effects on morality. Use of force short of war is particularly susceptible to corporatisation, because it requires less massive tactical structures than full-scale warfare, lower-level decision-making and, due to the smaller scale and more clandestine nature of its operations, it is less transparent than warfare. The use of drones for offensive attacks and assassinations belongs to the most easily misused applications of military force short of war. Drones are used not only for discrete military actions, but also for national security operations involving (sometimes arbitrary) assassinations of designated enemies. They are also employed in intelligence operations whose overall 'intelligence product' can be used in any of a variety of ways, including being sold or given to various parties in exchange for other, not always legitimate favours (Fatić, 2015). The clandestine nature of drone operations makes these problems even graver.

But why is corporatized warfare morally problematic in the first place? The reason is in the fact that we must be able to rely upon the assumption of certain military virtues by our military officers in order to believe that our military's actions on the battlefield are fundamentally morally sound, given the practical exigencies of actually securing a transparent monitoring of such actions in the theatre of engagement. This is why the military used to be such a strong moral community, with stronger and more vitals links of mutual solidarity and shared values than most other professions. It is only by counting on the core values of the military profession, and the virtues to which such values give rise, that we are able to assume that 'our' officers in action would act honourably and that 'our' military personnel, when engaged in actions 'short of war', will adhere to appropriate moral standards. The corporatisation of the military, by removing the need for key moral virtues, such as courage and willingness to make sacrifices, has automatically removed the most important ground for us to believe that 'our' military men and women would do the right thing in most, if not all, circumstances of engagement. The traditional assumption that the right to take a life in a military action is predicated upon one's willingness to sacrifice one's own translates into a value assumption that only brave people are entitled to kill legitimately, on behalf of their nation. Conversely, this value assumption rules out the legitimacy of people who could be described as cowards or corrupt to kill honourably (Grossman, 2009: 197–230). The honour of killing within a military mission partly consists of an implicit or explicit preparedness to sacrifice one's own life should the task not go to plan. The introduction of drone attacks removes this moral reasoning completely. Drone operators need no virtues; they may and the majority of them do, of course, have certain virtues, but they are not required for their jobs, strictly speaking. They are essentially technical personnel administering deadly force in a totally risk-free way for themselves. To push things to an extreme, drone attacks are consistent with the possibility of 'corrupt cowards' killing from the distance in a way which is legally and morally sanctioned by their countries. Such killings may be opportune, efficient and instrumentally justified in a variety of ways; however, they fundamentally change the moral nature of military operations and cast the use of drones, especially in situations which fall short of full-fledged war, in a light very similar to that of professional assassinations.

There is a fundamental moral difference between a military killing and a professional assassination, in that the latter does not involve appeals to any kind of virtue, proportionality or even greater good (Howe, 2005: 125–148). The professional assassin acts based on a specific task, which is unquestionable, and uses all of the circumstances and resources which conduce to his successful execution of the task with no broader considerations involved. The professional corporatisation of force short of war brings drone operators

and their commanders dangerously morally close to paid assassins, though, admittedly, they are paid by and serve their countries in a way which these countries either make legal, or pronounce to be honourable although it is, strictly speaking, illegal, such as most intelligence operations abroad (Wiebes, 2003: 11–50). While traditional warfare, and the traditional conceptualisation of the military, remain firmly within what are supposed to be morally tolerable bounds of violence within war, the non-conventional warfare and non-conventional actions short of war, such as drone attacks, occur in the fuzzy terrain of unclear values, often extreme non-transparency, very ineffective structures of accountability, and no tangible assumption whatsoever of any traditional military virtue.

Drones and the paradox of military ethics

The paradox of military ethics is that ethics is the safest where risking life is part of taking military action. Putting one's own safety on the line for a cause inoculates the military from a large part of recklessness and corrupt manipulation in the use of deadly force that might otherwise plague its missions. This is especially the case with globally the most powerful military forces, which tend to be employed in interventionist missions across the world. When such interventions are attended by dramatically lowered risk to own personnel, they are likely to become both more numerous and far more liberal in the terms under which they are conducted. The use of drones is arguably one of the most effective ways to reduce the risk to own soldiers, while at the same time providing substantially increased operational possibilities for clandestine attacks, assassinations, or selective strikes for which neither accountability, nor visibility or detectability (as with the use of substantial conventional forces) are a concern.

In a recent interview to the BBC, the dissident US former drone operator Brandon Bryant described how drones conducting strikes in the Middle East were operated from over 10,000 kilometres away in Las Vegas, Nevada. He explained how civilians, as well as 'friendlies' were killed by drones with no investigation ever having been launched. In fact, Bryant stated, quite starkly, that the only situations in which investigations into drone operations took place were ones where the aircraft were 'crashed' and lost. He described how the drone he had helped operate had killed a child and then 'maintained target' with the pilot laconically dismissing his shock. 'There is no recoil (which shows) that we have done a shot, there is not anything, just "click, click"', says Bryant. The human cost, including the killing of civilians and third parties, is treated as an acceptable part of engaging in drone warfare (BBC, 2015). On a practical level, descriptions like Bryant's illustrate why robotized violence conducted by the military, especially when it

takes place outside the framework of full-fledged war, undermines military morality. Soldiers engage in actions which are enormously disproportionate in various ways. They are not only disproportionate in the technological capabilities of the sides in conflict, or in their strategies or daily tactics; they are also disproportionate in the moral dimensions which define the side's identities in the conflict and their modes of engagement in the field. The conflict in the Middle East is well suited to illustrate just how dramatic this moral and psychological disproportionality is. According to Bryant, tens of thousands of drone missions are flown every month in the Middle East, and civilian casualties rarely get reported by the military. He claims that the only situations where civilian casualties are reported in the media are those where there is 'unquestionable evidence from third parties', and this is only a small fraction of the civilian deaths inflicted by drone strikes. Bryant describes an instance when one of his missiles hit three men in Afghanistan. Two died and he describes how he watched the third one crawl, without a leg, on a frozen ground, his blood hitting the ground and freezing on the spot, after which they observed, on screen, how the man's body gradually turned the same colour as the frozen ground that January. He concludes: 'This is the most cowardly type of warfare that's been created. It was sickening. At that moment the only thing that I felt was that I was the worst coward' (BBC, 2015).

Some of the former drone operators who have since gone public with their testimonies are not the exemplary 'high scoring' talents such as Bryant — some were former or subsequent strippers or porn stars, and at least one, Matt deHart, entered a guilty plea with a Tennessee court in 2015 in order to avoid a possible 70-year prison sentence for child porn (*The National Post*, 2015). These personal careers, which among the 'real' military personnel are very few and far between, tell ominously about the screening procedures and the selection of personnel for this 'cowardly' type of military actions, as Bryant describes them.

The moral disproportion between drone operators and soldiers who fought on the ground on the other side in the Middle East in 2015 and 2016 is stark. Whatever their values and beliefs, those on the ground, whether they fought for the legal government in Syria or for their renegade Islamic communities against the government, engaged in conventional warfare where they put their existence on the line for their beliefs. This alone gave them a moral stance within the conflict. The reason why one of the parties in the conflict, the Islamic Caliphate, was stigmatised, not just by the world at large but also by the other parties in the same conflict, was that it drastically breached the conventional moral rules of conventional warfare by killing civilians, beheading hostages and instilling terror in civilian communities. It is this moral

reason that primarily explains why the Islamic State has been targeted by the civilised countries, and these actions have been accepted and supported by civilised populations, including those in Syria itself, in Iraq and in Libya. Finally, precisely these morally appalling crimes, which so drastically violated the conventional values of armed conflict, have caused global outrage against the very beliefs and way of life of those who represent the Islamic State. It seems, on a different level but no less dramatically, that the use of drones in the Middle Eastern conflict has been as morally disproportionate to what the other parties have done on the ground as have been the actions of the Islamic State. While drone operators did not personally decapitate anyone, they conducted aerial operations which left children and civilians torn into pieces without so much as blinking, by clicking a computer mouse. They engaged in what Bryant calls cowardly operations with no real sense of moral responsibility for the consequences and with no real personal identification with the values in the name of which such operations were launched. It is apparently possible for a socially problematic person, even for a child molester, to work as a drone operator, alongside with 'proper' air force personnel such as Bryant. However, a child molester would likely find it extremely difficult, if not impossible, much less desirable, to become a Marine or find themselves in a personnel carrier somewhere in the Middle East. There are multiple reasons for this which hardly require elaboration here. However, individuals with such personal credentials can, and have been, recruited as drone operators, and the reason is principled: the nature of the 'cowardly' strikes does not require highly morally integrated individuals to conduct them; in fact, I would venture into assuming that for at least some missions, more labile personality structures are even more desirable, because people of integrity tend to ask moral questions.

Bryant also makes a philosophically important point in his description of drone operations when he says that 'as a warrior, I believe that I have to give people opportunity that they do not do harm to anyone', while the drones which he operated killed everyone who carried weapons anywhere, including on the roads, in countries where people routinely carry weapons. He describes drone killings of those who were 'not doing any harm to anyone' and elaborates how those who had been targeted by drone attacks 'had every right to be angry' given the record of the US in destabilizing and destroying countries in the Middle East, which has led to hundreds of thousands of dead and displaced people. In other words, he questions both the *Jus ad Bellum* and *Jus ad Vim* of drone strikes.

Military ethics requires exactly what Bryant mentions: that in the course of a conflict, the opponents are given a chance to lay their weapons down, and that every effort is made to distinguish between the combatants ('those who

do harm to others') and the non-combatants ('those who do not do harm to others', in Bryant's words). The fact that, in the Afghan mountains, three men walk down a road with rifles on their shoulders by no means makes them combatants, as in the same mountains all or most men are armed when they go about their daily work. The fact that in a particular culture people are usually armed does not provide moral grounds for a foreign intervening force to kill them just in case that they might be combatants. In fact, the American culture is also a 'gun culture', with the constitutional right granted to citizens to possess and carry firearms, so it should not be difficult, even empirically, for drone operators to understand that the fact that somebody has a gun does not by itself make them a military threat. Much more concern, of course, should be extended to cases (one of which Bryant also described from first-hand experience) where children are killed by a click of the mouse and the incident brushed off with less notice that squashing a fly would elicit. These are powerful contextual factors which render people's perceptions of values very different than they would be if they were physically on the battlefield; that is why what I call the paradox of military ethics is only seemingly a paradox. Risking one's life is an inherent element of moral military engagement, not just in abstract terms of proportionality of risk and comparability of the stakes between the parties in conflict. Even more important is the perceptual dimension of the context: the same person who kills a child by a drone-mounted weapon without as much as blinking would likely shy away from doing the same 'in person', on the ground. The emotions, which are the main dynamic factors for our moral action, are dramatically different when one is dressed in a uniform and holds a 'real' gun in one's hands, facing potential death any moment, and when one sits behind a computer desk in Las Vegas, operating a drone.

The context of computer-operated strikes from afar blurs the distinction between military intervention and assassination; it generates a similar, if not the same, mentality in drone operators as that of professional killers. In the most extreme cases, it is quite conceivable that the only difference is that the former are not criminally prosecuted (they even receive social praise), while the latter face criminal sanctions if caught. This psychological set-up is destructive for military morality and for the traditional concepts of both *Jus ad Bellum* and *Jus ad Vim*. It is also more broadly socially destructive because it damages the moral expectations of the military profession, and allows — even welcomes — people whom Bryant describes as 'the worst cowards' behind the trigger of a missile with no military risk to themselves. To put it bluntly and very simply, military ethics implies that cowards should not be involved in military actions of any kind, including those 'short of war'; yet the abandonment of this principle is the transformative effect on military morality that the use of weapon drones in fact causes.

The consequences of drone culture for the military

The detrimental effects of drone attacks on military morality are not exhausted in the synchronic dimension of operational circumstances of carrying out such missions. Training drone operators and the reprogramming of training for other forces (including the conventional ones such as infantry and artillery) are irrevocably affected by the use of drones. Where once special forces were used for recoinescance and aggressive intelligence operations (removal of high profile targets in advance of more massive troop deployment), drones provide a risk-free alternative. The reduction of risk to personnel adversely affects military morale in the sense that the entire military structure becomes more like a business and less like an army; this means that the traditional virtues associated with the military in general gradually become less pronounced, except in select units which remain indispensable to conduct 'hands on' missions.

The training of drone operators does not require military drills, the instilment of discipline and character; it is more like training in mathematics and computer simulations. In this way people become desensitised to extreme violence and, accordingly, capable of perpetrating it without pangs of conscience. Such personnel are de facto trained in the technical aspects of what amounts to individual or group assassinations and destruction of infrastructure. Their desensitisation to killing others and destroying property with what is in effect an utter impunity generates character traits which are deeply worrying for society. These people are not really soldiers; they do not spend a period of military engagement away from society in special conditions, performing what Agamben calls 'special actions' which define their profession, ruled by their special military morality. Such absence from society emphasises the difference in moral circumstances between military mission and ordinary life. Soldiers who return from battlefields often have trouble readjusting to civilian life, but this difficulty, in its own way, confirms that there is a stark difference in moral norms which govern the battlefield and those which govern civilian society. While they struggle to re-adjust, and many succumb to their inability to do so, they re-adopt the values of society which make them good citizens. Without this normative gap, which coincides with physical removal from society, drone operators, in addition to their lack of proper military training and to controversies in the way they are recruited, never really face the enormousness of the moral difference between what their drones do on the battlefield and how they are supposed to feel and act in society. Within their ordinary social routines, they kill people with a factual impunity. It is doubtful to what extent people trained in what they experience as legitimate assassinations with no regard for human life, without being placed in a special context, and without labelling these actions as 'special' in Agamben's sense, can afterwards be good citizens.

Another major problem with the use of drones and the consequent reduction of risk to troops is the rise of awareness of asymmetricity of warfare among the military personnel, which gradually makes it quite extraordinary for them to engage in what in the future might be more symmetrical wars. A military profession which has become used to conducting strikes across the world from the security of their offices at home, with only moderate, if any, exposure to risk, will, on the one hand, be used more readily for interventionist missions (it will be easier for political decision-makers to decide in favour of actions short of war if the risk to troops is low). On the other hand, such armies, with all their technological resources and skill, are likely to become accustomed to their own shielded position in war. Once they face an enemy who is equally technologically capable to act from a distance and with whom a 'real', 'old style' war appears necessary, the armies used to drones and drone-like operations are likely to be reluctant to risk their lives in conventional combat. That means that a shift to technology alone without what is traditionally considered a 'military heart' might lead armies to either conduct operations with little risk to their personnel, such as drone strikes, or, where this proves impossible or ineffective, to sooner resort to nuclear means rather than fighting bloody ground battles. If fighting a disproportionately weaker enemy (in itself doubtful from the point of view of military honour) tends to take the form of actions short of war with the use of drones and similar means, then fighting a proportional enemy in strength and military skill in a proper war will likely be even more frightening and might prove paralysing for the military. A paralysed, frightened military and its leaders, in the face of what they perceive as mortal danger (and armies used to winning tend to perceive every threat of military loss as 'mortal danger') would more easily choose the nuclear means of waging war. This logic obviously reduces the overall security and is detrimental to prospects for peace. The use of what I see as perverted military means, including drones and robotised weapons (at the moment mostly armoured vehicles and 5th generation bomber aircraft, capable of executing missions with or without a pilot), contribute to the immediate security of military personnel. However, at the same time, the use of such weapons dramatically reduces the chances for peace and overall global security in the medium and long term. Armies which use drones and other unmanned weapon carriers are more immediately predisposed to use weapons of mass destruction, when seriously challenged, than armies which maintain a culture of military honour, virtue, discipline and preparedness to make sacrifices for a cause.

To what extent should military personnel be protected from harm?

Most military men and women sign up to join the ranks voluntarily; they choose a military career, knowing full well that this means putting their

lives on the line in the course of duty. Just as it is justifiable to kill the enemy during war in ways in which it is unacceptable, even taboo, to do in society, it is to be expected that members of the armed forces may die as part of their jobs. The law of war stipulates that it is legal to kill enemy soldiers as much as it is illegal to deliberately kill civilians, or non-combatants. Thus the rights of the civilians are different in wartime from the rights of soldiers. The former's lives are considered privileged and protected; the latter's lives are legitimately taken in the course of (legal) warfare (Best, 1994: 235–252). Thus the soldiers' right to life is considerably less strong than the civilians' right to life. Hence, the deployment of any means, technological, tactical or any other, whose aim is to protect the lives of military personnel, while at the same time placing an equal, or additional, risk to the lives of non-combatants, is inconsistent with the very moral logic of the law of war. According to this logic, military personnel should risk their lives much sooner than civilians. The deployment of drones, which shield the 'soldiers' behind the controls from harm absolutely, while at the same time affording them circumstances to kill enemies — and civilians — in highly unaccountable ways, militates directly against the moral logic of the law of war (Bachmann and Fatić, 2015: 117–132). While there is no assumption in the law of war that soldiers should seek risk — obviously, the contrary is the case — there is a very clear hierarchy of rights which the law stipulates: killing soldiers in a military mission is, in a sense, morally all right, while killing civilians, except under very exceptional circumstances, is forbidden and considered a war crime. Killing civilians in war is tolerable only in circumstances which make it clear both that such victims were unintended, and that all reasonable actions in the given circumstances were taken by the military to avoid them (Best, 1994: 323–360). Drone attacks do not place the pilot 'in the heat of battle'. They usually do not involve psychological and operational considerations arising from battlefront circumstances. Such attacks are planned, rational killings and destruction of infrastructure. As such, under the moral logic of the law of war, civilian casualties would normally be tolerated at a much lower level than in conventional military operations. In short of war operations which border with aggressive intelligence missions, such as assassinations of potential threats, the tolerance of civilian casualties should be zero, under the threat of immediate criminal prosecution both of the drone operator and of the mission commander. The taking of evidence of crimes should be entirely feasible given that the current technology of weaponised drones is such that, as Bruyant describes it, drone operators were able to actually observe, on screen, the details of a person bleeding in the Afghan desert and his flesh turning grey. Surely it is possible to record such scenes in a legally compulsory way and safeguard the records to be used in criminal proceedings. In this way, the excessive use of weapon drones would both be curtailed (due to the risk of prosecution for many of the actions which

drone operators conduct at the moment) and made more discriminate and accountable. If the moral future of the weaponised drone is to be saved, the criminal law and law of war must develop special provisions which would ensure strict criminal culpability for any non-combatant casualties apart from extremely exceptional circumstances, which ought to be judged exclusively by the criminal courts.

Even this type of regulation would not, however, save the military from a considerable amount of damage that the use of weapon drones is inflicting on its morality. Soldiers are trained to become warriors, not cold-blooded assassins; they are traditionally expected to seek worthy opponents, not helpless 'targets' or victims. The training of drone operators and the bureaucratic rather than combat environment in which they operate certainly do not turn them into warriors, although they make them into efficient killers. This mentality is potentially contagious, and divisive. Most soldiers perceive their careers not in terms of their ability to kill other people, but in terms of the values which they see as a fundamental part of their collective, professional identity. In fact, the military is one of the strongest moral communities in modern society because its members identify as persons primarily through their membership in the military. The military virtues are part of that identity (Fatić, 2016).

Drones have been designed for two main purposes: to conduct precise and largely clandestine operations, in missions which predominantly fall short of full-fledged war, and to protect the military personnel from risk. They have achieved the first goal to a considerable extent, and they have obviously accomplished the latter goal fully. At the same time, by protecting the personnel, they have generated a massive threat to military morality and to the identity of the military profession, which might well be transformed, in morally undesirable ways, for ever. The introduction of drones has illustrated and reinforced the moral paradox of the military: the less risk there is to the personnel, the less courage is required, and the more likely it is that military missions will be conducted by non-exemplary people, acting within morally non-exemplary missions, for over-archingly non-exemplary hierarchical structures, in morally non-exemplary ways. The damage thus inflicted on the military will be massive. Not only will the distinction between honourable military killing and premeditated assassination gradually be entirely erased, but the military, as a source of collective identities and a social repository of particular virtues will disappear. The disappearance of the military as a socially exemplary moral community, in turn, will reverberate throughout society, adding to the impetus of its moral degradation and corruption. Just as a significant number of socially problematic individuals appear to find their way into the ranks of drone operators today, tomorrow such non-exemplary

members of society might make up majorities in entire armies. The moral and security consequences of this development, which is not only entirely consistent with, but a highly likely consequence of the continued use of weaponized drones for short-of-war offensive missions, would be truly devastating for society and for our understanding of the prevalent moral values in a community as we know them now.

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Aleksandar Fatić

Etika u ratu dronovima

Apstrakt

U tekstu se ispituje teorijska kompatibilnost savremenog ratovanja, zasnovanog na tehnologiji, sa tradicionalnom vojnom etikom i ukazuje se na niz problema u etičkom opravdanju rata u kome tradicionalne vrline, poput hrabrosti ili požrtvovanosti, više ne igraju važnu ulogu. Autor nagoveštava da je teorija efektiviteta Giorgio Agamben-a jedna dobra teorijska strategija kojom je moguće detaljno ispitati uporedivost savremenog, tehnologizovanog rata sa tradicionalnom vojnom etikom. Ova vrsta ispitivanja daje najblaže rečeno pomešane rezultate, u smislu održivosti tradicionalne vojne etike u savremenom kontekstu ratovanja.

Ključne reči: efektivitet, ratovanje, dronovi, tehnologija, vojna etika.

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Marialena Avgerinou

Wittgenstein's language and Beckett: the limits of language and the absurd

Abstract This paper provides a parallel linguistic and conceptual reading of Wittgenstein's and Beckett's works. More specifically, the *Tractatus Logico-Philosophicus* and the *Philosophical Investigations* are looked at in relation to the absurd plays *Not I* and *Waiting for Godot*, respectively. The limits of language as described in the *Tractatus* are part of the verbally and conceptually asphyxiating world brought on stage by Beckett in the monologue *Not I*, while the transition to 'language games' of the *Philosophical Investigations* can be identified in parts of *Waiting for Godot*. The suggested conclusion is that Wittgenstein's expression of the ineffable, the problematic use of language and (its) meaning can be and have been expressed in a form of art, while the meanings of Wittgenstein's writings are in harmony with their stylistic form, his concept of 'showing' further illustrating this idea.

Keywords: Wittgenstein, Beckett, language, meaning, absurd, art.

Wittgenstein had said that 'Philosophy ought really to be written only as a form of poetry' (Wittgenstein 1980:24e), potentially showing that art can communicate effectively what commonly used philosophical language can only touch upon. It can be argued that the form of Wittgenstein's writings is firmly connected with the message he is trying to convey despite its not being poetry. In this essay, I will explore the possibility of looking at Wittgenstein's two main works, the *Tractatus Logico Philosophicus* and the *Philosophical Investigations*, in parallel with two of Beckett's plays: *Not I* and *Waiting for Godot*, all in reference to Wittgenstein's idea of 'showing'. At the same time, I will argue for the intrinsic connection between form and content in philosophical writing which derives from the conclusions drawn in reading Wittgenstein and perceiving philosophical concepts.

In his early philosophy, Wittgenstein discusses the problems arising from the inefficiency of language in effective or meaningful communication, while he later moves on to discuss language as a form of life. These concerns have been illustrated in literature, especially in the surreal or absurd movement. Samuel Beckett's writings can be read as 'the most Wittgensteinian of parables' (Perloff 1996: 21) insofar as they treat language in a similar way: looking for its potentialities, boundaries, or the interesting and important yet neglected implications of trivial, ordinary words. Beckett is an example of a

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language-conscious writer, creating language-games that reveal language's inadequacy to convey meaning, possibly in a Tractarian way. In other words Beckett recognizes 'the inherent inability of words to correspond to anything other than themselves together with the potentiality of expressing this very inability to express' (Velissariou 1982). Both Wittgenstein and Beckett wrote on language, and recognised the paradox of doing so since they expressed the contradictions, misunderstandings or meaninglessness of words. Yet, neither could escape the necessity of language, Beckett responding to this by saying that 'words are all we have'(Cavell 1976: 161). Furthermore, Beckett employed language as a form of art, which can be read in line with Wittgenstein's distinction between 'saying' and 'showing'; in reference to *Waiting for Godot*, Beckett said that all he knew he showed (Cohn 2006: 122).

Wittgenstein's use of language makes us conscious of writing style as reflecting the message. This could be true both for his early and later philosophy, as exemplified in the *Tractatus* and the *Philosophical Investigations*. Wittgenstein's very language *on* language indicates that philosophy and literary style are not separate, as the form mirrors the context and content. The *Tractatus*, arguing for the impossibility of articulating anything meaningfully except for propositions on the natural sciences, is itself written in the most laconic, scientific way possible. The author is conscious of the paradox that he cannot escape using metaphors, speaking in abstract terms and creating imagery, to argue for the opposite use of language and that is why he sees this project as a ladder to be kicked away. In embracing the impossibility of that impossibility, the language of the *Investigations* is inclusive, playful, and diverse. Here, language is seen as an expression of forms of life, involving different language-games. However, both works accept language as an intrinsic part of human life, and make reference to the problems arriving from our misconceptions of it. They reflect the author's desire for clarity, precision, and logic -even when the latter is found to be inadequate in his philosophical enquiry. This is evident in their form: they are both written as enumerated lines of thoughts, rather than conventional philosophical essays. The works could not have been written in a different way, 'because otherwise the thoughts [they] present would have been crippled' (Binkley 1973: 8). This is not to say that Wittgenstein's prose cannot be paraphrased, but that the way he writes is an essential part of the thinking process behind the written result.

I. The Language of the *Tractatus* and the limits of language

The language of the *Tractat*us is as close to its meaning as possible -concise, scientific and seemingly propositional. Wittgenstein attempted to create a text composed of seven dense statements, each expanded into some further comments. The message of the *Tracatus* appears to be that language cannot

be used to meaningfully describe ethical concerns, since logic and determinacy of sense are its essential grammatical rules. By logically analysing language we find its limits, and then we come to see the limits of sensical thought (Wittgenstein 2007: 27). The preface, written in familiar prose instead of numerated thoughts, gives a more conventional understanding of what will follow. Wittgenstein did not provide extensive arguments developing his ideas, but rather gave extremely scrutinised assertive statements to demonstrate them. This is further illustrated by his comparing the *Tractatus* with a ladder leading to the conclusion, which has to be kicked away once it has been climbed (6.54) (Wittgenstein 2007: 108).

Wittgenstein's ideas have been described as challenging, and the language he uses to show them has been seen as problematic in accessing them (Pitcher 1964:17). To a certain extent, this is true. Further explanation is often constructive and necessary for his philosophy to be understood, while paraphrasing helps in comprehending his ideas; thus, the value of the relevant bibliography in this essay, or a university-level course. After all, 'the *results* of a great deal of profound thinking are presented rather than the actual *process* of the thinking itself' (Pitcher 1964:17) However, it can also be argued that his language is not some kind of enigma, but rather the reflection of the very thoughts expressed. Therefore, his choice of words cannot be substituted by mere explanation in more familiar, extensive terms, without the awareness of them being a *replacement*, with all the inadequacies or problems this may have. There is thus the possibility of looking at this project as 'performance' philosophy.

According to Fogelin, what Wittgenstein has achieved is the 'embodying' of the language he speaks of, in the language he uses (Fogelin 1987:102). What is being said is essentially connected, or in 'harmony'(Gibson 2004) with how it is being said. To bring this into a wider context, even though this is most often the case for the arts and the very forms of artistic expression, philosophy too cannot escape the medium through which it is expressed (Binkley 1973: 6). In contrast to presupposing an internal idea of the thought as an independent entity in the mind, which then finds a medium for expression -in this case, writing- we could argue that the idea manifests itself simultaneously as the process of writing it takes place. In a further development of this point, Wittgenstein argues in the *Investigations* that 'language itself is the vehicle of thought' (PI 329) (Wittgenstein 2009: 113e), yet the message of the *Tractatus* is that these very thoughts are nonsensical if they are not logical.

From the point of view of the *Investigations*, the *Tractatus* consists of one language-game, with very specific rules. Wittgenstein cannot escape using metaphors and abstractions such as 'ought' and 'must' that appeal to value instead of logic in the *Tractatus*, and so ends up using non-sensical or metaphysical terms

to describe the 'sensical'. The limits of language are thus portrayed in the very inability of the author to put forward his idea of not using language through a different mean other *than* ordinary language. Fogelin specifically describes this division as 'object language' and 'metalanguage' (Fogelin 1987: 102). The interesting metaphor found in the *Lecture on Ethics* makes a parallel of language to the walls of a cage (Wittgenstein, internet). Similarly, in the *Tractatus* Wittgenstein creates the analogy of language as clothing, covering thoughts:

> 4.002 Language disguises the thought; so that from the external form of clothes one cannot infer the form of the thought they clothe, because the external form of the clothes is constructed with quite another object than to let the form of the body be recognized. (Wittgenstein 2007: 45)

Wittgenstein was cautious and aware of the use metaphors as they could be misleading, or taken too far. For example, the walls of the cage can point to the fact that a cage has bars, and thus we could see outside of it, while being unable to actually reach what is there. The idea that we can see but cannot touch the ineffable is pertinent to the notion of showing, which as aforementioned makes sense in the world of art. But comparing language to the limits of a cage or to the deceiving properties of clothing, seem to be examples that portray his ideas effectively. Specifically in the latter case, language is described not only as a limiting form of expression, but a misleading one. It both hides and deforms the thought it encloses.

> 4.121 That which mirrors *itself* in language, *we* cannot express by language. The propositions *show* the logical form of reality. They exhibit it.
>
> 4.1212 What *can* be shown *cannot* be said. (Wittgenstein 2007: 53)

In reference to the notions of saying and showing, Wittgenstein asserted that what is not factual is ineffable, but it can be *shown* or shows itself. Since art is part of the aesthetical, non-scientific world, what can be expressed through art is in effect done so through showing. Despite the fact that what is shown might be non-sensical from a strictly positivist perspective, it has the potential to portray that very notion of the impossibility of expression. The ambiguity of the notion of showing has been widely debated. If we loosely speak of showing in terms of the arts and not only as a passive process, Beckett's absurd theatre demonstrates the limits of language exceptionally. His plays have been interpreted in many different ways, but most interpretations have found the author cold. In attempting to read Beckett's work with reference to Wittgensteinian perspectives on language, there is the possibility of attributing the wrong meanings. Nonetheless, it is most definitely the case that his plays are highly conscious of linguistic absurdity and the difficulty of expression. The limits of language described in the *Tractatus* are part of the universe brought on stage by Beckett.

II. Beckett - the Absurd

Not I

A scene from Billie Whitelaw's performance, London, 1973

The play in one act *Not I* is a monologue, essentially about the self as the object: the subject can only refer to itself in the third person. The stage directions require only the mouth of the actor to be visible. The mouth is articulating apparently nonsensical sentences in an attempt to describe thoughts on the subject's life. The effect of these stage directions generates a discomforting, nauseating feeling to the audience, perhaps much like the very feeling of the inability of expression. What is important cannot be said, and so what is said are only fragments of thoughts that if put together can create what resembles a story. To illustrate this point, Beckett chooses to write a play and not a novel, therefore literally showing by a sense-provoking medium the ideas he wants to lay forward. The method of not having the words placed together in a conventional way brings the focus not on the story of the Mouth, which is seemingly unimportant as it is hardly comprehensible, but on the very language employed. The lack of coherent language shows exactly its inadequacy to convey a set meaning. It could be argued that the play is about meaninglessness, only insofar as Wittgenstein is. The play does not necessarily imply the lack of meaning, but the inability to express things *meaningfully*.

> '. . . when suddenly she realized . . . words were- . . . what? . . . who? . . . no! . . . she! (*pause and movement 2*) . . . realized . . . words were coming . . . imagine! . . . words were coming . . . '
>
> '. . . and yet in the ordinary way . . . not felt at all. . . so intent one is . . . on what one is saying . . . the whole being . . . hanging on its words. . . so that not only she had . . . had she
>
> . . . not only had she . . . to give up. . . ' (Beckett 1976: 597)

In performance, it might appear that the mouth is rambling, yet there is also an awareness of a coherent structure of the text. The flow of words, whether connected or seemingly irrelevant to one another can be seen as a demonstration of the flow of thoughts. *Not I* can be read as a manic inner monologue, sometimes resembling a dialogue of which we only see and hear one subject. Repetition is key, and what is often repeated is the inability of Mouth to express herself with words. Arguably, 'it is a text which eludes meaning by permanently pointing to its lack' (Velissariou 1993), through the incoherent language employed, and the refusal of Mouth to refer to herself as the subject 'I'. The absurdity of the play is found both in the language used and the choice of staging, possibly being a response to the absurdity of humans' overall search for meaning, especially through language. The limits of language identified by Wittgenstein are therefore realised through a parallel perspective in absurdist theatre.

The equivalent of the term 'absurd' in Greek is *paralogo* (παράλογο), literally meaning what is next to thought, logic or linguistic expression. In this respect, the absurd, or in Wittgenstein's terms the nonsensical, is not entirely outside of logic or sense, but in close proximity to it. The word *paralogo* makes sense only insofar as *logos* does. The Tractarian ineffability may be coinciding with this notion of absurdity shown in Beckett's theatre. Logic, structure and thought do exist, but there is an alternative sphere of absurdity, which addresses the nonsensical parts of thinking or existing. To a certain extent, this is in line with the absurdist philosophy of Camus, and the Sisyphean never-ending struggle up the hill. Such readings of Beckett's plays, focusing on an absurdist response to the absurdity of human life, by using nonsensical language, have been both accepted and criticised. Writing in the late 1960's, Cavell stated that they are nothing 'more than impositions from an impression of fashionable philosophy' (Cavell 1976: 115). Yet, in being conscious of that, Cavell also accepted parallels between Wittgenstein's views on language and Beckett's world. More closely related to the *Investigations*, Cavell noted that despite the difficult of expression, we are compelled to speak 'whether we have something to say or not'. Whether what we can say is meaningful or not is not relevant. Our desire to do so is more accepted in Wittgenstein's later work. Wittgenstein embraced the notion of different forms of life and their linguistic expressions, which solve some of the main problems raised in the *Tractatus.* That is, language was no longer seen as capable only of describing the natural sciences, and so the problem of ineffability became almost a non-problem. Yet Wittgenstein still did not talk about values and ethics specifically. In quoting Pascal, Cavell agrees that 'all the evil in the world comes from our inability to sit quietly in a room.' (Cavell 1976: 161). Once more, Wittgenstein's final proposition of the *Tractatus* is relevant.

Beckett's response to these concerns manifest themselves in a variety of forms, *Not I* presumably illustrating the problem of meaningful expression by pointing directly towards the problems of language, as well as notions of solipsism and verbal self-constraint. In other words, 'by making language not only the means, but the very object of his writing, [Beckett] focuses on the crisis of the subject's relation to language.' (Velissariou 1993). The solipsistic message of the *Tractatus* (5.6) cannot be expressed in propositional terms, but Wittgenstein asserts that 'what solipsism *means* (…) shows itself.' (5.62). That is, it is somehow understood, or makes itself manifest in the world. The mysticism of these types of concepts in the *Tractatus*, especially when Wittgenstein mentions meaning, are to a great extent ambiguous. Beckett's response to such notions of solipsism are reflected in *Not I,* where the 'I' problematically becomes the object. Throughout the play, the problem is the difficulty and absolute denial of Mouth to identify herself as the subject: essentially, the 'I' cannot be the object, despite any efforts to make it the observable. (Pitcher 1964: 146).

III. Language-games

Waiting for Godot

A scene from the first production of En Attendant Godot, Paris, 1953

Wittgenstein's Tractarian perception of language as efficient only for the natural sciences is found in interpretations of Beckett's plays. With reference to language's problem of meaningful communication or expression in *Waiting for Godot*, it has been argued that 'only a Naturalistic view of language as having a direct and unambiguous relation to the world can allow for an unproblematic organization of meaning.' (Velissariou 1982). Beckett uses various 'language-games' to express this problem, and breaks the boundaries of the form he uses. In this play, the two main characters are waiting for someone who will never appear. The time, space as well as any context is

unidentified. Essentially, nothing happens: their dialogue does not bring any conclusions, and their encounter with a man and his slave brings no further light to any logical sense of their waiting. The dialogues taking place include continuous repetition, and the meaning seems often to be meaninglessness, or the struggle for (its) expression.

Furthermore, it is evident that the problem recognized by Beckett does not seem to be only a linguistic, but a metaphysical one. Meaning itself is put into question in his plays. Yet, the very fact that there is a wide variety of contrasting interpretations of Beckett's plays signifies the ambiguity of language, and this is argued to be intentional: 'Beckett does not want what is communicated easily to be what he communicates – it is not what he means.' (Cavell 1976: 210) The key word here is easily. Language can easily illustrate factual, falsifiable things, but not essential, metaphysical concepts. This is only loosely relatable to the early-Wittgensteinian approach, since he did not only consider language to be incapable of expressing non-factual things, but that it *ought* not to. The question of meaning is one that Wittgenstein wanted to avoid, specifically the attempts of expressing it through language. However, this dogmatic attitude to what language *ought* to be used for is only part of his early philosophy. The *Investigations* move on to discuss language as a fundamentally externalized, social phenomenon, even an art (or art as a *techné*).

In the *Philosophical Investigations*, Wittgenstein wants to investigate the trained ways of perceiving, under which we fail to recognize the obvious, which philosophy tends to abstract from (PI 131) (Wittgenstein 2009: 56e). In this line of thought, *Waiting for Godot* obstinately focuses on the trivial, obvious and common communication, to point specifically at its significance. By knowing the rules of the game (dramatic language), Beckett can break it -and by making the ordinary extraordinary, create a joke. Moreover, by drawing attention to trivial conversations, combined with brief word exchanges on happiness, truth and God, Beckett shows that we use the same tool to explain things that are seemingly antithetical. How can we talk about carrots and shoes, using the same mean as we use for describing emotions or the divine? His characters seem unaware of the fact that they are essentially playing games with language, focusing more on how the words sound, rather than what they mean.

If *Not I* was to an extent a Tractarian play, *Waiting for Godot* can be read more closely with the *Investigations*, and not impossibly as an extensive expression of remark 129 of PI: 'The aspects of things that are most important for us are hidden because of their simplicity and familiarity'. (Wittgenstein 2009: 56e). Language is as important and complex, as it is familiar and apparently simple, and Beckett points directly to the form of language, the sound rather than the meaning of words, to emphasize their ways of use. Noticing that

Beckett expresses the notion that 'out of its failure to express, language may be re-created,' (Velissariou 1982) he reflects the point made by Wittgenstein in arguing for the fluidity of language. (PI 23) (Wittgenstein 2009: 15). The view that meaning cannot be found through language is still pertinent, but in *Waiting for Godot* language-games take up the role of nonsensical disconnected words. Moreover, moving from the 'I' and language as the limit of 'my' world (Wittgenstein 2007: 88), the *Philosophical Investigations* are about the 'we', similarly as *Waiting for Godot* is inclusive of more than one voice. Reading the play as an expression of the message of the *Investigations* can be interesting. The two characters' interaction constitute very different forms of dialogue around completely unconnected topics, and this might be expressing their form of life, or different games within the game of waiting (Nealon 1988: 521). Again, this reading cannot avoid ascribing a specific intention behind Beckett's writing, namely creating a metaphor for existence as a pointless 'waiting' for something that will never occur, while momentarily forgetting their (and *our* own) inability to stop waiting, and act.

> ESTRAGON: Let's go.
>
> VLADIMIR: We can't.
>
> ESTRAGON: Why not?
>
> VLADIMIR: We're waiting for Godot.
>
> ESTRAGON: (*despairingly*). Ah! (*Pause*.) (Beckett 1976: 376) (…)
>
> VLADIMIR: Well? Shall we go?
>
> ESTRAGON: Yes, let's go.
>
> *They do not move*
>
> *Curtain* (Beckett 1976: 476)

Furthermore, by deforming what we are used to recognizing as important and meaningful, making it irrational or pointless, Beckett creates a joke through the slave's speech:

> LUCKY: Given the existence as uttered forth in the public works of Puncher and Wattman of a personal God quaquaquaqua with white beard quaquaquaqua outside time without extension who from the heights divine apathia divine athabia divine aphasia loves us dearly with some exceptions for reasons unknown but time will tell (…) (Beckett 1976: 413)

The speech continues for three pages, and is arguably a reference to pompous language of philosophers, theologians or scientists. Beckett questions the very validity of using language to express truisms by making a parody of it. Would it be taking it too far to assume that Wittgenstein would have laughed in acknowledging this? Beckett had claimed never to have read Wittgenstein, but reading the former's work while looking through the latter's lens can bring an interesting new perspective on philosophical activity.

As *Not I* was written in such a way to convey an asphyxiating sensation, and *Waiting for Godot* included language-games demonstrating a peculiar but perhaps recognizable form of life, the succinct Tractarian language is replaced in the *Investigations* by extensive remarks that employ various methods for expression, an interlocutor often giving the sense of a dialogue. Once more, the message conveyed is relatable to the form. Wittgenstein no longer poses an austere requisite on anguage's role, but accepts it as an ever-changing activity. Language has a dominant role in the 'sketches' of thoughts Wittgenstein presents (Wittgenstein 2009: 3), while he also moves on to discuss various different topics and themes relating to cognition, psychology and the method of philosophical enquiry. As an attempt to investigate rather than inscribe, the language of his later work employs different forms, and shows that the author is attempting to express a variety of ideas, being aware in his use of language of the problems arising from the theoretical attitude that Beckett ridiculed. Remark #297 goes as far as to pose the question of whether something is boiling in the picture of a boiling pot. Instances like these are found throughout the *Investigations*, pointing to an almost absurd or mad logic. Beckett's characters are essentially caught in a world where these questions constitute many parts of their discourse, which are however left unanswered, or give the impression of an infinite loop in reasoning.

Finally, it is worth reflecting on the fact that Wittgenstein's radical ideas on language and philosophy were put forward in an innovative way. Being conscious of stylistic importance, he made reference of this in the preface of both the *Tractatus* and the *Investigations*. 'Language-games' is a term seen as 'undefinable' (Perloff 1996: 20), and the range of explanations and perceptions of it makes it more pertinent to Beckett's plays. This is in line with Wittgenstein's family resemblance theory of universals proposed in the *Investigations*, the idea that there are layers of connections between things even when apparently there are no common features. An interdisciplinary perspective between philosophical writing and literary expression can thus be looked at more closely and attentively. The two writers used different language-games to respectively express problems of meaning in the world, the problems of language as a tool, and problems or potentialities of expression through an ever-changing means. Both Wittgenstein and Beckett pushed language it to its very limits, precisely by trying to find the margins, and both recognized the difficulties arising from attributing the wrong assumptions to linguistic expression. As Perloff states, 'Wittgenstein's way of attacking philosophical problems is best called "aesthetic"', and this is done in ways that among others include 'sudden leaps of faith.' (Perloff 1996: 15). This aesthetical approach to Wittgenstein's writing is therefore seen if we closely look at the methods and literary devices he uses in both his early and late philosophy. The ideas underpinned in Wittgenstein's two main works are mirrored in these very

methods. In turn, Beckett shows through unique dramatic forms similar notions of the limits of language, and encourages the audience to constantly be 'suspicious' of words.

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Marialena Avgerinu

Vitgenštajnov jezik i Beket: granice jezika i apsurd

Apstrakt

Ovaj članak daje uporedno lingvističko i pojmovno čitanje Vitgenštajnovih i Beketovih dela. Preciznije, *Tractatus Logico-Philosophicus* i *Filozofska istraživanja* su redom posmatrani u odnosu na komade pozorišta apsurda *Ne ja* i *Čekajući Godoa*. Granice jezika, kako su opisane u *Tractatus*-u, deo su verbalno i konceptualno asfiktičkog sveta donetog na scenu od strane Beketa u monologu *Ja ne*, dok prelaz ka 'jezičkim igrama' u *Filozofskim istraživanjima* može da bude identifikovan u delovima *Čekajući Godoa*. Predloženi zaključak jeste da Vitgenštajnov izraz

neizrecivog, problematična upotreba jezika i (njegovog) smisla, može da bude i jeste izražen u formi umetnosti, dok značenja Vitgenštajnovih spisa jesu u harmoniji sa njihovom stilskom formom, dok njegov pojam 'pokazivanja' dalje ilustruje tu ideju.

Ključne reči: Vitgenštajn, Beket, jezik, smisao, apsurd, umetnost.

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Krisztina Rácz

The Return of the Ethnic? Multiculturalism from an Ethnic Minority Perspective

Abstract This article discusses theories of multiculturalism and ethnicity in light of the ethnic identification of minority youth. Namely, even though the primordialism vs. constructivism debate has led to an agreement about seeing ethnic identities as situational and strategic, often for members of ethnic minorities, including young people living in multiethnic environments, ethnic identities seem stable and salient. Relying on the case study of young Hungarian people in Serbia, the article argues that it is the minority status and the institutional setup building on ethnic divisions as the main social frame that make ethnic identities marked. Therefore I connect the case of Vojvodina Hungarian youth to more general debates on the multiethnicy, ethnic belonging and minority status.

Key words: multiculturalism, ethnicity, youth, ethnic minorities, Vojvodina, Hungarians

Multiculturalism as multiethnicity

Multiculturalism has received great attention and has become part of general discourse, not only in the academia but also in the wider public. The concept has been used greatly in various studies, research, analysis, political campaigns, with a private or a public agenda, yet, in scholarly circles the phenomenon of multiculturalism, and the place of ethnicity within multicultural theories, especially in South East Europe have lacked methodological investigation (Bašić 2006). The lack of adequate conceptualization of multiculturalism is even more visible when it comes to ethnic minorities' perspectives on it. The main dilemma when looking at multiculturalism from/in the direction of ethnic minority groups, is that in their case, the „multi-" from the multiculturalism seems to be missing, and they tend to be seen as internally homogenous, traditional, and for them, ethnic identification as well seems less strategic but more culturally determined.

To define multiculturalism, one needs to start from the concept at its core: culture. Similarly to Geertz's semiotic view of culture, in this article it is defined as an intricate system of signs, „a context, something within which they [cultures] can be intelligibly – that is, thickly – described" (1973: 316). Also taking an interpretative approach, Parekh sees culture as the structure that individuals inhabit;

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> human beings are culturally embedded in the sense that they grow up and live within a culturally structured world and organize their lives and social relations in terms of a culturally derived system of meaning and significance (1999: n.p.)

As an amalgam of these definitions, Eriksen believes culture to be the context that enables the understanding of situations and actions (1991).

The two founding principles of multiculturalism being the recognition of difference and the recognition of identity (Bašić 2006), it does not come as a surprise that there is no univocal definition of it. Without the aim to mention all, a few of the classifications of multiculturalism are discussed briefly in the followings. One of the most often cited typologies of multiculturalism is according to its political orientation. It is common to differentiate conservative from liberal multiculturalism. The first orientation was born out of the colonial context and thus tries to construct a common culture of different ethnic and racial groups with an aim of assimilation (McLaren 1995). On the other hand, liberal multiculturalism was a response to the belief that it is individual rights that need to be protected, not group rights, and that ethnicity and religion are private matters in which the state does not have to and cannot interfere (Levey 2010). Liberal multiculturalism has become the dominant position of literature, and it is not debatable whether or not to accept the position but rather how to refine the theory on it (Kymlicka 1995). Yet, both strands can be criticized in relation to majority-minority relations: while conservative multiculturalism can be seen to pay only lip service to equality because it takes the majority as the invisible norm, strives for monoculturalism and thus propagates assimilation in the name of diversity, liberal multiculturalism is often accused of propagating an oppressively humanistic universalism that legitimizes the existing norms of ethnocentrism. When applying liberal multiculturalism to everyday dilemmas, individual rights very often cannot answer the needs of members of ethnic communities, especially those who live as ethnic minorities.

A criticism of liberal multiculturalism is related to its focus on individual rights rather than on collectivities. As voiced by Bauman (2011), it makes no room for autonomous and self-governing communities and free citizens and constrains individuals in the choice of groups where they want to belong. As an answer to some of these challenges, in his essay on recognition as a means of minority politics, Taylor extended the principle of liberal multiculturalists from equal respect to all individuals to equal respect to all cultures, just as he differentiates between equal dignity and equal respect, where the former addresses the common humanity of individuals, while the latter is about particular group identities and their collective interests (2012). Being a proponent of a liberal option of multiculturalism that focuses on groups

rather than individuals, Taylor's theory "provides an important corrective to the overly atomistic, individualistic, and Cartesian picture of the self that informs (implicitly or explicitly) much popular debate" (Blum 1996: 183). In his work, Taylor namely distinguished difference-blind multiculturalism from multiculturalism that recognizes difference, the first being focused on individual persons' rights and failing to see individuals as part of collectives, and the second respecting both what individuals have in common with others and what is distinctive to them. Relating this to the minority-majority distinction, it means that the bases of recognition shall be that the majority sees the minority as part of "us", which in turn prevents the minority from having an inferior self-image (Blum 1996), what Goffman calls "social stigma" (1963). Therefore Taylor sees liberal multiculturalism as a creed that requires more than the coexistence of different cultures and an effort from all segments of a society.

Liberal theories of multiculturalism do not have the aim of challenging the modern conception of the homogenous nation; on the contrary, they build on it. Liberal multiculturalism takes the nation state and a homogenous culture as the basic units of social and political theory, which is the second main strand of critique against it. Often cited criticisms of liberal multiculturalism are that it "essentially views cultures as static" (Hasan 2010:61), has an ahistoric approach to societies and therefore is resistant to account for cultural change (Goldberg 1994; Ivision 2010). In this fashion cultures are seen as bounded, cultural sameness is left intact, while in analytical terms the members of ethnic groups lose their agency for action. As Blum phrases it,

> placing too much emphasis on the self-enclosed, self-coherent, and differentness of each culture is an example of distance-promoting mode of presentation. Such a conception of cultures is intellectually deficient in not recognizing the diversity and tensions *within* each culture, a culture's changes over time, influences from other cultures, and (in most cases) values or elements it shares with other cultures . . . [this] can (in the absence of countervailing factors) serve to reinforce the we/they consciousness in members of group A *and* group B thus straining any sense of connection (1996: 199–200).

The discourse of multiculturalism is often totalizing, assuming that all members of a minority are subsumed within the cultural group (Hasan 2010).

Other than according to its political orientation, it is also possible to typify multiculturalism according to the amount and nature of interaction among members of various ethnic groups. Bauman (2011) calls "multicommunitarianism" a situation in which

> [p]rofound or trifling, salient or hardly noticeable cultural differences are used as building materials in the frenzied construction of defensive walls and missile launching pads. 'Culture' becomes a synonym for a besieged

> fortress, and in fortresses under siege the inhabitants are required to manifest their unswerving loyalty daily and to abstain from any hob-nobbing with outsiders. 'Defence of the community' must take precedence over all other commitments. Sitting at the same table with 'the aliens', rubbing shoulders while visiting the same places, not to mention falling in love and marrying across the community's borders, are signs of treachery and reasons for ostracism and banishment. Communities so constructed become expedients aimed principally at the perpetuation of division, separation, isolation and estrangement (2011: 141–142).

Maybe not as pessimistically, Maclure (2010) defines "communitarian multiculturalism" similarly to Bauman's multicommunitarinism, as a situation where a

> society is a mosaic of cultural communities that relate with one another through institutions and representatives. Citizens largely live their lives within the parameters set forth by their cultural group and have limited interaction with members of the other groups (2011: 40).

As opposed to this model, social interaction and the opportunity to learn from people of different origin is what interculturalism is about, and it strives for "developing more plural and cosmopolitan identities" (Cantle 2014: 315). The term "interculturalism" was coined in the 1970s France, as a response to the need of integrating immigrant children (Sarmento 2014). Focusing mainly on the domain of education (see Kostović et al. 2010), interculturalism thus claims that identities are intersectional and develop through communication.

The transformation of the discourse of multiculturalism into an intercultural discourse reinforces principles that emphasize the historical interconnectedness of cultures. Societies have never been static throughout history, as they have always adapted and changed according to the stimuli received from other cultures (Sarmento 2014: 612).

In Cantle's view,

> [i]nterculturalism recognises that people can have more than one identity at the same time and that these are not necessarily in opposition to each other; rather, they simply represent different aspects of human relations (2014: 316).

In Tylor's understanding of interculturalism, "all citizens, of whatever identity, have a voice, and no-one's input has a privileged status" (2012: 418). In general, interculturalism is more than mere co-existence of groups and less "groupist" (Brubaker 2004) in seeing communities as dynamic and more committed to a unity of diverse groups (Meer/Modood 2012; Modood 2014). There are however critiques of the interculturalist model as well, such as Levay's (2010) who argues that similarly to multiculturalism, interculturalism

is about distinct homogenous cultures, and is therefore repeating rather than solving the problem of adequately theorizing multiethnicity. Another criticism of this model is that it focuses on an urban population and majority-minority relations that have been brought about as a result of migration (Ghorayshi 2010). For the non-Western European, non-North American and non-urban segments of society, interculturalism "is not an alternative to MC [multiculturalism], but a valuable complement to a communitarian" model (Modood 2014: 303).

Ethnic identification

It is Kymlicka (1995) who links culture to ethnicity and nation: for him culture means an ethno-national culture that is a set of traditions, beliefs and immaterial goods that members of a given culture claim as part of their heritage. He introduced the notion of a "societal culture" that is territorially concentrated and based on a shared language, common memories, values, institutions and practices. In short, in Kymlicka's conceptualization national cultures are cultures that belong to nations. Therefore, for conceptualizing culture(s) in relation to multiculturalism, it is crucial to define nation, a concept that is in turn linked to ethnicity. Nation is a general term: it includes ethnic, but also class, religious, legal, territorial, political, linguistic, cultural, historical (Putinja/Stref-Fenar 1997) and other membership categories, even though nations have usually been formed around ethnic cores (Smith 2004). Nationalism relies on ethnicity to fulfill its political program as ethnicity guarantees the historical continuity the feeling of "us"; yet, while nation is a political concept, ethnicity is sociological and anthropological (Hobsbawm/Kertzer 1992). For Gellner, a nation is a group that wishes to survive as a community (1983). In an attempt to define ethnicity, Smith (1991: 21) set up the following criteria for an ethnic group:

(1) a collective proper name,
(2) a myth of common ancestry,
(3) shared historical memories,
(4) one or more differentiating elements of a common culture,
(5) an association with a specific "homeland",
(6) a sense of solidarity for a significant sectors of the population.

However, none of these criteria in themselves define an ethnic group, but they become ethnic attributes only when group members use them as markers of belonging (Putinja/Stref-Fenar 1997).

The study of ethnicity has been marked by the debate between the so-called primordialist and constructivist views. The debate started with Barth's

publishing of *Ethnic Groups and Boundaries* in 1969, in which he explained ethnicity in terms of symbolic construction and maintenance of boundaries with other ethnic groups, instead of the until then prevalent view (later referred to as "essentialist" or "primordialist") that claims that groups are determined by their characteristic cultural content. According to the constructivist view, cultures are not clearly separated from each other but the determining factor of the differences between them is the way in which cultural differences are socially organized (Feischmidt 1997). Constructivism sees cultures as dynamic, flowing, self-conflicting and inconsistent (Barth 1969). Until that point ethnicity, nation and culture were rather understood as given, stable, pre-determined, assigned at birth and dependent on the ethnic identity of one's ancestors. However, with Barth's influential text, a paradigm-shift came about, and it brought about a possibility to study phenomena such as tribalism in Nigeria, communalism in India or linguistic conflicts in Canada in a related fashion (Putinja/Stref-Fenar 1997).

Speaking about nations, Anderson (1991) saw them as imagined communities for the lack of face-to-face interaction among all of its members, which nevertheless does not prevent members to see the ethnic group as a horizontal comradeship. Similarly, Smith (1983) defines nations based on cultural and historical content rather than on biological ties.

Any type of identity-construction is not a unidirectional process but involves both construction from above and form bellow.

> [I]dentity politics is always and necessarily a politics of the creation of difference. . . What is shocking about these developments, is not the inevitable dialectic of identity/difference that they display but rather the atavistic belief that identities can be maintained and secured only by eliminating difference and otherness (Benhabib 1996: 3).

Ethno-national identity formation is thus determined by how one sees the other: "my own identity crucially depends on my dialogical relations with others" (Taylor 1992: 34; Bakhtin 1981; Feischmidt 1997; Lindstrom 2003). Defining the difference depends on what symbolic or material factors one takes into account: difference is a political, historical and cultural construct (McLaren 1995).

The understanding of the relationship between "self" and "other" has changed throughout the scholarship on identification. According to a view that draws on a postructuralist understanding of difference, the "billiard ball" conception of cultures has saw them as separate and bounded and difference was external, while in their contemporary view otherness is internal to one's own culture and identity (Tully 1995). Therefore according to a poststructuralist understanding of group identity, "[w]hat is proper to a culture is not to be

identical to itself. Not to not have an identity, but not to be able to identify itself, to be able to say 'me' or 'we'" (Derrida 1992: 9). In general, the underlying assumption of theories of identification in the postmodern era is that

> identity formation reflects the postmodern tenets of being fluid, fragmented, and strategic in that individuals may negotiate multiple identities. Identity building, as it pertains to real or imaginary geopolitical areas, nevertheless is often based on the idea of *the other* (Petrunic 2005: 7).

In this sense, individual identification is never stable, just as cultures are unstable model entities with external and internal difference (Deluze 1994). Theories of both ethnicity and multiculturalism thus aim at exploring this relationship between internal and external difference of ethnic groups, of minorities and majorities, immigrants and locals, newcomers and old settlers.

In view of the above, I am outlining four major strands of criticism of the conceptualizing of ethnic identities. First, a common criticism of studies exploring ethnic identification is that the lens through which social scientists see the social world is overly ethnically colored (Brubaker 2004), i.e. studying identity is done almost exclusively in terms of ethnicity and difference has been conceptualized mainly in terms of ethnic difference. Yet, whether or not ethnicity has been receiving too much scholarly attention does not change the fact that accepting that ethnic identities are constructed is not enough; an analysis of an ethno-cultural community also has to explain how identities are constructed within it and against other communities.

Second, ethnic identity is often used as a static concept even though it is dynamic, situated in the flow of time: there is no community that is made up of identical subjects, and there is no subject that does no change over time – the very notion of authenticity and authentic representatives of an ethnic group is criticized by Wodak et al. (2009). Milenković (2008) also calls attention to this in relation to Serbia, claiming that the concept of ethnic culture used in public discourses is essentialist and treats ethnic identities as natural and given. He calls for a more nuanced reading of culture and the inclusion of a multicultural perspective into anthropological theory.

Third, when speaking about ethnic membership and ethnicity in general, as Brubaker (2004) argues, it is important to distinguish between analytical and practical ethnic experience. His main argument against conflating "empirical tools" with "analytical data" (Smith 1993) or the "inclination to think the social world in substantialist manner" (Bourdieu/Wacquant 1992: 228) is that the confusion of the two leads to perceiving ethnic groups and bounded and then taking these "bounded groups as fundamental unit of analysis (and basic constituents of the social world)", or what is called "groupism" (Brubaker 2004). Yet Brubaker is not the first one to criticize the methodological fallacy

of conceiving ethnic groups as homogenous and bounded. Already Barth's theory of ethnic boundaries (1969) has been criticized for focusing exclusively on the boundaries and thus ignoring the cultural content, that, even though imagined, is seen as characteristic of the group (Prelić 2009) and for in deconstructing the concepts of culture and ethnicity the question of the meaning they have for the actors involved in interethnic relationships has been disregarded (Eriksen 1991). Problematizing the practice of social sciences in which communities are perceived as internally alike has been not only a founding argument of postmodernism but also one of the main lines of criticism of liberal multiculturalism (see Goldberg 1994; McLaren 1995).

A forth, related problem in conceptualizing ethnicity is explaining the complexity and dynamism of ethno-national ties and their salience without seeing them as primordial and essential. Acknowledging the constructed nature of ethnic identification, Geertz (1993) reminds us however that for group-members, ethnic attachments seem to remain cultural givens and very real. Drawing on Anderson's conceptualization of ethnic cultures as being imaginary (1991), Jenkins claims that "[j]ust because the cultural stuff is imagined, doesn't mean that is imaginary" (1997: 123). Ethnicities and nations are not "fake or nonexistent, rather . . . their configuration is above all constructed in accordance with imaginary models" (Ilić 2014: 50). Once a nation is formed and established, it becomes very difficult, if not impossible, to eradicate it (Smith 1993) – not only physically but also analytically, because the bonds of language and culture are very strong for most people (Kymlicka 1995). I argue that these ties are even stronger in the case of individuals belonging to ethnic minorities.

Conceptualizing ethnic majorities and minorities

Most of the definitions, categorizations and explorations of multiculturalism in different societies construct ethnicities to be majorities versus minorities, dominant versus subordinate. Yet, "[m]ajority and minority are not quantitative characteristics but refer to the relative position of the parties involved in relations of economic, political and institutional power" (Patton 2010:68). The radical criticism of liberal multiculturalism states that it does not really accommodate diversity but is open only to those groups that are willing to abide by its presumptions and (liberal) values (Levey 2010). In liberal multiculturalist policies, minorities are not expected to challenge the legitimacy of the state in which they live but to live up to the stereotypes of a "good immigrant" or a docile member of a national minority or indigenous population (Ivision 2010). Thus apart from the critique of multiculturalism that it promotes equality only declaratively (McLaren 1995), another one is that it re-subordinates marginal groups (Ivision 2010): even if in its policies

it strives for heterogeneity, this heterogeneity presupposes tolerating the different (Goldberg 1994), and tolerance in turn presupposes paternalism: a situation in which there is a group that accepts the other group but does not perceive it as equal to itself. According to Besch (2010), this conceptualization of tolerance is instrumentalist and asymmetrical because it grants acceptance with the aim of avoiding conflict and assumes the superiority of the tolerator. In this sense, multiculturalism remains a discourse that (re-)constructs the power relations of "us" and "them" (Kymlicka 2007; Ivision 2010).

In the logic of the constructivist paradigm, ethnic identity is to be understood in terms of inclusion and exclusion in the social practices. Especially in the case of an ethnic group that is a minority, according to the constructivist view the processes of ascription and also inclusion and exclusion are double: it is determined who is considered a minority and on which grounds both by the majority and the minority society. However, this raises two important issues that are in the core of the constructivist paradigm. I will call one the problem of the power to ascribe, while the other problem is termed by Kymlicka (1995) as the "right to exit".

Namely, it is important to see who has the power and the means to declare a group to be a minority and on what bases. Clearly, a minority is not determined by mere census figures but also a group's difference in one or another cultural trait important in the social context, be it ethnicity, religion, language, sexual preference, etc. Conversely, more often than not, this is determined not by the minority but the majority society as it has the power and the institutional support to make and to keep a group separate. Yet, as Lyman and Douglas note, knowledge of their own ethnic culture and tradition also gives power to members of minorities to mobilize it and exercise control over the members of their group (1973). It follows that, as Bauman notes,

> [b]y definition, though, ascription is not a matter of choice; and indeed, such choices as mediate the reproduction of ethnic minorities as communities are the product of enforcement rather than of freedom to choose (2011: 89).

He concludes that ethnic minorities are the products of enclosure from both outside and within.

Related to the question of power and the minority's agency in the ascription of its own status is the question of not only whether or not a member of a minority group is included into the majority society, to what extent and through which institutions, but also how tied they are to the minority culture, how much "loyalty to culture" (Hasan 2010) they have and whether "those who might want to cut loose in the name of some individual goal or self-development" (Taylor 1992: 58) have the "right of exit" (Kymlicka 1995).

These are especially important questions when exploring the meaning of multiculturalism and of minority status within it, because minority group membership tends to be assumed as natural, while in reality communal ties often have such dynamics that they disable or make it risky for individuals from leaving the group to which they have been ascribed. When speaking about ethnic minorities thus, the choice of assimilation into the majority is made difficult both from inside (the minority community) and outside (the majority). Members of the minority group who wish to create novel modes of (non-ethnic) identities or to assimilate into the majority, face stigmatization due to their "alien" origin on one hand, and branding as being disloyal on the other hand. Because of this,

> the choice between an earnest effort to assimilate and rejecting the offer and sticking to one's own separate communal ways come what may was a gamble for the members of the dominated minorities (Bauman 2011: 93–94).

It follows that what Bauman (2011) calls "communalism", i.e. the maintaining of relatively solid boundaries between groups defined on the bases on ethnic difference, comes as a natural choice when group members are

> denied the right to assimilation. They have been denied the choice – seeking shelter in the assumed 'fraternity' in the native group is their only option. Voluntarism, individual freedom, self-assertion are only synonyms of the emancipation from communal ties, of the capacity to disregard the inherited ascription – and this is precisely what they have been deprived of by the non-issuing or the withdrawal of the offer of assimilation. Members of 'ethnic minorities' are not 'natural communalists'. Their 'really existing communalism' is power-assisted, the result of expropriation (Bauman 2011: 96).

Bauman's work points to the agency of members of minority groups in constructing their own social identities. Even though by explaining the shortcomings of the constructivist views with regard to the agency of the members of minority groups, Bauman himself is also assigning them a passive role in the dynamics of membership (being constrained as much from within as from without), his critique is of crucial importance in understanding the process of constructing ethnic membership.

For the above reasons, for members of an ethnic minority, ethnic membership is a more salient fact than for persons belonging to majorities for whom their ethnicity is less marked. Minority youth, when they are outside of the family, are constantly reminded that their native language and culture are different (T. Mirnics 2001). Badis (2008) has set up a taxonomy of strategies individuals belonging to an ethnic minority use in their everyday social encounters:

(1) Negativism – confrontation with those who are perceived as a threat.
(2) Isolation – a passive strategy by which individuals reduce their interaction with members of other ethnic groups to a minimum. It is an escapist strategy and its aim is to avoid being refused.
(3) Passing – following Goffman (1959), it is seen as a way of upwards social mobility in a way of concealing one's "true" identity and pretending to be a member of another, in this case the majority, group. In practice, it means assimilation into the majority ethnic group. This strategy is the most conscious of all.
(4) Accepting threat – a strategy by which individuals accept their inferior position in the social structure ascribed to them by the majority and act accordingly.

Apart from the fact that these strategies are often mixed in being conscious or subconscious, strategic or automatic to different extents, they also entail a varying degree of the individual's agency in using them, i.e. how much the person choses them or is forced to use them (by peer pressure, by the institutional setting, the social environment, etc.). In the following subchapter, I am exploring the modes of identification among young members of the Vojvodina Hungarian community, connecting them to the discussed theoretical debates on multiculturalism, ethnic identification and majority-minority conceptualizations.

Ethnic identification of minority youth: Vojvodina Hungarian young people

Youth is seen as a specific time of identity formation, a peculiar life period of great potentials and powers but also social constrains and impotence (Hall/Jefferson 1975; Brake 1980; Bennett/Kahn Harris 2004). This period of human life has a special cultural significance, and it is during youth when "social groups develop distinct patterns of life and give *expressive form* to their social and material life-experience" (Brake 1975: 10). On the other hand, looking at the great variety of youth cultures, be they defined in terms of taste, style, fashion, music, gender, ethnicity or other factors, there is a myriad possibilities for young people to express their identities.

New information technologies and media offer elements of multiculturalism and global interculturalism; they constantly inform young people of new cultures and lifestyles. All this results in a widening of young people's world and liberates them from traditional conservative cultural ties and patterns. But, on the other hand, this same world is particularizing and individualizing their common problems and offers only substitutes and not solutions to real-life dilemmas and problems (Ule 2012).

Thus young people are often seen as vessels into which cultural patterns, memories and national identities are infused top-down, and who have little agency in creating their own distinct norms, attitudes, beliefs, and identities. However, not only are they considered the safeguards of tradition, but also those who actively negotiate existing cultural patterns, resist them, and develop alternatives. Studying youth is therefore more than studying a specific generation. This age group has power both in creating new cultural patterns and reflecting the existing schemes of society: they are "a direct consequence of political modernization … [and] ... also its mirror" (Ule 2012: 29).

On-the-ground exploration of young people's identification suggests that for them, often "community is sought as a shelter from the gathering tides of global turbulence" (Bauman 2011: 142). In post-socialist Europe, global culture that would enable fluid group membership and negotiated identities does not always match the everyday realities of young people. Individualization has become economically difficult and insecure, which has led to a new "domestification" of youth (Ule 2012). For many young people thus

> the suggestion that the collectivity in which they seek shelter and from which they expect protection has a more solid foundation than notoriously capricious and volatile individual choices is exactly the kind of news they want to hear (Bauman 2011: 100).

Minority youth in Serbia are in fact facing "a triple transition": what Tomanović (2012) calls the "double transition" to adulthood as a generational experience for all youth worldwide and the consequences of the socio-economic transition of the South-East European countries, such as precarity, poverty, lack of job opportunities, scarce housing, inadequate social security, etc. are heightened by minority status.

Vojvodina is often seen as a textbook example of multiculturalism in a post-socialist state, highly heterogeneous in terms of ethnicities, with more than twenty national communities. Serbs are both the absolute and relative majority in the province: according to the 2011 census, 67 per cent of the inhabitants of Vojvodina declared themselves Serbs. People of other ethnic identities and those who did not declare themselves ethnically made up the other 33 per cent. Out of this, 13 per cent, or 253,899 individuals are Hungarians (Stanovništvo prema nacionalnoj pripadnosti i polu, po opštinama i gradovima, internet), who are still, despite the shrinking size of the community, the second largest ethnic group in the province and the most numerous ethnic minority (Đurić et al. 2014).

Vojvodina Hungarians are a national minority in Serbia with collectively ascribed rights. Because of their minority status, for many of them the concepts of citizenship and ethnicity are separate, and the home country does

not have such emotional value as to members of majority ethnicity, but rather becomes merely a geographical term (Badis 2008). Papp (2007) cites researches which found that instead of national, Vojvodina Hungarians rather have strong local identities (Hódi 2003; Komšić 2003). Even though having relatively strong ties with their kin-state, they are a specific ethnological-ethnic group which has its own conciseness of "us" and differentiates itself from other Hungarian communities. This "us consciousness" is present both in geographic and cultural terms and is explained by the effect of Serbian culture on the Hungarian communities (Papp 2007).

Strong communal ties among minority youth in Serbia are often neglected in the literature. Existing quantitative research on youth and ethnic identification focuses almost exclusively on the majority nation (see Radivojević/Vučević 2008; Tomanović 2012; Tomanović/Stanojević 2015), while studies on minority youth lack the contextualization of the population under study with relation to majorities (for instance the *Mozaik, Kárpát Panel* and *GeneZYs* research on Hungarian diaspora youth conducted in 2001, 2007, 2011 and 2015 by various institutions from Hungary and/or Serbia). Thus, in the former case, Hungarian youth in Vojvodina is an invisible minority in Serbia; in the latter, they are seen in a decontextualized and essentialist manner, denying their right of exit from the community. Both cases lock them in their minority status.

What are usually seen as the major threats for the community in question are low birth rates, emigration and (linguistic) assimilation (Gábrityné Molnár 2007). While the first two are mainly related to the socio-economic situation, the third one, and a forth issue that I find equally important as the above mentioned three, the spatial, social and cultural segregation of the community, are largely language-related. In settings in Vojvodina where Hungarians are a minority, language use is dominated by the state language because in nearly every situation when a group of people is together, there is at least one person who does not speak Hungarian, and for them, the entire group switches to Serbian. Hungarian as the native language is being pushed to the private sphere, leading to linguistic and in many cases also cultural assimilation.

For young people living in the north of Vojvodina, where Hungarians are in a relative majority, the importance of language is also large, however for them the main problem is not the knowledge of the mother tongue, but that of the state language. I argue that for them, not knowing Serbian is what prevents integration and participation in the society outside the "Hungarian world" (Brubaker et al. 2006). The lack of fluency and/or the confidence to speak the state language, I believe, confines one to this limited geographical and social space. This space, even though offers safety and the feeling of being within one's comfort zone, is not large enough to cater for all the needs of

individuals who aim at participating in the mainstream society on equal footing with members of the majority ethnic group. As a result of this, I argue, a vicious circle is created: lack of language knowledge prevents participation in the society, and because of the lack of participation, no opportunities are provided for the acquisition of the state language. What a young person from an ethnic minority is therefore faced with is marginalization, and their strategies of dealing with it are segregation, self-victimization, negativism, isolation, seeing other ethnicities as threat (Badis 2008) or passing (Goffman 1959) as general strategies of behavior and discourse.

Social actors are embedded in the institutional system. They "carve out" their own space and identity within it, while the institutional system also mobilizes them for its interests, which is the interest of the social elite. In Vojvodina, the ruling Hungarian political elite is in power only if it defines itself on ethnic bases, therefore its interests are to sustain the existing ethnic divisions. This suits the Serbian national elites and institutions as well: minorities are provided certain rights, kept at bay, and their management is left to the "ethnic worlds": Vojvodina Hungarian politics, teachers of the Hungarian streams at school (which almost always coincide with ethnic identities), Hungarian cultural institutions, and families, also mainly ethnically homogenous.

There is little space for discourses outside the ethnic, and practices that transcend ascribed categories are scarce. As long as they are the "good minorities", the existing order is not changed. The conceptualization of the ethnic remains seen as assigned at birth, stable, and the model of multiculturalism is rather conservative in supporting the coexistence of groups without actual interaction among them (Kymlicka 1995). The institutions such as the school, the family, the media, the workplace, political institutions, etc. build on these taken for granted identities. They channel young people into where they belong according to their ascribed identities: to the Hungarian stream at school, to a group of Hungarian friends, to watching TV in Hungarian, to reading in Hungarian, to dance Hungarian folk dances, to Hungarian pasttime activities, into relationships with other Hungarians, into jobs that do not require language skills of Serbian, to universities in Hungary, etc. The places outside this "ethnic world" are where individuals are faced with ethnic Others, but also with the stigma of their own inferior position; therefore ethnic boundaries and ethnic identities become even more emphasized. The institutional system accentuates the unequal power relationship between majority and minority, and it is the constant experience of the minority position that makes ethnic identity salient for Hungarian youth in Vojvodina and in other places where autochthonous minorities are in a similar social situation.

Yet, young people living in a minority are not completely without agency in facing the institutional system. Their field of power lies within their local

environment, where they feel safe. They have strategies to assert themselves and the dominance of their ethnic group. Some of these are passing (Goffman 1959; Badis 2008), others use their ethnic identities more strategically, and self-segregation can also be seen as a resistance strategy. Most of these strategies still remain within the prescribed frame of ethnic identification. The one that challenges it is inverting minority status: minority status becomes relative (Patton 2010) when members of minorities are in their immediate communities, in the ethnically defined streams at school, cultural institutions, places for going out, etc. Minority individuals strengthen their positions locally by assigning negative stereotypes to the majority (and often other minorities) and by constructing an environment into which members of other groups are not allowed to. This way they avoid being faced with challenging their position. Yet, it is only until a certain limit that one can stay within their "ethnic world". Leaving it, they are faced with their marginal position. Thus the complexities of demography, politics, economy and other factors are all to be taken into account when discussing the public and the private, the official and the everyday discourses and practices of multiculturalism.

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Kristina Rac

Povratak etničkog?
Multikulturalizam iz ugla pripadnika etničkih manjina

Apstrakt

Članak se bavi teorijama multikulturalizma i etniciteta u svetlu etničke identifikacije mladih pripadnika etničke manjine. Naime, iako je debata primordijalizma odn. konstruktivizma dovela do sporazuma da se etnička identifikacija posmatra kao strateška i određena situacijom, za pripadnike etničkih manjina, uključujući mlade koji žive u multietničkim sredinama, etnički identiteti se čine stabilnim i istaknutim. Oslanjajući se na studiju slučaja mladih mađarske nacionalnosti u Srbiji, članak tvrdi da manjinski status i institucionalna postava koja se zasniva na etničkim podelama čine etničke identitete označenim. Iz tog razloga povezujem slučaj vojvođanske mađarske omladine sa širim debatama o multietničnosti, etničkoj pripadnosti i manjinskom statusu.

Ključne reči: multikulturalizam, etnicitet, omladina, etničke manjine, Vojvodina, Mađari

Ana María Leyra, *La mirada creadora – de la experiencia artística a la filosofía*, Ediciones Antígona, Madrid, 2013[2].

Miloš Ćipranić

Almost the whole artistic geography of Europe is included in the pages of this collection of essays. The artists whose works are discussed come from Italy, Russia, Sweden, Britain, France and, finally, from Spain. In a symbolic way, the whole continent is fully encircled by the contents of the book, which truly represents *la Europa de la escritura*. At the same time, there are constant references to the ancient Greek experiences, which are rightly seen as a still fundamental source for the comprehension of the artists presented here in their attempt to reveal, as well as to create, different layers of universal *mŷthoi*.

The principal aim of Ana María Leyra Soriano is not to start from any rigidly preconceived theoretical position or from within any philosophical discipline in its entrenched position, guided by the logic of exclusion of different and complementary approaches, but from the very experience of the artwork. One does not find any excessive theoreticism in this book. Priority is not given to theoretical speculation or to the *a priori* methodological position at the cost of the concreteness and uniqueness of every work of art.

The book addresses mainly the works of film directors and literary writers. The focus of the essays is on the figures and counterfigures of *terribilità*. From Euripides to Pier Paolo Pasolini, we are faced with the images of „a distinct reality, which is not logical" (p. 64). The artistic creation is defined here as an a-logical way of thinking. To produce cinematographic or literary works for Leyra Soriano means to think in images, whether verbal or non-verbal. That is a condition which cannot be overlooked by any investigator in his or her intention to conceptualize their poetic meaning.

In *Poética y Transfilosofía* (Madrid, 1995), a work related to this book, Leyra Soriano discussed the phenomena of artistic production and its effects on the formation of cultures, rather than the epistemological problem of communicability of an artwork or the transmissivity of its content. Within Soriano's standpoint, *poíēsis* from a human perspective means „a permanent creation which is at the same time a self-creation" (p. 37). Concerning the arts, it is about an „impulsive force", not totally verbalizable and explicable, which nonetheless redefines and redescribes reality through fiction. The results of *poieîn* in art, of this productive capacity and activity, appear to serve as a formative cultural basis that could be taken over and further elaborated as such within society in the future.

Despite the fact that the force of the creational gesture regarding the arts cannot be radically explained, perhaps the most effective way in which the essence of artistic creativity can be demonstrated is through the very act of creation. The works of discursive art such as novels are especially suitable for this intention. As Leyra Soriano writes in the essay „El ser humano y la creatividad: del arte a la filosofía" from *Tiempo de estética* (Madrid, 1999), it is possible for a novel to become a work in which „a reflection on the creative task inside the same creative task" takes place (p. 33). On the other hand, this logic of the novelistic institution of a new world does not necessarily convert a work into theoretical autoreflection on the principles of literary composition.

La mirada creadora has the task to make works of art such as *Ivan the Terrible* or *The Nuptials of Herodias* „speak" in order to manifest their meanings, to display the messages „enclosed" in the works themselves. If we make an analogy with the problems discussed in Aristotle's *Rhetoric*, to let a work distinctly speak as an inanimate object (*ápsychos*), we must metaphorically attribute the qualities of life (*empsychía*) to it (Arist. *Rhet*. 1411b). But what can artworks, created in this way, say? To try to answer this question is to try to solve „the enigma of life" (p. 117).

In a true artwork one finds „the infinity of lived experiences (*vivencias*) which it provokes" (p. 94). Consequently, the multiplicity of provocations corresponds to the diversity of perspectives. The richness of the signified in a film, a novel or a poem, correlated with the divergent manners in which it is given, must deny the thesis according to which there can only be one true interpretation of an artwork. In a word, Leyra Soriano persuasively argues that it is through verbal images that the works of cinema and literature form an innovative and indispensable part of the *gran novela da la razón*.

In *La mirada creadora*, Leyra Soriano talks about the „truths of the imagination" appearing in their ambiguity, not to the eye of passive contemplation, but to the active and creative way of looking. It is the realm „where nothing is said, but everything is suggested" (p. 197). This specific nature of cinematographic and literary languages offers as many relevant messages and points of view as we are able to sensitively capture and comprehend.

Nebojša Grubor, *Kant i zasnivanje moderne estetike: o osećaju prosuđivanja svrhovite forme lepog predmeta*, Draslar, Beograd, 2016.

Una Popović

Nedavno objavljena studija Nebojše Grubora, posvećena Kantovoj (Immanuel Kant) estetici, nesumnjivo predstavlja izvanredan događaj na našoj filozofskoj i uže estetičkoj sceni. Ova knjiga zapravo je prvo integralno estetičko istraživanje Kantove misli u našoj filozofiji: naime, iako su se mnogi naši značajni estetičari bavili Kantom i njegovim razmatranjima lepote i umetnosti, do sada ni jedno delo nije bilo u celini posvećeno isključivo Kantu. Za našu estetiku dragocene interpretacije Kanta, koje su, između ostalih, ponudili Mirko Zurovac, Milan Damnjanović, Sreten Petrović, Danko Grlić i drugi, uglavnom su razmatranja iz *Kritike moći suđenja* situirali u širi kontekst problema i istorije estetike.[1] Studija Nebojše Grubora, međutim, samu Kantovu estetičku misao uzima za svoju temu, te u skladu sa tim predstavlja od sad nezaobilaznu referentnu tačku za bilo kog budućeg istraživača Kantove filozofije.

Prethodna konstatacija, sama po sebi, dovoljna je da studiju Nebojše Grubora preporuči svim čitaocima. Uprkos kompleksnosti svoje teme, ova knjiga napisana je jasno i jednostavno, uvažavajući svog čitaoca, te ona stoga može biti relevantno štivo za bilo kog estetičara, ali jednako i za bilo koga ko bi želeo da se uvede u osnove Kantove estetičke misli - budući da, kako tvrdi i sam autor, ona nema samo naučno-filozofsku, već i pedagošku svrhu (str. 7). Prema svedočenju autora, delo je nastalo i kao odgovor na podsticaje pri komunikaciji sa studentima tokom dugogodišnjeg predavačkog rada na Odelenju za filozofiju Filozofskog fakulteta Univerziteta u Beogradu (str. 7); takvo poreklo i svrha ovog dela istovremeno, prema našem mišljenju, predstavljaju i njegovu posebnu vrednost.

Delo *Kant i zasnivanje moderne estetike*, međutim, neobično je koncipirano. Za razliku od uobičajenih pristupa Kantovoj estetici kod nas, ono ne pretenduje na opsežno predstavljanje svih aspekata i detalja Kantove misli. Umesto toga, Nebojša Grubor odlučio se za naučno zahtevniji, ali i fokusiraniji pristup: njegova studija ima za cilj da iznese na videlo unutrašnji karakter Kantovih razmatranja o lepom i umetnosti, a to čini izdvajanjem jedne, po mišljenju autora, centralne teme – veze osećanja i prosuđivanja lepote, odnosno obrazloženja uslova mogućnosti i konstitutivnih elemenata estetskog iskustva lepog. Odabrana ogledna tema

1 Uporedi: Zurovac, Mirko (2005), *Tri lica lepote*, Beograd: Službeni glasnik; Grlić, Danko (1983), *Estetika*, Zagreb: Naprijed i dr.

ujedno predstavlja i ključni problem *Kritike moći suđenja*, obrađen u njenom devetom paragrafu, o čemu svedoči i sam Kant.

Drugim rečima, Nebojša Grubor odlučio se za interpretaciju Kantove misli koja ima za cilj predstavljanje njenog konstitutivnog smisla, te u konačnom rezultuje studijom koja Kantovu estetiku vizira iz osobenog ugla. Ovaj ugao interpretacije istovremeno organizuje ovu studiju u celovit poduhvat, jer njegovo predstavljanje i legitimacija odabira upravo ove perspektive tumačenja istovremeno podrazumeva i kompleksno umrežavanje različitih problema kako Kantove estetike, tako i njegovog kritičkog projekta u celini. Pred čitaocem se, stoga, nalazi balansirano delo, koje sa jedne strane zastupa jasno diferenciranu autorsku poentu, dok istovremeno, sa druge strane, nudi precizno i pažljivo obrazloženje osnovnih Kantovih pojmova i ideja, kao i njihovih međusobnih veza. Na taj način autor i sprovodi svoj proklamovani dvostruki cilj - pedagošku i uže filozofsko-naučnu funkciju studije.

Iznova, za razliku od dosada objavljivanih dela posvećenih Kantovoj estetici, studija Nebojše Grubora ovakvom svojom koncepcijom izbegava primat istorijsko-filozofskog pozicioniranja Kantove misli, iako isto uvažava i uključuje u horizont dela. Naime, kao što se može videti iz prethodno rečenog, ova knjiga nije zamišljena kao delo koje bi trebalo prosto da predstavi mesto i značaj Kanta za razvoj estetike, već ona ima i naglašno istraživački i interpretativni cilj. Sa druge strane, međutim, kontekst istorije estetike nije zbog toga zanemaren, već je na drugačiji način uveden u ponuđena razmatranja.

Naime, kako sam autor tvrdi, *Kant i zasnivanje moderne estetike* predstavlja delo koje se uklapa u širi projekat predstavljanja osnovnih estetičkih koncepcija. Prateći Herberta Šnedelbaha (Herbert Schnädelbach), koji je istoriju filozofije predstavio preko tri njene vodeće paradigme (ontološke, mentalističke i lingvističke), Grubor je želeo da na sličan način predstavi kretanja u istoriji estetike (str. 8). Ovaj projekat profesor Grubor započeo je knjigom *Lepo, nadahnuće i umetnost podražavanja* (objavio Plato, u Beogradu 2012. godine), koja je posvećena Platonovoj estetici i odgovara ontološkoj paradigmi. Slično tome, studija posvećena Kantu odgovara mentalističkoj paradigmi i ima za cilj da Kantovu misao o onom estetskom predstavi kao odlikovani primer mentalističkog pristupa estetičkoj problematici.

Situiranje Kantove estetike u horizont istorije estetike, međutim, nije ovim ni okončano ni napušteno. Naime, moglo bi se reći da studija profesora Grubora kao jednu od svojih osnovnih teza izvodi upravo jedan stav istorijsko-filozofskog karaktera. Kako se to tvrdi i u naslovu knjige, ovde se Kantova estetika vidi u svetlu zasnivanja estetike kao discipline, pa čak i kao ključno mesto tog zasnivanja; navedena teza više je puta eksplicirana u knjizi. Ipak, iako ova teza, prema našem mišljenju, predstavlja možda i najzanimljiviji aspekt Gruborove studije, čini se da ona nije toliko bila nit vodilja sprovedenih istraživanja, koliko njihova posledica i rezultat.

Reći da je Kantova estetika istinsko mesto zasnivanja estetike kao discipline se, bar na prvi pogled, čini netačnim i neobičnim. Naime, uprkos tome što zasnivanje estetike samo po sebi ima neobičnu sudbinu, te o estetici kao zasebnoj filozofskoj disciplini govorimo tek sa Baumgartenom (Alexander G. Baumgarten) u XVIII veku, tvrđenje da se ono nije desilo sa Baumgartenom, već sa Kantom, dodatno izaziva zabunu. Ipak, reč je o vrlo odmerenom tvrđenju, koje je u samoj knjizi potkrepljeno konkretnim obrazloženjima i preciziranjima.

Profesor Grubor, naime, ne poriče značaj i ulogu Baumgartena u ovom pogledu; naprotiv, moglo bi se reći da je on naglašava. Osnovna teza autora bi, tako, bila ta da zasnivanje estetike, onakvo kakvo je u konkretnom i sprovedeno, sa Baumgartenom nije u celosti i dovršeno, te da tek Kantova misao u ovom pogledu istinski domišlja sve posledice Baumgartenovog projekta i kritički ih preispituje. Ovim bi se zapravo tvrdilo da je estetika kao zasebna filozofska disciplina bila svojevrstan problem i izazov za mislioce Baumgartenovog doba i njihove naslednike: o tome nam svedoči i sam Kant, koji sam termin „estetika" rezerviše za posve drugačiju oblast istraživanja nego Baumgarten, a slično razmišlja i Hegel, kada tvrdi da je primereniji naziv za ovu oblast filozofija umetnosti.

Štaviše, Grubor u horizont razmatranja zasnivanja estetike uključuje ne samo Baumgartena i Kanta, već i Hjuma, kao filozofa u čijoj je misli najpre formulisan kantovski problem pomirenja subjektivne osnove prosuđivanja o lepom i pretenzije da takva prosuđivanja imaju opšte važenje. Prema Gruborovom razumevanju, istraživanju zasnivanja estetike pripadaju ne samo Kant i Baumgarten, već i Hjum: svaki od ovih mislilaca može biti uzet kao začetnik ili preteča zasnivanja estetike, budući da svaki od njih, na sebi svojstven način, tematizuje

problem koji je za našeg autora očigledno ključni problem ne prosto estetike, već upravo njenog zasnivanja kao discipline. Time se na samo zasnivanje estetike, tako često zanemareno i previđeno u estetičkoj javnosti, baca sasvim novo svetlo: uzeti činjenicu njenog zasnivanja sa Baumgartenom i kao njegovo dovršenje prema Gruboru očigledno nije ispravno. Umesto toga, potrebno je ispitati imanentni smisao procesa koji su doveli do toga da danas možemo govoriti o (modernoj) estetici, a to znači ispitati unutrašnje goruće pitanje koje ove procese provocira i razvija.

Odgovor na pitanje zasnivanja estetike Nebojša Grubor daje unapred, samim naslovom svoje studije: kako čitamo, Kant je odlučujući mislilac koji za dalji razvoj filozofije obezbeđuje područje estetike, a pitanje koje provocira nastanak discipline nije saznajni status opažanja, već mogućnost da subjektivno zasnovani sudovi važe opšte i nužno. Povrh toga, ovo centralno pitanje uže je orijentisano na problem odnosa osećanja i estetskog prosuđivanja, što povratno jednako baca novo interpretativno svetlo kako na Hjuma i Baumgartena, tako i na celinu tendencija koje u modernoj misli vode zasnivanju estetike.

Studija Nebojše Grubora, da zaključimo, štivo je koje zahteva slojevito čitanje. Baš kao što ova studija jednako može poslužiti za uvođenje u Kantovu estetičku misao i za ozbiljnije filozofsko preispitivanje njenih karakteristika, ona svojom strukturom nudi nekoliko jednako važnih problemskih niti koje, s obzirom na inovativnost njihovog postavljanja, vredi dalje teorijski pratiti. Čitalac se, tako, nalazi pred filozofskom avanturom: ukoliko želi, on ovo delo može razumeti kao sasvim školski postavljen i neambiciozan tekst. Međutim, ukoliko je voljan, čitalac jednako u ovoj studiji može pronaći primer izgrađenog estetičkog štiva i, kao posledicu toga, inspiraciju za sasvim novo razumevanje tradicionalnih problema estetike.

402 João Constâncio, Maria João Mayer Branco and Bartholomew Ryan (eds.), *Nietzsche and the Problem of Subjectivity*, De Gruyter, Berlin/ Boston, 2015

Branko Latinčić

This voluminous book is a collection of papers by authors from various philosophical backgrounds that includes an extensive and multifaceted research on the problem of subjectivity, viewed in the light of Nietzsche's philosophy. Subjectivity, as a philosophical problem *par excellence*, with its centuries-long tradition, still figures as one of the most viable problems of philosophy. Even though it is debatable if this problem plays the central role in Nietzsche's philosophy, it still is one of its most important and most intriguing aspects, taken into account Nietzsche's ties, but also a radical break, with the philosophical tradition, as well as the progeny of Nietzsche's thought among 20th and 21st century philosophers. The book is divided into three sections, first of which is concerned with Nietzsche's various influences from philosophical, scientific and literary tradition. The second section deals with the question whether Nietzsche is still a modern or a post-modern philosopher, with respect to his views on the concept of subject. Finally, the third part focuses on current debates that are being discussed among Nietzsche scholars.

Section I *Tradition and Context* represents a comprehensive discussion on influences on Nietzsche's view on the self, 'I' and the subject, with great depth and detail in tracing the sources that shaped Nietzsche's reception of philosophical tradition. In this regard, the first three articles deal with the inevitable influence on Nietzsche by rationalist philosophy, i.e. Descartes, Spinoza and Leibniz – philosophers who shaped the modern view of the subject. De(con)struction of the Cartesian concept of subject (though Descartes never used this term) as *res cogitans* plays a very important role in Nietzsche's philosophy and his views on the *self*. Thus, the first article, titled *Writing from a First-Person Perspective: Nietzsche's Use of the Cartesian Model*, provides a comparative analysis of the conceptions of self, elaborated by these two philosophers, their common utilization of the first person perspective and their views on immediate self-knowledge. It draws upon Descartes' *Discourse on the Method* as a helpful model in interpreting Nietzsche in his use of this perspective (p. 59), especially having in mind Nietzsche's citation of the passage from this work in the first edition of *Human, All Too Human*, where he emphasizes the importance of philosophical solitude. Nevertheless, what Descartes fails to provide us with, in Nietzsche's view, is his own *becoming* as a philosopher, his individual genesis which is rooted deeply below the level of *cogito* – in affects and drives. Therefore, an

important role in Nietzsche's understanding of these deep fabrics of the self can be found in Spinoza and Leibniz. What drew him to Spinoza, the second article (*Power, Affect, Knowledge: Nietzsche on Spinoza*) argues, was the idea of subjectivity as agonistic conflict of affects, our intellect being just one among many of them. This concept of affect is viewed in broader perspective of Spinoza's ontology of *striving* (*conatus*), where affects are the expression of this immanent dynamics of being (p. 72), and his joyous world affirmation, in light of Nietzsche's maxim *amor fati*. Along these lines, the paper on Leibniz (*Leibnizian Ideas in Nietzsche's Philosophy: On Force, Monads, Perspectivism, and the Subject*) shows a great affinity of Nietzsche to the Leibnizian idea of substance pluralism, i.e. monads as dynamic substances with intensive, immanent force that shapes their *perspectives*, the idea which would shape his own mature concepts of force and will to power. The ambivalence and complexity of Nietzsche's reception of rationalist tradition is thus shown in his admiration for its notions of essential dynamism of the world as well as subject, though staying deeply suspicious of the powers of the intellect and their notions of God.

Further investigation of the self in articles *Kant and Nietzsche on Self-Knowledge* and *Nietzsche and Schopenhauer on the 'Self' and the 'Subject'* turns to perhaps even more crucial thinkers for Nietzsche's development and it focuses primarily on the idea of self-transparency of the subject as a moral agent. Despite a number of striking differences between Nietzsche and Kant, this article provides a nuanced account of these two philosophers' views on moral agency. A juxtaposition of their trust in our cognitive faculties in their attempt to shed some light on our intentions outlines Nietzsche's radical skepsis: even though Kant is aware of the possibility of error, Nietzsche goes even further to say that apperception is always self-deception. Introspection and apperception are intrinsically flawed (p. 122), and this is what Nietzsche sees as residue of Kantianism in Schopenhauer, his great educator who still had faith in immediate self-awareness of the body. Thus, the article on Nietzsche and Schopenhauer shows their tight connection, especially in their mutual intention to revoke the idea of rational agency and subject as *res cogitans*. The authors remind us of how Nietzsche is actually indebted to his educator, a fact that is sometimes easily overlooked, especially having in mind that Nietzsche's attack on the subject does not mean a rejection of *selfhood* per se, since both hold that the self is *will* – which is expressed in one's *act*. On the other hand, we can see their discord on this very notion of the will, body, character and freedom.

Besides purely philosophical influences, articles *Psychology without a Soul, Philosophy without an I* and *Helmholtz, Lange, and Unconscious Symbols of the Self* situate Nietzsche's thought in the broader context of 19th century German psychology and psychophysics, namely, authors like Helmholz, Lange, Fechner and Mach – some of whom Nietzsche was well acquainted with. These analyses illuminate Nietzsche's views in comparison with their conceptions of the self, where we can see their shared enthusiasm to do away with idealism and spiritualism through the materialist idea of unstable unity of the subject. Also, the articles elaborate a possible influence on Nietzsche's conceptual designations such as the sub-conscious, drives, power-quanta, force, etc. from their scientific discourse, as well as the epistemological consequences such as constructivism, anti-realism and symbolism which pervaded Nietzsche's later philosophy.

The impressive breadth of influences is further corroborated within articles 8, 9 and 10 (*Nietzsche and "the French Psychologists": Stendhal, Taine, Ribot, Bourget*; *Social Ties and the Emergence of the Individual: Nietzsche and the English Perspective* and *"Know Yourself" and "Become What You Are". The Development of Character in Nietzsche and Emerson*), first of which deals with Nietzsche's reception of "the French psychologists", "free spirits" and the *perfect decadents* – Stendhal, Taine, Ribot and Bourget. It uncovers us *Nietzsche the psychologist* ("going against the German taste"), as someone who greatly admired their cruel self-dissection, extreme analytical passion in uncovering the fragile self, lacking of dominant commanding instinct (p. 222), all of which are the multiform expressions of *décadence,* and we can see how Nietzsche learned about it from these "French psychologists". On the other hand, Nietzsche is far less enthusiastic about another type of psychologists, namely the English ones. Hence, the next article discusses his polemics with the English Darwinists, evolutionists and utilitarians, whose works he got acquainted with through his friend Paul Rée. The author elaborates some of the main reasons for Nietzsche's animosity towards the "English psychology" and its derivations – mostly Herbert Spencer and his adaptive model of the relation between individual and the environment, since this model Nietzsche associates with mere reactivity, passivity and conformism (p.

249). Moreover, their conceptions of gregarious, as well as egoistic individual, is something that Nietzschean psychology strongly opposes, as it aims to do away with traditional "atomistic" notion of the ego. The final article of Section I aims to show how Nietzsche has drawn inspiration from the American transcendentalist movement, namely, from Ralph Waldo Emerson. This article introduces us to Emerson's concept of self and self-creation, as well as his notion of character, adopted from Goethe. It examines the maxim of *becoming what one is* in its similarities and differences among the two authors, as well as knowing oneself through *act*, which goes hand in hand with their mutual mistrust towards introspection. Traces of Emerson are pointed out in Nietzsche's admiration for wanderers and *intellectual nomadism* (p. 267) and his ethics of embracing life's difficulties, taking pleasure in transience in order to enrich one's perspectives and plasticity of the soul. However, the author argues that this Goethean notion of plastic soul among the two authors sometimes transforms into imperialist ego, in its desire to expand and overcome the individual perspective.

After an extensive account on the context of Nietzsche's views on subjectivity in Section I, Section II associates his thought with the modern crisis of the subject. Hence, in the article *Nietzsche on Decentered Subjectivity or, the Existential Crisis of the Modern Subject* we are presented with an argument that his criticism of the subject is actually a part of radicalization of modernity's own self-critique and an attempt to underscore how the experience of nihilism has transformed the project of modernity into a much harder task. For it, we would need a strong unity of the pluralistic subjectivity and undetermined instincts of modern man, as a way "beyond me and you", a way to the *Übermensch.* This lostness of modern man and plurality of the subject is further investigated through striking similarities between Nietzsche and Kierkegaard in the article titled *The Plurality of the Subject in Nietzsche and Kierkegaard: Confronting Nihilism with Masks, Faith and Amor Fati*, in their aims to present us subjectivity in its disintegration, through honesty, irony and wit (p. 319). Subject is always *becoming*, in constant self-transformation, so the author shows us how both thinkers consciously reflect this through their elusive texts, pseudonyms and masks – making us unsettled, showing us the unstable footing we are standing on. Still, who is this self and what are the ways of self-discovery are the questions which are further pursued in the comparative study on Nietzsche and Heidegger – *Nietzsche vs. Heidegger on the Self: Which I Am I?* We can see some striking similarities in their views on the self and alternative ways of *self-reference* of *affective*, decentered self, as well as their concern about individuality and authenticity. Nevertheless, the author underscores their profound disagreement: Nietzsche's account on the origin of conscious selfhood is "naturalistic" and historical, whereas Heidegger comes from the tradition of transcendental phenomenology. While Nietzsche seeks for the possibility of self-reflection in drives, values and will to power, Heidegger turns to transcendental structure of *Dasein*, recoursing to a supra-historical structure, the author argues, favoring Nietzsche's more historical approach.

A very important aspect in Nietzsche's criticism of modern subjectivity is his notion of the *drive*. In that light, a comparison with Freud's systematic account on this notion is offered in the article *Nietzsche and Freud: The 'I' and its Drives*, as well as their mutual ambition to destroy atavisms of spirituality and rationalist prejudices in understanding the self, since they provide incoherent views on self-determination and freedom. However, their fundamental aims turn out to be quite different – Nietzsche has no ambition to systematically elaborate his theory of drives, nor he thinks that is possible: his account is anti-realist, whereas Freud seeks for scientific objectivity, the author claims (p. 385). Also, we see how Freud's idea of non-intentionality of drives is closer to Schopenhauer's blind will, as well as a certain amount of pessimism, whereas Nietzsche considers drives to be crucial for self-creation and overcoming pessimism. Subject, for Nietzsche, is a fiction and in a sense it's contrasted to his notion of the self. Consequently, self-creation can be read as desubjectification and this double process of self-affirmation and self-abolition is presented through a Deleuzian reading of Nietzsche in the article titled *Nietzsche, Deleuze: Desubjectification and Will to* Power. Its focus is on the *pathos* of will to power, both as psychological and as world-principle. In this sense, this reading aims to uncover Nietzsche's own process of desubjectification through his writing, his attempt to "open the body of the thinker to the world" (p. 397). What this approach uncovers is a radical sense of consistency of Nietzsche's thought: in order to understand the world as will to power, one must understand oneself as will to power. In his aim to undertake the transvaluation of all values, Nietzsche himself as a subject, as a body,

must be locus of this process – thus, the world as will to power is not merely a hypothetical claim, but the highest form of affirmation. Another aspect of destruction of the subject is examined in the next article – *Questions of the Subject in Nietzsche and Foucault: A Reading of Dawn*, reading Foucault's appropriation of Nietzsche's genealogy as antihumanist means – to show the becoming of the subject. This article focuses on Foucault's later phase, his "ethical turn": investigation on how a subject forms itself. It focuses mostly on Foucault's reading of *Dawn* and argues that in this work Nietzsche attempted to outline an idea of self-experimentation, making oneself different than what history has made us. Hence, Nietzsche's view of self is seen as a resistance against normalization tendencies of his time; instead, one ought to cultivate one's drives like a gardener as the ultimate practice of freedom. Thus, both philosophers are viewed in light of the old philosophical aim promoted by Epictetus: philosophy as *cura sui*.

Further on, in the article *Gapping the Subject: Nietzsche and Derrida*, Nietzsche is associated with another "postmodern" thinker with an aim to show how for both of them subject is inscribed in language, their skepticism of self-knowledge, through possible Nietzschean influence on the concept of *différance*, as well as the difference of the "naturalist" Nietzsche from "postmodernist" Derrida. This connection of introspection with language also plays an important role in Wittgenstein's philosophy and the next article (*Questioning Introspection: Nietzsche and Wittgenstein on 'The Peculiar Grammar of the Word "I"'*) discusses their common affinity for language, since both are very much interested in that peculiar grammar of the word "I" and its unavoidable linguistic mediation. Despite the enormous differences in terms of ambitions of their philosophical projects, we can see their common thread of deconstructing the Cartesian subject. This concept of the subject had a centuries-long history, which is presented in the article *Subjects as Temporal Clues to Orientation: Nietzsche and Luhmann on Subjectivity*, as an introduction to how Nietzsche's criticism made an epistemological break that influenced sociology as well, namely, the one of Niklas Luhmann. Here we can see how this break paved way to Luhmann's concepts of observation, system, autopoiesis, orientation, as well as subject construction.

Problem of subjectivity is the indispensable part of the mind-body problem in philosophy of mind and cognitive science, thus the article *Three Senses of Selfless Consciousness. Nietzsche and Dennett on Mind, Language and Body* investigates their curious relation. The author presents a reading of Nietzsche through the lenses of cognitive science, how Nietzsche's anti-Cartesianism predicted Dennett's Multiple Drafts Model and how they converge in relating the unity of consciousness with language, and therefore the public (p. 514), as well as the possible meanings of the *sub-personal* and *selfless consciousness* in both thinkers.

The final section of the book addresses some more contemporary discussions on the topic of Nietzsche and subjectivity. The first article (*Nietzsche on the Embodiment of Mind and Self*) is an approach to Nietzschean notion of the *body* and how this notion functions in his thoughts on *embodiment*, and it investigates its possible meanings – namely, *effective* and *phenomenal* embodiment, as different ways of the mind-body relation. In this relation, Nietzsche stresses the importance of the body and gives it a certain methodological advantage, so the next article, titled *Self-Knowledge, Genealogy, Evolution*, aims to elaborate his three types of methodologies in self-knowledge: *physiology, psychology* and *genealogy* – as *indirect* means of achieving self-knowledge, which is always an interpretation. The author argues that these indirect means play a vital role, though not in a strictly theoretical sense, but rather *practical* one: self-knowledge is a prerequisite of self-creation. This creation includes our inner *evaluations*, it is tightly connected with our morality. Inner evaluations are a matter of our affective structure, so we can see the further elaboration of this in articles *Moralities Are a Sign-Languages of the Affects* and *Nietzsche on Consciousness, Unity, and the Self*. This meta-ethical reading gives us a detailed account on affect anatomy, their inclinations, aversions and their natural and cultural conditioning. Our affects are our self – this is how self for Nietzsche confronts the idea of the conscious "I", which means that our self-creation at its root is not a conscious process, but a matter of drive integration and cultivation. Two different means of drive integration are confronted: either unity of all drives under one master-drive or "egalitarian" view where all drives are harmonized in an individual. Be that as it may, Nietzsche certainly shows that the individual is pre-formed, it is a *dividuum*, which is utilized in the article *Nietzsche's Socio-Physiology of the Self* as a criticism of the liberal concept of the individual, namely, Rawlsian view that the individual is pre-existent to society and

that it is separate from values and aims it choses freely and independently. That our acts are much more complex is a view presented in the last article, *The Expressivist Nietzsche*. It closely examines passages that include metaphysics of action, arguing that Nietzsche never wanted to dismiss the doer-deed logic, but rather to deepen our understanding of agency, being skeptical of this clear notion of the "doer" (p. 658). This notion implies immediate self-knowledge of motivation and intentions, which Nietzsche deems impossible, so as an alternative view, expressivism shows that the doer, the *self*, cannot be separated from the deed, but is rather expressed in it and can be known indirectly through it. In that sense, his diagnosis of nihilism is viewed as crisis of self-expression as self-creation, as a fundamental lack of *act*.

In conclusion, this extensive and multifaceted study shows us how the problem of subjectivity is still very viable not only in many different philosophical trends, but also humanities in general. One of its most valuable aspects is that this book opens a wide range of contemporary issues that modern humanities have to address, one of which is certainly the problem of *act* and the subject who *acts* within a society in crisis. Nietzsche is thus, rightfully so, presented not only as a destructive thinker, but also in his highest efforts to provide some new perspectives on subject integration.

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