TELOS

DISSIDENTS AND COMMUNITY

PHENOMENOLOGY AND CRITICAL THEORY

Introduction

"Community" has long been a companion of Critical Theory, but it has always pointed in two diametrically opposed directions. One path leads us to communitarian dreams of a genuine sociability and a full life. Romantic sensibility, anxious about the modern experience of cold rationality and mechanical organization, elaborates counter-models of authentic living, embedded in organic communities deemed genuine. While the Enlightenment legacy appears to abandon us to alienated isolation—no matter how much it proclaims the importance of public discourse—the romantic community provides an existential alternative, an opportunity to reclaim a human authenticity. Ferdinand Tönnies's famous conceptual binary named this drama: the opposite of the impersonality of the modern *Gesellschaft* is the communal warmth of the *Gemeinschaft*. At stake is a choice between formal rationality and emotive solidarity, between organization and affection, between logic and love. In the envisioned community, distance can melt away, to be replaced by forms of living that are genuinely worthy of human beings.

Yet while Critical Theory has a history of appealing to community as a corrective to liberal isolation, it also understands how, along another dangerous path, this communalism can grow brutally repressive. The countercultural pipe dreams of *Gemeinschaft* can easily morph into the self-destructive violence of a Nazi *Volksgemeinschaft*, with a universal degradation of freedom. Community solidarity takes on the character of organized discipline, eliminating internal differentiation and the very suppleness and flexibility that had been touted as the comparative advantage of community over mechanical rationality. Instead of human warmth, the repressive community only offers sadistic ardor. It is the ambiguous point where an ecstatic "Yes, we can" resounds into the imperative "Now, you must," since the community named by the plural first person requires state power to issue commands in the name of the people. The landscape of the twentieth century is covered with examples, extreme and less than extreme, of heroic communities, with vaunted world-changing agendas, that insisted on uniformity and loyalty. In the face of repressive conformism, Critical Theory regards the insistence on this sort of community and its indeterminate appeals as nothing more than ideology. The romanticism of the commune is stalked by its own evil twin, the rationality of *1984*. Given such managed community of socialized control, the totally administered society, the mission of Critical Theory is to seek out the possibilities of dissent.

One could write a history of twentieth-century Critical Theory that begins in August 1914: not only because of the horrors of the war but because of the sudden experience of mass mobilization. Overnight, whole societies began to march in lockstep. The civilian world of the liberal past disappeared into the thorough organization of wartime society: the repressive apparatus of government intertwined with a centralized management of the economy and a monolithic thinking that vilified disagreement, as much in Wilhelm's Germany as in Wilson's America. Oppositional voices crumbled under the pressure of a mobilized mass patriotism. This uniformity was particularly awkward in the context of the European socialist parties: their traditional insistence on the priority of internationalism gave way under the onslaught of nationalist sentiments in all countries. For thoughtful intellectuals, the moment was a defining trauma, and while thinkers would try to project their opposition onto new imagined communities, in order to pretend to themselves that they had a popular base, the underlying problem remained: the isolation of the thoughtful critic in the face of mobilized opinion. During the next decades, Georg Lukács would eventually try to camouflage his painful isolation through imaginative efforts to redefine communism, just as Walter Benjamin endeavored to escape that same critical solitude by willfully misunderstanding cinema and its popular audience. But the isolation of thought in 1914 is ultimately the point where the "intellectual"—who only a decade before, in the Dreyfus affair, pretended to lead a nation—turns into the dissident, infinitely vulnerable. The heroic past of Zola gives way to the marginality of a new type of conscience: Koestler, Solzhenitsyn, Havel.

Fast-forward nearly a century to the United States, pausing after the election, retrieving its community. As of this writing, it is difficult to predict how the Obama administration will rule. Will he follow the leftist policies from the primaries or the centrism of the general election? Will his multilateralism give into the West European eagerness to appease Russia or will he defend the new democracies? Will he be the peace president, withdrawing troops from Iraq where the war is already won, or will he be as bellicose as he has promised in Afghanistan and Pakistan? Will he withstand the temptations to extend state control over ever greater spheres of the economy or will he expand the sweep of government with Democratic gusto? The campaign has left us knowing very little about the president-elect, although we have learned a great deal about our culture. In this wait-and-see moment, it is hard not to discern a step-up in repressive social organization. It is no longer even controversial to claim a massive media bias in the election, but this can only lead to the conclusion that a free press will offer little constraint on the new administration. Nor is this just a failing of the national dailies; on the contrary, the new media too have become terrains of politicized organization. Old-fashioned retail politics has been replaced by networked mobilization: the Democratic Party has caught up with Benjamin in its ability to use new

technologies to organize a movement. Add to this the extraordinary rapidity with which an individual's claim on personal privacy can be surrendered to political expediency, as evidenced in the public pillorying of poor plumber Wurzelbacher: if you ask an uncomfortable question, expect to be punished, and certainly do not expect the state to protect your records in its data bank. The abuse was outrageous. That there was no outrage over the abuse is a measure of the cultural change afoot in the course of the campaign, a change that goes hand in hand with what even *Newsweek*'s Evan Thomas has called a "slightly creepy cult of personality." Given this new community of repression, do we have the capacity for dissent?

This issue of *Telos*, focusing on "Dissidents and Community," begins with Robert Horvath's extensive account of the legacy of Soviet dissidents facing the post-Soviet authoritarianism of the Putin regime. He cites Sergei Grigoryants of the Glasnost Foundation, who pointed out "a new political system without communist ideology but with all the communist repressive experience." Anton Oleinik explores the dynamic of negative convergence: how Russia and America come to resemble each other more and more by sharing their worst features. A raw pursuit of power for its own sake, *samovlastie*, defines Putinist rule as much as it explains features like negative campaigning and officeholder entrenchment in the United States. Indeed, the argument points to an uncanny similarity that has emerged in the context of the financial market crisis: U.S. leaders are as eager as Putin has been to wage war on "oligarchs" or "Wall Street greed" in order to find scapegoats and mobilize political support. Joseph Grim Feinberg describes the disappointment that followed 1989 in Central Europe in dissident circles, while analyzing some of the dissidents' own limitations: the adherence to an abstract notion of "civil society," the lack of institutional connections to popular strata, and a tendency to self-heroization that betrayed a proximity to Leninist vanguardism. Michael Mack turns toward two philosophers who challenged the structure of traditional community with extensive ramifications for subsequent European identity: Spinoza and Kant. Despite a frequent assertion of a Kantian priority in contemporary European identity and political values, Mack insists that Spinoza's description of the mind "as a plural, sustainable, and ever-changing unity could serve as a blueprint for an inclusive universalism that would be truly beneficial for the non-violent solving of problems that global societies are facing at the dawn of the twenty-first century." Mack draws a sharp line of distinction between Spinozist plurality and Kant's teleological and hierarchical descriptions of "a realm of freedom over and above the lowly sphere of nature."

The heroism of dissent has also confronted repressive religious institutions and doctrines. "Nietzsche rightly asked questions," states Afshin Ellian, "about the most sacred value the West still held in possession: the truth. Today, however, it is nearly unthinkable to write a polemic about Islam in the same style as Nietzsche did about Christianity and Christ in the *Antichrist*." Ellian explores the

political ramifications of monotheism, the different directions it took in Judaism and Christianity, as well as in Sassanid Persia, before focusing on an intrinsically political character to Islam, which disallows for the separation of religion and state: hence, a theologically motivated insistence on the priority of sharia. For a democratic Muslim community to develop, however, Ellian sees the need for a new generation of intellectuals (or dissidents): "Islamic intellectuals often show signs of narrow-mindedness, while succumbing to nationalistic tendencies. Even leftist intellectuals in the Islamic world have a weak spot for the religion and its traditions. A century of enlightenment is unachievable without the presence of brave intellectuals in the Islamic world. The Islamic world needs intellectuals like Nietzsche and Voltaire." The section concludes with Chantal Bax's bold but compelling reading of Wittgenstein against Nancy with regard to the nature of community, and Adam Kotsko's demonstration of Agamben's misreading of Benjamin and especially of Benjamin's relationship to Schmitt.

This issue of *Telos* concludes with three essays that were presented in March 2007 at a conference on Phenomenology and Critical Theory at Duquesne University. Lambert Zuidervaart provides a magisterial treatment of Heidegger's "On the Essence of Truth" read against Max Horkheimer's "On the Problem of Truth." The pairing is bold, but each text tries to demonstrate truth "as more comprehensive than what propositionally inflected accounts can notice." Yet it is that propositionality that has come to dominate philosophy, against both Heidegger's "critical metaphenomenology" and Horkheimer's "metacritical phenomenology." Cristina Lafont examines Habermas's relationship to Heidegger, in particular their shared engagement with hermeneutics and the effort to overcome a philosophy of consciousness. Finally, David M. Rasmussen takes another look at the proximity of Critical Theory and phenomenology in the work of Paul Ricoeur. This special section on phenomenology may serve as a reminder that this is exactly where *Telos* began forty years ago, in efforts to read Husserl, especially *The Crisis of the European Sciences*, as a source for a critique of technocratic society. That Husserl reception converged with understandings of *Dialectic of Enlightenment*, bringing together phenomenology and Critical Theory. Both involve a recovery of a human dimension threatened by repressive logics, in the face of which the philosopher, far from any throne, can only speak as a dissident.

Russell A. Berman

The Putin Regime and the Heritage of Dissidence

Robert Horvath

The revival of dissidence was one of the paradoxes of the Putin era. During the terminal crisis of the Soviet Union and the early years of the Yeltsin presidency, the dissidents of the 1970s were celebrated as prophets of democracy and Russian nationhood. But unlike their East Central European counterparts, they achieved little political success in the post-Communist era. Despite Boris Yeltsin's pose as a disciple of Sakharov and his courtship of Solzhenitsyn, the most prominent dissidents were at the margins of politics by the late 1990s. To many observers, they were relics of another age. Yet under the increasingly authoritarian regime of Vladimir Putin, veteran dissidents from the 1970s returned to the limelight, and the record of their movement again provoked bitter controversy.

This article argues that the dissidents' resurgence under Putin was made possible by the new regime's subversion of democratic institutions and its quasi-totalitarian campaigns to paralyze political opposition and regulate civil society. Under Yeltsin, dissidents in the democratic movement had been marginalized by the conditions of democratization. The presidential administration had appropriated their project for a law-abiding, constitutional state and enshrined their outstanding representative, Andrei Sakharov, in the rituals of Russian democracy. At the same time, the dissidents' obsessions with civil liberties and with the power of the KGB seemed irrelevant in conditions where a vigorous press and political pluralism coexisted with social crisis and mass impoverishment. But it was these obsessions that enabled the dissidents to become the earliest and most prescient critics of the Putin regime, while the leaders of the mainstream liberal movement courted the favors of the Kremlin.

To generalize about a phenomenon as complex as the dissident movement is perilous. The hallmark of that movement was its pluralism, which represented a repudiation of the conformism celebrated by the regime's propagandists as the "ideological and political unity of Soviet society." During the two decades preceding *perestroika*, the most diverse philosophical, literary, and political perspectives clashed in the dissidents' unofficial information arena of *samizdat* typescripts, *tamizdat* volumes from émigré publishers, and the broadcasts of Radio Liberty. Liberal democracy, reform socialism, authoritarian nationalism, Zionism, the Russian Orthodox religious renaissance, Baptist Christianity, feminism, and the artistic avant-garde all found expression in this uncensored sphere, which Igor Shafarevich likened to "a saucepan in which our future is being cooked."[1] Some of the dissident chefs assumed surprising roles in Putin's Russia. The most improbable trajectory was that of the mercurial Gleb Pavlovskii, an editor of the *samizdat* journal *Poiski*, which had celebrated the principle of dialogue. Sentenced in 1982 to five years' internal exile after expressing repentance for his involvement in anti-Soviet activity, Pavlovskii resurfaced in the "informal groups" of the *perestroika* years. After forays into journalism, he established a reputation as a political consultant during the 1990s. Under Putin, Pavlovskii achieved notoriety and influence as the Kremlin's Machiavellian spin doctor and the architect of its campaign to tame civil society.[2] No less problematic was the progress of Roy Medvedev, the historian who had once been celebrated by the western Left as a custodian of Marxist dissent and an enemy of the cult of Stalin. In late 2007, Medvedev helped to consecrate the cult of Vladimir Putin, with a biography that combined adulation of the president with vilification of the regime's detractors.[3]

In their embrace of the Putin regime, Pavlovskii and Medvedev demonstrated the range of possibilities that lay dormant in the Soviet dissident milieu. Both had been ardent advocates of dialogue with the authorities, and both had avoided heroic confrontations with the security apparatus.

1. Igor Shafarevich, *Rusofobiya* (Moscow: Tovarishchestvo russkikh khudozhnikov, 1991), p. 4.
2. On Pavlovskii's role in this campaign, see Aleksandr Altunyan, "Kak vlast' nashla sebe partnera," *Znamya*, April 2002, p. 198.
3. Medvedev exalted Putin as a "hero" and described the murdered journalist Anna Politkovskaya as "known for her bold demagogy and lies." Roy Medvedev, *Vladimir Putin* (Moscow: Molodaya Gvardiya, 2008), pp. 128, 487.

Their subsequent compromises with Putin's Kremlin remind us that there was no common "dissident" position to shape the political conduct of dissidents in the post-Soviet era. To identify threads of continuity and to illuminate the underlying logic of the dissidents' reactions to the Putin regime, one must focus on particular tendencies within the dissident milieu. The central concern of this article is the dissident "rights-defenders" (*pravozashchitniki*), who defended the victims of repression and demanded that the state uphold its own laws and the international agreements that it had signed. From the inception of organized dissent during the protests against the arrest of the writers Andrei Sinyavskii and Yulii Daniel in 1965 to the proliferation of Helsinki groups in the late 1970s, these rights-defenders were the most prominent and the most celebrated dissident activists. Their underground publication, *The Chronicle of Current Events*, was the "backbone" of the entire dissident movement, connecting a vast range of persecuted individuals and communities. When Gorbachev radicalized *perestroika* by releasing political prisoners, rights-defenders like Andrei Sakharov and Sergei Kovalyov entered the political arena and made a notable contribution to the liberalization of the Soviet regime and to laying the constitutional foundations of Russian democracy.[4] Two decades later, as those foundations were systematically subverted by the Kremlin, the dissident rights-defenders become symbols of the resistance to the resurrection of a police state.

During Yeltsin's second term (1996–2000), the dissidents fell to the nadir of their influence. It was then that David Remnick declared that Sergei Kovalyov, the most prominent former dissident in the State Duma, "is hardly a presence in public life—he appears more often and more prominently in *The New York Review of Books* than he does in *Izvestiya*."[5] One year later, the *Washington Post*'s Daniel Williams recorded the despondency amongst Kovalyov's colleagues in an article titled "The Loneliness of the Outdated Soviet Dissident." Kovalyov admitted to him that "we could really not make a difference," and that "dissidents of the '70s and '80s in no way influence the events in today's Moscow." This pessimism was endorsed by Vladimir Voinovich, the satirical writer forced to emigrate

---

4. On the contribution of the rights-defenders to democratization in Russia, see chapter 3, "The Rights Defenders," in Robert Horvath, *The Legacy of Soviet Dissent: Dissidents, Democratisation and Radical Nationalism in Russia* (London: Routledge, 2005), pp. 81–149.

5. David Remnick, *Resurrection* (New York: Random House, 1997), p. 358.

to the West in 1980, who recalled that "we were expecting to be called. But nobody needs us. Time passes, we get old. Our influence is zero."[6]

The outstanding example of the dissidents' frustrated expectations was Aleksandr Solzhenitsyn, whose homecoming in 1994 was a carefully choreographed and highly publicized spectacle that suggested the seriousness of his promise to participate in the rebuilding of Russia. During his two-month train journey across the country, from Vladivostok to Moscow, he held discussions with a wide spectrum of his compatriots about the dislocation, impoverishment, and social breakdown wreaked by the "young reformers" led by Yegor Gaidar. Part political agitation, part fact-finding mission, Solzhenitsyn's rediscovery of his country was, in the words of his son Ermolai, "the greatest roadshow there is."[7] When Solzhenitsyn finally arrived at Moscow's Yaroslav station, he delivered a speech to the assembled dignitaries and a crowd of 5,000 in which he lambasted the lack of democracy and assumed the mantle of a "petitioner of all Russia."[8] But the oracular tone and the presumptuous certitudes of the returning exile evoked criticism not only from the targets of his invective but also from a new generation of publicists. On the eve of his departure from Vermont, the liberal newspaper *Nezavisimaya Gazeta* provoked a minor scandal by publishing a sarcastic diatribe by the young literary critic Grigorii Amelin, who mocked Solzhenitsyn as a "spiritual statue":

> His books piled up to the roof, his beard fit for Hollywood, his conscience scrubbed absolutely spotless, he appears in Russia like a holiday, like the First of May—and, like it, shamelessly out of date. . . . In Moscow he'll be received like a demi-God . . . but who needs him? No one. . . . Solzhenitsyn is a spiritual statue, he is like a hat stand in the lobby, displaying a vast arrogance, spouting prophetically—but in the end, pretty moth-eaten.[9]

Six months later, Solzhenitsyn's address to the State Duma, in which he pleaded for the revival of local government on the model of the nineteenth-century zemstvo, elicited little applause and much derision. In

6. Daniel Williams, "The Loneliness of the Outdated Soviet Dissident," *Washington Post*, October 15, 1997.

7. Andrew Higgins, "Solzhenitsyn Gets Ready for the Road," *The Independent*, May 27, 1994, p. 12.

8. Grigorii Zaslavskii, Igor' Zotov, "Priekhav v Moskvu, Aleksandr Solzhenitsyn skazal, chto v Rossii net demokratii," *Nezavisimaya Gazeta*, July 23, 1994, p. 1.

9. "Zhit' ne po Solzhenitsyna," *Nezavisimaya Gazeta*, April 27, 1994, p. 8.

1995, he hosted a biweekly television show that was soon axed because of poor ratings. The attitude of the new elite was summed up by fashionable talk show host Artem Troitskii, who barely disguised his contempt for the great dissident: "For the post-*perestroika* generation, he really means nothing.... I'm afraid that Solzhenitsyn is totally, totally passé."[10] By 1998, Solzhenitsyn's journey to the margins of public life seemed complete. His book *Russia in Collapse*, a portrait of the crisis of the Russian state and a searing indictment both of the political elite and of popular apathy, appeared in a miniscule print run of 5,000 copies.

The fading fortunes of the dissidents provoked much discussion in the Russian media. In February 1997, Aleksei Kiva, a political scientist serving on the presidential human rights commission, published a long diatribe in the government broadsheet *Rossiiskaya Gazeta* against Kovalyov and other dissident rights-defenders, whom he blamed for the ineffectiveness of Russia's human rights movement. According to Kiva, these dissidents, who had spearheaded the campaign against Yeltsin's war in Chechnya, had failed to adapt their confrontationalist methods to the conditions of democratization:

> Many dissidents have behaved like the Japanese samurai who stayed in the jungles of the Philippines for decades after the end of World War II, thinking that the war with the Americans was continuing. These human rights advocates are still living according to the realities of a time now past. Even such an outstanding figure as Sergei Kovalyov is still at war with the Soviet Union.[11]

Kiva deplored the fact that Russia's human rights movement "still stands, in effect, on the positions won by the dissidents back in the Soviet era." It engaged in heroic struggles against the authorities rather than undertaking the mundane labors of human rights activists in developed societies: alleviating the plight of victims of discrimination, disadvantage, and exclusion. For Kiva, this preference for dissident-style confrontations with a democratic state was utterly counterproductive: it had provoked popular revulsion and official obstructionism.

10. Alessandra Stanley, "Now on Moscow TV, Heeere's Aleksandr!" *New York Times*, April 14, 1995, p. A1.

11. Aleksei Kiva, "Blesk i nishcheta dvizheniya pravozashchitnikov," *Rossiiskaya Gazeta*, February 20, 1997, p. 5.

But it was the persistence of that confrontationalist ethos that transformed dissidents like Sergei Kovalyov into early critics of the Putin regime. From the moment of Putin's elevation to the premiership, Kovalyov was raising the alarm about the ominous succession of three heads of government with a KGB past. As the political crisis over the succession to Yeltsin was compounded by the eruption of a new war in Chechnya and terrorist atrocities against Russian apartment dwellers, Kovalyov was preoccupied by the reversion to Soviet habits of repression and propaganda. At a press conference in mid-December 1999, he proclaimed that "the old stations that used to jam Radio Liberty are operating at full swing" and taunted journalists that they would not dare to print his remarks. To some of Kovalyov's listeners, this hyperbole exemplified the delusions that enabled former dissidents to come to terms with their own irrelevance.[12] But within weeks, the kidnapping by security forces of the Radio Liberty journalist Andrei Babitskii and his delivery to Chechen insurgents signalled the dawn of an era in which press freedom could no longer be taken for granted.

The alarm bells ringing among rights-defenders like Kovalyov put them at odds with the liberal mainstream of the "young reformers," who were profoundly complicit in the establishment of the Putin regime. The Union of Right Forces (SPS), on whose list Kovalyov was re-elected to the State Duma in the December 1999 elections, served as a vehicle to rally liberal opinion behind the new leader and away from the opposition bloc "Fatherland-All Russia." The instigator of this collusion was Anatolii Chubais, the power broker whose notorious "loans-for-shares" deal had saved Yeltsin from electoral disaster in 1996. At SPS's post-election conference, Chubais proclaimed that he had repeatedly discussed "the basic questions of democracy" with Putin, and "I felt no divergence with him."[13] But he had clearly diverged from Kovalyov, who deplored Chubais's pragmatism as verging on amorality and who became a founder of the Initiative Group supporting the rival candidacy of Grigorii Yavlinskii.[14]

The schism in liberal ranks testified not only to the widening gulf between the rights-defenders and the economic reformers but also to the impact of the contradictory messages that were emanating from Putin

12. Dmitri Babich, "Hawks and Doves Circle over Chechnya: The Chechen War Splits Russian Dissidents," *Transitions Online*, January 10, 2000.

13. Elena Tokareva, "Pravye ne nakhodyat sebe mesta: Oni v svoikh koridorakh," *Obshchaya Gazeta*, January 20, 2000.

14. Viktor Khamraev, "Za tret'e mesto," *Vremya MN*, January 20, 2000.

and his entourage. In his public statements, Putin repeatedly avowed his devotion to democracy. On December 18, 1999, he even laid a wreath at the grave of Andrei Sakharov, a shrine of the Yeltsin administration's democratic rituals, on the occasion of the tenth anniversary of his death.[15] A more ambiguous tribute to Sakharov's authority was paid by Sergei Ivanov, the career KGB officer who headed Russia's Security Council, and who was to become a key figure in the Putin regime. In a newspaper interview, Ivanov bolstered his claim that the Chekists in power should not be feared by claiming that Sakharov had praised the KGB as "the only organization that he respected." Then he challenged his interviewer: "Do you trust the opinion of this man?"[16] Trusting Putin, who had leapt from political obscurity to the heights of power, was more problematic. To clarify his public persona, Putin collaborated with two leading journalists on an autobiographical interview. His words about dissidents were revealing. On the one hand, he acknowledged that "I was never 'dissidentizing' [*dissidentstvuyushchim*], whether that's good or bad." He proceeded to recall, with barely disguised admiration, a KGB operation to thwart a dissident protest in Leningrad to which Western diplomats and journalists had been invited: instead of arresting the demonstrators, the cunning Chekists had organized a massive public ceremony to overwhelm the protest.[17]

One of the first dissidents to grapple with the meaning of Putin's ascendancy was Sakharov's widow, Elena Bonner. Unmoved by Putin's visit to her husband's grave, she protested loudly over the Babitskii affair, calling on the Parliamentary Assembly of the Council of Europe (PACE) to intervene on his behalf. On March 1, 2000, a few weeks before the presidential election, her name headed a list of signatories on a bitter and polemical essay that confronted "the great paradox of recent Russian history…that, while the West has applauded the democratic and market reforms of the various governments of former President Boris Yeltsin, under the cover of and as a result of these reforms, a modernized form of Stalinism has been re-established in Russia." It drew a series of parallels between the Stalin era and the post-Soviet present: mass impoverishment, appalling

15. "Partiya lyubitelei pobedy," *Moskovskii Komsomolets*, December 18, 1999.

16. Andrei Vandenko, "Sergei Ivanov: Ne nado boyat'sya chekistov vo vlasti," *Komsomol'skaya Pravda*, March 2, 2000. Ivanov was apparently alluding to Sakharov's 1988 essay "The Inevitability of Perestroika," which lambasted the KGB's role in repression, but acknowledged that it was "virtually the only force" untouched by corruption. A. D. Sakharov, *Trevoga i nadezhda* (Moscow: Inter-verso, 1990), p. 244.

17. "Zheleznyi Putin," *Kommersant*, March 10, 2000.

conditions in the penitentiary system, electoral falsification, and the trans-formation of the media into an instrument of state propaganda. The advent of Putin marked a "new stage" in this process, which was characterized by the tightening of authoritarian controls, the militarization of society, the fostering of nationalist and anti-Western propaganda, and the vilification of civil rights organizations as unpatriotic.[18]

This indictment of the totalitarian possibilities of the Putin regime was almost totally ignored in the Russian media, but it amplified the reverbera-tions of an appeal published in *Le Monde* under the title "A Crime without Punishment." Organized by the philosopher André Glucksmann, it was signed by some two hundred French intellectuals and public figures and endorsed by eleven East European dissidents once "detained in the Gulag and the asylums of the KGB." Linking Stalin's deportation of the Chechen people and the carnage of the current war, it proclaimed that "Putin is con-tinuing Stalin's work." To substantiate this provocative claim, it enumerated the horrors of the new regime's "anti-terrorism operation": the razing of Grozny, the devastation of villages, the bans on medical assistance, the abduction of Babitskii, and the torture of suspects in "filtration" camps. Lamenting the failure of the West to condemn the perpetrators of these crimes against humanity, it announced a public meeting on February 23, the anniversary of Stalin's deportation, "to break the silence that surrounds these murders."[19] It did break the silence of twenty-one luminaries of Russia's cultural intelligentsia, led by the film director Nikita Mikhalkov. In a statement that was presented as a rebuttal of Glucksmann's appeal, they condemned the failure of the West to support Russia's anti-terrorist campaign, which was "in a literal sense defending the tranquil sleep of its own citizens." Ignoring the signatures of eminent Russian dissidents on the *Le Monde* statement, they reduced the appeal to an exercise in Rus-sophobia: the participation of prominent Western cultural figures was an attempt to shift the problem of Chechnya "from the political sphere to the field of mass consciousness and in this way to begin the formation of a new 'image of the enemy.'"[20]

18. Elena Bonner, Leonid Batkin, Yurii Burtin, Yurii Samodurov, Vadim Belot-serkovskii, Andrei Piontkovskii, and Sergei Grigoryants, "Birth of New Stalinism," *The Moscow Times*, March 1, 2000.

19. "Tchétchénie: deux cents personnalités affirment que Vladimir Poutine poursuit l'oeuvre de Staline," *Le Monde*, February 22, 2000.

20. "Obrashchenie Rossiiskikh deyatelei kul'tury," available online at http://www.rg.ru/oficial/from_min/mid/345.htm.

The war in Chechnya provoked considerable controversy within the ranks of the dissidents themselves. Solzhenitsyn, who had recently likened NATO's Kosovo intervention to Nazi aggression, defended the invasion of Chechnya as an act of self-defense.[21] The dissident rights-defenders campaigned against the war but clashed over matters of principle. In late December 1999, Elena Bonner resigned from the Memorial Society, Russia's most influential human rights organization, in protest against the stance of its board that Chechen statehood should not be on the agenda for peace negotiations. Bonner condemned this position as a repudiation of the right to national self-determination, which her husband Andrei Sakharov, the first chairman of Memorial, had zealously defended during the two decades between his 1968 *Reflections* and his posthumously published draft constitution. This accusation provoked measured rebuttals from two activists of Memorial's Human Rights Center, one of whom noted that "an opinion, once expressed by [Sakharov] is not holy writ." They were joined by a legendary dissident, Larisa Bogoraz, one of the seven who had protested in Red Square against the Soviet invasion of Czechoslovakia. Bogoraz insisted that Bonner and Sakharov were "emphatically wrong" to uphold self-determination, a vague and contested concept whose implementation "would lead to improbable chaos in the world." Challenging Bonner's role as the custodian of her husband's memory, she suggested that "if [Sakharov] had lived until our days, he would have changed his position."[22] No protest came from Sergei Kovalyov, Memorial's chairman, who had spent much of the past decade confronting the butchery inflicted during struggles over self-determination at "burning points" across the former Soviet Union. In March 2000, in a public lecture on the occasion of his seventieth birthday, Kovalyov declared, "I am convinced that this right [to self-determination] is the invention of the devil."[23]

The intensity of this debate testified to the rights-defenders' growing preoccupation with the carnage in Chechnya. Using "the boomerang technique" that dissidents had developed during the Soviet era, they directed much of their agitation at foreign audiences, mobilizing international opinion to embarrass their own government. The key figure in this

21. *SPB Vedomosti*, November 23, 1999.

22. For Bonner's correspondence with Memorial's Human Rights Center, see "Perepiska s Elenoi Georgievnoi Bonner," available online at http://www.memo.ru/dayto-day/bonner.htm; and *Russkaya Mysl'*, December 16–22, 1999, p. 5.

23. Ivan Sukhov, "Sny o chem-to bol'shem," *Vremya MN*, March 3, 2000, no. 34.

process was Sergei Kovalyov, whose career as a dissident had begun with an appeal to the UN Human Rights Commission in 1969 and who had led the international campaign against the first Chechen war. The heroic aura of that career and his institutional position as a Duma deputy ensured that his voice resonated in the Parliamentary Assembly of the Council of Europe (PACE) in Strasbourg, where he served in the Duma's delegation. Addressing the assembly's session in April 2000, he provoked the fury of Russian nationalists by calling for "the severest sanctions against my own country."[24] Although the assembly opted for symbolic rather than tangible measures, voting to suspend the voting rights of the Russian delegation, most of the Russian delegates, led by the nationalist Dmitrii Rogozin, stormed out of the hall in protest. Kovalyov and two Yabloko deputies remained.[25] It was a short-lived victory. Faced with a Russian boycott and pressure from its own Council of Ministers, the assembly soon adopted a more conciliatory posture. At its next session in September, the delegates ignored Kovalyov's demand for Russia's expulsion, and proposed the restoration of the Russian delegation's voting rights in return for progress in Chechnya. One month later, Putin's visit to France for an EU-Russia summit consecrated a new "strategic partnership" between the Kremlin and Europe. A loud protest came from the dissidents' most outspoken fellow-traveller, André Glucksmann, who had spent six weeks during the summer travelling illegally in devastated Chechnya, confronting the routine terrors of "a colonial war that uses totalitarian methods."[26] In the name of the "Committee for Chechnya," Glucksmann welcomed Putin to Paris with a new petition titled "Red Carpet: Silence and Crime." Signed by five hundred prominent European intellectuals and cultural figures, it drew an explicit parallel between atrocities in Milošević's Kosovo and Putin's Chechnya, and called on the Russian government to facilitate humanitarian access to the war zone and to initiate peace negotiations with Maskhadov, the elected Chechen president.[27] The reaction of European leaders, as they negotiated gas imports and investment in Russian infrastructure, was barely audible. On January 25, 2001, the Strasbourg assembly voted to

24. El'mar Guseinov, "Oni srazhalis' za Rodinu," *Izvestiya*, April 7, 2000.

25. Yurii Kovalenko, "'Sadovye gnomy' zashchitili prava cheloveka," *Novye izvestiya*, April 8, 2000.

26. On Glucksmann's clandestine visit to Chechnya, see his article *Le Monde*, July 13, 2000; "Pro-Chechen protesters demonstrate against Putin's visit," *UPI*, October 30, 2000.

27. "Tapis rouge: silence et crime," *Le Figaro*, October 28, 2000.

resume business as usual, inviting the Russian delegation to return as full-fledged members of PACE and ending Europe's symbolic protest against the conflagration in Chechnya. In what was to become a habitual refrain, Kovalyov proclaimed himself nauseated by the cowardice of European parliamentarians.[28]

One week earlier, the deterioration of democracy had provoked the largest gathering of rights-defenders in Russia's history. Over a thousand activists, representing the multitude of human rights NGOs that had their origins in dissidence, converged on Moscow's Kosmos Hotel for a "Human Rights Emergency Congress." The term "emergency" was a matter of debate between the organizers. Some regarded the deepening crisis of Russian democracy as a "natural" product of the collapse of a superpower and the creeping authoritarianism of the Yeltsin regime. Others claimed that the rise of Putin marked a fundamental turning point, an effort to create a fundamentally different kind of state. In his address, Kovalyov dismissed this dispute as vacuous: both interpretations were complementary. The real challenge was "to analyze the acuteness and the scale of the danger awaiting us in the foreseeable future." That danger was epitomized by the fact that a clear majority of the population in a society that had been devastated by mass repressions had freely voted for a representative of the institution that had inflicted those repressions as head of state.[29] Both democratic procedures and the memory of terror had proven flimsy barriers to the ascendancy of the security apparatus. No less alarmist was Sergei Grigoryants, whose Glasnost Foundation had tried to raise the alarm about the resurgence of the KGB in a series of annual conferences during the 1990s. Grigoryants lamented the creation "of a new political system, without communist ideology but with all the communist repressive experience." Paraphrasing Winston Churchill and Vasilii Rozanov, he announced that "with a clang, a screech, and a shriek, an iron curtain has descended in Russian history."[30]

28. "Jour de honte," *Le Monde*, January 27, 2001. In April 2003, PACE provoked Rogozin's fury by endorsing a proposal for the creation of a criminal tribunal on Chechnya.

29. Sergei Kovalev, "Ugroza pravovomu gosudarstvu i konstitutsionnym osnovam demokratii v strane," available online at http://www.hro.org/ngo/congress/sp_kov.htm.

30. Sergei Grigor'yants, "Nastuplenie gosudarstva na grazhdanskoe obshchestvo: Stenogramma vystupleniya na S'ezde," available online at http://www.hro.org/ngo/congress/spgrig.htm.

In their unequivocal hostility to what Kovalyov called "Putinism," these dissident speakers "set the tone" of the congress and recycled old dissident debates about the relationship of morality and politics to human rights advocacy.[31] Kovalyov, a "moralist" in the dissident milieu of the 1970s, suggested that rights-defenders might participate in "open actions of non-violent, civil resistance."[32] By contrast, Yurii Orlov, a "political" dissident whose rupture with conformism had begun with a call for democratic socialism at a party meeting in 1956, asserted the need for the creation of a political organization dedicated to human rights.[33] Another veteran dissident, Ludmila Alekseeva, a co-founder with Orlov of the Moscow Helsinki Group as well as its current chairperson, argued that the "consolidation" of civil society might induce the authorities to treat it as a worthy partner, and enter into a "social contract" in all spheres of the life of the country.[34] This hope induced Alekseeva to become a participant in the "Civic Forum," a massive NGO-assembly held in the Kremlin in November 2001.

Alekseeva's readiness to treat Putin as a potential partner was not shared by more intransigent representatives of the dissident heritage. In her acceptance speech for the Hannah Arendt Award in Bremen, Elena Bonner had reasserted the "amazing resemblance between the two punitive bureaucracies—the SS and the NKVD," and proceeded to denounce the totalitarian qualities of the "state of lies" in Putin's Russia.[35] Taking up this theme, Kovalyov used his press conference at the Emergency Congress to excoriate Putin's pride in his KGB career:

Imagine a German federal chancellor who formerly served in the Gestapo. Can you imagine the storm it would trigger in Germany and the world? Now just imagine the next step.... Imagine, a journalist comes to that federal chancellor and says: "Your Excellency, what is your attitude

31. Anna Zakatnova, "Pravozashchitniki proveli chrezvychainyi s"ezd," *Nezavisimaya Gazeta*, January 23, 2001, p. 1.

32. S. Kovalev, "Stenogramma vstupleniya na S'ezde," available online at http://www.hro.org/ngo/congress/sp_kov.htm.

33. Yu. Orlov, "Stenogramma vystupleniya na S'ezde," available online at http://www.hro.org/ngo/congress/sp_orl.htm.

34. L. M. Alekseeva,"Tezisy doklada na S'ezde," available online at http://www.hro.org/ngo/congress/alexeeva.htm.

35. Elena Bonner, "Lozh' zarazitel'na, kak chuma," *Obshchaya Gazeta*, December 14, 2000, p. 9; translated into English in "Living a Big Lie in Putin's New Russia," *Sunday Times* (UK), February 18, 2001.

to your former service?" And he gets the reply: "I am proud of it!" Imagine? By the way, it is this agency that was used to make short shrift of tens of millions of our compatriots.[36]

This demonization of the new president facilitated the opening of a dialogue between some dissident rights-defenders and the oligarchs whose independent television stations had been the primary target of Putin's first crackdown. In November 2000, Bonner employed Sakharov's dictum that exile was always preferable to prison to persuade Boris Berezovskii not to return to Russia to face inevitable arrest.[37] It was a remarkable conjuncture between a dissident symbol of moral integrity and an oligarch who for many had incarnated the amorality of "robber capitalism." A fortnight later, Berezovskii donated three million dollars to the Andrei Sakharov Museum and Public Center in Moscow, one of the bastions of Russia's civil society, which was saved from closure by the grant. "Like it or not," insisted Bonner, "the dissident movement cannot exist without money."[38] She acknowledged that Berezovskii would exploit the luster of her name, a surmise that was confirmed by Alex Goldfarb, the former dissident and mastermind of Berezovskii's philanthropy, who boasted that for Berezovskii, "awarding the first grant to Sakharov was a gesture ripe with symbolism."[39] In fact, Bonner exceeded the expectations of her benefactors. After the final takeover of the NTV network in April 2001, she issued an appeal to the Russian people in which she extolled the embattled media magnates Berezovskii, Gusinskii, and Patarkatsishvili as "our main allies...in the struggle for freedom of speech in Russia."[40]

The most controversial field of cooperation between Berezovskii and the dissidents was the investigation of the spate of terrorist attacks that had brought Putin to power. In September 1999, some three hundred Russian civilians were killed when four apartment buildings were blown up with explosives. Although Chechen field commanders proclaimed their

36. Press Conference with Sergei Kovalyov, Alexei Simonov, Lev Ponomaryov, and other Human Rights Defenders, *AIF News Agency*, January 17, 2001.

37. Alex Goldfarb with Marina Litvinenko, *Death of a Dissident: The Poisoning of Alexander Litvinenko and the Return of the KGB* (Sydney: Simon and Schuster, 2007), p. 233.

38. Jon Boyle, "Berezovsky millions save Russia's Sakharov centre," *Reuters*, November 30, 2000.

39. Goldfarb and Litvinenko, *Death of a Dissident*, p. 239.

40. "Elena Bonner vystupila s obrashcheniem k Rossiiskomu narodu," *Novaya Gazeta*, April 23–25, 2001, p. 12.

innocence, the Kremlin exploited the carnage to justify the invasion of Chechnya as an "anti-terrorist operation," and the atmosphere of hysteria transformed Vladimir Putin, newly appointed as premier, into a national savior. But disturbing questions about official involvement in the blasts were raised by the announcement that police in the southern city of Ryazan had thwarted a fifth attack, defusing a bomb in an apartment basement and arresting two agents of the Federal Security Service (FSB), the latest incarnation of the KGB. The following morning, the FSB chairman called a press conference to explain that his agents had conducted a "test of popular vigilance" in Ryazan. That line was widely accepted, but uncertainty was fueled by Berezovskii, who from his London exile funded the publication of the book *Blowing up Russia* by the renegade FSB agent Aleksandr Litvinenko and the historian Yurii Felshtinskii. Published in August 2001, this unfootnoted narrative deployed a mass of circumstantial evidence to accuse the FSB of staging the attacks in order to manipulate the presidential succession. The stakes were colossal. As Sergei Kovalyov remarked one month later, "If it were demonstrated that the special services organized the apartment bombings, then the government would be illegitimate."[41]

In April 2002, Kovalyov lent his reputation to a new "Public Commission to Investigate the Circumstances of the Bombing of Apartment Buildings in Moscow and Volgodonsk and the Test in Ryazan." Established after the repeated defeat of Duma resolutions to establish a parliamentary investigation into the bombings, this civic initiative was the brainchild of Sergei Yushenkov, a Duma deputy and leader of the Berezovskii-funded Liberal Russia Party. Chaired by Kovalyov, the so-called "Terror-99" Commission united some of Russia's best-known dissidents (Boris Zolotukhin, Valerii Borshchev, Yulii Rybakov, Aleksandr Daniel), rights-defenders, and liberal intellectuals. The highlight of its activity was a public videoconference in July 2002, when the commission heard new evidence uncovered by Litvinenko and Felshtinskii in London: the testimony of the FSB's prime suspect in the bombings, who claimed that he had been framed by an FSB agent.[42] Less successful were the commission's efforts to elicit a response from the Russian authorities, despite the constitutional prerogatives of its five Duma deputies to conduct inquiries. In a bid to secure the release

41. "Sergei Kovalev: "Vlast' otvratitel'na, no legitimina," *Novye Izvestiya*, September 25, 2001, p. 4.

42. For the transcript of the press conference, see the Terror-99 website, http://terror99.ru/commission/doc40.htm.

of official documents about the "Ryazan test," Kovalyov instigated legal proceedings against the FSB and the prosecutor's office, but the case was dismissed in April 2003.[43] Weeks later, the commission's driving force and its deputy chairman, Sergei Yushenkov, was shot dead outside his apartment building. In July, another active member, the investigative journalist Yurii Shchekochikhin, died of a mysterious illness amid suspicions that he had been poisoned.[44] Next was the commission's lawyer, former FSB officer Mikhail Trepashkin, who was arrested on trumped-up charges in October and served a four-year labor camp sentence. The final nail in the coffin of the commission was the rout of the democratic parties in the Duma elections of December 2003, when its remaining deputies lost their seats.[45] The "Terror-99" commission never issued its final report.

The simmering tension in the dissident rights-defenders' relations with Berezovskii contrasted with their obvious sympathy for another fallen oligarch, the oil magnate Mikhail Khodorkovskii. The richest man in Russia, Khodorkovskii had assumed the mantle of a philanthropist, establishing the Open Russia Foundation to support Russia's embattled civil society at the very moment when its major foreign sponsor, George Soros's Open Society Foundation, was being driven out of the country. During the summer of 2003, the security apparatus turned on Khodorkovskii, arresting one of his business partners, conducting searches of his offices, and interrogating beneficiaries of his philanthropy. At first, Khodorkovskii denied that he was seeking to oppose the Kremlin. "If my vocation was to be a dissident," he declared, "then I would probably have engaged in this, and not in business."[46] But as the onslaught intensified, Khodorkovskii began to sound like a dissident. He spoke out against the managed democracy that the *siloviki* around Putin were imposing on Russia, and he avowed that he would rather be a political prisoner in Russia than a political émigré abroad. That preference was granted on October 25, when anti-terrorist troops stormed his private jet during a stopover at Novosibirsk airport. Within a week of Khodorkovskii's arrest, six leading dissidents—Elena

43. *Nezavisimaya Gazeta*, April 3, 2003, p. 7.

44. Oksana Yablokova, "Worries Linger as Shchekochikhin's Laid to Rest," *Moscow Times*, July 7, 2003.

45. Douglas Birch, "City's Rybakov Loses Platform for Inquiry," *St. Petersburg Times*, December 16, 2003.

46. Yuliya Muchnik, "Mikhail Khodorkovskii: 'My predvideli ataku na YUKOS, ne nadeyalis', chto ee formy budut tsivilizovannymi,'" *Nezavisimaya Gazeta*, July 7, 2003, p. 1.

Bonner, Vladimir Bukovskii, Natalya Gorbanevskaya, Sergei Kovalyov, Eduard Kuznetsov, and Aleksandr Podrabinek—appealed to Amnesty International to recognize him as a political prisoner.[47] The repeated failure of Amnesty to do so, despite a sustained campaign by a wide spectrum of Russian human rights activists, elicited harsh criticism from dissidents who had once benefited from Amnesty's concern.[48] Their readiness to identify with Russia's newest political prisoner was reinforced by the message brought from Khodorkovskii's prison cell by his lawyer to a meeting at the Sakharov Center in early 2004: "the only idea which inspires him today," she announced, "is rights-defense."[49]

The authoritarian contours of the Putin regime became clearer during the president's second term (2004–2008). With the decimation of the democratic parties in the Duma elections of December 2003 and the departure of the most influential Yeltsin-era liberals from the government, Putin's rhetoric became less ambiguous. Jettisoning the democratic vocabulary that had once mesmerized "young reformers" and Western leaders, he articulated an overt nostalgia for the Soviet regime and asserted Russia's cultural particularity. In the face of mounting Western disenchantment and "Velvet Revolutions" in former Soviet republics, he lambasted his foreign critics as the heirs of nineteenth-century imperialists and Russian democrats as agents of Western influence. The demise of the liberal democratic project was consecrated by the regime's de facto ideologist, Vladislav Surkov, the deputy head of the presidential administration, who proposed "sovereign democracy" as a new ideological foundation for the Russian state. This ideological metamorphosis served to justify an unprecedented concentration of power in the presidential administration and a clampdown on civil society.

The shrinkage of the public sphere enhanced the role of rights-defenders in the beleaguered democratic movement. In the wake of the disappearance of Yabloko and the Union of Right Forces from the Duma, the remaining "young reformers" lost their privileged status, while their compromises with the authorities became the subject of bitter recriminations. The political

47. Kirill Vasilenko, "Shestero za odnogo: Mikhaila Khodorkovskogo prosyat priznat' politzaklyuchennym," *Vremya Novostei*, November 6, 2003, p. 2.

48. Aleksandr Podrabinek, "Izbiratel' obychnyi ili politicheskii?" *Moskovskie Novosti*, December 23, 2003, p. 11.

49. Anna Politkovskaya, "Mikhail Khodorkovskii: 'Esli vyidu iz tyurmy, budu pravozashchitnikom'," *Novaya Gazeta*, January 15, 2004, p. 4.

shock waves of their demise were magnified by the success of "Rodina," a Kremlin-supported coalition of Russian nationalists which emerged as the fourth-largest parliamentary bloc. Its leader, Dmitrii Rogozin, who had confronted Kovalyov over Chechnya at PACE during Putin's first term, exploited the Duma as a platform to kindle the flames of a new xenophobia and anti-Westernism in public life. Dissidents and dissident symbols were conspicuous targets. Rogozin's comrades included Orthodox Church activists who had instigated a campaign over a controversial exhibition at the Sakharov Center titled "Warning, Religion!" First, Orthodox militants led by the ultra-nationalist priest Aleksandr Shargunov had staged a "pogrom" at the exhibition. After the vandals were acquitted by a sympathetic judge, they instigated the prosecution of the Center's director, Yurii Samodurov, for inciting ethnic hatred. While the outrage of Shargunov's circle may have been sincere, the willingness of the General Prosecutor to take up this "blasphemy" case undoubtedly reflected the Kremlin's hostility toward the Sakharov Center as a bastion of the democratic movement and a symbol of the dissident legacy. When the case came to trial in the summer of 2005, Samodurov and his co-defendants were found guilty and fined.

This prosecution was only part of a broader campaign against the NGO sector, which had become the front line of the political struggle after the pacification of the Duma. In his annual address to the new legislature in May 2004, Putin courted the favor of Rodina's electorate with a tirade against human rights NGOs, declaring that they ignored real human rights abuses because of their dependence upon foreign funding: "they simply cannot bit the hand that feeds them." A rebuttal came from Elena Bonner and fourteen leading rights-defenders, who likened Putin's turn of phrase to Semichastnyi's vilification of Pasternak as worse than a pig because pigs didn't foul the place where they ate. "From these accusations," they declared, "emanates the stale odor of *The Short Course*." Recalling Khodorkovskii's ill-fated career as a philanthropist, they argued that it was precisely the caution of Russia's business community that made Russian rights-defenders dependent upon the generosity of foreigners. But the resulting activism reflected not foreign ideas, but "a universal understanding of human rights and freedoms, as they are defined by international law."[50] As if to vindicate the signatories' allusions to Soviet-era

50. Ye. Bonner, L. Ponomarev et al., "Ob atake vlastei na demokraticheskuyu oppozitsiyu i grazhdanskoe obshchestvo," June 2, 2004, available online at http://grani. ru/Society/Law/m.71764.html.

anti-dissident propaganda, the prominent journalist Aleksei Pushkov, presenter of the influential current affairs television show *Postscriptum*, seized upon the statement as a pretext to excoriate the rights defenders: "Elena Bonner, you lie when…you say that your position is based on universal concepts of human rights and freedoms. What humanism, what universality? You are always against Russia. And always on the side of the U.S. and NATO."[51]

The struggle escalated in the aftermath of the slaughter of Beslan schoolchildren by Chechen insurgents on September 3, 2004. Not only did the Kremlin abolish one of the remaining limitations on its power, the election of regional governors, but it unveiled two new initiatives for the management of civil society: a directive on state support for the human rights movement and legislation for the creation of a kind of NGO-assembly, the "Public Chamber of the Russian Federation."[52] These enticements, "menacing caresses of the Kremlin," were condemned by some dissident rights-defenders as an effort to isolate NGOs critical of the government.[53] Their anxiety was heightened by Vladislav Surkov, the deputy head of the presidential administration. In an interview with the newspaper *Komsomolskaya Pravda*, Surkov announced the existence of a "fifth column of leftist and rightist radicals": "false liberals and real Nazis," who shared foreign sponsors and hatred for Putin's Russia "and in fact for Russia as such." According to Surkov, these "Smerdyakovs and Lyamshins"—duplicitous villains of Dostoevskii's *Brothers Karamazov*—had enlisted in the election-monitoring "Committee 2008," a platform they used to "preach the desirability of the defeat of their own country in the war on terror."[54] The target of Surkov's invective, Committee 2008 had been established by a group of liberal public figures in the aftermath of the disappearance of democratic parties from the Duma. Accepting the outcome of the 2004 presidential poll as a foregone conclusion, they proposed to campaign for free elections at the end of Putin's second term in 2008, when he was constitutionally required to relinquish the presidency. This initiative was

51. "Kogo zashchishchayut pravozashchitniki? Ocherednaya lozh' Elena Bonner," *Postskriptum*, June 5, 2004.

52. Vladimir Putin, "Speech to World Congress of News Agencies," Moscow, September 24, 2004.

53. See Aleksandr Podrabinek, "Grozny laski Kremlya," *Prima News*, October 8, 2004, available online at http://www.prima-news.ru/news/articles/2004/10/8/29701.html.

54. "Zamestitel' glavy administratsii Prezidenta RF Vladislav Surkov: Putin ukreplyaet gosudarstvo, a ne sebya," *Komsomolskaya Pravda*, September 28, 2004, p. 4.

headed by the former chess champion Garri Kasparov, but it was linked to the dissidents by its membership and its principles. Vladimir Bukovskii boasted that he and Elena Bonner, both founding members, were its "god-parents."[55] Another member, the journalist Yulia Latynina, summed up its mission by invoking the venerable dissident slogan "Observe your own constitution."[56] In the wake of Putin's tirade, the same idea inspired the creation of the All-Russian National Civic Congress, an umbrella organization of a wide spectrum of NGOs, which held its founding conference on December 12, 2004, the tenth anniversary of the Yeltsin constitution. Its troika of leaders, headed by Kasparov, included the veteran dissident Lyudmila Alekseeva. The connection between its proceedings and the rights-defenders who had demonstrated for a decade in Pushkin Square on the anniversary of the Stalin constitution was obvious to Evgenii Kiselev, editor of the liberal tabloid *Moscow News*, who recalled the ravages of Brezhnev-era punitive psychiatry and reflected, "Today, matters haven't yet descended to the psychiatric ward, but certainly one can fall into dissidence and even a 'fifth column' for fighting for the scrupulous observance of what is written in the Yeltsin constitution of 1993."[57]

Surkov's attempt to tarnish the liberal opposition with the brush of fascism prefigured a debate in democratic circles about the possibility of collaboration with radical anti-Putin elements. The focus of contention was the writer Eduard Limonov, the flamboyant leader of the "National Bolshevik Party," a radical youth movement with roots in the heavy metal rock scene. In 2002, Limonov had been sentenced to a four-year prison term on charges of plotting to invade Kazakhstan. The charges were implausible, but it is difficult to think of a public figure whose views were more repugnant to the dissident rights-defenders. During the early 1990s, Limonov had fought alongside Serbian paramilitaries in the Balkans and posed for cameras as he fired at the defenders of Sarajevo.[58] His National

55. Zoya Svetova, "Piatyi' son Very Pavlovny," *Russkii Kur'er*, no. 9, January 21, 2004, p. 1.

56. Yulia Latynina, "Obstoyatel'stva: Pochemu nachali mochit' 'Komitet-2008,'" *Novaya Gazeta*, January 26, 2004, p. 3.

57. Evgenii Kiselev, "Sobralis' stat' grazhdanami," *Moskovskie Novosti*, no. 47 December 10, 2004.

58. The dissident writer Vladimir Voinovich condemned the footage of Limonov's apparent pleasure at aiming at people as unnatural for a writer: "a writer, like a doctor, must not kill." "Beda Rossii v tom, chto v nei net krupnykh gosudarstvennykh muzhei," *Moskovskie Novosti*, March 10, 1993, p. 5.

Bolshevik Party (NBP) courted the outrage of the intellectual establishment by a rhetorical extremism that verged on parody.

But Limonov's pose as the *enfant terrible* of post-Soviet Russian nationalism obscured a trajectory that had repeatedly intersected with dissidents, both during his years as a poet in the literary underground of the 1960s and as an émigré in Paris, where he published in Sinyavskii's "pluralist" journal *Sintaksis*. This aspect of Limonov's past resurfaced in his writings behind bars: his enthusiasm for revolutionary violence abated, and he repeatedly identified with Soviet-era dissidents. Awaiting trial in Lefortovo prison in November 2001, Limonov addressed an open letter to Putin, "in the traditions of the Russian literature of Herzen, Tolstoi, Dostoevskii, and indeed of Solzhenitsyn." Limonov's anti-Western tone was unchanged, but much of his analysis was virtually indistinguishable from that of Bonner and Kovalyov. He argued that the war in Chechnya had "created a totalitarian climate within Russia itself." The lack of political freedom was compounded by the regime's creation of sham political parties that were "bureaucratic clans united not by ideology but by faith in power." He described the ravages of disease in a prison population that was swollen by the inflexibility of law enforcement organs that "were never seriously reformed and remained totalitarian, essentially predators hunting for citizens."[59] Limonov complemented this challenge to the Kremlin with a programmatic article in which he argued that the burning issue still facing Russia was the need for a change of the political class. This was the problem that had "engendered dissidence, the democratic opposition, and almost a revolution." In August 1991, that revolution had foundered because the democrats had failed to unite under their own leader and put their trust in Boris Yeltsin, a party boss who had imbibed the values of the nomenklatura, not those of the dissidents. The ultimate result of this tragic compromise was the ascendancy of Putin, which Limonov likened to the Bourbon restoration of 1815. A hybrid of oligarchism and Sovietism, this regime marked the defeat of the dissident project:

> Thirty-three years since the beginning of the dissident movement (if one's point of departure is the demonstration against the invasion of Czechoslovakia in August 1968) and ten years since the attempt at a democratic revolution in 1991, one may state regretfully: no, what Sakharov and

59. Eduard Limonov, "Bez voli (iz otkrytogo pis'ma prezidentu Rossii)," *Zavtra*, November 30, 2001, p. 3.

the dissidents fought for has not taken place; the nomenklatura has not shared its power with other social groups. They have shared it neither with political parties nor with the intelligentsia nor with trade unions.

Limonov's analysis of the dissident struggle was debatable, but his adoption of liberal phraseology encouraged democrats who favoured the creation of a broad alliance against Putin. This convergence was accelerated by the repression directed at Limonov's NBP after Limonov's release from prison in June 2003. In December 2004, a group of young NBP protesters marked the anniversary of Sakharov's death by breaking into the public reception of the presidential administration and throwing portraits of the leader out the window. It was, according to Limonov, a "human rights protest," but it provoked one of the great political trials of the Putin era: the prosecution of thirty-nine NBP members, for whom a special cage had been constructed in the Nikulinskii municipal court. During the summer of 2005, democrats and National Bolsheviks marched together in protest demonstrations, and the militantly democratic newspaper *Novaya Gazeta* fostered a discussion amongst leading democratic public figures about the possibility of collaboration with their ideological opponents. The preponderance of the resulting essays favored such joint action against the common enemy, but a notable skeptic was the former dissident Aleksandr Podrabinek, who disparaged the democrats' illusions about the NBP, likening the vandalistic character of its "human rights protest" in the presidential offices to the Orthodox zealots' 2003 "pogrom" at the Sakharov Center.[60] Despite these misgivings, the dialogue of democrats and Limonovites ultimately resulted in the creation of the "Other Russia" movement, whose very name had been coined by Limonov.[61]

For Putin's opponents, the importance of the dissident heritage was enhanced by the coalescence of the regime's own ideological project. On the one hand, the ruling party's election posters in December 2003 obfuscated that heritage by uniting the dissidents Sakharov, Solzhenitsyn, and Iosif Brodskii with Lenin, Stalin, and Dzerzhinskii in the glorious tableau of Russian history.[62] On the other, the regime revived the Soviet cult of the

60. Aleksandr Podrabinek, "Krokodily ishchut druzei," *Novaya Gazeta*, October 20, 2005.

61. "Other Russia" is the title of a collection of essays that Limonov wrote in prison.

62. Oksana Yablokova, "Posters Failed to Unite Voters," *Moscow Times*, October 31, 2003, p. 3.

"Chekist," the state security agent, as the paragon of heroism and patriotic duty. To confront this shameless celebration of the repressive apparatus, the young journalist Vladimir Kara-Murza, Jr., produced a documentary film that was a kind of digital testament of the dissident rights-defenders. Featuring interviews with a galaxy of aging veterans scattered across the world, it traced the history of the rights-defense movement from its inception in the 1960s to its cooptation by the Yeltsin regime in the early 1990s. At the film's premiere at the Sakharov Center in December 2005, Kara-Murza explained that "today, when Chekists and oppressors are presented as heroes, I wanted to show real heroes in this film—people who did not bend, who fought for freedom and civil dignity, who by their courage saved the honor of the country and the people."[63] But his purpose was not only to chronicle that glorious, tragic past, but also to explain the collapse of the rights-defenders' campaign for a law-abiding, democratic constitutional state. His explanation was that Russia had missed a crucial opportunity, in the aftermath of the August 1991 putsch, to draw lessons from the totalitarian experience by a public trial of the Communist Party and a lustration process.[64] To those who reported on the premiere, it was obvious that Kara-Murza's message was already beyond the pale in Putin's Russia. One journalist commented that "I don't know who else in our country would dare to film those who from the highest tribunes are accused more and more frequently of betrayal of the country's interests."[65] Kara-Murza's documentary appeared on the internet and on an overseas cable network funded by exiled oligarchs. It was ignored by state television, which two months later broadcast a Soviet-style television documentary accusing the Moscow Helsinki Group, one of the custodians of the dissident heritage, of links to British intelligence.

To bring his message into the public arena, Kara-Murza instigated the "presidential campaign" of Vladimir Bukovskii, the legendary dissident who had been exchanged for the Chilean Communist Party leader Luis Corvalan in 1976. Neither the candidate nor his supporters had any illusions about his prospects. Accepting the proposal to stand for the presidency, Bukovskii recalled the old dissident toast "To the success of our hopeless

63. "Film o dissidentakh 'Oni vybirali svobodu' poyavilsya v Internete," available online at http://www.hro.org/ngo/about/2005/12/09-1.php.

64. "Oni vybirali svobodu," available online at http://www.newsru.com/russia/01dec2005/film.html.

65. Nadezhda Kevorkova, "Oni vybirali svobodu," *Gazeta*, December 5, 2005, p. 26.

cause" and declared that "this cause is hopeless, and for that reason I have undertaken it."[66] His "election manifesto," released in October 2007, was less a program than a jeremiad against the grave diggers of Russian democracy. Its title, "Russia on the Chekists' Hook," alluded to a recent essay by one of the ideologists of the security apparatus, Viktor Cherkesov. Once a notorious KGB dissident-hunter, Cherkesov now headed the Federal Anti-Narcotics Service but found time to publish periodic reflections on the dilemmas faced by the Chekists in power. In his latest essay, he had argued that post-Soviet society, teetering on the edge of the abyss in the late 1990s, had grasped the "Chekist hook."[67] Bukovskii turned the metaphor around: "Yes, Russia has fallen on a Chekist hook and hangs from it, like on a medieval rack, tormented and fleeced by its executioner-rulers." What this meant in practice was that "[the Chekists] are systematically annihilating the institutions of democracy, elections are becoming a formality, the opposition is left no place in politics, press freedom, freedom of assembly and demonstration are suppressed by police measures." The rest of Bukovskii's manifesto comprised elaborate responses to the two eternal questions of the Russian intelligentsia. In his ruminations on "Who is Guilty?" he indicted the Soviet repressive apparatus and contested the Chekists' "myth" that they had saved Russia from the depredations of the democrats. On "What is to be Done?" he called for the prosecution of the perpetrators of Putin's "constitutional coup," judicial investigation of the crimes of the Soviet regime, the replacement of the FSB by a police apparatus that was subordinated to civil authorities, and the implementation of legal guarantees against the restoration of the old order.[68]

The political impact of the dissidents should not be exaggerated. Bukovskii's quixotic "campaign" posed no threat to Putin's anointed successor, Dmitrii Medvedev. Excluded from parliamentary politics, deprived of positive media coverage, vilified as traitors by pro-government publicists, the veterans of the human rights struggles of the Soviet era had almost vanished from Russia's increasingly regimented and manipulated public sphere by the end of Putin's presidency. But Bukovskii's candidacy testified to the continuing relevance of the dissident rights defenders

66. Boris Klin, "Byvshii dissident khochet stat' prezidentom," *Izvestiya*, May 29, 2007, p. 1.

67. Viktor Cherkesov, "Nel'zya dopustit, chtoby voiny prevratilis' v torgovtsev," *Kommersant*, October 9, 2007, p. 1.

68. "Rossiya na Chekistskom kryuke: Predvybornyi manifest Vladimira Bukovskogo," October 17, 2007.

as symbols of an alternative, democratic future. The Yabloko Party even endorsed him over its own veteran leader. For his supporters in the democratic movement, Bukovskii was the ultimate negation of Putin's "sovereign democracy." Few of the regime's apologists would have disagreed. Every new regression to Soviet modes of political control, every new assault on media freedom, every new political trial, every new state-sponsored militant youth movement had magnified the dissident rights defenders in the imaginations of Putin's opponents. In the tragic defeat of the dissidents' "hopeless cause," their slogans, their forms of protest, and their dream of a democratic, constitutional Russia had acquired a new lease of life.[69]

On Negative Convergence:
The Metaphor of Vodka-Cola Reconsidered[*]

Anton Oleinik

The process of lowering and removing barriers to the flow of ideas, people, capital, goods, and services at the global level has been presented by many liberal thinkers as a way of opening economies and societies. Neoclassical economists argue that markets, for instance, are potentially boundless: the less external constraints and restrictions, the more smoothly and efficiently they function. Trends toward increasing the intensity of exchanges at the supra-national level, conventionally called globalization, have had non-linear dynamics. It has taken several decades to regain the same ratio of exports to the world GDP as on the eve of World War I and between World War I and World War II. Since the late 1980s, however, only a few short-term crises have interrupted the steady growth of the world merchandise ratio, i.e., the sum of merchandise exports and imports of all countries divided by the world GDP. Its value has increased from 32.5% in 1990 to 47% in 2005.[1] Some countries, like Russia, have experienced an even more rapid and radical exposure to economic globalization: from a closed and autarkic economy during Soviet times (its merchandise ratio was 16.5% in 1990), it has now transformed into a nearly average globalizing economy (48% in 2005). Other indicators of globalization, less focused on the economy, such as the scope of international tourism or the number

---

1. The sources of this data are: *World Development Indicators 2005* (Washington, DC: World Bank Publications, 2005), pp. 351–53; and *World Development Indicators 2000* (Washington, DC: The World Bank, 2000), pp. 314–16.

31

of internet users, also suggest its increasing pace. But has it produced, as expected, a better and "inhabitant-friendly" world?

In seeking an answer to this question, it is instructive to look at recent developments at two opposite poles of the formerly bipolar world, the United States and Russia. The former has long been considered a trend-setter in globalization, i.e., a model of an open society, a perfect market competition, and political freedoms. On all three scales—social, economic, and political—this country has received high grades. As Sassen Saskia writes: "The 'international' is itself constituted largely from competition among national approaches. . . . From this perspective, the 'international' or the 'transnational' has recently become a form of Americanization."[2] Russia has been viewed as exactly the opposite, in the same three dimensions: a closed society subject to continuous mobilization, a command economy, and the communist party's political monopoly. Russia jumped on the bandwagon of globalization, as Americanization was deemed a way to reduce its internal imbalances and tensions. Simultaneously, there was a hope that international conflicts would also vanish in a more homogeneous environment that had been expected to succeed the bipolar world. The Russian reforms of the 1990s were deeply embedded in globalization processes.

However the two-way character of global processes is often overlooked. Usually they are perceived as a one-way street: the transfer of technologies, knowledge, and institutions from one leading country to the rest of the world. Yet the very nature of globalization implies a non-trivial degree of interdependence among countries. Change is bilateral: *from* the United States as well as *to* the United States. These transfers do not always contribute to improving the situation at either end of exchange. On the contrary, mechanisms of negative learning and mimicry operate that support a hypothesis of "negative convergence": globalization in its current form produces a convergence of participating countries toward a constellation of common problems instead of moving toward a better world. "Negative convergence," writes Andreff Wladimir, "selects only the severest problems of both systems," and "this implies a priori that efficient economic processes, institutions and regulations may yield

---

2. Saskia Sassen, "The Spatial Organization of Information Industries: Implications for the Role of the State," in James Mittelman, ed., *Globalization: Critical Reflections* (Boulder, CO: Lynne Rienner Publishers, 1996), p. 43.

degenerating results, and also a priori that mistaken processes, institutions and regulations may generate unexpectedly efficient outcomes."[3] The idea of negative convergence, or mutual contamination as a by-product of increasing contacts between the two institutional systems, was originally put forward by Charles Levinson in 1977.[4] Although not all of Levinson's evidence looked convincing at that time, recent developments suggest that we reconsider the value of his central metaphor: a distasteful blend of vodka and cola as the symbol of globalization via mutual contamination.

Negative Similarities in the Social Sphere

One of the basic indicators of social "health," the level of generalized trust, has trended downward in both Russia and the United States. While about a half of all Americans in the early 1970s believed that most people personally unknown to them can be trusted (46.8% in 1973), this number declined below 40% in the 1990s (38.9% in 1991), and reached the current low of 31.5% in 2002.[5] The intensity of communitarian life, this social fabric of civil society, has decreased accordingly. Less and less time is spent with friends or in clubs and associations. As the history of the English working class teaches us, social mobilization in this country first appeared in pubs and other gathering places. Today, Americans prefer bowling alone, to borrow Robert Putnam's expression, to socializing.[6] Very similar trends have been observed in Russia since the late 1980s, i.e., since the start of reforms that aimed at opening Russian society to the outside world. While over fifty percent of Russians were of the opinion that most people can be trusted in 1989 (54%), this number sharply declined toward the end of the

3. Wladimir Andreff, "Convergence or Congruence between Eastern and Western Economic Systems," in Bruno Dallago, Horst Brezinski, and Wladimir Andreff, eds., *Convergence and System Change: The Convergence Hypothesis in the Light of Transition in Eastern Europe* (Aldershot: Dartmouth, 1992), pp. 48–78.

4. Charles Levinson, *Vodka-Cola* (Paris: Stock, 1977).

5. The sources of this data are: the General Social Survey website, located online at http://www.norc.org/GSS+Website; and Chava Frankfort-Nachmias and Anna Leon-Guerrero, *Social Statistics for a Diverse Society* (Thousand Oaks, CA: Pine Forge Press, 2006). Calculations have been made by the author.

6. Robert Putman, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster, 2000). On the role of pubs in the history of the English working class see Edward P. Thompson, *The Making of the English Working Class* (New York: Vintage Books, 1963).

1990s (24%).[7] Should the weakness of civil society and its dependence on the state in today's Russia surprise us?

Crime rates are the other important indicator of the health of a society. Due to different procedures for registering crime, we have to treat absolute numbers with suspicion. Although the relative dynamics of crime rates in the United States and Russia apparently refute the hypothesis of negative convergence, their comparison is still meaningful and provides us with important insights. For instance, murder rates in the two countries were comparable in the 1980s but have started to show divergent patterns since 1991.[8] Murder rates have increased threefold in Russia since 1991, while they have decreased from 10 murders per 100,000 inhabitants to 5.5 in the United States during the same period of time. But if one takes into consideration the forms of social control of crime, these divergent trends can be viewed as simply two dimensions of negative convergence. The United States is progressively adapting a Soviet-type system of social control, characterized by a bias toward punishment, while Russia has significantly liberalized its policies with regard to the control and prevention of crime. The United States, in particular, has become the country with the highest ratio of prisoners to population. A punitive bias in the control of crime is usually associated with the Soviet Union, so it is not by coincidence that four post-Soviet countries are among the top ten most punitive in the world.[9]

Another component of the success story of the American fight against domestic crime consists in the reproduction of strategies of total surveillance and the invasion of the privacy of citizens. While in the Soviet

7. The sources of this data are: the World Values Survey website, located online at http://www.worldvaluessurvey.org; and Yuri Levada, *Entre passé et l'avenir: l'homme soviétique ordinaire: enquête* (Paris: Presses de la Fondation Nationale des Sciences Politiques, 1993), p. 112. Calculations have been made by the author.

8. The sources of this data are: the U.S. Federal Bureau of Investigation website, located online at http://www.fbi.gov; Yakov Gilinsky, *Kriminologiia* (St. Petersburg: Piter, 2002), p. 66; Ministrstvo Vnutrennih Del RF, *Prestupnost' i pravonarushenija* (Moscow, 2001), p. 62; and the Federal State Statistics Service of the Russian Federation website, located online at http:/www.gks.ru.

9. U.S. Bureau of Justice Statistics website, online at http://www.ojp.usdoj.gov/bjs/; Federal Penitentiary Service of the Russian Federation website, online at http://www.fsin. su; and Alexander Zubkov, ed., *Ugolovno-ispolnitel'noe pravo Rossii* (Moscow: Norma, 2005), p. 171. For the cross-country data on prison population ratio, see Roy Walmsley, *World Prison Population List*, 5th ed., *Findings No. 234* (London: Home Office, The Research, Development, and Statistics Directorate, 2003).

Union, total surveillance was a responsibility of an omnipresent network of undercover agents and "reliable people" working for the KGB, in the United States less labor-intensive technologies are employed for the same purpose (e.g., video surveillance cameras, interception of telephone conversations and emails, etc.).[10] Does it really matter whether one is watched closely by a neighbor or indirectly by numerous invisible technological devices?

In contrast to the United States, Russia declared a moratorium on capital punishment in September 1996. A new, less punitive penal code was adopted, and the penitentiary system was liberalized to protect the basic rights of prisoners.[11] As a result, the punitive bias declined during the 1990s in Russia. In other words, the United States partly solved the problem of high crime rates by adopting a more punitive form of social control, while Russia relaxed social control at the price of a higher crime rates.

The comparison of deviance and social control in the two countries would be incomplete without discussing the related racial and ethnic issues. On one hand, racial and ethnic divisions create tensions that, in turn, cause crime rates to rise. On the other hand, they can be embedded in mechanisms of social control that are employed to fight crime. Violent clashes between ethnic Russians and people from the Caucasus and Central Asia have recently taken the form of mass riots and pogroms, as, for example, in the city of Kondopoga in the Republic of Karelia (September 2006). Ethnic conflicts previously repressed in the Soviet Union could manifest themselves in a more liberal context.

Apparently, the surge of racial violence observed in Russia has no parallels in American society. Yet the composition of the U.S. prison population suggests that the lack of racial conflicts in overt forms can be attributed to modifications in policies of racial segregation rather than to the finding of sustainable solutions to racial problems. The number of African-Americans and Latinos behind bars is disproportionately high. As in Russia, where people from the Caucasus and Central Asia became a

10. On the role of KGB in controlling the Soviet society, see Yevgenia Albats, *The State within a State: the KGB and Its Hold on Russia: Past, Present, and Future*, trans. Catherine A. Fitzpatrick (New York: Farrar, Straus and Giroux, 1994). Recent controversies around uses and abuses of interception in the United States resulted in a growing criticism with regard to some key clauses of the USA PATRIOT Act.

11. See for a brief overview, see Anton Oleinik, *Organized Crime, Prison, and Post-Soviet Societies* (Aldershot: Ashgate, 2003), pp. 230–40.

primary target of police actions, skin color is treated as a sign of danger in the United States. This reasoning suggests that the relative success in the management of racial conflicts in the United States could be attributed to the mechanisms of social control characterized by a double bias: punitive and racial.

Negative Similarities in the Political Sphere

Additional parallels between the United States and Russia can be found in the political sphere, in the manner in which both national and foreign affairs are handled. Russia has become a textbook case for the use and abuse of political technologies as a substitute for negotiations, the search for compromise, debates, and other "old-fashioned" political activities. "To the makers of virtual democracy," writes Andrew Wilson, "politics should only exist as a series of designer projects, rather than a real pattern of representation and accountability."[12] Even opposition parties in Russia emerge as a result of such "designer projects" carried out by political technologists working for those vested in power. The repertoire of political technologies includes "black PR" campaigns, i.e., the conscious destruction of political opponents' reputations by means of provocations, the publication of compromising materials in the mass media, the staging of internal conflicts, and so on. The position of Russia in the market for political technologies is so strong that it has started to export the know-how in this field to other countries, such as Ukraine in the late 1990s (up to the period of the contested presidential elections in November 2004, when Russian political technologists worked for President Kuchma's nominee, Viktor Yanukovich).

According to Wilson, the political technologies spreading in Russia are commonly used in the United States as well, although the *scope* of abuses of political technologies differs significantly. Nevertheless, political technologies do play an increasingly important role in the United States, a country once considered a model of full-fledged democracy. (In Russia, political technologies are usually associated with the name of Vladislav Surkov, deputy chief of staff of the presidential executive office. Karl Rove, former deputy chief of staff to President George W. Bush, symbolizes them in the United States.) The decline of American community and

---

12. Andrew Wilson, *Virtual Politics: Faking Democracy in the Post-Soviet World* (New Haven, CT: Yale UP, 2005), p. 39.

the deterioration of the "associative fabric" create favorable conditions for the substitution of political technologies for political participation and representation. The 2000 and 2004 presidential elections were rich in examples of the spread of political technologies and the use of "negative campaigning": for example, the so-called "527 groups" ("Swift Boat Veterans for Truth" was just one of them) that were involved in discrediting John Kerry, the 2004 Democratic presidential nominee. However, it would be a mistake to associate abuses of political technologies in the United States exclusively with the Republican Party. The increasing use and abuse of political technologies does not seem to have a party-specific nature; today, it characterizes mainstream American politics as a whole.

Tactics aimed at disqualifying votes and voters illustrate the idea of using administrative resources to secure political office. In Russia, these tactics took more blatant forms. In the United States, specific segments of the voting population are prevented from casting ballots by reducing the number of polling stations available to them, complicating voter registration procedures, and other less obvious means of voter suppression.[13]

The punitive bias of policies intended to prevent crime probably has a parallel in the reliance on violence and military might in handling foreign affairs. The official acknowledgment, in September 2006, that the United States runs a network of secret prisons elicits a sense of déjà vu for those familiar with recent Russian history. (The U.S. president *ex post* legalized these practices by signing the Military Commissions Act on Oct. 17, 2006.) At the beginning of his tenure, in 1999, the Russian president made a very similar statement about his resolve to fight terrorists everywhere—including in the dark of Russian public toilets, literally indicating his willingness to go beyond the repertoire of legal policies and to use any available means in the war against terror.

The mutual learning that has resulted in this "punitive" bias in foreign policies has a long history since the days of the Cold War. One of the rules of the game at that time consisted in brinkmanship, or the deliberate creation of a recognizable risk of war. As Thomas Schelling describes it: "One of the functions of limited war...is to pose the deliberate risk of all-out war, in order to intimidate the enemy and to make pursuit of

---

13. See John W. Dean, "The Coming Post-Election Chaos: A Storm Warning of Things to Come If the Vote Is as Close as Expected," *FindLaw: Legal News and Commentary*, October 22, 2004, available online at http://writ.news.findlaw.com/dean/20041022.html.

his limited objectives intolerably risky to him."[14] The wars in Korea in the 1950s, in Vietnam in the 1960s, and in Afghanistan in the 1980s all exhibited characteristics of "limited war." Both sides of the Cold War engaged in brinkmanship and learned from each other how to employ this strategy more "efficiently." Yet neither of the antagonists learned how to avoid mistakes associated with using war, to borrow Clausewitz's famous expression, as "the continuation of politics with other means." Nor did they learn about the inefficiency of using military means to impose a new institutional order. Both countries are currently engaged in military operations presented as, on the one hand, the *prevention* of "a condition of affairs in which it will be too late to protect itself"[15] and, on the other hand, an attempt to establish or restore modern, secular order. Russia has been engaged since December 1994 (with a short break between May 1996 and August 1999) in a military operation in Chechnya. U.S. troops have been deployed in Afghanistan since 2001 and in Iraq since 2003. The Afghanistan case appears especially revealing: American troops arrived only twelve years after the last Soviet soldier had departed.

Negative Similarities in the Economic Sphere

Finally, common negative trends impact the economy in both countries. The classical opposition between a free-market economy, exemplified by the United States, and a centrally planned, command economy, whose ideal type was the Soviet Union, hardly held even at the time when contacts between the two economic systems were almost nonexistent. As Ronald Coase indicated in his Nobel Prize winning article, within any free-market economy there are "islands" of command economy, i.e., firms: "There is planning within our economic system . . . which is akin to what is normally called economic planning."[16] Reliance on commands in coordination of economic activities produces authoritarian tendencies in management. Concerns about these authoritarian tendencies in the management of Western corporations were first voiced in the 1970s, which raised doubts as to

14. Thomas Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard UP, 1960), p. 193.

15. In American politics, this principle is known as the Elihu Root doctrine. See chap. 7 of Gareau Frederick, *State Terrorism and the United States: From Counterinsurgency to the War on Terror* (Atlanta, GA: Clarity Press).

16. Ronald Coase, "The Nature of the Firm," in *The Firm, the Market and the Law* (Chicago, IL: Univ. of Chicago Press, 1988), p. 35.

whether the arrival of Western corporations in socialist economies could really contribute to changing the rules of the game.[17]

The opening of the Russian economy in the 1990s and the entry of numerous Western companies exposed the latter to local influences and could have strengthened negative tendencies related to non-democratic managerial styles and business ethics. Concerns with issues such as the respect for law and business ethics usually come to mind when speaking about the Russian economy. For example, more than half (53%) of the potential foreign investors in the Russian economy believe that it is extremely difficult to conduct business in Russia without compromising international legal and ethical standards. This concern acts as a major obstacle to investment in this potentially lucrative market.[18] Yet the recent corporate scandals that have undermined trust in American corporations indicate that the drift into extra-legality not only characterizes Russia, but also has a global dimension. Accounting scandals related to Enron and WorldCom in 2001 and 2002 showed that business ethics, and even the law itself, have been regarded as irrelevant by the management of some leading American companies. The logic of opportunistic behavior and the maximization of profit at the expense of legal and ethical obligations have been gaining ground both in Russia and the United States. The surge of problems connected with business ethics coincides both temporally and geographically with the intensification of economic contacts between the two countries.

Globalization via Mutual Contamination

Are these shared tendencies something more than mere similarities of appearance? It appears that globalization coincides with the spread of detrimental forms of social, political, and economic organization, which results in a constellation of common problems rather than a mutually improved world. These problems most likely result from processes at both the national and the international or global levels: while some of them are specific to a particular country, others affect any country that participates in global exchanges in their present form. It is worth highlighting the fact that negative convergence has accelerated since the start of the 1990s, i.e.,

17. For a retrospective overview of this argument, see Wladimir Andreff, *La mutation des économies postsocialistes* (Paris: l'Harmattan, 2003), pp. 70–71.

18. Foreign Investment Advisory Council, *Russia: Investment Destination* (Moscow: The PNB Company, 2005), p. 37 (a survey of 158 foreign investors).

it coincides with the intensification of global exchanges and the emergence of Russia as a full participant.

Negative convergence also took place during the Cold War. However, its presumed mechanisms were different because of minimal direct contact between the two antagonists. For instance, the mimicry and imitation of the foreign policies of the opponent hidden behind the "iron curtain" resulted from the mere fact that power elites in both countries played the same "game" with a restricted number of choices. The fact that each country possessed enough weapons to destroy the other was reflected in the structure of the Cold War "game" and suggested symmetric repertoires of choices. This mimicry and imitation was not necessarily an intended result of the policies of Soviet and American power elites. Being strongly interdependent in their foreign affairs, they had no choice but to try to predict the antagonist's further actions. Alternative strategies available to each antagonist were restricted by the same set of constraints at the global level. A "spiral of reciprocal expectations" usually makes them converge, which results in a growing similarity of the antagonists' actions. As Thomas Schelling put it: "Everyone expects everyone else to expect everyone else to expect the result; and everyone is powerless to deny it."[19]

Since the end of the Cold War, the patterns of interaction, as well as the mechanisms of "mutual contamination," have changed. Although the antagonists did not become close allies, the removal of the "iron curtain" made communication and direct exchanges between the power elites possible. The verification of the hypothesis of negative convergence requires a focus on exchanges between the power elites in different spheres as a plausible mechanism of "mutual contamination." For instance, it is documented that before World War II, when direct contacts between the Soviet Union and Germany were possible, officials of these two countries cooperated and exchanged delegations in the sphere of penitentiary policies.[20] As a result, they adapted very similar models of concentration camps.

As noted above, the level of generalized trust has declined both in Russia and the United States. The most straightforward vehicle for synchronizing the dynamics of the level of trust—i.e., immigration—has played a rather minor role. Of 375,000 Soviets who left the Soviet Union between 1968 and 1984, around 100,000 moved to the United States. Their numbers were quite insignificant as a proportion of the total American

19. Schelling, *The Strategy of Conflict*, p. 91.
20. Jacques Rossi, *Spravochnik po GULAGu* (Moscow: Prosvet, 1991), pp. 182–83.

population. In 2003, 706,000 Americans indicated that they speak Russian at home, making it only the tenth most common foreign language spoken in the United States.[21] On the other hand, the relationship between the two countries has certainly impacted the degree of trust at a deeper level. The Soviet Union was a chief enemy for Americans, and vice versa. The existence of a clear-cut enemy allows one to direct blame for everyday problems and failures in certain directions, namely, toward scapegoats and victims that "can be sacrificed."[22] Taking into consideration that trust involves the expectation of particular actions from fellow citizens when one's decisions depend on them, the radical change in the pattern of relationships between the United States and Russia would certainly have had an impact on the dynamics of generalized trust. Since the late 1980s, neither Russia nor the United States could any longer be seen as scapegoats for the everyday problems of the population in the opposing country.

In the political sphere, another set of transfer mechanisms seems to be at work. In the West, they strengthen some elements of a particular model of power that can hardly be translated into English: *samovlastie*. It means non-constrained and self-justifying power that transforms into an end-in-itself. Five characteristics can be attributed to the ideal type of *samovlastie*: (1) power becomes an end-it-itself; (2) an extremely non-reciprocal, asymmetrical relationship between the superior and the subordinate; (3) the lack of feedback loops in their relationships; (4) power does not need any external justification, but rather the mere fact of exercising power justifies it; and (5) techniques for imposing will tend to take violent forms, such as force, coercion, manipulation, or domination by a complex of interests.[23]

Why might Western political leaders be interested in imitating the model of *samovlastie*? This model puts people vested in power in a very comfortable position: they do not need to search for compromise, to find legitimate reasons for their initiatives, to deal with a strong opposition, etc. Some Western leaders may believe that in order to achieve the top-priority goals of their political agenda (e.g., in the United States, such goals include

21. The sources of this data are: James Millar, "History, method and the problem of bias," in Millar, ed., *Politics, Work, and Daily Life in the USSR: A Survey of Former Soviet Citizens* (Cambridge: Cambridge UP, 1987), p. 4 and Frankfort-Nachmias and Leon-Guerrero, *Social Statistics for a Diverse Society*, p. 99.

22. René Girard, *La violence et le sacré* (Paris: Bernard Grasset, 1972).

23. A very preliminary overview of the argument can be found in Anton Oleinik, "Putting Administrative Reform in a Broader Context of Power," *Journal of Communist Studies and Transition Politics* 24 (2008): 1–16.

the fight against terrorism and the energy crisis resulting from the soaring prices of hydrocarbons), it would be advantageous to lessen constraints and increase the room for maneuvering. Their Russian counterparts act in this highly desirable context. The problem, however, consists in the danger of transforming power from a means to achieve other ends into an end-in-itself, once the constraints placed on those invested in power are lessened.

It is not by coincidence that former leaders of Germany (Gerhard Schroeder) and Italy (Silvio Berlusconi, although he returned to the office in 2008), known for their close personal relationships with the Russian president, ended by reproducing some of his behavioral patterns and by defending the imperfections of the Russian political system. It is worth noting that both Schroeder and Berlusconi showed a strong inclination toward "office-holder entrenchment," one of the by-products of *samovlastie*. Both of them initially refused to acknowledge their defeats in the 2005 elections and to leave office. As emphasized by Yuri Pivovarov and Andrei Fursov, two Russian scholars who retrospectively studied the particularities of power in Russia, *samovlastie* produces conflicts and struggles during those periods when power is transferred from one political leader to the next. A smooth and transparent transfer of power contradicts the principles of *samovlastie*.[24] Under which conditions could Western leaders actually imitate the desired model of power? The lack of adequate institutional frameworks at the global level, combined with the increased globalization of political, social, and economic processes, creates conditions favorable for being seduced by the "discreet charm" of *samovlastie*. At the global level, political leaders face very few constraints that could put limits on their desire to learn how to increase the room for discretionary behavior.

Since the start of the 1990s, contacts between Russian and American power elites have been abundant. They took the form of technical assistance, consulting, credit agreements, exchange programs for professionals, and delegations of politicians and business people. The Russian government has been considered chiefly as a recipient of Western monetary aid (Russia became one of the world's largest borrowers, with about $123 billion in debt as of early 2003); economic policies (the program of market reforms incorporated all key elements of the so-called Washington consensus: mass privatization, macro-economic stabilization with the help of

---

24. Yuri Pivovarov and Andrei Fursov, "Pravopreemstvo i russkaya vlast'," *Politia: Vestnik fonda ROPC* 1 (Spring 1998): 68–80.

"shock therapy," liberalization of price and trade); and political institutions (whole governmental institutions were created according to Western templates). Even apparently "neutral" forms of exchanges, such as bank loans, involved learning and transfers of institutions and policies. For example, World Bank and International Monetary Fund loans badly needed by the Russian government facing a deep budget crisis were granted only on the condition that the loan applicant accepted and implemented policies deriving from the Washington consensus.[25] According to a Russian state official, the Federal Antimonopoly Service in this country was created "as a chip for the West: look, we also have a body promoting market competition. However, an oligarchic state does not need any anti-trust policies."[26]

Market institutions in Russia have been designed according to models and templates from standard textbooks in economics. In many instances reformers assisted by American advisors were expected to be "more saintly than the Pope" and to go further in implementing neoclassical economic models than in the native country of their advisors. This has resulted in an extreme liberalization, with behavioral patterns associated with the ideal type of *homo œconomicus*: utility-maximization (with the officially approved motto, "Enrich yourself") and disregard for the common good, laws, and norms. In other words, the mimicry and learning in the economic sphere has lead, in Russia, to the spread of anomie in the forms that characterized the American society at the early stages of capitalist development. Not surprisingly, the theft rate—theft is an ideal-typical crime against property driven by economic considerations—has doubled since the mid-1980s. The relative number of registered thefts peaked in 1992–93: 1,965 per 100,000 of the national population, compared with just 325 in 1985, immediately after the start of radical economic reforms.[27]

Were these contacts in the economic sphere just one-way transfers? It can be argued that Russia also played the role of a "donor" of institutional models and behavioral practices. Foreign companies operating in Russia,

25. See more on conditional loans as a mechanism for imposing some options on their recipients in John Scott, *Power* (Cambridge: Polity Press, 2001), p. 72.

26. Interview conducted in the framework of the research project "Particularities of Power in the Post-Soviet Context: Theoretical Considerations and Empirical Studies of Bureaucracy," funded by the Social Sciences and Humanities Research Council of Canada.

27. The source of the data are: Gilinsky, *Kriminologiia*, p. 66; Ministrstvo Vnutrennih Del RF, *Prestupnost' i pravonarushenija*, p. 104; and the Federal State Statistics Service of the Russian Federation website.

in order to be competitive, must adapt to local conditions and play accord-
ing to the same rules of the game as local companies (this is a common
problem of firm-transplants everywhere). A company that pays attention to
all legal requirements and business ethics finds itself in a disadvantageous
position when compared with companies that exercise more "degrees of
freedom." According to the latest Corruption Perceptions Index, released
by Transparency International in 2008, Russia has a very low score: 2.1
on a 10-point scale (where "10" corresponds to an absolutely non-cor-
rupt and transparent government), which gives it a rank of 147th out of
180 countries. (The United States' score was 7.3 in 2008, compared with
7.8 in 1995, a rank of 18th overall.)[28] It is hardly surprising, then, that
according to the above quoted survey of foreign investors in Russia, those
who have had the experience of working on the Russian market pay much
less attention to the difficulties of meeting international legal and ethical
standards.

As of January 2006, the American Chamber of Commerce in Russia
advocates for the business interests of over 800 medium and large compa-
nies.[29] The experience of transplants—i.e., businesses operating on foreign
soil—suggests that they cannot successfully apply "native" managerial
strategies unless they form clusters and interact with similarly minded
businesses. For instance, the Japanese transplants in the United King-
dom and the United States were able not only to preserve their particular
management style (sometimes called "Toyotism"), but also to "convert"
some American and British subcontractors to their business philosophy.[30]
In contrast, some American companies in Russia are spread out over vast
geographical territories, due in part to their interest in mining and oil and
gas extraction (Chevron, ConocoPhilips, ExxonMobil, and Marathon all
invest in Russia).

Another potential vehicle for transmitting business patterns from Rus-
sia to the United States consists in the increasing expansion of Russian
companies into American markets. This trend has been observed since the
end of the 1990s. Its first effects can be seen in a series of investigations
into corruption schemes in which some Russian transplants in the United

28. The 2008 Corruption Perceptions Index, available online at the Transparency
International website, http://www.transparency.org/policy_research/surveys_indices/cpi.
29. The source of the data is the American Chamber of Commerce in Russia, *Annual
Membership Directory 2006* (Moscow, 2006).
30. Robert Boyer and André Orléan, "How Do Conventions Evolve?" *Evolutionary
Economics* 2 (1992): 165–77.

States have been engaged (for example, the 2006 FBI investigation of the Pennsylvania Congressman Curt Weldon for suspicious connections to the Russian energy company Itera).

In addition, there are structural changes in Western economies initiated by Russian economic policies. The control of the Russian government over the world's largest gas monopoly, Gazprom, and the use of gas supplies as leverage in international relations[31] has increased the willingness of Western power elites, especially in Western Europe, to create counter-monopolies. These counter-monopolies in turn contribute to reproducing the "Russian" pattern of relationships between state and business. "'Pure' economic monopolies are logically possible, but seem rare and unstable," observes Amitai Etzioni, while "monopolies based on political and economic power are common and stable."[32]

Conclusion: The End of History?

Globalization in its present form leaves its participants without commonly accepted principles and rules. As a result, power elites in Russia and the West behave like inhabitants of Russian *kommunalkas*: they try to cheat and "outwit the crowd" (i.e., the international community) by learning from "beloved" neighbors the strategies that "work." From this perspective, power elites in Russia look rather competitive. They are not only adapting elements of the Western institutional system compatible with their hold on political, economic, or social power; they have also been progressively transferring their own behavioral patterns and policies to their Western counterparts. During the Cold War, negative learning by Western power elites mostly concerned foreign affairs (yet the competition in this sphere undoubtedly influenced processes in other areas). Since the start of 1990s, the scope of negative learning has significantly increased as a result of the intensification of direct economic and political contacts. Mechanisms of negative learning and imitation might vary from one sphere to the other, but they maintain common characteristics exacerbated by the growing interdependence that results from globalization.

31. As in 2005, when gas supplies to Ukraine were cut off following an unsuccessful attempt by Gazprom to significantly increase tariffs on short notice. Many observers interpreted the conflict by putting it into the context of political tensions between Russia and Ukraine after the 2004 presidential elections in the latter country.

32. Amitai Etzioni, *The Moral Dimension: Toward a New Economics* (New York: The Free Press, 1988), p. 227.

The proposed outlook could produce two types of misinterpretation. First, Russia and the United States have not yet fully converged. This is a potentially long and multi-stage process, and the two countries move toward the point of negative convergence from different starting positions and at different paces. Civil society has never been strong in Russia, whereas it produced a "skeleton" of democratic institutions in America. Institutions inherited from the past, such as the free press or "good" laws (i.e., those resulting from a sustainable political compromise), make a difference; they significantly reduce the speed of negative convergence. As Francis Fukuyama observes: "The United States today presents a contradictory picture of a society living off a great fund of previously accumulated social capital that gives a rich and dynamic associational life, while at the same time manifesting extremes of distrust and asocial individualism that tend to isolate and atomize its members."[33] For example, the free press and the institution of parliamentary investigations in the United States greatly contributed to making the existence of secret prisons public. In Russia, such "explosive" topics have far fewer opportunities to enter the public domain.

Second, this analysis should not be read as an invitation to re-erect the "iron curtain" between the countries. There is no returning to the complete isolation of either country. Instead, these arguments invite the reader to acknowledge the existence of a growing set of common problems. Solutions to these problems—because of their mere nature—can be found only by common efforts. The existing institutions need rebuilding and redesigning, and an extra layer at the global level ought to appear. In spite of Fukuyama's claim that, since the end of the Cold War, the former antagonists have positively converged toward Western liberal democracy and a free market, we are far from the end of history—not just in Russia, but in the West, too.[34]

33. Francis Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity* (New York: The Free Press, 1995), p. 51.
34. Francis Fukuyama, *The End of History and the Last Man* (New York: The Free Press, 1992).

The Unfinished Story
of Central European Dissidence

Joseph Grim Feinberg

Every year the deeds of Central European dissidents fade further away from living memory. In the rip-roaring power plays that followed 1989, new regimes trumpeted the myth of heroic anti-socialists who sacrificed their well-being for the sake of "democratic" capitalism. Since there was obviously nothing heroic about the deeds of the new elites—privatizing into their own pockets, giving the rest of public property to foreign firms, throwing workers out of work and the unemployed onto the streets, and so on—it was important to remind the public that this was all the endpoint of a grand struggle whose righteousness few could deny. At the same time, the old dissidents themselves were cast aside as the new businessmen and politicians spoke in their name. After all (so the story went), the dissidents had accomplished their goal. It was time they started living happily ever after. Dissent was a thing of the past, the fairy tale was over. It was time to grow up, buy a store, get married, and get rich—time to settle down.

Maybe it is time to start telling a new story.

I. Marxist Humanism and the Beginnings
of Central European Dissidence

> Dialectics is after the "thing itself." But the "thing itself" is no ordinary thing; actually it is not a thing at all. The "thing itself" that philosophy deals with is man and his place in the universe or, in different words: it is the totality of the world uncovered in history by man, and man existing in the totality of the world.
>
> Karel Kosík, *Dialectics of the Concrete* (1963)[1]

1. Karel Kosík, *Dialectics of the Concrete*, trans. Karel Kovanda with James Schmidt (Dordrecht: Reidel, 1976), pp. 152–53.

> [The revolution] runs the risk that its notion of a "new man"
> will either fade like a crazy utopia or will be established like
> a true historical irony that changes all, but in the direction of
> its opposite. In this event only the deformation of man would
> remain of the noble intention to transform man.
>
> Karel Kosík, "Our Current Crisis" (1968)[2]

Before Khrushchev's denunciation of Stalin in 1956, opposition had existed in the Soviet Bloc, but it was scattered and unclearly articulated. In 1956, however, it became clear that the Communist Parties were looking for new ideas to accompany their change in political course. Party leaders began to develop a discourse of "reform" in the hopes of stabilizing and rationalizing the system by making it more flexible. Lower in the ranks of society, and especially after the short-lived 1956 revolution in Hungary, more fully oppositional ideas began to appear. A new generation of intellectuals began to criticize their societies for failing to realize the promise of socialism. Their critiques were damning and their proposals for change were often radical. But they were, for the most part, a loyal opposition. Many of them came from within the Communist Party itself, and they directed their words primarily at the Party leadership, which they hoped would change society from above.

The early oppositionists' strength came from what was also their greatest weakness: they took seriously the ruling parties' claims to be "building socialism." Anti-communists simply rejected the desirability of socialism, while most party leaders regarded socialist ideals as little more than window dressing for the efficient establishment of bureaucratic industrial society. But the new oppositionists pointed to the discrepancy between Communist ideals and reality, and they demanded that the reality be brought in line with the ideals. At this historical moment, this oppositional perspective fit well with the official policy of the ruling elites: the elites also admitted that their society faced serious problems, which it was their post-Stalinist duty to resolve; and they had to say publicly that socialism was their goal. As long as the oppositionists did not take their critiques too far, they were granted considerable freedom to develop their ideas.

The historical limitations on this opposition should not lead us to downplay its accomplishments. Oppositionists from Central and Southeastern

---

2. Karel Kosík, "Our Current Crisis," in *The Crisis of Modernity*, trans. Julianne Clarke and James Satterwhite (London: Rowman & Littlefield, 1995), p. 35.

Europe arguably contributed more than anyone else in the world to the revival of interest in the humanist side of Marxism. The Ukrainian-American philosopher Raya Dunayevskaya even went so far as to say that the 1956 Hungarian Revolution "pried" the early essays of Marx from the archives. Against the alienation of Soviet Bloc society, the new oppositionists revived the young Marx's vision of a world where work was as fulfilling as art, where social relations took place between people and not commodities, and where the exploitation of nature and men had been overcome. In Hungary the students of György Lukács developed Marxian approaches to such innovative topics (for Marxism) as justice, emotion, and everyday life, relating them to the particular structures of capital and Soviet-type society. Czech philosophers like Ivan Sviták and Karel Kosík combined humanist Marxism with a kind of existentialist phenomenology, attempting to understand the new ways of being and doing that could be realized in an authentic socialist society. Yugoslav humanists in what became known as the *Praxis* Group discussed the reality and potential of worker self-management, which had become the official policy of their country. Throughout the region debates raged about how society could transform the subjective experience of man and how radical subjectivity could transform society.

This marked an important departure from orthodox dialectical materialism. The progression of history no longer appeared as a primarily external and "objective" force to be studied "scientifically," but as a product of people who make history themselves. The function of Marxism was therefore not merely to understand the "material" economic factors that determined the social and ideological superstructure but also to understand the complex forms of mediation between all different ideas and practices within a particular social formation. And the Party and State could no longer stand in for a faceless working class: socialism was not the nationalization of the economy but the much more radical overcoming of alienation for all.

Marxist humanism grew in influence throughout the late 1950s and into the 1960s. It became the leading ideology of the reform movement that reached its apex in the Prague Spring's "socialism with a human face." But when Soviet tanks left that face disfigured beyond recognition, Marxist humanism fell hard and fast from its heights. Throughout the region its leading proponents were marginalized or exiled. And their earlier hopes for social change from above seemed increasingly naïve.

No idea by itself can stop a tank in its tracks, but neither can tanks alone silence an idea. It is worth considering, then, why Marxist humanism so poorly weathered the storm of Soviet invasion. The most obvious factor was humanism's connection to the factions of reformers within ruling parties. Since humanism focused its critical energy on the discrepancy between the ideals and reality of existing socialism, it never developed an extensive critique of Soviet-type society as a new social form that should be engaged in new ways. The actual form of Soviet-type society appeared as an aberration, not as a stable system with its own coherent logic of operation. It appeared as a deformed socialism, and critique of it primarily took the form of a moral discourse about what socialism ought to be. From this perspective, it was possible to hope that those at the top would recognize this morality and fix the system's deformities. When those factions that seemed to lean in this direction fell from grace, humanism fell with them.

In spite of its emphasis on human self-activity, Central European Marxist humanism still generally looked at humans through the eyes of the Party.[3] In this sense we could say that it was not humanist enough. Humanism did not begin by looking at the diverse forms of human activity and collectivity; it looked first at the society that oppressed it, and it derived a conception of "man" as the generalized negation of that society. This "man"—even when represented by "the working class"—was first and foremost a unified whole made up of individuals who were also unified wholes and essentially equivalent to one another. Human self-activity became more a concept of philosophical longing than a basis for social and political engagement. Democracy, likewise, appeared to humanists primarily as a philosophical ideal to be realized in an ideal socialist society. It did not feature as a fundamentally social form that might be the basis for realizing socialism to begin with. From this perspective, it was reasonable for humanists to support whatever social force seemed at the moment most capable of bringing about the society they desired. If democratic social forces appeared to lead the struggle for change—as in Hungary in 1956, Czechoslovakia in 1968, or in the self-managed enterprises of

---

3. Jacek Kuroń and Karol Modzelewski's *Open Letter to the Party* might be considered an exception that proves the rule (*Solidarność: The Missing Link?* [London: Bookmarks, 1982]). In it, the authors openly call for revolution, declaring that the system cannot be reformed. Yet they themselves remained members of the ruling Party of Poland until they were expelled after publishing the *Letter*.

Yugoslavia—the humanists supported them. But if change seemed most likely from above, they would direct their appeals to those above.

The Soviet invasion in 1968 liberated most oppositionists from their illusions about change from above. But the humanists failed to recreate humanism as a philosophy of change from below. Some, like Kosík in "Our Current Crisis," had begun to move in this direction, but the effort came too late. After 1968, the crisis was more powerful than its critics. The task of changing Soviet Bloc society was left to a new generation, which soon earned the epithet of "dissidents."

II. "Civil Society" and the Heroic Years

> Suggesting something better and putting it into practice is a politician's job, and I've never been a politician nor wanted to be one.
>
> Václav Havel, *Disturbing the Peace* (1985–86)[4]

In Czechoslovakia, it was Charter 77 (in 1977) that helped reconstitute an opposition to the social order after the years of disillusion and disorientation following 1968. In the rest of Central Europe this transition took place with similar timing, even if the moments of rupture were less stark. The Marxist humanism that had characterized the opposition of the pre-1968 era was being replaced by a new approach emphasizing "morality," "democracy," and "civil society."

The differences between the old and the new approach could be overstated. The new oppositionists remained essentially humanist, reiterating many of their predecessors' visions of meaningful, non-alienated life, and also retaining the theoretical precedence given by humanists to abstract "man" over the concrete and variegated groups of actually existing people. But their existential utopianism took root in a context that had changed significantly, both conceptually and socially.

The new oppositionists' most consequential innovation was to take seriously the post-1968 idea that society could not sufficiently reform itself from above. Instead of urging their leaders to fix society's deformities, they called for autonomous activity toward change from below. Once they had separated themselves from the dominant structures of power, they were also in a better position to analyze those structures as

4. Václav Havel, *Disturbing the Peace: A Conversation with Karel Hvížďala*, trans. Paul Wilson (New York: Knopf, 1990), p. 8.

a stable social system with its own inherent logic, a system that could not be simply reformed but must be transformed through and through. These new "dissidents" produced in *samizdat* what remain today the most thorough analyses of Soviet-type society as a fundamentally new social form. Among the many works that stand out are Jadwiga Staniszkis's *Ontology of Socialism*, Iván Szelényi and György Konrád's *Intellectuals on the Road to Class Power*, and *The Dictatorship over Needs* by György Márkus, Agnes Heller, and Ferenc Fehér. One of the insights reached in many of these analyses was that in Soviet-type society, politics were not primarily a function of economic interest, as they might be in capitalist society. Instead, purely political considerations might influence the ruling Party's decisions more than economic factors, since the political state effectively controlled the economy, rather than being controlled by it.

The significance of the primacy of the political was not only that governments might sacrifice economic efficiency in order to hold onto power. It also meant that struggles on the plane of politics might be as effective in changing the system as economic struggles. The dissidents, then, could feel justified in elaborating theories of democracy while generally ignoring questions of economic organization. This seemed all the more radical since it contradicted the ruling parties' justification for holding onto power, which was based on their nationalization of the economy and relatively successful economic planning, and on their official insistence that political issues would resolve themselves as soon as the economic base had sufficiently developed. It was in this context that Central European dissidents revived the old concept of "civil society"—soon to become all the rage in political theory throughout the world—as the space where democratic politics could be rebuilt independently from the state.

This newfound emphasis on the political was an important development, helping to develop an approach based on autonomous human activity not predetermined by the weight of the economy or the state. It drew attention to questions that had been too often marginalized in Marxism, relating for example to ethics, community, hierarchy, and power. But in moving away from economics, the dissidents also moved away from social factors more generally, largely emptying their political approach of its force for social critique. Already the Marxist humanists had de-socialized their conception of the world when they placed an abstract "man" above concrete people in the center of their theories. The dissidents completed this movement by divorcing the political from the economic and overlooking

the social as a factor underlying them both. If the political became primary in Soviet-type societies, this was because these societies took on specific *social* forms, just as the primacy of the economic in capitalism can be explained by the specific social form of capital, and just as a freer future society could only be "free" by reorganizing itself socially.

When the dissidents recognized the existence of social questions at all, they usually avoided addressing them, insisting that they advocated no specific forms of social organization and that people should decide for themselves how to organize their society. So Havel wrote, characteristically:

> ...the central concern of political thought is no longer abstract visions of a self-redeeming, "positive" model...but rather the people who have so far merely been enslaved by those models and their practices. Every society, of course, requires some degree of organization. Yet if that organization is to serve people, and not the other way around, then people will have to be liberated and space created so that they may organize themselves in meaningful ways. The depravity of the opposite approach, in which people are first organized in one way or another...so that they can allegedly be liberated, is something we have known on our skins only too well.[5]

It was an understandable response to a regime that insisted on organizing everything for people under it; but the response might have been more powerful if the dissidents had looked more closely at what it means for people to decide for themselves. There can be no pre-social "people" who *then* organize society. People always act within particular social forms—councils, parliaments, corporations, etc.—and some social forms are better than others at enabling people to decide for themselves how to reorganize social life. Avoiding the question only made it likely that someone else would decide this original social form without asking the people at all.

Most of the time, the dissidents conceived of their new society in strictly moral, aesthetic, and existential terms, with politics amounting to the freedom of individuals to act responsibly and autonomously as formal equals. If social relations were involved, they were direct personal relations, not social structures. "Civil society" became an amorphous sphere where all good things came to live, and it seemed that the only fundamental

---

5. Václav Havel, "The Power of the Powerless," trans. Paul Wilson, in *Open Letters*, ed. Paul Wilson (New York: Knopf, 1991), p. 181.

political task was to free society from the Communist-ruled state. All else would necessarily follow. In 1985–86, an interviewer would have to prod Havel five times before the future president would agree to describe the social structures he envisioned for a better society. His "personal utopia," he finally admitted, would involve a big "plurality of modes of ownership and economic decision-making: from private…through various types of cooperative and shareholding ventures, through collective ownership (together with self-government), all the way to state ownership."[6] Havel, like most dissidents in the region, did express his preference for political and economic self-management of various forms. But as with the Marxist humanists, self-management remained for the dissidents primarily an ethical rather than organizational principle.

In some sense it could be said that the dissidents expanded the scope of politics. By rejecting the politics of the parties and states, they made it possible to engage politically with all parts of life. At the same time, they dealt with these parts of life in a very limited way. Civil society gained its emancipatory value from the fact that it remained independent from the state; but the only kind of politics it was good at discussing were either personal morality, aesthetic rebellion, or state-oriented politics. Civil society was supposed to encompass what Václav Benda called an entire "parallel *polis*,"[7] with its own society, art, economy, and everything else. But the particular social structure of this *polis*, which might have been democratic or undemocratic, was left unexamined. In the dissidents' many calls to create a "democratic civil society," it remained unclear exactly *what* there would be in civil society to democratize, other than a mystical notion of democracy itself.

It would seem that dissidents welded together two opposite kinds of political theory: first, the liberal orientation to democratizing a specific *political* sphere, securing equal political rights for all citizens while treating all other matters as purely private; and second, the anarchist orientation to democratizing *everything but the political*, seeing the sphere of politics as a sham that we are better off ignoring. These two orientations existed side by side in most dissident thought, but no major dissident theory ever effectively reconciled them. Until 1989, it was the anarchist side of the

6. Havel, *Disturbing the Peace*, p. 16.
7. Vácav Benda, "Parallel Polis," in H. Gordon Skilling and Paul Wilson, eds., *Civic Freedom in Central Europe: Voices from Czechoslovakia* (New York: St. Martin's Press, 1991).

equation that played the more crucial role in organizing the movement against state authority; in the upheavals of 1989, the anarchist orientation unceremoniously disappeared and liberalism took over, enabling former dissidents to claim without blatant (but with much latent) hypocrisy that they were continuing dissident traditions while undermining precisely the traditions that had been most important in the preceding years.

The concept of "civil society" seemed to offer the best of both worlds to the dissidents: it was simultaneously anti-political and ultra-political. It was non-state and avoided giving any illusions that the current state might be used for significant social change. But it was also a concept closely related to state politics—a fact of which the etymological similarity of "political" and "civil" should remind us, derived as the words are respectively from the Greek *polis* ("city-state") and the Latin *civitas* ("city/commonwealth"). The conceptual trick might lie in the fact that while "civil society" is inherently incompatible with the totalizing Soviet-type states of Central Europe, it is quite compatible with the liberal states of market capitalism, states that function precisely by creating a specific social sphere in which citizens are entitled to influence state activity from the outside, on the condition that they renounce their right to engage in politics beyond this specific sphere. This bourgeois public sphere (as Habermas called it[8]) is socially constituted as separate from the bourgeois state, but it must misrecognize its own social character (presenting itself as universal and infinitely pluralistic), and it must continually orient itself toward the very state from which it claims autonomy.

By taking the social out of their conception of politics, the dissidents also undermined their ability to struggle for change "from below"—from their perspective it was very difficult to say where "below" was in society, except simply that it was outside of the state. They placed no particular emphasis on the self-organization of large numbers of people, whether identified as "the working class," "the people," or anything else. The more crucial people for them were those who "spoke truth to power"—in other words, the dissidents themselves. In 1984, Havel wrote: "[A] single seemingly powerless person who dares to cry out the word of truth and to stand behind it with all his or her person and life, has, surprisingly, greater power, though formally disenfranchised, than do thousands of anonymous

---

8. Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger with Frederick Lawrence (Cambridge, MA: MIT Press, 1989).

voters."[9] This was of course true in most Soviet-type societies, and also in most capitalist societies, where anonymous voting accomplishes very little. But Havel seemed to state the fact with more pride than lament, and he seemed to take it for granted that speaking truth to power would be the task of a few special people rather than a mass movement. While dissidents were glad when ordinary people sometimes joined them in speaking truth to power, they also had a tendency to bemoan the moral complicity of the masses for tacitly upholding the power of the regime. We can see here the beginnings of an elitism that after 1989 would come into full force.

The former Hungarian dissident Szelényi (writing with Gil Eyal and Eleanor Townsley) later offered a harsh reflection on this past:

> We can hardly think of any concept in modern philosophy which is less self-reflexive than this dissident concept of "civil society"…instead of envisioning a community of real individuals with conflicting interests, they viewed their community as a "community of saints"—that is, of dissident intellectuals. This community was understood to possess a peculiar spiritual power by virtue of the example it set for the rest of society of how to live a moral, authentic life. The moral force of this example was underlined, in the eyes of dissidents, by the fact that they *sacrificed*—or, at least, were willing to sacrifice—all they had in the name of truth and morality. It was this moral authority which, dissidents believed, possessed the power to transform society into a community of responsible, moral individuals.[10]

In this respect (if not in others) the community of dissidents, holding special access to truth, with their virtue proven in revolutionary self-sacrifice, bore a striking resemblance to the vanguard party of Lenin's *What is to be Done?*

The dissidents' aristocratizing tendencies should not make us forget, however, that for the most part they continued throughout the 1980s to express their ideal of a decentralized, non-alienated society controlled by ordinary people and brought about from below. Only rarely did they reject the ideals of socialism or speak positively about capitalism, although they preferred not to mention either. It was typical for someone like Havel

---

9. Iván Szelényi, "Anti-Political Politics, " in John Keane, ed., *Civil Society and the State: New European Perspectives* (London: Verso, 1988), p. 397.

10. Gil Eyal, Iván Szelényi, and Eleanor Townsley, *Making Capitalism without Capitalists: The New Ruling Elites in Eastern Europe* (London: Verso, 1998), p. 92.

to comment, at the end of *The Power of the Powerless*: "[A]s far as the economic life of society goes, I believe in the *principle of self-management*, which is probably the only way of achieving what all the theorists of socialism have dreamed about, that is, the genuine (i.e. informal) participation of workers in economic decision-making, leading to a feeling of genuine responsibility for their collective work."[11] Nonetheless, when 1989 seemed to bring the long-awaited moment of existential revolution, with the dissidents apparently at its head, the new world that emerged looked very unlike the "civil society" that the dissidents had so lovingly described. Alienation, immorality, and the powerlessness of the powerless only seemed to increase. And yet the dissidents gave in to the order with astonishingly few murmurs of protest.

III. Revolution and the Downfall of Dissidence

> It's spring, and in the cell winds blow,
> To happiness, goodbye, farewell,
> The trees are full of sap, and someone else
> Reaps what we have sown, what we have sown.
> > Czech political folk singer Karel Kryl, "Velvet Spring" (1990)[12]

> If by some miracle my good friend Václav Havel were to become General Secretary of the Central Committee of the Communist Party, I would immediately become his toughest opponent.
> > Václav Benda, commentary on "The Parallel Polis" (1986 or 1987)[13]

Rarely has a revolution been so apparently successful and so utterly a failure as the Central-Eastern European revolution of 1989. Powerful states that had seemed invincible suddenly withered away. In one instant, everything had seemed predetermined; in the next, anything was possible. The world of dissidents' dreams peered out over the horizon. "Democratic civil society" seemed ready to replace the inauthentic State. Men and women

---

11. Havel, "Power of the Powerless," p. 211 (emphasis is in the Czech original, though not maintained in the English translation).

12. My translation of "Sametové jaro": "Je jaro, větry vanou od jihu do cely, / Sbohem či nashledanou, obecné veselí, / Jsou stromy plné mízy a někdo jiný sklízí / To, co jsme zaseli, to, co jsme zaseli."

13. Untitled commentary on "The Parallel *Polis*," in Skilling and Wilson, *Civic Freedom in Central Europe*, p. 55.

would live together in equality and freedom; communities would be tied together by shared ethics and civic responsibility; people would replace politicians and bureaucracies in managing their lives. It seemed simple. The State was gone, and only good things could follow.

As the days went by, it became tragically clear that none of this would come true. Under the weight of social forces more powerful than the dissidents' moral imagination, new hierarchies replaced the old; competition replaced community, and price hikes plus unemployment plunged people into poverty; private bureaucracies merely replaced public ones as social life was privatized into the bank accounts of foreign capitalists and home-grown oligarchs; and the dissidents' dreams of a direct, participatory, "anti-political politics" evaporated in the heat of ordinary and corrupt politicking, often spearheaded by former anti-politicians themselves.

In his 1978 *Power of the Powerless*, Havel had made it clear that the crucial global problem was not communism but "technological civilization." In 1984 Havel reiterated that "[n]o error could be greater than…that of a failure to understand the totalitarian systems for what they ultimately are: a convex mirror of all modern civilization and a harsh, perhaps final call for a global recasting of that civilization's self-understanding.…It really is not all that important whether, by accident of domicile, we confront a Western manager or an Eastern bureaucrat."[14] This perspective was not universal, and different dissidents made their personal transitions to capitalism at different moments in the 1980s and early 90s. But it was typical that as late as 1990 Jana Petrová, later a spokesperson for the ultra-capitalist prime minister Václav Klaus, would say, "When the West found out we overthrew the communists, they thought we'd embrace the American system. But we want neither Communism, nor American Capitalism, but a third way.…When the West finally understands, it will be surprised and perhaps inspired by us."[15] It turns out that the West, or at least Western capital, was indeed inspired: by how zealously the new rulers of the East pursued the ideals of neoliberal depredation, but not by any special social or political innovations they might have introduced. The concepts

14. Szelényi, "Anti-Political Politics," pp. 389, 392. We can find similar statements in Havel, *Disturbing the Peace*, pp 14–15: "[I]t's important that people not be a herd, manipulated and standardized by the choice of consumer goods and consumer television culture, whether this culture is offered by three giant competing capitalist networks or a single giant noncompetitive socialist network."

15. Quoted in Stephen B. Cohen, "Czeching Murdoch," *The Nation*, March 12, 1990, p. 333.

of "morality," "democracy," and "civil society" were emptied of almost all critical content, much like "the working class" and "socialism" of earlier years, becoming little more than tools of ideological legitimation.

It would be ridiculous to place full responsibility on the dissidents for creating this disappointing new world. But we can ask how they allowed it to be created and in many cases actively partook in its creation. It is possible that defeat would have been inevitable even for a persistent dissident movement that upheld (for example) Havel's principles against "Western managers" as well "Eastern bureaucrats." But we can ask why so little concerted effort was even made in this direction. Almost everyone recognized how different the new reality was from what had been hoped. But most dissidents limited themselves to one of two reactions: Some concluded that their original hopes had been wrong, and they began to embrace capitalism with vigor. Others remained disappointed (like Karel Kryl, quoted above, and like many activists in Poland's Solidarity) but blamed the new social ills primarily on personal ethics, believing for example that people had not yet fully internalized a new civic morality, or that too many former Communists were corrupting the new political process. Only a few honorable exceptions, like the late Czech philosopher-poet Egon Bondy, were able to articulate what was readily recognized by people outside the dissident elites: that precisely the new capitalist policies were responsible for the post-Communist malaise. President Havel meanwhile had the presumption to act as the "conscience" of his nation[16] while at the same time using his political power and moral authority to promote his nation's pillaging.

There is no doubt that many dissidents saw the possibility for personal gain in the new social order, and we could attribute their betrayal of dissident ideals to personal ambitions. But this would not explain why what happened was so overwhelming a social phenomenon. We might go further by recognizing (after the arguments of Szelényi et al. in *Making Capitalism without Capitalists*) that intellectuals as a group had an interest in installing capitalism in Central Europe, in which case they might have sincerely believed their non-capitalist ideology even while it served their incipient capitalist class interests. But it is also true that intellectuals would have had an interest in creating an existential utopia like the kind they had envisioned. Dissident intellectuals had multiple and contradictory class

16. For example, in the first chapter of Havel's *Summer Meditations*, trans. Paul Wilson (New York: Knopf, 1992), esp. p. 20.

interests, and to understand why they moved in one direction but not the other, we must look at their movement more broadly.

A major factor was the failure of dissidents to build social movements extending beyond their elite intellectual circles. With few exceptions (like Poland's Solidarity's in the early 1980s, before its suppression under martial law), the dissidents benefited neither from the active support of large movements in their struggles against powerful external forces, nor from the pressure that such movements might have exerted on the dissidents' own ideas. It of course would have been difficult to create such movements in the prevailing social conditions, but the dissidents' aristocratic predilections certainly did not help (convinced as they were of their own morality relative to the complicity of the masses in the system). The masses of people who poured onto streets in 1989 never established strong, independent movements, instead quickly fading from view as intellectual elites coalesced in new political parties and "civic initiatives" to take over the reins of the state. It would have been more consistent with dissident theory to refuse such state power in favor of decentralized and generalized democracy, but in the absence of strong social movements, nothing else seemed viable. When global forces converged from both East and West to push Central Europe toward free-market capitalism, the former dissident elites were easily swayed. Ordinary people retained little power to support any dissident moves that might have opposed the institutional forces at the top. And since the dissidents did little concretely to help ordinary people, the chances of such movements emerging rapidly decreased. After all, only in very exceptional circumstances are non-elites captivated by the purely procedural issues of liberal democracy that were the velvet revolutionaries' single major achievement. People who remain outside the heights of power very quickly recognize that empty procedures and civil rights are just that: the "right" to engage in emptiness.

Participation in broad-based social movements might also have helped dissidents make up for what was possibly their most serious limitation: their persistent avoidance of the social aspects of the change that they hoped to bring about. After 1989, it was at the level of the social that the most radical changes were taking place: the extension of hierarchical control over a privatizing world and the spread of commodity exchange throughout life. At the level of the strictly political, the dissidents could honestly see an extension of power away from Party elites and to electoral masses. At the level of personal morality, hypocrisy grew increasingly subtle and hidden.

Aesthetically, formal censorship did decrease, while market censorship was harder to recognize. But with their eyes and hearts turned away from the social, the dissidents were wholly unprepared to mount serious opposition to what they had for years considered to be of secondary importance. Like the bourgeois revolutionaries of the nineteenth century, who were genuinely surprised to see their political revolutions lead to a worsening of poverty and to continued disenfranchisement for the masses, they were dazzled and immobilized by the headlights of capital.

But soon this ambivalent impotence gave way to a new phase of post-dissident politics. A new generation of self-confident elites, harking back to dissident traditions but emphasizing only the most elitist of dissident principles, would come to the fore.

IV. Democracy without Demos? Toward a New Dissidence

> Democracy is flourishing, without us—and pragmatically:
> We complain as we always have, in the tavern over beer.
> Karel Kryl's last song, "Democracy" (1993)[17]

Very few former dissidents remained prominent for long after 1989. Anti-political politicians like Havel were exceptional, while most of the dissidents quickly lost out in the new games of power politics or simply lost interest in politics altogether. This was partly due to the amorality of the new system, which favored those capable of making pragmatic deals over those who maintained grand ideals for the future. But it probably also had to do with the dissidents' own moralism and blithe disregard for the too-commonplace issues that most concerned ordinary people. It seems that people have more affection for a moralist in jail than for one possessing power and wealth, whose every action makes him risk appearing as the lowest kind of hypocrite. If people had no great love for the new politicians, neither did they express great sadness at the disappearance of dissidents from public view.

Nonetheless, new regimes throughout the region felt compelled to identify themselves with the dissident legacy in order to prove their post-revolutionary legitimacy. This was truer for the "liberal" and "conservative" parties than for the oligarchic populists and renamed Communist parties that have won many post-1989 elections. But no major party in Central

---

17. My translation of "Demokracie": "Demokracie prospívá, bez nás—a prag-matický: / brbláme spolu u píva, jak brblali jsme vždycy."

Europe has been able to escape a newly dominant discourse that portrays the new regimes as essentially continuous with old dissident struggles. It is interesting, then, to note how that discourse changed in its journey from anarchistic utopianism to neoliberalism.

Post-dissident ideology has maintained almost none of the old dissident longing for existential revolution and self-governing, non-alienated, anti-technological community. Instead it has embraced technical rationality and made the Market into its highest faith. Where the old dissidents spoke of "economic pluralism" with a general preference for small businesses and worker self-management, the new ideologues are never prouder than when they attract multinational conglomerates to employ their fellow countrymen. The new ideology does maintain a general emphasis on cosmopolitanism, racial tolerance, and equal legal rights for all; but all egalitarianism is threatened by the internal contradictions of the new regimes. The new ideologues also maintain and expand the dissidents' incipient elitism, no longer "speaking truth to power" but claiming power by right of their special access to truth. Finally, the most important feature maintained from the old ideology is also its most contradictory: "democracy."

The post-1989 neoliberals accomplished the remarkable feat of convincing the public to identify them, above all, as "democrats." While everyone across the political spectrum was calling for democracy, only the neoliberals were referred to regularly as "the democrats." After all, didn't they wear the mantle of those who fought against undemocratic communism? And weren't they most responsible for creating a new system that protected freedom of expression, freedom of assembly, and the right of every citizen to vote?

Nonetheless, one could soon discern that precisely the "democrats" were those least satisfied with democracy. As their radical economic reforms lost popular support, they began to complain that ordinary people were not qualified to make decisions of vital economic and administrative importance. They called it "populism" or "demagoguery" when politicians "told people what they wanted to hear" and implemented only policies that proved popular. The "democrats" were not so "irresponsible" as to fear doing what was "necessary" simply because the people didn't want it. Using the mass media that they dominated, they put enormous effort into convincing the public to renounce its right to judge: complicated issues, they said, should be left to experts. The "democrats" seemed to wish that the *demos*—the people—would disappear.

A technocratic ideology was beginning to emerge, even more radical than that of any Soviet-era planners. But for all this, the new regime still depended on "democracy" for legitimation. Democracy, then, had to be transformed into a purely formal affair in which voters would choose freely from among multiple parties, none of which had the power to change the course of the nation's progress. Any government so elected could then claim legitimacy even if every one of its actions was opposed by its electors. Once it was in power, it could obey a higher power than the people who elected it. This was the neoliberal ideal: perfectly free democracy over nothing that matters and market-oriented technocracy over everything that does.

This perfectly free democracy, of course, is only free if we limit our view of democracy to the moment of voting. The individual is completely free to check any box on the ballot. But everything that happens before and after that moment undermines this freedom. Before the elections, money buys successful campaigns; afterward, it buys successful politicians. And even in the election booth, a vote might be "free" of coercion but is also free from any kind of collectivity. The individual is alienated from all other individuals. In the election booth, the ritual center of liberal "democracy," the *demos* has disappeared. The "end of history" proclaimed by Francis Fukuyama means the end of a world that is made and re-made by the people. At the end of history nothing important can change and the market mediates all things. We are perhaps closer than ever to the ideal of the old technocratic socialist Saint-Simon: a society that has moved "from the government of people to the administration of things."

The neoliberal regime has found a powerful formula for maintaining stability even while acting autonomously from the people. But it is also a dangerous formula because it strips these regimes of the primary means of popular legitimation employed by parliamentary republics since the late eighteenth century: the claim to embody the will of "the people." The neoliberal "democrats" have rejected the *demos*, but they have found nothing to replace it.

Few people have ever wanted to live in a society founded on absolute individualism and alienation. This is why, in the age of neoliberalism, anti-liberal ideologies have so captured the popular imagination. Populist demagogues try to re-constitute the *demos* that the "democrats" have destroyed. Nationalists replace the *demos* with the nation. Religious conservatives replace it with the "religious community." The state-oriented regimes they create might involve only limited democratic process, but they

exert considerable control over the social world, which they can regulate in the name of "the people," which in turn might support them. Neoliberal regimes, by contrast, establish relatively free democratic processes, but which are confined to an increasingly powerless political sphere. Outside this shrinking sphere of "politics," the neoliberals feel little pressure to earn the people's support.[18]

Today the democrats without *demos* are confronted by prophets of the *demos* without democracy. In large parts of the world, the stable technocracies of neoliberalism are giving way to the chaos of competing communalisms. But this legitimation crisis of neoliberalism has also made possible new movements for a more *demo*-cratic democracy. In an age of atomized individuals, *any* collectivity is a challenge to the neoliberal monopoly on the world. And because so much of life has been excluded from the sphere of politics, even the most modest demands can transform into radical practice. The crucial struggle of a new dissidence could be for the collective, democratic control over *anything* that neoliberalism denies us. In such struggle, we assert the principle that democracy can be everywhere, that another world is possible, and that we are all capable of building it.

Autonomous social activity posed relatively little threat to classical capitalist regimes. As long as the activity did not directly expropriate capital from the capitalists, the system could treat autonomous activity as an opportunity more than a threat. Capitalism must constantly grow, and autonomous non-capitalist activity gave the system the opportunity to expand, making new activities into commodities, expanding market relations into new communities. Soviet-type regimes, by contrast, saw autonomous social activity as a definite threat. For them, growth was less important than totality, and activity outside of this totality was a threat to the system's unity. At the same time, however, Soviet-type society could offer considerable space for various kinds of activity, on the condition that they be integrated (or "formally subsumed" in Hegelian terms) into the system as a whole. In classical capitalism, by contrast, any activity integrated into the logic of the market quickly lost its distinctiveness (was

18. As I was preparing this article, a piece appeared in the *New Left Review* containing a similar analysis of contemporary politics: Peter Mair, "Ruling the Void?: The Hollowing of Western Democracy," *New Left Review* 42 (November/December 2006): 25–51. Another set of similar analyses is contained in Alvaro García et al., *Pluriverso: Teoría política boliviana* (La Paz: Muela del Diablo [Colección Comuna], 2001).

"really subsumed"). This is why Soviet-type societies often provided their citizens with things they wanted—an extreme example being work-ers' self-management in Yugoslavia—even if the citizens had little direct control over their leaders: the system could not let discontent break up its unity, but it could afford to give many concessions as long as they did not contradict the monopoly of Party rule. Since classical capitalism was not so threatened by disunity, it could more easily ignore the demands of those who did not benefit from it. This is also why "antipolitical" social move-ments could be relatively effective in Soviet-type society, even when they seemed to be isolated and severely limited in their space of activity; and why similar movements in capitalist countries (hippies, punk, etc.) could often be ignored or harmlessly incorporated into capitalism.

Neoliberalism has begun to change this dynamic. Neoliberalism rep-resents an attempt to expand market logic into the last frontiers of life: even water and air are being privatized. Autonomous politics today are less concerned with discovering and populating un-capitalized corners of the world than they are with maintaining or re-conquering democratic autonomy directly in the face of capitalist incursions. New autonomous movements are not pioneers of capitalism but slave revolts against it. Neoliberalism insists that everything must be run through the market, by experts of the market. The new democratic movements do not need to speak loudly to oppose neoliberalism. All it takes is the humble suggestion that *people* can manage the social world, together.

This humble claim is, however, what sets the new democratic move-ments apart from the new right-wing populisms that are also on the rise. The right-wing populisms try to revive "the people" as an exclusive, homogeneous, and subservient body. They revive one people against another, one people over all the different peoples contained within it, one people that can only see itself in the image of charismatic leaders. The new democratic movements can do what the right cannot: revive the people as a cosmopolitan, multifarious, and self-governing body—as a collection of infinite but concrete groups of people who together take the world back into their hands, and who gradually realize that this cannot be completed without the qualitative, revolutionary transformation of society as whole.

Just as it is time to take "the people" back from the populists, it is time to take the mantle of dissidence back from the new regimes. If we return to the story of dissidence now, when it has long seemed over, it should not be in order to lose ourselves in the past, but to place ourselves in the story and

to retell it as a tale that has no end. It did not end with the revolutions of 1989, and it will go on as long as there are people who insist we should all create the world, together. In looking back on the dissidents' lost project, we do not need now to "speak truth to power," but perhaps to create truth with our power, socially and democratically. Knowing what came before us, we can hope that when the next revolution comes, others will not reap for us what we have sown.

Toward a Redefinition of Europe's Political Identity: Spinoza's Non-hierarchical Vision

Michael Mack

Strangely enough, Kant still serves to represent not only "the good German" but also "the good European." This state of affairs comes perhaps most clearly to the fore in Robert Kagan's *Of Paradise and Power*. Written in the wake of the Iraq War, this political essay aligns the U.S. administration's willingness to refer to military action with Hobbes, while contrasting it with a "postmodern" European policy, the alleged Kantianism of which is marked by a refusal to resort to force, preferring instead a formal proceduralism in international relations.

The difference between the United States and Europe thus comes down to different perspectives on the exertion of power: "On the all-important question of power—the efficacy of power, the morality of power, the desirability of power—American and European perspectives are diverging."[1] Although Kagan refers to a lack of budgetary resources as regards European military development, in the end he places a strong emphasis on a profound philosophical gap that separates Europe form America. Kagan attempts to makes sense of it by ascribing a Kantian outlook to Europe, which he contrasts with America's Hobbesianism. In this way contemporary Europe realizes Kant's transcendental philosophy, while "the United States remains mired in history, exercising power in an anarchic Hobbesian world, where international laws and rules are unreliable and where true security and the defense and promotion of a liberal order still depend on the possession of military might."[2] As appealing as this contrast may

---

1. Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Alfred A. Knopf, 2003), p. 3.
2. Ibid.

67

be, this stark differentiation between a power-obsessed United States that enacts Hobbes's political philosophy and a programmatically powerless Europe that lives according to Kantian thought, is misleading because it does not take into account the convergence that ties these two ideologues together.

Hobbes's political philosophy is based on a dualism between the state of nature, on the one hand, and the politics of reason, on the other. It is this dualistic paradigm that also forms the basis of Kant's transcendentalism. Yet Kant transforms Hobbes's dualism between *status naturalis* and a *status civilis* into one between the state of nature and the state of freedom. By freedom, however, Kant understands a radical independence from any reliance on the goods of this world. With its unbridgeable gulf between the realms of freedom and nature, Kantian rationality sets out to demonstrate the worthlessness of bare life. Reason therefore dominates and overcomes nature by humiliating desires for objects in the external world. Kant deemed these desires "pathological," and his famous law of autonomy helped enact such subjugation of the forces of the body to the body politic. Here Hobbes clearly meets Kant.

Both Kant and Hobbes attempt to distill a moral kernel out of the Christian heritage, which would form the basis of their respective political philosophies. Both emphasize conscience over and against action: "In believing that the moral attitude, conscience, intention, is of more importance than the action, Hobbes is at one with Kant as with the Christian tradition."[3] Spinoza's ethology, by contrast, focuses on actions and their outcome rather than on the inward sphere of conviction. In his work on politics and religion, Spinoza, as Leo Strauss has shown, is heavily indebted to Averroes in that he does not completely disqualify the religious dimension within political life.[4] He refuses secular radicalism because he values that aspect in different forms of religion that gives rise to ethical actions. Hobbes and Kant, however, do not allow for a religious element that would contradict their conviction about the absolute supremacy of the secular state. In this way Spinoza's "break with the immediately preceding tradition was much less radical than that of Hobbes."[5]

3. Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis*, trans. Elsa M. Sinclair (Chicago: Univ. of Chicago Press, 1952), p. 23.
4. Leo Strauss, *Spinoza's Critique of Religion*, trans. E. M. Sinclair (Chicago: Univ. of Chicago Press, 1997), p. 101.
5. Ibid.

Contrary to his geometrical method, the content of Spinoza's thought is filled with uncertainty. This is why he tolerates religion within a secular state, refraining from opting for the absolute supremacy of any one entity. Instead, he argues for the coexistence of different ways of life (here he is, of course, again heavily indebted to Averroes's philosophy). It is this pluralistic and non-hierarchical aspect of his ethology that makes Spinoza a more appropriate philosopher of postwar Europe than Kant. As Kagan himself acknowledges, the quasi-Kantian politics of peace is itself dependent on Hobbesian war.[6] Spinoza, however, envisages a world that does without hierarchical divisions (be they racial, religious, economic, etc.) that give rise to violence in the first place. Whereas Hobbes and Kant opt for certainty in their respective political philosophies, Spinoza allows for uncertainty and difference.

The historical context in which Spinoza developed his thought is clearly pertinent for a better understanding of his skepticism toward certainty in political life. He was born into a confused cultural situation. He was a Jew of Marrano origin. The position of the Marranos was far from being "certain" in that it "favored doubt of Christianity quite as much as doubt of Judaism."[7] It "disposed to alienation from all revealed religion."[8] Within the wider sphere of Amsterdam politics, Spinoza encountered the uncertain power struggle between orthodox Calvinist and *Remonstrants*.[9] Even though he clearly sided with the egalitarianism of the *Remonstrants*, Spinoza did not attempt to overcome a state of epistemological, religious, and political uncertainty.

It seems the egalitarian approach allows for a certain amount of ambiguity. Indeed, Spinoza makes the limitations of human knowledge the basis of his thought: he focuses on the discrepancy between empirical reality and our conception of it. He argues for the indistinguishable unity of body and mind so that bodily distractions emerge not as the opponent of thinking but as its proper core. In this way uncertainty encapsulates philosophical inquiry. Spinoza blurs the distinction between conceptual boundaries: the corporeal is not the imperfect, because there is no such thing as imperfection. We are all equally imperfect or rather perfect.

6. Kagan, *Of Paradise and Power*, p. 73.
7. Strauss, *Spinoza's Critique of Religion*, p. 53.
8. Ibid.
9. For a brilliant discussion of the wider political context, see Étienne Balibar, *Spinoza and Politics*, trans. Peter Snowdown (London: Verso, 1998), pp. 16–31.

Spinoza radically breaks down the hierarchical divide between those who succeed and those who seem to fail. Warren Montag refers to this conscious espousal of ambiguity when he interprets Spinoza's *Ethics* as follows: "The idea of a God or nature which does not in any way pre-exist its own realization...forces us to reject the notion of imperfection: 'By reality and perfection I mean the same thing.' The notion of final causes, like that of free will, however, is no less real for being false."[10] This reading raises the question of whether the ethology that Spinoza advanced in his *Ethics* has singular significance for the formulation of a viable contemporary social theory. As Slavoj Žižek has recently pointed out, "one of the unwritten rules of today's academia, from France to America, is the injunction to love Spinoza."[11] Spinoza's presence in the thought of divergent twentieth-century thinkers, from Louis Althusser via Étienne Balibar and Gilles Deleuze to Antonio Negri's recent critique of twenty-first century forms of imperialism (as well as Martha Nussbaum's work on the intelligence of the emotions), indicates his peculiar contemporaneousness.

Spinoza's *Ethics* delineates the project of a kind of modernity that offers an alternative to the current Kantian approach to defining the modern. In the latter part of the eighteenth century, under the immense influence of Kant's transcendental philosophy, history came to represent modernity: the future of humanity seemed to promise its immanent perfectibility. In my recent book, *German Idealism and the Jew: The Inner Anti-Semitism of Philosophy and German Jewish Responses*,[12] I have shown how these attempts at constructing a "perfect" otherworldly world within this one were premised on the exclusion of worldly imperfections. Judaism and the Jews represented these bodily remainders of contingency and political as well as ethical deficiency: it was thought that with the progress of history, worldly imperfections would vanish from the world just as Jews and Judaism would cease to exist in the perfect modern state of the future.

Spinoza's anti-teleological thought became an inspiration for the literary revision of Kant's idealism. In what sense does Spinoza criticize teleology? His philosophy is anti-teleological insofar as it refuses to recognize a purposeful design in nature. As a corollary of his critique of

10. Warren Montag, *Bodies, Masses, Power: Spinoza and his Contemporaries* (London: Verso, 1999), p. 40.

11. Slavoj Žižek, *Organs without Bodies: Deleuze and Consequences* (London: Routledge, 2004), p. 33.

12. Michael Mack, *German Idealism and the Jew: The Inner Anti-Semitism of Philosophy and German Jewish Responses* (Chicago: Univ. of Chicago Press, 2003).

teleology Spinoza abandons a prioritization of the mind over and above the body. This non-hierarchical stance moves his thought into close proximity with that of Darwin and Freud, and it is this element in Spinoza's thought that accounts for his centrality in contemporary philosophical discussions.

The Theological Foundations of Teleological Thought

According to Spinoza, neither philosophy nor theology exists in a self-enclosed sphere of influence. Rather, any type of epistemology that plays a dominant role in a particular society at a particular time inevitably shapes specific social relations. Significantly, Spinoza discusses theological anthropomorphism in the context of prejudices that permeate different societal fabrics. He analyzes how social prejudices "depend on this one: that men commonly suppose that all natural things act, as men do, on account of an end; indeed, they maintain as certain that God himself directs all things to some certain end, for they say that God has made all things for man, and man that he might worship God."[13] Here Spinoza criticizes not so much the worship of God but human self-adulation. The parallelism between the phrases *hominess…ut ipsos* and *Deum…ut ipsum* serves to emphasize precisely this point: humans attribute human forms of behavior to God's nature since they perceive themselves as divine.[14] Spinoza thus reveals "religious" worship of God as deification of the self.

This adulation of the self by the self hinges upon the espousal of teleology as the *sine qua non* for the definition of what distinguishes the human from the non-human and thus the divine from that which lacks divinity. Everything that belongs to the order of nature, as perceived in terms of God's creation, supposedly strives toward a *telos*, toward an end. Various prejudices gain momentum, thanks to the philosophical positing of teleology as the certain criteria by means of which we have to distinguish between logical—that is, theological—forms of life and those that are illogical and are thus excluded from the order of God's creation. In this way social prejudices result from the equation of the rational (and thus Godly) with teleology. Those forms of life alone are worthy of sustenance that evince a goal-directed structure. The teleological thus functions as the

13. Benedict de Spinoza, *Ethics*, ed. and trans. Edwin Curley (London: Penguin, 1996), pp. 25–26.

14. See Benedictus de Spinoza, *Opera: Im Auftrag der Heidelberger Akademie der Wissenschaften herausgegeben*, ed. Carl Gebhardt (Heidelberg: Carl Winter, 1925), 2:78.

linchpin around which the anthropomorphic conception of God and nature revolves.

Spinoza's *Ethics* focuses on how it comes that dichotomous ways of thinking are an outcome of perceiving the divine from the perspective of teleology. By enthroning the finality of the goal as the main criteria of rational action, society intellectually justifies all kinds of exploitative power relations. Under Spinoza's scrutiny, teleology emerges as a cover-up for the pursuit of self-interest that disregards the well-being of the other. The anthropomorphic conception of a goal-directed God thus provides theological justification for man's domination over nature:

> It follows, *second*, that men act always on account of an end, namely on account of their advantage, which they want....Hence they [humans] consider all natural things as means to their own advantage....For after they considered things as means, they could not believe that the things had made themselves, but from the means they were accustomed to pre-pare for themselves, they had to infer that there was a ruler, or a number of rulers, of Nature, endowed with human freedom who had taken care of all things for them, and made all things for their use.[15]

The end of human action describes that which the self conceives of as being useful for itself. Spinoza does not, of course, devalue self-advan-tage. What he thus criticizes in teleological thought is not self-interest *per se*; rather, he excoriates those modes of perception that represent the self as the center of life. According to Spinoza, it is certainly not wrong that humanity lives on the fruits of nature. He criticizes certain teleological modes of thought, then, for divinizing a utilitarian relationship toward the external natural world. Teleology destroys itself at the point where it loses track of human limitations. It thus sacrifices the sustainability of life to the quasi-divine power of redemption that posits in the future the attainment of its goals. What Spinoza thus criticizes as theology is that element that endows humanity with the domination over nature. The natural world does not have an independent existence. Instead nature serves exclusively as means for the self-preservation of humanity. Spinoza therefore unmasks theology as teleology.

At this point, self-preservation appears in a rather ambiguous light. Crucially, teleology instantiates an irrational kind of *conatus*: the self

---

15. Spinoza, *Ethics*, p. 26.

preserves itself to the detriment of those circumstances and forces that enable the survival of the other, but this exclusive strategy has the potential to hit back, mirroring the flight trajectory of a boomerang. Does Spinoza's notion of the *conatus* adumbrate a critique of societal self-destruction? Theodor W. Adorno has implicitly raised this question while discussing Elias Canetti's response to the Nazi genocide.[16] In an important conversation with Canetti, Adorno has drawn attention to Spinoza's thought on self-preservation.

He astutely points out that Spinoza is careful to emphasize that the will to survival is a social phenomenon.[17] It has to be inclusive of others. If it turns exclusive, it paves the way for self-destruction. Then the immunity of the individual disintegrates into autoimmunity. Adorno underscores this point when he says that "this motive of survival transforms itself into a destructive force, into the destructive and always at the same time into the self-destructive, if it turns wild, as it were, if it thus abandons the relationships to those others which stand opposed to it." Adorno's interpretation of Spinoza's *conatus* has an illuminating bearing on an accurate understanding of the autoimmunity or self-destruction inherent in some aspects of our contemporary global society. Thus, Jacques Derrida discussed how autoimmune processes, such as "the strange behavior where a living being, in quasi-*suicidal* fashion, 'itself' works to destroy its own protection,"[18] invariably refer back to their opposite: to Spinozist attempts at self-preservation. These self-destructive processes result from triumphal declarations of moral, epistemological, military, and spiritual superiority of one societal formation over the one that poses, or is seen to pose, as its enemy. This awareness of one's own triumph accompanies the perceived increase of one's power. Spinoza shows how proclamations of one's own superiority often go hand in hand with a loss of reality.

What causes this societal drift toward unreality? A given society that seeks to establish its supremacy over and above other societies' claims to significance attempts to make reality conform to its epistemological

16. For a detailed discussion of this topic see, Michael Mack, *Anthropology as Memory: Elias Canetti's and Franz Baermann Steiner's Responses to the Shoah* (Tübingen: Niemeyer, 2001).

17. Elias Canetti, "Gespräch mit Theodor W. Adorno," in Canetti, *Aufsätze, Reden, Gespräche* (Munich: Hanser, 2005), p. 141.

18. Giovanna Borradori, *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida* (Chicago: Univ. of Chicago Press, 2003), p. 94.

standards. An inability to engage with epistemologies that differ from that of one's own conception thus does not evince realism. On the contrary, it indicates relativism precisely because it does not come to terms with the differing and always changing complexities of diverse social realities. The denial that the external world exists as an inviolable entity justifies political actions that are based on the principle of domination.[19] This hegemony deprives nature of animation, turning it into a zombie-like means that does not have a life of its own.

The anthropomorphic, i.e., teleological, conception of God does not only give rise to the ruthless and self-destructive exploitation of nature, but it also lays the foundation for violence and ethnocentric discrimination within society itself. Teleological thought pitches the *telos* of one community against that of another. The difference in religious worship thus furthers war between different social units, each of which deifies the specific way of life that goes along with its specific (anthropomorphic) conception of God. Under this teleological-theological constellation, particularity comes into conflict with universality. Self-preservation mutates to self-destruction at the point at which goal-directed behavior turns exclusive. Within this process, the self ignores the fact that the pursuit of perfection does not coincide with the single-minded attainment of a goal that it set for itself as a self-enclosed entity. Perfection has rather to do with that which enables the sustainability of life, that is, with the avoidance of social exclusion and the abandonment of defensive reactions that aim to affirm one's superiority over another.

Critique as the Self-reflexive Awareness of Subjective Fictions

A particularity that seeks to realize its goals while defending itself against the aspirations of other particular social as well as cultural units endangers its own survival precisely by focusing exclusively on its own *telos*. As Étienne Balibar has pointed out, Spinoza employs the term *ingenium* in order to denote the singularity not only of individuals but also of ethnic groups.[20] The deification of the specific teleology that structures the life of a particular social group eventuates in the war of all against all. Spinoza thus argues, *contra* Hobbes, that violence does not originate within the state of

---

19. Cf. Michael Mack, "The Metaphysics of Eating: Jewish Dietary Law and Hegel's Social Theory," *Philosophy & Social Criticism* 27 (2001): 59–88.

20. Balibar, *Spinoza and Politics*, p. 37.

nature. Rather, it is the outcome of confusing those intellectual constructs that serve to represent a singular entity with the expression of reality as such. The real, however, is not only singular but also diverse.[21] In critiquing Hobbes, Spinoza offers an alternative to the current Kantian paradigm within political philosophy. This argument might raise the suspicion of being anachronistic. Yet, Kant clearly grounds his writings about politics within the Hobbesian divide between *status naturalis* and *status civilis*. This divide serves as the foundation for his hierarchical construction of a state of nature, on the one hand, and a state of freedom, on the other.[22] The Kantian teleology of history consists in overcoming humanity's reliance on its natural constitution.

For Spinoza, by contrast, teleological constructions about "all final causes are nothing but human fictions."[23] Spinoza does not want to abolish these fictions. If he did, he would be hostile to diversity because it is exactly in the figuration of these *figmenta* that the imagination shapes the singular cultural formations of different ethnic groups. Instead, Spinoza critiques an inability to detect the fictional elements that underpin human modes of reasoning. He makes teleological forms of thought responsible for a lack of self-awareness. Self-reflexivity makes the self aware of the fictional foundations of what it takes to be the truth (be that nature or God). A social unit that makes absolute its specific teleological conception of the world deifies itself and thus loses self-consciousness of the non-absolutist, i.e., limited and thus desire-based, texture of its epistemes: "So it happened that each of them [individuals as well as ethnic groups] has thought up from his own temperament different ways of worshiping god, so that God might love him above all the rest, and direct the whole of Nature according to the needs of their blind desire and insatiable greed."[24] Here, Spinoza analyzes how the teleology *qua* theology that justifies man's domination over nature has an immediate impact on the way in which different

21. For a detailed comparison between Descartes theory of representation and Spinoza's philosophy of expression, see Gilles Deleuze, *Expressionism in Philosophy: Spinoza*, trans. Martin Joughin (New York: Zone Books, 1992).

22. Benjamin W. Redekop has rightly argued that Kant's political philosophy "took its starting point in Hobbesian individualism; the initial theoretical units of society, for Kant, were isolated, egoistic individuals vying with each other in a state of nature." Redekop, *Enlightenment and Community: Lessing, Abbt, Herder, and the Quest for a German Public* (Montreal: McGill-Queen's UP, 2000), pp. 239–40.

23. Spinoza, *Ethics*, p. 27.

24. Ibid.

communities interact with each other. Instead of recognizing the fictional character of their specific social imaginings, each group claims superiority over other groups. This touting of supremacy refers to theology in order to back up the accuracy of its statements with the absolute authority that only the name of a deity seems able to provide. Significantly, Spinoza focuses on the mind as the source of this confusion of particular inclination with the absolute truth value issuing from God. Rather than providing an accurate account of reality as it could be, here the mind *qua* will transforms potentially peaceful interactions between humanity and nature, as well as potential types of cooperation between different ethnic groups, into violent encounters in which particular entities destroy themselves while fighting for their predominance.

Critics have so far ignored the way in which Spinoza's critique of theology as teleology and thus anthropomorphism ironically relates to Descartes' and Hobbes's voluntarism, which is an important source for Kant's understanding of autonomy. A notable exception is Jerome B. Schneewind, who has drawn attention to the fact that Spinoza's philosophy restored the split, perpetrated by voluntarist natural lawyers, between politics and ethics. Spinoza replaced Descartes' will with a notion of wisdom that strives for both the joyful and the virtuous: "Each increase in perfection is an increase in both our joy and virtue.[25] In contrast to Descartes, Hobbes, and later (i.e., at the end of the eighteenth century) Kant, Spinoza maintained that virtue was not superimposed on nature by reason, God, or political power. Rather, the virtuous coincides with the joyful fulfillment of each individual's different natural potential. This appreciation of an infinite variety of different forms of life makes for the *differentia specifica* of his understanding of self-preservation (*conatus*) from that of Hobbes. As Schneewind puts it: "Knowledge of God is the highest good, and one person's possession of that knowledge obviously does not lessen another's share. We need not compete for the true good. We would not be led into conflict if we all understood this."[26] Spinoza critiques teleology on account of its exclusivity. The mind turns passionate and thus prone to violence if it focuses on the exclusive rather than on the inclusive. By combining virtue with joy, Spinoza bridges the gulf between the universal and

---

25. Jerome B. Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy* (Cambridge: Cambridge UP, 1998), p. 221.

26. Ibid., p. 222.

the singular as well as the apparent gap that lies between the ethical and the political. Descartes (like Hobbes and Kant) perpetuates this separation between politics and ethics. This is squarely in line with his conception of philosophy as a self-enclosed entity.

Whereas Schneewind analyzes the differences between Descartes and Spinoza, Michael Allen Gillespie tends to see both philosophers as representative of the voluntarist heritage with which modernity had to come to terms at its inception in the seventeenth century. As Gillespie (following Hans Blumenberg) has shown, Descartes idealizes the power of the human will in order to create a bastion that could prove capable of fending off God's deleterious interference with the workings of the mind.[27] The feared *potentia absoluta* that had been a divine prerogative in the voluntaristic theology of Ockham and Duns Scotus became a human attribute in Descartes' confirmation of the will's/mind's superiority over the body:

> *Ego cogito ergo sum* is the bulwark that Descartes raises up against the omnipotent God and the radical skepticism that he engenders. It is his bastion for the defense of human reason and freedom. This principle, however, is not merely a bastion or refuge—it is also the Archimedean point upon which Descartes stands in his attempt to move the world, the basis for the universal science with which he seeks to win back the earth for man by dethroning this arbitrary and irrational God and making man the master and possessor of nature.[28]

Whether it is the human mind as will (i.e., as autonomy in the Kantian paradigm) or the absolute power of God within teleological constructions, nature always figures as that remainder of imperfection that has to be overcome. Only the subjugation of nature under the willful agency of either the divine (Ockham's and Scott's voluntarism) or the human (Descartes', Hobbes's, and, later, Kant's rationalism) guarantees the implementation of a purposeful scheme of things. Spinoza analyzes the subjective and thus fictional element within either theological or philosophical types (or both) of teleology that profile themselves as objective proofs of nature's deficiency. His critique of theology thus amounts to a critical inquiry

---

27. Hans Blumenberg, *Säkularisierung und Selbstbehauptung* (Frankfurt am Main: Suhrkamp, 1974), pp. 209–11.

28. Michael Allen Gillespie, *Nihilism before Nietzsche* (Chicago: Univ. of Chicago Press, 1995), p. 33.

into the fallacy of the mind that takes itself to be absolute and affirms its supremacy over that from which it sees itself separated: be it the body or the external material world.

Spinoza subjects the affects to the style of geometric analysis not in order to discard with the affective. He clearly knows that this would be impossible.[29] Instead, the point of his dissection of feelings consists in showing how they are closely tied to the workings of the mind. He thus addresses those who "prefer to curse or laugh at the affects and actions of men, rather than to understand them."[30] Anthropological research has shown that laughter functions as a symbolic transposition of a feeling of superiority in precisely those contexts, in which the one who laughs abandons a relationship of empathetic understanding that can be found in enlightened and thus enlightening forms of humor.[31] Laughter at affections in a way that precludes comprehension amounts to an assumption of supremacy, which, as we have seen, Spinoza criticizes in anthropomorphic conceptions of God. This touting of superiority accompanies defensive reaction as regards perceived threats either in nature or in the intra-human social sphere. The effects of these actions are equal to those of aggressive offenses: they appear to be defensive to the one who perpetrates them, but they are clearly offensive to the one who has to endure them.

Voluntarism as the Autoimmunity of Teleology

Descartes', Hobbes's and, later, Kant's respective forms of rationalism reinforce the defensive strategies that an anthropomorphic conception of God justifies theologically. Spinoza emphasizes the originality of his appraisal of the affects. Descartes did not pay much attention to the emotive aspects of humanity:

> But no one, to my knowledge, has determined the nature and powers of the affects. . . . [T]he celebrated Descartes, although he too believed that the mind has absolute power over its own actions, nevertheless sought to explain human affects through their first causes, and at the same time to show the way in which the mind can have absolute dominion over its

29. See Montag, *Bodies, Masses, Power* and Moira Gatens and Genevieve Lloyd, *Collective Imaginings: Spinoza, Past and Present* (New York: Routledge, 1999).

30. Spinoza, *Ethics*, p. 69.

31. For a detailed discussion of this point see Mack, *Anthropology as Memory*, pp. 25–29.

affects. But in my opinion, he showed nothing but the cleverness of his understanding, as I will show in the proper place.[32]

Spinoza reveals Descartes' declaration of the absolute dominion of the mind over the affects as nothing else but a sign of subjective preference rather than objective analysis. In a subtle move, he contrasts the acknowledgement of his perspective with Descartes' confirmation of the mind's absolute domination over arbitrary and merely subjective emotions. The polite style of the excerpt quoted above does not diminish the force of its ironic tone. This becomes abundantly clear if one reads the original Latin text. The showiness of Descartes' intellectualism mirrors the imperial gesture with which the mind affirms its supremacy over the affects that it associates with the body. Spinoza praises Descartes' intellect while in the same breath belittling it as a sign of a temperamental attitude rather than an instrument to be employed in the quest for objective knowledge.

To be sure, Spinoza does not excoriate individual inclinations and idiosyncratic preferences. What he takes issue with is the endeavor to dress up particular opinions as if they were universally valid truths that make everything that contradicts them or opposes them appear intellectually inferior. As he shows later on, namely at the opening of book 5, Descartes' enthronement of the will as the mind's absolute control over the body, radicalizes a Stoic belief in the intellectual control over the life of the emotions. In a quasi-objectivist mode, Descartes locates the headquarters of the mind's, i.e., the will's, empire in a specific anatomical point, namely in the pineal gland, "by whose aid the mind is aware of all the motions aroused in the body and of external objects, and which the mind can move in various ways simply by willing."[33] By pinpointing the source of the will's power in the specific cerebral location of the pineal gland, Descartes objectifies his subjective theory of voluntarism. Here the brain (of which the pineal gland forms a part) serves as a concrete location by which we can quasi-experimentally fathom the anatomical mechanism that enacts the omnipotent working of the mind. In Spinoza's account, Descartes' objectivist method mirrors that which it describes: the will's absolute domination over the inclinations of the body. Spinoza characterizes the salient point of his own originality as precisely the abandonment

---

32. Spinoza, *Ethics*, p. 69.
33. Ibid., p. 161.

of any teleological opposition between that which is to be dominated and the dominant, the inferior and the superior, the perfect and the imperfect, the goal and the goalless.

By employing a non-prejudicial approach in his analysis of the emotions, Spinoza sets out to question a hierarchical divide between superiority and inferiority, which structures philosophical, scientific, and theological forms of teleology. He thus detects in the teleological the structural kernel that shapes superstitious kinds of actions and thoughts. According to Deleuze's interpretation of the *Ethics*, "superstition is everything that keeps us cut off from our power of action and continually diminishes it."[34] What, however, is the superstitious in Spinoza's view? As the discussion above has shown, Spinoza defines teleology as the deification and thus universalization, i.e., objectification, of subjective thoughts and opinions. This making absolute of one's own will and desire characterizes the anthropomorphic conception of God, which Spinoza criticizes as both theology and superstition. In this way, he unmasks the superstitious foundations of Descartes' voluntaristic rationalism, which in turn is a secular (i.e., philosophical) translation and transmutation of Ockham's and Duns Scotus's theological discourse about a voluntaristic God.

As it is, nature has already come into being within a state of perfection. "But my reason is this," Spinoza affirms, "nothing happens in Nature that can be attributed to any defect in it, for nature is always the same, and its virtue and power of acting are everywhere one and the same, that is, the laws and rules of Nature, according to which all things happen, and change from one form to another, are always and everywhere the same."[35] Thus differentiating his thought from that of Descartes, Hobbes, and, by implication, Kant, Spinoza draws the reader's attention to sociological and political, as well as medical and psychological, factors that vitiate both the well-being of individuals and the welfare of entire societies. Significantly, Spinoza does not frame his analysis in an objectivist style. On the contrary he opens his remarks by paying attention to the subjective position of his argument. There is an apparent paradoxical tension between the subjective formulation of his reasoning and the content of the reasoning itself. For what Spinoza advances is not an argument for the separateness of individual subject positions but an affirmation of their intrinsic interconnectedness.

34. Deleuze, *Expressionism in Philosophy*, p. 270.
35. Spinoza, *Ethics*, p. 69.

A hierarchical form of teleological thought denies this interrelationship between different subject positions. For it attributes a praiseworthy goal to a single and thus specific entity, whose *telos* it contrasts with the faultiness of purpose within another social foundation. Teleology as superstition thus sheds light on the destructive passions of the mind. The mind operates via affects at precisely that point at which it turns exclusive. This exclusivity is only seemingly rational. In fact, it not only undermines the welfare of the other, which it sees as either a threat or a competitor; in the end it destroys the self together with the other, because both are intrinsically interconnected. This is why calculation and friendship cannot be separated from each other in Spinoza's account of intersubjectivity.

From the perspective of self-interest, the defensive reaction of warlike behavior is not an option. Rather, friendship truly instantiates the dictates of self-preservation (*conatus*). In striking contradiction to Hobbes's anthropology, according to which man is a wolf to man, Spinoza argues that we are in need of each other as if we depended on the help of a deity. Once the anthropomorphic conception has been abandoned, which gives rise to the exclusivity of teleological thought, we realize that not one of us is able to survive independently. We are all in need of each other. The anthropomorphic conception of God attempts to cover up this needfulness by endowing a specific social and ethnic group with a redemptive teleology (and thus with quasi-divine backing), which it posits as a lack in other human communities.

In this way Spinoza's dictum that "man is a God to man"[36] only attains its full significance if one bears in mind Hobbes's proclamation that man is a wolf to man. Spinoza does not deny that humanity sometimes tends to act in a self-destructive manner, as if it were its own carnivore (i.e., a wolf). However, he emphasizes the "as if" factor. Destructive and therefore self-destructive behavior does not come naturally. According to Spinoza it is the product of a specific cultural formation that shapes a social world in which war and social exclusion are accepted as anthropological givens.

How does it come, then, that human society revolves around violence and exclusivity? Spinoza focuses on the autoimmunity of teleology. The *telos* of a specific group turns, over time, into the cause of its own destruction. Spinoza's work on the relation between the passion of the mind and the medical phenomenon of autoimmunity has a special significance in the context of contemporary cultural and social theory. Derrida has defined "an

36. Ibid., p. 133.

autoimmunitary process" as "that strange behavior where a living being, in quasi-*suicidal* fashion, 'itself' works to destroy its own protection, to immunize itself *against* its 'own' immunity."[37] Significantly, Derrida put the terms "itself" and "own" into quotation marks, thus pointing to the unstable character of this self that tries to preserve itself while working against itself. Thus, autoimmunity is not only a medical, but also a social, political, and economic process that is one-dimensional and therefore furthers that *against* which it sets out to work.

The linearity of teleological reason thus becomes explosive. In this way "autoimmunitary movements…produce, invent, and feed the monstrosity they claim to overcome."[38] Offering an alternative to social practices that turn suicidal (i.e., auto-immune), Spinoza shows how teleological conceptions of perfection contrast with the perfected state of sustainability. Politicians as well as religious leaders who attempt to set their society on the path toward the establishment of some transcendent and thus non-embodied ideational construct often do so with the concomitant aim of proving the imperfections of neighboring states, depicting these in terms of the devalued body and the merely material. By proclaiming the purported superiority of their own society, they work, however, for its destruction. The insistence on the supremacy of one's own *telos* may justify the employment of violent means for the attainment of this aim, while also eliciting the resentment, if not hate, from one's opponents.

This becomes abundantly clear in Spinoza's discussion of the passions and, as contrast to them, the third kind of knowledge. In his account of the human affects that form the heart of the discussion of book 4, Spinoza analyzes the mind's abstraction in terms of a given society's passion to triumph over another. Hierarchy emerges as the tyranny of universal ideas. The mind driven by passions for distinction and exclusivity constructs an ideal of universality to pass judgment on nature's deficiency, and the end justifies the violent means. Everything that deviates from the model of the universal constitutes imperfection, described as "sin." This moralistic language of sinfulness gives rise to the hierarchical dichotomy between the allegedly perfect and imperfect:

> But after men began to form universal ideas, and devise models of
> houses, buildings, towers, and the like, and to prefer some models of

37. Borradori, *Philosophy in a Time of Terror*, p. 94.
38. Ibid., p. 99.

things to others, it came about that each one called perfect what he saw agreed with the universal idea he had formed of this kind of thing, and imperfect what he saw agreed less with the model he had conceived, even though its maker thought he had entirely finished it. Nor does there seem to be any other reason why men also commonly call perfect and imperfect natural things, which have not been made by human hands. For they are accustomed to form universal ideas of natural things as much as they do of artificial ones. They regard these universal ideas as models of things, and believe that Nature (which they think does nothing except for the sake of some end) looks to them, and sets them before itself as models. So when they see something happen in Nature which does not agree with the model they have conceived of this kind of thing, they believe that Nature itself has failed or sinned, and left the thing imperfect.[39]

As in his critique of theology, in his analysis of teleological reason Spinoza focuses on the fictional fallacy to which an epistemology that takes its ideational constructs as absolute invariably falls prey. The extract opens with human cognition and ends with the uncertainty of belief systems. Societies as well as individuals construct particular models that give shape to their peculiar preferences and idiosyncratic inclination. Here again, Spinoza does not take issue with subjectivity as such. Instead he excoriates a cognitive fallacy, which elevates an individual construct into an absolute assessment of reality as it should be. The conceptual turns out to be a matter of belief.

Spinoza analyzes the ways in which theology and teleology meet. Teleological reason, in a crucial respect, coincides with the anthropomorphic construction of God, which Spinoza critiqued at the opening of the *Ethics*. Both teleology and Spinoza's understanding of theology inflate the sense of power with which society sees itself endowed. For teleological reason, a future goal sets its adherents apart from the rest of the human community in terms of moral and intellectual superiority. This sense of cognitive superiority could then serve as justification for unrivalled military force, which could in turn pave the way toward the attainment of a redemptive future.

In a related manner, anthropomorphic conceptions of God commingle the spiritual with the political. In this way the God of a specific community functions as a device that separates this group from other groups

---

39. Spinoza, *Ethics*, p. 114.

in terms of superiority and inferiority. According to Spinoza, theological conceptions thus serve to trump up, rather than to critically reflect upon, a sense of human omnipotence. The self here merges with the deity that it worships. Spinoza sees in this kind of self preservation turned wild the ultimate cause of different forms of violent conflict. Bloodshed results from the self's touting of superiority. The self who revels in his own supremacy, derives joy from the inferiority of the other:

> For whenever anyone imagines his own actions, he is affected with joy (by P53), and with greater joy, the more his actions express perfection, and the more distinctly he imagines them, that is (by II40S1) the more he can distinguish them from others, and consider them as singular things. So everyone will have the greatest gladness from considering himself, when he considers something in himself which he denies to others.[40]

True perfection, by contrast, does not separate between the self and the other. This is exactly what Spinoza means by the intellectual love of God, the third kind of knowledge, which guarantees the immortality of the soul:

> This love toward God is the highest good which we can want from the dictate of reason (by IVP28), and is common to all men (by IVP36); we desire that all should enjoy it (by IV37). And so (by Def. Aff. XXIII), it cannot be stained by an affect of envy, nor (by P18 and the Def. of jealousy, see IIIP35S) by an affect of jealousy. On the contrary (by IIIP31), the more men we imagine to enjoy it, the more it must be encouraged, q.e.d.[41]

Here Spinoza explains why the truly rational love of God represents the highest good. The *deum amor ex dictamine rationis* (the love of God out of the instruction obtained from rational inquiry) enables social and political interactions that are free from violence precisely because they are not accompanied by feelings of envy and jealousy, which, as the previous discussion has shown, arise from touting teleological claims of superiority. The *summum bonum* thus coincides with that which is common rather than exclusive to the diversity of all peoples.

---

40. Ibid., p. 99.
41. Ibid., p. 170.

Communality as the Immortality of the Soul

Critics have often asked why Spinoza subscribed to the concept of the soul's immortality while at the same time affirming the parallelism between mind and body. How can the soul be immortal if it is intrinsically tied to the decay of the body? In order "to deal with this mess," Aaron V. Garret has recently argued that, according to Spinoza, "only a *part* of the mind is eternal."[42] This statement might reconcile the apparent contradiction of Spinoza's writing on the parallelism of body and mind, on one hand, and the immortality of the soul, on the other. Yet, at the same time, it gives rise to another paradox. How does the separation of the mind into an inferior and thus perishable part and into a superior and thus immortal essence square with Spinoza's focus on communality and interconnectedness (an element that Garret otherwise emphasizes in his study)?[43] Spinoza defines reason as the aspect of the mind that proves capable of understanding the necessary causes of various experiences that the body undergoes in communal life. It can thus only operate as part of a bodily entity. What happens if the body to which the mind belongs has perished? As we have seen above, the mind, as the rational love of God, does its work in a communal manner. There is not a single body that can rationally claim reason as its exclusive possession. Rather, it forms part of the whole of humanity in every aspect of its diversity.

The mind, as reason (rather than as affect), asks us to look out for our self-interest. But the "us" in question here does not denote a singular and exclusive group. On the contrary, it describes humanity in its entirety. The mind's eternal nature thus introduces a novel conception of what it means to be a unity. As unified form, the eternity of the mind at the same time constitutes a plurality. Once a particular body perishes, the mind keeps on living in relation to the diversity of other bodies that are still alive. As unity, it thus inhabits plurality. Rather than being linear and one-dimensional, the mind as rational love of God is ever-changing. This continuity of change makes for its eternity. We "live in continuous change,"[44] Spinoza affirms.[45] Spinoza's notion of the mind as a plural, sustainable, and ever-changing unity could thus serve as a blueprint for an inclusive universalism that

42. Aaron V. Garret, *Meaning in Spinoza's Method* (Cambridge: Cambridge UP, 2003), p. 195.

43. Ibid., p. 18.

44. Spinoza, *Opera*, 2:305.

45. Spinoza, *Ethics*, p. 178.

would be truly beneficial for the non-violent solving of problems that global societies are facing at the dawn of the twenty-first century. It is this Spinozist notion of plurality, rather than Kant's exclusive conception of a realm of freedom over and above the lowly sphere of nature, that serves as the philosophical and political ground on which could be built a new pluralist European identity.[46]

Monotheism as a Political Problem: Political Islam and the Attack on Religious Equality and Freedom

Afshin Ellian

The relation between religion and politics is a legal-philosophical theme that has once again come to the foreground, due primarily to the terrorist attacks of 9/11 and the ensuing international debate on the nature of Islam. Yet every discussion of Islam encounters the resistance of political correctness, which exercises an enormous pressure on academic freedom, often resulting in self-censorship.

Philosophy does not have as its primary goal the establishment of world peace. Instead, it begins by asking questions and by analyzing reality, even if those questions and analyses turn out to be very painful to religious or political powers. Nietzsche rightly asked questions about the most sacred value the West still held in possession: the truth. Today, however, it is nearly unthinkable to write a polemic about Islam in the same style as Nietzsche did about Christianity and Christ in the *Antichrist*.[1] The question may arise why I, as a legal philosopher, appeal to Nietzsche in order to allow myself the right to enter into a polemical debate with and about Islam. Debates about Islam have never lacked danger: there are numerous examples of Muslim thinkers who have been killed or threatened with

---

1. Here we can see a number of passages from Nietzsche's *Antichrist* (from *Twilight of the Idols and The Antichrist*, trans. R. J. Hollingdale [New York: Penguin Books, 1977]): "*What* was the only thing Mohammed later borrowed from Christianity? The invention of Paul, the means for establishing a priestly tyranny, for forming herds: the belief in the immortality—*that is to say, the doctrine of 'judgment'*…" (p. 167). "Everything that suffers, everything that hangs on the cross, is *divine*.…We all hang on the cross, consequently *we* are divine.…We alone are divine.…Christianity was a victory, a nobler disposition perished by it—Christianity has been up till now mankind's greatest misfortune" (p. 181).

murder. Especially in the context of the War on Terror, and in the debate about religion and politics, we should expand our knowledge about the political-theological elements that lie at the root of political Islam.

The mutual recognition of different claims to truth and dignity is the necessary condition for the continuation of the public realm. This reciprocity is the nucleus of tolerance. This implies that religious and ideological currents have to be willing to face criticism of their beliefs. Respect without the possibility of criticism is a condition that one may find in the mafia. In most Islamic countries from which the European Muslim immigrants came, tolerance for dissenting beliefs is almost nonexistent. It is therefore all the more imperative that these immigrants become accustomed to the principle of reciprocity. Experience, however, teaches us that this is not easy.

The principles of religious liberty and equality form no political problem in Europe. There is equality and freedom for all religions. The political problem is that Islam would abuse equality and freedom in order to violate these freedoms. Example: the building of a mosque justly falls under the category of freedom of religion. Yet when that same mosque is used to preach violent jihad, it infringes on the freedoms of others. Another example: Islam, like Christianity and Judaism, includes texts and teachings hostile to gays and women. Yet while Judaism and Christianity have developed extensive histories of textual criticism that modified and moderated the understanding of the pertinent passages, Islam has not undergone a parallel process. On the contrary, such passages, unaffected by any enlightenment, continue to be preached and can lead to violence against gays and women. The media are filled with reports that indicate an alarming trend among Muslim youth in Europe toward violent anti-gay behavior. Last summer, a number of gay couples were beaten up by young Muslims in Amsterdam.

Apostasy, too, is a large problem. Freedom of religion means the freedom to believe, the freedom to change one's beliefs, and the freedom not to be believe at all. In a number of European countries, committees have been established by persons who call themselves ex-Muslims. Ehsan Jami, the founder of such a committee for ex-Muslims in the Netherlands, was assaulted in the summer of 2007 in broad daylight by three young Muslims who did not appreciate his apostasy. Jami has since received numerous serious threats from terror networks, which is why he now receives protection on the orders of the Dutch National Coordinator for Counterterrorism.

Another example: filmmaker Theo van Gogh was murdered in 2004 because of his movie *Submission*, which was critical of the position of women in Islam. For the first time in centuries, religion is now returning to center stage in Europe as a source of violence and threats.

How can the freedom and equality of religions be combined with the freedom, equality, and safety of others? We are in fact talking about one religion in particular: Islam. Insight into this matter requires a legal-philosophical reflection on Islam and politics, which I will sketch in the following numbered sections. I limit myself to those religions that have played an important role in the political history of the West.

1. Antiquity was marked by a unity of the profane and the sacred.

In antiquity the divine and the political coincided because each religion was limited only by the laws of its state. There were no missionaries, only conquerors. The gods had to fight for followers. Rousseau was right when he wrote in *The Social Contract*: "So far from men fighting for their gods, the gods, as in Homer, fought for men."[2] The Romans had the habit of incorporating into their own religion the gods of the peoples whom they conquered.

Pre-Islamic Arabs knew multiple gods and lived in harmony with them. The pre-Islamic Jahiliyyah period, or period of ignorance, was a society in which people were tolerant of other gods. They refrained from attacking other states. The pre-Islamic Arabs were unjustly seen as barbarians. On the contrary, they did not engage in religious warfare.

The Islamic version of the history of the pre-Islamic societies is highly dubious. Patricia Crone, in her study *Meccan Trade and the Rise of Islam*, disproves the Islamic claim of a serious moral and economic crisis in Mecca prior to the arrival of Mohammed. This fictitious crisis was used to justify Mohammed's political coup. Based on empirical research, Crone comes to the conclusion that

> the tradition knows of no malaise in Mecca, be it religious, social, political, or moral. On the contrary, the Meccans are described as eminently successful; and Watt's impression that their success led to cynicism arises from his otherwise commendable attempt to see Islamic history through Muslim eyes. The reason why the Meccans come across as

2. Jean-Jacques Rousseau, *On the Social Contract*, trans. G. D. H. Cole (Mineola, NY: Dover Publications, 2003), p. 91.

morally bankrupt in the sources is not that their traditional way of life had broken down, but that it functioned too well: the Meccans preferred their traditional way of life to Islam.[3]

Islam later demonized this pre-Islamic period, in which the relations between the gods and religions were ruled by the law of tolerance. In doing so, Islam created a condition of organized forgetfulness that had to be maintained by violence.

2. Christ established the division between Church and State.

The basis for secular thinking can be found in Luke 20: 21–26:

> So they asked him, "Teacher, we know that you speak and teach rightly, and show no partiality, but truly teach the way of God. Is it lawful for us to give tribute to Caesar, or not?" But he perceived their craftiness, and said to them, "Show me a denarius. Whose likeness and inscription does it have?" They said, "Caesar's." He said to them, "Then render to Caesar the things that are Caesar's, and to God the things that are God's."

This initiated the split vision of the world. It laid the foundation for the Augustinian teaching of the necessary distinction between *civitas Dei* and *civitas terrena*, between religion and politics. We should keep in mind that there is an important difference between Christian history, which is very violent, and Christ and his teachings.

Although Islam does not have the institution of an organized church, the fact that Muslims are expected to live according to the example of the prophet makes his political and legal actions binding. Mohammed eventually created a political regime that would be built upon by the four successive caliphs. The word *siyasa* (politics) is derived from the word "to manage," "trend," or "train." It was originally used to describe the act of managing, training, and domesticating animals. Some Islamic rulers still see their subjects as animals to be trained and domesticated. One cannot understand *siyasa* without *fiqh* (theological jurisprudence). According to Ibn Taymiyya (d. 1328), the inspiration for many of today's radical Muslims, *siyasa shariyya*,[4] or politics according to the sharia, establishes

---

3. Patricia Crone, *Meccan Trade and the Rise of Islam* (Princeton, NJ: Princeton UP, 1987), p. 234.

4. Ibn Taymiyya, *Al-Siyasa al-Shri'yya* (*Politics in accordance with Sharia*), 3rd ed. (Cairo, 1955).

the perfect form of a political regime. According to Taymiyya, a central caliph was not the necessary condition for an Islamic state. What binds the community of believers, or *ummah*, is not the caliph but a life lived according to the sharia. Taymiyyah accordingly issued fatwas, i.e., legal decrees that proclaimed the heresy (*takfir*) of those Muslims who did not live according to the sharia.

3. Medieval Christian states and the sacred vision of the world.

In *The King's Two Bodies*, Ernst Kantorowicz describes the coherent political theology of the medieval world. The *persona ficta* of the ruler represented a "corporation soul": the mortal body of the king conjoined with his immortal body. The royal body was an imaginary that consisted of a multitude of other bodies (guilds, corporations). The ruler was the medium between the supernatural and his people, as well as the medium through which his people attained law, order, and justice. The concept of divine justice was at the heart of a political sphere that was represented as the source of all power through contemplative mediation.

In *Monotheism as a Political Problem* (1935), Erik Peterson addressed the disappearance of Christian political regimes: "The teachings of the divine monarchy fail because of the dogma of the trinity and the interpretation of the *Pax Augusta* was bound to fail because of Christian eschatology. Therefore theologically not only monotheism as a political problem becomes redundant, but the breach, with any political theology that justifies certain political situations by means of the Christian faith, is also made complete."[5] Here and elsewhere, Peterson was arguing against the National Socialist movement and its own specific political-theological framework (just as this polemic involves differences between Catholicism and Protestantism regarding *civitas dei* and *civitas terrena*).

In *Political Theology II*, Carl Schmitt debates Peterson's claim that political theology has ended. To be sure, nineteenth-century liberalism was able to maintain the fiction of a clear separation of religion and state: religion belonged to the church or to the domain of the private individual, while politics was the domain of the state. However, the First World War ended this separation by proving that the state had lost "the monopoly on politics," due in part to the emergence of new revolutionary political

---

5. Carl Schmitt, *Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie* (Berlin: Duncker & Humblot, 1996), p. 74.

subjects, such as the industrial proletariat. Schmitt claims that the Greeks and Romans would have been familiar with *theologia politica* or *theologia civilis*, in addition to the mythical and natural theologies of poets and philosophers. It is the political theology of *nomos*, the link between cult and community. Schmitt understands, correctly, that the foundations of legal order necessarily refer to some transcendence outside of society. Precisely because of this, the return of the theology of politics is a permanent and ever-recurring danger.

4. The Sassanid empire and the rise of gnosticism.

The Sassanid rulers depended on the official religion carried by Zoroastrian priests who, incorporating heterogeneous elements, were able to provide stability and integration. Yet this conjunction of state and religion eventually led to murder and tyranny when it faced the founder of a new religion, Mani (216–274). A Persian born in Babylon, he travelled to India, where he experienced Buddhist mysticism; to Alexandria, where he met Greek philosophy and Plato as its prophet; and to the Roman areas with their widespread Christianity. His new teaching, Manichaeism, which was comprised of all of these different influences, made him such a well-known and popular figure that King Shapour (who had defeated the Romans at the Battle of Asoerestan in 241) gave him an audience, much to the dismay of the high priest Kartir.

Mani considered himself the Paraclete, the redeemer sent by Christ, and the last prophet. He was the river into which all streams led, the only one who understood all previous prophets and who replaced them. This of course reminds us of the founder of Islam, Mohammed. In his philosophy the two principles and the "three era's" were central. The two principles were good and evil, or light and darkness. The three era's comprised the primordial era, in which the two dual forces were still separated; the present, in which the two principles were merged (without everyone actually being aware of it); and the future, in which light and darkness would once again be separated. In contrast to the Zoroastrian priests, Mani declared that the division between good and evil was the same as the division between soul and body. The soul is the seat of light, the awareness of good and evil; the body is the darkness in which the light of man is trapped. Unlike Christ, who deemed the body a temple, and Zarathustra, to whom the body was a sign of the good god Ahoera Mazda, Mani taught an absolute dualism between soul and body, and from that he drew the conclusion

that identifies every life-despising heretic: he forbade wine, sex, and the eating of flesh. What the body desires, *that* is evil. Only death, to which end life is nothing but a preparation, releases the soul from the body.

At the royal palace, a confrontation ensued, comparable in magnitude to the encounter of Jesus with Pontius Pilate. Asked about the source of his authority, Mani replied: "I have the highest authority because it had pleased God to appear to me." As a consequence of this reply, Mani was tried, condemned, and beheaded, and his body was displayed for months near the city gates.[6]

This example clarifies how quickly and seemingly automatically a theocracy can turn into tyranny. The unity between church and state turns the resolution of religious differences into a matter of state, oftentimes with murder as its consequence. This all happened before Christianity became the state religion of Rome. We know from historical sources that the first Muslims, including the prophet Mohammed, had quite detailed knowledge of the Sassanid Empire. The Sassanids would eventually propagate Manichaeism—in the form of Gnosticism—with a profound influence on Islam as well as on medieval Christianity.

5. Islam is intrinsically political.

Which prophet can prevail over dualism and successfully incorporate monotheism into politics? Rousseau's *Social Contract* provides a clear answer:

> Mahomet held very sane views, and linked his political system well together; and, as long as the form of his government continued under the caliphs who succeeded him, that government was indeed one, and so far good. But the Arabs, having grown prosperous, lettered, civilised, slack, and cowardly, were conquered by barbarians: the division between the two powers began again; and, although it is less apparent among the Mahometans than among the Christians, it none the less exists, especially in the sect of Ali, and there are States, such as Persia, where it is continually making itself felt.[7]

Rousseau is right when he states that Mohammed reinstated monotheism as a political regime. Not until the twentieth century did the Arabs

---

6. Abdolhossein Zarrinkoob, *Tarikh-e Mardom-e Iran Qhabl az Islam* (*The History of Iranian Peoples before the Islam*) (Tehran, 1998), pp. 438–42.

7. Rousseau, *On the Social Contract*, pp. 91–92.

seriously consider separating theology from politics; nor is this belated consideration surprising, since the Quran is viewed as the literal word of Allah. The life of the Prophet Mohammed, the Quran, and the Hadith (the teachings of the prophet) constitute the public sphere (Medina, the city, the *polis*). The later Mohammed (in Medina) became a head of state: he decided when and how war was conducted, and he acted as the political, legal and religious leader.

The early Mohammed, the prophet, was a mystic in Mecca who invited the people to join him in the pursuit of brotherhood and justice. He asked people to worship one god and to destroy all other gods in the Ka'aba in Mecca, without however any political ambition. Although the people admitted his god into their polytheistic world, they rejected his adamant monotheism. Salman Rushdie strikingly describes this in *The Satanic Verses*: "This is the world in which Mahound [Mohammed] brings his message: one one one. It sounds like a dangerous word in the midst of all that plurality." Mohammed believed *"La* [there isn't] ilaha [a divinity] illa [except] Allah." This doctrine that denied the existence of more than one god became the source of conflict between Mohammed and the mushrik (the polytheist).

After the migration to Medina in 622, a different Mohammed appears, who is the primary figure in the Quran, Hadith, and the Sharia. This Mohammed is a statesman, judge, and warlord. According to his biographer Ibn Ishaq, this is when he is given the right to use violence, just before his departure to Medina: "Those who are under siege have the right to engage in combat" (Quran 22:39). He could now use violence against the unbelievers, i.e., non-Muslims. In 624 Mohammed defeated the army of Mecca at the battle of Badr. From that moment on, he is the undisputed leader of Medina and of the universal society of Muslims, the *ummah*. Rousseau was right: Mohammed started the war against every form of plurality, duality, and trinity on the symbolic level of power and the level of the political. The late Mohammed united the theological with the political, and as a result, "politics," in the sense of a public sphere in which free people meet, has become an ideal, a dream, to the average Muslim.

The contrast between the pre-Islamic Jahiliyya and the regime of political Islam is so absolute that it bears a great resemblance to the revolutions of modern times. In the victorious return of Mohammed to Mecca, Rushdie sees a modern, revolutionary battle against time and history: the

Islamic revolution treats history as a diversion from the right path, and all new knowledge as futile, because on the day that Allah completed his revelation to Mahound, the sum of all knowledge had been reached. In contrast the reconciliation of Hellenic philosophy and culture and Judeo-Christian traditions established a continuity in Western culture, while Islam has always forbidden any form of reconciliation with the conquered cultures. The pre-Islamic cultures, whether Christian or polytheistic, of Egypt and Iraq or Syria, were rejected. In Persia, one still encounters the duality between Islamic and pre-Islamic cultures, and the ensuing intellectual tension can be felt even in today's Iran. Indeed, perhaps nowhere else in the Islamic world is the discussion about Islam carried out with such vigor as in the Iranian communities.

According to W. Montgomery Watt, one of the main "differences between Christianity and Islam is that for three centuries the Christian Church was a purely religious community without political power, whereas from the time of the Hijra in 622 Islam was identified with a political community."[8] The Islamic state was and is an ideological state, and its primary purpose of government was to defend and protect the faith and the *ummah*, the community of believers. Not defined in terms of territory or ethnicity the *ummah* is only limited by faith. As Watt explains: "Political boundaries were unknown to Islam except those that separated the *dar al-Islam*, the area inhabited by Muslims, form the *dar al-Harb*, the abode of war inhabited by unbelievers."[9]

The prophet was the sovereign, Thomas Hobbes's "Leviathan." After him, the caliphs could not be seen as prophets but merely as successors or *khalifat rasul Allah* (successor of the messenger of Allah). The Umayyads (661–750) used the title of *kalifat Allah* (deputy of Allah).[10] All major conflicts in Islam have involved conflicts over successions of power, not reform of doctrine. This is why the king of Morocco, Hassan II, declared in an interview with *Le Monde* on September 4, 1992: "Islam forbids me to instate a constitutional monarchy according to the Western European model. I can delegate certain authority to others, but I don't have the right

8. W. Montgomery Watt, *Islamic Philosophy and Theology: An Extended Survey* (Edinburgh: Edinburgh UP, 1995), p. 30.

9. Ann. K. S. Lambton, *State and Government in Medieval Islam: An Introduction to the Study of Islamic Political Theory: The Jurists* (Oxford: Oxford UP, 1981), p. 13.

10. Patricia Crone and Martin Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge UP, 1986), p. 21.

to give up my privileges. An Islamic king can't delegate his power."[11] This confirms the judgment of Crone and Hinds:

> The fact that all aspects of life were rolled together in a single god-given packet in the Islamic view of things was of crucial importance for the formation of a new civilization in an area in which civilization cannot be said to have been in short supply; the same fact lies behind the ideological intransigence of Islam vis-à-vis the Western world today. It is a fact which throughout history has given Islam extraordinary powers of survival; but at the same time it has always interfered with the capacity of Muslims to organize themselves.[12]

6. Although Islam is not compatible with democracy, Muslims are.

The Islamic world is a coincidence. If the Persians or the Egyptians had not been defeated, Islam would have probably not reached beyond the Arabian Peninsula. It was not the authentic convictions of the conquered people that account for the spread of Islam. Wars and political weakness explain the penetration into Persia, including today's Iraq. The chaos caused by the Islamic army in the conquered countries and the ruthless suppression of local resistance caused an almost permanent state of forgetfulness in the Islamic world.

We must differentiate among Muslims, Islam, and political Islam. There are many different Muslims in the world: Muslims who drink whiskey, those who are strong believers, those whose belief isn't so strong, atheists, democrats, Marxists, and so on. Islam and Muslims cannot be seen as one and the same, just as one must differentiate between the Vatican and Catholics. Muslims can live under any type of regime. Muslims decide what Islam is to them and have been doing so for centuries. Just like the Vatican, Islam itself cannot be unified with democracy. However, just like the Catholic faith, Islam can submit to a democratic judicial order.

However, the mosque as a symbol of Islam fundamentally collides with a liberal society because it sees the Quran as its sole source for legality. The constitution of a liberal state on the other hand is founded upon an inalienable belief in freedom and equality for all, while it also refrains from laying claim to the absolute truth. The Quran does make such a

---

11. Bassam Tibi, *Der wahre Imam: Der Islam von Mohammed bis zur Gegenwart* (Munich: Piper Press, 1996), p. 26.

12. Crone and Hinds, *God's Caliph*, pp. 97 and 110.

claim, and sharia is therefore incompatible with a polity of liberal rights. This explains why many Muslims in the Islamic world are fighting for democracy and human rights.

It is imperative to differentiate among Islam, political Islam, and Muslims. Political Islam is a totalitarian movement and an enemy of Muslims and non-Muslims alike. Islam has always had two faces: a political one and a mystical one. For most Muslims the practices of Islam are merely habitual, but because of the fact that the prophet Mohammed—and not the imams—laid the foundation for political Islam (alongside mystical Islam), it has become impossible to pose critical political questions without touching upon essential elements of Islam.

Does the above imply that there are no moderate Muslims? Most certainly not, and, what's more, most Muslims do not even understand Mohammed's full political legacy.

7. Modern democracy has rejected the concept of a religious state.

A liberal state does not define itself in ideological or religious terms; it leaves room for different ideologies and religious ideals. The fact that the state is neutral and impartial enables it to mediate when conflicts arise. Does this mean that Christian Democrats represent a political Christianity? No. While they are sometimes inspired by their faith, when it comes to social issues, such as justice and mutual respect, they do not rule on the basis of what the Bible tells them, and they respect the free choices of citizens. In short, they are secular.

What political Christianity failed to achieve, modernity actually accomplished: namely, to form a stable society, characterized by the plurality of its components and based on freedom. Under the supervision of the neutral state, an intense ideological and religious battle is being waged about which vision should be allowed to shape society. The laws of the state, however, are not based on political-theological arguments. The state laws *and* arguments should apply to and be binding for *all* citizens. This neutrality extends to the vital organs of the state, which should be cleansed of any ideological or religious bias: the public government, the judiciary, and the police appear to the citizen in its outward form as neutral. It is because of this that Paul Cliteur argues that an increasing level of multiculturalism should be accompanied by an ever-increasing neutrality of the state.[13] The state operates on the basis of the principle of equality and

---

13. Paul Cliteur, *Moreel Esperanto* (Amsterdam: De Arbeiderspers, 2007).

freedom. Human rights, therefore, become the guiding principle for a liberal *Rechtsstaat.*

8. *Freedom of religion implies polytheism.*

Freedom of religion implies the acceptance of the presence of multiple gods and their claims on truth and dignity. A democratic society is a polytheistic society. Power in a democratic society cannot coexist with a single monotheistic church service. Power and the divine went hand in hand in ancient Greek democracy, as evident in the fact that pluralistic polytheism was inseparable from the public sphere (politics) instead of being placed above it. This is exactly the heart of the problem. The war of Mohammed addressed the polytheistic character of the world; indeed the whole Quran basically concerns the war against polytheism. Although Christians and Jews were protected by the concept of the *dhimmi*, based on their worship of the same, one god, the centrality of the war against polytheism and the establishment of the singular supremacy of Allah are paramount to Islam. We should not, however, confuse the concept of freedom of religion with the concept of the *dhimmi*. Freedom of religion means equal treatment of all religions and the freedom to change religion. It is because of precisely these freedoms that the radical Muslims view Western and free Islamic societies as examples of *shirk* (polytheism), which the prophet fought with the sword.

It is said that Islam recognizes freedom of religion. This is not true. Firstly, in an Islamic regime only three religions are permitted to exist under the guardianship of Islam: Christianity, Judaism, and Zoroastrianism. Secondly, these groups of permitted non-Muslims are not equal to Muslims. They are *dhimmi*, they are required to pay *jizya* (extra taxes) in order to safeguard their community, they are excluded from the judiciary, and the weight of their testimony in court is greatly diminished compared to that of a Muslim. In addition they are not allowed to criticize Islam, build new temples, or attempt to convert others. In short, these and many other regulations concerning the position of the *dhimmi* effectively make the *dhimmi* a second-class citizen. The reason for this is not because of tolerance but because of the express prohibition on killing the Christian, Jew, or Zoroastrian so long as he is paying the *jizya* tax. The protection thus accorded under the *dhimmi* rules are not aimed at establishing tolerance or mutual respect but at soft-conversion. These very unfavorable conditions may ultimately sway the *dhimmi* to convert to Islam. In fact, many inhabitants of the conquered Christian, Jewish, or Zoroastrian communities

converted to Islam. Those who were not eligible for *dhimmi* protection, such as Buddhists or Hindus, were deemed infidels. Their choice was limited to conversion or death. This is how Islam spread to India.

Thirdly, Islam forbids apostasy. It remains a punishable offence to this day to leave Islam for another religion. In conclusion, in polytheistic societies, monotheistic religions have to compete with other religions in some sort of peaceful competition. In such conditions the state remains neutral. A democratic polytheistic society is therefore an extraordinarily safe environment for religious people. In such a state, Shias, for example, would not be able to persecute Sunnis, nor would Protestants be able to persecute Catholics, and the priestly dissidents would be able to find refuge.

9. Political Islam represents a new form of totalitarianism.

Totalitarian tyranny represents a new type of political regime in the history of humanity. Nazi Germany, the Soviet Union, Pol Pot's Cambodia, the Iran of the Ayatollahs, and South Africa's apartheid regime are all examples of what is referred to as a totalitarian regime in both jurisprudence and political philosophy. Totalitarian terror tries not only to eliminate political adversaries but also to subject all civilians to radical transformation. Totalitarian regimes aim at changing the world according to their ideology. The totalitarian mission, therefore, represents a threat to other, non-totalitarian countries. They entail criminal regimes with a criminal ideology that should be abolished completely.

Present-day Islamic terrorism is totalitarian.[14] It strives for a total state on an ideological level as well as on the level of international relations. The total state is, by definition, a totalitarian state that has an answer to all aspects of human existence on earth. Jihad, in the sense of armed combat, is a tool for establishing a total state. The dominion of an Islamic totalitarian state would change all of the laws and regulations that govern relations between people. This form of terrorism is prepared to sacrifice everything to its cause and is therefore aptly called mass terrorism. A jihadist does not just want to eliminate the leader of a government but also wants to install a new political order and society. In his text "To Catch a Wolf," Mohammed Bouyeri, the assassin of Theo van Gogh, described his jihadist intention as follows:

---

14. Bassam Tibi, *Der neue Totalitarismus: "Heiliger Krieg" und westliche Sicherheit* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2004), p. 36.

> By the grace of Allah, a generation will rise that will use death with their own blood and their own souls as a shield around our Umma. It is a question of time before the knights of Allah will march unto the Binnenhof [Dutch parliament] in The Hague to raise the flag of Tawheed. They will (insha'Allah) change the parliament into a Sharia court, the chairman's hammer will go down to ratify the Islamic sentences, the gong will spread the Islamic law over the rest of the Netherlands like the wrinkles of a drop. From the tower of Kok [referring to the private office of the prime minister], we'll hear (insha'Allah) La ilaha illa Allah, and these words will be carried by the wind and will mix with other words of praise that will come together from all directions and regions. These praises will finally reach our Master on His Throne and the Islamic Umma will throw itself as one body before the Lord of the worlds.

The opinions of Bouyeri manifest the typical traits political Islam. Bouyeri told the judge:

> We are talking about the fundaments of Islam. It is undisputed that the blood of a Kafir (infidel) is halal (allowed). So it is written in the law, no one can disagree about that. This line can be traced back to the Quran and the Sunnah. . . . The "true" Muslim, the Muslim who is guided on all areas only by the laws of Allah, has to declare Takfir [i.e., a declaration accusing someone of unbelief] upon those who worship others besides Allah and those who are worshipped besides Allah: the "true" Muslim has to declare them as infidels, Kufar. . . . Islam has come to submit the lie and the adherents of the lie to the truth, if necessary by the sword.[15]

The leaders of political Islam know where history ends and what is good for all people on earth. They understand their struggle in long historical terms, as is clear from the opening of *Welayate Faqih* (1969) by Imam Khomeini, later the founder of the Islamic Republic of Iran:

> From the very beginning, the historical movement of Islam has had to contend with the Jews, for it was they who first established anti-Islamic propaganda and engaged in various stratagems, and as you can see, this activity continues down to the present. Later, they were joined by other groups, who were in certain respects, more satanic than they. These new groups began their imperialist penetration of the Muslim countries about three hundred years ago.

---

15. This statement was originally signed by Bouyeri under the pseudonym of Abu Zubair, and could be found on a number of internet sites.

The Islamic response, established by Mohammed, involves the creation of a religious political order, as Khomeini continues:

> The Sunnah and path of the Prophet(s) constitute a proof of the necessity for establishing government. First, he himself established a government, as history testifies. He engaged in the implementation of laws, the establishment of the ordinances of Islam, and the administration of society. He sent out governors to different regions; both sat in judgment himself and also appointed judges; dispatched emissaries to foreign states, tribal chieftains, and kings; concluded treaties and pacts; and took command in battle. In short, he fulfilled all the functions of government. He designated a ruler to succeed him, in accordance with divine command....According to one of the noble verses of the Quran, the ordinances of Islam are not limited with respect to time or place; they are permanent and must be enacted until the end of time....The Muslims can only live in peace and tranquillity when they retain their perfect faith (Iman) and morals (akhlaq) and when they live under the guardianship of justice and the law. The organization and the laws of such a regime have already been designed by Islam. It is our duty to bring the design of the Islamic government into effect.[16]

The essence of this political-legal theology can be found in Sunni political Islam as well. There are eternal, unchangeable laws that should be viewed as the blueprint for a just Islamic regime. Past and future are an unchangeable design that begets its form through an inner and outer jihad, including the jihadism of terror.

Muslim terrorism constitutes a movement that distinguishes itself primarily by battling human rights and democracy. Islamic terrorism is a representation of everything that civilization considers to be intolerant. The assumption that Islamic terrorism fights modernization as such is unjustified. Al Qaeda uses modern science and technology in its battle against the free world, yet it opposes modernity and its legal culture. The radical instrumental use of modern technology and mass media is a defining characteristic of political Islam. Khomeini referred to TV as "a devilish box," but we now know that nobody in the history of Persia ever used mass media as intensively to spread totalitarian propaganda as the Khomeinists. Iran even erected a Hebrew radio station. Osama bin Laden, too, uses mass

16. Imam Khomeini, *Islamic Government: Governance of the Jurist* (Tehran: The Institute for the Compilation and Publication of Imam Khomeini's Works, 1969), pp. 20–21.

media in an all-encompassing way, and the fact that he cut Afghanistan off from radio and television is part of a strategy of control.

10. Islamic culture is in dire need of a century of enlightenment.

Islamic intellectuals often show signs of narrow-mindedness, while succumbing to nationalistic tendencies. Even leftist intellectuals in the Islamic world have a weak spot for the religion and its traditions. A century of enlightenment is unachievable without the presence of brave intellectuals in the Islamic world. The Islamic world needs intellectuals like Nietzsche and Voltaire. Freedom of speech and tolerance toward dissenting opinions are prerequisites for critical self-reflection.

Islam was created to wage war against polytheism and disbelief, and as a result of this the unification of the sacred and profane stands at its core. The freedom, equality, and safety of non-believers or adherents of other religions is therefore permanently endangered. Just as Christianity has submitted to the rules of the open society and the liberal state, so too could Islam accept these same rules. In the meantime, most of the victims of Islamic terror are located in Islamic countries themselves. This should not be surprising given the fact that a battle for the Muslim mind is currently being waged over how to reconcile Islam with the concepts of democracy and an open society.

The issue at hand is the struggle for human rights in the Islamic world. The front line of that battle is taking place in the area of women's rights. There are countless brave women who participate in this struggle: Nahid Salem, Ayaan Hirsi Ali, Wafa Sultan, and many nameless women who dare to risk their lives on a daily basis in the Islamic world, fighting for the cause of equal rights. In addition, a critical reading of the Quran is an absolute necessity for any reform in Islam. Christoph Luxenberg (a pseudonym for an Arab scholar) comes to mind.[17] His impressive study of the Syro-Aramaic origin of the Quran indicates that the Quran is a hybrid text. The word *houri*, for example, often translated as eternal virgins, is proved to be of Syro-Aramaic descent and means "round things." It was used primarily to describe grapes. Well, this would of course be a huge disappointment for the jihadists who, in return for killing themselves and others, expected an flock of virgins but ended up instead with a bunch of grapes.

17. Christoph Luxenberg, *Die syro-aramäische Lesart des Koran: Ein Beitrag zur Entschlüsselung der Koransprache* (Berlin: Das Arabische Buch, 2000), pp. 228–33.

The Fibre, the Thread, and the Weaving of Life: Wittgenstein and Nancy on Community

Chantal Bax

Although Wittgenstein is famously skeptical about the possibility of making substantial philosophical claims, he can be said to offer significant insights into the difference between inner and outer as well as the difference between self and other.[1] He consistently reminds us that inner and outer are intimately connected instead of only causally related, as well as that the self—far from being a wholly independent entity—always already finds itself constituted by its relationships with others. In thus contesting the Cartesian view on subjectivity, however, Wittgenstein may appear to simply reduce the inner to the outer and the self to the other. At times, indeed, he is taken to deny psychological phenomena their reality and to subscribe to some form of behaviorism.[2] Similarly he could be said to support a brand of post-structuralism or constructivism regarding the relation between self and other(s). Sometimes he suggests that precisely the things we consider to be most personal—our thoughts, feelings, and expressions thereof—are determined by our social context. If the subject exists at all, Wittgenstein seems to maintain, it owes its existence or its identity entirely to the community.[3]

1. Most of the debate on Wittgenstein's method revolves around understanding its anti-philosophical character, but for an explanation of why he need not be considered to be the antidote to philosophy, see Daniel D. Hutto, *Wittgenstein and the End of Philosophy: Neither Theory nor Therapy* (Basingstoke: Palgrave Macmillan, 2003).

2. For a refutation of behaviorist interpretations of Wittgenstein, see Michel Ter Hark, "Uncertainty, Vagueness and Psychological Indeterminacy," *Synthese* 124 (2000): 193–220; and Søren Overgaard, "Exposing the Conjuring Trick: Wittgenstein on Subjectivity," *Phenomenology and the Cognitive Sciences* 3 (2004): 263–86.

3. Wittgenstein is ascribed a social theory of mind in David Bloor, *Wittgenstein, Rules and Institutions* (London: Routledge, 1997), esp. chap. 4, "Conscientiousness"; and

Yet both behaviorist and constructivist readings overlook the nuanced, non-reductionist character of Wittgenstein's writings. Rather than proclaiming the death of the subject, Wittgenstein positively tries to rethink this concept. Moreover, a rigorous social constructivist stance would prevent him from elucidating the very phenomena that he is investigating. For is the ability, say, to understand and follow rules, or to make and break linguistic conventions, not to an important extent an individual capacity?[4] Just as Wittgenstein is not claiming that pain is a fiction when emphasizing the significance of pain-behavior, he presumably wants to preserve *some* notion of individuality, regardless of the importance that he attaches to community.

It is, however, not just for such systematic reasons that Wittgenstein could want to maintain a notion of individuality or subjectivity.[5] An oft-voiced objection against overstating the role of community is that if the self is completely constituted by context, it is unclear whether a person can ultimately be held responsible for his or her actions—and since there is a tremendous practical or ethical need to hold individuals accountable for what they do, post-structuralism or constructivism must be dismissed.[6] Several of Wittgenstein's remarks on ethics and religion suggest that he too considers the concept of personal responsibility to be indispensable. Thus, in *Culture and Value* he states that a religious upbringing should never become indoctrination but must always involve an appeal to conscience,

Meredith Williams, *Wittgenstein, Mind and Meaning: Toward a Social Conception of Mind* (London: Routledge, 1999).

4. This is extensively argued for in Michael Luntley, *Wittgenstein: Meaning and Judgement* (Oxford: Blackwell, 2003).

5. I am using terms such as "subject," "self," "person," and "individual" more or less interchangeably here. Though these concepts may have divergent connotations and have been severely criticized for their connotations, I take all of them to be terms for what it means to be a human being, and rather concentrate on this shared concern than on certain differences and drawbacks. In ordinary language, moreover, these terms can be used interchangeably as well (although a term like "subject" may ordinarily not be used that often).

6. An argument of this kind is outlined in Vincent Descombes, "Apropos of the 'Critique of the Subject' and of the Critique of this Critique," in *Who Comes After the Subject?* ed. Eduardo Cadava, Peter Connor, and Jean-Luc Nancy (London: Routledge, 1991), pp. 121–22, 130–33. Interestingly, Descombes mentions Wittgenstein's work as a way out of the "scholastic quarrel" on subjectivity (see ibid., pp. 126–29). I am not sure if my reading of Wittgenstein is what he has in mind here, though.

and he rejects the theory of predestination as being profoundly irreligious or unethical.[7]

Hence, for both systematic and ethical reasons, the question of how Wittgenstein understands the interrelation of individual and community is a vital one, even if he did not explicitly address this issue himself.[8] If Wittgenstein does not take community to be a matter of separate individuals merely coexisting, but neither takes the individual to be a simple product of its social environment, what alternative picture of this relationship could he give? Could Wittgenstein perhaps portray community as something (or maybe not a "thing") to which every individual makes an unequivocal contribution and for which he or she remains responsible?

Wittgenstein on Community

This question is not easily answered. Though Wittgenstein often appeals to the community, he nowhere engages in a careful reflection on the meaning of words like "*Volk*," "society," and "community." The only remark, from which a somewhat clearer concept of community emerges, is an unpublished 1931 journal entry on the position of the Jews in European history. Here Wittgenstein employs the traditional idea of the body politic.

Apparently not without empathy, he describes how subjects experience the nation-state as a body of which they are part, while the Jewish minority is felt to be "a kind of disease, anomaly." Such a "swelling," Wittgenstein continues, "can only be considered to be a proper part of the body when the whole feeling for the body is changed."[9] But he seems fairly pessimistic about the possibility of such a transformation ever taking place.

Despite this one remark, however, other parts of Wittgenstein's oeuvre suggest that the idea of the body politic is an unfortunate metaphor for thinking about community. An important lesson to be drawn from his

7. Cf. Ludwig Wittgenstein, *Culture and Value*, trans. Peter Winch (Chicago: Univ. of Chicago Press, 1980), pp. 64, 81, 86.

8. In my view, exegetical and systematic questions cannot easily be separated, and the fact that Wittgenstein did not give an account of community himself need not prevent one from investigating what Wittgenstein could have said about this topic. My ultimate goal, however, is systematic instead of exegetical. That is to say, I do not want to claim that the account that I present here is exactly what Wittgenstein had in mind; instead, I want to try to sketch a Wittgensteinian or Wittgenstein-inspired account of community.

9. Cf. Ludwig Wittgenstein, "Manuscript 154," in *Wittgenstein's* Nachlass*: The Bergen Electronic Edition* (Oxford: Oxford UP, 2000), pp. 22–23. The translation is mine as there is no standard translation available for this manuscript.

reflections on meaning in general, to begin with, is that many of our words do not function according to the "model of 'object and designation'."[10] Wittgenstein is, for instance, highly critical of the temptation to think that the word "time" is the name for a special kind of entity or even person.[11] Likewise, one would expect him to call it misguided to assume that the word "community" must refer to one discrete item or substance. But the metaphor of the body politic not only fails to accommodate Wittgenstein's language-theoretical insights; it also appears incapable of living up to his ethical standards. The classical *corpus* model of community does not seem able to provide a satisfactory account of responsibility.[12]

That is to say, members of the body politic are asked for complete identification with and obedience to the larger whole. This implies a removal of the *locus* of responsibility from the individual to the collective. Yet it is questionable whether rights and wrongs can be committed by or through anything other than the individual agent. Personal responsibility, or responsibility as such, can thus be said to be a problematic concept on the *corpus* account of community—but it is precisely this concept of which I have just claimed that Wittgenstein regards it as fundamental.

At first sight, then, Wittgenstein's writings at best indicate how *not* to depict the relationship between communities and their "members," without providing a genuine alternative. Keeping in mind, however, that this relationship is of two-fold importance[13] to him, one should not conclude that there *is* no legitimate Wittgensteinian concept of community. In what follows, I will re-read some of his remarks that implicitly address this issue after consulting an account that meets the constraints identified earlier: an account that does not take "community" to be the name for a person-like entity, nor identifies the individual with the community to such an extent

10. Ludwig Wittgenstein, *Philosophical Investigations* (Oxford: Blackwell, 1995), par. 293.

11. Cf. Ludwig Wittgenstein, *Wiener Ausgabe: "The Big Typescript"*, ed. Michael Nedo (Frankfurt am Main: Zweitausendeins, 2002), p. 522.

12. Obviously, such questions are extensively discussed by moral or political thinkers, Hannah Arendt being one of many possible examples; see, for instance, Hannah Arendt, "Personal Responsibility Under Dictatorship," *The Listener* 72 (August 1964). Since I am discussing the topic of responsibility merely as a means of formulating a Wittgensteinian account of community, I will clearly not be able to reach the same level of refinement as those who investigate the topic for its own sake.

13. That is, important with respect to both his systematic concerns and his ethico-religious ideals.

that responsibility becomes problematic. Having recourse to such a theory can—without trying to read it "into" Wittgenstein's remarks—give one a better sense of the kind of account to look for there. It is for this reason that I want to turn to the writings of Jean-Luc Nancy.

Given his distance from Wittgenstein, Nancy may not be the most obvious thinker to call to assistance.[14] Nancy, however, explicitly tries to rethink the relationship between individual and community (or rather tries to think both notions anew) and appears to agree with Wittgenstein on how *not* to depict this relationship. Moreover, he refuses to think in terms of black-and-white dichotomies or "all-too-facile relations,"[15] which is precisely the stance that Wittgenstein takes toward the topics that he does address. It will turn out that some of Wittgenstein's remarks bear resemblance to Nancy's writings, especially *The Inoperative Community*; these similarities will help to bring out aspects of Wittgenstein that may have otherwise remained underdeveloped or unnoticed.[16]

Nancy on Community

The Inoperative Community starts out from the idea that community cannot be taken to be a higher-level entity into which individual (or, in Nancy's term, singular) human beings are incorporated. Even though community has got everything to do with "being in common," Nancy maintains, it cannot be assigned a "common being."[17] Here, an idea such as that of the body politic is immediately rejected as an unsuitable means of portraying community. Yet this rejection is not dictated by a desire to protect that supposed highlight of European thinking, namely, the autonomous individual

14. Compare Todd May, "From Communal Difference to Communal Holism: Jean-Luc Nancy," in *Reconsidering Difference* (University Park: Pennsylvania State UP, 1997). May argues that it is Nancy's rather than Wittgenstein's ideas of community that need improvement, and that precisely Wittgenstein's insights can be used to offer an alternative to Nancy's account. However, since May's focus is mainly on how the individual is constituted by community—not on the role that the individual in its turn plays in community—he does not seem fully able to counterbalance the social constructivist readings of Wittgenstein that I am trying to amend. I think this is exactly where Nancy can be of assistance.

15. Jean-Luc Nancy, *The Inoperative Community*, trans. Peter Connor et al. (Minneapolis: Univ. of Minnesota Press, 1991), p. 8.

16. A detailed introduction to Nancy's oeuvre is given in B. C. Hutchens, *Jean-Luc Nancy and the Future of Philosophy* (Montreal: McGill-Queens UP, 2005), and Ian James, *The Fragmentary Demand: An Introduction to the Philosophy of Jean-Luc Nancy* (Stanford, CA: Stanford UP, 2006). My exposé bears mostly on James's book.

17. Nancy, *Inoperative Community*, p. xxxviii.

of liberalism. Nancy does not simply oppose the freedom of the liberal subject to the tyranny of the pure collective, for he considers both to be figures of what he dubs "immanentism."[18]

Both are instances of a thinking that is—and one can put this in Wittgensteinian terms—"held captive by the picture"[19] of being or beings as—in Nancy's own words—"perfectly detached, distinct and closed."[20] But this is a logic, Nancy argues, that undermines itself.

It leads to a contradiction when applied to the singular being, for it must depict the individual as not merely isolated or alone, but as moreover "alone in being alone."[21] Absolute "ab-soluteness" can only be achieved by ruling out each and every plurality and relation, whereas being absolute or disconnected implies that there is something else to which one bears a relationship of dissociation. The logic of absolute individuality must thus deny exactly what it needs to presuppose.

The metaphysics of closure or totality similarly leads to a dead-end when it is applied to community. A complete fusion of singular human beings into one uniform whole could be brought about only by erasing all differences between them, but with the disappearance of distinctions, nothing remains to be communed or shared—and the death or "suicide"[22] of community is the sole result. The thinking of community in terms of total unity thus renders unattainable precisely what it aims to attain.

In a language more familiar to Wittgensteinians, the concepts of both absolute individuality and pure totality fail to capture what the words "human being" and "community" are actually used for. Both concepts deny the essentially relational character of being and therefore form impossible ontological figures.

One could have various reasons for deploring either of these impossibilities, yet neither a "nostalgia"[23] for a lost community nor—one could add—a lamenting over man having disappeared are necessary at this point. As Nancy shows, the impossibility of both absolute individuality and pure collectivity precisely makes up the dynamic "nature or structure"[24] of singularity and community properly understood.

18. Ibid., p. 3.
19. Wittgenstein, *Philosophical Investigations*, par. 115.
20. Nancy, *Inoperative Community*, p. 4.
21. Ibid.
22. Ibid., p. 12.
23. Ibid., p. 10.
24. Ibid., p. 6.

Nancy's account of this structure can be said to combine as well as to amend both Heidegger's concept of "being-toward-death" and Bataille's concept of "shared finitude."[25] The main idea is that, although its finitude is what is most characteristic of the human being, he can never have his death at his disposal. But if the human being cannot own "precisely what is most proper to it and most inalienably its own,"[26] Nancy explains, singularity cannot be taken to be a self-same, self-present substance.

The singular being, however, does not discover this "mortal truth"[27] all on its own. Since it does not live to see its own death, it can only be exposed to this truth by the death of others. Their shared mortality, then, always already brings singularities as singularities together—but as they cannot appropriate precisely what they share, their coming together is at the same instant never a "project of fusion."[28] Community is rather the very being of finite beings, as well as their very being together.

With Nancy, neither singularity nor community is lost; they are saved simultaneously.[29] Just as, and exactly because, the singular being is always exposed to and interrupted by other singularities, community does not take the form of an impenetrable unity. The "mutual interpellation of singularities,"[30] that is, implies a "resistance to immanence."[31] With this resistance, community is not undermined—or is, more exactly, continually undermined and therefore sustained. Moreover, while resistance to immanence is possible only because the human being is not an absolute individual, Nancy does not save community at the expense of singularity. Human beings may be defined by their being-in-common, but they do not lose their distinctness as a result. On the contrary, since their most distinct, most proper characteristic can be revealed solely by other singularities, the singular being is "at once detached, distinguished and communitarian."[32]

---

25. For a detailed exposition of the discussion with Heidegger and Bataille that forms the background to *Inoperative Community*, see James, *Fragmentary Demand*, pp. 177–85.

26. Nancy, *Inoperative Community*, p. 14.

27. Ibid., p. 15.

28. Ibid.

29. Or, they can only be said to be lost to the extent that a certain loss or lack is constitutive of their being.

30. Nancy, *Inoperative Community*, p. 29.

31. Ibid., p. 35.

32. Ibid., p. 29.

Even though "there is no singular being without another singular being"[33] and there is always an "inclining"[34] or moving from singularities to one another, this movement never finds an end. Community, in other words, is not the greater good toward which human beings work, or the product into which their combined efforts eventually result. Instead, Nancy explains, the being together of singular beings is characterized by a certain fragmentation or incompletion, "taking the term incompletion in an active sense, however, as designating not insufficiency or lack, but the activity of sharing."[35]

That is to say, singularities are not "in common" due to some common essence or collective identity. As beings that are finite and never coincide with themselves, they rather share what Nancy calls a "lack of identity."[36] This "lack" should prevent community from ever becoming a project of theoretical reification or actual purification. So far from constituting a deficiency, the infinite activity of sharing a lack of identity is precisely what makes human being and (or as) communal being possible. On my reading, Nancy's account meets the constraints described earlier: the individual is not identified with the community to the point of making personal responsibility problematic[37] and "community" is not taken to be the name for one discrete item or substance. Instead of "a work to be done or produced," Nancy suggests, it is "a gift to be renewed and communicated" or "an infinite task at the heart of finitude."[38] Community forms a process rather than a substance—but a process that never comes to a close, or an activity that singular beings never cease to perform.

Re-reading Wittgenstein

Wittgenstein and Nancy can thus be said to agree on how *not* to depict community; for both, the metaphor of the body politic is not up to this task.

33. Ibid., p. 28.
34. Ibid., p. 3.
35. Ibid., p. 35.
36. Ibid., p. xxxviii.
37. It is by no means my intention to suggest that the reflections on responsibility presented in this paper resemble the ideas that Nancy may have on this topic; it is not within the present scope to discuss the latter. The point, rather, is that Nancy's re-thinking of community does not amount to an "un-thinking" of singularity and therefore—assuming that the singular human being provides the *locus* thereof—does not amount to an "un-thinking" of reponsibility either.
38. Nancy, *Inoperative Community*, p. 35.

But the more interesting question is: Is there something like Nancy's alternative to the "object-and-designation model" of community to be found in Wittgenstein's writings? To be sure, even if Wittgenstein had expressly addressed the issue of the relation between self and other(s), he would not have done so in the same way as Nancy. I nonetheless think that Nancy's suggestion, that community is an activity rather than an accumulation of singular beings, could shed a new light on some of Wittgenstein's remarks.

Perhaps Wittgenstein can be said to conceive of community—more or less like Nancy—as a process in which each person participates. In that case, nothing could be farther from a Wittgensteinian picture of community than the image of a larger whole into which subjects are absorbed and to which they transfer all accountability. In that case, to put it differently, there is a positive Wittgensteinian alternative to the *corpus* account of community after all.

A good starting point for re-reading Wittgenstein are the sections in the *Remarks on the Philosophy of Psychology*[39] and the *Philosophical Investigations* where he proposes that being in a particular mental or emotional state is—to borrow a phrase from his reflections on rule-following—"not something that it would be possible for only *one* man to do" and to be done "only *once*."[40]

Wittgenstein, that is, seems to think that a person can only be said to, e.g., pretend, mourn, or hope if he or she has been initiated into a certain form of life.[41] A person's being in a particular mental state is therefore not something that is, strictly speaking, limited to that person at that point in time. In the way someone manifests hope or grief, he reflects the manifestations of hope or grief of those who initiated him. Behavior expressive of a certain mental state can, according to Wittgenstein, be identified as such "[only] by showing the actions of a variety of humans, as they are all mixed up together. Not, what *one* man is doing *now*, but the whole hurly-burly, is the background against which we see an action, and it determines our judgments, our concepts, and our reactions."[42]

39. Ludwig Wittgenstein, *Remarks on the Philosophy of Psychology*, 2 vols., ed. G. E. M. Anscombe and G. H. von Wright (Oxford: Blackwell, 1998).

40. Wittgenstein, *Philosophical Investigations*, par. 199.

41. Cf. Wittgenstein, *Remarks on the Philosophy of Psychology*, vol. 1, pars. 131, 163; and vol. 2, pars. 15, 29; Wittgenstein, *Philosophical Investigations*, pars. 244, 249; Mulhall, *On Being in the World*, pp. 62–63.

42. Wittgenstein, *Remarks on the Philosophy of Psychology*, vol. 2, par. 629.

What does this observation, that a person's psychological states are what they are only given a larger social context, imply about the concept of community? The background to an individual's thoughts and feelings is described here as a hurly-burly or a "bustle"[43] of nothing more—and nothing less—than human activity. It need therefore not be considered to be some "totality superior to"[44] singular human beings, as Nancy could put it. Elsewhere Wittgenstein describes feelings such as grief as "pattern[s]" in the tapestry or "weave of our life,"[45] and this formulation may indeed look quite inappropriate from Nancy's perspective. It seems to suggest that community is a kind of substance or product to which the individual human being is ultimately subordinate.

Yet Wittgenstein continues that if grief can be taken to be a pattern in the weave of life, one should think of such a pattern as being "not always complete" and "varied in a multiplicity of ways."[46] Instead of a monolithic whole, Wittgenstein's weave of life is something open-ended and heterogeneous. The background to an individual's thoughts and feelings is, as he explains, "not monochrome, but we might picture it as a complicated filigree pattern."[47]

If the weave of life can therefore be said to be composed of anything, it is composed of the doings of many a human being. Nothing, however, is supposed to be produced by this activity; there is no end or even a beginning to it. "For a bustle comes about," Wittgenstein reminds us, "only through constant repetition. And there is no definite starting point for 'constant repetition'."[48]

So in certain respects Wittgenstein's weave of life appears to resemble Nancy's concept of community as an ongoing dynamic between singular beings. Yet regardless of the dynamics invoked by his "hustle and bustle"

43. Ibid., par. 625.

44. Nancy, *Inoperative Community*, p. 28.

45. Wittgenstein, *Philosophical Investigations*, p. 174. As is explained in Ter Hark, this remark (as well as the one previously quoted) is about the fundamental vagueness that characterizes (the expression of) psychological phenomena. This indeterminacy can, among other things, be said to be due to the fact that the very same emotion may within a certain community be expressed in very different ways—and different emotions may sometimes be expressed in similar ways. Ter Hark does not explicitly mention this "social" reason for uncertainty.

46. Wittgenstein, *Remarks on the Philosophy of Psychology*, vol. 2, par. 672.

47. Ibid., par. 624.

48. Ibid., par. 626.

terminology, one could ask whether the picture Wittgenstein paints is not still that of a single human being having to adapt to the others and adopt a common way of life. Is there, to put it in Nancy's words, not still an ideal of a "unique and ultimate identity"[49] or of a collective essence at work in Wittgenstein's writings?

When the question is phrased in terms of identity or essence along these lines, one well-known Wittgensteinian concept comes to mind, namely, that of "family resemblance." Though Wittgenstein did not introduce this concept to examine the relationship between individual and community, it aims to rethink precisely what identity or essence amounts to.

In response to an interlocutor complaining that the *Investigations* nowhere explain what the essence of language is, Wittgenstein famously urges him to consider all the different things we call games. Board games, card games, ball games, and so on, do not have some one thing in common but hang together through "a complicated network of similarities over-lapping and criss-crossing."[50] Like the members of a family, each game resembles the other games in one or more respects, but resembles every other game in a different way each time.

As a result, Wittgenstein points out, the word "game" is "a concept with blurred edges."[51] It stands for an open-ended collection of proceed-ings to which new ones can be added on the basis of characteristics that cannot be given beforehand. But this "lack" is exactly what makes the concept fit for use.

To capture this flexibility or elasticity, Wittgenstein compares the use we make of concepts such as "game" to the spinning of a thread: "[We] extend our concept…as in spinning a thread we twist fibre on fibre. And the strength of the thread does not reside in the fact that some one fibre runs through its whole length, but in the overlapping of many fibres."[52]

To be sure, Wittgenstein adds, although a concept like "game" is not "closed by a frontier" prior to all use, "[you] can *draw* one"[53] at any point. That is, however, always a choice one makes for a specific purpose. It is at any rate not enforced by one essential characteristic that supposedly defines what a game is.

49. Nancy, *Inoperative Community*, p. xxxviii.
50. Wittgenstein, *Philosophical Investigations*, par. 66.
51. Ibid., par. 71.
52. Ibid., par. 67.
53. Ibid., par. 68.

The analogy of the "fibre and thread" can be taken to be a metaphor, not simply for the flexibility of our concepts, but for the very way individual and community interrelate.[54] It suggests an outlook on community that is closer to Nancy's "being in common by sharing a lack of identity" than to the idea of the body politic—a model that can be said to conflict with both Wittgenstein's systematic and his ethical goals.

The weave of life that forms the background to a person's psychological states does not make up a monolithic whole but is composed of a wide range of human activity that is continually performed. Yet this "weaving" does not result in one ready-made fabric that is supposed to fit persons of all shapes and sizes; it does not amount to the individual having to conform to a static pre-given pattern. The role of the single human being in the "weaving of life" can be explained by means of the "spinning of a thread" analogy. Just as a thread does not consist of one single fibre but derives its strength from the overlapping of many fibres, community is not a matter of individuals sharing one essential characteristic but of being both like and unlike each other in many different ways. Participating in the weave of life is therefore as much a matter of reformation or innovation as it is of conformation.

Moreover, just as one can extend a thread by twisting fibre on fibre, one cannot define in advance which individuals with what characteristics belong to a certain community, and which ones do not. Or, one can always establish a frontier, but that is always a decision one takes for a specific purpose. A decision that cannot be defended by pointing to some unchanging essence and that can therefore always be put up for discussion.[55]

54. Wittgenstein's "fibre and thread" analogy is often taken to mean that nothing general can be said about any concept at all. By contrast, I take it to mean that if one wants to speak in general terms about, e.g., games or communities, one should do so in the most flexible and open-ended way. My reading of Wittgenstein, however, raises the question as to whether a family resemblance *concept* always implies a family resemblance *ontology*. I am assuming that this is the case with respect to the concept of community, but that does not mean that it holds for all of our concepts.

55. Interestingly, this is comparable to some of the things Stanley Cavell puts forward in his reading of *Philosophical Investigations*. For instance, he explains that philosophy's search for criteria always implies a claim to speak for the community, but this does not mean that it is known beforehand who can be taken to be a member of this community; the search for criteria is rather at the same time also a search for community. Cf. Stanley Cavell, *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy* (Oxford: Oxford UP, 1979), p. 22. According to Cavell, something similar is true with respect to political representation: "Who these others are, for whom you speak and by whom you are spoken for, is not known a priori" (p. 27). Cavell then reaches a comparable outcome via

Given the parallels with Nancy,[56] then, it appears that when Wittgenstein appeals to the community in his writings he is not thinking of—to use Nancy's more poetic vocabulary—a mere cluster of narcissistic ego's nor of a fusion of such ego's into "an *Ego* or a higher *We*."[57] Instead, Wittgenstein is thinking of the interweaving of individual human beings' lives by sharing both similarities and differences.

Community, Individuality, and Responsibility Again

Does this suggestion avoid the objections that can be raised against the metaphor of the body politic? As for the language-theoretical considerations mentioned earlier, this Wittgenstein-inspired account does not take the word "community" to refer to one discrete, person-like entity. Here community is a process or an activity rather than an object. But does this account also meet what seem to be Wittgenstein's ethical requirements? What can, more precisely, be said on the topic of personal responsibility from within this framework?

The first lesson to be learned does not relate to personal responsibility as such but rather concerns the responsibility of the community toward individuals, especially those at the margins or the outside of a community. Since there is, on this picture, no ultimate foundation on which a community can be established, the inclusion or exclusion of individuals, or groups of individuals, is always a choice one must be prepared to defend when objections are raised against it—and objections can always be raised against it.

But this cannot be separated from the responsibility that the individual has toward one's community or communities. Since an individual's life is

a somewhat different route; his focus is on the conditions of possibility of the linguistic community.

56. Let me repeat that the fact that there are similarities between Wittgenstein and Nancy does not mean that they agree on all points. Nancy could for instance criticize the "fibre and thread" analogy for suggesting that individuals exist prior to and independent of the community. Wittgenstein does not think that this is the case, and the analogy may indeed be somewhat misleading in this respect. Wittgenstein, on the other hand, can perhaps be said to do more justice to the "phenomenology of community" (May, "From Communal Difference," p. 47) than Nancy. That is, members of a specific community will most likely not feel that all they share is a lack of identity. But it is not my objective here to judge which account is more accurate; my aim is to formulate a Wittgensteinian concept of community in the first place. I will leave it to the reader to decide whether it is better, worse, or as interesting as Nancy's.

57. Nancy, *Inoperative Community*, p. 15.

interwoven in many ways with many others' lives, anything one does or refrains from doing affects the lives of those others. Being a "member" of a community does not mean that one disposes of all accountability. It should, on the contrary, be understood that one's actions reverberate throughout the weave of life.

Hence, on this reading of Wittgenstein—and in contrast to the classical *corpus* model—community and personal responsibility are in agreement instead of at odds with each other, and a positive Wittgensteinian account of community can thus indeed be formulated. However, the speculations in the preceding pages do not yet add up to a definitive Wittgensteinian concept of community—or, for that matter, to a definitive Wittgensteinian concept of responsibility. There remain numerous things to be discussed and refined.

With respect to personal responsibility, one can ask whether the account given here does not in effect present us with a completely paralyzed subject. If one's actions reverberate throughout the weave of life, does that not overwhelm the individual with responsibility to the point of preventing him from acting altogether? But on the other hand, does this reverberation not also make it difficult to tell exactly which actions belong to whom and, consequently, who exactly can be held responsible for what? It seems that the account as it stands may well entail either too much or too little responsibility, and needs to be fleshed out more if it is to count as a genuine theory of responsibility.

There is also a more specific point to be made concerning the topic of responsibility. The previous discussion suggests that being a member of a community always already entails responsibility—and, what is more, it suggests that a person can be held accountable for being a "member" in the first place. However, it seems plausible that there is a difference between willingly partaking in a criminal organization and being born into a nation whose government commits crimes in the name of its citizens. There are, in fact, communities you cannot (or in any case cannot easily) opt into or out of; a more developed concept of responsibility in general should be able to account for such differences.

Leaving the topic of responsibility aside—a topic that after all deserves a much more detailed discussion of its own—this observation can be said to hold *a fortiori* for the concept of community outlined above. A concept of community in general will be of little use if it fails to encompass the different kinds of communities that exist in practice.

A next step toward formulating a more comprehensive account would therefore be to examine whether this "fibre and thread" structure can be discerned in (a sufficient number of) actual communities—be they football clubs, families, or philosophy departments. Is the concept outlined above sufficiently flexible to take all such communities into account, or should we conclude that, despite its flexibility, there exist relationships between individual and community that it is unable to describe?

Yet even if the Wittgensteinian account I have sketched would fail this test, it need not be dismissed completely. There is a different (though not necessarily opposed) perspective that one could take at that point, and here Nancy may be of help once more. Nancy acknowledges that how one conceptualizes certain matters has important consequences for how one as a matter of fact deals with them. He considers ethics and ontology, in other words, to be co-originary.[58]

Perhaps Wittgenstein could agree that the word "community" can serve as both a descriptive and a normative term.[59] For "community" is not used exclusively when explaining how a certain community is structured factually; the context of use is often a discussion of how a community could function more appropriately. More appropriately, that is, with respect to what it means to be a human and a communal being. Precisely in such cases, the "fibre and thread" analogy need not be set aside as meaningless. Instead, it can be taken to remind us of something important about our practices—something that, though fundamental, does not always get put into practice.[60]

58. Cf. James, *Fragmentary Demand*, p. 201.

59. May would certainly disapprove of this move. He argues that the "constitutive question" should always be distinguished from the "normative question" and holds it against Nancy that he does not do so (May, "From Communal Difference," p. 40). Here one could ask, however, whether a clear-cut distinction between fact and value can ever be made.

60. My reading thus not only differs from so-called "therapeutic" or non-substantial readings of Wittgenstein (cf. note 1 above); it also contrasts with the readings of those who take Wittgenstein to be a defender of the political status quo, and hence a purely conservative thinker, on the basis of remarks like "[Philosophy] leaves everything as it is" (Wittgenstein, *Philosophical Investigations*, par. 124). See, e.g., Herbert Marcuse, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society* (London: Routledge, 1991), pp. 188–89.

On Agamben's Use of Benjamin's "Critique of Violence"

Adam Kotsko

In *Homo Sacer*,[1] Giorgio Agamben devotes a crucial "threshold" to an extremely compressed reading of Walter Benjamin's "Critique of Violence,"[2] a threshold that provides the transition between his elaboration of the logic of sovereignty and his analysis of the concept of *homo sacer* or "bare life." That Benjamin's essay should play such a crucial role in Agamben's text is unsurprising. First, Benjamin is arguably the most important authority for Agamben's intellectual project as a whole, rivaled only by Aristotle and Heidegger. More specifically, Agamben's investigations in the eponymous second part of *Homo Sacer* are prompted by Benjamin's suggestion that it "might be well worth while to track down the origin of the dogma of the sacredness of life [*dem Ursprung des Dogmas von der Heiligkeit des Lebens*],"[3] an origin that Agamben will track down by using the Heideggerian method of determining the etymology of the word "sacred" (though not Benjamin's *Heiligkeit*) and by declaring its earliest etymological roots as the most originary meaning of the word. This of course leads to a highly counterintuitive and even disturbing definition of the "sacredness of life," which, far from indicating the extremely

---

high value of human life as it seems to have been intended to do, instead denotes the exposure of bare life to sovereign power.

Agamben does not simply take up Benjamin's suggestion and allow his investigations to take him wherever they may lead—or at least he does not wish to present himself as doing so. Instead, Agamben takes the further step of attempting to vindicate many of Benjamin's initial intuitions about the concept of the "sacredness of life." While Agamben stops short of demonstrating that the concept is "relatively recent," as Benjamin suggests, his deployment of Aristotle's distinction between *zoe* and *bios*[4] indicates that there was at least a time in the Western tradition before the "dogma of the sacredness of life" became widespread—and he goes on to suggest that it was in fact only the concept of sacred life that allowed the inchoate fragments of the Greek concept of life to be united into a single word.[5] More importantly for the structure of his overall argument, Agamben follows Benjamin in positing a connection between the idea of sacred life and the figure of "the marked bearer of guilt [in mythological thought]: bare life [*das bloße Leben*]."[6] This figure of "bare life" is crucial for Agamben: "The analysis of this figure—whose decisive function in the economy of the essay has until now remained unthought—establishes an essential link between bare life and juridical violence."[7]

If we bring together all of what Agamben takes from "Critique of Violence," then, we find that it supplies the basic structure of his project in *Homo Sacer*: an investigation of the origin of the concept of the sacredness of life (necessarily implying a rethinking of contemporary figures of sacred life, as in part three of the book), which will illuminate the relationship between bare life and juridical violence. Despite the fact that so many other authorities—Aristotle, Foucault, Arendt, Schmitt, and so on—are foregrounded, Benjamin's "Critique of Violence" would appear to provide the primary impetus, a debt that is acknowledged by the use of a reading of that essay as the connective tissue between the first two parts of the book.

---

4. Agamben, *Homo Sacer*, p. 1. But see Derrida's claim that this distinction "is more tricky and precarious; in no way does it correspond to the strict opposition on which Agamben bases the quasi totality of his argument about sovereignty and the biopolitical in *Homo Sacer*." Jacques Derrida, *Rogues: Two Essays on Reason*, trans. Pascale-Anne Brault and Michael Naas (Stanford, CA: Stanford UP, 2005), p. 24.

5. Agamben, *Homo Sacer*, p. 66.

6. Benjamin, "Critique of Violence," p. 299 (translation modified).

7. Agamben, *Homo Sacer*, p. 65.

That this is the case for the investigation of bare life or sacred life is clear from the very beginning of the second part of *Homo Sacer*. The primacy of Benjamin with regard to the analysis of the logic of sovereignty, however, is, curiously enough, not asserted until the first "threshold," that is, after that analysis has already been undertaken. Instead, in the introduction to the entire volume, which serves as a kind of "threshold" to the first part on sovereignty, Carl Schmitt's definition of sovereignty from *Political Theology* initially seems to serve a role parallel to Benjamin's comments on sacred life in the first "threshold"—only after Schmitt's definition has been asserted does Benjamin's oft-repeated dictum that the state of exception has become the rule come on the scene as an apparent supplement. Schmitt's definition, Agamben argues, "became a commonplace even before there was any understanding that what was at issue in it was nothing less than the limit concept of the doctrine of law and the State," that is, the border between sovereignty and life.[8] The true stakes were concealed as long as the state-form was strong, but "now that the great State structures have entered into a process of dissolution and the emergency has, as Walter Benjamin foresaw, become the rule, the time is ripe to place the problem of the originary structure and limits of the form of the state in a new perspective."[9] The question obviously arises: Was Schmitt right all along? Does Benjamin fail to add anything other than a diagnosis that allows us to see precisely what was always at stake in Schmitt's concept of sovereignty?

Judging from the analysis that follows in the first part of *Homo Sacer*, it would appear that the answer to both questions is yes. Yet once that analysis is complete, Agamben attempts to reassert Benjamin's priority, beginning the first "threshold" by asserting that "Benjamin's 'Critique of Violence' proves the necessary and, even today, indispensable premise of every inquiry into sovereignty."[10] After briefly laying out the basic terms of the essay, in particular the thorny problem of "divine violence," Agamben brings Benjamin's text into relation with Schmitt's: "It is *likely* that in 1920, at the time Benjamin was working on the 'Critique,' he had not yet read Schmitt's *Political Theology*, whose definition of sovereignty he would cite five years later in his book on the Baroque mourning

8. Ibid., p. 11.
9. Ibid., p. 12.
10. Ibid., p. 63.

play."[11] One might justly replace "likely" with "extremely likely" or "virtually certain," as *Political Theology* was not published until 1922. Unless he is proposing that Schmitt's text was available in manuscript in early 1920 and that Benjamin and Schmitt were not only personally involved before Benjamin's 1930 letter to Schmitt,[12] but close enough that Schmitt would allow Benjamin to read his manuscript, Agamben appears to be in error here.

This gesture toward the possibility of Schmitt's temporal priority is symptomatic, as Agamben gives Schmitt a definite conceptual priority. Although he admits that "sovereign violence and the state of exception…do not appear in the essay, and it is not easy to say where they would stand with respect to the violence that posits law and the violence that preserves it," Agamben very quickly moves to set sovereign violence in relationship to divine violence, eliding mythical violence altogether. The obscurity in the concept of divine violence stems from Benjamin's lack of the conceptual toolbox that Schmitt provides; with Schmitt in mind, we can see that divine violence corresponds to the "real state of exception" from the "Theses." Only at this point does Agamben return to the question of mythical violence or to the dialectic of law-making and law-preserving violence, citing one of Benjamin's descriptions of this dynamic as "the only point in which the essay approaches something like a definition of sovereign violence."[13] This being established, Agamben turns immediately to the question of the sacredness of life, discussed above.

A certain degree of confusion is evident in this extremely condensed argument. Benjamin is supposed to be the "indispensable premise of every inquiry into sovereignty," but does not mention sovereignty, because of the contingent fact that he "likely" did not read a book that was published over a year after he wrote his essay. Due solely to this omission, his concept of divine violence is obscure but becomes immediately clear once the logic of sovereignty is imported—after which we can see that the dynamics of

11. Ibid., p. 64 (emphasis added). In case the reader suspects this apparent error on Agamben's part results from a faulty translation, here is the original: "Nel 1920, mentre lavorava alla stesura della *Critica*, con ogni probabilità Benjamin non aveva ancora letto quella *Politische Theologie*, la cui definizione della sovranità avrebbe citato cinque anni dopo nel libro sul dramma barocco…" See Giorgio Agamben, *Homo Sacer: Il Potere Sovrano e la Nuda Vita* (Turin: Giulio Einaudi, 1995), p. 73.

12. See Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: Univ. of Chicago Press, 2005), p. 52.

13. Agamben, *Homo Sacer*, p. 65.

mythical violence were close to being (Schmitt's) sovereignty. If Benjamin is the "indispensable premise of every inquiry into sovereignty," then it would appear that he is only such as a proto-Schmitt, and thus he is not indispensable at all. Aside from a brief summary of its most obvious features, "Critique of Violence" is never read on its own terms.

In *State of Exception*, Agamben appears to have almost completely reversed course on the question of the relationship between Benjamin and Schmitt. Rather than hypothesizing some minimal possibility that Benjamin read the yet-to-be-published *Political Theology* while composing "Critique of Violence," Agamben asserts, based on Schmitt's general reading habits, that Schmitt in fact most likely read "Critique of Violence"—and wrote *Political Theology* in response.[14] After laying out Benjamin's assertion that all legal problems are fundamentally undecidable, Agamben claims that "*Political Theology* can be read as a precise response to Benjamin's essay." Where Benjamin claims that divine violence is completely outside the law, Schmitt posits a sovereignty that suspends the law; where Benjamin claims that all legal problems are undecidable, Schmitt "affirms sovereignty as the place of the extreme decision."[15] With this in mind, Agamben (following Sam Weber) rereads Benjamin's use of Schmitt in *The Origin of German Tragic Drama* as part of a continuing dialogue, allowing him to see the ways in which Benjamin's idea of sovereignty diverges from Schmitt. Most significantly, "Benjamin ironically divides sovereign power from its exercise and shows that the baroque sovereign is constitutively incapable of deciding."[16] Thus, "the paradigm of the state of exception is no longer the miracle, as in *Political Theology*, but the catastrophe," leading to a concept of an eschaton without content.[17] Finally, Agamben reads Benjamin's contrast between the exception that has become the norm and the real state of exception as a rereading of Schmitt's distinction (in "On Dictatorship") between the legal fiction of a regulated state of exception and "the merely factual action of the president of the Reich under Article 48."[18]

It is at this point that the argument once again becomes confused. It is clear enough that Schmitt opposes the halfway measures of liberals who

14. Agamben, *State of Exception*, pp. 52–53.
15. Ibid., p. 54.
16. Ibid., p. 55.
17. Ibid., p. 56. Here it would seem obvious to bring in the concept of divine violence, but Agamben does not do so.
18. Ibid., p. 59.

will not admit the existence of a real state of exception and instead attempt to create a state of emergency that would somehow still be rule-bound. Yet is it really the case that Benjamin's eighth thesis wishes only to assert that "the state of exception 'in which we live' is real and absolutely cannot be distinguished from the rule" and that "every fiction of a nexus between violence and law disappears here"?[19] That is, is Benjamin simply reaffirming that *there is* a zone of violence divorced from law and that the current situation demonstrates that such is the case? In the light of the entire eighth thesis, such a reading of the concept of a "real state of exception" seems unlikely:

> The tradition of the oppressed teaches us that the "state of exception [*Ausnahmezustand*]" in which we live is the rule. We must attain to a conception of history that is in keeping with this insight. Then we shall clearly realize that it is our task to bring about a real state of exception [*Dann wird uns als unsere Aufgabe die Herbeiführung des wirklichen Ausnahmezustands vor Augen stehen*], and this will improve our position in the struggle against Fascism. One reason why Fascism has a chance is that in the name of progress its opponents treat it as a historical norm. The current amazement that the things we are experiencing are "still" possible in the twentieth century is *not* philosophical. This amazement is not the beginning of knowledge—unless it is the knowledge that the view of history which gives rise to it is untenable.[20]

Crucial here is the claim that the task is the bringing about of a "real state of exception." If one is to bring Benjamin's "real state of exception" into contact with the "divine violence" of the "Critique of Violence," this sense of active agency certainly seems like a relevant point—after all, "divine violence" is explicitly thought in terms of the proletarian general strike (as opposed to the merely political strike), and here the realization that creating the "real state of exception" is a necessary task is part of the struggle against Fascism. In both cases, Agamben completely elides this aspect of Benjamin's argument. Instead, he posits the "real state of exception" as something that is somehow already revealed as present in the situation under fascism, just as he claims that "pure violence"—not "divine

19. Ibid.

20. Walter Benjamin, "Theses on the Philosophy of History," in *Illuminations*, trans. Harry Zohn (New York: Harcourt, Brace & World, 1968), p. 257 (translation modified); Walter Benjamin, "Über den Begriff der Geschichte," in *Illuminationen* (Frankfurt am Main: Suhrkamp, 1977), pp. 254–55.

violence"—"is attested to only as the exposure and deposition of the rela-
tion between violence and law."[21]

These gaps in Agamben's readings are reflective of the same problem
that affected the first "threshold" in *Homo Sacer*. In *State of Exception*,
the argument is considerably better documented and more nuanced, but
despite the claim that Benjamin's "Critique of Violence" directly affected
the argument in *Political Theology*, Agamben still allows Schmitt to con-
trol the terms of the debate. Just as in *Homo Sacer*, "Critique of Violence"
is initially read in terms of the themes that resonate directly with Schmitt,
almost as if the essay were a (preemptive) critique of *Political Theology*
rather than the other way around—and then after a certain number of
detours, Agamben again arrives at the "real state of exception," resulting
in a reading of "Critique of Violence" in terms of Schmitt's theory of sov-
ereignty. Certainly in *State of Exception* Benjamin is not so immediately
collapsed into Schmitt as in *Homo Sacer*, but why the necessity to leap
directly to reading "Critique of Violence" in terms of Schmitt at all? To
be sure, it is a difficult essay. Yet it is difficult not because it is a half-
digested fragment, but rather because it is so dense—that is, because it is
so tightly and rigorously argued. The essay itself does not mention sover-
eignty or the state of exception, and it seems on the face of it to represent
a well-developed position of its own. Beyond that, some of Agamben's
evidence from Benjamin's later writings seems to indicate that Benjamin
himself did not feel particularly constrained by Schmitt's terms: in *The
Origin of German Tragic Drama*, Benjamin presents a sovereign who
is indecisive in the face of a catastrophe, that is, the precise opposite of
Schmitt's sovereign whose decision is necessary to convert the emergency
(*Ausnahmefall*) into the *state* of emergency (*Ausnahmezustand*). Indeed,
the reference to the *Ausnahmezustand* that has become the rule, if it refers
to Schmitt at all, would seem to indicate that, far from being a delimited
and exceptional situation that is controlled by some particular sovereign
subject, the so-called "state of exception" is, from the perspective of the
oppressed, actually a historical constant.

In sum, before he was even able to read *Political Theology*, Benja-
min developed a position of his own on the relationship between law and
violence, and once he had access to Schmitt's theory of sovereignty, he
did not, as Agamben presents it, carefully stay a hair's breadth away from
it—rather, he decisively rejected it. All this indicates that for Benjamin,

21. Agamben, *State of Exception*, p. 62.

sovereignty was not the central concept for the analysis of juridical vio-
lence, and therefore Agamben's attempt to follow through on Benjamin's
account of the "essential link between bare life and juridical violence"[22]
by importing Schmitt's conceptual scheme is highly questionable at best.
Of course, one might object that this is largely a philological question that
does not bear directly upon the stakes of Agamben's project. His desire to
ground his project in Benjamin is a relatively minor point, perhaps even
a matter of personal idiosyncrasy, and is in any case separable from the
question of whether his account of the relationship between sovereign
power and bare life is convincing on its own terms. This is in principle
a valid objection, but in this particular case, the stakes seem to me to be
higher than a merely philological question. Agamben's decision to ignore
Benjamin's reasons for rejecting Schmitt's account of sovereignty and,
more importantly, not to take seriously Benjamin's own independently
developed account of the nature of juridical violence (beyond the very
brief expositions that are present in both *Homo Sacer* and *State of Excep-
tion*) has very significant consequences for his conceptual analysis.

For the purposes of this essay, I will not attempt a complete reading
of "Critique of Violence,"[23] but will instead limit myself to one particular
aspect of the essay that Agamben does not address and seems to me to bear
most directly on Agamben's project in *Homo Sacer* and *State of Excep-
tion*, namely, the concrete figures that Benjamin uses in his analysis of
juridical violence. Although Agamben does summarize the basic outlines
of Benjamin's dialectic of law-founding and law-preserving violence in
both texts, he immediately brings that dialectic into relation with Schmitt's
concept of sovereignty. The sovereign decision is not, however, among the
figures that Benjamin associates with this dialectic of juridical or "mythi-
cal" violence. Instead, he first analyzes juridical violence in terms of fate
and brings the concept of fate into relationship with the critique of the
death penalty, claiming that "an attack on capital punishment assails, not
legal measure, not laws [*Gesetze*], but law itself [*das Recht selbst*] in its
origin. . . . For in the exercise of violence over life and death more than in

22. Agamben, *Homo Sacer*, p. 65.
23. For which see Jacques Derrida, "Force of Law: The Mystical Foundation of
Authority," trans. Mary Quaintance, in *Acts of Religion* (New York: Routledge, 2002),
pp. 228–98. While he makes some very idiosyncratic claims—for instance, about the rela-
tionship between Benjamin's first name and the title "Zur Kritik der Gewalt" and between
Benjamin's "divine violence" and the Nazi "final solution"—Derrida's reading here is,
characteristically, much more careful and attentive than Agamben's.

any other legal act, law reaffirms itself."[24] Thus to "a finer sensibility," the death penalty reveals "something rotten in the law [*etwas Morsches im Recht*]" because the subject of the law "knows himself to be infinitely remote from the conditions in which fate might imperiously have shown itself in such a sentence."[25]

The death penalty, however, is not the most extreme manifestation of "something rotten in the law." Rather, Benjamin argues that "in a far more unnatural combination [*widernatürlicheren Verbindung*] than in the death penalty, in a kind of spectral mixture, these two forms of violence [namely, law-making and law-preserving] are present in another institution of the modern state, the police."[26] The police are, on the one hand, apparently limited to legal ends—they enforce the law. On the other hand, however, they gain a kind of subterranean authority to set those very ends through "the right of decree." The latter authority normally goes unnoticed "simply because its ordinances suffice only seldom for the crudest acts," but its existence is nonetheless problematic insofar as "in this authority the separation of lawmaking and law-preserving violence is suspended [*aufgehoben ist*]." In what might be called a normal situation, law-making violence "is required to prove its worth in victory," while law-preserving violence "is subject to the restriction that it may not set itself new ends. Police violence," however, "is emancipated from both conditions." Thus, the police have broad discretionary power for regulating or even "simply supervising" citizens' everyday lives.[27] At this point, we come to a sentence that Agamben quotes in part in *State of Exception*,[28] with no regard to its context in this discussion of the police:

> Unlike law, which acknowledges in the "decision [*Entscheidung*]" determined by place and time a metaphysical category that gives it a claim to critical evaluation [this subordinate clause, which apparently refers to the judicial decision rather than the sovereign decision, is all that Agamben quotes], a consideration of the police institution encounters nothing essential at all [in the "decision"]. Its power is formless, like its nowhere tangible, all-pervasive, ghostly apparition in the life of civilized states.[29]

24. Benjamin, "Critique of Violence," p. 286.
25. Ibid. (translation modified).
26. Ibid.
27. Ibid.
28. Agamben, *State of Exception*, p. 53.
29. Benjamin, "Critique of Violence," p. 287 (translation modified). Agamben skips directly to a quotation that refers to "the curious and at first discouraging experience of

The existence of such an institution would perhaps be more tolerable under an "absolute monarchy...in which legislative and executive supremacy are united," but "in democracies...[its] existence...bears witness to the greatest conceivable degeneration of violence."[30]

For Benjamin, then, it is clear that the police represent the privileged figure of juridical violence, even more so than the death penalty. Their broad discretion to "intervene 'for security reasons' in countless cases where no legal situation exists"[31] leads to the utter breakdown of the normal concepts of legitimacy and exposes the citizen, in principle if not always in practice, to arbitrary violence and supervision. The contrast between Benjamin's police and Schmitt's sovereign exception could not be clearer—on the one hand, a ghostly apparition haunting the everyday; on the other, a well-defined state grounded in a legitimate decree. In terms of the presumably normal operation of law-making and law-preserving violence, the relationship with Schmitt's theory of sovereignty is somewhat more plausible, but ultimately Benjamin's conception is significantly different. One could, with some justification, draw an analogy between law-preserving violence and the presumed normal state (as opposed to the exceptional state) in Schmitt, but the sovereign exception and law-making violence have a significantly different valence. Where Schmitt envisions an emergency measure that leads to a reinstatement of the juridical order, Benjamin is clearly thinking in terms of revolution, and in fact attacks modern parliaments for "lack[ing] the sense that a lawmaking violence is present in themselves"—meaning presumably their origin in revolution.[32]

Thus, we can say that whereas Schmitt gives us a reactionary or nostalgic account of juridical violence, Benjamin gives us a distinctly modern one—and one that already goes a significant distance toward diagnosing what Agamben calls the "idea of an inner solidarity between democracy and totalitarianism."[33] Benjamin's analysis of the corruption of the promise of democracy by the omnipresence of police violence leads quite

---

the ultimate undecidability of all legal problems [*die seltsame und zunächst entmutigende Erfahrung vor der letztlichen Unentscheidbarkeit aller Rechtsprobleme*]" (p. 293), again without noting its context (a discussion of a violence unrelated to legal ends). The only important thing for Agamben is the presence of the word *Entscheidung* and its cognates, which will allow him once again to bring Benjamin into direct dialogue with Schmitt.

30. Ibid., p. 287.
31. Ibid.
32. Ibid., p. 288.
33. Agamben, *Homo Sacer*, p. 10.

intuitively to the idea that the difference between liberal democracies and totalitarian states—also known as "police states"—may be a quantitative rather than a qualitative distinction. Seriously deploying Benjamin's own concept of the police in the analysis of the "essential link between bare life and juridical violence"[34] would also allow Agamben to proceed more directly in his attempted combination of Arendt and Foucault. Foucault's concept of a biopolitics that replaces any logic of sovereignty could be tied directly to Arendt's penetrating analyses of the relationship of refugees or stateless persons to the police. Finally, the increasing prevalence of rule by executive decree in modern democracies documented in *State of Exception* could be seen not as a reassertion of the sovereign exception, but as a steady growth of the dominance of police power even in nominally democratic states. All of his key insights would have remained in place, but by working directly with Benjamin's concepts rather than rerouting so much of his work through Schmitt, Agamben could have made his arguments much more directly and, one suspects, more convincingly.

34. Ibid., p. 65.

Truth Matters:
Heidegger and Horkheimer in Dialectical Disclosure

Lambert Zuidervaart

> Everything turns on grasping and expressing the True, not only
> as *Substance*, but equally as *Subject*.
>
> Hegel, *Phenomenology of Spirit*

Critical Theory and Heideggerian thinking are the conflicted offspring of Husserlian phenomenology.[1] Their lineage goes through Husserl to the phenomenology of Hegel. This mixed ancestry, whether acknowledged or suppressed, is especially evident in two pathbreaking essays from the 1930s on the topic of truth. One, by Martin Heidegger, carries the title "On the Essence of Truth" (1930). The other, by Max Horkheimer, is titled "On the Problem of Truth" (1935). A single word sets the English titles apart: where Heidegger considers the "essence" (*Wesen*) of truth, Horkheimer discusses a "problem" (*Problem*).[2] In that difference echo many others, stemming from conflicts in their appropriations of Husserl and Hegel.

Indeed, on a first reading, the essays by Heidegger and Horkheimer seem to be worlds apart, even though they were written within five years

---

2. In German the first word of each title also differs. "On" translates "Vom" in Heidegger's title and "Zur" in Horkheimer's.

of each other in a German context.³ If we place these essays in relation
to phenomenology, however, not only dramatic differences but also deep
similarities emerge between them. Both Heidegger and Horkheimer con-
nect truth with history and freedom, and they do so in ways that recall
Hegelian rather than Husserlian phenomenology. They part company over
precisely the same topics. According to Hegel, the true must be grasped as
both substance and subject. Whereas Heidegger wants more substance and
less subject, Horkheimer wants more subject and less substance.

Lest this comparison seem facile, I shall demonstrate what it means.
A first step is to ask which alternatives each author wishes to avoid. In
Horkheimer's case the answer is obvious: neither relativism nor absolutism
suffices as a position concerning truth; both positions play an ideological
role in capitalist society. What is the equivalent polarity for Heidegger's
essay? Although he does not name it as such, Heidegger wishes more
than anything to avoid the polarity of logicism versus nihilism. His early
efforts to reconceptualize truth aimed at avoiding the "logical prejudice"
in Western philosophy, to use Dahlstrom's term,⁴ and Heidegger increas-
ingly recognized the danger of jumping from the logicist frying pan into
the Nietzschean fire. His essay seeks to give an account of truth where
meaning in human existence does not depend on propositional correctness
and where relativizing such correctness does not eliminate normativity
and purpose. Heidegger's concern is whether and how a postmetaphysical
philosophy can disclose rather than conceal the meaning of Being. Hork-
heimer's worry, by contrast, is whether and how a critical social theory can
contribute to human liberation and societal transformation. Neither one
wants to abandon propositional truth, and neither one dismisses entirely a
correspondence theory of propositional truth. Yet each attempts to recon-
nect propositional truth with larger issues of life and society.

Precisely such reconnections make their essays important today. In
the past century, many philosophical theories of truth have restricted
their scope to beliefs, statements, propositions, and the like—in short, to

---

3. Horkheimer and several other members of the Institute of Social Research had
settled in New York by 1935, but most of them continued to write in German until the
1940s. The *Zeitschrift für Sozialforschung* changed its name to *Studies in Philosophy and
Social Science* in 1939–40 and ceased publication in 1941.

4. Daniel O. Dahlstrom, *Heidegger's Concept of Truth* (Cambridge: Cambridge UP,
2001), p. 17. The "logical prejudice" is the assumption that propositional truth bearers are
the paradigms of truth on which any other truth depends.

propositional truth bearers. Correspondence theories (e.g., Bertrand Russell and J. L. Austin) characterize truth as consisting in a congruence or correlation between propositional truth bearers and states of affairs that obtain; coherence theories (e.g., Brand Blanshard) regard truth as the coherence among propositional truth bearers in a larger system of knowledge; and pragmatist theories (e.g., William James and John Dewey) consider truth to be something that occurs to propositional truth bearers when they are put to appropriate use. Some theories (primarily, correspondence theories) have also tried to explain the "truth" of what makes beliefs and the like true—the truth of the "truth makers," to use Lynch's term.[5] Even then, however, the account of truth makers such as facts or objects subserves an account of propositional truth bearers.

As we shall see, both Heidegger and Horkheimer challenge this focus on propositional truth bearers. In challenging it, they raise crucial questions about connections between propositional correctness and more comprehensive truth. My essay explores these questions in four sections. In the first two sections, I summarize and comment on Heidegger's and Horkheimer's essays. The third section develops a dialectical critique of both essays. In the final section, I offer an alternative account of how propositional correctness relates to comprehensive truth.

1. Heidegger's Critical Metaphenomenology

"On the Essence of Truth" (1930)[6] excavates the ground where the usual concept of truth lies, the concept of a correspondence between proposition and fact. After digging through the layers below the usual concept, Heidegger will conclude that asking about the essence of truth is essential to philosophy itself, in two respects. First, this question reveals what philosophy is in truth—what is, we could say, philosophy's true vocation. Second, asking about the essence of truth shows that philosophy always already participates in "the disclosure of the 'meaning' of what we call Being" (*ET* 153)—that this, we could say, is philosophy's true preoccupation.

5. Michael P. Lynch, ed., *The Nature of Truth: Classic and Contemporary Perspectives* (Cambridge, MA: MIT Press, 2001), p. 9.

6. "On the Essence of Truth," trans. John Sallis, in Martin Heidegger, *Pathmarks*, ed. William McNeill (Cambridge: Cambridge UP, 1998), pp. 136–54. Further references will be documented parenthetically as *ET* followed by the page number. I have also consulted, but do not cite, John Sallis's translation of an earlier edition of this essay, in Martin Heidegger, *Basic Writings*, ed. David Farrell Krell (San Francisco: Harper, 1977), pp. 117–41.

What sort of excavation is this? It is not epistemological. Neither, strictly speaking, is it transcendental à la Kant or Husserl. Nor is it historical à la Hegel, Marx, or Nietzsche. I would characterize Heidegger's project as "critical metaphenomenology." Taking as his phenomenon the conceptually (mis)articulated (non)essence of "truth," Heidegger sets out to disclose conceptually, within the phenomenon, the more-than-conceptual structures and process that make this (mis)articulated (non)essence possible. If successful, his uncovering of the essence of truth would also change the conceptually (mis)articulated (non)truth of essence, insofar as the usual concept of truth feeds like a parasite upon the fatal and historical reduction of Being to beings, a reduction that surfaces in the conceptually (mis)articulated phenomenon of essence.

1.1. Truth as Correctness (§§1–2)

According to section 1 of Heidegger's essay, the usual concept of truth construes it as a double-sided accord between a statement (*Aussage*) or proposition (*Satz*) and an entity (*das Seiende*) or a matter of fact (*Sache*). Truth on this conception amounts to "correctness" (*Richtigkeit*). Historically, the conception presupposed that the two sides (proposition and fact) line up correctly because of their placement within either the order of creation (*Schöpfungsordnung*) or a less theologically conceived world order (*Weltordnung*). What remains from this history is the common presupposition that correctness is the essence of truth, and that defining truth requires no account of either "the Being of all beings" or "the essence of [humanity]." That, and the untested presumption of bivalence,[7] whereby "it is considered equally obvious that truth has an opposite, and that there is untruth"—untruth being either the "incorrectness" of propositions or the "non-genuineness" of entities, and in either case being "conceived as a non-accord" (*ET* 139). So Heidegger will examine the notions of "accordance" (*Übereinstimmung*) (§2) and "correctness" (§3) in order to uncover

---

7. In this essay I use "bivalence" more broadly than is typical in contemporary truth theories. Kirkham, for example, describes the "principle of bivalence" as the position that "every meaningful declarative sentence is either true or false, none is neither." Those who deny this principle claim either "that some sentences are 'indeterminate' in their truth value" or "that some sentences simply have no truth value." Richard L. Kirkham, *Theories of Truth: A Critical Introduction* (Cambridge, MA: MIT Press, 1992), p. 175. Heidegger's challenge to bivalence goes deeper than this, for he asks whether untruth is of the essence of truth.

the essence of truth (§§4–5) and of untruth (§§6–7). Then, he will pursue the implications of this essence for philosophy (§8) and, in a note (§9), link the essence of truth with the truth of essence.

Let us pause here to consider how and why Heidegger interrogates the notions of accordance and correctness. He aims to find the "inner possibility" (*innere Möglichkeit*) of accordance (*ET* 140) and "the ground of the possibility of correctness" (*ET* 142). In German, this last phrase is "der Grund der Ermöglichung einer Richtigkeit." It could be more accurately but awkwardly translated as "the ground of making a correctness possible." Heidegger's aim is to excavate the ground that *dynamically makes* truth-as-correctness *possible*, not simply the ground for a static possibility of correctness.

The usual concept of truth characterizes the accordance between statement and thing as "correspondence" (*Angleichung*—a term that suggests similarity). Heidegger immediately raises a standard objection to robust correspondence theories of truth, namely, that statements cannot be like things and still be statements: "Correspondence here cannot signify a thing-like approximation between dissimilar kinds of things" (*ET* 141). He does not stop there, however, nor does he simply switch to a coherence or pragmatist theory. Rather, he explicates the relation between statement and thing as one where the statement pre-sents (*vor-stellt*) a pre-disposed thing (*wie es bestellt sei*), and the thing stands up to (*entgegensteht als Gegenstand*) the statement and dis-plays itself (*erscheint im Durchmessen eines Entgegen*) within "a domain of relatedness [*Bezugsreich*]" (*ET* 141).

What makes this relation possible is a human comportment that "stands open to beings," together with the fact that "beings present themselves" in a certain way (*ET* 141). Hence statements and propositions can no longer be "the sole essential locus of truth." They must give way to suitably open human comportment that makes the correctness of statements possible. Two characteristics stand out in such open comportment. First, it takes over a "pregiven standard" according to which the statement must "conform to the object" (*ET* 142). Second, it neither constitutes the object nor simply receives it. Rather, "standing in the open region, it…adheres to something opened up *as such*" (*ET* 141).

1.2. Letting Beings Be (§§3–4)

When section 3 poses Heidegger's question about the ground that makes truth-as-correctness possible, he is really asking what makes possible

such a normative and disclosive comportment, with its "pregiven" and "binding" directedness (*ET* 142). What makes it possible, he answers, is a certain kind of freedom: the freedom to enter into "an open region for something opened up that prevails there and that binds every presenting. To free oneself for a binding directedness is possible only by *being free* for what is opened up in an open region....*The essence of truth, as the correctness of a statement, is freedom*" (*ET* 142).[8]

Heidegger recognizes that the usual concept of freedom seemingly has little to do with what makes truth possible. Indeed, placing the essence of truth-as-correctness in freedom appears to make truth arbitrary. It appears "to submit truth to human caprice," to drive truth "back to the subjectivity of the human subject" (*ET* 143). But this appearance arises, he says, due to a preconception of freedom as a human property. When Heidegger says freedom is the essence of truth, he aims to challenge that preconception.

What, then, is the essence of freedom? According to section 4, the essence of freedom lies in receptivity and acceptance, not in initiative and control. That is why Heidegger says the essence of freedom, which makes possible truth-as-correctness, itself derives "from the more originary essence of the uniquely essential truth" (*ET* 144)—the topic of section 5. Heidegger describes the essence of freedom as "letting beings be" (*das Seinlassen von Seienden*). To let beings be (*Sein-lassen*) is not to take distance from them, however, but to engage (*Sicheinlassen*) with them: "Sein-lassen ist das Sicheinlassen auf das Seiende."[9] And this engagement is not simply with the beings themselves but "with the open region and its openness into which every being comes to stand" (*ET* 144). Accordingly, truth-as-correctness derives from truth-as-unconcealment (*Unverborgenheit*), from the process whereby beings in their disclosedness (*Entborgenheit*) undergo disclosure (*Entbergung*). In order for correct statements or propositions to occur, one must engage with beings in such a way that they "might reveal themselves [*sich offenbare*] with respect to what and how they are" (*ET* 144). The comportment required

---

8. The addition of the phrase "*as the correctness of a statement*" in the Gesamtausgabe edition indicates that for Heidegger freedom is not the true essence of truth in its most comprehensive sense.

9. Marginalia to the essay's first edition (1943) characterize this letting-be as the "granting—preservation" (*gewähren—Wahrnis*) of beings and the "heeding" (*achten*) or "taking heed" (*er-achten*) of Being (*Sein*) (*ET* 144).

is one of self-transcending[10] "exposure to the disclosedness of beings" (*ET* 145).

From this account of freedom flow both a conception of history and a preliminary characterization of untruth. Heidegger claims that history begins when, on the basis of being-there (*Da-sein*), human beings question "the unconcealment of beings by asking: what are beings?" and thereby experience unconcealment "for the first time" (*ET* 145). This implies, in turn, that freedom is not a human possession; rather, "freedom, ek-sistent, disclosive Da-sein, possesses the human being—so originarily that only *it* secures for humanity that distinctive relatedness to beings as a whole as such which first founds all history" (*ET* 145–46). Moreover, truth and history are neither separate nor opposed. Instead, history at bottom is an unfolding of truth: "The rare and simple decisions of history arise from the way the originary essence of truth essentially unfolds." Untruth can unfold, too, insofar as human beings do "*not* let beings be the beings which they are and as they are" and beings become "covered up and distorted." Untruth does not derive from human failure, however: "untruth must derive from the essence of truth" (*ET* 146). Hence, the purported bivalence of truth is not so obvious as the common concept of truth supposes, nor can we equate untruth with propositional incorrectness—a topic to which Heidegger returns in sections 6 and 7.

1.3. Truth and Untruth (§§5–7)

Section 5, titled "The Essence of Truth," lies midway through an essay whose compositional structure resembles an inverted arch. After section 5 Heidegger returns layer by layer to where his excavations began. He examines what the essence of truth means for untruth (§§6–7) as the context for correctness (§3) and accordance (§2). Then he presents true philosophy (§8) as the antidote to untrue common sense (§1) and balances the essay's opening paragraphs on "actual truths" with a note summarizing why the question concerning the essence of truth is essential (§9).

Section 5 brings to the surface three streams that have run beneath previous sections: attunement, holism, and concealment. Now we discover that attunement (*Stimmung*) makes possible the accordance (*Übereinstimmung*) said to prevail between proposition and fact: "As engagement [*Eingelassenheit*] in the disclosure of beings as a whole as such, freedom

---

10. Heidegger's term here is "ek-sistent," which, as the translator's note mentions, "indicates the ecstatic character of freedom, its standing outside itself" (*ET* 372n10).

has already attuned all comportment to beings as a whole" (*ET* 147). This attunement is not so much an experience or feeling as it is the process or ongoing event (what Heidegger later calls "Ereignis") that makes possible experience or feeling or other modes of comportment. Nor should we regard the "whole" to which all human comportment is attuned as the sum total of what we already understand. Rather this whole exceeds what is familiar. Indeed, the more that science and technology flatten "the openedness of beings as a whole," the less essentially can this openedness prevail, even though science and technology would not be possible without attunement. Because of such flattening, also in "everyday calculations and preoccupations" (*ET* 147), the "as a whole" becomes indefinite (*das Unbestimmte*) and indeterminable (*Unbestimmbare*), even as it "ceaselessly brings everything into definite accord [*ständig alles stimmend*]." This "according" or "attuning" simultaneously "conceals [*verbirgt*] beings as a whole. Letting-be is intrinsically at the same time a concealing [*Verbergen*]" (*ET* 147–48). As we shall see in greater detail, because attunement and holism are essential to truth, untruth is too.

Heidegger discusses untruth in two registers, as "concealment" (*Verbergung*) (§6) and as errancy (*die Irre*) (§7). The first is "un-truth proper." As the "proper non-essence of truth," concealment is "the mystery" (*ET* 148). It has to do with the concealment of beings as a whole. The second register—errancy—is not so much a non-essence (*Un-wesen*) as a counteressence (*Gegenwesen*). It is "the essential counteressence to the originary essence of truth," Heidegger writes. Errancy is not the mystery as such but a direction in which human beings respond to mystery, namely, in "flight from the mystery toward what is readily available." In this register, untruth has to do with the way in which human beings are "always astray" (*ET* 150).

Heidegger says untruth as concealment is older than any particular being's "openedness," and older than "letting-be itself." Concealment holds sway as mystery "throughout the Da-sein of human beings" (*ET* 148). Concealment conceals itself, and self-transcending or ek-sistent Da-sein conserves this double concealment. Even though, as letting beings be, all comportment is directed toward the disclosure of beings, this predisposal toward disclosure (*Entbergung*) conceals concealment (*Verbergung*) and lets the mystery be forgotten. Taking our bearings from the openedness of particular beings, we "cling to what is readily available and controllable even where ultimate matters are concerned" (*ET* 149). We shove to the

margins "the concealment of beings as a whole." We forget the mystery, and the mystery leaves us to our own resources. So we pursue our own plans according to our own standards, and thereby "go wrong as regards the essential genuineness [*Wesens-Echtheit*] of [our] standards" (*ET* 149)— presumably also the genuineness of the common standards for truth. Thus our forgetfulness deepens, secured by a bearing (*Verhältnis*) of not only ek-sisting but also in-sisting on what beings offer us, "as if they were open of and in themselves" (*ET* 150) and not open within the openedness of beings as a whole.

In both insisting on "the most readily available beings" and self-transcending or ek-sisting toward them as a standard, human beings pass the mystery by. They go astray. This going astray or "errancy" (*die Irre*) is not incidental or occasional. It "belongs to the inner constitution" of our Da-sein, and it makes possible various modes of erring, including incorrect judgment, which Heidegger regards as the "most superficial" mode of erring (*ET* 150–51). Yet at the same time, errancy allows human beings to catch themselves, to "*not* let themselves be led astray." Even more prominent, however, is the indigence of Da-sein, the simultaneous subjection of human beings to both "the rule of the mystery" and "the oppression of errancy" (*ET* 151). Just as freedom is the essence of truth-as-correctness, then, so necessity originates in untruth-as-errancy.

Nevertheless, as Heidegger summarizes in the last paragraph of section 7, truth and untruth are not binary opposites. The disclosure of particular beings *is* their concealment as a whole. Conversely, both concealment and errancy "belong to the originary essence of truth." Freedom can be the essence of truth-as-correctness because freedom itself stems from truth's originary essence, from "the rule of the mystery in errancy." We can recognize this complex interrelation, Heidegger suggests, because from time to time—presumably also in Heidegger's time and in this essay—a question arises about beings as such as a whole, affording a glimpse out of errancy into the mystery. This amounts to "the question of the Being of beings," Heidegger's leading question, and one he considers decisive for philosophy as a whole (*ET* 151–52).

1.4. Thinking of Being (§§8–9)

In section 8 Heidegger assigns to philosophy a world-historical task. Or, rather, he displays the world-historical vocation to which truth assigns philosophy. His display illuminates four areas. First, he claims that

"the thinking of Being" articulates the history-grounding liberation (*die geschichtegründende Befreiung*) of human beings for self-transcendence or ek-sistence (*ET* 152). Second, he defines philosophy as a discordant questioning into the full essence/nonessence of truth. It is characterized both by "gentle releasement [*Gelassenheit*] that does not renounce the concealment of beings as a whole" and by "stern and resolute openness [*Ent-schlossenheit*]" that entreats the concealing's unbroken essence "into the open region of understanding and thus into its own truth" (*ET* 152). Third, quoting Kant, Heidegger identifies two ways in which philosophy's "letting beings as such be as a whole" is properly distinct from common sense: philosophical questioning "does not cling solely to beings," and it cannot allow an "externally imposed degree." If freed from modern subjectivism such as one finds in Kant's thought, philosophy could find its proper autonomy in being appointed "by the truth of that to which [philosophy's] laws . . . pertain" (*ET* 152–53). Fourth, Heidegger indicates that his inquiry into the essence of truth raises a question about the truth of essence, a question in which "philosophy thinks Being." Hence the essence of truth occupies a unique role "in the unremitting history of the disclosure of the 'meaning' of what we call Being"—which, for Heidegger, is not identical with beings as a whole (*ET* 153).

In retrospect, then, we can say that section 8 takes philosophy's world-historical vocation to be thinking Being, in gentle releasement and stern resoluteness toward the concealment of beings, and as appointed by truth itself. The note that follows in section 9 strengthens these world-historical overtones: "Truth signifies sheltering that clears [*lichtendes Bergen*] as the fundamental trait of Being." This clearing-sheltering "lets essentially unfold" the "accordance [*Übereinstimmung*] between knowledge and beings." With implicit reference to his own work, Heidegger then writes: "The answer to the question of the essence of truth is the saying of a turning [*die Sage einer Kehre*] within the history of Beyng." That is why, although his thinking still seems to follow the path of metaphysics, "in its decisive steps . . . , it accomplishes a change in the questioning that belongs to the overcoming of metaphysics." His essay not only leaves behind all human subjectivity to seek the truth of Being "as the ground of a transformed historical position" but also "sets out to think from this other ground (Da-sein)." His thinking in this essay "experiences and tests itself as a transformation of its relatedness to Being" (*ET* 153–54).

2. Horkheimer's Metacritical Phenomenology

"On the Problem of Truth" (1935)[11] proposes an alternative to "relativism" and "absolutism" as two positions that characterize much of modern Western philosophy and whose contemporary polarity expresses an underlying contradiction in capitalist society.[12] The polarity between relativism and absolutism, and its pervasiveness, make up what Horkheimer calls "the problem of truth." His addressing of this problem has significance not only for philosophy but also for the society to which philosophy belongs. It has special significance for the development of a historical-materialist "dialectical logic," Horkheimer's central project in the 1930s.[13]

By "relativism" Horkheimer means the position that knowledge (*Erkenntnis*) "never has more than limited validity [*Gültigkeit*]" (*PT* 177). Appealing to historical variability and human finitude, relativists regard truth as relative to both time and person. "Absolutism," by contrast, is the tendency toward "blind faith," toward "absolute submission." Describing this tendency as "characteristic of the cultural situation today," Horkheimer obliquely associates it with Heidegger and other successors to Husserl (*PT* 178). Horkheimer does not actually say what the absolutist position claims. Instead, he portrays it as a response to how, within the dynamic of capitalist society as a whole, "liberal, democratic, and progressive tendencies" hollow out their own normative content. In this milieu a few rigid views come to dominate public culture, and absolutism becomes attractive (*PT* 178).

11. "On the Problem of Truth," in Max Horkheimer, *Between Philosophy and Social Science: Selected Early Writings*, trans. G. Frederick Hunter et al. (Cambridge, MA: MIT Press, 1993), pp. 177–215. Further references will be documented parenthetically as *PT* followed by the page number. The translation modifies one by Maurice Goldbloom in *The Essential Frankfurt School Reader*, ed. Andrew Arato and Eike Gebhardt (New York: Urizen Books, 1978), pp. 407–43, which I have consulted but do not cite.

12. See John Abromeit, "The Dialectic of Bourgeois Society: An Intellectual Biography of the Young Max Horkheimer, 1895–1937" (Ph.D. diss., University of California, Berkeley, 2004), pp. 426–85. Abromeit argues that "Horkheimer's early Critical Theory provides a nuanced historical and social-psychological account of the development of bourgeois society in modern Europe," and that this account should be seen as the background to Horkheimer and Adorno's *Dialectic of Enlightenment* and their other writings after 1940 (pp. 477–78). Although, as Abromeit suggests, "bourgeois society" is a more inclusive and accurate label for the topic of Horkheimer's investigations, I shall use the terms "capitalism" and "capitalist society."

13. Abromeit, pp. 426–30.

Although Horkheimer does not overtly divide his essay into sections, there are at least six. The first reviews the intellectual and social history of the relativism/absolutism dialectic in "the bourgeois era," beginning with Descartes and Kant (*PT* 178–83). The second section examines Hegel's dialectical method (*PT* 183–89). Section 3 frees this method from idealist trappings in order to sketch an alternative conception of truth (*PT* 189–94). Then the fourth section takes up the topic of corroboration (*Bewährung*), with special reference to pragmatism (*PT* 194–203), so that the fifth section can fill in Horkheimer's sketch of a materialist dialectical conception of truth (*PT* 203–11). He concludes with a coda on religion (*PT* 211–15). Let me ignore sections 1 and 6, and move directly to the appropriation of Hegel in section 2.

2.1. Hegel's Dialectic (§2)

Horkheimer regards Hegel's dialectical method as the "most ambitious attempt" on the part of "bourgeois thought" to transcend the antinomy between relativism and absolutism (*PT* 183). While recognizing that particular truth claims have limited validity, Hegel's dialectic incorporates them into a more encompassing system of truth, so that the process of "continuous delimitation and correction" becomes their proper concept as the "knowledge [*Wissen*] of limited insights in their limits and connection" (*PT* 184). This process of "determinate negation" allows "every negated insight" to be "preserved [*aufbewahrt*] as a moment of truth" in the progression of knowledge [*Fortgang der Erkenntnis*] and to undergo further determination and transformation "with every new step" (*PT* 184). Unlike relativism, then, the dialectical method takes variable and finite matters (*das Bedingte*) seriously. And unlike absolutism, the dialectical method does not seek some mysterious absolute "behind the scenes" that "only the initiate knows." Rather, "what presents itself as absolute and eternal" is found "in development and flux" (*PT* 185).

Unfortunately, Hegel also retains the worst features of relativism and absolutism: relativism's indifference to particular truth claims and absolutism's inability to historicize its own thought. The latter inability—Hegel's dogmatism—is of special concern to Horkheimer. Although Hegel does not essentialize an abstract concept into a history-transcending Being (*Sein*), he does "hypostatize" his own system. Nor is Hegel's "dogmatic narrow-mindedness" merely incidental: it informs every dialectical move. Despite Hegel's emphasis on experience (*Erfahrung*), his systematic self-reflection

overlooks the significant role played by "temporally conditioned interest" in his own "dialectical presentation" (*Darstellung*),[14] and it covers up how his practical stance (*Parteistellung zu den Fragen des Lebens*) helped constitute his philosophy (*PT* 186–87). In this way Hegel's thought becomes ideological. It takes on a "transfiguring function," giving oppression and misery a "higher" and "eternal" meaning, rather than exposing their societal origins (*PT* 187).

Relativism sits quite comfortably in this absolutist pew, Horkheimer says. To assert dogmatically that all-embracing thought transcends every particular and opposing view is to tolerate all points of view, no matter how reactionary some might be. Hegel's dogmatism keeps him from recognizing and affirming the progressive interests expressed in his own "science of experience," to borrow a phrase from the original title for *Phenomenology of Spirit*. It is only a small step from this to a post-Hegelian relativism that discredits progressive ideas as mere rationalizations no better than any other historically conditioned idea. The dogmatism concealed in such "impartial relativism" is its endorsing the status quo (*PT* 188–89).

2.2. Materialist Dialectic (§3)

With this criticism Horkheimer arrives at a "dialectical proposition" that "takes relativism beyond itself," namely, the claim that impartiality is a form of partisanship, that "indiscriminate objectivity represent[s] a subjective [stance]" (*PT* 189). Accordingly, the next pages in his essay (*PT* 189–94) present a materialist version of the dialectical method and begin to sketch an alternative conception of truth. Here it becomes apparent that "Critical Theory," as Horkheimer labeled his project in a famous essay published two years later,[15] is a metacritical phenomenology. The phenomena in question are not noetic à la Husserl, nor are they conceptually articulated essences à la Heidegger. Rather, they are historically informed, sociocultural tendencies à la Hegel and Marx. Horkheimer's approach to these tendencies is metacritical in a double sense. First, like Marx, he develops

---

14.   Horkheimer lists three aspects of dialectical presentation: the direction of thought, the selection of materials (*des inhaltlichen Materials*), and linguistic usage (*PT* 186). As examples of uncritical interest and partisanship, he mentions Hegel's insufficiently historical conceptions of peoples (*Völker*) and freedom (*Freiheit*) (*PT* 187).

15.   "Traditional and Critical Theory" (1937), in Max Horkheimer, *Critical Theory: Selected Essays*, trans. Matthew J. O'Connell et al. (New York: Continuum, 1972), pp. 188–243.

his theoretical understanding of the phenomena by criticizing ideological distortions. Second, he continues Hegel's line of dialectical critique but takes it in a materialist direction.

Horkheimer distinguishes his materialist dialectic from Hegel's idealist version in three respects: (1) it is an open process rather than a closed system; (2) its test of truth lies in ongoing praxis rather than in theoretical completion; and (3) it takes seriously the historical mediation between sociohistorical reality and theoretical thought. Let me discuss each characteristic in turn.

(1) According to Horkheimer, Hegel's dialectic is a closed system because it presupposes "that concept and being are in truth the same." Materialism rejects this idealist presupposition. "Objective reality" and human thought are not identical, nor can they merge. For example, to conceive of a defect does not overcome it, even though concepts and theories contribute to its removal and form prerequisites for corrigible and right action (*Handeln*) (*PT* 189). Such materialist openness jibes with the traditional definition of truth as the correspondence (*Übereinstimmung*) of knowledge (*Erkenntnis*) with its object (*Gegenstand*), provided we do not construe correspondence as either a simple given or an intellectual occurrence. Instead "real events and human activity" always *establish* this correspondence, and they do so within a definite societal period (*PT* 190).[16]

(2) That is why the test of truth lies in ongoing praxis and not in theoretical completion. Action (*Handeln*) is no mere afterthought but intrinsic to theory itself. Conversely, thought never achieves unity with the object of thought (*die Sache*). The meaning and value of any specific knowledge (*Wissen*) depends on the concrete situation and on the condition of society as a whole (*PT* 191). This does not mean, however, that an open-ended dialectic loses "the stamp of truth" (*PT* 191). Because the identity of concept and object is not presupposed, the experiences (*Erfahrungen*) gained in "perception and inference," in "methodical inquiry and historical events," and in "daily work and political struggle" either do or do not measure up to "the available means of cognition" (*den verfügbaren Erkenntnismitteln standhalten*). When these experiences do measure up, they are "the truth" (*PT* 192). Moreover, even when criticisms are internally justified,

16. Horkheimer specifically mentions the role played in both empirical research and theory-verification by the direction of our attention, the subtlety of our methods, and the structure of our categories (*PT* 190).

materialists will remain alert to their own errors and flexible in their think-
ing. It does not make sense to call such knowledge "relative" if one no
longer has a God's-eye concept of truth (*PT* 192).

In other words, truth is historical but not relative: changes in interest
and circumstance can make "correct" theories disappear, yet later correc-
tions do not mean former truths were untrue earlier. Truth advances not
because history takes care of this but because human beings who have
the truth "stand by it . . . , apply it and carry it [out], act according to it, and
bring it to power against the resistance of reactionary, narrow, one-sided
points of view" (*PT* 192–93). So truth is practical, not just theoretical, and
the process whereby we attain truth—what Horkheimer calls the "process
of knowledge" (*der Prozeß der Erkenntnis*)—includes "real historical will
and action" (*Wollen und Handeln*) just as much as it contains experience
and conceptualization (*Erfahren und Begreifen*) (*PT* 193).

(3) Accordingly, the way to surpass the relativism/absolutism antith-
esis is to take seriously the historical mediation between sociohistorical
reality and theoretical thought. Recognizing this mediation, a materialist
dialectic neither denies its own relativity nor abandons the claim to com-
prehensive truth. It considers its own insights to be universally valid in the
whole context to which they refer, and it views "the opposing theory" as
wrong (*PT* 193). The opposing theory, in this context, would be one that
denies the historical mediation of concept and object—a denial common
to much of Western philosophy. Yet, like the predominant correspondence
theory of truth, a materialist dialectic regards truth as valid for those who
deny or ignore it. The relation of thought (*Vorstellungen*) to reality is deci-
sive for truth, not an individual's beliefs, and not "the [epistemic] subject
in itself" (*PT* 194). Consequently, "only that theory [of society] is true
which can grasp the historical process [*Geschehen*] so deeply that it is
possible to develop from it [i.e., from the theory] the closest approxima-
tion to the structure and tendency of social life in the various spheres of
culture." What makes this theory true is not its political standpoint but its
insight, the truth of which even those who reject the theory will one day
experience (*PT* 194).

2.3. Pragmatism and Corroboration (§4)

Horkheimer's emphasis on openness, praxis, and mediation makes his
approach sound like a pragmatist theory of truth. Hence, section 4 (*PT* 194–
203) distinguishes his conception of corroboration (*Bewährung*) from a

pragmatist conception. Citing William James and John Dewey, Horkheimer says that pragmatists hold that the truth-value (*Wahrheitswert*) of theories is decided "by what one accomplishes with them" (*PT* 195). The pragmatist criterion of truth is a theory's "power to produce desired effects" for human well-being, to promote human flourishing. This makes the practical corroboration of thoughts "identical with their truth" (*PT* 195).

The main problem with this view, according to Horkheimer, is its unwarranted social optimism, which gives ideological support to a capitalist economy (*PT* 196). Pragmatism fails to distinguish sufficiently between the theoretical verification (*Verifikation*) of truth[17] and truth's practical meaning or significance (*Bedeutung*). In this way, pragmatist accounts of corroboration support the liberal illusion that scientific and human progress run in tandem. But the pragmatist's claim that truth promotes life may not itself be true if pragmatist epistemology "does not belong to a whole in which the tendencies working towards a better, life-promoting [condition] really find expression" (*PT* 197).

Materialism also employs a concept of corroboration, as a weapon against elitism and mysticism and on behalf of truth that is publicly accessible. Yet Horkheimer insists on a dialectical relation between theory and practice, in contrast to pragmatism's pre-established harmony (*PT* 198). Although human activity draws on theoretical insight, other factors and obstacles enter as well. Horkheimer gives the example of how Marxian historiography relates to emancipatory praxis. The course of history has borne out Marx's theory of history, he says, and if it had not, the theory would not serve emancipatory praxis. But one needs to distinguish two closely related lines of verification (*Verifikation*)—the corroboration (*Bewährung*) of hope for liberation, and the confirmation (*Bestätigung*) of tendencies predicted by the theory. Their mediation lies in "the actual struggle, the solution of concrete historical problems based on [a] theory substantiated by experience." Similarly, theoretical progress depends just as much on "unswerving loyalty [*Treue*] to what is recognized as true" as on "openness to new tasks and situations" (*PT* 199).

On the flip side, Horkheimer suggests that premature claims, incorrect diagnoses, and temporary defeats need not disconfirm an emancipatory

17. By theoretical verification Horkheimer means how a view can be completely borne out (*kann sich ohne Rest bewähren*) insofar as the objective relationships claimed to exist are confirmed (*sich finden*) "on the basis of experience and observation" through the use of unobjectionable methods and inferences (*PT* 196).

theory. Even the descent of humanity into barbarism does not destroy the true insights of those who fight for liberation. In other words, corroboration is not a simple criterion of truth. Truth is a moment of correct praxis, but truth is not the same as success. To equate truth and success would be to ignore history and to endorse the status quo (*PT* 200).

Whereas pragmatism equates corroboration and truth, then, Horkheimer keeps them distinct. On his account, corroboration—the evidence (*Nachweis*) that thought and objective reality correspond—is "a historical occurrence that can be obstructed and interrupted." When something blocks corroboration, when "a given constellation of the world" prevents an idea from being realized, this need not mean that the idea is untrue. A "more rational form of human association" than the current social order is demonstrably possible, for example, and the continuing prevalence of misery and terror is no proof to the contrary (*PT* 200).[18]

2.4. Emancipatory Theory (§5)

What, then, is the upshot to reappropriating Hegel and criticizing pragmatism for Horkheimer's conception of truth? It appears that Horkheimer combines the holism of coherence theories with the partial realism of some correspondence theories and the practical orientation of pragmatism, but in combining them he transforms all three. His holism has two aspects: (1) the corroboration of truth claims depends on open-ended historical processes (*PT* 203); and (2) social categories historically change their function as "aspects [*Momente*] of the whole body of knowledge at a given time" (*PT* 204). Because of his partial realism, however, Horkheimer insists that historically developed knowledge as a whole "is never identical with reality," which also unfolds historically. Rather, dialectical thought tries to model (*nachbilden*) reality (*Wirklichkeit*) with utmost precision and to correspond (*übereinstimmen*) as far as possible with the principles (*Formprinzipien*) of actual events (*Verläufe*) (*PT* 204). Yet, unlike many correspondence theorists, Horkheimer sees both sides—both the dialectic in thought and the actuality it models—as processual rather than static, and as interconnected rather than consisting primarily of discrete concepts and objects. The nonidentity between dialectical thought and historical actuality is what allows theory to have a practical orientation, without theory's either dictating praxis or simply succumbing to the test of "success."

18. I omit discussion of Horkheimer's response to Max Scheler's critique of pragmatism, as it adds little to Horkheimer's account of truth and corroboration. (See *PT* 200–3.)

Progress in both theory and praxis requires the pursuit of a definite theory at the highest contemporary level, yet applying this theory has reciprocal impact on the theory's shape and meaning (*PT* 203).

Materialist dialectical thought, then, is the continual attempt, based on ongoing experience (*auf Grund fortschreitender Erfahrung*), to relativize every exclusive determination (*jedes ausschliessende Bestimmungsurteil*), and to do so with reference to changes on the part of the subject, the object, and their relationship. Dialectical thought analyzes purportedly universal properties, brings out their contradiction with particular objects, and shows that, to be grasped correctly, such properties must be related to "the whole system of knowledge" (*PT* 204). Hence, Horkheimer's holism—"every insight is to be regarded as true only in connection with the whole body of theory" (*PT* 204)—does not become full-blown coherentism—dialectical thought must not only interconnect the concepts it reconstructs from social science but also use them to reconstruct reality [*Wirklichkeit*]. Indeed, all the characteristics of dialectical thought "correspond" (*entsprechen*) to the form of reality, which is complex (*verschlungen*) and "constantly changing in all its details" (*PT* 204).

This means that concepts such as "commodity" and "value" and categories such as "money" and "capital" must always be understood in their interrelationships and in their historical setting. Yet materialists do not expect their own dialectical reconstructions of concepts and categories to bring an end to the "contradictions and tensions" of history. For this requires historical struggle: theoretically informed struggle, to be sure, but not merely theoretical—in fact, a struggle whose outcome no theory can predict. The outcome depends upon "human beings interacting with one another and with nature, who enter into new relationships and structures and thereby change themselves. The resolution of contradictions in subjective thought and the overcoming of objective antagonisms can be closely intertwined, but they are in no way identical" (*PT* 209–10). Accordingly, Horkheimer says, the proper stance for dialectical social critics is not only to criticize the "great truths" but also to remain committed to truth—to uphold the truth by remaining "firm in its application even if it may sometime pass away" (*PT* 211).

3. Dialectical Disclosure

I said earlier that both Heidegger and Horkheimer challenge the traditional focus on propositional truth bearers. Both of them suggest that truth is more comprehensive than what propositionally inflected accounts can notice,

that the primary reasons for wondering about propositional truth escape the purview of propositionally inflected accounts. Whereas Heidegger thinks the narrowing of attention to propositional matters manifests a Western forgetfulness of Being, Horkheimer considers it an expression of bourgeois ideology and its acceptance of the status quo. Both of them are right, in my view, even though each would direct his own charge toward the other.

Why would they raise such charges against each other? Apart from sociopolitical differences—which were thoroughgoing and became even deeper once Adorno entered the fray—or rather, *within* these sociopolitical differences, Heidegger and Horkheimer have different visions of freedom and history. They reconstruct propositional correctness in line with their social visions. One seeks meaning, the other liberation. One enacts an intellectual turn (*Kehre*) within the history of Being; the other pursues a material transformation (*Umschlag*) in the structure of society. For one, truth is an ontological disclosure; for the other, it is a dialectical achievement. For both of them, truth is historical, and for neither is history the truth—but what history comes to differs from one to the other.

Upon closer examination, however, Heidegger's and Horkheimer's positions prove to be complementary in their mutual opposition. Let me trace this implicit dialectic by comparing and questioning their essays on four topics: (1) propositional correctness, (2) freedom, (3) history, and (4) bivalence. I shall argue that neither Heidegger nor Horkheimer provides a convincing account of how propositional correctness and comprehensive truth, although distinct, go together.

3.1. Propositional Correctness

Heidegger sees more clearly than Horkheimer does, it seems to me, that propositional correctness would hardly matter if there were not nonpropositional matters about which and in relation to which human knowledge can be more or less correct. Nor can these matters simply be constituted or constructed by human knowledge. Rather, they must offer themselves within a field of relations to other matters. They must display what I have labeled elsewhere "predicative availability."[19] Heidegger also correctly recognizes that for such connections to occur between propositions and nonpropositional matters—or better, between predicative activities and matters that are predicatively available—both human openness and

19. Lambert Zuidervaart, *Artistic Truth: Aesthetics, Discourse, and Imaginative Disclosure* (Cambridge: Cambridge UP, 2004), pp. 89–90.

"objective" self-presentation or self-disclosure are required. His account becomes problematic, however, when he extrapolates from such "correspondence" a notion of freedom as "letting beings be." I shall return to this problem shortly.

Horkheimer, by contrast, understands more adequately than Heidegger does that, when the nonpropositional matters at stake are societal and cultural, their connection with predicative activities must be dialectical.[20] The attempt to achieve correct knowledge with respect to sociocultural matters requires more than human openness and "objective" self-presentation. The matters to be understood cannot be taken at face value; correct insights must be wrested from incorrect understandings. And whether an insight is correct needs to be tested, in both theory and praxis, with reference both to a larger nexus of concepts and claims and to the historical context to which the subject matter belongs. As Horkheimer puts it, the so-called correspondence between knowledge and object needs to be established amid historical struggles both theoretical and practical. It would appear, however, that Horkheimer locates the key to this process in a critical social theory. This presupposes a confidence in dialectical thought that I find problematic, for reasons that I shall give later.

3.2. Freedom

Heidegger, for one, does not share this confidence. By grounding truth-as-correctness in "letting beings be," he introduces a notion of freedom that runs counter to the struggle and striving intrinsic to dialectical thought. To let beings be is neither to correct incorrect understandings nor to test the correctness of an insight. It is rather to let oneself be admitted (*Sicheinlassen*) into the open region where beings can reveal what and how they are. Hence the initiative, if we may continue to speak of initiative, does not lie with human thought or action. Rather, it rests with a process of disclosure (*Entbergung*) that sustains beings in their disclosedness (*Entborgenheit*), including human beings in their ecstatic Da-sein. This implies, it seems to me, that freedom or "letting beings be" is itself made possible by a transsubjective and transobjective process, such that correctness becomes a gift to be received rather than a standard to be achieved.[21]

---

20. I leave aside the difficult question of whether Horkheimer's materialist dialectic is applicable to so-called nature.

21. It is worth noting in this connection that Heidegger characterizes the epistemic standard as "pregiven." He suggests that properly open human comportment must accept

Heidegger's account of freedom instructively reorients truth theory in a normative direction, pointing it past the nexuses of subject and object and of theory and praxis, and toward fundamental questions of orientation and direction. At the same time, however, his account distorts the meaning of freedom. To let beings be in the manner he describes is to assume that they, or the process of disclosure in which they stand, would be worth accepting "as is." But much about which we seek correct understanding is already caught up in historical struggles over what is better and what is worse: cultural conflicts, scientific debates, political battles, economic strife. In such settings, simply to let beings be would require a surrender of responsibility, obligation, agency, and, yes, power—without which human beings can hardly promote the interconnected flourishing of all creatures. Such flourishing, I submit, is the central meaning of freedom, rather than either Heideggerian acceptance of disclosure or the model of mastery that he rightly challenges. To flourish, and to seek the flourishing of fellow human beings as well as of other creatures, we cannot ignore or deny "how and what" human beings themselves are. Their freedom might not be a matter of Kantian autonomy, but it is certainly not the same as ontological *Gelassenheit*.

Horkheimer, who wrote his own materialist critique of Kantian morality,[22] never abandoned the central intuition that "getting things right" in theory is tied to "getting them right" in practice. To attain propositional correctness is to engage in historical struggles over what is better and what is worse in society. These *are* matters of effort and achievement, he suggests. In propositional correctness, then, for Horkheimer as for Heidegger, human freedom is at stake. But the freedom that Horkheimer has in mind is not to let beings be. Rather, it is to liberate the suffering and needy from their societally secured oppression. Without liberation there would be neither justice nor solidarity, and without a striving for liberation any talk of "freedom" would ring hollow—would, in fact, ideologically occlude the unfreedom of contemporary society.

I have a great deal of sympathy with Horkheimer's approach to freedom. Yet it presupposes a prior orientation toward human flourishing over

---

or "take over" this standard (*dieses Maß sich anweisen lassen*), not establish or impose it. The standard in question is "what is opened up" (*Offenbares*) (*ET* 142).

22. Max Horkheimer, "Materialism and Morality" (1933), in *Between Philosophy and Social Science: Selected Early Writings*, trans. G. Frederick Hunter et al. (Cambridge, MA: MIT Press, 1993), pp. 15–47.

which he remains inarticulate. He assumes from the beginning and all along that dialectical thought has the best interests of humankind at heart, and that these interests will prevail. This assumption seems scarcely less "absolutist" than Hegel's all-embracing thought. If it is not absolutist, then at least it displays too little of the critical self-reflection that Horkheimer finds lacking in Hegel. To fill in the content of human flourishing, and to indicate how dialectical thought has this content at heart, Horkheimer would need to sketch more substantial notions of the good than his materialist dialectical commitments permit. Instead, he pushes such content into the future, as something to be revealed when it is achieved, rather than as societal principles that are already in effect, in however distorted a fashion, and that are already available as points of orientation.[23] Whereas Heidegger construes freedom as an originary process to be received, Horkheimer portrays it as a future goal still to be achieved. Neither construal is adequate.

3.3. History

This difference over freedom permeates their conceptions of truth and history. According to Heidegger, the "correspondence" between proposition and fact arises from the "attunement" of human comportment to beings as a whole. Such attunement is secured by freedom, he says: freedom as something that possesses human beings and secures for them a "distinctive relatedness to beings as a whole" (*ET* 145–46). Attunement also conceals beings as a whole, however, and freedom secures such concealment, too. Accordingly, history begins when freedom—letting beings be—simultaneously secures both human attunement and the concealment of that to which human beings are attuned. History in its origins is an unfolding of untruth together with truth. Although with some exceptions and temporary reversals, history is the tale of our forgetting the mystery of Being and passing it by.

In this way Heidegger acknowledges, in opposition to modern thought, that human beings are not the masters of their fate. Nor can they simply

---

23. Horkheimer mentions such principles in passing when he connects the proclamation of truth with the struggle to actualize "better principles of society" (*PT* 197). But he gives no example of what could count as a "better principle." That leaves open the question of whether the principles would be better because they are pursued "in truth," or whether to pursue them "in truth" one must already recognize what makes them better—for example, in what ways they would be more conducive to human flourishing.

"revalue all values" once they notice, as Nietzsche did, the admixture of power in Enlightenment ideals of freedom and truth. Yet the *Kehre* Heidegger seeks would amount to a myth of enlightenment. That is to say, he assigns to an ontological fate the task of unconcealing, and thereby concealing, what beings, including human beings, mean—what their purposes and destinations are. Heidegger continues to hope for enlightenment. If he did not, his attempt to reconceptualize truth would lose its point. But his hope lies in what is essentially a mystery, in a process that few mere mortals—Heidegger among them, I suppose—can understand or effect. This myth of enlightenment occupies an absolutist position, even though Heidegger himself rejects the story of rational enlightenment that Hegel tells and enacts.

Horkheimer, by contrast, embraces a story of rational enlightenment even as he rejects Hegel's absolutism. For Horkheimer, history is not the fateful unfolding of truth as un/concealment. Rather it is the ongoing struggle of human beings to achieve liberation in society. The key to their struggle lies in a mediation between sociohistorical reality and theoretical thought. Horkheimer singles out three aspects to this mediation. First, any "correspondence" between the one and the other needs to be established by "real events and human activity" (*PT* 190). Second, any theoretical understanding of real events and human activity will arise from them and must be borne out by them. Third, the truth of such theoretical understanding depends upon its grasp of the entire historical process informing the structure and tendencies of contemporary society. The theory that has a better grasp will also be borne out by real events and human activity, and will in fact play a leading role in helping to establish the "correspondence" between sociohistorical reality and theoretical thought.

Whereas Heidegger places his hope for enlightenment in the mystery of Being, Horkheimer places his hope for liberation in the praxis of theory. By the phrase "praxis of theory" I mean two things: first, the double claim that theory arises from praxis and must be borne out by praxis; and, second, the claim that true theory can and must play a leading role in the transformation of society. In other words, theory is a form of praxis, and true theory is crucial for true praxis. Correlatively, not only is truth historical but also theoretical truth is crucial for history's becoming true. In these respects Horkheimer retains more transparently than Heidegger does the connections between propositional correctness and human flourishing, both in theory and in praxis.

Yet Horkheimer's emphasis on the praxis of theory relies on a petitio principii that may itself conceal a troublesome commitment. The petitio principii concerns his appeal to praxis as both the touchstone and the beneficiary of theoretical truth. On the one hand, praxis is the touchstone—as both origin and test—for theoretical truth: theoretical truth originates in praxis and receives corroboration in praxis. On the other hand, not just any praxis can serve as this touchstone. The proper praxis must accord with true theory, and be guided by it, if theory is to play a leading role in societal transformation. Horkheimer is not unaware of the pitfalls here. He certainly does not want to collapse the validity of theoretical claims into either their genesis or their consequences. He distinguishes very clearly between a theory's insights and its social functions, just as he distinguishes between theory-internal confirmation and theory-external corroboration—important distinctions, in my view, and advances beyond both pragmatism and Marx's "Theses on Feuerbach."

Despite the potential fruitfulness of Horkheimer's approach, however, it simply begs the question whether praxis can serve as a touchstone for theoretical truth if praxis is not already the beneficiary of true theory. How can theoretical insights into the historical process emerge from struggles to change society if these struggles are not already guided by such insights? But if the insights were already available in the struggle, why would true theory need to offer guidance? And if the insights were not already available in the struggle, how could true theory connect with the struggle and offer guidance? Horkheimer repeatedly dances around the places where such questions would arise, either avoiding the questions or not recognizing the need to address them.

Horkheimer's dance may signal a troublesome commitment to the position that theory is the final authority for right praxis, a position Adorno forthrightly articulates three decades later.[24] Horkheimer never straightforwardly says this—nor should he say this, given his critique of Hegel for hypostatizing his own system. Yet a subtle absolutizing of theory may lurk behind the screen of Horkheimer's insistence on the open-endedness of history. When he says that decisions about particular truth claims

24. See especially Theodor W. Adorno, *Negative Dialectics*, trans. E. B. Ashton (New York: Seabury Press, 1973), pp. 241–45, where Adorno declares that the most advanced theory is the only authority [*Instanz*] for right practice and the good. Adorno's stance is questioned in the last chapter of Lambert Zuidervaart, *Social Philosophy after Adorno* (Cambridge: Cambridge UP, 2007), pp. 163–65.

depend on uncompleted processes, and when he claims that the function of social-theoretical categories changes over time, he assumes that no matter how these processes and changes go, true theories about them will always be possible, and that the truth of the matter can always be theoretically determined. This assumption secretly orients his claim that progress in both theory and praxis requires the pursuit and application of a definite theory at the highest contemporary level. To make such metatheoretical claims, Horkheimer's own philosophy must assume for itself a historical positioning that allows it even now, amid the ongoing historical process, to make true claims about how history and truth intersect. Although no comprehensive truth theory can avoid taking this sort of stance, it matters whether the stance simply occurs in an unexamined way or whether the theorist states it and invites dialogical reflection about it. When the stance occurs as an unexamined assumption, dogmatism is not far away.

3.4. Bivalence

Indeed, from Heidegger's perspective, Horkheimer's materialist dialectic would fall prey to both logicism and nihilism, the two alternatives that Heidegger himself wishes to avoid. It falls prey to logicism insofar as Horkheimer locates the key to truth in the praxis of theory, which cannot avoid taking propositional form. It simultaneously suffers from nihilism, however, because Horkheimer attributes the source and test of truth to a will to power—a will to liberating power, no doubt, and a commitment to societal transformation, but a will to power nonetheless. Heidegger will have none of this: to privilege theory is to forget the mystery of Being, and to strive for liberation is to pursue our own plans amid "the most readily available beings." Both tendencies lead us astray, reinforcing that "errancy" which is truth's "counteressence." It is precisely to challenge such tendencies, and to recall the forgotten mystery, that Heidegger questions the bivalence of truth. Untruth, he says, is essential to truth. In questioning the bivalence of truth, philosophy carries out its world-historical vocation to question the full essence/nonessence of truth and to let "beings as such be as a whole."

Important though this questioning might be as a challenge to the praxis of theory, Heidegger cannot avoid relativism, the flip side of absolutism, according to Horkheimer. It is so, of course, that Heidegger successfully extricates truth theory from the epistemic and ethical subjectivism that informs most modern relativism, as well as the logicism and nihilism

Heidegger opposes. Heidegger does not say that historical variability and human finitude make truth relative to both time and person. If anything, he says that truth makes times and persons relative to Being. Yet his account of such ontological relativity, of the relatedness of all beings to their being as a whole, eliminates the basis on which specific matters, whether propositional or not, can be, and can be found to be, either true or false. Like relativism of a more subjectivist cast, Heidegger's ontological conception of truth as un/concealment fosters indifference to particular truth claims and permits any number of destructive views. Since all participate in the forgetfulness of Being, and since none can avoid an errancy that "belongs to the inner constitution" of human Da-sein, none can simply be rejected as untrue.

Wishing to avoid logicism and nihilism, then, Heidegger falls into both relativism and absolutism—not of the sorts that characterize epistemic subjectivism, to be sure, but of an onto-mythological sort. Abandoning the bivalence of truth, his critical metaphenomenology becomes uncritical. In comparison, Horkheimer, who aims to avoid relativism and absolutism, falls into both logicism and nihilism, not of the sort that bedevils "bourgeois philosophy" from Descartes through Nietzsche, but of a theory-praxeological sort. Not accounting sufficiently for the normative character of truth, his metacritical phenomenology becomes hypercritical. Neither Heidegger nor Horkheimer succeeds in addressing Hegel's challenge, namely, to grasp the true as both substance and subject. From Heidegger we receive too much substance and not enough subject; from Horkheimer, too much subject and not enough substance.

4. Truth Matters

Yet the dialectic between Heidegger and Horkheimer, as reconstructed from their two essays, points beyond them and does not simply return us to Hegel. It points toward connections between propositional correctness and comprehensive truth that are substantial but not anti-subjective. Let me briefly articulate these connections, reversing the order of topics from the previous section. I begin with the topic of bivalence.

4.1. Bivalence and Normativity

Heidegger challenges the assumption of bivalence because he does not want logic to have the final word. As Horkheimer recognizes, however, to give up the bivalence of truth is to lose the basis in theory for distinguishing

between better and worse patterns and trends in society and culture. Accordingly, the primary reason to retain a notion of bivalence is not the traditional one given by propositionally inflected truth theories. The primary reason is not simply that to call a proposition true—i.e., correct—is to distinguish it from one that would be false—i.e., incorrect. Rather, the primary reason is that bivalence is intrinsic to normative considerations in general. To find certain actions or institutions or societal structures just, for example, is to contrast them with ones that are or would be unjust. Even when our judgments in these matters acknowledge degrees of justice and injustice, as they usually do, their underlying assumption is a contrast between just and unjust.

Does this mean that normative considerations either follow from or presuppose propositional correctness? That would seem in the end to be Horkheimer's position, despite his emphasizing the *praxis* of theory. But this position reverses the flow of normativity. Propositional correctness does not make nonpropositional normativity possible. Instead, propositional correctness is arrayed alongside other types of normativity, both supporting them and receiving direction from them. One of the ways in which propositional correctness lends support is by highlighting the bivalence intrinsic to all normative considerations, including considerations of propositional correctness.

4.2. Historical Unfolding

This implies, in turn, a different way to regard history as an unfolding of truth. For Heidegger, this process is one in which the forgotten mystery simultaneously unconceals and conceals what it means to be. For Horkheimer, it is one in which, guided by the praxis of theory, human beings struggle for liberation in society. My alternative is to say that truth enfolds us. Because truth enfolds us, we can help truth unfold. And to help truth unfold is to engage in an ongoing struggle for societal transformation. The telos of transformation would not simply be human liberation, however. It would encompass human liberation within a life-giving disclosure of society in which nonhuman creatures also come to flourish.

Moreover, the guidance for this struggle would come from neither a forgotten mystery nor a critical theory. Rather, it would come from full-fledged fidelity, both practical and theoretical, both propositional and nonpropositional, to societal principles such as solidarity and justice. Such fidelity would resemble Heidegger's "gentle releasement" and "resolute

openness," but it would not be restricted to philosophy that is directed to "beings as a whole" (*ET* 152). It would also resemble Horkheimer's "strength to live with the sober truth," but its spread would not be delayed "until the causes of untruth are removed" (*PT* 215).

4.3. Freedom as Flourishing

So too, although freedom and truth would have an intimate connection, freedom would be neither receptive releasement à la Heidegger nor active liberation à la Horkheimer. Instead, as I suggested earlier, freedom would be the interconnected flourishing of all creatures and the human effort to further such flourishing. The content of interconnected flourishing would stem from societal principles such as solidarity and justice that are always already in effect. By societal principles I mean normative horizons that emerge in human history and take shape in cultural practices and social institutions. They not only commonly hold for people, but they also hold people in common. They are not closed horizons, however, but ever open to a future that continually breaks through, often in surprising ways. At the same time, they are at the center of societal struggles over suffering and oppression. No person or community, and certainly no philosophy or social theory, has the final word on what these principles mean and what they require. Yet all of us are caught up in the challenge to interpret, shape, and enact them.

Truth, then, in its most comprehensive sense, is not simply a propositional matter. But neither is it a mysterious fate beyond our control. Truth is a historical process that unfolds as a dynamic correlation between human fidelity to societal principles, on the one hand, and a life-giving disclosure of society, on the other. Moreover, these correlates are indissoluble: creaturely flourishing is the point of human fidelity to societal principles, and such fidelity is a prerequisite for societal disclosure. In that sense, as Horkheimer suggests, human beings need ever and again to "establish" a "correspondence" between their knowledge and sociohistorical reality. In my account, however, this "correspondence" is a dynamic correlation, and the correlates are not simply knowledge and the known but rather a practical, institutional, and structural fidelity to societal principles and an ongoing disclosure of society in which all creatures come to flourish.

4.4. Correctness in Context

This dynamic and comprehensive correlation is the context in which propositional correctness matters. Propositional correctness matters for three

reasons. First, it matters as a way in which human fidelity and societal disclosure occur. Propositional validity is one of the societal principles that have emerged historically as a normative horizon for cultural practices and social institutions. One cannot participate in contemporary practices and institutions without raising and responding to propositional claims. And one cannot raise and respond to propositional claims if one completely ignores or rejects the principle of propositional validity. More important still is the societal implication of fidelity to propositional validity. For propositional correctness permits the predicative self-disclosure of that about which we make propositional claims. As Heidegger partially indicates, when we "get things right" in our predicative activities, we allow nonpropositional matters to offer themselves for correct interpretation and in accord with other ways in which they are available for our engagement. Repeatedly "getting things wrong" has the cumulative effect of covering up what their interconnected flourishing would mean. Hence, for example, if social scientists and policy makers repeatedly misunderstand the sources, experience, and consequences of poverty, we will not have sufficient access to the suffering that comes with poverty and to the prospects for its removal.

In the second place, propositional correctness matters because of the support it provides for fidelity to other societal principles. For example, if we could not say with some accuracy and consistency what justice requires, or if we did not care to pursue propositional validity with respect to such questions, it would become very difficult to articulate instances and patterns of injustice and to understand how they should be addressed. That, in turn, would impede a life-giving disclosure of society.

Propositional correctness also matters, in the third place, because it receives context and support from other modes of truth. Both Heidegger and Horkheimer point to this, each in his own way—Heidegger by anchoring correctness in freedom as letting beings be, and Horkheimer by tying correctness to liberation from oppression. In my own terms, propositional correctness matters because the pursuit of other societal principles, such as solidarity and justice, gives added purpose and significance to the pursuit of propositional validity. Without such additional context and support, propositional correctness becomes a thin and increasingly irrelevant affair, the preserve, perhaps, of isolated expertise, but not something that truly matters.

Perhaps the ratification of isolated expertise secretly drives deflationary theories of truth. And perhaps what I propose, in a dialectical revision of both Heidegger and Horkheimer, could be called an anti-deflationary

theory. To be self-consistent and thereby faithful to the principle of propositional validity, an anti-deflationary theory cannot be imprecise. Nor, if it is to contribute in some small way to more comprehensive truth, can it be a merely technical account of propositional "truth." The challenge, as Hegel saw, is to think these matters together. The challenge is to articulate truth as both substance and subject, avoiding both logicism and nihilism, but also moving beyond both absolutism and relativism. If my proposals have a measure of truth, then perhaps they take us a few steps in that direction.

World-Disclosure and Critique: Did Habermas Succeed in Thinking with Heidegger and against Heidegger?

Cristina Lafont

Any attempt to elucidate the interconnections between phenomenology and critical theory must at some point confront the question of what role Heidegger's philosophy plays in that equation. The historical or biographical side of the question is interesting in its own right and can be philosophically illuminating.[1] My focus here, however, will be systematic. In particular, I would like to analyze the similarities and differences between Heidegger's hermeneutic transformation of phenomenology in *Being and Time* and Habermas's transformation of critical theory in his *Theory of Communicative Action*. As a way of narrowing my focus, I will take as a guide the question indicated in my title, namely, the extent to which Habermas's approach succeeds in the self-imposed task of "thinking with Heidegger and against Heidegger."

As is well-known, in 1953 Habermas published an article entitled "Thinking with Heidegger and against Heidegger: On the Publication of Lectures Dating from 1935" in the *Frankfurter Allgemeine Zeitung*.[2] In

---

1. Regarding the relationship between Heidegger and the different members of the Frankfurt School, see Dieter Thomä, ed., *Heidegger Handbuch: Leben-Werk-Wirkung* (Stuttgart: Metzler Verlag, 2003), pp. 361–68; and Thomas McCarthy, *Ideals and Illusions: On Reconstruction and Deconstruction in Contemporary Critical Theory* (Cambridge, MA: MIT Press, 1991), pp. 83–96. For Habermas's own account of that relationship, see Peter Dews, ed., *Autonomy and Solidarity: Interviews with Jürgen Habermas* (London: Verso, 1986).

2. An English translation of the text is available in Jürgen Habermas, "Thinking with Heidegger against Heidegger: On the Publication of Lectures Dating from 1935," trans. Dale Ponikvar, in Richard Wolin, ed., *The Heidegger Controversy: A Critical Reader* (New York: Columbia UP, 1991), pp. 186–97.

that article, Habermas criticizes Heidegger's decision to republish his lectures from 1935 in which he spoke about "the internal truth and greatness" of the Nazi movement, without adding any commentary or expression of regret or apology for his involvement with Nazism. But beyond the reproach directed to Heidegger the person, Habermas also focuses on the difficult question of the internal relationship between Heidegger's moral failure as a person and the structure of his philosophical work. This is a question that Habermas has confronted and answered in slightly different ways in several publications over the past four decades.[3] A constant element of his different analyses is the suggestion that the particular route that Heidegger took in his famous *Kehre* (or "turn" in his thinking) was motivated by external elements related to Heidegger's political involvement with Nazism rather than by the internal development of his philosophical project as originally conceived in *Being and Time*.[4] This diagnosis makes Habermas's strongly critical attitude toward Heidegger's late philosophy compatible with another element of his evaluation of Heidegger that has equally remained constant, namely, his claim that *Being and Time* is the "most significant philosophical event since Hegel's *Phenomenology*." Although it is not always easy to infer from Habermas's critical analyses why exactly he thinks so highly of *Being and Time*, it is clear that if he did not, then the self-imposed task of "thinking with Heidegger and against Heidegger" would make no sense. In that case, the comparatively simpler alternative of just thinking against Heidegger, rather than with him or ignoring his philosophy altogether, would seem more appropriate.

Certainly, the appropriateness of the task could be explained in purely historical terms. On the one hand, the influence of Heidegger's master work inside and outside Germany was already undeniable in the 1950s, and it only became clearer as time wore on. Moreover, its influence in Habermas's own philosophical development is equally undeniable. As

3. See Habermas, "Thinking with Heidegger against Heidegger"; Jürgen Habermas, "Martin Heidegger: The Great Influence," in *Philosophical-Political Profiles*, trans. Frederick G. Lawrence (Cambridge, MA: MIT Press, 1983), pp. 53–70; Jürgen Habermas, *The Philosophical Discourse of Modernity*, trans. Frederick G. Lawrence (Cambridge, MA: MIT Press, 1987); and Jürgen Habermas, "Werk und Weltanschauung: Ein Beitrag zur Heidegger-Kontroverse aus deutscher Sicht," in *Texte und Kontexte* (Frankfurt: Suhrkamp, 1991), pp. 49–83.

4. For some textual evidence from *Being and Time* against this interpretation, see Johannes Fritsche, *Historical Destiny and National Socialism in Heidegger's* Being and Time (Berkeley, CA: Univ. of California Press, 1999).

Habermas has pointed out repeatedly, he was a "thoroughgoing Heideggerian" until 1953.[5] Just a short look into Habermas's dissertation on Schelling suffices to confirm that claim. However, as already mentioned, I am not interested here in the biographical aspects of the influence of Heidegger's philosophy on Habermas's intellectual development, but rather on the systematic question that this biographical fact raises, namely, the nature and extent of the internal relationship between Heidegger's and Habermas's philosophies. Taking Habermas's self-imposed task as a guide, I will identify first what I consider to be the most significant overlapping elements of both approaches. Once it becomes clear how far Habermas's "thinking with Heidegger" goes, it will be possible to address, in a second step, the question of how far his "thinking against Heidegger" succeeded. Needless to say, with such philosophically complex approaches as Heidegger's and Habermas's it would be hopeless to aim at a complete account of their interconnections. Thus, I am going to focus exclusively on some core elements that, in my opinion, are particularly significant to the extent that they have directly influenced the development of Habermas's own approach.

If one situates Heidegger's and Habermas's approaches in the context of the philosophical programs they aimed to continue and transform, the crucial element that they share is the attempt to articulate an alternative to the philosophical paradigm of mentalism (i.e., what Heidegger calls the S-O model and Habermas the paradigm of the philosophy of consciousness). It is to this end explicitly that phenomenology undergoes a hermeneutic transformation in *Being and Time*, whereas in the *Theory of Communicative Action* critical theory undergoes a shift toward communication theory. As I have argued elsewhere,[6] the key to both transformations is the conception of language as *constitutive* of our experience or, in other terms, as world-disclosing.[7] Since this may be more obvious regarding Heidegger's philosophy after the *Kehre*, let me first of all indicate very briefly why this is already the case in *Being and Time*. This will also be

5. Dews, *Autonomy and Solidarity*, p. 194.

6. See Cristina Lafont, *The Linguistic Turn in Hermeneutic Philosophy* (Cambridge, MA: MIT Press, 1999).

7. Another author who underlines the importance of this conception of language in Heidegger's philosophy is Charles Taylor. See Charles Taylor, "Self-interpreting Animals," in *Human Agency and Language* (Cambridge: Cambridge UP, 1985), pp. 45–76; Charles Taylor, "Theories of Meaning," in *Human Agency and Language*, pp. 248–92; and Charles Taylor, "Heidegger on Language," in Hubert L. Dreyfus and Mark A. Wrathall, eds., *The Blackwell Companion to Heidegger* (Cambridge, MA: Blackwell, 2005), pp. 433–55.

helpful in elucidating its deep commonalities with Habermas's own linguistic turn.

As is well-known, in order to break with the predominance of the S-O model characteristic of traditional philosophy, Heidegger in *Being and Time* generalizes hermeneutics from a traditional method for interpreting authoritative texts (mainly sacred or legal texts) to a way of understanding human beings themselves.[8] As a consequence, the hermeneutic paradigm offers a radically new conception of what is distinctive about human beings: to be human is not primarily to be a rational animal, but first and foremost to be a self-interpreting animal, in Charles Taylor's terms.[9] It is precisely because human beings are nothing but interpretation all the way down that the activity of *interpreting a meaningful text* offers the most appropriate model for understanding any human experience whatsoever. This change of perspective amounts to a major break with traditional philosophy, which has been guided, for the most part, by a diametrically opposed impulse to model human experience on our *perception of physical objects*. Heidegger confronts this attempt with two major objections. First, Heidegger argues that by trying to model human experience on the basis of categories taken from a domain of objects radically different from human beings (i.e., physical objects), traditional philosophy provides an entirely distorted account of human identity. To show this, Heidegger articulates an alternative, hermeneutic model that makes it possible to understand human beings as essentially self-interpreting creatures. Second, Heidegger argues that by focusing on perception as the private experience of an isolated subject, the subject-object model incorporates a methodological individualism (even solipsism) that entirely distorts human experience (giving rise to nothing but philosophical pseudo-problems, such as the need to prove the existence of the external world). To defend this claim Heidegger offers an alternative, hermeneutic account of our experience that makes it possible to understand human beings as inhabiting a symbolically structured world in which everything they encounter is already understood as something. As a consequence, the central feature of Heidegger's hermeneutic turn lies in the introduction of a new notion of world. After the hermeneutic turn, the world is no longer the totality of entities, but a totality of significance, a web of meanings that structures Dasein's understanding of itself and of everything that can show up within the world.

8. For a more detailed account see Cristina Lafont, "Heidegger's Hermeneutics," in Dreyfus and Wrathall, *The Blackwell Companion to Heidegger*, pp. 265–84.

9. See Taylor, "Self-interpreting Animals."

A central feature of the hermeneutic notion of world is that it is *intersubjectively shared*. As Heidegger remarks in *Being and Time*, "the world is always the one that I share with Others. The world of Dasein is a *with-world*."[10] This phenomenological fact, however, cannot be accounted for within the constraints of the methodological individualism characteristic of the S-O model, since the public world can neither be identified with the totality of objects nor with the private sphere of the mental acts of an isolated subject. The specific relationship that Dasein has with others by virtue of sharing a public world cannot be modeled on either the relationship of a subject to itself or to objects different from itself. This, however, poses an important challenge to *Being and Time* as well. In view of the rigid dichotomy established between Dasein and all other entities (for methodological reasons), the world is a difficult phenomenon to situate. On the one hand, *Being-in-the-world* is a fundamental structure of Dasein, so "the one" as an element of this structure is an *existentiale*, an ability of Dasein (the ability to take the community's perspective of the "generalized other," in G. H. Mead's terms). But, on the other hand, the articulation of the world precedes each and every individual Dasein (*SZ* 364). If it did not, if it were just the product of the meaning-conferring acts of an individual subject, the S-O model would be reestablished. Yet, if "the one" is prior to any individual Dasein and is neither an occurrent entity nor a "transcendental subject," how is it constituted? Where is it situated? In direct answer to this question Heidegger remarks in *Being and Time* that "the 'one' is constituted by the way things have been publicly interpreted, which expresses itself in idle talk" (*SZ* 252). This is the most important feature of the hermeneutic notion of world: the world is always intersubjectively shared *because it is linguistically articulated*. It is by virtue of sharing a natural language that Dasein can share the *same* world with others.

In this context, it is important to keep in mind one of the crucial differences between the traditional and hermeneutic notions of world. Whereas the former is supposed to refer to a *single* objective world (to the extent that everything is supposed to be under the same causal laws), the latter admits of a plurality of worlds. Cultural life-worlds as totalities of significance are *plural*. This is why, on the basis of this sense of the term,

---

10. Martin Heidegger, *Sein und Zeit* (Tübingen: Max Niemeyer, 1986). English translation: *Being and Time*, trans. John Macquarrie and Edward Robinson (New York: Harper & Row, 1962), p. 118. Further references will be documented parenthetically as *SZ* followed by the page number.

Heidegger can plausibly refer to a factical Dasein "in its current world [*in seiner jeweiligen Welt*]" (*SZ* 145). This plurality of worlds opens an issue that has no equivalent in the framework of the traditional notion of world. In order for the hermeneutic notion of world to be plausible, one must first be able to explain how a particular Dasein can be said to share the *same* world with others.

As Heidegger explains in *Being and Time*, it is by virtue of sharing a language that speakers and hearers can talk about the same things even if those things are not equally accessible to all of them:

> In the language which is spoken when one expresses oneself, there lies an average intelligibility; and in accordance with this intelligibility the discourse which is communicated can be understood to a considerable extent, even if the hearer does not bring himself into such a kind of being towards what the discourse is about as to have a primordial understanding of it.... We have *the same thing* in view, because it is in the *same* averageness that we have a common understanding of what is said. (*SZ* 168; italics in the original)

If this claim is right, if subjects come to share a common world of objects only to the extent that they previously share a common understanding of those objects, the explanatory priority of perception that underlies the S-O model can be shown to be wrong. Heidegger explains:

> This way in which things have been interpreted in idle talk has already established itself in Dasein.... This everyday way in which things have been interpreted is one into which Dasein has grown in the first instance, with never a possibility of extrication. In it, from out of it, and against it, all genuine understanding, interpreting and communicating, all re-discovering and appropriating anew, are performed. *In no case is a Dasein, untouched and unseduced by this way in which things have been interpreted, set before the open country of a "world-in-itself" so that it just beholds what it encounters*. The dominance of the public way in which things have been interpreted has already been decisive even for the possibilities of having a mood.... The "one" prescribes one's affectivity, and determines what and how one "sees." (*SZ* 169–70; my emphasis)

It is precisely this hermeneutic model of a linguistically articulated and intersubjectively shared life-world that will allow Habermas to break with the priority of the philosophy of consciousness that he identified as the

major methodological flaw of the first generation of critical theory. As he points out in an interview with Peter Dews, within the theoretical framework of the first generation of critical theory "there was no room for ideas of the life-world or of life-forms. . . . So they were not prompted to look into the no-man's-land of everyday life."[11] Consequently, they were not interested in linguistic communication as the mode of reproduction of the life-world.[12]

As early as 1967, in an article written on "The Logic of the Social Sciences," Habermas explicitly underscores the superiority of the view of language of hermeneutics over two others, the phenomenology of the life-world articulated by Alfred Schutz from a Husserlian point of view, and the "positivist analysis of language" that at the time he saw exemplified by the early and later Wittgenstein. Whereas the latter conceptions share an instrumental view of language as a mere tool for communication, the hermeneutic conception articulates a constitutive view of language as world-disclosing. According to Habermas, the crucial methodological difference between these conceptions is that the Husserlian and positivist approaches rely on the possibility of adopting an observer or external perspective from which language can be objectified (i.e., become the object of analysis), whereas hermeneutics recognizes the impossibility of adopting such a perspective. As Habermas indicates in a later article entitled "The Hermeneutic Claim to Universality," "hermeneutics has taught us that we are always a participant as long as we move within the natural language and that we cannot step outside the role of a reflective partner."[13] At the same time, however, Habermas is totally aware of the difficulty that this claim poses for any attempt to combine the internal perspective of a participant in a linguistically articulated life-world with the external perspective of a social critic that the project of a critical theory requires. It is precisely this methodological difficulty that motivates Habermas's criticism of the hermeneutic claim to universality, which is the main target of his article

11. Dews, *Autonomy and Solidarity*, p. 196.

12. Reflecting on the evolution of his own view in the preface to the second edition of *On the Logic of the Social Sciences*, Habermas remarks: "The appropriation of hermeneutics and linguistic analysis convinced me then [in the 1960s] that critical social theory had to break free from the conceptual apparatus of the philosophy of consciousness flowing from Kant and Hegel." Jürgen Habermas, *On the Logic of the Social Sciences*, trans. Shierry Weber Nicholsen and Jerry A. Stark (Cambridge, MA: MIT Press, 1988), p. xiii.

13. Jürgen Habermas, "The Hermeneutic Claim to Universality," in Josef Bleicher, ed., *Contemporary Hermeneutics* (London: Routledge, 1980), p. 191.

as a whole. We can distinguish two slightly different problems involved in this methodological issue, problems that he had already identified in this article and has continued to elaborate in the following decades. One is descriptive, the other normative.

At the descriptive level, there is an unavoidable explanatory limitation built into the hermeneutic approach, since speakers, as participants in a shared cultural life-world, do not have access to the type of external empirical knowledge that reconstructive sciences provide. Hermeneutic self-reflection, as Habermas indicates, "throws light on experiences a subject makes while exercising his communicative competence, but it cannot explain this competence."[14] This explanatory deficit is not only obvious with regard to the reconstructive sciences that Habermas discusses in this context, such as linguistics and developmental psychology. It is equally the case with regard to most of the causal knowledge provided by the empirical sciences, including the social sciences. In particular, as Habermas will argue in his *Theory of Communicative Action*, systemic mechanisms that affect the life-world from the outside are inaccessible from the participants' perspective. Access to them requires that the social theorist adopt an external perspective, as articulated in the broad tradition of functionalism by authors such as Marx, Parsons, or Luhmann. From this point of view, Habermas's criticism of the structural blindness of hermeneutics toward the material (social and economic) circumstances of the reproduction of the life-world echoes the main arguments against Heidegger's approach that members of the first generation of critical theory, most notably Herbert Marcuse,[15] had already articulated back in the 1930s. Of course, recognizing the need to integrate the hermeneutic and the functionalist perspective is one thing; providing a coherent account of society as constituted by both self-sufficient systems and the life-world is another. But I will not focus on this issue here, since this is clearly the side of critical theory less related to the hermeneutic approach. Instead, I would like to focus on another difficulty, a normative one, that arises in the attempt to integrate hermeneutics and critical theory.

Whereas the explanatory limits just mentioned point to a clear deficit of the hermeneutic approach, and thus speak in favor of expanding it to

14. Ibid., p. 186.

15. As is well-known, Marcuse was also an avowed Heideggerian during the short period of time that he joined Heidegger in Freiburg (from 1928 to 1932). For a detailed analysis of his criticism of Heidegger, see McCarthy, *Ideals and Illusions*, pp. 83–96.

integrate the empirical knowledge provided by the social sciences, the same cannot be said of the normative limits that the hermeneutic approach imposes on the critical aims of the theorist. Recognizing that "we are always a participant as long as we move within the natural language and that we cannot step outside the role of a reflective partner" poses a normative challenge to the authority claimed by the theorist to criticize the prevalent societal understanding as ideological. As Gadamer pointed out in his famous debate with Habermas,[16] in adopting an external perspective the social theorist engaged in the critique of ideologies breaks the symmetrical dialogue among participants and, in so doing, can only impose her own views about the good society on the basis of a self-ascribed knowledge monopoly or privileged access to truth. Thus, the critical theorist becomes, *willy-nilly*, a "social technocrat" in disguise.[17] In a critical theory of these characteristics, the emancipatory interest of the critical theorist just collapses into the technical interest of a "social engineer" who prescribes without listening. In sharp contrast to this conception, Gadamer argues, the hermeneutic perspective of a symmetrical dialogue oriented toward understanding prohibits its participants from ascribing to themselves a superior insight into the "delusions" of other participants that would eliminate the need of validation of their own views through dialogue with them. Seen from this perspective, the normative limitation of the hermeneutic approach poses a real challenge to the aspirations of critical theory. Any departures from the symmetrical conditions of dialogue among equal participants automatically raises questions concerning the legitimacy of the theorist's criticisms as well as their right to impose their conception of the good society upon others.

Looking back, Habermas's theory of communicative rationality presents two main strategies for confronting this challenge without giving up on the possibility of a critical theory. Moreover, as I will try to show in what follows, these two strategies constitute the original core of Habermas's distinctive approach to critical theory.

16. On the Gadamer-Habermas debate see Hans-Georg Gadamer, "The Universality of the Hermeneutical Problem," in Bleicher, *Contemporary Hermeneutics*, pp. 128–40; Hans-Georg Gadamer, "Rhetorik, Hermeneutik und Ideologiekritik: Metakritische Erörterungen zu Wahrheit und Methode," in *Gesammelte Werke* (Tübingen: Mohr, 1986), 2:232–50; Hans-Georg Gadamer, "Replik zu Hermeneutik und Ideologiekritik," in *Gesammelte Werke*, 2:251–75; and Habermas, "The Hermeneutic Claim to Universality."

17. See Gadamer, "Replik zu Hermeneutik und Ideologiekritik," pp. 274–75.

1. Incorporating Externalism in
the Account of Linguistic Communication

The first strategy concerns the very core of the hermeneutic approach, namely, the view of language as *constitutive* of the life-world. In this context I cannot discuss in detail Habermas's account of communication, but I will indicate very briefly what I consider to be the crucial point of departure vis-à-vis the hermeneutic approach. As I have argued elsewhere,[18] the main innovation of the Habermasian approach lies in its ability to incorporate externalism in an account of linguistic communication.[19] Let me briefly explain what I mean by this.

As we saw before, according to Heidegger, dialogue is only possible if one and the same world is disclosed to all speakers so that they can talk about the same things. For, as he argues in *Being and Time*, "only he who already understands can listen" (*SZ* 164). Therefore, speakers can come to share a common world of objects only insofar as they already share a common linguistic understanding of those objects. A shared linguistic world-disclosure or, in Gadamer's terminology, a common tradition, is the precondition for any understanding or agreement that speakers may bring about in conversation. Once this is accepted, however, it becomes unclear how speakers can ever question or revise such a factually shared world-disclosure or communicate with those who do not share it. Our linguistic world-disclosure seems unrevisable from within and inaccessible from without. This conception of the world-disclosing function of language has extremely counterintuitive consequences. The most notorious of them can be found in Heidegger's writings on language after the *Kehre*, where he provocatively claims that "there is no thing when the word is lacking,"[20] or that "language speaks" and thus is "the master of man."[21] It is in view

18. See chap. 5 of Lafont, *The Linguistic Turn*.

19. Habermas's explicit acceptance of externalism as essential to an account of linguistic communication came only later, in the 1990s. See Jürgen Habermas, "Reply," *Cardozo Law Review* 17 (1996): 1477–1559; and Jürgen Habermas, *Truth and Justification*, trans. Barbara Fultner (Cambridge, MA: MIT Press, 2003).

20. Martin Heidegger, *Unterwegs zur Sprache* (Pfullingen: Neske, 1986). English translation: *On The Way to Language*, trans. Peter D. Hertz (New York: Harper & Row, 1971), p. 163.

21. Martin Heidegger, *Vorträge und Aufsätze* (Pfullingen: Neske, 1954). English translation: *Poetry, Language, Thought*, trans. Albert Hofstadter (New York: Harper & Row, 1971), p. 184. For a detailed analysis of this aspect of Heidegger's philosophy, see Cristina Lafont, *Heidegger, Language and World-Disclosure* (Cambridge: Cambridge UP, 2000); and Richard Rorty, "Wittgenstein, Heidegger and the Reification of Language," in

of these claims that charges of linguistic idealism and of reification of language are a commonplace among interpreters of Heidegger's later works, Habermas included.

In order to avoid these counterintuitive consequences in his debate with Gadamer, Habermas rejects the hermeneutic claim that understanding is only possible on the basis of a factual agreement among speakers with a shared linguistic world-disclosure. Instead, Habermas claims that understanding depends on a "counterfactual agreement" that all speakers share just by virtue of their communicative competence. This agreement is based on *formal* presuppositions and thus does not depend on shared content or a shared world-disclosure among participants in a conversation. Habermas characterizes the essential difference between his position and Gadamer's as "*the questioning of the ontological self-understanding of the philosophical hermeneutic* which Gadamer propounds by following Heidegger."[22] In that context, he remarks:

> Gadamer turns *the context-dependency of the understanding of meaning*, which hermeneutic philosophy has brought to consciousness and which requires us always to proceed from a pre-understanding that is supported by tradition as well as to continuously form a new pre-understanding in the course of being corrected, to *the ontologically inevitable primacy of linguistic tradition*. Gadamer poses the question: "Is the phenomenon of understanding adequately defined when I state that to understand is to avoid misunderstanding? Is it not, rather, the case that something like a 'sustaining consensus' precedes all misunderstanding?" We can agree on the answer, which is to be given in the affirmative, but not on *how to understand this preceding consensus*.[23]

Seen in retrospect, his explanation of the essential difference between Gadamerian and critical hermeneutics anticipates the main features of the theory of communicative rationality that he articulated in the following decades. He explains:

> It would only be legitimate for us to equate the sustaining consensus which, according to Gadamer, always precedes any failure at mutual understanding with a given factual agreement, if we could be certain that

Charles B. Guigon, ed., *The Cambridge Companion to Heidegger* (Cambridge: Cambridge UP, 1993), pp. 337–57.

22. Habermas, "The Hermeneutic Claim to Universality," p. 203.

23. Ibid. (emphasis mine).

each consensus arrived at in the medium of linguistic tradition has been achieved without compulsion and distortion....A critically enlightened hermeneutic that differentiates between insight and delusion...*connects the process of understanding to the principle of rational speech*, according to which truth would only be guaranteed by *that* kind of consensus which was achieved *under the idealized conditions of unlimited communication free from domination* and could be maintained over time....It is only *the formal anticipation of an idealized dialogue*...which guarantees *the ultimate sustaining and counterfactual agreement* that already unites us; in relation to it we can *criticize* every factual agreement, should it be a false one, as false consciousness....To attempt a systematic justification we have to develop...a theory which would enable us to deduce *the principle of rational speech* from the logic of everyday language and regard it *as the necessary regulative for all actual speech*, however distorted it may be.[24]

As is well-known, according to Habermas's theory of communicative rationality, speakers who want to reach an agreement about something in the world have to presuppose the truth of what they are saying, the normative rightness of the interaction they are establishing with the hearer through their speech acts, and the sincerity or truthfulness of their speech acts. Complementary to these three validity claims (truth, normative rightness, and truthfulness), speakers must also share the notion of a single objective world that is identical for all possible observers. As Habermas points out in *The Theory of Communicative Action*, "actors who raise validity claims have to avoid *materially prejudicing* the relation between language and reality, between the medium of communication and that about which something is being communicated." This alone makes it possible for "the contents of a linguistic worldview [to become] *detached from the assumed world-order itself.*"[25] Obviously, if participants in communication are to evaluate whether things are the way they think they are or are as someone else believes, they cannot at the same time dogmatically identify their own beliefs with the way the world is. This is why communication oriented toward understanding requires that the participants distinguish, however counterfactually, between everyone's (incompatible) beliefs and the assumed world-order itself. Put in Habermas's own terms, they have

24. Ibid., pp. 205–7 (emphasis mine).
25. Jürgen Habermas, *Theory of Communicative Action*, 2 vols., trans. Thomas McCarthy (Boston: Beacon Press, 1984, 1987), 1:50–51.

to form "a reflective concept of world." The formal presupposition of a single objective world is just a consequence of the universal claim to validity built into the speakers' speech acts. It is just an expression of the communicative constraint that makes rational criticism and mutual learning possible, namely, that from two opposed claims only one can be right. Thus, the formal notion of world and the three universal validity claims build a system of coordinates that guides the interpretative efforts of the participants in communication toward a common understanding, despite their differences in beliefs or worldviews. This formal framework allows speakers to assume that they are referring to the same things even when their interpretations differ. As a consequence, they can adopt the externalist attitude necessary for disagreement and criticism without ever having to leave their shared communicative situation.

Now, to the extent that such an externalist perspective is equally accessible to all participants in communication, Habermas can reject Gadamer's claim that the critical theorist, in order to carry out her critique, has to break the symmetry of communication oriented toward understanding and become a "social technocrat" in disguise. In *Theory of Communicative Action*, Habermas remarks:

> in thematizing what the participants merely presuppose and assuming a *reflective* attitude to the interpretandum, one does not place oneself *outside* the communication context under investigation; one deepens and radicalizes it *in a way that is in principle open to all participants*.[26]

In this remark we can already identify the other major strategy that Habermas has followed to confront the hermeneutic challenge.

2. Empowering the Participants Themselves

As his remark makes clear, by identifying the possibility of adopting an externalist perspective as a structural element of any communication oriented toward understanding, Habermas can reject the charge of paternalism that Gadamer had raised against his approach to critical theory back in the 1970s. At the same time, however, it becomes clear that this strategy is based on the acceptance of the criterion of legitimacy that underlies the charge, namely, that the ultimate criterion of validation of any criticism or proposal for social change is the actual dialogue among all participants

26. Ibid., 1:130.

involved. Thus, no matter how superior the empirical and theoretical knowledge of the critical theorist may be, she must situate herself as a discourse participant among equals in order to validate her criticisms and proposals through actual dialogue.[27]

This is indeed the most distinctive element of Habermas's approach to critical theory. As he sees it, the critical theorist is not supposed to base her criticisms of current societies on her particular conception of the good society, but is supposed to leave space for the citizens themselves to determine and develop their different collective and individual life projects.[28] To that extent, critical inquiry does not seek to achieve specific ends but rather to bring about those social conditions in which its insights and proposals might be validated or falsified by citizens themselves.[29] This decidedly democratic turn of critical theory makes it possible to justify the claim that the evaluations on which the theorist's criticisms are based do not illegitimately constrain the space of citizens' political self-determination,

27. In "Discourse Ethics," Habermas emphasizes this feature of his approach by contrasting it with Rawls's theory of justice, when he remarks: "*Any* content, no matter how fundamental the action norms in question may be, must be made subject to real discourse (or advocatory discourses undertaken in their place). The principle of discourse ethics prohibits singling out with philosophical authority any specific normative contents (as, for example, certain principles of distributive justice) as the *definitive* content of moral theory. Once a normative theory like Rawls's theory of justice strays into substantive issues, it becomes just *one contribution to practical discourse* among many—even though it may be an especially competent one" (Jürgen Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen [Cambridge, MA: MIT Press, 1990], p. 122). Along the same lines, Habermas claims in *Between Facts and Norms* that "in discourses of justification there are in principle only participants" (Jürgen Habermas, *Between Facts and Norms*, trans. William Rehg [Cambridge, MA: MIT Press, 1996], p. 172).

28. This constraint is built into the very core of the theory of communicative rationality, namely, its discourse principle. In *Between Facts and Norms*, Habermas defines it as follows: "D: Just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses" (Habermas, *Between Facts and Norms*, p. 107). From it, Habermas derives the following principle of democratic legitimacy: "only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted" (ibid., p. 110).

29. For a detailed analysis of the basic differences between the traditional and Habermasian approaches to critical theory, see James Bohman, "Participants, Observers, and Critics: Practical Knowledge, Social Perspectives, and Critical Pluralism," in William Rehg and James Bohman, eds., *Pluralism and the Pragmatic Turn: The Transformation of Critical Theory* (Cambridge, MA: MIT Press, 2001), pp. 87–114; and David Couzens Hoy and Thomas McCarthy, *Critical Theory* (Oxford: Blackwell, 1994).

and thus do not amount to a tendentious attempt to advance the critics' own political preferences concerning the good society under the aegis of their self-proclaimed epistemic authority.

With this proposal, critical theory definitively breaks with the paternalistic tendencies of the Marxist tradition and emphasizes the normative importance of citizen's political self-determination.[30] In so doing, however, it does not give in to the hermeneutic temptation to cede to the participants and their traditions the only say about the significance of the social practices in which they engage. The theoretical reconstruction of the communicative and social conditions under which any political proposals could be validated or falsified by citizens themselves provides the critical theorist with a powerful criterion for measuring current social conditions and criticizing those responsible for the perpetuation of injustices. At the same time, insight into the validity of such a criterion does not derive from any privileged access to truth on the side of the critical theorist, but it is anchored in the communicative practices that discourse participants already share. Consequently, this kind of criticism is not only open to all participants, but is also publicly addressed to them.

Needless to say, it remains an open question whether the Habermasian approach to critical theory can succeed in its goals and thus offer a solid basis for a fruitful research program. The scope of the theory of communicative rationality on which it is based is breathtaking, so it is too early to say whether future research will validate or undermine the numerous claims on which the success of the whole approach depends. This is particularly the case regarding the two elements that I have identified here as central to Habermas's attempt to think "with Heidegger and against

---

30. In the broad Marxist tradition to which the critical theory of the Frankfurt School belongs, the task of the social critic was not understood to be limited to identifying injustices and proposing appropriate remedies. The social critic was supposed to identify the correct conception of the good society on the basis of their distinctive empirical and theoretical knowledge. The epistemic authority that the social critic enjoyed in virtue of her expertise was supposed to counter any misgivings concerning the legitimacy of imposing her own evaluations and preferences on those political communities that were the focus of the social analysis. This analysis was often accompanied by a parallel theoretical identification of the social group best suited to bring about the needed social transformations (the infamous subject of history), as well as some self-immunizing explanation, whenever needed, of why the members of that group who happen to disagree with the revolutionary project were just too alienated to properly recognize the objective correctness of the critic's political proposals. This traditional approach to critical theory raises the fears of paternalism and totalitarianism echoed by Gadamer in his debate with Habermas.

Heidegger." On the one hand, the prospects of successfully incorporating externalism in an account of linguistic communication will need to be assessed in light of the results of current discussions on theories of meaning in the philosophy of language. On the other hand, the prospects of the democratic turn in critical theory will need to be assessed in light of the results of current discussions on deliberative democracy in political philosophy. Thus, at this point it is hard to say whether Habermas's attempt has ultimately succeeded. However, at the very least, I hope to have shown that it has successfully articulated a genuine alternative to Heideggerian hermeneutics and the extent to which it has done so precisely by thinking "with Heidegger and against Heidegger."

Preserving the Eidetic Moment: A Contribution of Phenomenology to Critical Theory

David M. Rasmussen

Phenomenology and Critical Theory sprang from the same historical root, namely, eighteenth- and nineteenth-century Enlightenment and post-Enlightenment thought. In my *Handbook of Critical Theory*,[1] I traced the development of Critical Theory from its Hegelian and Marxist origins to its manifestation in the first and second generations of the so-called Frankfurt School. Although I won't do the same for phenomenology here, it is worth noting that the two traditions, phenomenology and Critical Theory, share Kant's idea of practical philosophy, with its emphasis on practical reason and the philosophy of action. Hence, it is not surprising that among phenomenologists, Paul Ricoeur would come closest to Critical Theory because of his concern not only with the idea of *willing* in his early work, thereby working in the shadow of Kant's practical philosophy, but also in his later attempts to define action in such a way that it can be captured by language. Ricoeur would share with the second generation of the Frankfurt School the turn toward language. For Ricoeur, however, this turn was the hermeneutic turn of a phenomenologist, which would bear the imprint of

---

1. There I defined Critical Theory in the following way: "Critical Theory is a meta-phor for a certain kind of theoretical orientation which owes its origin to Kant, Hegel and Marx, its systematization to Horkheimer and his associates at the Institute for Social Research in Frankfurt, and its development to successors, particularly to the group led by Jürgen Habermas, who have sustained it under various redefinitions to the present day. As a term critical theory is both general and specific. In general it refers to that critical element in German philosophy which began with Hegel's critique of Kant. More specifically it is associated with a certain orientation toward philosophy which found its twentieth-century expression in Frankfurt." David M. Rasmussen, ed., "Critical Theory and Philosophy," in *Handbook of Critical Theory* (Oxford: Blackwell Publishers, 1996), p. 10.

early phenomenology and its passion for subjectivity. This particular characteristic of Ricoeur's phenomenology could be seen as a complement to Critical Theory because Ricoeur would distinguish himself by retaining the concept of temporality while turning toward a philosophy of language. In what follows, I will make three arguments regarding the contribution of the work of Paul Ricoeur to Critical Theory. First, that Ricoeur's *Philosophy of the Will* shares with early Critical Theory the critique of instrumental reason (albeit from a somewhat different perspective) and in so doing anticipates the turn toward the philosophy of language that would dominate the work of the second generation of critical theorists. Second, the path laid out in *Oneself as Another* provides the basis for the critique of the theory of interlocution by developing a notion of narrative identity that both temporalizes interlocution and, in so doing, provides a distance between self and other. As such it provides a basis for a theory of intersubjectivity that preserves not only sameness but also otherness (uniqueness) within it. Third, I will show as Critical Theory turns toward a global theory of justice, Ricoeur's thought can be used to preserve the uniqueness of distinctive political cultures while at the same time providing the basis of an affirmation of human rights as universal (i.e., the same for everyone).

I.

My original encounter with the person and the work of Paul Ricoeur began with an attempt to appropriate his thought for the retrieval of the symbolic.[2] This lead to a concern with what I called "mythic-symbolic" language, correlated with anthropological considerations about the nature of the human, subjectivity, and the self, stemming from his *Philosophy of the Will*.[3] At that time I had been meeting once a week with the Romanian phenomenologist of religion Mircea Eliade to discuss his work in general,

---

    2. David M. Rasmussen, *Mythic-Symbolic Language and Philosophical Anthropology: A Constructive Interpretation of the Thought of Paul Ricoeur* (The Hague: Martinus Nijhoff, 1971).

    3. Originally published as *Philosophie de la volonté* and composed of three volumes, the first of which appeared in 1950 (Paris: Aubier, Éditions Montaigne, 1950) under the title *Le volontaire et l'involontaire*; *The Voluntary and the Involuntary*, trans. Erazim V. Kohák (Evanston, IL: Northwestern UP, 1966). The second volume, *Finitude et culpabilité* (Paris: Aubier, Éditions Montaigne, 1960), was composed of two parts: *L'homme fallible*; *Fallible Man*, trans. Charles Kelbley (Chicago: Regnery, 1965); and *La symbolique du mal*; *The Symbolism of Evil*, trans. Emerson Buchanan (New York: Harper & Row, 1967).

which I wanted to write about. To my great fortune and given his gracious and generous character, he took me seriously and for about a year we met to discuss what it was that his work was about. I realize now that Eliade was a Nietzschian and that his program in the phenomenology of religion had really followed Nietzsche's own desire to uncover the archaic dimension of history and experience, and to use that knowledge to effect contemporary culture. Hence, Eliade's *Cosmos and History: The Myth of the Eternal Return*[4] had its real origins in Nietzsche's *Birth of Tragedy*. Looking back, Eliade's concern for the recovery of the archaic shaped my encounter with Ricoeur, who had come to the University of Chicago to give some lectures. Before I actually met him, I had read the essay translated as "The Symbol Invites Thought" and was swept away by it. The essay seemed to do the philosophical work necessary to carry on my developing desire to retrieve the symbolic in the context of what I then considered to be an abomination, namely, the rage for a kind of reductionism that was rampant on the University of Chicago campus at the time. I should add parenthetically that I became, in a rebellion against my Danish Grundtvigian heritage, a rabid Kierkegaardian as an undergraduate. Ricoeur's idea of going beyond the pale of ordinary language to a kind of second, indirect discourse seemed like a good idea.

Before coming under the spell of Eliade, I had considered myself to have been a Whiteheadian until I realized that Whitehead's metaphysics was based on mathematics and that to do it effectively I would have to become something of a mathematician, a task for which I was neither motivated nor equipped. In any case, this is how I came to be entranced by Ricoeur's

---

4. Mircea Eliade carefully distinguishes himself from Nietzsche in the preface to that work by stating: "For one thing, the archaic ideology of ritual repetition, which was the central subject of my study, does not always imply the 'Myth of the Eternal Return.' And then too, such a title could lead the reader to suppose that the book was principally concerned with the celebrated Greek myth or with its modern reinterpretation by Nietzsche, which is by no means the case." Mircea Eliade, *Cosmos and History: The Myth of the Eternal Return*, trans. Willard R. Trask (New York: Harper Torchbooks, 1959), p. vii. Fair enough. However—and this is not to argue with Eliade—it seems to me that the essential discovery of Nietzsche was the regeneration of time associated with the archaic experience. Nietzsche was able to juxtapose that understanding of time to the Western ideas of eschatology in its religious form and of progress in its secular form. Eliade was able to generalize this Nietzschian insight into a comparative study of the archaic experience generally. Hence, in his great *Patterns in Comparative Religion: A Study of the Element of the Sacred in the History of Religious Phenomena* (New York: Meridian Books, 1963), he was to turn this temporal insight into what he called the "morphology of the sacred."

Philosophy of the Will. Simultaneously, I discovered phenomenology, which I experienced as a liberation from the pragmatism that I had been studying. Of course, I would come back to that, too, in another form when I rediscovered pragmatism and the idea of reasonability in the later work of John Rawls.

Ricoeur's methodological transition from eidetic to hermeneutic phenomenology fascinated me. The shift paved the way for a special orientation to the philosophy of language that would be distinctive among continental philosophers. Now we can see that Ricoeur was at the beginning of a long road, one that would take him from symbol and myth to metaphor and narrative, always with a passion for the nature of the self, the subject, personal identity—in phenomenological terms, subjectivity. When I first wrote on Ricoeur, I did not see that. What I saw and wrote about was only shaped by Ricoeur's movement from the eidetic to the hermeneutic.[5]

Ricoeur's particular redemption of myth and symbol allowed me to pursue what I would characterize now as a more or less Nietzschian project, namely, the retrieval of the archaic as a form of language. Hence, the final chapter of my book on Ricoeur is entitled: "Toward a Working Theory of Language Correlated with a Philosophical Anthropology."[6] My overall point was that a hermeneutics of symbol and myth could be conducted without recourse to reductionism. At that point, I had only absorbed Nietzsche from working on Eliade's thought; I had not yet gone on to make sense of the famous claim that "it is only as an *aesthetic phenomenon* that existence and the world are eternally *justified*."[7] Instead, I argued Ricoeur's point that we can only get to a certain understanding of the human through an act of interpretation of a symbolic form. Ricoeur, I believe, had a slightly different agenda. After all, anyone who chooses the philosophy of the will as a topic and comes from a rigorous Protestant upbringing will possibly be preoccupied with the bondage of the will and its great Western tradition, from St. Paul to Augustine, through Calvin and Luther, to Kant. The problem of the freedom of the will was one, as he once told me, that he had been preoccupied with since childhood. The surd of the will, the involuntary, would not only find its expression in the bodily

---

5. I was so fascinated by the hermeneutic approach that I went on to found the journal *Cultural Hermeneutics*. Ricoeur happily joined as an editorial board member.

6. Rasmussen, *Mythic-Symbolic Language*.

7. Friedrich Nietzsche, *The Birth of Tragedy and the Case of Wagner*, trans. Walter Kaufmann (New York: Vintage Books, 1967), p. 52.

involuntary, but also in the hermeneutics of evil—the self embroiled in its own inarticulate articulation, expressed in the symbols of stain, sin, and guilt. Here, in language, Ricoeur finds a kind of archaism, not the archaism of ritual, as in Nietzsche, but the archaism of singular expression. Hence, Ricoeur in his linguistic turn would construct a path that was unique among his fellow practitioners of the philosophy of language—at the heart of language, he would find something like subjectivity—the triumph of singular expression, the language of avowal. This would mean that although he would make the move to language, he would always retain subjectivity as a theme, both consciously and unconsciously, and although it might be more appropriate to eidetic phenomenology, this theme would find expression throughout his linguistic and hermeneutic turn. Ricoeur's uniqueness was that he would always retain a kind of Husserlian preoccupation with subjectivity, immediacy, time, and temporality, even though he had made the move to language. Hence, the dilemma of the subject in the *Philosophy of the Will*, as the dialectic between the voluntary and the involuntary, between freedom and nature, would find expression throughout his work, even to the end—"*Whose* memory is it?"[8]

As I look back on this early encounter with the work of Ricoeur, it appears to have little to do with the development of Critical Theory. However, I would contend that phenomenology, through the work of Ricoeur, as it moved following Heidegger from an eidetic to a hermeneutic perspective, would share with the first generation of critical theorists a non-reductionistic orientation toward human understanding. In modern philosophy, I would trace that concern back to Kant's insistence that maxims for action be established on a non-instrumental ground.[9] Although Horkheimer and Adorno would find this view of Kant appalling, they would find the move from myth to rationality, with its implications for reductionism, as disconcerting as Ricoeur would. Hence, in the chapter entitled "Odysseus or

8. Paul Ricoeur, *Memory, History, Forgetting*, trans. Kathleen Blamey and David Pellauer (Chicago: Univ. of Chicago Press, 2004), p. 3.

9. There are a number of places in Kant's work where he attempts make a distinction between what I would call an instrumental and an non-instrumental claim, most importantly is his discussion of the distinction between price and dignity in his justification for the "kingdom of ends," in *Groundwork for the Metaphysics of Morals*, in *Immanuel Kant: Practical Philosophy*, trans. Mary J. Gregor (Cambridge: Cambridge UP, 1996), p. 84. To this should be added his critique of Garve in "On the common saying: That may be correct in theory, but it is of no use in practice," in ibid., pp. 281–90. Kant makes similar arguments in *The Metaphysics of Morals*, particularly in the doctrine of virtue; see ibid., pp. 514–18.

Myth and Enlightenment" from *Dialectic of Enlightenment*,[10] they follow Nietzsche's critique of enlightenment with a Freudian twist.[11] Their thesis, the domination of external nature is achieved only through the repression of internal nature, would complement Ricoeur's claim that "cosmos and psyche are two poles of the same expressivity."[12] No doubt, *Dialectic of Enlightenment*, when compared to *The Symbolism of Evil*, would lead to different ends. However, the extraordinary thing is that we find both phenomenology and Critical Theory attempting to do a kind of hermeneutics in order to overcome the false reductionism that characterizes modern culture. And Ricoeur would share with that generation of Critical Theorists the idea of the critique of instrumental reason.

II.

Shortly after my first grand encounter with the phenomenology of Paul Ricoeur, I turned, for better or worse, to political philosophy and eventually to Critical Theory, specifically. Recently, I wrote a foreword to a new edition of *History and Truth*. There, Ricoeur alludes to his position on politics. Quoting from my foreword, "This book bears witness to Ricoeur's belief that the distinction between reflection and action is in some sense a false distinction because reflection is a way of acting. Hence the opposition between theory and praxis is, as he reminds us in the introduction, a false opposition. It follows that any reflection about the truth is about making the truth. For Ricoeur, philosophy was always an act of personal attestation."[13] I go on to suggest that one finds here the trace of Ricoeur's ethical philosophy, which bore fruit in his later reflections regarding justice, politics, and even recognition. Later, in *Oneself as Another*, Ricoeur would embark on an a path that would make a potential and possibly lasting contribution to Critical Theory.

10. Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment*, trans. John Cumming (New York: Herder and Herder, 1972), pp. 43–80.

11. I have omitted any serious discussion of Ricoeur's work on Freud. However, it should be mentioned that in his brilliant *Freud and Philosophy* (New Haven, CT: Yale UP, 1970), Ricoeur would not only examine and critique the works of Freud, but he would also consider the relationship between Marx, Nietzsche, and Freud in ways not unlike the analysis of Horkheimer and Adorno. The interesting point here would be the comparison with the program of the critique of instrumental reason conducted by the early Frankfurt School and Ricoeur's outline of the hermeneutics of suspicion.

12. Ricoeur, *The Symbolism of Evil*, p. 13.

13. David M. Rasmussen, foreword to Paul Ricoeur, *History and Truth*, new ed., trans. Charles A. Kelbley (Evanston, IL: Northwestern UP, 2007).

In order to do this, I have to say something about the work of Jür-gen Habermas. Habermas recaptured the critique of instrumental reason on the level of the philosophy of language in his monumental *Theory of Communicative Action*.[14] Basically, he did this through a reconstruction of the work of J. L. Austin and John Searle on speech-act theory. At the heart of Habermas's argument is a theory of interlocution, which accounts for the intersubjectivist nature of action. Hence, the other side of the cri-tique of instrumental reason would be the intersubjectivist component. This theme is already at the heart of the distinction between traditional and critical theory in Max Horkheimer's 1937 essay, which defined the first generation of critical theorists.[15] Habermas would go on to embed this theory of language in his finest work, *Between Facts and Norms*.[16] Ricoeur, in his brilliant *Oneself as Another*,[17] would trace the history of the philosophy of language in the twentieth century regarding the problem of identity, but with this caveat: he would go beyond a theory of interlocu-tion. Inadvertently, this attempt would bring up what has been a problem for Critical Theory since its inception. The standard reading is that Hegel overcame Kant's notion of autonomy through his theory of mutual recog-nition, which lurked, as it were, behind the backs of pseudo-autonomous actors. This idea was picked up by Marx, and it became the basis of his notion of critique. At the same time, in Frankfurt, it became the basis for the distinction between traditional and critical theory. The problem with mutual recognition is that, by Hegel's definition, it reduces the concept of self to that of other. When Kant speaks of dignity (*Würde*), he deliberately distinguishes it from the terminology of exchange in order to preserve

14. Jürgen Habermas, *The Theory of Communicative Action*, 2 vols., trans. Thomas McCarthy (Boston: Beacon Press, 1984).

15. Max Horkheimer, "Traditional and Critical Theory," in *Critical Theory: Selected Essays*, trans. Matthew J. O'Connell et al. (New York: Herder and Herder, 1972).

16. Jürgen Habermas, *Between Facts and Norms*, trans. William Rehg (Boston: MIT Press, 1996). In the first chapter of that work, he gives a sweeping presentation of the twen-tieth-century history of the philosophy of language. Key to my argument is Habermas's claim that simple "assertoric sentences" can have identical meaning. "Both moments—that a thought overshoots the bounds of an individual consciousness and that its content is independent of an individual's experience—can only be described in such a way that lin-guistic expressions have *identical meanings* for different users. At any rate, the members of a language community must proceed on the performative assumption that speakers can understand grammatical expression in identical ways" (p. 11).

17. Paul Ricoeur, *Oneself as Another*, trans. Kathleen Blamey (Chicago: Univ. of Chicago Press, 1992).

the uniqueness of human dignity. Hegel intentionally uses the language of exchange in his doctrine of right. Hence, in the move from autonomy (Kant) to intersubjectivity (Hegel), the uniqueness of the self is reduced to an identity with others. One of the consequences, whether it is in the development of Critical Theory and its claim about intersubjectivity or in the philosophy of language and its discourse on representation, is that the uniqueness of self-identity is lost. In my view, Ricoeur addresses both traditions, perhaps inadvertently, in his masterful book *Oneself as Another*.

At the heart of Ricoeur's reflections on the identity of the self is the thesis that identity can be conceived of either "the Latin *ipse* or *idem*." The latter term tends to emphasize sameness, while the former term, and this is the interesting point, "implies no assertion concerning some unchanging core of the personality."[18] Ricoeur developed a strategy to reflect on the process of identification by attending to the basic analytic transitions from the kind of philosophy of language that bases itself on semantics to its pragmatic turn, while keeping in mind the relationship of the problem of identity to self-identity. Ricoeur develops a four-step argument that I can only allude to here. The first part of the argument suggests that theories of reference and reflexivity under the rubric of semantics can conceive identity only on the basis of a conception of self as *idem* or sameness. Pragmatics (or speech-act theory) that attempts to move beyond semantics tries to get beyond the question of identity to self-identity through a theory of interlocution. The theory of interlocution (pragmatics) moves beyond the problematic of identifying reference by considering the "speakers" who refer in specific ways. In this sense, the illocutionary act is joined with an act of "predication" by concentrating on the reflexive implications of an utterance. Ricoeur believes this focus on the utterance of the speakers *could* lead to a notion of selfhood because of the reference to the event of utterance. But what of this utterance? It would appear that the very emphasis on the one who utters would allow for the expression of the self as a unique someone who makes this statement as a testament to her identity. But this is precisely where speech-act theory fails. The very reflexivity that characterizes speech-act theory does not sustain the promise of highlighting the particularity of selfhood. "Ultimately, one would have to say that reflexivity is not intrinsically bound up with the self in the strong sense of self-consciousness."[19] As Ricoeur claims, the

18. Ibid., p. 2.
19. Ibid., p. 47.

intersubjective character of speech-acts is derived by the fact that the utterance "is mirrored" in the act of another. The result is a "reflexivity without selfhood." However, Ricoeur thinks that speech-act theory can drive beyond itself in the sense that by "anchoring" interlocution in "speaking subjects," the particular experience of the speakers would have to be taken into account. Ricouer's project would be to work out a theory of interlocution based on what he calls *ipséité,* that is, the self-as-sameness related to the self-as-situated-in-time. The narrative theory of identity is thus able to overcome the dilemma of identity that has been present in the philosophy of language, with its preoccupation with the universality of signs, and even in its pragmatic form that is concerned with interlocution. At the same time, the narrative theory of identity is able to speak to the intersubjectivist tradition following from Hegel's critique of Kant's notion of autonomy. Ricoeur's theory sustains the uniqueness of subjectivity while at the same time affirming the continuity of identity through a conception of narrative identity. For me, the issue became central when both traditions, the Hegelian legacy, on the one hand, and the philosophy of language, on the other, are summed up in a form of Critical Theory that incorporates speech-act theory.

Having made the shift to political philosophy in general, and Critical Theory in particular, I found in Ricoeur's reflections an aid to my personal development. What I realize now is that Ricoeur, who made the transition to the philosophy of language, also found a way of preserving the eidetic moment within that transition. To put it more concretely, he found a way of preserving subjectivity, or the subjective experience of the self, temporality, within language. That may be his peculiar legacy in philosophy. I have argued elsewhere that through narrative identity Ricoeur has found a way to preserve the distance between self and other that is reflected in the famous fifth meditation of Husserl's *Cartesian Meditations*, but on the level of language.[20] For those who practiced Critical Theory as I did, Husserl's fifth meditation presented a kind of dilemma when he acknowledged that the phenomenological ego could not constitute the other in the same way that it constituted itself. Husserl, through the use of apperception, appresentation, and paring, attempted to find ways through which the other

---

20. See David M. Rasmussen, "Rethinking Subjectivity: Narrative Identity and the Self," *Philosophy and Social Criticism* 21 (1995): 159–72, republished in Richard A. Cohen and James L. Marsh, eds., *Ricoeur as Another: The Ethics of Subjectivity* (Albany: SUNY Press, 1998).

could be constituted by analogy to the self. In the end, his analysis posed an epistemological problem. Critics would point out that one could never know the other in the same way that one could know the self, and, as such, the specter of solipsism seemed to haunt Husserl's philosophy. In retrospect, however, Husserl may have had a point. Perhaps there is a sense in which the other can never be known by the self in the same sense that the self can know itself. Ricoeur would take this view a step further, finding duality and difference at the very heart of *self*-identity. Narrative identity could preserve the continuity of the subject with its own past while at the same time sustaining transformation and change. A narrative can link the past with the future by giving a sense of continuity to an ever-changing story of the self. Because narrative has this potential, it is uniquely qualified to express the ongoing dialectic of selfhood and sameness while at the same time trying to rethink the meaning of subjectivity.

We can now return to Kant's attempt to preserve the uniqueness of autonomy through his notion of respect and Hegel's critique of Kant through his theory of intersubjectivity. Hegel's objection is probably correct, but it is bought at a very high price—identity philosophy. One might say that this problem reoccurs in a parallel way in the philosophy of language. The overcoming of the philosophy of the subject by the philosophy of language certainly amounts to a significant achievement, but in certain instances at least, it is achieved at the cost of the experience of the temporality of the subject. Ricoeur's critique of both the semantic theory of representation and the pragmatic theory of interlocution preserves the temporality of the subject within a philosophy of language. In this sense, the concept of narrative identity has been able to overcome the dilemma that was at the heart of a theory of interlocution. Ricoeur's critique of a theory of interlocution was not intended to merely undercut that theory, however—the critique also has a positive outcome. If every speech-act commits the speaker, it does so in time. In this sense, assertions are not mere empty identities; rather, they have a temporal context, which presumes sincerity. When we conceive of a promise or a commitment in time, clearly it will have the implication that one will be bound to it. Obligation in the present leads to obligation for or toward the future. The result, from the point of view of interpretation, is that narrative identity when written into a theory of interlocution becomes fraught with ethical obligation. How close we still seem to the *Philosophy of the Will*!

III.

The issue of identity conceived in *Oneself as Another* would dominate the thought of the late Ricoeur. Whether the issue was law and justice with implications for human rights, mutual recognition, or ethics, the problem of identity would in some way or another dominate.

As the issue of global and cosmopolitan justice has come to the fore in recent years, I have had one more occasion to return to the work of Paul Ricoeur. Cautioned by my recent experience with the later Rawls and his somewhat less than enthusiastic rejection of cosmopolitanism in *Law of Peoples*, yet instructed by the recent writings of Habermas to see the development of justice from the point of view of developments within international law, I have found myself in a dilemma to which Ricoeur's thought has been something of an antidote.[21] Two problems emerge: (1) diversity of cultures and nations requires sensitivity to difference on a global scale; and (2) given the necessity for universal human rights, it is imperative that everyone be treated equally. We might call this the "paradox of global justice." How is it possible to acknowledge the distinctiveness of other political cultures while at the same time granting legitimacy and validity to individual claims for rights? This dilemma is made more complex when, as we move beyond the confines of the nation-state, the rights of individuals somehow transcend nationality.[22]

The concept of narrative identity developed in *Self as Another* preserves the non-identical relation between self and self, and between self and other. This is a paradigm that might be used to enable an encounter with non-Western or non-democratic cultures that would allow for sufficient

21. The issue here is the problem of cosmopolitan verses political justice. While Rawls was reluctant to endorse a cosmopolitan interpretation of his work, Habermas has continued to develop a notion of cosmopolitan justice following the model originally established by Kant. The model developed by Rawls attempts to be sensitive to the differences between an established liberal tradition associated with the democracies and more authoritarian conceptions associated with non-liberal societies. Habermas, on the other hand, has found ways to further Kant's arguments by reflecting on the developments in international law since Kant's initial claim about cosmopolitan right. The dilemma to which my formulation "paradox of justice" refers is two-fold: cosmopolitanism tends to erase the legitimate and unique differences between different cultures and peoples, while political justice tends to limit human rights only to societies wherein there are appropriate institutional guarantees.

22. See David M. Rasmussen, "Justice and Interpretation," in *Paul Ricoeur: Between Suspicion and Sympathy* (Toronto: Univ. of Toronto Press, 2003); and "Justice Interpretation and the Cosmopolitan Idea," *Distincktion* 8 (2004): 37–45.

difference so that the identity of the other is not reduced to the identity of the self. The result would be the preservation of a certain asymmetry of interpretation. In Ricoeur's book *The Just*, narrative identity has precisely this function. As such, it can play a constructive role that, instead of reducing other cultures to our own, enriches the overall significance of the story in which the cultures of the world play the part of the protagonists. To be sure, Ricoeur did not say enough about this, but in an essay entitled "Who is the Subject of Rights?" he hinted at the potential use of this paradigm as something not only for the analysis of the individual subject but also for collective identity:

> We advance another step in our exploration of the notion of a capable subject by introducing, along with the temporal dimension of action and language itself, the narrative component of personal and collective identity. Examining this notion of narrative identity gives us occasion to distinguish the identity of self from that of things. This latter kind of identity comes down in the final analysis to the stability, even the immutability of a structure, illustrated by the genetic code of a living organism. Narrative identity, in contrast, admits this change. This mutability is that of the characters in stories we tell, who are emplotted along with the story itself. This notion of narrative identity is of the greatest importance in inquiry into the identity of peoples and nations, for it bears the same dramatic and narrative character we all too often confuse with the identity of a substance or structure.[23]

The argument Ricoeur is making is that this very claim about difference rests on an ethical or moral claim about universality. So the question about the subject of rights is simultaneous with the question regarding "Who is the subject worthy of esteem and respect."[24] And that question, in turn, is a question about capability or capacity which can be approached from both an Aristotelian and a Kantian point of view.[25] The point to note here is

23. Paul Ricoeur, *The Just*, trans. David Pellauer (Chicago: Univ. of Chicago Press, 2000), p. 3.

24. Ibid., p. 1.

25. Ricoeur states. "First, I would like to suggest that there is a bond of mutual implication between self-esteem and the ethical evaluation of those of our actions that aim at the 'good life' (in Aristotle's sense), just as there is a bond between self-respect and moral evaluation of these same actions, submitted to the tests of the universalization of our maxims of action (in the Kantian sense). Taken together, self-esteem and self-respect define the ethical and moral dimension of selfhood, to the extent that they characterize human beings as subjects of ethico-juridical imputation." Ibid., p. 4.

that the very acknowledgement of difference vis-à-vis respect (Kant says in his *Tugendlehre* that respect, in contrast to love, keeps us at a distance from one another) is at the base of the justification of individual rights. At this point, all that is lacking are the conditions for the actualization of the so-called subject of rights. In my view, this is where ethics meets politics, because political institutions are the only institutions available that guarantee the actualization of these capacities. Here, politics functions as a kind of "third party" that enables the exercise of citizenship:

> Only the relation to the third, situated in the background of the relation to the third, situated in the background of the relation to the you, gives us a basis for the institutional mediation required by the constitution of a real subject of rights—in other words, of a citizen.[26]

Hence, the institutional function of politics guarantees this third-party status for everyone. In other words, justice stands in just such a third-party relation to everyone. And everyone is the subject of rights.

To return to the paradox of global justice, this distinctive methodology enables one to address the uniqueness of other political arrangements without reducing them to a mere reflection of our own. This may be another one of the ways in which phenomenology can contribute to Critical Theory, which has from the beginning attempted to put intersubjectivity at the center of its agenda, whether it be with the concept of species-being, the distinction between traditional and critical theory, or the more recent attempts to ground Critical Theory in speech-act theory. Not that Ricoeur would follow the path that I have laid out. If he had, I believe he would have been more direct in *The Course of Recognition*,[27] with regard to a possible critique of the identity philosophy implicit in Hegel's doctrine of recognition, for which *Oneself as Another* lays the foundation. Instead, the book begins with a semantic analysis of the term and then turns toward the phenomenon of "mutual recognition" in the early Hegel and his interpreters, Jacques Taminiaux and Axel Honneth. Ricoeur, ever the gentle philosopher, conducts this analysis with extraordinary care, never challenging these interpretations or capitalizing on his own critique of identity. But he could have. Indeed, one finds him somewhat uncomfortable with the so-called "Struggle for Recognition," mildly suggesting that peace

26. Ibid., p. 5.
27. Paul Ricoeur, *The Course of Recognition*, trans. David Pellauer (Cambridge, MA: Harvard UP, 2005).

be substituted for power as both context and goal of this process. Beside that, Ricoeur, ever the phenomenologist, concludes the book with reference to the most radical critiques of recognition in the phenomenological tradition—Husserl's Fifth Meditation in his *Cartesian Meditations,* and Levinas's presentation of "alterity." Speaking of Husserl, he states:

> The laborious character of this phenomenology of others, which counts against it, authorizes us at the end of our own undertaking to consider once again its meaning and discern in it a powerful reminder, when praise of mutual recognition leads us to forget the originary asymmetry in the relation between self and others, which even the experience of peaceful states does not manage to abolish. Forgetting this asymmetry, thanks to the success of analyses of mutual recognition, would constitute the ultimate misrecognition at the very heart of actual experiences of recognition.[28]

In my view, Ricoeur's previous rendering of the simultaneity of ethical and political action, along with his critique of the theory of interlocution, would make it possible to have a theory of intersubjectivity that would incorporate both the uniqueness of the relation of self and other, while at the same time sustaining the solidarity between self and other.

In *The Just* and the later *Reflections on the Just,*[29] Ricoeur would go on to develop what he called in *Oneself as Another* his "little ethics." The predominant concern here is to link the formalism of deontological ethics with the (in his view) more concrete character of the wish for the good life. As narrative identity would embed language in the particularity of a single story, so this version of ethics would add particularity to the intersubjectivist themes of deontological ethics[30] by incorporating an Aristotelian moment. He states: "It seemed to me…that the rootedness

28. Ibid., p. 261.

29. Paul Ricoeur, *Reflections on the Just*, trans. David Pellauer (Chicago: Univ. of Chicago Press, 2007).

30. He states: "The thesis that I propose for discussion, and that I willingly make the second theorem of my theory of the just, following the theorem that the sense of justice is organically bound with the wish for the good life, is that the sense of justice, raised to the level of formalism by the contractual version of the deontological view, cannot be made entirely independent of any reference to the good, owing to the very nature of the problem posed by the idea of a just distribution—namely, taking into account the real heterogeneity of the goods to be distributed. In other words, the deontological level, rightly taken as the *privileged* level of reference for the idea of the just, cannot make itself autonomous to the point of constituting the *exclusive* level of reference." Ricoeur, *The Just*, p. xix.

of moral experience in desire, which with Aristotle we can speak of as reasonable or rational, does not exhaust itself in the test of a claim to the universal validity of the maxims of our action."[31] Not surprisingly, this claim about ethics, which grounds ethics in the singularity of an individual life, is not unlike the earlier concerns expressed in *The Philosophy of the Will* concerning the particularity of the experiences of fallibility and fault, of stain and guilt. This late concern with justice, as the titles of the two books indicate, would find a role both for the expression of the universal and the particularity of the speaking subject. So, the preoccupations of the late Ricoeur must be conceived in the context of his earlier fascination with a philosophy of action. What I find distinctive and unique about Ricoeur is his way of sustaining that eidetic moment, subjectivity, through the various stages of his hermeneutic philosophy of language. In my judgment, no one else was able to do that with the freshness and the originality that he did. Of course, in the shadow of that stalwart defense of subjectivity and temporality lies the idea that never left him, *The Philosophy of the Will*.

31. Ricoeur, *Reflections on the Just*, p. 3.