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# K R I T I K E

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## ABOUT THE COVER

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“Sunrise”

This photo was taken in the north of France at around nine in the morning, mid-October. Sunrises do not only represent beginnings but also imply time’s cyclical nature. A sunrise in the mid-autumn foreshadows the coldness of the winter ahead, yet it makes one reminiscent of the warmth of summer. Warmth and frostiness, tenderness and indifference—time is the embrace of constant returns to that break of day after the darkness of night, to the affection of an embrace after an estrangement’s taciturnity. The first quarter of this mid-October morning is devoted to thought’s lingering: Anticipating the future may be filled with a prognosis of the world’s brokenness, yet it may also be filled with new hopes.

*KRITIKE: An Online Journal of Philosophy*, 15:2 (December 2021)

Photograph by Gian Carla D. Agbisit, 2021  
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# About the Journal

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**KRITIKE** is the official open access (OA) journal of the Department of Philosophy of the University of Santo Tomas (UST), Manila, Philippines. It is a Filipino peer-reviewed, interdisciplinary, and international journal of philosophy founded by a group of UST alumni. The journal seeks to publish articles and book reviews by local and international authors across the whole range of philosophical topics, but with special emphasis on the following subject strands:

- **Filipino Philosophy**
- **Oriental Thought and East-West Comparative Philosophy**
- **Continental European Philosophy**
- **Anglo-American Philosophy**

The journal primarily caters to works by professional philosophers and graduate students of philosophy, but welcomes contributions from other fields (literature, cultural studies, gender studies, political science, sociology, history, anthropology, economics, inter alia) with strong philosophical content.

The word “kritike” is Greek from the verb “krinein,” which means to discern. Hence, kritike means the art of discerning or the art of critical analysis. Any form of philosophizing is, in one way or another, a “critique” of something. Being critical, therefore, is an attitude common to all philosophical traditions. Indeed, the meaning of philosophy is critique and to be philosophical is to be critical.

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Article

## Sen and Žižek on the Culturalization of Violence

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*Marlon Jesspher B. De Vera*

**Abstract:** This paper presents areas of convergence in the thoughts of Amartya Sen and Slavoj Žižek on how violence is culturalized and consequently mystified. First, Žižek's ideas on the culturalization of politics are explicated. Second, Sen's notions on the mystification of identity and his conception of rationality are discussed. Third, Sen's and Žižek's common criticisms of the clash of civilization theory in relation to religious violence are elaborated. Lastly, from synthesizing Sen's and Žižek's thoughts, key theses are provided on how the culturalization of politics and identity mystifies violence by rendering its axiomatic, universal, and rational political dimension as cultural, particularist, and non-ideological.

**Keywords:** Sen, Žižek, violence, culturalization

**A** martya Sen and Slavoj Žižek believe that one prominent way in which violence is mystified is when it is culturalized. This mystification pertains to the fundamental character of the problem of violence and is one among multiple ways by which violence is mystified. In the present discussion, culturalization means the tendency towards formulating the problem of violence primarily as a cultural problem, while underplaying or excluding from the formulation the other central dimensions of violence. Both Sen and Žižek criticize contemporary cultural theories for their culturalized views on the problem of violence. Both likewise assert the central political, social, and economic dimensions of violence, which need to be recognized and analyzed to truly demystify violence. Demystifying violence is meaningful in the sense that it motivates towards gaining a more nuanced and more clarified conception and understanding of violence, its fundamental character, its mechanisms and causes, and its potential solutions.

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### The Culturalization of Politics

Slavoj Žižek situates what he calls the culturalization of politics<sup>1</sup> within the broader criticism of what he calls the pseudo-political milieu of contemporary liberal capitalist society. He characterizes this pseudo-political milieu as post-political bio-politics. It is post-political because it is devoid of grand political motivations, and consequently it is bio-political because it is merely concerned with humanity as bare life. This results into an atonal world without a Master Signifier,<sup>2</sup> with the strongest ideology taking the form of its opposite, that of the neutralization of ideology. Post-political bio-politics is pseudo-political also in the sense that it eliminates the essential axiomatic character of politics which consists of the advancement of common grand political ideals for a society. This is replaced with a non-axiomatic, particularist framework, which consists of a minimal regard for humanity as bare life, with everything else beyond that being grounded on particular ways of life. In this way, post-political bio-politics leads to the culturalization of politics, in the sense that the political characters of problems such as violence are undermined. Instead, these problems are reduced and formulated as primarily cultural problems, or problems that are brought about by conflicts amongst different ways of life. In other words, for Žižek, culturalization is the process of rendering politics vacuous of any meaning, and consequently subjugating the political character of social problems to a primarily culturalist view. In such a pseudo-political mode, the only mobilizing force is fear (against other different particular ways of life), which is manifested in the contemporary world's obsession with liberal tolerance and political correctness which, paradoxically, occurs simultaneously with the increasing prevalence of anti-immigration sentiments. Thus, in a sense, tolerance for the other also means intolerance against the overproximity of the other. Another contemporary example that Žižek cites is the phenomenon of liberal communists, wherein the same billionaire philanthropists that donate massive amounts to social causes are the same capitalists that systematically drive disproportionate socioeconomic and political inequality and injustice.<sup>3</sup>

In "A Leftist Plea for Eurocentrism," Žižek proposes the re-assertion of democratic politics as a genuine European legacy to resist the culturalization or depoliticization of politics. Žižek espouses a definition of politics proper as precisely democracy, which he claims has its roots in ancient Greece when the demos (those who did not have a clearly determined position in the social hierarchy) put themselves forward as the

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<sup>1</sup> Slavoj Žižek, *Violence: Six Sideways Reflections* (New York: Picador, 2008), 140.

<sup>2</sup> Žižek borrows this characterization from Alain Badiou.

<sup>3</sup> Žižek, *Violence*, 34–41.



representatives of society as a whole, or in other words, as the real universality against the hegemonic interest of the ruling class. This consequently led to the initiation of the democratic logic of separating the master (a mere contingent person) from the position or place of power because if the positionless status of the demos can become contingent through their assertion as the rightful representatives of society, then the positioned status of the masters can also be consequently rendered contingent. Thus, in a paradoxical movement typical of Žižek, he clarifies that the Eurocentrism he espouses is not the sort that aims to privilege the European agenda, but rather the sort of Eurocentrism founded on the European legacy of democracy which elevates the true non-particular, universal political interest. For Žižek, this sort of Eurocentrism has the potential for the political left to revive its relevance amidst the contemporary phenomena of depoliticization or disavowal of politics.<sup>4</sup> In a sense, Žižek admonishes that a dangerous trap which the political left need to be cautious of is the trap of engaging in contemporary social, economic, and political issues in a way that is already framed within the coordinates of post-political bio-politics. These coordinates are characterized by the tolerant and politically-correct formulation of these problems as primarily functions of differences in culture or particular ways of life. Thus, in a symbolically intolerant and politically-incorrect way, Žižek urges the political left to advance the “Eurocentric” ideals of democratic politics to resist the phenomenon of culturalization in the contemporary milieu of post-political bio-politics.

As a supplement, Žižek identifies two distinct phenomena characterizing the failures in post-communist Eastern Europe to re-assert the true European legacy of democracy.<sup>5</sup> First is the lingering power of totalitarian forces and second is the accelerated rise of radical nationalism. For Žižek, these phenomena are not mere symptoms of a lacking or incomplete project but constitutive transgressions necessary to reconstruct the European identity while the underlying antagonisms that perpetuate the deadlock against the reassertion of the true European legacy of democracy are not addressed.<sup>6</sup> In other words, these two phenomena are not brought about by the extreme assertion of the strong political ideals of totalitarianism and nationalism. On the contrary, these phenomena came about through the culturalized, post-political bio-political milieu of post-communist Eastern Europe. Thus, overcoming both the lingering totalitarian forces and the rise of radical nationalism would entail surpassing the culturalized, tolerant, and politically-correct formulation of these problems, and asserting the true

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<sup>4</sup> Slavoj Žižek, “A Leftist Plea for ‘Eurocentrism’,” in *Critical Inquiry*, 24 (Summer 1998).

<sup>5</sup> Slavoj Žižek, “Eastern European Liberalism and Its Discontents,” in *New German Critique*, 57 (Autumn 1992).

<sup>6</sup> *Ibid.*

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European legacy of democratic politics. This seemingly paradoxical thesis that it is precisely culturalization and post-political bio-politics (and their overt manifestations as liberal tolerance and political correctness) that lead to radical politics is consistent with Žižek's more recent analyses of the rise of new radical populist, alt-right, or nationalist politics across the world, including in the Philippines.

Žižek situates this deadlock against the re-assertion of the true European legacy of democratic politics in Eastern Europe within the distinction between universalization and globalization.<sup>7</sup> Genuine universalization is the requisite movement towards the realization of the politicization through democracy when the whole synchronizes with the previously excluded part. On the other hand, globalization is the movement consistent with post-political ideology and is thus a potent threat against the real re-assertion of the true European legacy of democracy. In other words, universalization is characterized by genuine democratic social integration, equality, and justice. While it might seem counter-intuitive, Žižek asserts that the contemporary phenomenon of globalization is inconsistent with the democratic ideal of universalization. This is because while the contemporary phenomenon of globalization integrates global capital, it thrives in the further particularization and depoliticization of societies and peoples. As Žižek posits, this is because the tolerant and politically-correct culturalization of societies and peoples as merely different particular ways of life is structurally favorable for the propagation of global capital. Culturalization promotes the propagation of global capital in the way that it mystifies the broader social, economic, and political roots of injustice and inequality, under the guise of respect and tolerance for different cultures and ways of life. It is in the culturalized movement of globalization that various modalities of depoliticization or pseudo-politicization emerges—from communitarian archae-politics which situates the political within the aim to go back to collective communitarian roots, to postmodern deconstructionist para-politics which is consistent with the apolitical characteristic of post-political bio-politics, to ultra-politics founded on military power, which Jacques Rancière identifies as the “police” aspect of sustaining social order, as opposed to politics proper which is characterized by democracy.<sup>8</sup>

For Žižek, the contemporary multiculturalist notion of tolerance is a central manifestation of the culturalization of politics, wherein problems such as violence, which are essentially rooted in political and economic conflicts, are reduced to functions of cultural differences.

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<sup>7</sup> Slavoj Žižek, “For a Leftist Appropriation of the European Legacy,” in *Journal of Political Ideologies*, 3 (February 1998).

<sup>8</sup> *Ibid.*

Political differences—difference conditioned by political inequality or economic exploitation—are naturalized and neutralized into “cultural” differences, that is, into different “ways of life” which are something given, something that cannot be overcome. They can only be “tolerated.”<sup>9</sup>

Because of the depoliticized character of the discourse of tolerance, it is susceptible to what Kant calls the antinomies of reason, wherein each of two diametrically opposed positions can formulate its own versions of arguments founded on a notion of tolerance, and both sets of arguments would seem valid.<sup>10</sup> This can be illustrated again by the previously described examples on the phenomenon of liberal communists and the discourse of liberal tolerance that also means intolerance against the overproximity of the other. This results in a deadlock of guilt and fear which further reinforces the depoliticized character of the discourse.

Ultimately, Žižek’s analysis asserts that the process of culturalization is necessary for the seamless functioning of the global mechanistic logic of capitalism, which is also in itself “wordless” or meaningless, a truth-without-meaning.<sup>11</sup> It is through this political worldlessness or emptiness that the logic of capitalism asserts itself as truly global or universal, as seamlessly functional across the multitude of particularist cultural contexts.

From an intellectual standpoint, Žižek also traces the roots of the phenomenon of culturalization from a distinct phenomenon of the emergence of the new typologies of public intellectuals.<sup>12</sup> Žižek observes that concurrent with the decline of the modern public intellectual who is also a political theorist that advances genuine engagement in public debates on relevant social and political issues, is the emergence of two types of new public intellectuals, namely the postmodern-deconstructionist cultural studies scholar and the scientific cognitivist, also referred to as the proponent of the so-called Third Culture. While Žižek attributes the intellectual roots of depoliticization to the rise of postmodern-deconstructionist cultural studies, he likewise draws attention to the equally potent mystifications brought about by the emergence of the Third Culture or scientific cognitivism. The Third Culture movement has disproportionately presented scientists as unprecedented and unequalled experts on a broad range of areas of inquiry, often extending beyond the conventional boundaries of analytical and

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<sup>9</sup> Žižek, *Violence*, 140.

<sup>10</sup> *Ibid.*, 105.

<sup>11</sup> *Ibid.*, 79.

<sup>12</sup> Slavoj Žižek, “Cultural Studies versus the ‘Third Culture’,” in *The South Atlantic Quarterly*, 101 (Winter 2002).

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empirical science. Two specific mystifications are brought about as a consequence of the Third Culture phenomenon. First is the mystification of scientific obscurantism, wherein scientific conceptions such as quantum theory are increasingly appropriated into philosophical and cultural contexts in a greatly obscure and mystifying manner. Scientific obscurantists have leveraged on this trend by reconfiguring and obscuring scientific ideas to present new mystical wisdom. Second is the mystification of the “naturalization of culture” advanced by cultural studies public intellectuals in close conjunctive reference to the principles of the Third Culture movement. When culture is rendered as natural, it is presented as a direct manifestation of the true metaphysical states of affairs and thus advanced as the primary driving force of human social reality. A consequence of the mystification of the “naturalization of culture,” is its opposite mystification— “the culturalization of nature.” As such, the cultural becomes identical with the natural and consequently, what is natural is conflated into the cultural, and what is cultural is naturalized. Some examples that Žižek cites include cyberevolutionism which is the conception of the internet as a natural organism that is self-evolving, cybernetic notions of life or the Earth founded on information transmission and coding/decoding, and ideas of society and markets as living organisms.<sup>13</sup> These intellectual mystifications contribute towards the overall mystification of the culturalization of politics wherein politics is subordinated to culture and moreover, such subjugation is naturalized.

Žižek discusses one more form of the mystification of culturalization.<sup>14</sup> The form of mystification in question is radical historicism, which aims to reduce political notions into the concrete material and historical conditions of their emergence. This is a problem for Žižek as radical historicism undermines and renders impossible any claim to universality of political conceptions and ideals. Thus, radical historicism is one of the main modalities of cultural studies and culturalization. In response, Žižek attempts to draw a distinction between radical historicism and true postmodern deconstruction, particularly that of Jacques Derrida. Žižek asserts that if conducted in its true spirit, postmodern deconstruction can construct an undistorted portrayal of history and serve as a resisting force against radical historicism. This is through a conduct of postmodern deconstruction that genuinely deconstructs historical mystifications and renders the distortions involved in these mystifications palpable. Žižek further asserts that the distorted brand of postmodern deconstruction being perpetuated by cultural

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<sup>13</sup> *Ibid.*

<sup>14</sup> Slavoj Žižek, “History against Historicism,” in *European Journal of English Studies*, 4 (2000).

studies is merely a misperception of certain American appropriators of Derrida.<sup>15</sup>

The different and overlapping nuances of the multiple forms of culturalization that Žižek identifies and that were discussed in this section are summarized in table below.

<b>Culturalized Dimension</b>	<b>Primary Form</b>	<b>Manifestations and/or Examples</b>	<b>Counterpoint</b>
Politics	Post-political biopolitics	Liberal tolerance, political correctness, lingering totalitarian forces, rise of radical nationalism	Democracy
Political economy	Globalization	Communitarian archae-politics, postmodern deconstructionist para-politics, ultra-politics	Universalization
Intellectual life	Third Culture (postmodern-deconstructionist cultural studies, scientific cognitivism)	Scientific obscurantism, naturalization of culture, culturalization of nature	Political theory
History	Radical historicism	Political notions reduced the concrete material and historical conditions of their emergence	Deconstruction

## **Mystifications of Identity**

Sen, on the other hand traces the roots of the mystification of culturalization to the more fundamental conceptual mystifications of the idea

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<sup>15</sup> *Ibid.*



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of identity.<sup>16</sup> Early on in his text, Sen acknowledges the dual force of identity. On one hand, it can be a source of confidence and strength (or “social capital,” Sen borrowing from Robert Putnam) within members of the same group. On the other hand, it can also be used to promote hatred against people of a different group.<sup>17</sup> Thus, when identities are mystified or culturalized to the extent that fosters hatred against people of a different group, these mystified identities can be instrumentalized to instigate violence. Conversely, when identities are demystified and appropriately understood holistically across not only their cultural, but also their social, economic, and political contexts, identities can be employed as sources of solidarity within a group and amongst different groups. In similar fashion, Žižek acknowledges the question of how the same people who are violent against opponents could be gentle and warm towards people whom they identify with within the same group. His proposed initial response to this question is consistent with his analysis of the culturalization of politics—it is precisely in an atonal, particularist, non-ideological worldview that fetishistic disavowal (of the form “I know very well but ...”) becomes constitutive of ethical stances.<sup>18</sup> In other words, it is precisely in a depoliticized or culturalized milieu that people are able to foster solidarity within their respective groups, while instigating violence against other groups, all the while being aware of the inconsistencies between these two attitudes. However, it is important to note that despite the perceived convergences, Sen and Žižek nonetheless diverge in their fundamental positions on the role of markets. On one hand, Sen is an analytic economist and philosopher who strongly believes in the merits of the market economy in advancing individual freedoms and capabilities. On the other hand, Žižek is a Hegelian and Marxist philosopher and Lacanian psychoanalyst who remains critical of liberal capitalism.

Given Sen’s identification of the roots of the mystification of culturalization to the mystifications of the idea of identity, he proceeds to classify two major mystifications of the idea of identity which link to the culturalization of violence. First is the reductionism of the notion of singular affiliation, which ascribes one and only one identity to a person. Second is the illusion of destiny, championed by popular communitarian and cultural theories, which assert that a person’s identity is somewhat predetermined and merely discovered, and not chosen.<sup>19</sup> Sen’s basic position on the true character of identity is therefore characterized by two assertions against these

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<sup>16</sup> Note that the terms “mystification” and “culturalization” are not directly used by Sen in his work but are part of the author’s interpretation and synthesis of Sen’s work.

<sup>17</sup> Amartya Sen, *Identity and Violence: The Illusion of Destiny* (New York: W. W. Norton & Company, 2006), 1–3.

<sup>18</sup> Žižek, *Violence*, 48–52.

<sup>19</sup> Sen, *Identity and Violence*, 17–20.

two mystifications of the idea of identity – first, that each person has multiple and diverse identities which can coexist without contradiction, and second, that reason and choice play a central role in determining which identities each person would take, and what priority is given to each relevant identity in every particular context. It is immediately seen how these two assertions resist the mystification brought about by culturalization in the sense that it shifts the focus to the individual, which in Žižek’s analysis, is paradoxically the site of the universal, as opposed to the realm of culture which is essentially collective and particular.<sup>20</sup> Thus, it is through the rationality and choice of the individual wherein the depoliticizing force of culturalization can be resisted. In line with Sen’s claim that reason and choice play a central role in resisting the mystification of identity (the mystifications of singular affiliation and the illusion of destiny), Žižek also alludes to this dynamic of active rationality and choice in identity-based thinking in a rough proposal of how the Israel-Palestine conflict could be potentially resolved—through Jews and Palestinians coming together to assert their common identity rooted on the common diasporic experiences of their peoples.<sup>21</sup> In this case, the mystification of singular affiliation can be resisted by recognizing that Jews are not Jews alone, and that Palestinians are not Palestinians alone. Rather, people in both groups have multiple other identity affiliations, including their common identity affiliation as peoples with diasporic experiences. Moreover, the mystification of the illusion of destiny can be resisted by recognizing that both Jews and Palestinians can decide through rational deliberation on the relative importance they would ascribe to their multiple identities, and consequently acknowledge that the differences in their identities as Jews and Palestinians do not necessarily lead to violent conflict.

Sen further explicates the relationships between violence and mystified ideas of identity. In “Violence, Identity and Poverty,” Sen begins his discussions by identifying two limited and narrow conceptions that attempt to account for the phenomenon of violence.<sup>22</sup> The first is the culturalist account which posits that phenomena of violence are ultimately brought about by conflicts among cultures or collective identities. The second is the political economy view which asserts that phenomena of violence are disproportionately primarily caused by politico-economic factors such as economic oppression, inequality, and poverty. Sen argues that while each of these two positions account for a significant part of phenomena of violence, each also fails to encompass the important dynamics between the factors of culture and political economy. Consequently, each of these two positions does not provide a robustly plausible proposal on how to undermine and

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<sup>20</sup> Žižek, *Violence*, 141.

<sup>21</sup> *Ibid.*, 128.

<sup>22</sup> Amartya Sen, “Violence, Identity and Poverty,” in *Journal of Peace Research*, 45 (2008).

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overcome violence. Sen espouses that the factors of cultural identity and politico-economic oppression must be understood together in accounting for the causes and potential solutions to violence. Sen further elaborates that the combination of the factors of poverty and mystified ideologies on the inevitability of cultural and identity-based conflicts aggravate each other and aggravate the probability of instigating violence. Consequently, formulating plausible solutions to phenomena of violence necessitates the consideration of these two factors together. Moreover, in accounting for cultural identity, the mystifications of singular affiliation and the illusion of destiny must be critically avoided in order to formulate a more plausible understanding of identity and its potential of preventing and resolving conflict.

### Sen's Conception of Rationality

At this point of the discussion, it is appropriate to make further important qualifications on Sen's conception of rationality. Sen asserts that it is primarily through reason and choice that the mystifications of identity, which are the primary roots of the culturalization of violence, can be resisted. In explicating his notion of rationality, Sen characterizes it as an expanded conception and contrasts it against the narrow, *Homo economicus* idea of rationality. In the *Homo economicus* view, the deliberative process of choice of a subject or agent is deemed rational if and only if it is geared towards the advancement of the subject's or agent's personal or individual interests and goals, otherwise referred to as self-goals. If the deliberative process of choice is employed towards the advancement of other goals apart from that of self-goals, for instance the goals of other subjects or agents, the subject or agent is deemed irrational. Sen's criticism of the *Homo economicus* idea of rationality is that it is too narrow and too impoverished a notion of rationality, and it fails to take into account various other reasons for choice that a subject or agent can consider in the process of deliberative choice apart from self-interests and self-goals. Sen asserts that it is possible to integrate other elements apart from self-goals into the deliberative process of choice of a subject or agent, and the resulting choice may still be considered as rational. Sen refers to a subject or agent that cannot draw the reasonable distinction between self-interests and self-goals on one hand, and rational deliberative choice on the other hand, as a "rational fool."<sup>23</sup>

In summary, it can be said that Sen advances an expanded and pluralistic conception of rational choice to involve a process of deliberative choice that is inclusive and integrative of various other valuations, reasons, and considerations apart from self-interest or self-goal. A critical element to

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<sup>23</sup> Amartya Sen, *Rationality and Freedom* (Cambridge: Belknap Press, 2002), 6–7.

this expanded conception of rationality is Sen's idea of expanding informational bases. For Sen, in every analysis of the conduct of evaluative judgement, it is important to consider and take into account the informational bases that are included and excluded in the process of deliberation. In the context of evaluative judgements on justice, Sen criticizes both utilitarianism and libertarianism and points out that the deficiencies of both theories are rooted in their being founded on limited or narrow informational bases. Libertarianism is narrowly focused on the informational base of the absolute priority of rights while utilitarianism is narrowly focused on the informational base of utility. Consequently, each of libertarianism and utilitarianism makes evaluative judgements on justice that are exclusive of important informational bases and consequently exclusive of important valuational considerations in human affairs (i.e., consequentialist considerations in the case of libertarianism, and the normativity of human rights in the case of utilitarianism). Thus, Sen asserts an advancement towards more expansive informational bases in evaluative judgements on justice.<sup>24</sup>

Sen's criticism of both utilitarianism and libertarianism is also consistent with two-tier, third-way, or pluralistic theories of rights, which attempt to propose more integrative and holistic conceptions of rights that take into account both the deontological moral force of rights as well as consequentialist considerations. Such attempts can be said to be consistent with Sen's capability approach which emphasizes the focus to the actual lives that people can choose to live, value, and have reasons to value. For instance, T.M. Scanlon's two-tier view is concerned with "the promotion and maintenance of an acceptable distribution of control over important factors in our lives."<sup>25</sup> Scanlon is similarly critical of both utilitarianism and libertarianism for the reason that both ideologies exclude certain important considerations towards the promotion of an acceptable distribution of control over valued factors in human lives. Another example is Joseph Raz's conception of "a pluralistic understanding of the foundation of morality."<sup>26</sup> Raz is critical of rights-based moral theories and evaluates them as too narrow in the sense that they do not provide sufficient account to the relevance of ordinary actions as well as to the moral values of supererogation, virtue, and excellence. Raz also draws the distinction between moral individualism and personal autonomy. The earlier is a primary characteristic of rights-based moral theories while the latter refers to the empowerment of human beings

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<sup>24</sup> Amartya Sen, *Development as Freedom* (New York: Alfred A. Knopf, Inc., 1999), 55–67.

<sup>25</sup> T. M. Scanlon, "Rights, Goals, and Fairness," in *Theories of Rights*, ed. by Jeremy Waldron (Oxford: Oxford University Press, 1984), 137–138.

<sup>26</sup> Joseph Raz, "Right-based Moralities," in *Theories of Rights*, ed. by Jeremy Waldron (Oxford: Oxford University Press, 1984), XX.

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to live lives that are consistent with their important values and ideals. Rights, among other things, could be constitutive of such an empowerment.

It can also be said that a consistent supplement to Sen's notion of rationality is John Rawls' idea of reasonability, primarily employed in his constructivist approach towards a political conception of justice. Sen's thinking was also influenced by Rawls as they were personal friends and Rawls was Sen's mentor. Rawls proposes the hypothetical original position as the starting point of the constructivist approach. The original position comprises of reasonable individuals or their representatives, under reasonable conditions, under the veil of ignorance. The veil of ignorance is a hypothetical attribute of the reasonable individuals or their representatives wherein they are ignorant about information pertaining to their self-interests or the self-interests of those whom they represent, as well as about information pertaining to the comprehensive doctrines they adopt or those whom they represent adopt. In other words, the hypothetical original position with reasonable individuals under the veil of ignorance is an ideal wherein a reasonable or a rational political conception of justice can be constructed.<sup>27</sup> Rawls likewise elaborately discusses his distinction between what he calls reasonability and conventional notions of rationality. It can be said that Rawls' distinction is similar to Sen's attempt to define a more expansive, pluralistic, and inclusive notion of rationality that goes beyond deliberation towards self-interest or self-goal. Moreover, in the case of Rawls, his conception of reasonability can be said to be particularly geared towards his constructivist approach towards a reasonable political conception of justice. Thus, his conception of reasonability invokes notions of fairness and impartiality, as opposed to the notion of rationality which can be situated primarily within the discursive realms of individual (and probably collective) deliberative choice.<sup>28</sup> While there are areas of consistency between Sen and Rawls as shown in the present discussion, it is important to note that Sen's conception of rationality likewise points out the limitations in the informational bases included in Rawls' transcendental notion of reasonability. Synthesizing Sen and Rawls, my reading is that the demands of the original position and the veil of ignorance in actual practice are in a certain sense the opposite of the demands in the hypothetical sense. This is particularly in the sense that on one hand, in the hypothetical reckoning, the reasonable individuals or their representatives in the original position are demanded to be ignorant of their respective self-interests and comprehensive doctrines. On the other hand, it can be asserted that in the actual or practical setting, on the contrary, the reasonable individuals or their representatives in the actual approximation of the original position should be demanded to be

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<sup>27</sup> John Rawls, *A Theory of Justice*, rev. ed. (Cambridge: Belknap Press, 1999), 162–168.

<sup>28</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 48–54.



fully aware of their respective self-interests and comprehensive doctrines such that they would be able to discern reasonably or rationally and be able to employ a greater extent of fairness and impartiality in their deliberation. This links back to the central role of rationality and rational deliberation in challenging the reductionisms of the notion of singular affiliation and the illusion of destiny.

Christoph Hanisch provides additional perspective on Sen's conception of rationality by providing a balanced critique of Sen's idea of rationality.<sup>29</sup> First, he defends Sen's view from a specific criticism—that which asserts that it is not possible for a subject or agent to conduct a coherent rational process of deliberative choice based on a decisive consideration that is apart from self-interest or self-goal. The reason given in support of such criticism is that taking other goals apart from self-interest or self-goal as the decisive consideration in deliberative choice would entail the neglect of self-interest or self-goal which are essential and integral elements of the subject's or agent's sense of self. This would result in an incoherence, and consequently irrationality in the subject's or agent's sense of self. Hanisch responds to this criticism by asserting that taking other goals apart from self-interest or self-goal as the decisive considerations in deliberative choice does not entail a neglect of self-interest or self-goal. Instead, the different goals are taken into consideration together with self-interest or self-goal and are synchronized and integrated into a coherent and consequently rational process of deliberative choice.

Ironically, it is also from this defense that Hanisch's critique of Sen's view takes off. In his critique, Hanisch distinguishes between positive goals, which are characterized by positive and active pursuit, on one hand, and negative goals, which are not positive or active pursuits but rather negative considerations that delineate the very boundaries within which a subject or agent can make possible choices, on the other hand. Negative goals are essential and integral elements of the subject's or agent's sense of self and regulates and constrains the range of actions and decisions that a subject or agent would permit within the process of deliberative choice. Hanisch's critique is that in Sen's expanded and pluralistic notion of rationality, the accommodation of decisive considerations apart from self-interest or self-goal is nonetheless constrained by negative goals, which are implicit self-goals. Thus, in a certain sense, goals apart from self-interest and self-goals cannot be accommodated as decisive considerations. Hanisch speculates that if certain negative goals are neglected or negated by a subject or agent, this would be tantamount to the neglect or negation of essential constitutive elements of the subject's or agent's identity. My reading is that the notion of

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<sup>29</sup> Christoph Hanisch, "Negative Goals and Identity: Revisiting Sen's Critique of *Homo Economicus*," in *Rationality, Markets, and Morals*, 4 (2013).

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negative goals is not inconsistent with Sen's expanded and pluralistic conception of rationality. The critiques presented by Hanisch both in terms of positive goals (which he rebutted) and negative goals (which he supported) are preoccupied with the idea that neglect and negation of essential and constitutive elements of the subject's or agent's sense of self and sense of identity would lead to a process of deliberative choice that is irrational. However, in Sen's view, rationality has primacy over identity and through a rational process of deliberative choice, the subject or agent can choose to even neglect or negate essential and constitutive elements of its sense of self or sense of identity. In line with Sen's view of rationality, the subject's or agent's sense of self or sense of identity is not static but rather dynamic and subjugated to the subject's or agent's capability for rational deliberative choice.

### **The Clash of Civilizations and Religious Violence**

It is interesting to note how both Sen and Žižek refer to the same contemporary theoretical project, namely Samuel Huntington's idea of the clash of civilizations, as a reference point of their critiques of the mystification of the culturalization of violence.

Sen's criticism of Huntington's theory of civilizational clash is founded on two main difficulties, which are ultimately rooted in his critique of the mystifications of the idea of identity. First is its impoverished notion of identity characterized by the reductionism of single affiliation, which divides the supposed civilizations of the world into discrete civilizational categories based solely on religion, and consequently ascribes the corresponding singular identities to the people of the world. Second is the simplistic assumption on the homogeneity of each civilizational classification, for which Sen cites India as an empirical example. In Huntington's theory of civilizational clash, India is classified as a Hindu civilization. However, Sen points out that India has one of the three largest Muslim populations in the world, on top of a substantial population of Sikhs, Buddhists, Christians, and Jews.<sup>30</sup>

Žižek's criticism of Huntington's theory of civilizational clash, on the other hand, is consistent with what has been discussed about Žižek's basic theoretical framework thus far. Žižek deems that the theory of the clash of civilizations is the perfect example of the formula of the culturalization of politics, by straightforwardly tracing contemporary conflicts to the conflicts among cultures. Thus, the theory of civilizational clash reinforces the depoliticizing force of post-political ideology and situates specific

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<sup>30</sup> Sen, *Identity and Violence*, 40–42, 46–48.

contemporary problems of violence in particularist terms, for instance the Israel-Palestine conflict and the 9/11 terrorist attacks.<sup>31</sup>

Sen and Žižek also both emphasize how the mystification brought about by the culturalization of violence afflicts not only those who would like to instigate violence, but also those who intend to fight and undermine it.<sup>32</sup> Both Sen and Žižek cite as an example the recent efforts to fight or undermine so-called Islamic fundamentalist violence through an attempt to redefine Islam as a moderate and peaceful religion.<sup>33</sup> Žižek opposes the separation of religion or ideology from its political expression, which is another form of culturalization or depoliticization, while Sen points out the inherent mystification of the important distinction between religious moderateness and political moderateness that results from such redefinition of religion. For Sen, a purely culturalized attempt to distinguish between religious moderateness and political moderateness in the context of violence, without taking into account important social, economic, and political dimensions, further mystifies violence and obscures possible ways to fight and undermine it.<sup>34</sup>

To further enrich the present discussion on the depoliticization of religion, particularly of Islam, Bridget Purcell presents two attempts to reconcile Islam with the contemporary phenomenon of secularism in her review of Olivier Roy's *Secularism Confronts Islam* and Abdullahi Ahmed An-Na'im's *Islam and the Secular State: Negotiating the Future of Shari'a*.<sup>35</sup> On one hand, Roy's book seems to advance the idea of a depoliticized Islam and argues that Islam can be considered and has actually become a purely religious phenomenon. As such, Islam can transcend any particular tradition and culture and in effect, any political system. Therefore, in Roy's reckoning, Islam can be consistent with and benign to the secular world order. On the other hand, An-Na'im's book presents an argumentative framework that is immanent from Islam or in other words from within Islam. Thus, his primary attempt is to show how the preservation of the Islamic tradition can nonetheless accommodate the secular world order. An-Na'im argues that integrating into the secular world order does not make it necessary to neglect, negate, or transcend Islamic tradition and culture. On the contrary, An-Na'im posits that certain elements of secularism, or secularism as a whole, are not only consistent with but to a certain extent even necessary for the preservation of Islamic tradition and culture.

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<sup>31</sup> Žižek, *Violence*, 116.

<sup>32</sup> Sen, *Identity and Violence*, 10–12.

<sup>33</sup> *Ibid.*, 13–14; Žižek, *Violence*, 116.

<sup>34</sup> Sen, *Identity and Violence*, 14–15.

<sup>35</sup> Bridget Purcell, "Transcendence and Tradition: Two Attempts to Revive the Concept of the Secular," in *Anthropological Quarterly*, 82 (2009).

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It can be said that Roy's argument is along the lines of attempts to create a depoliticized view of Islam, or in other words attempts to distil and separate the religious content of Islam from its political connections. As such, Sen and Žižek would oppose Roy's view and identify it as a view contributing to the mystification of violence through culturalization or depoliticization. An assessment of An-Na'im's account would be less straightforward. While it is clear that an integration of Islam's religious, traditional, and cultural content with its political connections with the secular world order is attempted, this is done from a perspective that is immanent from Islam and with a clear agenda of explicating how Islam can be preserved in a secular world. Thus, the general theoretical movement is in terms of accommodating consistent elements of the secular world order into the religious, traditional, and cultural frameworks of Islam. What could have been missed out is a sufficient consideration of the tensionalities between Islam and the secular world order which are critical elements in examining the important problems regarding Islam and the politics of secularism today. An elaborate evaluation of the inconsistencies is thus as important as the attempt to demonstrate the consistencies. Nonetheless, it can be said that An-Na'im's argument is consistent with Sen's and Žižek's efforts to fully and holistically consider religion and phenomena of violence related to religion with their important and relevant political contents and expressions.

Sen takes the discussion further by presenting an analysis of the concrete repercussions of the culturalization of violence, beyond its being an intellectual barrier to a clear understanding of violence, which Sen recognizes well.

It is not hard to understand why the imposing civilizational approach appeals so much. It invokes the richness of history and the apparent depth and gravity of cultural analysis, and it seeks profundity in a way that an immediate political analysis of the "here and now" — seen as ordinary and mundane—would seem to lack... As a result, the "civilizational" approach to contemporary politics (in grander or lesser versions) serves as a major intellectual barrier to focusing more fully on prevailing politics and to investigating the processes and dynamics of contemporary incitements of violence.<sup>36</sup>

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<sup>36</sup> Sen, *Identity and Violence*, 42–43.

After the above recognition, Sen proceeds to also assert that “cultivated theory can bolster uncomplicated bigotry.”<sup>37</sup> Going back to the example on the recent efforts to fight so-called Islamic fundamentalism by attempting to redefine Islam, Sen asserts that paradoxically, one of the important effects of the religion-centered culturalization of politics is its inverted form, which is the politicization of religion. One concrete manifestation of this is the elevation of religious leaders as some sort of political representatives of different “communities” in the discourse of violence, which reduces the problem of violence in so-called Islamic fundamentalism to the mystified question of whether or not the true voice of Islam tolerates acts of terrorism.<sup>38</sup> Sen also cites an example of how the politicization of religion has led to public policies that aggravate the mystifications in identity-based thinking and undermine the diversity of identities and the central role of reason and choice, such as in the establishment of more state-financed religious schools in Britain.<sup>39</sup> Sen argues that because of these reasons, the politicization of religion undermines the role of civil society precisely at a time when it needs to be strengthened.<sup>40</sup> In a critique of *Culture Matters* edited by Lawrence Harrison and Samuel Huntington, Sen ultimately argues that culture does matter, particularly in the context of human development, but it should not undermine the social, political, and economic dimensions which are significant determinants and influences as well.<sup>41</sup>

## Conclusion

The discussions on the mystifications involved in the culturalization of violence in this paper provide the conceptual groundwork on the fundamental theoretical frameworks employed by Sen and Žižek in their discussions on violence and present some important theses on how violence is mystified.

The theses that can be arrived at based on the presented analyses and discussions in this paper are:

1. The mystification of violence through its culturalization can be situated within a more general scheme of mystification wherein the necessary axiomatic character of politics is undermined in favor of an atonal and non-ideological pseudo-political cultural social milieu.

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<sup>37</sup> *Ibid.*, 44.

<sup>38</sup> *Ibid.*, 65–67, 70–79.

<sup>39</sup> *Ibid.*, 13, 117–118.

<sup>40</sup> *Ibid.*, 83.

<sup>41</sup> *Ibid.*, 103–112.



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2. Central to this process of mystification is the dislocation of identity-based thinking from the universality of individual rationality and choice towards the particularism and inevitability of culture.
3. The resulting reductionisms from the mystification of violence through its culturalization afflict not only those who intend to instigate violence but also those who intend to fight or undermine it.
4. Culturalization is an intellectual barrier against the clear understanding of the political character of violence, and a culturalized conception of violence advances the narrow discourse of tolerance which is essentially mobilized by guilt and fear.
5. The culturalization of violence is not only an intellectual barrier but also has serious repercussions in how it gets manifested in its inverted form—the politicization of culture.

*Philosophy Division, Department of Humanities  
University of the Philippines-Los Baños*

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## On the Amateur and the Critic and the Double Factoring of the Pandemic<sup>1</sup>

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*Virgilio A. Rivas*

**Abstract:** This essay explores Bernard Stiegler's reformulation of Kant's aesthetics concerning his radical concept of the amateur vis-à-vis the critic. These conflicting agencies have staked out different modalities and forms of engagement and resistance against the broader historical background of what Stiegler calls the proletarianization of sensibility drawn from the experience of today's algorithmic governance. COVID-19 has rendered this global technicalization of experience more insidious. Or, invoking Derrida, the grammatization of the subjects' gestures and behavior, making their protentional capacity and their power to dream inoperable through pre-selected aprioris for social consumption, or worse, biopolitical control. Stiegler identifies the radical promise of exposing this techno-determinism with the amateur's unprincipledness, whose non-conformism, compared to the critic, the conventional expert, draws more from the autonomous function of art. In this context, the amateur aligns herself with the worker in terms of their capacity to dis-individuate from the manifold, leading to a common approach to the pharmacology of the Spirit. Pharmacology stands for the relative plasticity of a specific historical time, not without the pathogen that troubles its metastability – its openness to critique. Nonetheless, the task of unraveling this pathogenic content can no longer be assigned to the critical subject of reason.

**Keywords:** amateur, anthropological break, archival metaphysics, critic

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<sup>1</sup> I am grateful to Prof. Joff P.N. Bradley of Teikyo University, a well-published scholar of Stiegler (and Deleuze studies), for his ideas, comments, and suggestions to the initial draft of this paper. Prof. Bradley is the editor of *Educational Philosophy and Theory* where my article on Stiegler appeared. See Virgilio A. Rivas, "Stiegler and the Task of Tertiary Retention: On the Amateur as an Educational Subject," in *Educational Philosophy and Theory*, <<https://doi.org/10.1080/00131857.2021.1897569>>.

## Introduction

The following set of reflections divides into two sections and a concluding segment. The first deals with the broader form of categorizing two conflicting concepts, the amateur and the critic, which we designate as bearers of protentional technicity in line with Stiegler's reformulation of the Kantian aesthetic from which these concepts are drawn. The second section discusses the directional components of the amateur's disposition towards present-day reality amid the long "anthropological break"<sup>2</sup> that Stiegler associates with posthumanism.<sup>3</sup> However, this uncanny form of historico-temporal cessation is redoubled by COVID-19, as it were, intruding on the human species' uncertain path.

In the course of our brief discussions, it will come to light that the amateur possesses a keen eye to counter-factual realizations specific to her complicated predisposition to pharmacology, burdened by the paradox of "double epochal redoubling."<sup>4</sup> Moreover, the amateur exhibits a creative attitude towards truth claims that she proposes by her capable fictions, innovative assemblies of truth contents, which, arguably enough, uncover the same plasticity of imagination as informs the tenacity of rational proofs. The amateur pursues truth claims by "supporting...a test" without the certainty of "ever being able to be proven."<sup>5</sup> The test otherwise evidences the non-provable by "making it shared," a supportable economy of free exchange, "[opening] a public space and time that are the exact opposite of an

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<sup>2</sup> Bernard Stiegler, "Elements for a General Organology," trans. by Daniel Ross, in *Derrida Today*, 13 (2020), 73.

<sup>3</sup> Stiegler sketches his idea of posthumanism in line with the concept of the anthropological break: "[A]n internal rearrangement and reorganization of organisms that continues what has already occurred at the industrial level with GMOs and nanomaterials ... everything of which the transhumanist movement is seizing hold." Stiegler, "Elements for a General Organology," 76. Stiegler associates this rearrangement with the "process of interiorization" (*Ibid.*), which implies a more intensive internalization of technicity in the organic spheres of life. This further implies a "break" from the previous process of externalization in terms of "augmenting [organic life] with non-living organs," the extension of "somatic organs" forming an independent technical life (*Ibid.*, 82). The new phase of interiorization thus engenders a new organology, the way humans, with the aid of technical systems and objects, organize inorganic matter that fuses with bodies, environments, systems, etc., creating a new assemblage, a biotechnical life; overall, an epiphylogenetic evolution still in the process of completion. In this sense, organology is the "organic form of technical life" (*Ibid.*, 75). Yuk Hui, in a separate work, underlines this organological aspect in terms of breaking the "illusion" that "human beings [are] mere observers and machines [are] replacements for human beings." See Yuk Hui, *Recursivity and Contingency* (London and New York: Rowman & Littlefield, International, 2019), 274. Bracket emphases mine.

<sup>4</sup> Bernard Stiegler, *Nanjing Lectures: 2016–2019*, trans. by Daniel Ross (London: Open Humanities Press, 2020), 337.

<sup>5</sup> Bernard Stiegler, "Kant, Art, and Time," in *boundary 2*, 44 (2017), 33.

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audience.”<sup>6</sup> The concept of the audience operates in an enforceable epistemic equation where the critic, the supposed expert who wields rational authority, imparts knowledge to the audience for wider social consumption.

Accordingly, the critic as an expert enjoys a broader communication platform at the behest of the organs of power, the same organs of power that require accelerationist metrics for standardization of learning outputs,<sup>7</sup> for instance; a key global uniformity instrument in the age of speed, digital precision, and algorithmic control. Shoshana Zuboff, in *The Age of Surveillance Capitalism*, argues against the same atrocious demand of speed and its quasi-moral imperative (the same line of contestation as Paolo Bolaños’ in a slightly earlier criticism of performance metrics) “demanding that we relinquish individual agency to the automated systems that can keep up the pace.”<sup>8</sup> However, the technical demand for precision and speed tends to override the psycho-noetic experience of time and space (which is bound to the finitude of human experience). In terms of its resonance in educational practices, this results in the operational surveillance of education, already being absorbed into a standardized performance ranking system, pitting institutions and individuals in their “programmed relations” to “algorithmic governmentality.”<sup>9</sup> As Stiegler asserts, “[t]hese programmed relations give rise to *dividuation* in Guattari’s sense, that is, to the destruction of individuation.”<sup>10</sup> Suffice it to say, education itself co-constitutively “shapes the social field” upon which multiple, intersectional conflicts are “played out.”<sup>11</sup> This aspect of social contamination by epistemic spaces of reason brings to mind the effect education can have on the distribution of the sensible.<sup>12</sup> This pre-individual field of knowledge formations is practically and socially cognizable, referring to the manifold cognates through which we are always

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<sup>6</sup> *Ibid.*, 32.

<sup>7</sup> I am referring to Paolo Bolaños’s discussion of Paul Virilio’s critique of speed capitalism and its relation to higher education’s rush to quantify academic and curricular performance. See Paolo Bolaños, “Speed and Its Impact on Education,” in *INQUIRER.net* (30 October 2019), <<https://opinion.inquirer.net/124900/speed-and-its-impact-on-education>>.

<sup>8</sup> Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for A Human Future at the New Frontier of Power* (New York: Public Affairs, 2019), 442.

<sup>9</sup> See Thomas Berns and Antoinette Rouvroy, “Algorithmic Governmentality and Prospects of Emancipation,” trans. by Elizabeth Libbrecht, in *Réseaux*, 177 (2013).

<sup>10</sup> Bernard Stiegler, *Automatic Society. Vol. 1. Future of Work*, trans. by Daniel Ross (Cambridge: Polity Press, 2016), 66.

<sup>11</sup> See Torin Monahan and Rodolfo D. Torres, “Schools Under Surveillance,” in *Surveillance Studies: A Reader*, ed. by Torin Monahan and David Murakami Wood (Oxford: Oxford University Press, 2018), 206.

<sup>12</sup> Yves Citton, “Political Agency and the Ambivalence of the Sensible,” in *Jacques Rancière: History, Politics, Aesthetics*, ed. by Gabriel Rockhill and Philip Watts, 120–139 (Durham and London: Duke University Press, 2009).



already, albeit provisionally, “known” and “in knowing,”<sup>13</sup> which enable their plasticity for social enforcement. Education performs conflicting functions derived from dividuating complexities of private and social interests impinging on individual and collective autonomy in favor of the anonymous freedom of technics. However, more than the accelerationist implication for education, state power “internalizes the opposition between manual workers and intellectuals.” Hence, as Stiegler asserts elsewhere, “there would be specialists of the intellect, and therefore of thinking, and then there would be everyone else.”<sup>14</sup> Roughly speaking, this is how the modern university was born.

The concluding section will then underscore the amateur's critical role in public education in the face of the ongoing pandemic and the larger question of the incomplete history of the technicalization of organic life, as Stiegler described in one of his last known works before his untimely death in 2020.<sup>15</sup> He called it the *general organology* of life, “no longer just biological but technical” and “involves not just organic matter but organized inorganic matter.”<sup>16</sup> The correlation of technicity and COVID-19 is crucial: the twin rationalizations of the pandemic and the massive technicalization of experience have strained planetary life in ways never before seen in modern humanity's history. In a sense, the pandemic is the most recent organological strain on this history, “[riding] on the larger evolutionary scale, mediated in part by culture, by law, by technology; and even on the cosmopolitan philosophy held by modern nation states.”<sup>17</sup>

### The Amateur and the Critic: Two Faces of the Subject

On the one hand, in line with the logic and semantics of the subject, the figure or image of the critic conveys a self-repetitive, recursive purchase: The subject is the object of the externalization of the I or the ego for purposes of knowing and doing. We are referring to the self-reflexive principle from

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<sup>13</sup> Or, what Kant calls the “manifold of empirical intuitions.” See Immanuel Kant, “Transcendental Logic,” in *Critique of Pure Reason*, trans. by Werner Pluhar (Indianapolis and Cambridge: Hackett Publishing Company, Inc., 1996), B219, 248.

<sup>14</sup> Bernard Stiegler, *Neganthropocene*, ed. and trans. by Daniel Ross (London: Open Humanities Press, 2018), 180–181.

<sup>15</sup> Stiegler elaborates on this aspect of organology inspired by Gilbert Simondon: “In technical life, the relationship between the organic and the organological is what Simondon calls *transductive*: in technical life, the organic is originally *constituted in its very organicity by the organological*, and vice versa – the organological is inherently constituted by the organic form of technical life. In other words, in technical life, the organic cannot be thought without the organological, and vice versa.” Stiegler, *Elements for a General Organology*, 74–75.

<sup>16</sup> *Ibid.*, 72.

<sup>17</sup> Jeffrey P. Bishop and Martin J. Fitzgerald, “Norming COVID-19: The Urgency of Non-Humanist Holism,” in *The Heythrop Journal* (2020).

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which the subject orients itself in thought and the world.<sup>18</sup> Stiegler alerts us to the nuanced, complicated rulebook of critical reason started by Kant, concerning its primary agent, the critic who, Stiegler contends, “can always still lapse into the status of cultivated philistine.”<sup>19</sup> He who has supposedly achieved “professional-level mastery,” the critic, is the opposite complement of the amateur who, in place of her shortcomings, on the other hand, is defined by her “commitment to passion and desire, by a devotion to becoming.”<sup>20</sup>

But given the massive automation or, what Stiegler prefers to call the global proletarianization of sensibility,<sup>21</sup> fueled by the consumerist age, it is no surprise that the all too familiar tools of inventory and analysis since Kant, more so, the supposed reflexivity of the critic (typically a male petit-bourgeois) are no less, if not already, coopted, staked and funded by the apparatuses of attention control and capture. This results in mediated outcomes of the operation of the faculties of reason, including retentional and predictive somatic activities reserved for protentional thinking and experience. In the Kantian sense, this is what the critic precisely performs – an inventory of retentional and protentional thoughts and experiences. Yuk Hui, in *The Archives of the Future*, describes the purpose of this modern inventory as a projection of the assumed certainty of the future,<sup>22</sup> impacting on the human capacity to select items of retentional nature or “the selection of protentions, which is ... the fabric of experience.”<sup>23</sup> This form of selection via data algorithms involves an atypical notion of spatio-temporality different from Kant’s approach. Here the Kantian manifold, initially unformatted (it is up to the understanding to provide the manifold with cognitive structure), gives way to a predetermined inventory, formatted spatio-temporal aprioris that leave nothing to free selection.

The certainty of the archive of the future, or archival metaphysics in Hui’s quasi-Derridean lingo, is presently realized in how retentional and protentional practices manifest the irrevocable movement of futurology (or *futures metaphysics*). The archive of the future has overlaid the presupposition of “the historical conditions for critique ... through familiarity with works that

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<sup>18</sup> Bernard Stiegler, “The New Conflict of the Faculty and Functions: Quasi-Causality and Serendipity in the Anthropocene,” trans. by Daniel Ross, in *Qui Parle*, 26 (2017).

<sup>19</sup> Bernard Stiegler, “The Quarrel of the Amateurs,” trans. by Robert Hughes. *boundary 2*, 44 (2017), 35.

<sup>20</sup> Robert Hughes, “Bernard Stiegler, Philosophical Amateur, or, Individuation from Eros to Philia,” in *Diacritics*, 42 (2014), 61.

<sup>21</sup> Bernard Stiegler, “The Proletarianization of Sensibility,” in *boundary 2*, 44 (2017).

<sup>22</sup> Yuk Hui, *Archives of the Future: Remarks on the Concept of Tertiary Protention* (Gutenberg: Landsarkivet I Göteborg, 2018), 134.

<sup>23</sup> Stiegler, *Neganthropocene*, 140.

themselves presuppose a practice.”<sup>24</sup> Correspondingly, the Kantian subject dissolves into an agent of pre-selected experiences, becomes a pre-selected subject of the algorithmic manifold that it ironically helped create by bestowing an analytical procedure for algorithms to employ with near-perfect precision,<sup>25</sup> until such time when there is “nothing else” for the critic “to analyze other than his *own* interest.”<sup>26</sup>

But the ubiquity of individual interests also deadens the political instinct by dis-ambiguating the political from the collectivity of choice, insofar as “all political questions dissolve into economics,” and, as Stiegler very well asserts, “since ideology is no longer about collective choices but about ‘individual’ relations to products.”<sup>27</sup> For Stiegler, the rise of the neoliberal concept of the individual – “when there is nothing more to analyze other than one’s own interest” – forms the basis of algorithmic governance or the “ever closer linking of individual needs with functional and ideological programs in which each new product is embedded.”<sup>28</sup> Under these conditions, the post-Kantian subject succumbs to the more treacherous side

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<sup>24</sup> Stiegler, “Kant, Art, and Time,” 22.

<sup>25</sup> This started approximately with the *Critique of Pure Reason*, which, as we know, required the understanding to complete an inventory of its possessions, a task that demanded mastery of the retentional history of reason for purposes of defining the protentional direction of knowledge from hereon.

<sup>26</sup> Stiegler, “The Quarrel of the Amateurs,” 36. Or what feminists would interpret as the self-absorbed reflexivity of truth-telling. See Donna Haraway, *Modest Witness@Second Millennium. FemaleMan©\_Meets\_OncoMouse™: Feminism and Technoscience* (New York and London, Routledge, 1997), 31.

Contemporary feminists argue that masculine reflexivity burdens the feminist cause by projecting reflexivity when it simply “reinscribes the absent presence of female subjectivity” [Susan Sturman, “On Black-boxing Gender: Some Social Questions for Bruno Latour,” in *Social Epistemology*, 20 (2006), 181]. This example approximates what Stiegler observes of the critic (presumably male) who has nothing else to “analyze” other than his self-positioning rationality. The idea is similar to Bruno Latour’s notion of the exhaustion of the energies of critique as when “critique” itself “runs out of steam,” when scientific objectivity, for instance, becomes suspect as a “power-laden social construction,” thus, can never qualify as universally accepted truth [Matthias Flatscher and Sergej Seitz, “Latour, Foucault, and Post-Truth: The Role and Function of Critique in the Era of the Truth Crisis,” in *Le foucauldien*, 6 (2020), 6]. This leaves the critic in a position of “going through the motions of a critical avant-garde,” even though the “spirit is gone” [see Bruno Latour, “Why Has Critique Run out of Steam? From Matters of Fact to Matters of Concern,” in *Critical Inquiry*, 30 (2004), 226]. Ironically, feminists also take Latour to task for another display of male reflexivity. His rejection of science as a social construction in favor of “networks of human and inhuman ecologies” ignores the fact that his “particular masculine subjectivity is produced in the culture of experimental science” [Sturman, “On Black-boxing Gender,” 182] where Latour operates. Given these premises, Stiegler may also be liable to gender obscurantism, which, however, is not the scope of this paper to explore beyond identifying the proximity of Stiegler’s view of the “critic” vis-à-vis a system that has exhausted its usefulness, thereof withdraws into self-absorption, to contemporary feminist criticism.

<sup>27</sup> Stiegler, *Automatic Society*, 66.

<sup>28</sup> *Ibid.*

of what he proposes to call the “infidelity of the pharmacology of Spirit,”<sup>29</sup> where the Spirit is absorbed into the *technology of indexing and connecting*.<sup>30</sup> In capitalistic terms, this results in the “general mediatization of every life,” otherwise, a “process of intensified integration into commodity culture.”<sup>31</sup> The infidelity that Stiegler assigned to the pharmacology of the Spirit refers to the strictly transitional nature of historical time, where the twin determinations of the “pathological” and “normativity,” for instance, “develop according to a new logic.”<sup>32</sup> Pharmacology is subject to the individual and collective psycho-noetic contingencies of retentional and protentional thinking and experience. To this extent, the “original pathogenic content” of the Spirit’s pharmacology reveals itself in the form of historical, hermeneutic, and transindividual metastability.<sup>33</sup> Here the significance of the variable nature of the pathogen is that it can be discovered as both a “bond and an illness,”<sup>34</sup> thereby stabilizing itself into the “normativity of the living.”<sup>35</sup> It is in consequence of the plasticity of the pathogen, according to Stiegler, what “Canguilhem called *normative*, and that Plato [originally] called *anamnesic*”<sup>36</sup> (which points to the pathogen’s retentional nature), that the Spirit itself becomes open to analysis, adaptation, intervention, even partial elimination. Altogether this is what Stiegler would ascribe to the work of “critique.” But algorithms drastically alter this openness to historical critique via “an automated form of social control.”<sup>37</sup> As the Spirit’s new configuration, the pathogenic futurology of algorithms seems “inevitable and incurable.”<sup>38</sup>

This gives us a no-exit scenario in the face of the inevitability of archival metaphysics or the absolute control of organic life in the future. Hui derives this concept from his partial reading of Derrida’s *différance*, bearing the twofold sense of *differing* and *deferring* with regards to its integral relation to time:

Derrida proposes here a new theory of the archive based  
on Freudian psychoanalysis... Derrida explores how the

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<sup>29</sup> Bernard Stiegler, *What Makes Life Worth Living*, trans. by Daniel Ross (Cambridge: Polity Press, 2013), 41.

<sup>30</sup> Hui, *Archives of the Future*, 134.

<sup>31</sup> See Jernej Prodnik, “3C: Commodifying Communication in Capitalism,” in *Marx in the Age of Digital Capitalism*, ed. by Christian Fuchs and Vincent Mosco (Brill: Leiden and London, 2016), 302.

<sup>32</sup> Stiegler, *What Makes Life Worth Living*, 29.

<sup>33</sup> *Ibid.*, 41.

<sup>34</sup> *Ibid.*, 27.

<sup>35</sup> *Ibid.*, 28. See also Georges Canguilhem, *The Normal and the Pathological* (New York: Zone Books, 1991), 178.

<sup>36</sup> Stiegler, *What Makes Life Worth Living*, 123. Bracket emphasis mine.

<sup>37</sup> Stiegler, *Nanjing Lectures*, 15.

<sup>38</sup> Stiegler, *What Makes Life Worth Living*, 50.

question of the origin leads ultimately to the question of the future ... The origin is always deferred, and, within such a *différance*, which is found inside the archive itself, a future is opened up.<sup>39</sup>

However, the future as a *question*, in Stiegler's critique of Derrida, may also unintentionally sink into an "impasse."<sup>40</sup> This happens when one *opposes* the "anamnesic" (primary retention) to the "hypomnesic" (i.e., the "arrangements of the primary and secondary retentions and protentions ... conditioned by tertiary retentions),"<sup>41</sup> which at present is mediated by technical protocols of indexicality, capable of producing artificial or prosthetic memory *qua* tertiary retention. For Stiegler, transcendental memory (primary retention, which in Derridean terms, is only a trace of the origin) must not be opposed to transcendental imagination (tertiary retention that, again, presupposes a hypomnesic, generally, organological arrangement); else, it would result in a metaphysics of deferred time,<sup>42</sup> an undecidable temporality predisposed to fantasizing the origin via its trace. Like Derrida, Stiegler proposes an active form of retroactivity while acknowledging the fact that tertiary retention always already "imposes selection," which lies "at the very heart of anticipation that is already memorization *qua* forgetting."<sup>43</sup> But retroactivity is also already an actual historical critique, a genealogy, and nosology of the Spirit. Stiegler's quasi-Derridean influence would rather that the possibilities for a radical flight/critique are continuously explored but not without embracing a dilemma, which is "to act in a therapeutic manner on a malaise, and to eventually reverse it into a chance to learn."<sup>44</sup>

This spells out Stiegler's concept of pharmacology that Claire Colebrook describes as a radical form of *unprincipledness* that demands an impossible future, all the more when the task of unraveling the pharmacology of historical time becomes assignable to the amateur.<sup>45</sup> The amateur here is the post-Kantian, post-Derridean subject whose unprincipled mission is, nonetheless, already familiar, which is to educate. However, the amateur is

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<sup>39</sup> Hui, *Archives of the Future*, 133.

<sup>40</sup> Stiegler, *What Makes Life Worth Living*, 19.

<sup>41</sup> *Ibid.*

<sup>42</sup> Bernard Stiegler, *Technics and Time. Vol. 1. The Fault of Epimetheus*, trans. by Richard Beardsworth and George Collins (Stanford, California: Stanford University Press, 1998), 231.

<sup>43</sup> See Bernard Stiegler, *Technics and Time 2: Disorientation*, trans. by Stephen Barker (Stanford California: Stanford University Press, 2009), 232.

<sup>44</sup> Benoît Dillet, "Proletarianization, Deproletarianization, and the Rise of the Amateur," in *boundary 2*, 44 (2017), 94.

<sup>45</sup> Claire Colebrook, "Impossible, Unprincipled, Contingent: Bernard Stiegler's Project of Revolution and Redemption," in *boundary 2*, 44 (2017), 223.

facing a dual difficulty: 1) the highly mediatized protocols of understanding the manifold defined by attention control and capture, too complex for consciousness to master, or work out an escape route; 2) the metaphysics of the *différance*-permeated future via the passive directness of the present rendering it perfectly susceptible to the grammatization of experience, in the absence of a firm decision to prevent the future from becoming present. This undecidability creates real-time, an algorithmic time born out of the necessary default's inability to ground an origin, speaking of the transcendental imagination that originates a ground (in the absence of an ontologically pre-existing background).<sup>46</sup> Undecidability engenders a "deferred time," which, as Stiegler contends, "always arrives too late"; hence, when confronted with "this real-time" that overwhelms experience by the monstrousness of its speed, undecidability inevitably "generates a kind of (trap of) automatic quasi-causality."<sup>47</sup> Indeed, as Colebrook argues, the "audacity of Stiegler's project" lies in the fact that his concept of the "pharmakon functions ... more as a way of achieving a genealogy and nosology of spirit,"<sup>48</sup> not an escape route, but a mere, if not useless provocation to disambiguate the infidelity of pharmacology from the "programmed relations" in which it is embedded.

Decisions are always already inventoried in a pre-formatted manifold, such as an archive. Once again, this can be referenced to Derrida: "The quest after the origin, through the preservation of the past, is for Derrida an archive drive, which is another name for what he calls archive fever."<sup>49</sup> In Derridean terms, however, the archive is where the origin is transcendently lost. The archive can only manifest the drive to preserve the past (not the past, but just the drive) whose *différance* with the origin (the questioning of the identifiability of the origin's trace) is such that it must always be an origin without a trace. That is the archive itself, a mere "play of traces."<sup>50</sup> Stiegler addresses this impasse by departing from the Derridean problem of infinite regress, emphasizing the historical function of technics in terms of hypomnesic arrangements of systems of retention or memory via the "shift from the transcendental or the quasi-transcendental to an immanent historical (or a-transcendental) analysis of technicity."<sup>51</sup>

Given Stiegler's independent study of rhizomatics, it is worth noting in passing that Deleuze and Guattari traced the *doctrine of the faculties* in the

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<sup>46</sup> Stiegler, *Automatic Society*, 115.

<sup>47</sup> *Ibid.*

<sup>48</sup> Colebrook, "Impossible, Unprincipled, Contingent," 224–225.

<sup>49</sup> Hui, *Archives of the Future*, 132.

<sup>50</sup> Jacques Derrida, "Différance," in *Literary Theory: An Anthology*, 2nd ed., ed. by Julie Rivkin and Michael Ryan (Oxford: Blackwell Publishing, 2004), 289.

<sup>51</sup> Hui, *Archives of the Future*, 139.



“organs of state Power”<sup>52</sup> whose powerful potential drive to constitute the future broadly relies on the plasticity of tertiary retention that Stiegler assigns to controllability that supervenes on life, labor, and language.<sup>53</sup> Ideally, the future is made possible by noetic dreaming; the handiwork of a people’s imagination,<sup>54</sup> hijacked, nonetheless, by an all-controlling system of tertiary retention through the “functional overdetermination” of technical objects that possess their own genetic logic and mode of existence and consistency.<sup>55</sup> This way, the correlation between the doctrine of the faculties and organs of state power becomes blurred.

Overdetermination means occulting the correlation itself, isolating it from the recognizability of the automatization of the fabric of experience through “the technical and social apparatus.”<sup>56</sup> For Stiegler, only the amateur can dis-individuate from this correlation, pushing the correlation to betray its secret, which is the enforceable universality of its technical plasticity. This is the universality of state power conveyed by its supposed doctrinal status, which, in Stiegler’s reformulation of the Kantian aesthetics concerning the doctrine of the faculties, is only universal “by default.”<sup>57</sup> Correspondingly, the comprehensive grammar of the future that selects the contents of individual choices in advance produces a prosthetic audience replacing the subject of critical reason. The invasiveness of algorithms thus contemporizes Stiegler’s criticism of the Kantian subject who, as a consequence of indexical archiving, can no longer be “trans-formed by his [own] judgment,” but even “in judging, does not trans-individuate (himself).”<sup>58</sup> The critic is the diametrical opposite of the amateur who, Stiegler claims, is rather “transformed” by her “love” for works of art.<sup>59</sup>

### The Amateur’s Automated Ambivalence and COVID-19

Nonetheless, the amateur (together with the worker) faces the risk of “expulsion” from the social realm’s so-called *circuits of individuation* defined by the grammatization of experience in a twofold scheme: 1) the “grammatization of the gestures of the artist who makes the ordinary extraordinary,” on the one hand, and 2) the “grammatization of the behavior of

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<sup>52</sup> Gilles Deleuze and Felix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. by Brian Massumi (Minneapolis, and London: University of Minnesota Press, 1987), 376.

<sup>53</sup> See Michel Foucault, “Labour, Life, Language,” in *The Order of Things: An Archaeology of the Human Sciences*, 272–329 (New York: Routledge, 1989).

<sup>54</sup> Stiegler, *Automatic Society*, 72.

<sup>55</sup> Stiegler, *Technics and Time 1*, 68.

<sup>56</sup> Stiegler, “The Quarrel of the Amateurs,” 46.

<sup>57</sup> Stiegler, “Kant, Art, and Time,” 22.

<sup>58</sup> *Ibid.*, 25.

<sup>59</sup> Stiegler, “The Proletarianization of Sensibility,” 7.

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those who are thereby going to be consumers,"<sup>60</sup> on the other hand. As the artist becomes "swallowed up with the middle class," the amateur becomes a bourgeois. The worker transforms into a proletarian while his "skills are liquidated by consumerism."<sup>61</sup> The combined grammatizations reveal a political realm rendered inoperable by disabling the amateur and the worker of their *transformational* capacities for individuation,<sup>62</sup> or worse, by creating mouthpieces as mass provisions out of them in the service of the status quo.

Since the advent of the neoliberal order, technical grammatization has become a system of "autonomized transindividuation," transforming the conduct of reading and writing via the industrial infrastructure of "logical and linguistic automata"<sup>63</sup> in more efficient ways. Incidentally, the COVID-19 outbreak pushed this level of grammatization to a new kind of "functional sovereignty."<sup>64</sup> Given the lockdown and quarantine protocols in the early months of the pandemic, the grammatization of responses to the pandemic or the human ability to act under extreme existential threats reached an unprecedented scale. The public, literally shut in their homes, became doubly isolated from the vital question of the political even as they are hooked to technical images reproduced on the internet and mainstream information media, automatically driven to rely on data "*formatted in terms of its a priori calculability.*"<sup>65</sup>

The amateur and the worker, both stuck in the perfectly controlled site of algorithmic governmentality, the home, became transformed into able participants of the automatic society's immunological protocols. The internet was singularly investing in reproducing the pandemic's technical images, including professional opinions dependent on formatted aprioris, statistics that science consumed for informed guidance, supervision, and public management. The amateur was caught up in her non-conformist "style," which is supposed to separate her from the pure specialist already estranged from the larger communal sphere. She became the uncanny complement of the expert whose knowledge of the pandemic, nonetheless, became, even worse, more "esoteric for the public,"<sup>66</sup> couched in the technical language of epidemiology and data algorithms. (We can hazard that this partly explains the public's indifference toward health protocols, even denying the realities

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<sup>60</sup> Stiegler, "The Quarrel of the Amateurs," 49.

<sup>61</sup> *Ibid.*, 47.

<sup>62</sup> As Vilém Flusser would argue in the same manner, this creates the precise condition for rendering the political critique "inoperable" if not already predetermined "cybernetically." See Vilém Flusser, *Post-History*, trans. by Rodrigo Maltez Novaes, ed. by Siegfried Zielinski (Minneapolis: Univocal Press, 2013), 90.

<sup>63</sup> *Ibid.*, 233–234.

<sup>64</sup> Stiegler, *Nanjing Lectures*, 285.

<sup>65</sup> *Ibid.*, 81.

<sup>66</sup> Stiegler, "The Quarrel of the Amateurs," 44.

of the pandemic, by all indications a derivative of post-truth, claiming that the pandemic is a science conspiracy). The amateur's supposed *technical imperfection* became even more glaring, in line with the massive algorithmic investment in the virus, giving us a glimpse of how it would shape the immediate future. Algorithmic investment sets its sight on norming the pandemic's futurology in the guise of the new normal, the future archive in the present, which, for Stiegler, signals the "[annihilation] of the play of the amateur," at the same time that this end beckons the "spread of nihilism."<sup>67</sup> The amateur, armed with style, which should define her being more than her technical imperfection, could not get through to the public shut off from the political domain, the psycho-noetic realm of transindividuation,<sup>68</sup> which involves the creative play between inside and outside, interior and exterior. Stiegler likens this political play qua transindividuation to the Deleuzian cinematic movement between two conflicting characterizations, between "traumatypes and stereotypes, individuation and disindividuation,"<sup>69</sup> etc.

*The viral interregnum.* In short, the complexity of the viral interregnum has evolved into the new normal modeled after emergency restrictions or the normalization of control protocols placing health risks (already a biopolitical issue) above any other expressive form of thinking and desiring. The normalization is expected to result, among others, in cheerful "natural" recovery or, what follows, the joint care for the environment, the wildlife, and the planet. This is an example of double epochal redoubling: the restraint on freedom that "emergent quarantine ecologies,"<sup>70</sup> for instance, unintentionally rationalize could surprisingly lead to nature recovery. However, in her signature style of play, the amateur's task is to convince the public that despite its optimistic message in the face of long-term climate emergency, this emergent ethic is conservatism in disguise. It assumes that nature operates on the independent scheme of self-recovery regardless of the undeniable anthropogenic signature in the conquest of nature. Moreover, this assumption could not have cared less for the human cost of extending utilitarian premises to natural activity. Its rationality lies in ignoring that the positive effect of "quarantine ecologies" is "circumstantial to the pandemic."<sup>71</sup>

Suppose, however, that the pandemic itself forms part of the long "anthropological break" or the posthumanist interval we mentioned. In that case, the break, doubly induced by a viral factor, can result either in more

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<sup>67</sup> *Ibid.*, 45.

<sup>68</sup> Stiegler, *Nanjing Lectures*, 222.

<sup>69</sup> Colebrook, "Impossible, Unprincipled, Contingent," 214.

<sup>70</sup> Adam Searle and Jonathan Turnbull, "Resurgent Natures? More-than-Human Perspectives on COVID-19," in *Dialogues in Human Geography*, 10 (2020), 293.

<sup>71</sup> *Ibid.*

intensive exteriorization of the species, bodies heavily dependent on technologies and subservient to algorithmic governance, or the “beginning of a new process of interiorization,”<sup>72</sup> leading to new, unforeseeable pharmacology. In *Posthuman Life: Philosophy at the Edge of the Human*, David Roden proposed a concept for this kind of unforeseeable: the disconnection thesis.<sup>73</sup> Simply put, the *disconnection thesis* offers a speculative vision of the “before” and the “after” of posthuman emergence. We can take this thesis as an analogy of the anthropological break that Stiegler proposed to describe the present. The “before” is presumably the intensified erosion of humanist essentialism, which corresponds to a specific character of the human-inhuman organology defined by exteriorization. The “after” remains to be borne out a posteriori,<sup>74</sup> nonetheless, a “not-yet” that is open to speculation. Providing the lenses for this speculation is the ongoing interiorization of technical life, increasingly blurring the distinction between the inside (supposedly human essence) and outside (technical objects as replacements) whose exact breaking point, in terms of the *descent* of actual posthumans, is, however, no one’s Ph.D. The future remains an open game. The viral interregnum may either prolong the anthropological break or expedite its acceleration into alien organology.

Nevertheless, we can also hazard that the pandemic is a supportable proof milieu that Roden stipulates as the requisite for a “theory of *human-posthuman difference*.”<sup>75</sup> COVID-19, which is a prelude to more lethal outbreaks in decades to come, may well apply to the “widest” possible condition (the proof milieu) that can “[permit] biological, cultural and technological relations of descent between human and posthuman.”<sup>76</sup> But here, we can also trace back the conditions for the emergence of the pandemic to hypomnesic assemblies and compositions, past and present, drawing lessons from them to imagine and pursue new approaches to pharmacology. A new normativity for the living that protentionally selects what to seek and what to avoid in terms of our immunological chances as a species indicates that humanity’s problems are not metaphysical. This runs counter to Derrida, who was more accustomed to defending that these problems are best served when we interpret them within the metaphysic of deferral.

### The Amateur’s Protentional Technicity in the Pandemic Age

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<sup>72</sup> Stiegler, “Elements for a General Organology,” 76.

<sup>73</sup> See David Roden, *Posthuman Life: Philosophy at the Edge of the Human* (London and New York: Routledge).

<sup>74</sup> *Ibid.*, 105.

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

As emphasized, the pandemic provides a *dis*-covering phase shift, an *apocalypse* of the ongoing posthumanist break. Among others, this will entail that we are about to witness the nature recovery *in question* retaining the model of quarantine ecologies in the new normal as the world facsimile of post-lockdown existence or an attempt to get there. (No wonder Latour described the pandemic as a dress rehearsal to the climate battle ahead, an instance of double epochal redoubling where nature serves as the fulcrum of futurology, for better or worse). Nature recovery, however, reflects a paternalistic discourse that rationalizes sexist attributes around the epistemic framing of nature and society: the feminine character of nature, on the one hand, and the masculinity of social and political custodianship of her welfare, on the other hand. Moreover, the pandemic will likely be around for an indefinite period, a projected 10-year horizon at the minimum,<sup>77</sup> clutching on the transitory human movement towards a posthumanist interiorization of organology. It will either prolong the ongoing phase shift of today's organology or hasten its completion towards an unprecedented timescale, not to mention the impending climate catastrophe that may no longer be reversed. In this sense, the entire planet becomes one geocybernetic experiment that feeds on the posthumanist break.

Here we can only hope the amateur (and the worker) will sustain a mode of individuation premised on the vital function of play (*yes, play!*), at the point where the critical subject becomes overwhelmed by the functional sovereignty of the future archive. At the height of the bourgeoisification of creativity and the consumerism of our age, calculation becomes the rulebook "aiming to realize an 'investment' that partakes of nothing of the aesthetic."<sup>78</sup> Today the figure of the critic exemplifies calculation, he who has so much *interest* in investing in the system having nothing else to analyze. (Today, this system situates his interest in a post-planetary configuration, which, nonetheless, conceals the changing dynamics of class conflicts but will not vanish even in a Martian colony unless capitalism is dead in the next decade).

Nevertheless, there is a form of investment that takes part in "the current stage of grammatization"<sup>79</sup> with as much interest as "love" through "the amateur ... the figure of desire par excellence: the one who loves."<sup>80</sup> She is more interested in becoming rather than being, in desire rather than accomplishment, in sharing instead of possession. The amateur invests in

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<sup>77</sup> The British Academy projects a 10-year horizon for the long-term impact of COVID-19. See The British Academy, "The COVID Decade: understanding the long-term impacts of COVID-19," in *The British Academy* (2021), <<https://www.thebritishacademy.ac.uk/publications/covid-decade-understanding-the-long-term-societal-impacts-of-covid-19>>.

<sup>78</sup> Stiegler, "The Quarrel of the Amateurs," 36.

<sup>79</sup> *Ibid.*, 50.

<sup>80</sup> Stiegler, "Kant, Art, and Time," 32.

protentional technicity, not as a norm for the future, rather as a condition of play, of transindividuation. Play filters experience by creating broader opportunities for thinking and desiring, without the burden of competing for *accomplishments*, a scalable idea, a concept, or a publishable *summum bonum*. Rather, her task is “to assemble a public,” a community of lovers, “within the very feeling of the necessary default,”<sup>81</sup> that is to say, in the absence of ground or origin except as being oneself-with-others. Algorithmic governmentality seizes this condition of existence from the once unformatted manifold, a democratic and accepting environment, a consensus-based human-inhuman ecology.

Suppose, indeed, the pandemic has worsened the ongoing grammatization of the species through intensified algorithmic governmentality. With COVID-19, we see a pattern of how viruses that have their own consistency can disrupt the linearity of the anthropological break. Arguably, posthumanism requires viral explosions, preferably of the COVID-19 magnitude, if not more precarious forms of organic encounter with technical life, in a word, *contingency*. Contingency secures the process of completing the collective history of humanity and automation in a final system of organology from becoming as rigidly linear as its unhampered acceleration towards irreversible entropy. The posthumanist break even requires extinction as the *imagined* totality of the complete absence of the conditions for the apocalypse, for *dis*-covery in its most aleatory sense. Enough for a state of anguish to *prevail* out of the experience of loss of meaning and purpose, even the conditions for critique, threatening to destroy with finality the general plasticity qua “infidelity” of the pharmacology of Spirit.

But even this existential predicament can maximize its obverse side, which is the prospect of play. Counter-intuitively, the “impossibility of critique” or the impossibility of pre-empting the future archive can be playfully “cultivated” (against contemplative but in light of present-day technical grammatization empty conceptual investments) to accomplish an “improbable possibility instead,”<sup>82</sup> to frustrate the linearity of non-critique. This linearity points to the scenario of no exit from the end’s certainty since no one is supposed to be ungovernable by hyper-technical grammatization in the postmodern age. In this light, play amounts to “making a decision”—to make the certainty of the future, the archive’s totality a “valued part” of organology’s *incomplete* history.<sup>83</sup> Play makes this incompleteness a cherished

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<sup>81</sup> *Ibid.*, 33.

<sup>82</sup> Stiegler, *Neganthropocene*, 234.

<sup>83</sup> Cf. Stiegler, “Kant, Art, and Time,” 33.



segment of history. In the manner of Nietzsche and Kafka, play pre-empts history to complete itself.<sup>84</sup> Play hacks history's codes to become uncodable.

Lastly, instead of the sage, the professional critic of the future archive, or what Bolaños recently termed the "mad professor,"<sup>85</sup> play has a way of making the *impossible* find its true grounding, its *improbable possibility*, in the loving embrace of the amateur; she who invests in becomings as much as in desiring randomness, and not the predictable results of in-dividuating: becoming-animal, becoming-plant, becoming-mineral.<sup>86</sup> The amateur: she is the hacker of joy's desire, the desire for imperfection which lies at the heart of her negativity, above all, her capacity for love, the default feeling of shared community, desiring no attribute to complete, no extension to hunt or chase. She is an inverted Spinoza! (if I may). This explains, as Stiegler asserts, the amorous infidelity of her capable fiction of the Spirit:

[W]ithout this fiction there would be no desire. What I love I love without limit, without condition: I cannot love it other than in a manner that is (phantasmatically) unlimited. That which I love and those whom I love, you, that is, us insofar as we are capable of forming a *we*—all this I love, and I love it (and I love you) infinitely. I love to the infinite. I love only to the infinite, as one says, "to the infinitive." Without which no we is possible.<sup>87</sup>

*Department of Philosophy and Humanities  
Polytechnic University of the Philippines*

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<sup>84</sup> See Gilles Deleuze, *Desert Islands and Other Texts (1953–1974)* (New York: Semiotext(e), 2004), 254.

<sup>85</sup> See Paolo Bolaños, "The Mad Professor," in *Kritike: Metaporika Denkbild*, (2021).

<sup>86</sup> Cf. Felix Guattari, "Becoming Woman," in *Chaosophy*, trans. by David L. Sweet, Jarred Becker, and Taylor Adkins (Los Angeles, California: Semiotext(e), 2009), 230.

<sup>87</sup> Bernard Stiegler, *Acting Out*, trans. by Daniel Barison, Daniel Ross, and Patrick Crogan (Stanford, California: Stanford University Press, 2009), 47.

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Article

## Cybernetics and Simulacra: The Hyperreality of Augmented Reality Games

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**Rhoderick V. Nuncio**  
**Johannah Mari B. Felicilda**

**Abstract:** The paper explores and critically interrogates the proliferation of online games as showcased in the rise of augmented reality (AR) games such as *Harry Potter: Wizards Unite* and the like using the concepts of “cybernetics” and “simulacra.” These are two powerful notions evident in contemporary times that when combined can be used to unmask the inner workings of AR games and to critique 21<sup>st</sup> century’s overdependency on and overdetermination of technology. The first task of the paper is to analytically decode AR game using the idea of cybernetics and John Cormack’s creative ecosystem. Side by side this immanent exposition is the unmasking of such creative ecosystem that brings to light Jean Baudrillard’s idea of hyperreality. The second task is to critically examine the philosophical underpinnings of AR that reiterates a transcendent critique by showing its implications and significations towards understanding the heterogeneity of human and machine interplay within the context of digital capitalism.

**Keywords:** cybernetics, simulacra, Jean Baudrillard, augmented reality games, digital capitalism

*By the late twentieth century, our time, a mythic time, we are all chimeras, theorized and fabricated hybrids of machine and organism; in short, we are cyborgs. The cyborg is our ontology; it gives us our politics. The cyborg is a condensed image of both imagination and material reality, the two joined centers structuring any possibility of historical transformation.*

- Donna Haraway<sup>1</sup>

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<sup>1</sup> “A Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century,” in *Simians, Cyborgs and Women: The Reinvention of Nature* (New York: Routledge, 1991), 149–81.

The 21<sup>st</sup> century is more likely this: we engage in visual consumption, and we are entering a new paradigm of virtual reality of human-machine blended interactions. The visual has the power to become virtual or hyperreal as what it is now through graphic designs, 3D and 4D digital arts, algorithmic computer art, photo-video filtered and edited effects, immersive games, and augmented reality (AR) environments. Undeniably, the proliferation of images, copies of the images and simulations through virtual and AR interface embedded in online games captured, displayed, and executed in many digital platforms has reconstituted how we understand ourselves and our daily reality in the age of information and communication technology. It nonetheless poses a rethinking of sort to situate our position whether our encounter with these simulations and simulacra in a Baudrillardian sense are enacting a new world order ushered in by the Fourth Industrial Revolution or the rise of digital capitalism.

In situating the claim using immanent analysis and critique of AR, an illustrative sample is then presented by probing the cybernetic functions of AR games, which in this case centers on *Harry Potter: Wizards Unite*. In doing so, a descriptive analysis becomes imperative using Jon McCormack's creative ecosystem model<sup>2</sup> to unearth the narrative code of the game. Then, a critique is presented using Jean Baudrillard's semio-linguistic theory to expose the transition of the narrative code as the ideological code enmeshed with the rhetoric of digital age. This paper also aims to inquire on the philosophical import and underpinnings of AR as an encompassing notion in understanding online games and the rise of digital capitalism. A critical interrogation shall focus on analyzing the present condition as postmodern tendencies reminiscent of late capitalism that allows the propagation and dominance of digital capitalism.

## Defining Cybernetics and Augmented Reality Games

Before we proceed to understanding the inner workings of AR games using *Harry Potter: Wizards Unite* (henceforth, *Wizards Unite*) as our specimen for analysis, let us be clear first by what we mean by cybernetics and AR in this context.

Cybernetics is an amalgam of theories on system flow, control of information and communication as Norbert Wiener,<sup>3</sup> an American mathematician and philosopher, explicates the study of how organic, human, machine and information build analogous system of feedback and self-organization. Cybernetics—coined from the Greek word for “steersman,”

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<sup>2</sup> Jon McCormack, “Creative Ecosystems,” in *Computers and Creativity*, 51 (1998).

<sup>3</sup> See Norbert Wiener, *Cybernetics: Or, Control and Communication in the Animal and the Machine*, 2nd ed. (Cambridge: The MIT Press, 2019).



signaled three powerful actors: information, control, and communication—now operate jointly to bring about unprecedented synthesis of the organic and the mechanic.<sup>4</sup> The point of this definition of relationship maintains that there is a continuity of these two modes of contact between the organic and mechanic or man and machine within one loop of engagement. Hence, the relationship between computers and humans is the basic example of cybernetics. Simply put, cybernetic is a closed system by which human-machine interaction takes place. Machines become an extended apparatus of humans to perform certain tasks like in manufacturing cars using assembly-line machinery, in operating patients using medical equipment, and in exploring the cosmos using the Hubble telescope, to name a few. The next level of cybernetic interaction is the “blending” of human-machine encounter. This is where AR games or its variations come in. Wiener explains that cybernetics blurs the distinction between animate/inanimate, man/machine.<sup>5</sup> Henceforth, this is not just simply an extension of the limbs and body parts of human beings with the help of machines, software, and devices to do difficult and complex tasks. A “digital environment” is embedded to alter or situate the perception of humans within a feedback loop system designed in simulated environments just in the case of AR games. This digital environment is interpreted here as the creative ecosystem of the cybernetic relationship between online players (human agency) and the machine (device, gadget) for online games.

In this context, it is paramount to discuss the nature of AR, specifically AR games. AR is part of an entire gamut of extended reality technology (XR)<sup>6</sup>, which refers to all combined real-and-virtual environments and human-machine interactions generated by computer technology and wearables. Under this umbrella term of XR, we have AR, virtual reality (VR), and mixed reality (MR), each of which offers varying degrees of experiencing the virtual world. Through VR technology, the user is introduced to a completely computer-simulated reality which can be accessed with the use of VR headsets (e.g., Oculus Rift, Oculus Quest, HTC Vive Cosmos). The ideal VR experience takes over the five senses of the user to fully immerse them within the created imaginary world. Although most VR applications focus on engaging the user through realistic visuals and sounds. The user is also able to interact with the objects and people within the virtual world using hand-held consoles. If VR and AR are polar opposites, MR can be considered as its

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<sup>4</sup> Katherine Hayles, *How We Became Posthuman: Virtual Bodies in Cybernetics, Literature, and Informatics* (Chicago: University of Chicago Press, 1999), 8.

<sup>5</sup> *Ibid.*, 84.

<sup>6</sup> North of 41, “What Really Is the Difference between AR / MR / VR / XR?,” in *Medium* (20 March 2018), <<https://medium.com/@northof41/what-really-is-the-difference-between-ar-mr-vr-xr-35bed1da1a4e>>.

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meeting point. MR is sometimes referred to as hybrid reality because it is the merging of real and virtual worlds to produce new environments and visualizations where physical and digital objects coexist and interact in real time.<sup>1</sup> MR technology superimposes virtual elements onto real objects and allows the user to interact with them in real time. This can be experienced through specialized MR headsets (e.g., Microsoft HoloLens).

AR games, such as *Wizards Unite*, offers the user an enhanced version of the real world. AR technology is a live, direct, or indirect view of a physical, real-world environment whose elements are augmented (or supplemented) by computer-generated sensory input such as sound, video, graphics, or GPS data.<sup>7</sup> Compared to other XR technology, AR is the most accessible because the most popular medium used by developers are smart phones. By using phone cameras, we become privy to various experiences and elements unseen through the naked eye.

The succeeding discussion of *Wizards Unite* is premised on Jon McCormack's creative ecosystem as the underlying cybernetic presuppositions regarding player and game interaction or human-machine interplay.

### **The Cybernetic Simulacra of *Harry Potter: Wizards Unite***

A closer analysis must lay down first the idea of simulations and simulacra. Jean Baudrillard proclaims the precession of simulacra in which the notion that models, images, maps, or pictures precede "reality" or reference to a reality as the significant characteristic when we situate this analysis within the context of AR games.

Abstraction today is no longer that of the map, the double, the mirror or the concept. Simulation is no longer that of a territory, a referential being or a substance. It is the generation by models of a real without origin or reality: a hyperreal. The territory no longer precedes the map, nor survives it. Henceforth, it is the map that precedes the territory - precession of simulacra....<sup>8</sup>

As mentioned earlier, compared to other XR technology, AR is the most accessible because the most popular medium used by developers are smart phones. Our phone cameras allow us to experiences elements unseen

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<sup>7</sup> *Ibid.*

<sup>8</sup> Jean Baudrillard, "Simulacra and Simulations," in *Jean Baudrillard: Selected Writings*, ed. by Mark Poster (Stanford; Stanford University Press, 1988).

by the naked eye. AR gaming is a simulation in that it situates an ambiguous experience by placing the user in a world in limbo, neither entirely virtual nor real, and neither fully connected nor disconnected. The user also assumes a character or a persona while playing the game—an upgraded version of themselves, so to speak. Typically, in online gaming, the user subverts their physical environment for the game requires their undivided attention. Their eyes are glued to the screen because it is their only access to that virtual world. Once you connect to the internet, you become disconnected to the real world. However, in AR gaming, it actively reminds you that you are traversing the real world, albeit enhanced by the technology you are holding in your hand. It is true that you cannot play without being connected to the internet but at the same time you also cannot play without being “disconnected” to explore the real world.

This in-between state that requires both technology and human ingenuity can be described as a *creative ecosystem* in which dynamic components interact with the environment. In the context of AR gaming, the virtual elements are superimposed into and influenced by real-world terrains. This cybernetic interaction, mimics a biological ecosystem in the following sense:

In the broadest terms, the modern concept of an ecosystem suggests a community of connected, but disparate components interacting within an environment. This interaction involves dependency relationships leading to feedback loops of causality. The ecosystem has the ability to self-organise, to dynamically change and adapt in the face of perturbation. It has redundancy and the ability to self-repair.<sup>9</sup>

From this definition of a biological ecosystem, McCormack identifies seven properties pertinent to a *creative ecosystem model*<sup>10</sup> which will be used in analyzing the cybernetic features of the AR gaming experience through *Wizards Unite*.

First are the “components and their environment” which constitute the ecosystem. In the context of AR gaming, this includes the virtual world of the game (its cast of characters, gameplay, and other similar elements) as well as the real-world environment that it interacts with.

Second is the “dynamic system” which enables the ecosystem to temporarily adapt and change in response to internal and external conditions.

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<sup>9</sup> McCormack, “Creative Ecosystems,” 45.

<sup>10</sup> *Ibid.*, 51.

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This includes the actual gameplay in which the player weighs the rewards and consequences of the challenges within the game.

Third is “self-observation” which provides a link between component action and environment. In relation to the previous property, this includes how the environment affects the player while they are immersed in gaming.

Fourth is “self-modification” which allows a component to adjust its behavior within the system. In gaming, these are measures taken by the player to advance further and more efficiently in the game.

Fifth is “interaction” which means components must interact with each other and their environment to give rise to emergent behaviors of the system as a whole. Gaming as an activity sometimes involves other people, their interaction with each other vis-à-vis the virtual environment adds to the entirety of the experience.

Sixth is “feedback loops” which provides pathways of control, regulation, and modification of the ecosystem. Games are constantly updated by developers guided by their own vision and the demands of their market. Through this, the creative ecosystem evolves and develops.

Finally, seventh is “evolution” which allows long-term change, learning, and adaptation. Much like the actual study of evolution, the changes made in the game can be tracked and its trajectory can be predicted.

### **Components, Environment, and Dynamic System vis-à-vis Hyperreality**

The creative ecosystem is thus not complete without firming up the reason behind the popularity of online games. This ecosystem that refers and builds up the digital environment wherein human-game interface occurs is *hyperreality* itself. At the outset, a dual environment is present—the real vs. the virtual. A player’s social identity is defined by his/her social roles and existential situation. He could be a college student struggling to cope with the recent pandemic. She could be an ordinary teenager, curious about how Harry Potter, her beloved childhood hero, could be played virtually and how playing this game could bring her closer to her friends online. The hyperreal world of the game gives that sense of respite or refuge against the problematic nature of lived existence. Baudrillard critically lays down a player’s point of departure once he/she enters the game:

1. It is the reflection of a basic reality.
2. It masks and perverts a basic reality.
3. It masks the absence of a basic reality.

4. It bears no relation to any reality whatever: it is its own pure simulacrum.<sup>11</sup>

Reflection of basic reality is Baudrillard's idea of representation. We know for a fact that *people* as gamers using different user accounts or gamers posturing as avatars or as Harry Potter's magical characters are real people. In playing *Wizards Unite*, the user is given the chance to become a wizard or a witch. This game, released in 2019, is based on the best-selling series of children's novels of J.K. Rowling. The first task the users do is to don the persona of their character in the game. For *Wizards Unite*, this means becoming a wizard in the Muggle world.<sup>12</sup> Being inconspicuous is needed while playing the game so as not to attract unnecessary attention from the people around you. Becoming a character and merging with this virtual world also means that your objectives are aligned with the game and achieving them bears more weight than it would in the real world. Unbeknownst to us will be the character's/avatar's actual social standing since what we can grasp are their virtual appearances and the objects and powers they possess in the game that signify their rank or level in the game. Genesko succinctly applies Baudrillard's production of differences of personality, which can be applied in the way gamers represent their identity inside the game:

[P]roduction of differences that allegedly allow individuals to be themselves, to have their own style and personality, simultaneously erase singular differences between persons for the sake of replacing them with signs of difference, more and more subtly and minutely defined, in conformity with abstract, artificial models. The consequence is that to be yourself under the terms of consumer society is to be what you are not (that is, they are embedded in a structural theory of value).<sup>13</sup>

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<sup>11</sup> Baudrillard, "Simulacra and Simulations."

<sup>12</sup> In the story of Harry Potter, the Muggle world is the nonmagical world.

<sup>13</sup> Gary Genesko, "Jean Baudrillard's Contributions to Semiotic and Structural Studies," in *International Journal of Baudrillard Studies*, 4 (2007).



Figure 1. Screenshot of the game interface of Wizards Unite.

This structural theory of value is intertwined with the signification that imbues simulation of differences of characters depending on how you play the game and how you accomplish the tasks to achieve certain levels of hierarchy. AR adventure games can be thought of as actual adventures because it involves actual exploration and consecutive challenges. To advance in the game, you must walk around and explore your surroundings. You find yourself going to places that you have never been to before because there is an object that you want to collect or an adversary you wish to defeat. The fact that physical effort needs to be exerted to accomplish tasks and challenges makes the achievement more tangible. As your energy depletes in the game, so it also does in real life. With every success, you feel more empowered and convinced that you can advance, motivating you to keep playing.

Similarly, this represents how people in actual or real society move up the social or organizational ladder. Competition or beating others out as you perform takes a similar turn in all online games. All games point to a basic reality of a competition that is waged against an enemy or a challenge to be accomplished. Furthermore, the game is replete with references to castles, suitcases, herbs, ingredients, objects, animals, and the like that correspond or resemble one way or the other actual referents. The general interface of the game is fairly simple with its blank map aesthetic, quite similar to a GPS interface (Figure 1). This is strategic: considering that you must walk through the streets to advance in the game, it would be very dangerous for you to be distracted by the visuals on your phone. Hence, the interface allows users to focus on their actual surroundings, especially if it is crowded and there are vehicles passing by. Additionally, when you open the app on your phone, you are greeted with a warning to be always wary of your surroundings. Similar pop-up messages come by occasionally, as you are playing the game (Figure 2).





Figure 2. Warning pop-ups in Wizards Unite.

In exploring the game, you may also visit Inns, Greenhouses, and other landmarks.<sup>14</sup> In order to emphasize the theme of “hidden magic,” the game’s map mirrors landmarks in real life (Figure 3). Gardens and plant vendors in the real world are Greenhouses; hotels and restaurants are Inns. This reflection of “basic” reality is the springboard for online game engagement, which in a way will shift toward subverting such basic reality into a code—a signification of multiple signs—that rests on the game’s narrative.

This brings us to Baudrillard’s second characteristic that hyperreality masks and perverts basic reality. This reality rests on a fantastical narrative, which is the crux of the game that pivots on slaying or defeating supernatural beings with immense magical powers and situating the entire virtual experience in a simulated environment like an enchanted forest, alien planets, otherworldly dimensions, and the like. Hence, it is a general code that purports acceptance and obedience, in short, a suspended disbelief. Baudrillard proclaims that the “collective function of advertising is to convert us all to the code.”<sup>15</sup> In a simulated way, this is the

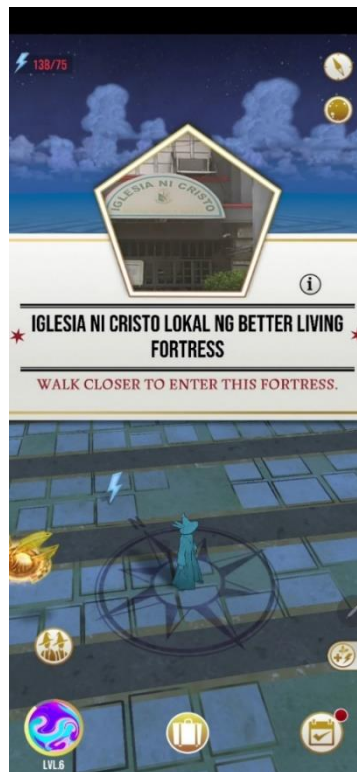


Figure 3. Screenshot of a real-life landmark found in Wizards Unite.

<sup>14</sup> The Inns provide food which would replenish your energy. The Greenhouses provide potion ingredients.

<sup>15</sup> Jean Baudrillard, “System of Objects,” in *Jean Baudrillard: Selected Writings*, ed. by Mark Poster (California: Stanford University Press, 1988), 19.



narrative code of the game and the “advertising” which Baudrillard calls forth as an enticement to provoke nostalgic feeling of mass culture that can be embedded from books and films to graphic novels enculturated as a game. Advertising then becomes a pre-game scenario, but in totality (as the game points to a constellation of signs as fiction, fantasy, and as product of previous successes of mass culture industry) an advertisement then becomes magically transformed as the game itself. Fiction as it is (i.e., Harry Potter as a book series<sup>16</sup> and as a blockbuster cult movie), the transition and transmission of such into a digital edition as AR games is an important aspect of the lure of the narrative as code. The pages of fiction are filled with daring adventures into far-off lands or distant timelines that introduce us to unfamiliar places and creatures. These books fueled our imagination and revved our desire to become like the heroes we have come to love. In children, these dreams were encouraged and admired but all at once shattered at the eve of puberty. However, these desires do not simply vanish but merely tucked away and unearthed given the opportunity to indulge in its fruition. These wild childhood dreams were unreachable until recent technological advances made it possible through the creation of simulations or virtual worlds, like in AR games. Baudrillard then highlights these acts of codification and recodification (from books and films to online games) to strengthen his arguments about consumption as the “virtual totality of all objects and messages presently constituted in a more or less coherent discourse. Consumption, in so far as it is meaningful, is a systematic act of the manipulation of signs.”<sup>17</sup>

Into the realm of the game, the narrative starts off with a mysterious event called “The Calamity” that has caused various magical artefacts, creatures, people, and even memories to appear in the Muggle world. This threatens the secrecy of the Wizarding World which is something the player must protect. The player is tasked by Hermione Granger, who is now head of the Statute of Secrecy Task Force, to search for “Foundables” on behalf of the Ministry of Magic. The objective of the game is to find these objects and release them from their Confoundable Charms. More information is revealed about the cause of The Calamity with every Foundable collected. Thus, we see here the conversion pattern of objects in the game as the manipulation of signs through masking and perversion of meanings of objects as without or devoid of reference. Because the third aspect of hyperreality in a Baudrillardian sense is the absence of a basic reality, the only reality that is given is the narrative code of the game – which urges players to play it! The game itself becomes the point of departure and announces a suspended

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<sup>16</sup> These novels were a huge part of many of our childhoods. The game continues long after where Rowling left off, years after the death of Voldemort at the Battle at Hogwarts.

<sup>17</sup> Baudrillard, “System of Objects,” 21–22.

disbelief to accept what is perceived, observed, and interacted upon by the players. Hence these relations of objects (visible, manipulatable, and interactive in the game) become meaningful only within the context of the game, within the situatedness of the narrative and within an AR that is in itself a hyperreality.

The conversion of the object to a systematized status of signs entails a concomitant modification in the human relation, which becomes a relation of consumption. That is to say, human relations tend to be consumed (consommer) (in the double sense of the word: to be “fulfilled,” and to be “annulled”) in and through objects, which become the necessary mediation and, rapidly, the substitutive sign, the alibi, of the relation.<sup>18</sup>

How do these relations of objects operate in the game? As mentioned, the game is premised on collecting the Foundables that are threatened to be exposed to the public, i.e., outside the magical world of Harry Potter. In searching for these Foundables, the player must physically walk and explore their immediate environment. Once you find a Foundable, you may release them from their binding by tracing a glyph on your phone (Figure 4). This is the game equivalent of performing magic or using a wand. The more accurate you trace the symbol, the stronger the effect. Your magical prowess also increases as you complete more training, or it can be increased for a limited time by drinking potions. In your search for Foundables, you will also encounter potion ingredients and energy bolts to help you advance. With every Foundable saved, the level of the player increases. Once Level 6 is unlocked, players are asked to choose between three professions: Auror, Professor, and Magizoologist. Each profession has a distinct multilevel Skill Tree the player must unlock. This is done through collecting Spell Books which are rewarded to the player through encounters with magical beings, by leveling up or completing challenges.

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<sup>18</sup> Baudrillard, “System of Objects,” 22.

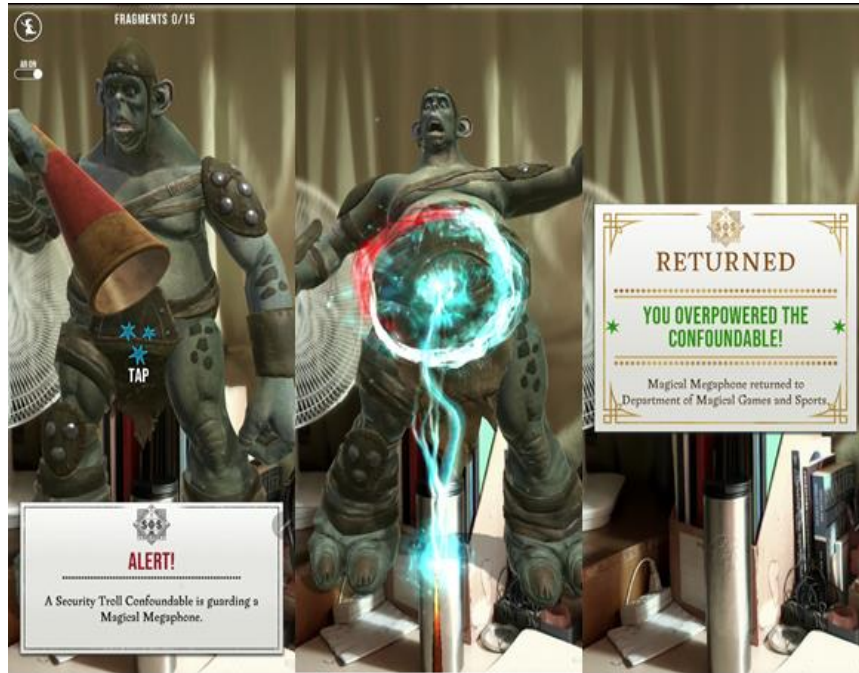


Figure 4. Sample gameplay transitions in *Wizards Unite*.

In games like *Wizards Unite* with an existing expansive lore, many of its users seek familiarity. In this particular game, the developers included memorable characters and events from the books, as well as new storylines that the users might enjoy. However, these are not immediately available to the users at the beginning of the game. The objects must be encountered and saved multiple times before it can even be included in the Registry.<sup>19</sup> The player would then keep playing to unlock these objects, people, and stories. These interrelationships within the sign systems of the game constitute not the consumption of the objects-signs (Foundables, potions, wizards, spell books, etc.) but the consumption of relation itself invoking cybernetic loop of players and the game itself. This is where addiction to online games can be theoretically drawn. A player does not stop unless he/she completes the game. The game does not end unless human participants are completely immersed in the game. These two concomitant prerequisites echo the rationale why online or AR games are created or produced in the first place.

We can see that what is consumed are not objects but the relation itself—signified and absent, included and excluded at the same time—it is the idea of the relation that is consumed in the series of objects which manifests

<sup>19</sup> The Registry is an inventory of all the Foundables collected in the game.

it. This is no longer a lived relation: it is abstracted and annulled in an object-sign where it is consumed. At all levels, the status of the relation/object is orchestrated by the order of production...In order to be integrated it must be "personalized."<sup>20</sup>

### **Self-Observation, Self-Modification, and Interaction: Cyborg and Digital Clone**

The aim of a dynamic system of the game is conformity with the simulacrum. And this is encoded in three ways: (1) It is no more arbitrary than any other code. (2) The code is a form of socialization. (3) The code establishes, for the first time in history, a universal system of signs and interpretation.<sup>21</sup>

The first one is the normalizing effects of online games as simulacrum, and this works seamlessly through the immersive power of online games. Immersion is vital in establishing flow in a user's experience. Flow is the holistic sensation of being fully immersed in an activity and enjoying the experience in the process.<sup>22</sup> In order for flow to be established the user must willingly accept the premise and embrace the challenges of the game, a highly subjective experience that developers cannot fully predict.<sup>23</sup> As such Baudrillard argues, "in order to become object of consumption, the object must become sign..."<sup>24</sup> In a way, the player is the object of consumption, and he/she is therefore must be transformed as a sign.

The initial reference of the self in the real world is part of this transformation and normalization. The reason why users are immersed in a game would depend on their own idiosyncrasies, and the influence of their contexts such as their pre-existing conditions and personal traits. Thus, immersion cannot be measured in terms of the media design or the intention of manufacturers; it is a subjective experience that can be measured only by the users.<sup>25</sup> Immersion is internalized in the user. The game merely aids the imagination of the user; it does not dictate it. Accepting the context of the game and immersing yourself within in it is a conscious decision of the user.

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<sup>20</sup> Baudrillard, "System of Objects," 22.

<sup>21</sup> *Ibid.*, 19–20.

<sup>22</sup> Chun-Hsiung Lee, Hsiu-Sen Chiang, and Kuo-Lun Hsiao, "What Drives Stickiness in Location-Based AR Games? An Examination of Flow and Satisfaction," in *Telematics and Informatics*, 35 (2018).

<sup>23</sup> Donghee Shin, "How Does Immersion Work in Augmented Reality Games? A User-Centric View of Immersion and Engagement," in *Information, Communication & Society*, 22 (2019): 1212–29, <https://doi.org/10.1080/1369118X.2017.1411519>.

<sup>24</sup> Baudrillard, "System of Objects," 20.

<sup>25</sup> Shin, "How Does Immersion Work in Augmented Reality Games?," 1213.

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To do this, the user creates or reconstructs a hybrid reality within themselves that accepts their own disposition and weaves it into the context of the game which extends into the real world as well.

The experience of being immersed in this creative ecosystem is modified by the internal conditions of the player, particularly their sense of imagination which enhances the simple graphics of the game. Furthermore, as the player unlocks more parts of the map, the ecosystem continues to grow. As the player's level increases and the map expands, the challenges become harder, and the enemies become more difficult to defeat. This dynamic system ensures that the game thrives. Towards this symbiotic process, the second reference of the self is its erasure. Signified as a player but absent as a being, which means his/her entire social being is not a referent or existing *per se* when immersion goes deeper in the digital experience. The player assumes a simulacrum. This is the fourth condition of hyperreality. The narrative code, the series of virtual objects in the game, the entire simulation of a digital environment are no longer lived relation but rather a simulacrum of the player's "digital presence" in the object-sign interplay. Personalization (digital presence, characterization, embeddedness in the narrative), therefore, is one's being and becoming rolled up in a singularity that is to be consumed and be consummated by the game. A simulacrum is only viable and feasible within the perceptive and immersive involvement of human beings integrated in the cybernetic loop and placed within the relations of objects-signs of the game. Without this component, hyperreality is nil.

Self-observation is the process by which players perceive their digital self onto the screen—into the hyperreality of the game—and at the same time, perform and function by assuming a digital self as virtually existent. This digital copy of the self is not independent nor self-reflective (like an automaton or a robot that has its own consciousness) apart from the "real" person acting as the player. It passes through a process of self-modification from "real" to "virtual" as explained above through digital personalization and embeddedness in the narrative code of the game. However, in its systematic and systemic flow from real to virtual and vice versa (when one unplugs from the game) we can derive how the self is transformed and normalized as a "cyborg" within the context of player-game or human-machine interaction.

A cyborg, as defined by Donna Haraway, is a human-machine hybrid whose complexity and fluidity blurs and therefore challenges the essentialist dichotomies that limit our reality and existence. In this context, the user is a cyborg in the sense that their gadgets become an extension of their being which enables them to interact with a virtual world that augments their interpretation of reality. Therefore, in this context, the cyborg in the creative ecosystem also challenges the dichotomy between the virtual and the real.

Games are simulations because it obscures reality by immersing the individual in an imaginary or hyperreal environment. It is a manufactured world accessible only through technology and therefore, a virtual reality. However, in this context, the gamer is not a passive conduit of information that suspends their own agency when inside the virtual world. If we think of the individual as a cyborg in a symbiotic relationship with its creative ecosystem, in which their existence and continuity is dependent on each other, the line between virtual and real becomes blurred. It is true the virtual world is a pre-authored space, but the telepresence of the unique subject position of the gamer interpreting and interacting with the game parameters creates a novel experience — a unique cyber-reality.<sup>26</sup> This cyber-reality is only possible through the active interaction and participation of the cyborg with the creative ecosystem. In other words, human agency and imagination is needed. The gamer/cyborg creates meaning and significations within the virtual world and enhances their own in the process, resulting in a creative ecosystem that is an amalgamation of the virtual and the real. It is not an illusion or a distorted reality but rather an enhanced version of it. Thus, as a matter of perspective from the observer's point of view, a cyborg is inherently signified to refer to being as a closure of duality (real-virtual self). But what about the "digital self" conceived as it is and interpreted within the context of its digital environment?

Baudrillard has his own interpretation about the "double" in his discourse about "cloning" which we can use to equate it with the digital self. This idea of the double is conjured as a phantasm:

[T]he imaginary power and wealth of the double - the one in which the strangeness and at the same time the intimacy of the subject to itself are played out...rests on its immateriality, on the fact that it is and remains a phantasm. Everyone can dream, and must have dreamed his whole life, of a perfect duplication or multiplication of his being, but such copies only have the power of dreams, and are destroyed when one attempts to force the dream into the real.<sup>27</sup>

Indeed, the double of the self in the way it is constructed is an offshoot of one's imagination and fantasy. In the digital world every aspect of our biology, appearance, and identity can be made better or more

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<sup>26</sup> David Owen, "Cyber Narrative and the Gaming Cyborg," *Journal of Gaming & Virtual Worlds*, 6 (2014), 210.

<sup>27</sup> Jean Baudrillard, "Clone Story," in *Simulacra and Simulation*, trans. by Sheila Faria Glaser (University of Michigan Press, 1995), 95.



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sophisticated than in our physical state. In fact, what is lacking in our physiological attributes can be visible in our digital self. It becomes therefore a realization of one's dream—to be beautiful, strong, and powerful. This imaginative reality of the digital self is the existential lack, the direct opposite of what and who we are in the real world. Thus, there is this aspiration to clone oneself or to have digital duplicate that is made possible in cyber-reality.

This is what happens to us with cloning, no longer only at the level of messages, but at the level of individuals. In fact, this is what happens to the body when it ceases to be conceived as anything but a message, as a stockpile of information and of messages, as fodder for data processing .... There is a precession of reproduction over production, a precession of the genetic model over all possible bodies. It is the irruption of technology that controls this reversal, of a technology...in its total consequences, as a total medium ....<sup>28</sup>

This technology being referred here is the cybernetic nature of online games. It generates reproduction of digital selves interacting in multiplayer games. This is the code entering socialization. Interaction in the creative ecosystem as hyperreality contributes to cloning a "perfect" player to will for perfection. A player will never complete the game if his/her digital self does not possess those qualities of strength, wit, and endurance. The aesthetic projection is always positive and must aim toward perfection. Otherwise, a player loses the game. Online games as cybernetic constructs are competitive in nature. Dedicated players use whatever means necessary to advance faster and further than their competitors. In the case of *Wizards Unite*, inter-player interaction within the game is limited but there is an expansive story line and Skills Tree the player must unlock which requires lengthy hours of gameplay. To bypass the time and distance requirement of the game, a player may buy coins using real money. These coins could also be used to increase energy levels which would make replenishing it faster. Hence, the will for perfection is driven by consumption through the monetization of the game. In most of the games, purchasing gems or power icons is an absolute necessity to compete, win, and gain recognition.

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<sup>28</sup> *Ibid.*, 98.



## Feedback Loop and Evolution of the Game

To keep the interest of their patrons, the developers periodically update the game to fix bug issues, offer seasonal challenges, extend the story line, and add new Foundables and adversaries. These updates provide more avenues for the player to advance in the game. For example, they host Community Days in which there are special tasks and rewards to encourage players to play during synchronously. There are also highlight events that focus on a specific type of Foundable or a specific point in the story line. Upgrades and updates in the game are quite limited as well. There are no new skills to be unlocked or potions to be made. There are only new tasks to be accomplished and Foundables to be collected. There are also hardly any changes in gameplay which eventually made users lose interest in the game.

The game has sufficiently replicated the Wizarding World of J.K. Rowling; however, it still leaves much to be desired. As was stated before, AR gaming relies more on the users for the completion of the experience rather than its technological prowess. The graphics of the game are well illustrated but the “magic” truly happens in the imagination of the user. For someone who has in-depth knowledge of the Harry Potter series, you would find yourself drawing from memory to elevate the experience of playing the game. Much of what motivates players to continue playing the game, despite its tiring gameplay, is nostalgia. Therefore, it is the users’ imagination aided by the virtual world of the game and driven by nostalgia that completes the gaming experience and immerses the player further into the game. However, considering that the game offers a different storyline and setting than what their target demographic was expecting, they failed to sustain the hype of the game. This resulted in its impending closure. The game will no longer be offered by the end of January 2022. Part of the demise of the game is that there is hardly any improvements or changes in the actual gameplay; every update was more of the same thing. There was limited interaction between players despite the clamor for the inclusion of a Dueling aspect. Because of this, the motivation and interest of the user eventually wavered because there is no one to share the experience with. For creative ecosystems to thrive, the components must continuously interact and evolve. In the context of AR games, the player is the most important component because the virtual world of the game expands every gaming session. If the player is not satisfied with how the game is developed and eventually stops playing, the creative ecosystem of the game dies. This shows that the human aspect in a cybernetic relationship trumps the technological dimension no matter how advanced the latter is.

The very nature of online games is contingent as commodity-sign. It is a signification that has no fixed signifier and signified unlike in other

commodities. Material products are tangible and accessible as long as these are available in the market. Once the products are out-of-stock, manufacturers can reproduce and resell it continuously for public consumption. The underlying rationale is production based on human needs. Products have use-value and exchange-value intact upon production and consumption. Thus, for example, if we purchase a bicycle it is based on our practical need to use it for transportation. Its exchange value is the price we need to pay in order to acquire it. For Baudrillard, this is reversed:

The point is that...the consumption of a commodity in general, is not consumption based upon a need, which in Marx is formalized as the Use-value. It is a consumption of what it signifies and how the consumer consuming the sign is integrated within the system. This is why, in the anticipation of communication as an important perspective in analyzing society, Baudrillard necessitates this inversion of priority, from the original conception of Marx on production to consumption.<sup>29</sup>

This inversion of consumption over production is necessary for us to place the intangibility of commodity-sign as the reason why online games are exhaustible yet reproducible endlessly within the economic loop of digital capitalism. For Baudrillard, the sign-value or the commodity-sign reverses or reduces use-value. We consume something not on a basis of need but because of the superimposing ideology<sup>30</sup> of the times—the rise of digital capitalism. We are then forced to accept and obey how history and society are being transformed toward this direction. This new system albeit coexisting with modern capitalism is the ideological code for the profusion and proliferation of various digital commodities in the real world.

### **Rise of Digital Capitalism: Society of Hyperreality**

Baudrillard may have predicted the rise of advanced capitalism that is grounded on his theory of the simulacra. At the outset, there are devices or gadgets that make possible the reproduction of simulacrum or hyperreality. The internet for example is an inter-networking of computers and servers around the globe that gave birth to cyberspace. Likewise, through our personal computers or smartphones which are connected via the internet, multitudes of virtual operations give rise to a new reality—an “electronic”

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<sup>29</sup> Daryl Y. Mendoza, “Commodity, Sign, and Spectacle: Retracing Baudrillard’s Hyperreality,” in *Kritike*, 4 (2010), 49.

<sup>30</sup> *Ibid.*, 52.

reality. Throughout the emergence of computing technology, the internet and information society, the disruptive arrival and rise of e-commerce, e-learning, e-sports, online banking, online gaming, social media, cloud computing, video streaming, and bitcoin have captivated multitudes of digital consumers who usher in a new world order. These technological breakthroughs in a way augment the very fabric of societal processes and human development. We can therefore say that we are living in the age of AR as hyperreality itself.<sup>31</sup>

In its contextual definition within online gaming parlance as explained in the preliminary part of the paper, AR refers to “a system that enhances the real world by superimposing computer-generated information on top of it.”<sup>32</sup> As such, to proceed philosophically, we shall decontextualize the concept of AR then recontextualize it within the immanent and transcendent significations initially laid out in the preceding part. First, let’s dissociate the two terms “augmented” and “reality.” Etymologically, the word “augmented” or “augment” comes from the Latin term *augere* which means “to increase, make big, enlarge, enrich.” Reality in this case is a complex and complicated concept in philosophy but for etymological purposes, the root word “real” comes from the Latin term *realis* which means actual and from old French *reel* as real and actual. Thus, in our context, reality is that which something that exists empirically and physically. This means that reality refers to objects and entities that are apprehended by our sense-perception (hedonistically) and to a larger extent the dissipation of abstractions and criticality that are contemplated through and by pure thought (nihilistically). In this respect, it should be noted that what we are referring here as reality is the “material world,” which has a Marxist overtone as this shall be elaborated in the succeeding section. Thus, if we philosophize the use of AR semantically, it means an enlarged and enriched version of our material world through information and communication technologies. This augmented version is not simply and should not be taken as relating to magnify or deepen our existential experiences with our reality but rather provides a paradigm that veers away from it. Enlarged version of the material world is inculcating in our minds the globality of technological experience through the internet and digital platforms. Such buzzwords as borderless world, information superhighway, network society, globalization, and the like have depicted a world larger than our locality and identity. Heralding cosmopolitanism and global citizenship becomes the norm spread nowadays.

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<sup>31</sup> This reverberates a proclamation that we live now in hyperreality. See Kian Bakhtiari, “Welcome To Hyperreality: Where The Physical And Virtual Worlds Converge,” in *Forbes* (30 December 2020), <<https://www.forbes.com/sites/kianbakhtiari/2021/12/30/welcome-to-hyperreality-where-the-physical-and-virtual-worlds-converge/?sh=61e57f665028>>.

<sup>32</sup> “Augmented Reality,” in *Encyclopedia of Multimedia*, ed. by Borko Furht (Boston: Springer, 2006), <[https://link.springer.com/referenceworkentry/10.1007%2F0-387-30038-4\\_10](https://link.springer.com/referenceworkentry/10.1007%2F0-387-30038-4_10)>.

Furthermore, enriched version of the material world expounds these focal exaggerations as a way of saturating our visual field with commodities, signs, and simulations while we gaze upon big traditional and digital billboards around the city and while we engage contents in our smartphones with pop-ups of video and graphic advertisements. AR therefore is a superimposed worldview of social relations on the way we think, live, behave, exist in this contemporary world. Altogether, as Baudrillard argues, we are surrounded by simulations and simulacra as the defining moments of our time.

However, it should be clearly underscored here that digital capitalism, though, reproduces a system of commodified signs still rests on material capitalism. There is a split capitalism similar to a split location of player/being within a social/digital continuum. To better comprehend this, let us use an analogy. On one hand, an immanent critique tries to situate AR games in the intricacies of a dual location—that is, a split recognition that there exists a real and digital environment. The split is a bilocation pertaining to the position of “being” both in his natural/physical/social world and in cyberspace. This being as shown in the descriptive analysis of *Wizards Unite* is the online gamer/player. AR in this context internalizes the possibility and cogency of a cybernetic (or symbiotic) relationship of beings and machines. The meeting point of this duality is the endless or infinite consummation and consumption of the game itself. On the other hand, AR as a transcendent signification encompasses a macrocosmic view that our contemporary conditions must be seen in the light of a dual capitalism. The first one is what we typically associate with “modern capitalism” whereas the second type is what many triumphantly calls as “digital capitalism.” AR in this critical postulation externalizes the legitimacy of “digital reality,” a new metaphysics that foregrounds the rise of Fourth Industrial Revolution (4IR). Cybernetics here takes a new level when a social-digital being is referred to as “cyborg” and that our sense of apprehending reality is encumbered by a new attempt toward a singularity. Each of the digital breakthrough is governed by a capitalistic “ecosystem” because the very foundation of its ontology is an extension of a capitalist neoliberal economic structure.<sup>33</sup> Frederick Jameson recognizes that:

Technology is, however, on the Marxist view the result of the development of capital, rather than some primal cause in its own right. It will therefore be appropriate to distinguish several generations of machine power,

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<sup>33</sup> See Jens Schröter, “The Internet and ‘Frictionless Capitalism,’” in *Marx in the Age of Digital Capitalism*, ed. by Christian Fuchs and Vincent Mosco (Leiden: Brill), 134.

several stages of technological revolution within capital itself.<sup>34</sup>

It must be systemic and systematic with the rise of 4IR, in which with the popularity of the term Internet of Things, or IoT, it describes the relationship between things (products, services, places, etc.) and people that is made possible by connected technologies and various platforms.<sup>35</sup> As this technological worldview becomes dominant the emergence of new terminologies such as artificial intelligence,<sup>36</sup> machine learning,<sup>37</sup> and computer vision<sup>38</sup> that together shape and influence how people interact with digital platforms, computer systems, and internet technologies is becoming apparent. The end goal is to make humans and their various ways of life interconnected with the machine and the internet. Furthermore, these complex interactions underpin a Marxist critique, which articulates that:

“...neither the conditions of production nor the forces of production can be considered the individual cause; rather, the cause is always to be found in their complex interaction. Thus “transnational business,” the growing trend to outsource whole sections of companies, was accelerated or indeed only made possible by the net, itself increasingly incorporated into hegemonic capitalist discourse.”<sup>39</sup>

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<sup>34</sup> Frederick Jameson, *Postmodernism or the Logic of Late Capitalism* (Durham: Duke University Press, 1991).

<sup>35</sup> Klaus Schwab, *The Fourth Industrial Revolution* (Geneva: World Economic Forum, 2016), 22.

<sup>36</sup> Artificial intelligence (AI) refers to the simulation of human intelligence in machines that are programmed to think like humans and mimic their actions. The term may also be applied to any machine that exhibits traits associated with a human mind such as learning and problem-solving. Jake Frankenfield, “How Artificial Intelligence Works,” in *Investopedia*, accessed 17 March 2021, <<https://www.investopedia.com/terms/a/artificial-intelligence-ai.asp>>.

<sup>37</sup> Machine learning is a method of data analysis that automates analytical model building. It is a branch of artificial intelligence based on the idea that systems can learn from data, identify patterns and make decisions with minimal human intervention. “Machine Learning: What It Is and Why It Matters,” accessed 17 March 2021, <[https://www.sas.com/en\\_ph/insights/analytics/machine-learning.html](https://www.sas.com/en_ph/insights/analytics/machine-learning.html)>.

<sup>38</sup> Computer vision is a field of artificial intelligence that trains computers to interpret and understand the visual world. Using digital images from cameras and videos and deep learning models, machines can accurately identify and classify objects — and then react to what they “see.” See “Computer Vision: What It Is and Why It Matters,” accessed 17 March 2021, <[https://www.sas.com/en\\_ph/insights/analytics/computer-vision.html](https://www.sas.com/en_ph/insights/analytics/computer-vision.html)>.

<sup>39</sup> Schröter, “The Internet and ‘Frictionless Capitalism,’” 164.

The economic base is the same as Marx pointed out in his critique of capitalism, which refers to the overarching economic structure of society, when we speak of the contemporary state of play that we have in the age of 4IR. This pre-eminence of 4IR is the era of postcapitalism, virtual capitalism, or digital capitalism. The mode of production and the economic ruling class has just expanded the meaning of property and capital by including all that are associated with the kinds of business model that are apparent in Google, Amazon, and other Silicon Valley multinational tech companies wherein commodities are now labelled as software, applications, solutions, or information that people subscribe to and therefore own given a limited time of use. These include downloadable online games, Microsoft's Office suite, Google's cloud storage, and the like as the new products, virtual objects, in the complex system of digital capitalism. Most of the applications are free like online shopping apps Shopee or Amazon but these e-commerce platforms make it possible to transact and pay for goods and services via online.

Let us dissect this hegemonic structure of late capitalist tendencies immanent in digital capitalism. Jameson presents two major characteristics of this systemic phenomenon: the rise of transnational companies and the prevalence of uncritical acceptance. In the first characteristic, Jameson underpins a borderless economy that is not governed or ran by nation-states but rather extends beyond these boundaries. As mentioned above, he avoids the notion that technology predetermines the state of affairs:

As I have said, however, I want to avoid the implication that technology is in any way the 'ultimately determining instance' either of our present-day social life or of our cultural production: such a thesis is of course ultimately at one with the post-Marxist notion of a 'postindustrialist' society. Rather, I want to suggest that our faulty representations of some immense communicational and computer network are themselves but a distorted figuration of something even deeper, namely the whole world system of present-day multinational capitalism.<sup>40</sup>

This proclivity towards creating a virtual version of all our societal and social institutions and interactions is anchored on the imbalance of multi-layered forces—owners, producers, commodities, labor, and consumers—in a global society. The imbalance is deliberate and intentional as this mirrors class division and stratification to regenerate capital in favor of the ruling

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<sup>40</sup> Jameson, *Postmodernism*, 79.

class (owners and producers of technology) and the commodification of all our digital interactions. Case at point here is the staggering economic power of the online gaming industry, which generated \$175.8 billion in 2021 and is expected to increase by \$200 billion in 2023.<sup>41</sup> This is just one segment of the digital economy, in which the owners of production are predominantly based in the US and China according to the UN Digital Economy Report in 2019.<sup>42</sup> Since digital economy is borderless and distributed globally through outsourcing and communication networks using the internet, class division and stratification is transposed and redistributed as cheap labor in developing countries in which, for example, workers in Vietnam or the Philippines assemble the parts and pieces of electronic hardware of smartphones or computer motherboards. We can also identify freelancers posing as tech savvy programmers or graphic designers, Millennials and the Generation Z as online gamers. This permutation of identity categories is fluid and indeterminate as this group of persons could be one and different at the same time when we refer to specific digital activities. However, the main point to consider is that they are caged in a complex digital ecosystem, in which the cyclical and teleological aim is sustained consumption and the commodification of being.

So one might be tempted to think of capital and capitalist economy like a machine that can be controlled calculatively, just like a technological cybernetic system. In this case, the essence of capital would correspond entirely to the productive, calculative, controlling essence of technology that sets up the totality of beings as a standing reserve for endless circuits of production, and the political polemic against the machine-like 'capitalist system' would have some justification.<sup>43</sup>

For the second characteristic, Jameson reiterates that there is a consensual jubilation regarding the advent of a new cultural logic of postmodernism (hitherto as digital age) with

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<sup>41</sup> Frank Palermo, "Time To Get Your Game On: The Future Of Online Gaming," in *Forbes* (20 July 2021), <<https://www.forbes.com/sites/forbestechcouncil/2021/07/20/time-to-get-your-game-on-the-future-of-online-gaming/?sh=1f856e03705e>>.

<sup>42</sup> United Nations Conference on Trade and Development, UN Digital Economy Report in 2019 (2019), <<https://unctad.org/webflyer/digital-economy-report-2019>>.

<sup>43</sup> Michael Eldred, *The Digital Cast of Being: Metaphysics, Mathematics, Cartesianism, Cybernetics, Capitalism, Communication* (Frankfurt: Ontos Verlag, 2011), 98–99.



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the complacent (yet delirious) camp-following celebration of this aesthetic new world (including its social and economic dimension, greeted with equal enthusiasm under the slogan of “post-industrial society”) is surely unacceptable—although it may be somewhat less obvious the degree to which current fantasies about the salvational nature of high technology, from chips to robots—fantasies entertained not only by left as well as right governments in distress, but also by many intellectuals.<sup>44</sup>

Within the context of digital divide, those who join the digital bandwagon because of their socioeconomic status or their deep-seated fascination or addiction to internet use regardless of class, race, or gender belong to the “digital haves” and those who could not afford or have the opportunity to access the internet are considered the “haves-not.” Nonetheless, the manipulative tendency of digital capitalism with its ideological code pervasive to signify “advancement,” “innovation,” “digitalization” and the placement of individuals within the technosocial environment under the guise of digital literacy and technological development is to capacitate and lure the have-nots to be part of this ideological ecosystem—to be plugged into the machine, so to speak. To simplify this complex interplay is to accentuate the rise of digital capitalists as the controlling power while rendering as normative and passive or frictionless the rest of humanity as digital consumers.

### **Conclusion: Dwelling In and Out of the Digital Cave**

The idea of AR or hyperreality can be explained using Plato’s classical allegory of the cave, in which a dialogue between Socrates and Glaucon narrates the story of people living inside the cave. In a nutshell, what Socrates is saying is that to imagine this:

People live under the earth in a cavelike dwelling. Stretching a long way up toward the daylight is its entrance, toward which the entire cave is gathered. The people have been in this dwelling since childhood, shackled by the legs and neck. Thus they stay in the same place so that there is only one thing for them to look that: whatever they encounter in front of their faces. But

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<sup>44</sup> Jameson, *Postmodernism*, 85.

because they are shackled, they are unable to turn their heads around.<sup>45</sup>

This thought experiment interpreted in many ways points out to Plato's epistemology and political philosophy. In concluding this paper let us try to imagine the cave as the digital cave, a bubble hyperreality wherein online games using AR technologies are made possible. Alfred North Whitehead once said that in sum all philosophy is a just a footnote to Plato. It is in this conjecture that we put together reinterpreting the idea of simulation in Plato's terms or more precisely in the allegorical cave's terms. The difference, however, is that we must consider imagining it in a reversed way.

Plato, it is said, opposed essence to appearance, the original to the image, the sun of truth to the shadows of the cave, and to overturn Platonism would initially seem to imply a reversal of this standard relation: what languishes below in Platonism must be put on top; the super-sensuous must be placed in the service of the sensuous.<sup>46</sup>

Assuming that people are outside the cave in the realm of "reality," what if they are forced to enter a simulated domain in which we can resemble the allegorical cave as our digital cave? The people shackled are wired people connected to online games. The fire represents the internet, the platform that ignites and fuels the assemblages of images, text, symbols, sounds that we directly encounter on the screen (cave's wall). These assemblages are the shadow cast on the wall of the cave. And the people who make all forms of shadowy images that are projected on the wall are in comparison the designers and owners of technology who created the games that we play inside the digital cave.

Why are we compelled to dwell inside the digital cave? If by the original intent of Plato is to illustrate how education is necessarily good as against the lack of it, why then some of our young generation choose to be in this domain? The sweeping generalization to answer this question is because kids today are born into this digital reality. But a larger context is crucially apparent. The digital cave actually is much bigger than what we think. This is the realm of digital society wherein we are crossing into a new reality. And through this transit as it becomes inevitable is the ultimate aim going toward

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<sup>45</sup> Plato, *Allegory of the Cave*, trans. Thomas Sheehan. Available in <<https://web.stanford.edu/class/ihum40/cave.pdf>>.

<sup>46</sup> Daniel W. Smith, "The Concept of the Simulacrum: Deleuze and the Overturning of Platonism," in *Continental Philosophy Review*, 38 (2005), 46.

the metaverse. Its meaning is not just an AR, rather, as defined by Merriam Webster, a “*metaverse* generally refers to the concept of a highly immersive virtual world where people gather to socialize, play, and work.” There lies yet the unexpected and the anticipation of what would be this be. Baudrillard succinctly predicts and anticipates the arrival of this metaverse as virtual reality:

By crossing into a space whose curvature is no longer that of the real, nor that of truth, the era of simulation is inaugurated by a liquidation of all referentials—worse: with their artificial resurrection in the systems of signs, a material more malleable than meaning, in that it lends itself to all systems of equivalences, to all binary oppositions, to all combinatory algebra. It is no longer a question of imitation, nor duplication, nor even parody. It is a question of substituting the signs of the real for the real, that is to say of an operation of deterring every real process via its operational double, a programmatic, metastable, perfectly descriptive machine that offers all the signs of the real and shortcircuits all its vicissitudes<sup>47</sup>.

As philosophers we have the obligation to explicate the nature of this reality and we can only do so if we penetrate its interstices. We cannot critique from afar. In deconstructing this phenomenon an immanent and transcendent ruminations must be put in place. This paper has shown how we can do that by critically analyzing the hegemonic ubiquity of online games. A specific intertextual reading is made through an analysis of *Harry Potter: Wizard Unite* as an example of AR. The fundamental structure of this game is presented by imputing the idea of cybernetics within the lens of a creative ecosystem. Furthermore, the theoretical or philosophical underpinnings of such analyses are explained by adopting Baudrillard’s concepts of the simulation and the simulacra. The reality that the game posits is hyperreality and it operates by exalting and deploying the commodity-signs of virtual objects (including the player as virtual character) in the game as part and parcel of the entire nexus of relations. The narrative code leads us to the consumption and consummation of the game. Towards the end of the critical analysis, an ideological code is extracted to view that playing the game is not an end in itself. It is connected to a bigger complex of social reality enshrined in the logic and rhetoric of modern and digital capitalism. As

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<sup>47</sup> Jean Baudrillard, “Precession of Simulacra,” in *Simulacra and Simulation*, trans. Sheila Fayer Glaser (Ann Arbor: University of Michigan Press, 1995), 3–4.

argued earlier in this paper, digital capitalism, which is the overarching context of this era, makes it possible to lump altogether humans, goods, and services to feign a whole system of our social, cultural, and economic interactions interoperable through and by technological infrastructure. No escape! Though it may sound self-defeating, the simulations and simulacra of our reality is just evolving and philosophy as criticism should be “[g]enuine criticism [that] will then reveal the human reality beneath this general unreality, the human ‘world’ which takes shape within us and around us: in what we see and what we do, in humble objects and (apparently) humble and profound feelings.”<sup>48</sup>

*Departamento ng Filipino, College of Liberal Arts  
De La Salle University-Taft, Philippines*

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<sup>48</sup> Henri Lefebvre cited in Richard J. Lane, *Jean Baudrillard, Routledge Critical Thinkers*, (London: Routledge, 2000), 80.

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## ***The Concept of Law, Sixty Years On***

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***Enrique Benjamin R. Fernando, III***

**Abstract:** In 1961, H.L.A. Hart published his seminal work *The Concept of Law*, introducing what eventually became the most dominant, influential, but controversial, theory of law in the twentieth century. Not only did it revolutionize the way philosophy of law was done at the time, but it continues to raise fresh problems that puzzle even linguistic, moral, and political philosophers to this very day. The objective of this paper is twofold. The first is to survey four philosophical topics that were explored in *The Concept of Law* and the contemporary debates that have followed in its wake, and the second is to argue that while some of Hart's ideas have successfully withstood the tests of time and later critics, other ideas have not been as successful, but not without illuminating the path that legal philosophers must traverse in the twenty-first century. The paper has been divided into four parts. Part I ("Law and Method") shall explain the importance of the "internal point-of-view" to ongoing debates between descriptive and normative jurisprudence. Part II ("Law and Morality") shall explain how the rule of recognition revived the natural law/legal positivism debate, the result of which gave rise to the inclusive/exclusive legal positivism debate in turn. Part III ("Law and Language") shall discuss how Hart's insight into the "open texture" of language has created new problems about legal interpretation. Part IV ("Law and Obligation") shall discuss Hart's "practice theory of obligation" and how it has led modern writers to justify the duty to obey the law.

**Keywords:** H.L.A. Hart, legal positivism, jurisprudential method, legal obligation

*Herbert Lionel Adolphus Hart was the world's foremost legal philosopher in the twentieth century, and was also a major figure in political and moral philosophy .... His work has often been tellingly criticized—indeed, one of the marks of his intellectual excellence lay in his encouragement of students who took strong exception to many of his ideas—but the*



*magnitude of his achievements is beyond any reasonable doubt.*

*- Matthew Kramer and Claire Grant<sup>1</sup>*

*There can be no doubt that the questions Hart has revived so effectively are central to our understanding of the law and its social functions. Thus Hart has more than earned the rare compliment, that, had we not had his presence and contribution the field would not have looked the same.*

*- Ruth Gavison<sup>2</sup>*

*Herbert Hart's genius was to give the idea of law as rule-system as clear and stylish an expression as one can well imagine. Many have followed where he led. Naturally, subsequent work has revealed flaws in the edifice, and periodic reappraisals and revisions have been called for. Different of us will seek to pursue a generally Hartian line of theorizing in different ways, and there can be no resting upon the text of 1961 as a last work or a sacred book...There remains much unfinished business, but what a start to the business that was.*

*- Neil MacCormick<sup>3</sup>*

*Hart was a pioneer...Pioneers always get a fair amount wrong .... Errors in legal philosophy are in general not so dangerous though there have been exceptions. For making mistakes as a pioneer he should not be judged too harshly. All this sounds like damning with faint praise, but that is not what I intend. Hart's *The Concept of Law* defined and continues to define the subject of analytical jurisprudence more than half a century since it was written. None of his critics or expositors, Dworkin, Raz, MacCormick, have written books which have in the least rivalled its position. And no rival work has been*

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<sup>1</sup> Matthew Kramer and Claire Grant, "Introduction," in *The Legacy of H.L.A. Hart*, ed. by Matthew Kramer, Claire Grant, Ben Colburn, and Antony Hatzistavrou (New York: Oxford University Press), xiii.

<sup>2</sup> Ruth Gavison, "Introduction," in *Issues in Contemporary Legal Philosophy: The Influence of H.L.A. Hart*, ed. by Ruth Gavison (Oxford: Clarendon Press, 1987), 5.

<sup>3</sup> Neil MacCormick, "The Concept of Law and 'The Concept of Law'," in *Oxford Journal of Legal Studies*, 14 (Spring, 1994), 23.

*created out of the work of Kelsen. Hart's was an extraordinary achievement.*

- A.W. Brian Simpson<sup>4</sup>

In 1961, H.L.A. Hart, then Chair of Jurisprudence at the University of Oxford, published his seminal work *The Concept of Law*,<sup>5</sup> introducing what eventually became the most dominant, influential, but controversial theory of law in the twentieth century. Not only did it revolutionize the way the philosophy of law was done back then, but it continues to raise fresh problems that puzzle philosophers to this very day.

The objective of this paper is twofold. The first is to survey four philosophical topics that were explored in *The Concept of Law* and the contemporary debates that have followed in its wake, and the second is to argue that while some of Hart's ideas have successfully withstood the tests of time and later critics, other ideas have not been as successful, but not without illuminating the path that legal philosophers must traverse in the twenty-first century. The paper has been divided into four parts. Part I ("Law and Method") shall explain the importance of the "internal point-of-view" to ongoing debates between descriptive and normative jurisprudence. Part II ("Law and Morality") shall explain how the rule of recognition revived the natural law/legal positivism debate, the result of which gave rise to the inclusive/exclusive legal positivism debate in turn. Part III ("Law and Language") shall discuss how Hart's insight into the "open texture" of language has created new problems about legal interpretation. Part IV ("Law and Obligation") shall discuss Hart's "practice theory of obligation" and how it has led modern writers to justify the duty to obey the law.

## **Law and Method**

### *The Internal Point-of-View*

The most celebrated theories of law that preceded Hart's were developed from the external point-of-view. These theories explained legal phenomena in terms of empirical facts from the perspective of third-party observers studying the behavior of participants within a legal system. John Austin's command theory of law, for instance, described law as a set of general commands issued by the sovereign of a state that are backed by a credible threat of coercive sanction in the event of non-compliance.<sup>6</sup>

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<sup>4</sup> A.W. Brian Simpson, *Reflections on The Concept of Law* (New York: Oxford University Press, 2011), 205–206.

<sup>5</sup> H.L.A. Hart, *The Concept of Law* (Oxford: Clarendon Press, 1961).

<sup>6</sup> John Austin, *The Province of Jurisprudence Determined and the Uses of the Study of Jurisprudence* (Indianapolis: Hackett Publishing Company Inc., 1998), 24.

Meanwhile, Justice Oliver Wendell Holmes, an American legal realist, defined law as predictions of how judges will decide cases. For instance, he thought that laws could be expressed as conditional statements of the form, “If a man does  $\gamma$ , then judges will do  $\chi$ .”<sup>7</sup> Alf Ross, a Scandinavian legal realist, explained law in behavioral terms, equating it with norms that judges *believe* are “socially binding.”<sup>8</sup>

Hart rejected these theories for different but related reasons. In his view, the problem with Austin’s command theory is that it likened law to the orders of a gunman who *obliges* people to surrender their money. But in this scenario, when the gunman escapes, the threat of force vanishes with him, and his commands are no longer binding. Surely, law is not normative in this sense, for even when there are no officials who are physically present to enforce the law, citizens still acknowledge that they are *under an obligation* to comply with it.<sup>9</sup> Meanwhile, Hart criticized Holmes’s prediction theory for mischaracterizing how law bears upon the behavior of judges. When a judge is deciding whether a legal rule has been violated, he does not treat the rule as a statement of what he is *likely to do* to an offender. Rather, he treats the rule as a *guide, reason, and justification* to punish him.<sup>10</sup> Finally, the problem with Ross’s theory is that it reduces legal obligation to a feeling of being socially pressured into conforming to widely accepted customs. Although such feelings may accompany obligations, they are not necessarily their *source*.<sup>11</sup> Moreover, Hart explained in a separate article, if a judge says something like, “ $\phi$  is the law,” it cannot merely be an expression of what he *believes* about  $\phi$ . Rather, it is a *recognition* that  $\phi$  is binding regardless of what he believes.<sup>12</sup>

The point of each objection is that law is not a purely external phenomenon that is explained in terms of sanctions, judicial practices, or habits. For Hart, law operates more like a rule than a habit, the main distinction being that only the former has an “internal” aspect. There is a difference between regular social behavior, such as when the members of a group have a *habit* of going to the cinema every Saturday, as opposed to *rule-*

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<sup>7</sup> Oliver Wendell Holmes, Jr., “The Path of the Law,” in *Harvard Law Review*, 10 (1897), 458. Holmes’s legal realism inspired several prominent American jurists whose views dominated American jurisprudence for much of the twentieth century. Among these was Justice Cardozo who argued that judges inevitably play the role of legislators and invent law: “The [legal] rules to which [judges] yield obedience are in truth not law at all. Law never *is*, but is always about to be.” See Benjamin Cardozo, *The Nature of the Judicial Process* (New Haven: Yale University Press, 1921), 126.

<sup>8</sup> Alf Ross, *On Law and Justice*, ed. by Jakob Holtermann, trans. by Uta Bindreiter (Oxford: Oxford University Press, 2019), 45–46.

<sup>9</sup> Hart, *Concept of Law*, 19–25.

<sup>10</sup> *Ibid.*, 11.

<sup>11</sup> *Ibid.*, 88.

<sup>12</sup> H.L.A. Hart, “Scandinavian Realism,” in *The Cambridge Law Journal*, 17 (1959), 237.

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*governed* behavior, such as when they *accept* a rule to remove their hat in church. Hart identified a crucial difference between a habit and a rule: whereas a habit is not considered so important that it becomes a standard of behavior, a rule is accompanied by a “critical reflective attitude” that is espoused by members because they find good reasons for accepting it.<sup>13</sup> For instance, the members of the community might make it a *habit* to watch a movie in the cinema every Saturday night, which, ultimately, is but a mere convergence of behavior. But they might have a *rule* for parishioners to remove their hats upon entering the church, the existence of which is considered to be a good reason for criticizing those who break it, and the violation of which would draw other people’s ire and condemnation. Law, for Hart, was more like a rule. The externally observable regularity that constitutes a habit is a necessary condition for law but not a sufficient one. There must be an “internal aspect” that consists of a certain *attitude*.

If law really is a kind of social rule, then any satisfactory theory must explain legal phenomena from the “internal” point-of-view which consists of cognitive and volitional elements.<sup>14</sup> The cognitive element exists when people are aware that they ought to behave in certain ways under certain conditions, such as how drivers know the rule to stop moving when stoplights turn red. Moreover, they do not view it as an arbitrarily imposed standard and appreciate the rationale of this rule, which is that it lowers the risk of accidents, as well as determine whether someone conforms to it. On the other hand, the volitional element exists when there is a desire for this pattern to be sustained. For example, drivers hope that others will follow the rule to stay on the right side of the road in order to avoid accidents. They also hope that those who disobey it will be sanctioned to deter reckless driving. In this sense, they have a “motivating reason” to avoid being punished. But they have another reason that is based on some interest whose realization depends on the cooperation of others—that roads will continue to be safe. In these situations, the rule is itself a reason to behave in certain ways because everyone behaves as prescribed.<sup>15</sup> Similarly, for Hart, citizens accept law *qua* law; they presume there is no other reason necessary to observe a legal rule other than the fact that it is the law and organizes social life around certain patterns of behavior. Consequently, the internal point-of-view has been dubbed the “hermeneutic approach”<sup>16</sup> while *The Concept of Law* is considered

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<sup>13</sup> Hart, *Concept of Law*, 54–56.

<sup>14</sup> Neil MacCormick, *H.L.A. Hart*, 2nd ed. (Stanford: Stanford University Press, 2008), 47.

<sup>15</sup> Sarah K. Paul, *Philosophy of Action* (New York: Routledge, 2021), 19–20.

<sup>16</sup> P.M.S. Hacker, “Hart’s Philosophy of Law,” in *Law, Morality, and Society: Essays in Honour of H.L.A. Hart*, ed. by P.M.S. Hacker and Joseph Raz (Oxford: Oxford University Press, 1977), 12–18.

to have inaugurated the “hermeneutic turn” in legal theory.<sup>17</sup> It emphasized the importance of going beyond describing law and its relation to society as a social scientist might<sup>18</sup> to instead elucidate the conceptual frameworks that people use to think about law.

### *Descriptive and Normative Jurisprudence*

In the last twenty years, Hart’s critics have argued that investigating law “from the inside” is irreconcilable with his purportedly value-neutral method of “descriptive sociology.”<sup>19</sup> For them, a participant within the legal system does not merely conceive of law as rules; he is also interested in understanding what it is for, what makes it *legitimate*, and, most importantly for John Finnis, how it bears on practical reason—what one should do and what kind of person one should aspire to be.<sup>20</sup> Obviously, this requires substantive argument about what *justifies* law, why we have it, or what its purpose is—questions, which, for Jules Coleman,<sup>21</sup> constitute a “normative” jurisprudence, not a “descriptive” one.

Powerful arguments have been advanced for this view. Stephen Perry argues that Hart’s descriptive constraints undermine his analysis of rules. For Perry, the notion of a “critical reflective attitude” only explains how people regard rules, but it does not explain why they are *motivated* to obey them. If Hart truly wanted to explain how rules are binding from the internal point-of-view, he says, then he should have argued how law creates obligations or what justifies its authority.<sup>22</sup> Meanwhile, Jeremy Waldron argues that a theorist who gives an account of law from the internal point-of-view but does not endorse it himself fails to properly differentiate rules from other social norms. For example, like most believers, an atheist might be capable of objectively reporting what it means to believe in God’s commandments, but this would still be a long way off from the testimony of

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<sup>17</sup> Scott Shapiro, “H.L.A. Hart,” in *A Companion to Analytic Philosophy*, ed. by A.P. Martinich and David Sosa (Oxford: Blackwell Publishing Ltd., 2005), 170.

<sup>18</sup> Frederick Schauer makes a very compelling case for how legal theory benefits from advances in the social sciences. See Frederick Schauer, “Social Science and the Philosophy of Law,” in *The Cambridge Companion to the Philosophy of Law*, ed. by John Tasioulas, 95–114 (Cambridge: Cambridge University Press, 2020).

<sup>19</sup> Hart, *Concept of Law*, v.

<sup>20</sup> John Finnis, “Describing Law Normatively,” in *The Collected Essays of John Finnis, Vol. 4: Philosophy of Law* (Oxford: Oxford University Press, 2011), 31.

<sup>21</sup> Jules Coleman, “Methodology,” in *The Oxford Handbook of Jurisprudence and Philosophy of Law*, ed. by Jules Coleman and Scott Shapiro (New York: Oxford University Press, 2002), 312–313.

<sup>22</sup> Stephen Perry, “Hart’s Methodological Positivism,” in *Hart’s Postscript: Essays on the Postscript to the Concept of Law*, ed. by Jules Coleman (New York: Oxford University Press, 2001), 348.

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a Catholic believer who wholeheartedly accepts the commandments as reasons for action. Similarly, Waldron says, there is a difference between a descriptive account of law such as what a legal historian may provide, from a normative one that interprets its moral point, purpose, or justification.<sup>23</sup> Finally, Brian Leiter thinks that clarifying our “shared” concepts is a fruitless endeavor because there are too many warring conceptions for a descriptive jurisprudence to handle.<sup>24</sup> The problem, he explains, is that descriptive jurisprudence only measures the success of an account against “epistemic” values of theory-construction such as evidentiary adequacy, simplicity, and explanatory power. None of these, however, pick out which features of law are truly significant. They might be appropriate for determining which theory best explains the effects of laws on social behavior, but not for identifying which conceptual theory best distinguishes between habits and rules. Only *moral* and *political* values can do that by speaking to what law *ought to be like*.<sup>25</sup>

Despite these arguments, there are those who maintain that a descriptive jurisprudence is still worth undertaking. Grant Lamond replies that identifying the “best” explanations of phenomena from the internal point-of-view does not entail the use of justificatory terms. For instance, a theorist can describe a social practice which is regarded by community members to have a purpose. This purpose may either be universally agreed upon or challenged by other interpretations of that practice. But he can still develop his account without proposing a value to the practice himself.<sup>26</sup> That is to say, he can describe how *other* people judge what law is without making any evaluations of his own. Julie Dickson’s approach known as indirectly evaluative legal philosophy (IELP) has shown even greater promise in recent years.<sup>27</sup> IELP does not deny that substantive argument is vital to a theory of law. It does, however, assume that it is worthwhile to separate description from evaluation. The descriptive aspect comes first, while the evaluative aspect is relegated to a later stage. On this approach, the first stage of inquiry consists of meta-theoretical concerns such as determining which features of law are necessary, how to ascertain truths about its nature, and which features are relevant to its evaluation. In no way do these questions demand

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<sup>23</sup> Jeremy Waldron, “Normative (or Ethical) Positivism,” in *Hart’s Postscript: Essays on the Postscript to the Concept of Law*, ed. by Jules Coleman (New York: Oxford University Press, 2001), 425.

<sup>24</sup> Brian Leiter, “Legal Realism, Hard Positivism, and the Limits of Conceptual Analysis,” in *Hart’s Postscript: Essays on the Postscript to the Concept of Law*, ed. by Jules Coleman (New York: Oxford University Press, 2001), 368.

<sup>25</sup> Brian Leiter, “Beyond the Hart/Dworkin Debate: The Methodology Problem in Jurisprudence,” in *American Journal of Jurisprudence*, 48 (2003), 34–37.

<sup>26</sup> Grant Lamond, “Methodology,” in *The Cambridge Companion to the Philosophy of Law*, ed. by John Tasioulas (Cambridge: Cambridge University Press, 2020), 32.

<sup>27</sup> See Julie Dickson, *Evaluation and Legal Theory* (Oregon: Hart Publishing, 2001).

flat descriptive answers, but neither do they require normative ones. Rather, they require making indirect evaluations of law that will clear the way for its moral evaluation, criticism, and reform in later stages.<sup>28</sup> For only after one determines the standards by which law ought to be judged can one commence with substantive argument. The value of IELP thus lies in its ability to lay solid foundations upon which substantive theorizing can proceed and to clarify the conceptual frameworks through which the legal philosopher frames his inquiries. Without these foundations, theories may become groundless, unjustified, assumptive, and prone to take moral conclusions for granted. But with them, they are able to preserve truths about law that must be accounted for.

In this dispute, I tend to side with the view that a descriptive jurisprudence is both possible and fruitful, the main reason being that a normative jurisprudence assumes a perspective that is too presumptuous, involved, and burdened with presuppositions that undermine the objectivity that is required of a jurisprudential theory. A general theory of law must be able to elucidate the concept of law, which, in turn, requires the logical analysis of legal concepts—what is presupposed by, what follows from, or what is implied by their use. More importantly, it is an inquiry into how these concepts facilitate one's understanding of law and how to best represent it. The normative jurist, however, obfuscates his analysis from the start by assuming a specific moral and political point-of-view. He immediately takes pre-conceived notions of what law *ought to be like* and simultaneously explicates legal phenomena against these standards. But this is a long way off from first understanding *what law is*. It is one thing to develop substantive arguments about what justifies law or why the law of a society is morally illegitimate, and another thing entirely to carefully investigate the concept of law and its relation to society—regardless of its moral and political merit.

A general theory of law may consist of “detached legal statements.”<sup>29</sup> These are propositions which, for instance, distinguish law from non-law, explain what makes law binding, account for the central functions of law, clarify how legal systems are structured, or describe what laws from jurisdictions have in common—all without carrying the force of full-blooded normative statements. Just as a lawyer may advise his client about his legal obligations without entailing that he believes that the law is always right, a descriptive jurist may clarify the concept of law without endorsing its moral and political worth. He might, for example, theorize that laws are social conventions, that they are binding because they represent ways of life that

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<sup>28</sup> Julie Dickson, “Ours is a Broad Church: Indirectly Evaluative Legal Philosophy as a Facet of Jurisprudential Inquiry,” in *Jurisprudence: An International Journal of Legal and Political Thought*, 6 (2015), 220–230.

<sup>29</sup> Joseph Raz, “Legal Validity,” *The Authority of Law* (Oxford: Clarendon Press, 1979), 155.



the community lives by, that their function is to protect public expectations of what is reasonable behavior, or that they are justified because they make social life predictable. None of these theories demand a commitment on his part; he must only account for the essential features of law-as-convention from a detached point-of-view. Furthermore, nothing prevents him from engaging in its evaluation afterwards so long as he separates his views of what law is from those of what it must be. Otherwise, he will fail to arrive at a concept of law that is truly representative of legal phenomena. It is thus important to arrive at a sound and logical understanding of legal phenomena before commencing with their normative justification.

## Law and Morality

### *The Rule of Recognition*

The centerpiece of *The Concept of Law* is Hart's theory of law as the union of primary and secondary rules. This theory is classified under the tradition of legal positivism which holds that law is a matter of social fact and is conceptually distinct from morality.<sup>30</sup> For Hart, law consists of two kinds of rules. Primary rules are those that are binding upon citizens and guide human behavior, such as the rule against murder or the rule that allows corporations to enter into contracts, while secondary rules are those that are binding upon the officials of the legal system and are concerned with the administration of the primary rules themselves. Among the latter are "rules of change" that direct lawmakers on the creation of primary rules and "rules of adjudication" that tell judges how to determine whether a primary rule has been broken. The most important secondary rule, however, is the "rule of recognition," a customary rule by which officials identify which primary rules are legally valid against multiple social-fact criteria such as their enshrinement as constitutional provisions, their enactment by rule-making bodies, or their having been laid down as precedents in judicial decisions. Any rule that does not satisfy at least one of these criteria cannot be valid, and thus, not law. Hence, it is the ultimate rule in any legal system insofar as it is a test that separates law from non-law.<sup>31</sup>

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<sup>30</sup> Hart enumerated five theses that are often associated with positivism: (1) that laws are commands of human beings; (2) that there is no necessary connection between law and morals, otherwise known as the Separability Thesis; (3) that the analysis of legal concepts is (i) worth pursuing and (b) distinct from sociological, historical, and evaluative inquiries; (4) that a legal system is a closed logical system from which correct legal decisions can be deduced from predetermined legal rules; and (5) that moral judgments cannot be established as statements of fact by rational argument, evidence, or proof. See H.L.A. Hart, "Positivism and the Separation of Law and Morals," in *Essays in Jurisprudence and Philosophy* (Oxford: Clarendon Press, 1983), 57–58.

<sup>31</sup> Hart, *Concept of Law*, 77–96.

Ronald Dworkin—Hart’s student, greatest critic, and successor to the Chair of Jurisprudence—published an influential refutation of his positivism in an article titled “The Model of Rules,”<sup>32</sup> which was subsequently retitled “The Model of Rules I” in his first collection of essays, titled *Taking Rights Seriously*. Dworkin’s main criticism was that it is impossible for a “mechanical” master test of validity such as the rule of recognition to fully determine the content of law. The mistake, according to Dworkin, was to assume that every standard that is legally binding possesses social characteristics that satisfy the “pedigree” criteria laid out by the rule of recognition. Not everything that is law has been written as a constitutional provision, promulgated as a statute, or recognized as precedent. Only explicitly written black-letter rules fall under these categories.

But there is an unwritten class of standards, Dworkin says, that are nevertheless held by judges to be just as legally binding. These standards are known as principles, and they express requirements of justice, fairness, and equality, e.g., the principle that businesses have obligations unto their customers or that no man should profit from his own wrongdoing. Such principles may be so highly valued in society that they are enforced by judges as part of the law. Not all moral principles are legally binding, however; whereas rules apply in an “all-or-nothing” fashion, principles operate on the dimension of weight, of which they must possess a sufficient amount in order to be treated as law.<sup>33</sup> The problem is that weights shift over time depending on their sense of appropriateness, rightness, or worth in the public eye, which means that they constitute a more nebulous, vague, and amorphous bundle of standards than rules.

Thus, for Dworkin, judges do not apply a test for law as straightforward as the rule of recognition. Rather, they apply what may be referred to as the “soundest theory test”: a principle is part of the law if it figures into the soundest theory of rules. If a principle provides the best moral justification for a rule, then it is part of the law as well.<sup>34</sup> For instance, although a car manufacturer may issue warranties that only explicitly hold them liable for the repair of defective parts, judges would find it unfair for them to skirt paying damages for injuries their customers incur in accidents caused by those parts. In this example, there is a principle that businesses cannot escape liability through contractual loopholes. Ultimately, then, the law for Dworkin consists of *both* black-letter rules and the moral principles that furnish their justification. But if this is true, then Hart’s theory is fatally

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<sup>32</sup> Ronald Dworkin, “The Model of Rules,” in *University of Chicago Law Review*, 34 (1967).

<sup>33</sup> Ronald Dworkin, “The Model of Rules I,” in *Taking Rights Seriously* (London: Duckworth, 1977), 24–25.

<sup>34</sup> Ronald Dworkin, “The Model of Rules II,” in *Taking Rights Seriously* (London: Duckworth, 1977), 66–67.

flawed, for the rule of recognition cannot capture all of the standards within the legal system and thereby fails to validate a significant portion of the law. It also means, contra positivism, that there *is* a necessary connection between law and morality—the law is whatever its morally best version is.

### *The Inclusive/Exclusive Legal Positivism Debate*

Several writers have defended Hart by explaining how it is, in fact, possible for principles to be co-opted under the rule of recognition. Neil MacCormick argued that principles embedded in past decisions have acquired the status of judicial precedent,<sup>35</sup> which confers them with a kind of social pedigree and thereby allows principles to enter the law by being linked to black-letter rules. Philip Soper, meanwhile, argues that nothing precludes the rule of recognition, apart from identifying which rules are valid, from picking out their respective justifications that judges agree upon as well.<sup>36</sup> After all, it is a customary rule that reflects how they conventionally decide cases and need not impose any content-oriented restraints. For example, the rule of recognition might state that, “Cases where legal rule X applies are to be decided as justice requires.” As David Lyons suggests, it is already standard procedure for judges to test the validity of rules against constitutional provisions that contain moral terms such as “fairness” or “due process.”<sup>37</sup> While the reasoning they engage is substantive, the fact of their convergence is a social one under the rule of recognition. Thus, Dworkin’s objections affect no one.

The version of positivism that MacCormick, Soper, and Lyons endorsed is known as inclusive legal positivism, which claims that morality may figure into the determination of the existence, content, and meaning of valid laws.<sup>38</sup> In no way is this a concession to Dworkin’s view that law conceptually depends on morality. For the inclusive positivist, a rule of recognition that directs judges to decide cases as justice requires, for instance, is just as conceivable as one that never references morality, and the inclusion of moral criteria is only a contingent matter. Hart himself identified as an inclusive positivist in a postscript to a posthumously published edition of *The Concept of Law*:

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<sup>35</sup> Neil MacCormick, *Legal Reasoning and Legal Theory* (Oxford: Clarendon Press, 1978), 233.

<sup>36</sup> Philip Soper, “Legal Theory and the Obligation of a Judge: The Hart/Dworkin Dispute,” in *Michigan Law Review*, 75 (January 1977), 487–488.

<sup>37</sup> David Lyons, “Principles, Positivism, and Legal Theory,” in *The Yale Law Journal*, 87 (December 1997), 425.

<sup>38</sup> W.J. Waluchow, *Inclusive Legal Positivism* (New York: Oxford University Press, 1994), 2.

First, [Dworkin] ignores my explicit acknowledgement that the rule of recognition may incorporate as criteria of legal validity conformity with moral principles or substantive values; so my doctrine is what has been called 'soft positivism'...Secondly, there is nothing in my book to suggest that the plain-fact criteria provided by the rule of recognition must be solely matters of pedigree; they may instead be substantive constraints on the content of legislation such as the Sixteenth or Nineteenth Amendments to the United States Constitution respecting the establishment of religion or abridgments of the right to vote.<sup>39</sup>

Hart was so preoccupied with defending himself against Dworkin on his right flank that he failed to respond to that on his left. Joseph Raz, Hart's intellectual successor and torchbearer to the positivist tradition, introduced a "harder" version known as exclusive legal positivism which denies that moral criteria can ever be incorporated into the rule of recognition:

[The Sources Thesis]: A jurisprudential theory is acceptable only if its test for identifying the content of the law and determining its existence depend exclusively on facts of human behavior capable of being described in value-neutral terms, and applied without resort to moral argument.<sup>40</sup>

The Sources Thesis means that law is necessarily based on some kind of social source and never its moral content. It also means that value-laden tests such as "Cases where rule X applies are to be decided as justice requires" can never be part of the rule of recognition. Only source-based tests such as "Anything that Congress enacts is law" are acceptable. Thus, the inclusive/exclusive legal positivism debate turns on the question of whether moral criteria of validity can be incorporated into the rule of recognition. Whereas the inclusive positivist makes the weaker claim that law and morality are *not necessarily connected*, the exclusive positivist makes the stronger claim that law and morality are *necessarily separated*.

I argue that exclusive positivists have the upper hand in this dispute for the reason that inclusive positivists have failed to address them at the level

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<sup>39</sup> H.L.A. Hart, *The Concept of Law*, 2nd ed., ed. by Peter Cane, Tony Honoré, and Jane Stapleton (New York: Oxford University Press, 1994), 250.

<sup>40</sup> Joseph Raz, "Legal Positivism and the Sources of Law," *The Authority of Law* (Oxford: Clarendon Press, 1979), 37–38.

of their arguments. While inclusive positivists have argued based on their interpretations of *judicial behavior*—for instance, that judges decide cases *as if* there were an inclusive rule of recognition—exclusive positivists have raised arguments that are more conceptual in nature; they show that *even if* judges behave in the ways that inclusive positivists describe, it would be fundamentally inconsistent with the very concept of law and its essential characteristics. The exclusive positivists' approach comes in two stages: first, it is to provide a rigorous analysis of law's essential features, and second, to determine their implications upon the limits of legal practice. Take for example Raz's longstanding view that inclusive positivism is inconsistent with law's conceptual claim to authority,<sup>41</sup> which, for him, requires laws to express the views that are actually held by their sources—for if laws are interpreted in ways that were never endorsed, then they can no longer be regarded as authoritative. For example, the legislator who authored legal rule X may never have intended it to be interpreted "as justice requires." He may have intended its literal application even if it would lead to unjust consequences to protect public expectations. The inclusive positivist, however, in taking as his starting point the moral language and behavior of judges, believes it legitimate to treat some moral principles as law provided they are entailed by a combination of legal and moral premises even though no authority ever held this view. The problem is that a law that is entailed is not necessarily one that is endorsed, and if judges enforced norms that no authority figure had ever endorsed are binding, then the authority of law itself is undermined.<sup>42</sup> The inclusive positivist, therefore, puts the cart before the horse. He first observes actual judicial practice—which by no means entails that it is being done correctly and does not preclude the possibility that judges may overstep their own bounds—and from there concludes that the rule of recognition must incorporate content-oriented criteria of validity. It is only later that he formulates his concept of law. The exclusive positivist's concept of law, conversely, preserves law's claim to authority; he treats as binding only those norms that satisfy a source-based test and only then is he able to draw the limits of law and develop a theory of legal practice and adjudication.

Inclusive positivists have failed to address the other conceptual arguments of exclusive positivists. Scott Shapiro argues that inclusive positivism is incompatible with law's function of providing practical guidance. For Shapiro, law is like a plan; it organizes the conduct of community members to achieve goals that have been decided for them in advance. For example, planning to go to the movies on Saturday eliminates

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<sup>41</sup> Joseph Raz, *The Morality of Freedom* (New York: Oxford University Press, 1986).

<sup>42</sup> Joseph Raz, "Authority, Law, and Morality," in *Ethics in the Public Domain* (New York: Oxford University Press, 1994), 227–230.

the need to contemplate whether one should go to the movies on the day itself. Similarly, law cuts off the need to ponder what portion of one's income needs to be paid in taxes, whether passengers should use a seatbelt, or how much employers should pay their employees. It *tells* them what to do and thereby makes a practical difference in the structure of deliberation. But if the existence of law is determined by the very facts it was designed to settle—such as whether legal rule X is binding because it is just—then it becomes incapable of making this difference because it is questioned and second-guessed.<sup>43</sup> The exclusive positivist avoids this problem by eliminating content-oriented criteria of validity from the rule of recognition altogether.<sup>44</sup> John Gardner, on the other hand, argues that relying on source-based criteria makes adjudication more determinate. Because morality is inherently controversial, moral criteria pertaining to justice are controversial as well. What is just for one judge is not necessarily just for another, making it difficult for judges to treat like cases alike. Source-based criteria, however, provide solutions to cases that cannot be resolved on their substantive merits. Granted, they may also be indeterminate and need to rely on the substantive merits of a case. But at least they narrow the range of relevant moral reasons that can be considered.<sup>45</sup> Not all moral reasons are legal reasons, and a source-based test is needed to distinguish which ones are. It might be concluded that from a philosophical standpoint, the exclusive positivist has the upper hand. In elucidating a truer concept of law, he is better able to account for its authority, practical guidance function, and determinacy—essential features that the inclusive positivist somehow misses. What is needed from him is a more conceptual approach to legal theorizing; only then will it be clearer whether moral criteria of validity can, in fact, be incorporated into the rule of recognition without sacrificing what distinguishes law from other normative systems.

## Law and Language

### *The "Open Texture" of Language*

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<sup>43</sup> Scott J. Shapiro, *Legality* (Cambridge: The Belknap Press of Harvard University Press, 2011), 274–275.

<sup>44</sup> In a later essay, Hart characterized legal rules as being “peremptory” and “content-independent” reasons for action that foreclose independent deliberation on the merits of that action irrespective of its character. This, however, does not sit well with an inclusive rule of recognition which *does* require some moral deliberation. See H.L.A. Hart, “Commands and Authoritative Legal Reasons,” in *Essays on Bentham* (New York: Oxford University Press, 1982), 253.

<sup>45</sup> John Gardner, “Legal Positivism: 5½ Myths,” in *Law as a Leap of Faith: Essays on Law in General* (Oxford: Oxford University Press, 2012), 36.

There is an oft-criticized school of jurisprudence known as formalism which is associated with the following views: that law is valid in virtue of its form, that rules are applied independently of background reasons, that law is a gapless system, that all cases are regulated, and that adjudication is a matter of logical deduction.<sup>46</sup> Jeremy Bentham is regarded as a formalist because he believed that the entire body of law could be codified into a comprehensive repository known as the *Pannomion* that covers every imaginable legal scenario. The law could be made so complete that judges would simply have to open the rule-book, locate the relevant statute, and apply it mechanically to decide cases. It would eliminate the need for adjudication.<sup>47</sup> Hans Kelsen, though not quite a formalist himself, came close to depicting law as a closed logical system. In his view, law is a hierarchy of general and individual norms that are valid by virtue of norm-creating facts. For example, the judicial decision to hang a murderer is valid by virtue of a criminal law that inflicts the death penalty against murderers, which in turn is valid because it was created by the legislature, which in turn was authorized by the constitution to create statutes, and so on.<sup>48</sup> If this is true, then judicial decisions can be deduced by simply invoking more general norms that authorize their creation.

Hart was mistakenly accused by Lon Fuller of formalism.<sup>49</sup> In *The Concept of Law*, Hart explained that whereas most laws have central cases of application, there are also “cases of the penumbra” —borderline cases that may or may not fall under their ambit due to the “open texture” of language,<sup>50</sup> the existence of which create gaps in the law. For example, a rule prohibiting the entry of vehicles into a park may cover the standard case of an automobile. But there might be cases where people who bring bicycles, roller skates, or toy cars into the park are charged for violating that rule. These are borderline cases of the word “vehicle” because they possess some features of the central case but lack others. Judges can only consider whether they resemble the central case “sufficiently” in the “relevant” respects and must sometimes exercise discretion. For Hart, uncertainty at the margins is a

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<sup>46</sup> Martin Stone, “Formalism,” in *The Oxford Handbook of Jurisprudence and Philosophy of Law*, ed. by Jules Coleman and Scott Shapiro (New York: Oxford University Press, 2002), 170–171.

<sup>47</sup> Jeremy Bentham, *Of Laws in General*, ed. by H.L.A. Hart (London: The Athlone Press, 1970), 246. See also, more recently, Gerald Postema, *Utility, Publicity, and Law: Essays on Bentham’s Moral and Legal Philosophy* (New York: Oxford University Press, 2019), 172–173.

<sup>48</sup> Hans Kelsen, *Pure Theory of Law*, 2nd ed., trans. by Max Knight (New Jersey: The Lawbook Exchange, Ltd., 1967), 199–200.

<sup>49</sup> Lon L. Fuller, “Positivism and Fidelity to Law: A Reply to Professor Hart,” in *Harvard Law Review*, 71 (February 1958), 638.

<sup>50</sup> Hart borrowed the term “open texture” from Friedrich Waismann. See Friedrich Waismann, “Verifiability,” in *Proceedings of the Aristotelean Society, Supplementary Volumes*, 19 (1945), 121.



general feature of language; because laws are formulated in general terms, there will inevitably be ambiguous applications. Moreover, lawmakers are only human; because times change and new cases arise, they cannot possibly foresee every case or linguistic fact to which legal rules apply.<sup>51</sup>

It is unsurprising that language was given prominence in *The Concept of Law*. Hart was part of the generation of Oxford philosophers who ushered in the university's golden age by developing a new method of analysis known as ordinary language philosophy.<sup>52</sup> Led by J.L. Austin<sup>53</sup> and Gilbert Ryle, these philosophers studied words as they are used in ordinary conversations, their logical presuppositions, and their underlying concepts in order to clarify and dissolve philosophical problems that arise when, as Wittgenstein wrote, "language goes on holiday."<sup>54</sup> Likewise, Hart believed that the study of language would greatly benefit the study of law, i.e., studying the necessary and sufficient conditions in which sentences that contain legal terms such as "law," "rights," and "obligation" are true in order to find better ways of representing legal concepts. Like his colleagues, Hart may have believed that legal problems were linguistic at their core and thus called for linguistic solutions.

Alas, Hart's philosophical era and training led Dworkin to understand his theory as a linguistic study of the word "law." In his interpretation, positivism was merely an exercise in digging out the shared linguistic criteria that judges use to talk about law. But if shared linguistic criteria really did exist, then deep legal controversies such as those in court would never occur. There would only be trivial misunderstandings about the correct use of legal terms. In this sense, Dworkin insisted, Hart fell prey to the "semantic sting"; his theory fails to account for the existence of theoretical disagreement in legal practice by virtue of reducing jurisprudence to a linguistic enterprise when disputes are obviously more than semantic.<sup>55</sup> But Dworkin was just wrong here. While language was important to Hart, it was not the end-all and be-all of his philosophy. Rather, he studied language to

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<sup>51</sup> Hart, *Concept of Law*, 123–125.

<sup>52</sup> Nicola Lacey, *A Life of H.L.A. Hart: The Nightmare and the Noble Dream* (Oxford: Oxford University Press, 2004), 132–151. See also, John Searle, "Oxford Philosophy in the 1950s," in *Philosophy*, 90 (2015), 174.

<sup>53</sup> Hart quoted J.L. Austin's famous words in *The Concept of Law*: "When we examine what we should say when, what words we should use in what situations, we are looking not merely at words...but also at the realities we use the words to talk about: we are using a sharpened awareness of words to sharpen our perception of, though not as the final arbiter of, the phenomena." See J.L. Austin, "A Plea for Excuses," in *Philosophical Papers*, 2nd ed., ed. by J.O. Urmson and G.J. Warnock (London: Oxford University Press, 1979), 182.

<sup>54</sup> Ludwig Wittgenstein, *Philosophical Investigations*, 4th ed., trans. by G.E.M. Anscombe, P.M.S. Hacker, and Joachim Schulte, ed. by P.M.S. Hacker and Joachim Schulte (West Sussex: Blackwell Publishing Ltd., 2009), 23.

<sup>55</sup> Ronald Dworkin, *Law's Empire* (London: Fontana Press, 1986), 33–46.

understand how we talk about law, what it means to have rules, what is implied by terms such as “obligation,” or, to borrow Timothy Endicott’s term, to study the *paradigms* that we use to represent legal phenomena.<sup>56</sup> These tasks involve the study of words, but they are not *just* about the meaning of words. More importantly, they involve the study of concepts, which is why Hart titled his work *The Concept of Law*, not *The Meaning of Law*.

### *Legal Interpretation*

Questions about language led to questions about meaning, which, in turn, lead to questions about interpretation. Recent scholarship has been preoccupied with questions such as whether there are “objectively true” interpretations of legal rules, whether it is possible to know which interpretations are correct, or how best to make sense of legal materials.<sup>57</sup> Writers have offered different theories of interpretation to answer such questions.

Brian Bix recommends interpreting rules like Hart did—as social practices. On this view, the best interpretations of laws are those that reflect the practices upon which they are based, which entails that the contents of rules are derived from those of practices. For Bix, such interpretations are superior to those that need to posit metaphysical entities to make better sense of rules but only obfuscate them further.<sup>58</sup> For instance, rather than interpreting a “duty of care” as if it corresponded to abstract entities that exist “out there” just waiting to be discovered, judges should examine how the law already imputes responsibilities unto parents, guardians, or schoolteachers. Kevin Toh, on the other hand, denies that practices have contents.<sup>59</sup> Perhaps the psychological attitudes of those who participate in practices have contents, but not the practices themselves. They consist of nothing more than natural actions which, by themselves, underdetermine what the practice “really” consists of. But if this is correct, then practice-based interpretations actually posit entities just as spurious as those posited by ontological ones.

William Twining and David Miers—leaders of the Law in Context movement—advocate a more holistic approach to legal interpretation. According to their view, law, far from being a self-contained and autonomous

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<sup>56</sup> Timothy Endicott, “Herbert Hart and the Semantic Sting,” in *Hart’s Postscript: Essays on the Postscript to The Concept of Law*, ed. by Jules Coleman (New York: Oxford University Press, 2001), 41.

<sup>57</sup> Andrei Marmor, “Preface,” in *Law and Interpretation: Essays in Legal Philosophy*, ed. by Andrei Marmor (New York: Oxford University Press, 1995).

<sup>58</sup> Brian Bix, “Questions In Legal Interpretation,” in *Law and Interpretation: Essays in Legal Philosophy*, ed. by Andrei Marmor (New York: Oxford University Press, 1995), 140.

<sup>59</sup> Kevin Toh, “Four Neglected Prescriptions of Hartian Legal Philosophy,” in *Law and Philosophy*, 33 (2014), 708.

system, is inevitably shaped by social factors such as the community morality, cultural traditions, racial attitudes, religious beliefs, economic policies, and political goals. It is thus only fitting to interpret it in a manner that is sensitive to the situation of the interpreters, the backgrounds of the rules to be interpreted, and the broader societal context in which the interpretation takes place.<sup>60</sup> Only then will the “best” interpretation emerge. But the problem with this approach is that it blurs the boundaries between legal and non-legal considerations. It is unclear whether law could maintain its claim to authority if it were so liberally conflated with social elements that are alien to it.

Other debates about legal interpretation are not just about the interpretation of law *per se*, but about its interpreters, namely judges. As Martha Nussbaum writes, judges are levied with a variety of charges. On one hand, they are accused of interpreting the law undemocratically when they seem to apply a majoritarian conception of democracy. For how can the “best” interpretation of law simply be determined by majority rule? Law would be no better than the tyranny of the mob. On the other hand, judges are also accused of politicizing law when their interpretations reflect the positions of the president who appointed them. This is aggravated by the fact that they are not elected officials and are therefore only indirectly accountable to the people. There is another accusation that judges are not fit to interpret the law, so they are better off deferring to legislators who know their own laws best. On this view, legislative intention should always factor into adjudication.<sup>61</sup> This last point assumes, however, that there is such a thing as legislative intention and, more obscurely, that judges can discover what it is. What exactly is the content of this intention? It is unclear whether it is limited to the mental state of the lawmaker who authored the law, or whether it includes the entire host of non-homogeneous intentions that members of congress had when they voted a bill into legislation. If the latter, how would judges know which intention is the “true” one? It is possible for lawmakers to have had conflicting reasons for voting in favor of a bill.

The ongoing debates on legal interpretation are notoriously convoluted and have long branched away from their linguistic roots. They tend to draw insights from the philosophy of language, the philosophy of mind, the philosophy of psychology, and sometimes, even the philosophy of art or literature to better understand the nature of interpretation. In many debates, linguistic concerns have become merely secondary issues to be resolved. They cannot help but become a multidisciplinary hodgepodge of views, but this is a necessary step forward for any progress to be made or for

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<sup>60</sup> William Twining and David Miers, *How to Do Things with Rules*, 5th ed. (Cambridge: Cambridge University Press, 2010).

<sup>61</sup> Martha Nussbaum, “Legal Reasoning,” in *The Cambridge Companion to the Philosophy of Law*, ed. by John Tasioulas (Cambridge: Cambridge University Press, 2020), 72–73.

a resolution to be arrived at. In no way does this mean that the study of language has become irrelevant to law; on the contrary, advances in the philosophy of language have contributed towards tremendous advances in jurisprudence in recent years.<sup>62</sup> The takeaway, however, is that legal and linguistic philosophy no longer possess the internal resources necessary to solve some of their own problems. They must sometimes look beyond themselves for new answers, and Hart, it might be said, was guilty of underestimating the difficulty of some problems and overestimating the promise of language to solve them.

## Law and Obligation

### *The Practice Theory of Obligation*

A.J. Simmons defined obligations as *requirements*; they place limitations on our freedom but must nonetheless be obeyed.<sup>63</sup> Hart made the stronger claim that obligations are *moral* requirements that may be incurred through the performance of voluntary acts.<sup>64</sup> On this definition, then, legal obligations are moral requirements to obey the law, and the problem of legal obligation concerns the question of what justifies our duties to fulfill these requirements.<sup>65</sup>

Hart introduced a theory of obligation that was intimately connected with his practice theory of rules. In his view, one has an obligation when one is subject to the rules of a social practice. It was previously explained that a practice-rule exists when there is a social habit or widespread convergence of behavior, deviations from which are criticized by the members of a community. Additionally, these criticisms are seen as legitimate and the regularity itself is regarded as a standard for guiding behavior. But not all practice-rules give obligations. Hart listed three further requirements that must be satisfied in order for a practice-rule to be obligatory. They may be referred to as the “social pressure requirement,” the “importance requirement,” and the “conflict of interests requirement”:

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<sup>62</sup> See, for example, Andrei Marmor, *The Language of Law* (New York: Oxford University Press, 2014).

<sup>63</sup> A.J. Simmons, *Moral Principles and Political Obligations* (New Jersey: Princeton University Press, 1979), 7.

<sup>64</sup> H.L.A. Hart, “Are There Any Natural Rights?,” in *The Philosophical Review*, 64 (April 1955), 179, note 1.

<sup>65</sup> William Edmundson formulates this problem far more elegantly: “Why should I obey the law?” See William A. Edmundson, “Introduction,” *The Duty to Obey the Law*, ed. by William A. Edmundson (Maryland: Rowman & Littlefield Publishers, Inc., 1999), 1.

**The Social Pressure Requirement:** The demand for conformity with these rules is insistent and the social pressure upon those who deviate is great;

**The Importance Requirement:** The rules are regarded as important because they are believed to be necessary to the maintenance of social life; and

**The Conflict of Interests Requirement:** It is recognized that the conduct required by these rules conflict with the interests of those who are under a duty to obey it.<sup>66</sup>

I shall argue that Hart has provided a flawed theory of obligation by discussing each requirement in turn, beginning with the social pressure requirement. In truth, it is doubtful whether the existence of social pressure is really a requirement for an obligation to exist. There are at least two reasons why. The first is that obligations often exist even when there is no social expectation for people to conform to a pattern of behavior. For example, vegetarians might be correct in saying that there is an obligation to refrain from eating meat because the slaughter of animals is unethical, even though they are a minority that is incapable of exerting a compelling amount of aggregate pressure. If this is true, then there cannot possibly be a social practice of refraining from eating meat, but the lack thereof would not necessarily nullify the existence of that obligation. Therefore, at least in some cases, the social pressure requirement is otiose. The second objection, as Leslie Green says,<sup>67</sup> is that the fact that there is a general practice of  $\phi$ -ing is not itself a reason for  $\phi$ -ing. Just because everyone does something a certain way, it does not follow that one has an obligation to emulate them. Admittedly, there is often social pressure to conform to certain patterns of behavior, but it would hardly create a *moral requirement*. Otherwise, the existence of social pressure would be no better than the Austinian sanctions that Hart considered to be normatively inadequate. The pressure would only *oblige* people to behave in a certain way, but not place them *under an obligation*. In short, social pressure is neither a necessary nor sufficient requirement for an obligation to exist.

The importance requirement may be taken in conjunction with the conflict of interests requirement. In my interpretation of the importance requirement, a practice-rule gives an obligation when it upholds a prized feature of social life. Although obligations direct our actions towards these ends, they are not ordinarily thought of as things that one is *eager* to obey

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<sup>66</sup> Hart, *Concept of Law*, 84–85.

<sup>67</sup> Leslie Green, "Law and Obligations," in *The Oxford Handbook of Jurisprudence and Philosophy of Law*, ed. by Jules Coleman and Scott Shapiro (New York: Oxford University Press, 2002), 518.

because they usually entail making some kind of sacrifice or renunciation. For example, he who honors his obligations is often seen as someone who is morally praiseworthy because he is subordinating his personal interests for the greater good of a social group. Hence, the fusion of the importance and conflict of interests requirements is what enables Hart to characterize obligations as *moral* requirements. They guarantee that a practice-rule that is treated as obligatory serves a purpose that is so morally valuable that it becomes incumbent to conform to it. If this is correct, then law is a kind of moral standard as well, albeit one that is institutionally enforced. And it is precisely in virtue of being a moral standard that it is binding.

The problem, however, is that this argument rests on a sleight of hand. Hart was too quick to conclude that anything of great importance necessarily gives rise to obligations, be they moral or legal ones. It is entirely plausible that there are practice-rules that satisfy the importance and conflict of interests requirements but do not impose any moral requirements upon us. John Tasioulas, for example, thinks that there are moral actions that are supererogatory, but not obligatory. He gives the example of human rights defenders—such as those who work with non-governmental organizations or political groups—who publicly expose the rights-violating policies of oppressive regimes in order to reduce the number of future violations.<sup>68</sup> What they do is of great moral importance, and by virtue of placing their lives in danger, it certainly conflicts with their personal interests. Yet they are not necessarily acting in conformity with any *obligation*; the reasons they have to put their own lives at risk do not outweigh the reasons they have to preserve their own life. A more familiar example might be that of a passerby who sees a child who is trapped in a burning building but reluctantly decides, in accordance with his best judgment, that it would be imprudent for him to risk his own life to save that of the child—even if, for instance, there were a social practice of always trying to save the life of a neighbor in that community. Doing so might have been morally praiseworthy and in conformity with a social practice of great importance, but it would hardly be morally obligatory. The point of these examples is that not every moral standard is the source of an obligation, and so it is important for us to distinguish an act that is morally praiseworthy from one that is morally obligatory. Thus, even if the importance and conflict of interests requirements do render the law a kind of moral standard, this fact by itself cannot be the main reason that it is obligatory. This is not to deny that there is such a thing as legal obligation. It only means that one cannot make the illicit inference from saying that if a

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<sup>68</sup> John Tasioulas, “Hart on Justice and Morality,” in *Reading HLA Hart’s ‘The Concept of Law’*, ed. by Luís Duarte d’Almeida, James Edwards, and Andrea Dolcetti (Oxford: Hart Publishing, 2013), 173–174.

practice-rule is moral, then it is obligatory for the very same reason. Hart's practice theory of obligation fails.

### *Contemporary Debates on Legal and Moral Obligation*

Philosophers who ascribe more plausible theories of obligation to Hart may be divided into two camps. Some opt to abandon the practice theory altogether, while others propose modifying it instead. The former have pointed out that Hart's argument from "fair play" in a paper that was published before *The Concept of Law* presents a promising framework for such a theory. On this view, whenever a group of persons consent to restrict their individual liberties according to the rules of an enterprise (e.g., a legal system), they have a right to similar submission from those who have benefitted from their actions.<sup>69</sup> Matthew Kramer does not think this argument is sound, however, for it assumes that the benefits and burdens of rendering obedience unto the law are equally distributed throughout society.<sup>70</sup> He argues that the principle of fair play is invalid because the playing field is not level to begin with.

Kenneth Einar Himma is of the latter group that prefers to add minor adjustments to Hart's theory instead. In particular, Himma addresses the objection that coercive enforcement—which presumably includes but is not limited to social pressure—cannot be a source of obligation. He agrees that coercion by itself does not give rise to obligations, so he adds a further requirement as a remedy: that a coercive system must be *authorized* to apply certain sanctions against non-feasance. The act of authorization, in turn, consists of what Himma refers to as the "acquiescence" of citizens to the application of the system. They do not necessarily have to exhibit a deferential attitude towards the legal system, for it is sufficient that they passively abide by its norms. Thus, a system of coercion and its authorization together create the conditions for legal obligation to exist.<sup>71</sup> Unfortunately, in my estimation, Himma's argument is not persuasive because the force of acquiescence is too docile to equal that of authorization. For instance, a group of villagers may acquiesce to contribute a portion of their earnings each week to the mayor who is raising funds for the feast day of the town's patron saint. The villagers

<sup>69</sup> Hart, "Are There Any Natural Rights?," 185, note 67.

<sup>70</sup> Matthew Kramer, "Legal and Moral Obligation," in *The Blackwell Guide to the Philosophy of Law and Legal Theory*, ed. by Martin P. Golding and William A. Edmundson (Oxford: Blackwell Publishing Ltd., 2005), 181.

<sup>71</sup> Kenneth Einar Himma, "A Comprehensive Hartian Theory of Legal Obligation: Social Pressure, Coercive Enforcement, and the Legal Obligations of Citizens," in *Philosophical Foundations of the Nature of Law*, ed. by Wil Waluchow and Stefan Sciaraffa (Oxford: Oxford University Press, 2013), 172–178.



might *tolerate* his system, but it does not mean that they are *happy* with it, or at least, they would hardly describe themselves as genuinely *authorizing* it. But then this would mean that the conditions for an obligation to exist are not satisfied. The problem, in short, is that acquiescence is too weak a requirement for obligation. If it is indeed a requirement, then Himma must defend something stronger such as obedience or deference to the system.

Finally, philosophers who belong to neither camp believe that Hart's analysis of obligation is unduly formal and deny that an explanation of obligation can be exhausted by facts about institutionalized practices alone. Nicos Stavropoulos points out that there are substantive theories of obligation which, if true, would strip the directives of legal institutions of their *prima facie* obligatory force. The mere existence of a social practice, even if it satisfied all of the aforementioned conditions, would always be an insufficient ground for justifying the existence of a legal obligation. Rather, Stavropoulos says, substantive considerations such as moral principles are what make the law binding.<sup>72</sup> For example, legal obligations would exist not because there is any convergent practice that generates pressure to conform to protect some kind of social good, but because they promote justice, fairness, or equality. Admittedly, this line of reasoning squares with our common understanding of obligation—that we ought to follow the law because it upholds a moral purpose. Defenders of Hart need to account for this argument; there is promise, for instance, in arguing that moral principles are institutionalized as part of social practices. This article, however, is not the place to explore this route.

## Conclusion

In this article, I have argued that while some of Hart's ideas have successfully weathered the powerful assaults of his critics, others are in need of serious revision if they are to continue to remain relevant to contemporary debates in legal philosophy. First, in relation to the debate on descriptive and normative jurisprudence, I have argued that Hart's "descriptive sociology" remains a plausible philosophical method of theorizing about law. Second, in relation to the legal positivism debate, however, I have argued that Hart and other inclusive positivists have failed to recognize the arguments of exclusive positivists for what they really are—conceptual arguments—a failure that led them to develop faulty conceptions of law. Third, in relation to language, I have argued that while Hart correctly pointed out that issues of legal interpretation are linguistic, the philosophy of language does not possess the

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<sup>72</sup> Nicos Stavropoulos, "Obligations, Interpretivism, and the Legal Point of View," in *The Routledge Companion to Philosophy of Law*, ed. by Andrei Marmor (New York: Routledge, 2017), 77–82.

resources necessary to resolve them and must therefore be supplemented by the philosophy of mind, art, psychology, and even literature. Finally, I have argued that Hart's practice theory of obligation does not provide a persuasive account of our duty to obey the law but that his modern sympathizers have made ingenious attempts to improve it to varying degrees of success.

Hart undoubtedly made tremendous advances in jurisprudence when he published *The Concept of Law* sixty years ago. It is likely that the most tightly contested legal debates another sixty years from now will continue to be organized around the themes of his book, and so we are indebted to him upon whose intellectual shoulders we continue to stand. When Hart passed away on 19 December 1992, obituaries were published in all of the major broadsheets in England. In a memoir written for the British Academy, Tony Honoré referred to Hart as "the outstanding British legal philosopher of the twentieth century."<sup>73</sup> In February 1993, a public memorial was held to commemorate the life of legal philosophy's intellectual giant. Zenon Bankowski shared a poem that was published in *The Independent*: a somber but poignant reflection on the impact that Hart had made on legal theory in the last half century:

Then, there was only him.  
Now, a hundred flowers bloom.  
This is his lasting contribution.<sup>74</sup>

*Department of Philosophy, University of the Philippines-Diliman*

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<sup>73</sup> Tony Honoré, "Herbert Lionel Adolphus Hart (1907–1992)," in *Proceedings of the British Academy*, 84 (1994), 295.

<sup>74</sup> Zenon Bankowski, "Obituary: Professor Herbert Hart," in *The Independent* (23 December 1992), <<https://www.independent.co.uk/news/people/obituary-professor-herbert-hart-1565229.html>>.

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Article

## Beware the “Normative Void”: Revisiting Max Weber’s Conception of State Legitimacy

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*Stergios G. Mitas*

**Abstract:** Max Weber’s definition of the state is steadily considered as a theoretical key-tool for analyzing and assessing statehood and state legitimacy. At the same time, as it is well known and debated in the literature, Weber radically abstains from normative reasoning in regard to state, law, and politics. In the present paper, I aim to revisit Weber’s normative deficit, arguing that it renders the explanatory power of his state and state legitimacy theory either useful but trivial, either structurally unimportant. The above is explained by reference to modern-day public issues and debates (such as “privatization of security forces” and “failed states”). I advocate precisely for a theory of substantive legitimacy, drawn upon the classical political-philosophy framework, from which Weber departs.

**Keywords:** Weber, state monopoly on use of violence, political legitimacy, social contract

The monopoly of legitimate violence, also referred to as state monopoly on violence, relates to the idea that the state alone retains the right to use—or authorize the use—of physical force within a given political community. The idea and its actual wording are intimately linked to the works and the elaborations of the German social theorist Max Weber (1864–1920). In fact, Weber’s definition of the state as a “compulsory political association that successfully upholds claim to the monopoly of the legitimate use of physical force” is arguably the most widespread *state definition* in social and political science.<sup>1</sup>

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<sup>1</sup> Andreas Anter, “The Modern State and Its Monopoly on Violence,” in *The Oxford Handbook of Max Weber*, ed. by Edith Hanke, Lawrence Scaff and Sam Whimster (Oxford: Oxford University Press, 2020), 227.



The whole concept is generally envisaged as covering the essential historical and conceptual aspects of the *modern state*.<sup>2</sup> That is, the institution that arose out of the long-term process of the emergence of Modern Times (as distinct from Antiquity and the Middle Ages) and gradually became the basic organizing form of the political tier of social life. Weber portrays extensively in his work the actual historical process by which the modern-type—basically *occidental*—state was given birth, through expropriating all means of political domination (including the use of physical force) from local lords, religious institutions, associations of medieval guilds, private households, etc. and by shaping out the *legitimacy of its own rule*.<sup>3</sup>

The Weberian notion in question might, then, seem as the adequate framework that is able to animate and unlock quite a many vital questions, supposedly concerning not only historical or empirically “definitional” issues about the state, but furthermore a somewhat proper understanding of its (political) legitimacy. Given all due emphasis, after all, to the adjective Weber himself employs, i.e., legitimate (*legitimate* violence), one might be tempted to raise on the occasion the crucial philosophical question—the *keystone question* of philosophy of law, as righteously claimed<sup>4</sup>—which relates to the legitimizing grounds/substantial reasons for living under a *coercive* legal and political system. However, as I will analyze below, Weber stresses the problem of legitimacy without any such normative aspirations or framework. Weber’s “normative void”<sup>5</sup> is something that has been addressed several times and criticized in the literature.<sup>6</sup> At the same time, for certain, the Weberian approach is steadily considered as a theoretical tool for, so called, empirical investigations of statehood and political rule (e.g., analyzing state formation processes or assessing “state failure”).<sup>7</sup> In the present paper, I aim

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<sup>2</sup> For a detailed and thoughtful elaboration on the historical development of the early modern state in the European field and context, see Thomas Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge: Cambridge University Press, 1997).

<sup>3</sup> See Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. by Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978), in particular 941ff; and, among others, Allen Kieran, *Max Weber: A Critical Introduction* (London: Pluto Press, 2004), 97ff, 111ff.

<sup>4</sup> Ronald Dworkin, *Law’s Empire* (Cambridge: Harvard University Press, 1986), 108ff.

<sup>5</sup> Pedro Magalhães, “A Contingent Affinity: Max Weber, Carl Schmitt, and the Challenge of Modern Politics,” in *Journal of the History of Ideas*, 77 (2016), 284.

<sup>6</sup> See the classic formulations of this criticism in Leo Strauss, *Natural Right and History*, (Chicago: University of Chicago Press, 1965), 43ff; Wolfgang J. Mommsen, *Max Weber and German Politics*, trans. by Michael Steinberg (Chicago: University of Chicago Press, 1984), 448ff; Jürgen Habermas, *Legitimation Crisis*, trans. by Thomas McCarthy, Cambridge: Polity Press, 1988), 97ff; Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. by William Rehg (Cambridge: The MIT Press, 1996), 67ff.

<sup>7</sup> See among others Robert Grafstein, “The Failure of Weber’s Conception of Legitimacy: Its Causes and Implications,” in *The Journal of Politics*, 43 (1981), 456; Stefano Guzzini, “Max

to show that the normative deficit of Weber’s theory of legitimacy takes a toll on such empirical investigations as well (a field, purported to be the outmost relevant field of application for a Weberian-type analysis). I begin by a comprehensive and in-context presentation of Weber’s state definition, focusing next on what the Weberian legitimacy actually means. I then try to tie what appears to be a “thin” —and rather circular—theory of legitimacy with the overall (“value-free”) methodology of Weber. The deficits of the Weberian account are explained accordingly by reference to modern-day public issues and debates, such as on privatization of security forces and the problem of, so called, “failed states.” I end up advocating precisely for a theory of substantive legitimacy, drawn upon the classical-philosophy normative framework (from which Weber fundamentally departs).

### **Framing—and Deciphering—the Weberian Concepts**

Weber’s state analysis is a part of his broader theoretical project regarding a *sociology of domination* (Herrschaft).<sup>8</sup> As Weber broadly remarks, every historical era provides instances of political domination and rule (of men over men); struggles for acquiring and preserving it, as well as institutions that shape its form and somehow delineate its exercise. However, there are some specific traits that correspond to what we can aptly call *state*. The state refers to a historically specific type of political rule —based on the concentration of resources of domination and the establishment of an actual monopoly on legitimate (i.e., *accepted as legitimate*, as we shall see below) use of physical force on behalf of the ruling staff.

The actual definition elements are to be found in the following passages from “Politics as Vocation” (1919) and *Economy and Society* (published posthumously):

we must say that the state is the form of human community that (successfully) lays claim to the *monopoly of legitimate physical violence* within a particular territory ... other organizations or individuals can assert the right

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Weber’s Power,” in *Max Weber and International Relations*, ed. by Richard Ned Lebow (Cambridge: Cambridge University Press, 2017), 98.

<sup>8</sup> As Weber himself acknowledges, he is influenced at this point by the elaboration of the famous jurist—and personal friend of him—Georg Jellinek, who kept on identifying the “social relations of men” as the “ultimate objective element” of the state; in particular, social relations revolving around *powers of rulership* (Herrschaftsgewalt), see comments by Guenther Roth in Guenther Roth, “Introduction,” in Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. by Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978), LXXXIX.

to use physical violence insofar as the *state* permits to do so.<sup>9</sup>

compulsory political organization with continuous operations [*politischer Anstaltsbetrieb*] will be called a 'state' insofar as its administrative staff successfully upholds the claim to the monopoly of the legitimate use of physical force in the enforcement of its order.<sup>10</sup>

Already from the start, it stands out as obvious that the monopoly of legitimate violence is not just all there is, in the Weberian definition of a state. Other elements appear inextricably necessary as well: The territory is present as a crucial component of the definition since it defines the space within which the state claims its monopoly on force. Second, a certain state staff is needed, in order to perform exactly all that the state domination entails (in terms of law-giving, administration, order enforcement, etc.). Weber highlights, in addition, the element of continuity; for the state structure is in need to demonstrate stability and its operating needs to be presented as continuous.

Finally, the adverbial phrase "successfully," included in the passage, seems to cover both a) the quantitative element of the physical superiority and b) the qualitative element of the background legitimacy of one state's rule. What is constitutive, first of all, of the monopoly in question is that it refers to a use of force physically superior to other force manifestations, irresistible and capable of outweighing any counter-acting force or probable resistance. That is exactly why we are dealing with a different case if a certain counter-force finally succeeds to set aside the state force (see in the case of a successful revolution or secession from the territory): It then establishes — or aims at establishing — its own monopoly and rule.<sup>11</sup>

Second (and principally), the above superior rule does not only present itself as *lawful* and *legitimate*, but it is also broadly acclaimed *as such*. What sets the tone in this approach is how, by which reasons and on which terms a certain sovereign rule obtains and consolidates people's belief in

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<sup>9</sup> Max Weber, "Politics as a Vocation," in *The Vocation Lectures*, ed. by David Owen and Tracy B. Strong, trans. by Rodney Livingstone (Indianapolis: Hackett Publishing Company, 2004), 33 [emphasis and German term in text].

<sup>10</sup> Weber, *Economy and Society*, 34 [emphasis in text].

<sup>11</sup> See at this point Weber's own emphasis on the aspect of "success" ("successfully laying claim to the monopoly of violence"). Ralf Poscher highlights the importance of this aspect in a similar direction. See Ralf Poscher, "The Ultimate Force of the Law: On the Essence and Precariousness of the Monopoly on Legitimate Force," in *Ratio Juris*, 29 (2016), 316.

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legitimacy.<sup>12</sup> The famous social thinker is not, as quite frequently described, a fetishist of—or an apologist for—violence. When said of a “successful claim on violence,” what does mainly matter for Weber is that people have given their consent to it;<sup>13</sup> and this is the actual context which sets out the famous Weberian tripartite taxonomy of types of political authority, or else types of legitimate domination, as well as types of grounds for legitimacy (*Legitimität*).<sup>14</sup>

There exist three “ideal types” (in the Weberian-methodological sense of the term “ideal type,” that is a constructed ideal, a model for the scrutiny and systematic understanding of social reality<sup>15</sup>) of legitimate political domination: a) the traditional, b) the charismatic, and c) the legal/rational domination; while their respective grounds of legitimacy can be identified as a) tradition, b) charisma, c) legality (*Legalität*).

The traditional type of domination is based on the every-day, undebated belief in the authority, if not the sanctity, of the traditional, since time immemorial (as said), power arrangement and system of rules: the evident example here is the monarch “by divine right.” The charismatic type of domination, in turn, is animated by the devotion to the heroism, capacities and qualities, considered extraordinary, of the person(s) in rule, e.g., the case of the “unbeatable military leader” or the “popular, with exceptional charisma politician.” The third type, finally, the so-called legal—otherwise rational—type, is entwined with the belief in the legality of the order; i.e., that the people who gain and wield power do so because of, and in conformity with, pre-established rules.

Now, the third one, the so-called *legal* type is a “civil-servant-type” of exercise of power, in Weber’s own analysis. This type is acclaimed as *the only* “rational,” since the political subject in this case puts faith, not in the person or the authority per se, but in the rule, i.e., the impersonal, pre-established rules that shape and govern, inter alia, the exercise of political power. Thus, as regards the latter, political power occurs as nothing more and nothing less than a set of ordered services.<sup>16</sup>

Throughout extensive passages and in that connection exactly, Weber aims to demonstrate how the European Modern-Era states were actually shaped, namely, as an outcome of centuries of rationalization *in*

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<sup>12</sup> Karl Duszka, “Max Weber’s Conception of the State,” in *International Journal of Politics, Culture and Society*, 3 (1989), 75.

<sup>13</sup> *Ibid.*, 89–90.

<sup>14</sup> Weber, *Economy and Society*, 215ff.

<sup>15</sup> For the so called *ideal-types* see *ibid.*, 19–22, and the relevant passages from his famous methodological essay “‘Objectivity’ in Social Science and Social Policy,” in Max Weber, *Methodology of Social Sciences*, trans. and ed. by Edward Shils and Henry Finch (London: Routledge, 2011), 90ff.

<sup>16</sup> Weber, *Economy and Society*, 217–218.

*progress*, i.e., secularization, codification of law, bureaucratization of the public sphere, etc., and in the above respect, gradual transformation of the traditional and the charismatic grounds of legitimacy.<sup>17</sup> Sure enough, instances and traces of the two first types can be equally found in the modern state as well (we are dealing, as already highlighted, with pure ideal types, not empirical depictions or some mode of historical categorization). It is safe nonetheless to submit that the type that properly befits modern legal-political systems is the third one, the legitimacy through legality type.

We can assert therefore—going back to the subject of legitimate violence—that in the modern state the monopoly in question is no longer claimed—and effected—via invocation of tradition, or by virtue of one’s exemplary personal authority; but due to formal legality and necessarily within the scope of a certain rule-ascribed, impersonal competence. In this respect, state officers may exercise physical force against citizens (e.g., detain persons, seize goods, put down street protests) and implement, after all, various forms of legal and administrative coercion (see for instance the enforcement of a judgement or an administrative act). In any case, the modern state is accountable to the law; it shall not resort to any unlawful use of state violence; and it might answer for just such an occasion. In what follows we aim to demonstrate why we ought not to overestimate however, mainly from a normative point of view, the Weberian account.

### **Casting Political Philosophy Aside: A Thin and Circular Theory of Legitimacy**

When the German thinker refers to grounds for legitimacy, he does not submit a thesis about any normative criteria that delimit state action, or somehow justify its use of force. What he tries to address and analytically frame—let us indicate once again—is that the institution called state retains the capacity to enforce you to do this or that; while it is broadly considered legitimated to do so.

Indeed, with regard to the issue of legitimacy, Weber radically shifts the point of analysis in relation to the standard political philosophy’s stance on the subject.<sup>18</sup> To him, legitimacy no longer pertains to normative evaluation of a specific juridico-political arrangement; it does not, indeed, refer to the legal arrangement or the political regime itself.<sup>19</sup> Weber’s legitimacy actually refers, in a strikingly circular way, to the belief in the

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<sup>17</sup> *Ibid.*, 941–1204.

<sup>18</sup> Donald J. Hermann, “Max Weber and the Concept of Legitimacy in Contemporary Jurisprudence,” in *DePaul Law Review*, 33 (1983), 1–2, 12.

<sup>19</sup> See among others Grafstein, “The Failure of Weber’s Conception of Legitimacy,” 456, and Brian S. Turner, *Max Weber: From History to Modernity* (London: Routledge, 1993), 191–193.

existence of a legitimate order: A legal-political regime is legitimate if it is largely regarded as legitimate. Furthermore, Weber directly relates (belief in) legitimacy with norm-compliance by citizens—a point at which we will come back to later.<sup>20</sup> For Weber, in the modern-state paradigm the above occurs as long as public authority is exercised in conformity with preestablished procedures. But we are still dealing, in the case, with a “rule by law” and not a “rule of law” account.

We should not expect from Weber’s legitimacy via legality thesis more than it actually says (hoping for instance to derive from it resources for theorizing the rule of law, the democratic rule, or some other guiding principle to which the modern state, in terms of its structuring and action, is subject). Weber basically takes the view that it is inherent in the exercise of modern state power to act in conformity with rules, gaining through this, more or less, people’s endorsement. All things considered, the above sets up an interpretive scheme about a historically defined state structure and rule. It lays not a background ideal, against which the functioning of the state or the quality of the legal institutions can—and ought to—be weighed. Put another way, Weber’s writings do not give rise to, strictly speaking, fundamental obligations of the state, and *still less* to fundamental rights of citizens.

Sure enough, the legitimacy via legality thesis implies a minimum of restraints to state rule: As already discussed, the powerholder may exercise power pursuant only to his/her mandate and within the limits of it.<sup>21</sup> The above comes in line with a number of modern-day principles and fundamental legal norms, such as the principle of legality of administrative acts and the separation of powers.<sup>22</sup> However, in the final analysis, Weber does not provide bounding reasons for the state actors not to breach—or circumvent—legality; at least other than the assumption, extrinsic to all normative reasoning, that in such a way they may jeopardize their “legitimacy.” Hence, the effectivity of their rule.

All these, of course, fall within the scope of his broader methodological project. As has been widely commented and debated on in the literature, Weber radically abstains from all normative reasoning in regard to state, law and politics;<sup>23</sup> suggesting from the outset, the need for “ethical neutrality” in social sciences.<sup>24</sup> We could argue, actually, that Weber’s “value-free” (*Wertfrei*) methodology traces back to two specific traits of his

<sup>20</sup> E.g., Weber, *Economy and Society*, 36–37.

<sup>21</sup> *Ibid.*, 652.

<sup>22</sup> Dusza, “Max Weber’s Conception of the State,” 95.

<sup>23</sup> See Strauss, *Natural Right and History*; Mommsen, *Max Weber and German Politics*; Habermas, *Legitimation Crisis*; Habermas, *Between Facts and Norms*.

<sup>24</sup> See especially the essays “The Meaning of ‘Ethical Neutrality’ in Sociology and Economics” and “‘Objectivity’ in Social Science and Social Policy,” in Weber, *Methodology of Social Sciences*, 1–112.



intellectual formation and profile; namely, a) his own adjustment of the fact-value distinction elaborated by the Neo-Kantians of Heidelberg<sup>25</sup> and b) certain Nietzschean influences that are, by and large, recognizable in his thought (e.g., in the “extra-moral” and historical, context-based treatment of morals that Weber preaches and pursues).<sup>26</sup>

In such a framework, Weber attempts to analyze belief in legitimacy purely in factual grounds, distancing himself from rational validity claims.<sup>27</sup> Nevertheless, even if we take crude belief in legitimacy (as distinct from a legitimacy belief, *justified* and grounded in normative reasoning) as a firm and a fertile research objective, the whole agenda raises difficulties: Since it is clear that belief remains basically inaccessible to an empirical research, Weber seems to look upon general *compliance* with the regime as an *indicium for belief in legitimacy*.<sup>28</sup> Still, it would be an invalid inference to deduce from compliance the sought-after belief in legitimacy, since we are lacking the crucial logical nexus: we do not know if the compliance stems actually from belief in legitimacy. Thus, Weber not only fails to distinguish between substantive political legitimacy and de facto legitimacy (equating actually the latter with stable political power<sup>29</sup>); he seems, equally, unable to carry out the very project that he pursues, namely the “empirical” investigation of political legitimacy.

### **Weberian Conception Applied, or Still in Need of a “Thicker” Legitimacy**

Quite a number of current debates and references are animated by, or relate to, Weber’s state monopoly and state legitimacy theory. In the

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<sup>25</sup> On the meaning and implications of the facts/values distinction in Weber’s thought, see Stephan Fuchs, “Observing Facts and Values: A Brief Theory and History,” in *Canadian Review of Sociology/Revue canadienne de sociologie*, 54 (2017), 462–464. For a more nuanced exposition of the relations between Weber and the Neo-Kantians see M. A. Brand, “Causality, Objectivity and Freedom: Weber, Kant and the Neo-Kantians,” in *The Australian and New Zealand Journal of Sociology*, 15 (1979).

<sup>26</sup> Turner characterizes Weber’s relation to Nietzsche as “constitutive.” See analysis given in Turner, *Max Weber*, 185–187. As regards the Nietzschean influences of Weber on various aspects, see also Georg Stauth, “Nietzsche, Weber, and the Affirmative Sociology of Culture,” in *European Journal of Sociology*, 33 (1992); and Ralph Schroeder, “Nietzsche and Weber: Two ‘Prophets’ of the Modern World,” in *Max Weber, Rationality and Modernity*, ed. by Sam Whimster and Scott Lash (London: Routledge, 1987), 207ff.

<sup>27</sup> See par excellence Habermas, *Legitimation Crisis*, 97ff.

<sup>28</sup> Weber himself acknowledges indirectly that *belief* is at the end an unreliable criterion, see for example the following passage, “Action [...] *may* be guided by the belief in the existence of a legitimate order. The *probability* that action will actually be so governed by will be called the ‘validity’ (Geltung) of the order in question” [emphasis added], Weber, *Economy and Society*, 31.

<sup>29</sup> Grafstein, “The Failure of Weber’s Conception of Legitimacy: Its Causes and Implications,” 456–457.



present section I aim to show that the Weberian scheme at the end proves to be either useful but trivial or structurally unimportant.

Overtime and in all state-formed societies, the state alone and its apparatus are not the sole actors that exercise violence. As the actual and only source of legality, the state evidently retains the right to lawfully authorize the exercise of violence.<sup>30</sup> Second, it is necessary to point out that the state's monopoly is obviously not refuted by the single fact of wide-spread cases of illegitimate violence within a society, from the least severe cases (e.g., slight bodily harms) to the most severe and large-scale ones (e.g., terrorism, organized crime, etc.). It is the law itself, after all, that foretells prospective instances of violence on behalf of a general and indeterminate number of probable actors; acts or omissions, prescribed exactly as criminal or civil offenses, meant to meet sanctions.<sup>31</sup>

In the present-day literature, some scientists and commentators tend to resort to Weber to discuss whether cases such as the privatization of security forces<sup>32</sup> or the "right of the citizens to keep and bear arms"<sup>33</sup> are compatible with his, quite well-known, "state monopoly on violence." The answer to such a query is rather self-standing, in terms of a *stricto sensu* Weberian account: As far as the state law (*itself*) provides for, and regulates, such phenomena, and given that the state apparatus retains *superior resources* of force, the monopoly in question is not at all debated.

It might be, for certain, plausible to argue that such provisions and phenomena raise fundamental rights issues; for instance, that they enable arbitrary use of violence on behalf of private persons and entities endanger the very entitlement to equal respect and concern of all citizens under the law. But claiming that, we get already outside of the Weberian scope—touching, say, upon the *substantial legitimacy* of the state and not the sole *effectivity of its rule*.

There is furthermore a great deal of discussion that weigh the relevance of Weber's lines, on the field of international politico-legal analysis; for instance, examining or assessing state frailties and qualities, etc.<sup>34</sup> A state

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<sup>30</sup> See, inter alia, examples of legitimate self-defense, permissible school or family discipline; even the case of private security companies, regulated by law).

<sup>31</sup> Poscher, "The Ultimate Force of the Law."

<sup>32</sup> See for instance Herbert Wulf, "Challenging the Weberian Concept of the State: The Future of the Monopoly of Violence," in *The Australian Centre for Peace and Conflict Studies – Occasional Papers Series*, 9 (2007); Elke Krahmman, "Private Security Companies and the State Monopoly on Violence: A Case of Norm Change?," in *Peace Research Institute Frankfurt Reports*, 88 (2009).

<sup>33</sup> On a US-based level of discussion, see Joshua Horwitz and Casty Anderson, *Guns, Democracy, and the Insurrectionist Idea* (Ann Arbor: University of Michigan Press, 2009), 179–184.

<sup>34</sup> See for instance Daron Acemoglu, James A. Robinson and Rafael J. Santos, "The Monopoly of Violence: Evidence from Colombia," in *Journal of the European Economic Association*, 11 (2013); Philipp Lottholz and Nicolas Lemay-Hébert, "Re-reading Weber, Re-conceptualizing

is qualified as “failed,” predominantly, when it is no longer able, or simply fails, to carry out the “basic state functions” that are more or less extrapolated by the Weberian definition (enactment and enforcement of law, effective administration, protection of public order and national security, etc.).<sup>35</sup> If the analysis proceeds however one step further, maintaining—as it is usually the case—that such a state “fails to safeguard minimal civil conditions,”<sup>36</sup> or that it lacks the “ability to manage domestic and international challenges”<sup>37</sup>, a strictly Weber-type analysis cannot sustain the argument. Because this would require an argumentation concerning no longer the so-called basic functions of a state, or the empirical signs of its alleged legitimacy; it presupposes a line of reasoning concerning the “fundamentals of a state” from the standpoint of *the reasons that render it, normatively, necessary* (and after all endowed with the coercive faculties in question).<sup>38</sup>

What happily gains ground in the above debates, is that reflections on legitimate rule can no longer be carried out *exclusively* by reference to physical domination through force or the mere fact of administration of basic state functions; that is, without touching upon “thicker” and much more nuanced accounts of legitimacy (that refer, for instance, to the democratic accountability of the state, the respect for human rights, etc.).<sup>39</sup> As explained above, however, we have to go beyond so-called “value-free” conceptions of legitimacy for that: We need to set out a philosophical framework of discussion that, unlike and beyond Weber, seeks *substantial standards and values for political legitimacy*. In what follows, I try to roughly outline such a framework, drawing upon the classical political-philosophy thinking of Modernity (from which Weber, as said, radically departs).

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State-building: From Neo-Weberian to Post-Weberian Approaches to State, Legitimacy and State-building,” in *Cambridge Review of International Affairs*, 29 (2016); Jason Miklian, “Monopolies of Violence in Developing Democracies: Emerging Evidence from India,” (2016), <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2854224](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2854224)>.

<sup>35</sup> See Turkan Firinci-Orman, “An Analysis of the Notion of a ‘Failed State’,” in *International Journal of Social Science Studies*, 4 (2016), 80–81; and Jean-Germain Groz, “Failed States in Theoretical, Historical, and Policy Perspectives,” in *Control of Violence: Historical and International Perspectives on Violence in Modern Societies*, ed. by Wilhelm Heitmeyer, Haupt Heinz-Gerhard, Stefan Malthaner, and Andrea Kirschner (New York: Springer, 2011), 537ff.

<sup>36</sup> Firinci-Orman, “An Analysis of the Notion of a ‘Failed State’,” 81.

<sup>37</sup> Groz, “Failed States,” 549.

<sup>38</sup> *Necessary on one side, and at the same time compatible with the fundamental status - value of freedom of the persons that lay subject to its rule*, see Alain Renaut, Jean-Cassien Bilier, Patrick Savidan and Ludivine Thiaw-Po-Une, *La philosophie* (Paris: Odile Jacob, 2005), 392ff.

<sup>39</sup> E.g., Miklian, “Monopolies of Violence,” 1.

### Addendum: Political Philosophy Re-enters

The very idea that the emergence of a state is equal to a radical shift of power relations, *in favor of the political ruler*, can be traced back to the philosophical thinking of Modernity that has dealt with the so called "social contract," that is, the hypothetical pact that lies beneath *and justifies* the abandoning of "natural freedom" of each, in favor of their association as political community (under coercive institutions and norms).

According to Spinoza, among others, the "social compact" entails handing down one's resources of force, including the power to physically defend herself to the sovereign authority.<sup>40</sup> Of course, the philosophical analysis that relates par excellence to the debate is the Hobbesian argument about the almighty state sovereign, famously (or *notoriously*) bearing the name *Leviathan*. Hobbes borrows the name from Bible passages regarding a mythical creature that is ferocious indeed and *without equal in terms of might*. In line exactly with the latter, the philosopher claims that the reference stands as *illustrative* for the superiority the sovereign political rulers exhibits (within a political society).<sup>41</sup>

Hobbes's argumentation is basically built upon two premises: 1) The opposite of the political state of coexistence, the so called in the philosophical literature *status naturalis*, is truly bleak and unsustainable, a state in which "a man is a wolf to another man." 2) If, supposedly, every single individual retains the right to make decisions by her own, regarding her interests, everyone then winds up being *both* interesting party *and* judge: Thus, it seems that the only possibility of ensuring our civil cohabitation is by proclaiming the state as *guarantor of the common rules*; as *impartial arbiter* above all probable bilateral disputes; ultimately, as the subject *that excels in might* among all other subjects/group of subjects.

According to the Hobbesian text:

[the only way] is, to confer all their power and strength upon one man, or upon one assembly of men ... and therein to submit their wills, everyone to his will, and their judgments, to his judgment .... For by this authority, given him by every particular man in the commonwealth, he hath the use of so much power and

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<sup>40</sup> Baruch Spinoza, *Theological-Political Treatise*, ed. by Jonathan Israel, trans. by Michael Silverthorne and Jonathan Israel (Cambridge: Cambridge University Press, 2007), 189ff.

<sup>41</sup> Thomas Hobbes, *Leviathan*, ed. by J.C.A. Gaskin (Oxford: Oxford University Press, 1986), 82ff, 85ff.

strength conferred on him, that by terror thereof, he is enabled to conform the wills of them all ....<sup>42</sup>

It cannot however be *validly* concluded that, when men enter political society, they are meant to be expropriating their faculties as freedom-holders for the benefit of the superpower called *state*. The *pactum unionis* needs not (necessarily) be, as the Hobbesian text precludes, a *pactum subjectionis*.<sup>43</sup> All that the two premises above entail is that the political sovereign reserves exclusively the right to implement coercion; not necessarily that every sort of coercion that the sovereign brings forth is to be considered *legitimate* (just because it comes from the sovereign). But to properly tackle with the political pactum as a matter of *gaining, instead of sacrificing, freedom*, and ultimately speak about legitimate constraints upon the state power itself, we need to get outside the Hobbesian framework.

There exists a wholly different conception about the political community and the legitimate *claims to authority and coercion* within it. This conception is to be found in the works of Rousseau and Kant. It points, following Rousseau's monumental words, to a "form of association that may defend and protect with the whole force of the community the person and property of every associate, and by means of which each, joining together with all, may nevertheless obey only himself, and remain as free as before."<sup>44</sup> As Kant highlights from the outset: the veritable justifying foundation of the legal and political association of men actually lies in providing for, preserving and furthering conditions of the maximum possible coexistence of freedom.<sup>45</sup> Notwithstanding their respectively distinct scope and argumentation, both philosophers share the premise that the rightful political condition has actually to do with maintaining "mutual recognition" among all (Rousseau) and equal "innate right to freedom" of each (Kant).<sup>46</sup>

Since the radical problem with the (hypothesis of a *prepolitical*) state of nature is that every person may seek to undo each other, and bearing always in mind that, if the enforcement of (what I take to be) my rights were to depend solely on my physical strength, then the limits on freedom are destined not to be reciprocal: freedom, then, is not about to be equal. It would seem therefore as an abuse of language to speak about freedom in the state of

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<sup>42</sup> *Ibid.*, 114.

<sup>43</sup> *Ibid.*, 115ff, 139ff.

<sup>44</sup> Jean-Jacques Rousseau, *The Social Contract and The First and Second Discourses*, ed. and trans. by Susan Dunn (New Haven: Yale University Press, 2002), 163.

<sup>45</sup> Immanuel Kant, *The Metaphysics of Morals*, trans. by Mary Gregor (Cambridge: Cambridge University Press, 1991), 56.

<sup>46</sup> See Arthur Ripstein, "Authority and Coercion," in *Philosophy and Public Affairs*, 32 (2004), 6ff; Arthur Ripstein, "Universal and General Wills: Hegel and Rousseau," in *Political Theory*, 22 (1994), 447–450.

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nature (and even less about rights); where there is nothing else but exercises of unilateral, brute force.

Instead, what a (just) political society brings forth is equitable inter-relation: in terms of reciprocal respect of the *personhood* and *equal freedom of all*. Having one's freedom subject to the arbitrary will of others amounts to (unjust) private enforcement that ought to be hindered by the use of (justified) public coercion, as a "hindering of a hindrance to freedom."<sup>47</sup> On the same grounds, a *justifiable* state coercion has first of all to actually represent the "general will" of a free people (i.e., it has to stem from the collective body of self-legislating citizens). Second and by all means, it needs to be grounded in reasons of respecting/promoting aspects, or conditions, of equal freedom (i.e., what constitutional lawyers actually call fundamental *rights* and *principles*). Such a Rousseauian/Kantian-inspired analysis, roughly sketched of course, can serve as the adequate basis for distinguishing *substantially* legitimate to nonlegitimate uses of public coercion.

*Department of Law, University of Nicosia, Cyprus*

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<sup>47</sup> Kant, *Metaphysics of Morals*, 57.

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Article

## **Revisiting Susan Moller Okin's *Justice, Gender, and the Family* (1989): Intersectionality, Social Ethos, and Critical Praxis of Gender Justice**

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**John Raymond B. Jison**

**Abstract:** In her influential work *Justice, Gender, and the Family* (1989), the late feminist and political philosopher Susan Moller Okin writes that “a just future would be one without gender.” She argues that the society’s veering away from gender renders the family a practical avenue where a sense of egalitarian-humanist justice can be developed. This article revisits her work and appraises the viability of her thesis in the context of women’s diverse experiences in underserved societies. By employing the concept of intersectionality, the article reflects on how Okin’s argument could be rethought to account for the substantively layered and distinct experiences of women in marginalized communities, and how achieving gender justice should go beyond dismantling gender roles within the family. This can be done by fostering an ethos of gender justice that guides members of the society into thinking about the intersections, complexities, and dynamic processes of individual experiences, and adopting a critical gender praxis to apply meaningful ideas for the creation of viable and holistic strategies in fully addressing gender inequalities.

**Keywords:** critical gender praxis, ethos of gender justice, intersectionality, justice, Okin

**I**ncidence of gender inequality not just in the economic sphere but also socio-political is well-documented in empirical studies.<sup>1</sup> The United

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<sup>1</sup> See Gunn Elisabeth Birkelund and Arne Mastekaasa, “Restructuring Gender Relations: Women’s Labour Market Participation and Earnings Inequality among Households,” in *Gender Inequalities in the 21st Century: New Barriers and Continuing Constraints*, ed. by Jacqueline Scott, Rosemary Crompton, and Clare Lyonette, 242–254 (UK: Edward Elgar Publishing, 2010); Man Yee Kan and Jonathan Gershuny, “Gender Segregation and Bargaining in Domestic Labour: Evidence from Longitudinal Time-use Data,” in *Gender Inequalities in the 21st Century: New*

Nations Development Programme's Human Development Report Office, in its annual Gender Inequality Index, report finds that gender inequality remains stark in most countries in Africa, South America and Asia, posing a barrier to human development.<sup>2</sup> Inequalities between men and women cut across socio-economic cleavages and remain to be a definitive feature of modern society. Despite the significant strides achieved in affirming sexual and gender equalities, women are still at the receiving end of various types of discrimination and disadvantage.

Susan Moller Okin's *Justice, Gender, and the Family* (1989) introduces a theory of justice focusing on the family and how the society's veering away from gender can transform the family into an avenue where an egalitarian-humanist gender justice can be developed. Her thesis rests on three main claims: (1) egalitarian humanist justice; (2) injustice of gender; and (3) family as the linchpin of gender.<sup>3</sup> Okin begins by stating that the family is the primary locus of gender inequality in society. She comments that liberal and libertarian theories, while recognizing the existence of a *gendered family*, argue that the family is not covered by principles of justice because it is within the ambit of the private sphere. As compared to the public sphere dominated by male interests, the private or domestic sphere is where "men's and women's interests are assumed to be complementary and harmonious, and so not regulated by principles of justice."<sup>4</sup> It appears that the discourse on gender equality, she observes, only emphasizes relations outside and not within the family.

The traditional, gender-structured family life puts women into blatant disadvantage. Domestic duties such as housekeeping and child-rearing are traditionally ascribed to women and, therefore, become a site of injustice. Women are expected to be the primary parent and assume all the responsibilities involved in raising children. Injustice occurs when it limits

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*Barriers and Continuing Constraints*, ed. by Jacqueline Scott, Rosemary Crompton, and Clare Lyonette, 153–173 (UK: Edward Elgar Publishing, 2010); Anja-Kristin Abendroth, Silvia Melzer, Alexandra Kalev, and Donald Tomaskovic-Devey, "Women at Work: Women's Access to Power and the Gender Earnings Gap," in *ILR Review*, 70 (2017); Francisco Perales, Janeen Baxter, and Tsui-o Tai, "Gender, Justice and Work: A Distributive Approach to Perceptions of Housework Fairness," *Social Science Research*, 51 (2015).

<sup>2</sup> Human Development Report Office, "Gender Inequality Index (GII)," in *United Nations Development Program Human Development Reports*, <<http://hdr.undp.org/en/content/gender-inequality-index-gii>>.

<sup>3</sup> Joshua Cohen, "Okin on Justice, Gender, and Family," in *Canadian Journal of Philosophy*, 22 (1992).

<sup>4</sup> Will Kymlicka, "Rethinking the Family," in *Philosophy and Public Affairs*, 20 (1991). As Kymlicka explains, the liberal theory has been characterized by a profound division between the public sphere and the private sphere. There is an assumption that in a highly patriarchal society, only men have the capability to act within the public sphere while women are not expected to contribute to public life.

their participation and contribution in public spheres such as economy and politics, and when it widens the income gap between men and women since parenting and child-rearing are traditionally unpaid roles. Thus, the disappearance of gender roles or its prevalence in every aspect of social life enables provision of opportunities and benefits, material or otherwise, that have long been denied to women. Humanist justice that espouses egalitarianism should adhere to principles and practices that aim for the *minimization of gender*.<sup>5</sup> This type of justice should not sustain let alone reinforce gender inequalities. Egalitarian humanist justice condemns the feminization of domestic labor and calls for equal sharing of domestic duties between the husband and wife. Okin envisions a society where there is “equal sharing by men and women of paid and unpaid work, of productive and reproductive work.”<sup>6</sup> It is a society where gender roles are nonexistent and where families do not mechanically assign responsibilities in reference to one’s gender. It is a condition where the division of domestic labor loses its potential of generating injustice because of the obsolescence of “more or less traditional patterns of role differentiation.”<sup>7</sup> The institution of a genderless family is crucial in providing just treatment for the disadvantaged, specifically women. As Okin writes:

... I claim that the genderless family... is more just to women; it is more conducive to equal opportunity, both for women and for children of both sexes; and it creates a more favorable environment for the rearing of citizens of a just society. Thus, while protecting those whom gender now makes vulnerable, we must also put our best efforts into promoting the elimination of gender.<sup>8</sup>

The act of moving away from gender requires implementation of public policies that aim for equality between men and women. Policy proposals such as mandatory parental leaves, flexible working hours for parents, equal entitlements for single parents, and gender mainstreaming in school curricula, must be in place to encourage and facilitate shared parenting. She argues that these initiatives will work towards transforming families as schools of justice and eliminating gender bias in the household level and, eventually, the societal level.

This article is, in one way or another, a critique of Okin, albeit it will not revolve around her essentializing definitions of family and marriage, i.e.,

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<sup>5</sup> Susan Moller Okin, *Justice, Gender, and the Family* (USA: Basic Books, 1989), 175.

<sup>6</sup> Okin, *Justice, Gender, and the Family*, 171.

<sup>7</sup> *Ibid.*, 172.

<sup>8</sup> *Ibid.*, 183–184.

the reliance on traditional family groupings and the assumption that all relationships are heterosexual and monogamous.<sup>9</sup> Rather, my critical reflections will center on how Okin's arguments resonate with or diverge from the disparate experiences of women in marginalized and impoverished contexts. Dismantling gender roles may be a significant step in developing a genderless society as Okin envisions, but it is highly unlikely that gender-related injustices will cease even in the long run. In this article, I discuss the concept of intersectionality and underscore the need to analyze the heterogeneous lived experiences of women, especially women at the social margins and in the Global South, with the goal of establishing a more nuanced and holistic approach to address gender inequalities. I conclude by summarizing my main points and offering some ways forward for analysis.

### **The Intersectionality of Gender (In)justice**

It is not difficult to see how Okin's argument echoes the liberal, Anglo-American feminist thinking that became popular in the 1970s and which points to women's lack of freedom to enter the public sphere or participate in the labor market as the main culprit behind women's systemic disadvantage.<sup>10</sup> Although women are not legally required to be primary caretakers of their children, the society's inherent expectation is that they do. To meet the burgeoning demands of childrearing along with the host of domestic duties it entails, women choose to work part-time in low-paying jobs or leave the labor market completely. The result is the reinforcement of marriage and the family as "the pivot of a societal system of gender that renders women vulnerable to dependency, exploitation, and abuse" that bolsters another system of unequal distribution of goods, i.e., paid and unpaid work, between husbands and wives.<sup>11</sup>

The advent of neoliberal globalization has brought about immense changes not just in global supply chains but also in the structures and relationships that govern individual behavior. More and more women can be seen joining the labor market and contributing to public life. However, women continue to experience discrimination and sexism. In the United States, it is historically documented that Black women have had paid work and been able to break through the US public life but instead of being a "route to empowerment," their employment became a site of oppression,

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<sup>9</sup> This can be a subject of another paper.

<sup>10</sup> Wendy Sigle-Rushton, "Intersectionality," in *Gender: The Key Guides*, ed. by Mary Evans and Carolyn Williams (UK: Routledge, 2013).

<sup>11</sup> Okin, *Justice, Gender, and the Family*, 136.

legitimizing the practice of paying meager wages in exchange of hard work.<sup>12</sup> In the Philippines, female workers still face discrimination on basic access to labor benefits, credits, and opportunities despite the increase in the labor force participation rate among women.<sup>13</sup> The question is, why do some women continue to experience discrimination despite having been granted more economic freedom?

As an analytical tool “for studying, understanding and responding to the ways in which gender intersects with other identities and how these intersections contribute to unique experiences of oppression and privilege,” intersectionality articulates the disparate experiences of oppression experienced by women especially in impoverished societies and underserved groups.<sup>14</sup> As a concept, it captures the “different dimensions of social life (hierarchies, axes of differentiation, axes of oppression, social structures, normativities) are intersecting, mutually modifying and inseparable”<sup>15</sup> and references the “critical insight that race, class, gender, sexuality, ethnicity, nation, ability, and age operate not as unitary, mutually exclusive entities, but as reciprocally constructing phenomena that in turn shape complex social inequalities.”<sup>16</sup> Kimberlé Crenshaw, a critical race theorist, coined the term *intersectionality* in her seminal work examining the incapability of the extant antidiscrimination legislation in capturing racism and sexism experienced by

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<sup>12</sup> Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York, USA; London, UK: Routledge, 2000). As Collins explains, “Two major changes affect U.S. Black women’s paid labor. The first is Black women’s movement from domestic service to industrial and clerical work. The second is Black women’s integration into the international division of labor in low-paid service work, which does not provide sufficient income to support a family. When combined, these two factors segment Black working-class women into two subgroups. African-American women holding good jobs in industry and the government sector constitute the core of the Black working class.” Collins, *Black Feminist Thought*, 60.

<sup>13</sup> In particular, the preliminary results of the Labor Force Participation Survey in October 2013 demonstrated a 0.1% labor force participation rate among women at 49.8%. See International Labor Organization, “Gender Equality in the Philippines,” in *ILO.org*, <[https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms\\_173283.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_173283.pdf)>.

<sup>14</sup> Association for Women’s Rights in Development (AWID), “Intersectionality: A Tool for Economic and Gender Justice,” in *Women’s Rights and Economic Change*, 9 (2004). In other instances, intersectionality is viewed as a “heuristic device” (Henry), a “research paradigm” (Grabe), a “knowledge project” (Collins), and a strand in feminist theorizing, among others. See: Marsha Henry, “On the Necessity of Critical Race Feminism for Women, Peace, and Security,” in *Critical Studies on Security*, 9 (2021); Shelly Grabe, “Research Methods in the Study of Intersectionality in Psychology: Examples Informed by a Decade of Collaborative Work with Majority World Women’s Grassroots Activism,” in *Frontiers in Psychology*, 11 (2014); Patricia Hill Collins, “Intersectionality’s Definitional Dilemmas,” in *Annual Review of Sociology*, 41 (2015).

<sup>15</sup> Wendy Sigle-Rushton, “Intersectionality,” 3.

<sup>16</sup> Patricia Hill Collins, “Intersectionality’s Definitional Dilemmas,” in *Annual Review of Sociology*, 41 (2015).

Black women in the United States.<sup>17</sup> It emerged as a nascent approach to account for the wide-ranging experiences that women of color face in the United States. Feminist scholars from the Global South soon began to employ intersectional analysis to unpack the various forms of discrimination experienced by women in their respective regions, resulting in the development of critical race feminism as a theoretical tool to demarginalize women of color from women studies scholarship.<sup>18</sup> They argue that the disparate experiences of women needs to be assessed to understand the intricate complexities of gender oppression, and at the same time “expose the unique and varied experiences of women of color as distinct from white women or men of color.”<sup>19</sup> The realities women face in other contexts distinct from the realities of white-middle class-heterosexual women highlighted the need to forward a more pluralistic and inclusive understanding of women oppression in lieu of the “essential female” voice.

Studies on intersectionality recognize the social fact that (1) people are occupying multiple and layered identities that are (re)produced by the existing social relations and dominant power structures of the time and (2) people can belong to more than one community simultaneously and consequently experience oppression all at the same time.<sup>20</sup> To illustrate this point, Martha Nussbaum recounts a Supreme Court case in India where an elderly Muslim woman, after having been divorced by his husband, sued for regular maintenance payments, a right that is accorded to her by the Indian civil law:

In Madya Pradesh in 1978, an elderly Muslim woman named Shah Bano was thrown out of her home by her husband, a prosperous lawyer, after forty years of marriage. (The occasion seems to have been a quarrel over inheritance between the children of Shah Bano and the children of the husband’s other wife.) As required by Islamic personal law, he returned to her the *mehr*, or

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<sup>17</sup> Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,” in *University of Chicago Legal Forum*, 1989 (1989). See also Elizabeth R. Cole, “Intersectionality and Research in Psychology,” in *American Psychologist*, 64 (2009).

<sup>18</sup> Adrien Wing, “Critical Race Feminism,” in *Theories of Race and Ethnicity Contemporary Debates and Perspectives*, ed. by Karim Murji and John Solomos, 162–179 (UK: Cambridge University Press, 2014).

<sup>19</sup> *Ibid.*, 165.

<sup>20</sup> A pertinent concept is multiple/multiplicative consciousness, a concept introduced by critical race feminists to analyze intersections in the identities of women of color such as race, gender, age, religion, and other identifying characteristics. See Mari Katsuda, “When the First Quail Calls: Multiple Consciousness as Jurisprudential Method,” in *Women’s Rights Law Reporter*, 11 (1989).

marriage settlement, that she had originally brought into the marriage—Rs. 3,000 (less than \$100 by today's exchange rates. Like many Muslim women facing divorce without sufficient maintenance, she sued for regular maintenance payments under Section 125 of the uniform Criminal Procedure Code, which forbids a man "of adequate means" to permit various relatives including (by special amendment in 1973) an ex-wife, to remain in a state of destitution and vagrancy.<sup>21</sup>

Shah Bano is not just a woman who is part of a singular, universal, and homogenous class of women in the world. The social circumstances that women face in the other side of the globe may not be the same for her. The issue of intersectionality becomes relevant as even in the disappearance of gender (or gender roles at the least), injustice against women can persist because they manifest in other forms.<sup>22</sup> The intersectionality of gender injustice enables us to understand that certain identities or categorizations, religion being one, bring about prejudice against women. In nations where religion wields inordinate power over people's lives, denial of certain liberties can be detrimental to personal development and religious institutions may be deemed unsupportive of certain rights and liberties. Religion has been viewed as a potent social institution that denies certain liberties "to classes of people in accordance with a morally irrelevant characteristic such as race or caste or sex."<sup>23</sup> Fundamentalist groups may provide rigid restrictions to women on virtually every aspect of their lives, from what to wear, how to talk to and treat men, how to behave as a woman, and so on. Indeed, it is futile to discuss equal sharing of work and pay between husband and wife, let alone parental privileges at work, if women are unable to work because of lack of access to basic social services such as education and health, or because of their deep integration into a cultural or religious group that structurally bars them from doing so.

While there are forms of injustice that are entrenched in matters of gender,<sup>24</sup> to address gender oppression devoid of these identities is

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<sup>21</sup> Martha Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge, UK: Cambridge University Press, 2000), 172.

<sup>22</sup> Marcia Lind, "Justice, Gender, and the Family by Susan Okin," in *Hypatia*, 18 (1993).

<sup>23</sup> Nussbaum, *Women and Human Development*, 168.

<sup>24</sup> "Committee on the Elimination of Racial Discrimination, General Recommendation XXV Gender Related Dimensions of Racial Discrimination (2000)," in *International Human Rights Reports*, 8 (2001), 309. These include but are not limited to the following: "sexual violence committed against women members of particular racial or ethnic groups in detention or during armed conflict; the coerced sterilization of indigenous women; abuse of women workers in the informal sector or domestic workers employed abroad by their employers."



inadequate because these identities intersect with each other. For instance, the United International Human Rights Reports, in particular the report by the Committee on the Elimination of Racial Discrimination, has recognized that racial discrimination has gender-related dimensions.<sup>25</sup> The same goes with the issue of vulnerability. The structures and social relations at play where people derive their multiple identities from make vulnerability a relative position. In a hetero-patriarchal society, women (as compared to men) are vulnerable and elderly women who are poor and part of an indigenous group more so. The level of vulnerability becomes more severe and deeper among women who are old, poor, with disability, and are members of religious minorities. These identities are not separate or distinct from each other but rather constitute an individual.

### **Ethos of Gender Justice and Critical Gender Praxis**

While a humanist-egalitarian type of justice in the family, as Okin correctly points out, should involve protecting the vulnerable, i.e., women and children, achieving gender justice should be more than dismantling gender roles and liberalizing the family. Gender and all pertinent issues have to be situated “in the context of power relations embedded in social identities,”<sup>26</sup> especially if gender is to be understood as the “structure of social relations that centers on the reproductive arena, and the set of practices (governed by this structure) that bring reproductive distinctions between bodies into social processes.”<sup>27</sup> The substantively diverse and distinct experiences of women across regions and contexts lend importance to a more inclusive approach in combatting gender-related injustices, both in principle and practice. By principle I mean the ideas, values, and attitudes that need to be produced or reproduced to guide individual and collective behavior towards gender justice. By practice I mean the public policies, programs, pedagogy, research methodologies, and other relevant applications that can be implemented towards the attainment of gender justice. To expound on both, I am guided by the concepts of social ethos of justice and critical gender praxis.

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<sup>25</sup> “Committee on the Elimination of Racial Discrimination,” 309. The first section of the report states that “racial discrimination does not always affect women and men equally or in the same way. There are circumstances in which racial discrimination only or primarily affects women, or affects women in a different way, or to a different degree than men. Such racial discrimination will often escape detection if there is no explicit recognition or acknowledgement of the different life experiences of women and men, in areas of both public and private life.”

<sup>26</sup> Stephanie Shields, “Gender: An Intersectionality Perspective,” in *Sex Roles*, 59 (2008).

<sup>27</sup> Raewyn Connell, *Gender* (Cambridge, UK: Polity Press, 2002), 10.

*Ethos of (Gender) Justice*

Political theorist Gerard Cohen argues that “a society that is just within the terms of the difference principle, so we may conclude, requires not simply just coercive rules, but also an ethos of justice that informs individual choices.”<sup>28</sup> In other words, when there is a social ethos that encourages everyone to pursue egalitarian values and internalize these norms, justice would be potentially obtained as compared to a society where people are motivated by egoistic interests and act within the legal limits. When agents act naturally in accordance with their self-interest, maximizing their own utility to that end, an ethos of justice is imperative to inform individual choices that benefit the general welfare, nudging the society towards justice and fairness.

A society that overcomes gender inequality is one in which everyone in the society is committed to the principles of gender equality and are willing to act accordingly. It is a society in which equal treatment of all is deeply entrenched in the people’s minds. Cohen offers an account of how social ethos can propel a sexist society towards equality:

On an extreme view, which I do not accept but need not reject, a typical husband in a thoroughly sexist society — one, that is, in which families in their overwhelming majority display an unjust division of domestic labor — is literally incapable of revising his behavior, or capable of revising it only at the cost of cracking up, to nobody’s benefit. But even if that is true of typical husbands, we know it to be false of husbands in general. It is a plain empirical fact that some husbands are capable of revising their behavior, since some husbands have done so, in response to feminist criticism. These husbands, we could say, were moral pioneers. They made a path which becomes easier and easier to follow as more and more people follow it, until social pressures are so altered that it becomes harder to stick to sexist ways than to abandon them. That is a central way in which a social ethos changes.<sup>29</sup>

The ethos of gender justice makes possible the crafting of public policies, plans, and programs on gender justice (if they have yet to be created)

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<sup>28</sup> Gerard Allan Cohen, *If You’re an Egalitarian How Come You’re So Rich?* (Cambridge, Massachusetts: Harvard University Press, 2002), 128.

<sup>29</sup> Cohen, *If You’re An Egalitarian*, 143–144.

and the unwavering commitment to implement public policies, plans, and programs on gender justice (if they had already been created). In the presence of a legal structure that prohibits gender discrimination, the internalization of this social ethos motivates the society to voluntarily abide by these rules even without want of reward or incentive. Indeed, this ethos shall guide people's actions and remind them of their commitment to the principles of justice must be present as well.

### *Critical Gender Praxis*

Ideational approaches are important in addressing inequalities, but all ideas must take shape in the form of laws and programs, structures, and institutions that permeate social life. The notion of critical gender praxis posits that all theories and ideas should transcend into meaningful practices and interactions, in the process demarginalizing and de-essentializing perspectives of women, especially immigrant women and women of color, both in practice and scholarship. It aims to address inequalities reinforced by political intersectionality, i.e., the marginalization of interests of some subgroups by activists, organizations and/or social movements working towards justice for different groups, thereby underpinning another type of oppression,<sup>30</sup> and "critique social injustices that characterize complex social inequalities, imagine alternatives, and/or propose viable action strategies for change."<sup>31</sup>

Critical gender praxis could be applied various forms and practices such as social justice work, community organizing, political activism, engagements with nongovernmental and public interest organizations, coalition building, research ethics and analysis, public policy and law reforms, and even writing op-eds and speeches, among others.<sup>32</sup> It behooves the society to analyze intersections of identities to understand women experiences be it in the realm of politics, economy, academia, and the private sector. It entails a bottom-up approach to research and planning, and privileges lived experiences of women as the primary source of information for analysis. To elaborate, "specific inquiries need to be made about the experiences of women living at the margins, the poorest of the poor, and women suffering from different types of oppression. We need both personal

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<sup>30</sup> Elena B. Stavrevska, "Enter Intersectionality: Towards an Inclusive Survivor-Centred Approach in Responding to Conflict-Related Sexual Violence," in *LSE Blogs Women Peace and Security Forum* (10 December 2019), <<https://blogs.lse.ac.uk/wps/2019/12/10/enter-intersectionality-towards-an-inclusive-survivor-centred-approach-in-responding-to-conflict-related-sexual-violence/>>.

<sup>31</sup> Collins, "Intersectionality's Definitional Dilemmas," 17.

<sup>32</sup> Wing, "Critical Race Feminism," 164.

accounts and testimonies, and also data disaggregated according to race, sex, ethnicity, caste, age, citizenship status and other identities. The analysis should aim to reveal how practices and policies shape the lives of those impacted, as compared to the lives of those not subject to similar influences.”<sup>33</sup>

Adrien Wing provides an example of how critical praxis can be implemented in development interventions that seek to address gender injustices in the context of the Arab Spring that transpired in the early 2010s:

Assisting women during the Arab season will be enhanced if policy makers and non-governmental organizations (NGOs) used CRF [critical race feminism] praxis. For example, crafting relevant programs will require not lumping women in with men in certain contexts. It will mandate getting an assessment of female needs directly from women themselves or their NGOs and not letting men talk for them. For example, some may want politicization training to be able to actively participate in the political process. Many will want to understand the constitution making options as each nation engages in that process for the first time in many years. Holding an evening session during dinner time that is open to both genders may result in a dearth of women.<sup>34</sup>

In addressing conflict-related sexual violence, Elena Stavrevska makes a case for a survivor-centered approach that amplifies the voices of survivors to adopt a more nuanced (as opposed to gendered, colonial, racial, and single-category) understanding of the different forms of sexual violence. By ensuring an intersectional approach to understanding what constitutes sexual violence, discourse and policy solutions are broadened, paving the way for more permanent solutions that move beyond tokenism and cooptation.<sup>35</sup>

Critical gender praxis requires regulations, policies, and interventions to be holistic. It goes beyond looking at just one structure and considers the overall context of how gender injustices emerge and are reinforced. By gathering perspectives from the grassroots, the goal is to create a framework that is fundamentally rights-based and can be built *upwards* to

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<sup>33</sup> AWID, “Intersectionality,” 5.

<sup>34</sup> Wing, “Critical Race Feminism,” 173.

<sup>35</sup> Stavrevska, “Enter Intersectionality.”

account for the differentiated experiences and influences that shape and reshape women's lives.<sup>36</sup>

## Conclusion

In this article, I revisited Susan Moller Okin's work *Justice, Gender, and the Family* and critically reflected on her work's main thesis. Okin emphasizes how the unequal division of domestic labor between the husband and wife renders the family a site of injustice. By protecting the vulnerable and moving towards a "genderless" future where values and expectations on individuals are neither defined nor dictated by stereotypical gender roles, the society inches closer towards attaining egalitarian-humanist justice that is favorable to all, especially women.

Okin's argument, to a certain extent, remains relevant to the present. However, the recent theoretical developments in feminist and gender studies indicate the need to draw greater attention on issues of inclusion, privilege, and power and how they interconnect with matters of gender.<sup>37</sup> If the goal is to transform a society into one that does not prejudice individuals and categorizations because of gender, then at the outset there needs to be a recognition that not all women have the same universal experience across contexts; women occupy multiple roles, positions, and identities simultaneously; and the attainment of gender justice requires a more inclusive, holistic, and rights-based approach, which implies that policies and regulations should not focus on gender alone but also account for race, age, socioeconomic class, and other identities.

Western scholars such as Okin are still widely read and discussed in academic circles on the other side of the globe, and rightly so as reading seminal works from influential authors illuminate the historical development of thought and ways of thinking in our respective academic fields. However, what I, as a scholar from the Global South, think and understand needs to be situated in the overarching social and political contexts from which I come. It is for this reason that I draw sheer motivation from the concept of intersectionality to understand (or attempt to understand) how women's experiences of injustices in say, the United States, may be divergent from women's experiences in the Philippines. Drawing from lived and personal

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<sup>36</sup> As AWID (2004) suggests: "setting priorities for projects, allocate resources to those who are most marginalized as revealed by analyzing intersecting discriminations. Empowering those who have the least access to rights and resources and focusing on processes that lead to poverty and exclusion (e.g., by providing basic medical services and educational opportunities, protecting their livelihood security, or supplying appropriate agricultural technologies and inputs) may affect the greatest tangible advances in terms of women's rights and gender equality."

<sup>37</sup> Wendy Sigle-Rushton, "Intersectionality," 8.

experiences of women from marginal and underserved backgrounds, unfortunately, remains underemphasized both in theory and practice.

If dismantling gender roles within the family structure is not enough, then what is? I put forward a two-pronged approach that touches upon how we think (the ideational aspect) and how we act (the practical aspect). An ethos of gender justice should not just constantly remind us of our commitment to the fundamental values of gender justice but also guide us into thinking about the intersections, complexities, and dynamic processes of individual experiences. Further, a critical gender praxis should frame policies and programs in politics, economy, and other realms of human activity to transform ideas and theories into coherent and holistic strategies for social change.

In relation to Okin's work, some questions that linger in my mind are: Is the "private" home naturally unjust? Is it possible for the family as a structure to become a site of resistance for women rather than a site of injustice? Answering these questions would systematically involve going to the field and knowing the experiences and views of women, all the while remaining grounded on a rights-based approach that refrains from singularizing and essentializing explanations of gender oppression.

*Department of Social Sciences, University of the Philippines-Los Baños*

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## For a Theory that is Both Critical and Mathematical: Handelman, Matthew, *The Mathematical Imagination: On the Origins and Promise of Critical Theory*<sup>1</sup>

Jessie Joshua Z. Lino  
Esmeralda A. Manlulu

### Prologue: Critical or Mathematical?

Agustin Martin G. Rodriguez's constant use of the term *tradition* in referring to critical theory as a research interest of our living Filipino scholars, implying the Frankfurt School becoming somewhat equivalent to a mainstream philosophy in the Philippines, is an inevitable truth which must not be ignored.<sup>2</sup> Indeed, from the post-1980s second wave

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<sup>1</sup> New York: Fordham University Press, 2019, 256 pp.

<sup>2</sup> See Agustin Martin G. Rodriguez, "Problematizing Critical Theory: Arriving at a More Critical Theory," in *Kritike*, 12 (April 2019). In the Philippines, specifically in the academe, *critical theory* is both a growing tradition and an influence in the methods and directions of doing philosophical activities, aimed towards a critique of Philippine cultural, economic literary, and social realities. While ideology-critique has sweepingly been considered a standard method, one cannot deny that the majority of contributions and research by our Filipino practitioners of critical theory are directed at generating truths and explications on unmasking the ideological frames and material conditions that determine the workings of a social phenomenon (and social reality in general). Influenced by their own reading of (if not their upbringings from) the Frankfurt School tradition, the likes of Filipino scholars Paolo Bolaños, Ranilo Hermida, Jeffry Oca, Renante Pilapil, and Agustin Martin Rodriguez brought into the Filipino philosophical fora the reading of contributions from the first three generations of the *Institut für Sozialforschung*. Eventually, some Filipino scholars ventured out from the limitations and shortcomings of the German tradition of the Frankfurt School towards the other traditions of critical theory such as American, French, and Italian. And aside from Filipino practitioners of philosophy, we may also consider some of the works of literary figures such as Edith Tiempo, Edel Garcellano and Caroline Hau, the works of historians Reynaldo Itelo, Filomeno Aguilar, Jr. and Vicente Rafael, the works of political economists Walden Bello and Jose Maria Sison, and the works of multidisciplinary critics such as Florentino Hornedo, E. San Juan, Jr. and Domingo Castro de Guzman as contributions to the magnitude of radical literature on Philippine critical theory that are somehow *outside* the strict boundaries of the academic-philosophical enterprise. See Rodriguez, "Problematizing Critical Theory," 8–9, 19–20. The inclusion of names here are based on both co-authors' selective reading of works by the aforementioned scholars. We do recognize

of Filipino practitioners of philosophy up to the present, we may find staggering in height the literature produced by a number of local scholars engaging with three generations of contributions from the *Institut für Sozialforschung* in commentaries, critical expositions, and practical appropriations to Philippine culture, politics, and society. Admittedly, we cannot help but be thankful to Andrew Feenberg's *The Philosophy of Praxis*,<sup>3</sup> Martin Jay's *The Dialectical Imagination* and *Splinters In Your Eyes*,<sup>4</sup> and Stuart Jeffries' *Grand Hotel Abyss*<sup>5</sup> for providing us new definitive histories of the *Institut*, as we trace from the Frankfurt School's legacy the intellectual development of the concepts and insights we make use of in our researches. A significant emerging interest we have particularly learned from them (which is perhaps stigmatized in our current research culture in the continental tradition of philosophy) is the critique and resistance against the quantification of thought and language. It simultaneously complements the humanities' and philosophy's articulated disdain to the current crisis of attempts at the mathematicization of their respective fields that heavily affects their integrity as disciplines. Edmund Husserl traces the roots of this crisis in the works of Galileo, whose idea was that the limitations of the uses of geometric and astronomic calculations could actually be used extensively towards the "mathematization of nature," where nature becomes "a mathematical manifold."<sup>6</sup> Centuries later, this eventually evolved into quantified data—becoming the object of criticism we find in Jerry Z. Muller's *The Tyranny of Metrics*, which explores and criticizes the sober reality of measurement and the obsession with metrics-based effectivity manifested within the institutions.<sup>7</sup> But not so long ago, this same crisis was encountered by the Frankfurt School as supposedly the consequence of further progressing from the Marcusean one-dimensional rationality to the three-dimensional utopia we now refer to as the *digital technological age*. Nonetheless, philosophy and the humanities, more so with critical theory, must persist with this impending predicament of a 21<sup>st</sup> century state of things.

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that our list is, in fact, incomplete. However, it is safe to claim that many works on critical theory by Filipino practitioners of philosophy (academic and beyond) are explicitly unenthusiastic, if not dismissive, of the methods and approaches of the mathematical disciplines and of quantified data as sources for truth-determination.

<sup>3</sup> Andrew Feenberg, *The Philosophy of Praxis: Marx, Lukács and The Frankfurt School* (London: Verso, 2014).

<sup>4</sup> Martin Jay, *The Dialectical Imagination: A History of the Frankfurt School and Institute of Social Research, 1923–1950* (Berkeley, California: University of California Press, 1996); and Martin Jay, *Splinters in Your Eyes: Frankfurt School Provocations* (London: Verso, 2020).

<sup>5</sup> Stuart Jeffries, *Grand Hotel Abyss: The Lives of the Frankfurt School* (London: Verso, 2017).

<sup>6</sup> Edmund Husserl, *Crisis of the European Sciences and Transcendental Phenomenology: An Introduction to Phenomenological Philosophy*, trans. by David Carr (Evanston: Northwestern University Press 1970), 23. Italics in original. Cf. Handelman, *Mathematical Imagination*, 5.

<sup>7</sup> Jerry Z. Muller, *The Tyranny of Metrics* (New Jersey: Princeton University Press, 2018).

Amidst this crisis, we may find it curious to pose the question: *Is critical theory (of the Frankfurt School tradition) mutually exclusive with mathematics?* One may find it easy to merely cite Max Horkheimer and Theodor W. Adorno's disputes with Rudolf Carnap and the Vienna Circle's logical positivists, or just their dismissive attitude to calculative reason as a new form of barbarism inherited from Enlightenment rationality, in order to answer the aforementioned question. However, an entirely innovative archeology of the Frankfurt School traces its origins to a forgotten path beyond the visions of Felix Weil and Carl Grünberg, which paved the various ways for the first generation to establish the normative claims for a critique of modernity's shortcomings and of traditional theory. Matthew Handelman's *The Mathematical Imagination* retraces critical theory's foundations from the mathematical writings of three German-Jewish thinkers from the Weimar Republic, who were intellectual forerunners of the *Institut* and also Horkheimer, Adorno, and Walter Benjamin's friends: Gerhard (later Gershom) Scholem (1897–1982), Franz Rosenzweig (1886–1929), and Siegfried Kracauer (1889–1966). The book explores the underdeveloped possibilities that mathematics held for aesthetics and cultural analysis, tracing this underappreciated lineage of the early critical theorists to retrieve and realize the Enlightenment period's neglected promises of emancipation, inclusion, and universal cultural flourishing. Unlike previous intellectual narratives which explicitly claim critical theory's origins from Hegelianism, dialectical and historical materialisms, psychoanalysis, and post-Enlightenment thought, Handelman's work aims to recover the lost intellectual heritage of critical theory from the "critically productive vision of mathematics in the works of Scholem, Rosenzweig, and Kracauer."<sup>8</sup> Such vision is conceived "[by] locating in mathematics a style of reasoning that deals productively with that which cannot be fully represented by language, history, and capital." Handelman introduces this vision as *negative mathematics*, by which Scholem, Rosenzweig, and Kracauer illuminates a path forward for critical theory in the digitalization of the humanities.<sup>9</sup>

Negative mathematics, with reference to the word *negative*, offers a complement to the type of generative negativity which Adorno locates from the Hegelian dialectic to formulate the concept of immanent critique,<sup>10</sup> which is also similar to the analysis made by Slavoj Žižek as a dialectical moment of distortion being *constitutive* of a notion. Handelman, for his part, conceives this generative negativity in terms of mathematical approaches and operations to a variety of negative predicaments: absence, erasure, lack, privation, divisions, contradictions, etc. A specific example which is

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<sup>8</sup> Handelman, *Mathematical Imagination*, 9. Modifications ours.

<sup>9</sup> *Ibid.*, 10.

<sup>10</sup> *Ibid.*

rigorously analyzed and repetitively mentioned in the book is the incapability of human understanding to capture in language the very concept of the infinite; whereas in mathematics, one use of its symbol is to demarcate the domain and range of a function:  $(-\infty, \infty)$ . And not to mention, just the abstract modality being the nature of the mathematical objects themselves, in contrast to the real modality of actual objects, is but a general indication of how mathematics characterizes negativity in its own approach. It is this mathematical approach to negativity that which became the point of departure for Scholem, Rosenzweig, and Kracauer to establish a critical theory of history, society, culture, and art.

### Articulated Disdain against Mathematics

It is worthwhile to mention that the mathematical contributions of Scholem, Rosenzweig, and Kracauer to the Frankfurt School tradition have been overshadowed by critical theory's (if not continental philosophy's) articulated disdain against mathematics. In fact, the major contributions of members of the *Institut* are indicative of this movement from the mathematical approaches to social sciences towards an analysis of society which they deem to be more critical and reflexive.<sup>11</sup> To name a significantly few of them which are not explicitly mentioned in Handelman's work: Horkheimer's early essay "Traditional and Critical Theory" (1937) and his *Eclipse of Reason* (1947) examine the dangers of the subject's calculative reason that rendered transformation of the domination of nature into domination in society; Adorno's *Against Epistemology: A Metacritique (Zur Metakritik der Erkenntnistheorie, 1970)* targets on the implications of Husserl's procedure in the *Logical Investigations* and the objectivity discovered from a logical-mathematical perspective; Benjamin's collection of "Aphorisms," in *Early Writings: 1910–1917*, wherein he states that "[theory] cannot refer to reality but belongs together with language. Implicit here is an objection against

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<sup>11</sup> Meanwhile, we recognize that some works of members of the *Institut* did not entirely abandon the mathematical enterprise—an important topic that was not addressed by Handelman in *The Mathematical Imagination*. On the contrary, the following works touch on the necessary (yet limited) function of calculation, demography, empirical data and quantitative approaches in each of their elaboration for a critical analysis of culture, economy and society in general: Henry Grossman's *The Accumulation and Breakdown of the Capitalist System: Being Also a Theory of Crises [Das Akkumulations – Zusammenbruchsgesetz des kapitalistischen Systems (Zugleich eine Krisentheorie), 1929]*, Friedrich Pollock's *Automation: A Study of its Economic and Social Consequences* (1957), Claus Offe's essay "Inequality and the Labour Market" ("Institut für Arbeitsmarkt und Berufsforschung," 2010), and the voluminous work *The Authoritarian Personality* (1950), co-written by Adorno, Else Frenkel-Brunswik, Daniel J. Levinson, and R. Nevitt Sanford.

mathematics;<sup>12</sup> and Herbert Marcuse's *Negations* (1968), where he mentions that "mathematization is carried to the point of the calculus with the real *negation of life* itself ...."<sup>13</sup> Overall, the disdain to the mathematical approaches, including the more rigid and abstract sciences, is also reflected in works that possess a more moderate tone when engaging in the issues on the effects of industrialization and technology in modern society. To name a few of them: Franz Leopold Neuman's *The Democratic and the Authoritarian State* (1957) examines the nature of valuations as calculations in capitalist society; Erich Fromm's "Man in Capitalistic Society" in *The Sane Society* (1955) examines the dangers of rigid abstractions and inevitable quantifications in the affairs of human beings within capitalist market economy; Marcuse's essays "From Ontology to Technology" (1960) and "The Problem of Social Change in the Technological Society" (1962), the latter mentioning that within the framework of mathematics, "science undertook the progressive formalization of nature, embarked on it as on an enterprise of knowledge: purely cognitive, endless domination;"<sup>14</sup> and Benjamin's *The Work of Art in the Age of Mechanical Reproduction* (*Das Kunstwerk im Zeitalter seiner technischen Reproduzierbarkeit*, 1935), where he examines the devaluation and depthlessness of art and aura through abstractions and quantifications in modern capitalist society.

Horkheimer nominates positivism as a "philosophical technocracy," being the culmination of a perspective that embraces the dominance of obscure objectivity of calculations, formalizations, and quantifications at the cost of negating real experiences.<sup>15</sup> Through the guiding spirit of Horkheimer, members of the *Institut* under his directorship readily engaged in disputes with members of the Vienna Circle, reinforcing their differences in doing philosophy.<sup>16</sup> Furthermore, their disputes also contributed in stigmatizing

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<sup>12</sup> Walter Benjamin, "Aphorisms," in *Early Writing: 1910–1917* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2011), 271. Modifications ours.

<sup>13</sup> Herbert Marcuse, *Negations*, trans. by Jeremy J. Shapiro (London: MayFly Books, 2009), 158.

<sup>14</sup> To supplicate the complete quotation in order to clarify Marcuse's claim: "the *theoretical* approach to reality in terms of mathematics becomes the authentic and effective scientific approach only if and when reality is no longer experienced (or rather: is no longer imposed upon experience) as cosmos, i.e., as a natural hierarchy of functions, time and place, values and ends. And this change in the experience of reality occurs in the *practical* approach to reality imposed by the organization of industrial society. Within this framework, science undertook the progressive formalization of nature, embarked on it as on an enterprise of knowledge: purely cognitive, endless domination." Herbert Marcuse, "The Problem of Social Change in the Technological Society," in *Collected Papers of Herbert Marcuse, Volume Two: Towards a Critical Theory of Society*, ed. Douglas Kellner (London: Routledge, 2001), 44.

<sup>15</sup> Max Horkheimer, *Eclipse of Reason* (New York: Continuum Publishing Company, Inc., 2004), 41, 50.

<sup>16</sup> Here, it is worth mentioning the following works of Frankfurt School's disputes against the method of logical positivism instigated in by the members of the Vienna Circle: Horkheimer's

critical theory's veering away from mathematics. As Handelman (in Chapter One) traces from the *Dialectic of Enlightenment* (*Dialektik der Aufklärung*, 1944), Horkheimer and Adorno argues that mathematics offered not only tools that expands the horizon of understanding and knowledge in their simplified units and theorems. Mathematics, for both of them, also became the apparatus with which reason could formulate, calculate, estimate, and thus dominate and eliminate the natural world, including all that exists in it.<sup>17</sup> Horkheimer and Adorno instigated this dismissive direction of critical theory from mathematics, shifting the thought of the theoreticians of culture and art away from the methodologies of the mathematical disciplines. Moreover, as expression of the manifest barbarism and heartlessness of modernity, mathematics was incapable of emancipation and relapses into restriction, coercion, and subjugation, as Horkheimer and Adorno claim:

By sacrificing thought, which in its reified form as mathematics, machinery, organization, avenges itself on a humanity forgetful of it, enlightenment forfeited its own realization. By subjecting everything particular to its discipline, it left the uncomprehended whole free to rebound as mastery over things against the life and consciousness of human beings. But a true praxis capable of overturning the status quo depends on theory's refusal to yield to the oblivion in which society allows thought to ossify.<sup>18</sup>

It was this simplistic and strange equation of mathematics with instrumental reason that crystalized the conviction of the practitioners of philosophy between the disjunctives: *either* critical theory *or* mathematics—where the former exposes and resists societal mechanisms of control, domination, and oppression, the latter pertains to the reproduction of the social order by the repetition and mimicking of formula, operation, and symbols, which seemed indifferent to humanity in general.<sup>19</sup> Horkheimer and Adorno have also shown how mathematics is in tension with language in

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essay "The Latest Attack on Metaphysics" (1937), Adorno's essays "Sociology and Empirical Research" ("Soziologie und empirische Forschung," 1957) and "On the Logic of the Social Sciences" ("Zur Logik der Sozialwissenschaften," 1962), and Jürgen Habermas' essay "The Analytical Theory of Science and Dialectics" ("Analytische Wissenschaftstheorie und Dialektik," 1963).

<sup>17</sup> Handelman, *Mathematical Imagination*, 39. Cf. *Ibid.*, 7.

<sup>18</sup> Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment: Philosophical Fragments*, trans. by Edmund Jephcott, ed. by Gunzelin Schmid Noerr (Stanford, California: Stanford University Press, 2002), 33. Cf. Handelman, *Mathematical Imagination*, 7.

<sup>19</sup> Handelman, *Mathematical Imagination*, 8.



terms of representation, as numbers tend to reductively simplify our thoughts, while words function as medium for expressing the raw but meaningful experiences we have. These claims were confirmed with the Vienna Circle's mathematical engagements in philosophy, being symptomatic of political quietism (during Nazi Germany) and being subject to abandon meaning as they tend to reduce thought into something else, i.e., signs, exponents, etc. With the initiatives made in the *Dialectic of Enlightenment*, critical theory has remained forgetful of the emancipatory potentials mathematics has contributed to the history of the Frankfurt School. And this disdain towards mathematics has pervaded in the attitude of most theorists and critics from the humanities and the social sciences even in today's digital age of quantification and information and communication technology.

### Negative Mathematicians: Scholem, Rosenzweig, Kracauer

Handelman's *The Mathematical Imagination* promises the otherwise: that negative mathematics offers a synthesis of mathematics and critical theory, allowing us to confront one of the fundamental problems of our digital modernity: "the critique of and intervention in a digital world through critical analysis that succumbs neither to the naiveté of scientific progressivism nor the rejection of critique."<sup>20</sup> In the contemporary crisis of the disciplines belonging to the humanities, it is only fitting to anticipate for the advancements made by mathematics and digital technologies, in the hopes of modernizing humanistic inquiries and simultaneously addressing issues of its contemporaneity. Negative mathematics definitively functions as an intellectual ethos, which is arguably comparable to what both Raymond Geuss and Paolo A. Bolaños conceptually refer to as an *ethics of thinking*. It is critical in the sense that it seeks to address the immanent contradictions of reason (*Vernunft*) which are manifest in language, religion, society, and mass culture.<sup>21</sup> Contrary to the rejectionist attitude to mathematics by most practitioners of critical theory, Handelman presents to us (with an overview in the "Introduction") how mathematics contributed to the foundations for a critique of the crises of modernity which is almost similar with the works of the *Institut's* first generation. Scholem, Rosenzweig, and Kracauer's contributions to aesthetics, epistemology, and cultural critique borrow ideas from mathematical logic, infinitesimal calculus, and projective geometry "to theorize art and culture in ways that strive to reveal and, potentially, counter

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<sup>20</sup> *Ibid.*, 11, 33–35.

<sup>21</sup> See Raymond Geuss, *Outside Ethics* (Princeton and Oxford: Princeton University Press, 2006), 76–77; and Paolo Bolaños, "Philosophy from the Standpoint of Damaged Life: Adorno on the Ethical Character of Thinking," *Budhi*, 16 (2012).

the contradictions of modern society,"<sup>22</sup> addressing sociopolitical crises without having to resort to the positivistic science's gobbledygook for objectivity and adherence to a kind of rationality that eliminates the human condition. The politics of silence and domination entailed in logical positivism's mathematics were for Scholem, Rosenzweig, and Kracauer the sources of productive negativity specified in looking at how mathematics develops concepts and symbols which human cognition and language cannot properly grasp, represent, or merely capture in words. Adding Handelman's constant reference to the three being Jewish thinkers during the magnificent rise and fall of the Weimar Republic provides the context as to how their mathematical writings contributed to evaluating their own experiences of marginalization, exile, and social exclusion. In each of their unique ways, Handelman skillfully traces the mathematical *leitmotif* of generative negativity in the historical prelude to the establishment of the *Institut*.

Scholem's writings such as the *Major Trends in Jewish Mysticism* (1941) constitute negative mathematics by drawing its generative element from language's limitations in representing contents of the non-mathematical objects. Handelman reminds us (in Chapter Two) of the Leibnizian vision of mathematics being a universal language; though arbitrary in meaning, mathematical symbols may be utilized at the level of universality. In mathematical logic, the use of an abstract symbol (e.g., a variable) does not mean the total absence of objects, but rather the inexpressible representation of further complex equations. Thus, one can never exhaust the concept of the infinite through language's finite medium of terms and words. Moreover, given the arbitrariness of meaning, it implies the impossibility of the existing words that we have in order to possess exact meaning in the field of mathematics. However, it is precisely this privative structure of knowing that signifies language's totalizing characteristic of potentially reducing the meaning of the objects it represents. Scholem examines the poetics of lament, showing how in Kabbalist culture, the language of lamentation and silence express the inexpressible and from within lies the dilemma of saying the ineffable between revelation and concealment.<sup>23</sup> Aberrant movements of the unspoken language insinuate this language of silence that is communicable without the use of semantics, phonetics, or other means of nominal reference. The inexpressibility in silence signify more than just the absence of a language, but most importantly it recognizes a creative potential, as Handelman describes: the "positive ability to signify that there are experiences that cannot be represented in language"—an insight one may find similar in Adorno and Benjamin's theory of language.<sup>24</sup> Scholem

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<sup>22</sup> Handelman, *Mathematical Imagination*, 2.

<sup>23</sup> *Ibid.*, 94.

<sup>24</sup> *Ibid.*, 95.

celebrates negative mathematics' proposals for a set of technique which Handelman describes as a "negative aesthetics" —or the poetic attempts to represent silence as humanity's experience of diaspora, exile, erasure, privation, lack, and loss through the elimination of a definite representation. Negative mathematics, in Scholem, deals with linguistic problems at a moment of cultural crisis by recognizing the futility of representing them into words. The problem with trying to characterize all things through words and symbols reveals "configurations of language that captured historical and religious experiences whose extremity exceeded language limits," symbolizing the immediate inexpressibility of "privations of life in exile."<sup>25</sup> To use the strategy of negative mathematics in history would entail the voicing out of the silences or historical experiences of erasure, exclusion, distortion, and—in Scholem's case for the Jews—diaspora. It challenges the authority of traditional ways of looking at history, wherefore an enumeration of the silences and erasures recorded must be taken into consideration, affording a discursive space for "historical experiences and cultural practices that rationalist discourse, majority culture, and national, world-historical narratives may more readily marginalize or assimilate."<sup>26</sup>

Meanwhile, Rosenzweig's *The Star of Redemption* (*Der Stern der Erlösung*, 1921) borrows the lessons operative of an infinitesimal calculus that circumvents the "enigma of the infinite," using its metaphors of subjectivity, time, and motion in order to explain the truths of human action, the interconnectedness of all, and the dynamic theories of epistemology and messianism. Handelman examines (in Chapter Three) that infinitesimal calculus possesses the necessary tools to redeem the loss of subjectivity, its theoretical position, as well as the marginalized role of Judaism as bearer of truths of the messianic history of redemption.<sup>27</sup> Rosenzweig contributes to negative mathematics a reorientation of cultural criticism where the present finite actions of individual and groups become the verifications to the messianic truths. The generative negativity of infinitesimal calculus revolves around the notion of a differential ( $dx$ ),<sup>28</sup> which for Gottfried Wilhelm Leibniz

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<sup>25</sup> *Ibid.*, 8. One may also be reminded of the final proposition of Ludwig Wittgenstein's *Tractatus Logico-Philosophicus*, recognizing that silence meant the incapacities and limitations of articulating all objects of the world into immediate linguistic medium. Though Handelman clarifies the similarity between Wittgenstein's and Scholem's perspectives on silence as a form of incapacity and limitations of linguistic expressibility, he nevertheless mentions the theoretical rupture between them: for Scholem, silence expresses something inexpressible or least the lack of its language; whereas for Wittgenstein, silence is an expression of nothing. See *Ibid.*, 30–31.

<sup>26</sup> *Ibid.*, 103.

<sup>27</sup> *Ibid.*, 106.

<sup>28</sup> Also derived in its complete original formulation as Leibniz's notation ( $\frac{dy}{dx}$ ), it can be observed that Handelman's preference of using the variable  $dx$  is simply due to the derivative's main mathematical use—to single out the calculation of differentials, or the small changes in the

is the infinitely small distance, and for Isaac Newton the fluxion or an infinitely small instance of motion. A differential serves as the conceptual bridge between nothingness, finitude, and infinity—generating changes of rate in motion from the sum of infinite motions to the infinitely small distances.<sup>29</sup> In Rosenzweig’s negative mathematics, the metaphor of the differential suggests the interconnectedness of all subjective actions (from origin and beyond) in relation to a multiplicity of the subject which engages as agent of the present (“the here-and-now”)—in the same way that the integral, being sum of infinite numbers of quantities and widths, is referenced to a specific differential having its unique present instance. And with differentiation, it is possible to draw “lines and curves [including their trajectories] out of absences and negativity [i.e., 0, or without quantity].”<sup>30</sup> The human subject, through his or her individuality, acting in the multiplicity of

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variable  $x$ . See *ibid.*, 107. However, with the advancing of calculus during the 18<sup>th</sup> Century, the French mathematician Joseph Louis Lagrange (1736–1813) introduced the use of the symbol  $f'$  for the derivative of a function  $f$ . The new notation of the derivative in Lagrange’s contribution highlights that the function  $f'$  derived from the function  $f$  at a value of  $x$  is  $f'(x)$ . If a function  $f$  is differentiable, then its derivative is  $f'$  which is called as the first derivative. Second derivative ( $f''$ ) exists if  $f'$  is differentiable. The same case applies with the third derivative if the second derivative is differentiable. The  $n$ th derivative of a function  $f$ , denoted as  $f^{(n)}$ , is the derivative of the  $(n-1)$ st derivative of  $f$  in which  $n$  is a positive integer that is greater than one. For example, if we find all the derivatives of the function  $f$  as defined by  $f(x) = 7x^2 + 26x + 11$ : Using the theorems on differentiations, the first derivative is  $14x + 26$ , while the second derivative would be 14. Lastly, the third derivative of the function is 0. Though modern-day calculus still generally invoke Leibniz’s notation ( $\frac{dy}{dx}$ ), such notation is also widely used in physics along with Lagrange’s contributions: whereby  $f(x)$  is generally measured in meters per second, while  $dx$  in seconds; thus  $f(x) dx$  is in meters, including also its integral value. See William Briggs, Lyle Cochran, Bernard Gillett, and Eric Schulz, *Calculus: Early Transcendentals*, 3rd ed. (New Jersey: Pearson Education, Inc.: 2019), 1–2, 875–879, 883–892.

<sup>29</sup> Handelman, *The Mathematical Imagination*, 107–108. Elaborating further Rosenzweig’s explanations of the interconnections between nothingness, finitude and infinity using infinitesimal calculus, Handelman provides in *The Mathematical Imagination* two graphs derived from Eduard Riecke’s *Textbook for Experimental Physics* (1896), presenting the methods of differentiation (Figure 3.1) and integration (Figure 3.2), depicting the slope of a graph at a given point being the slope of the tangent line to the graph on the point. With reference to Figure 3.1, the markings of points P and P' are essential in identifying the slope of the curve at point P. The secant line connecting P and P' is a line through the two points on a curve. Since Q' is not a point on the curve, it signifies nothingness. This point Q' plays an integral part because it serves as the identifier of the vertical change and horizontal change between points P and P'. Hence, the ratio of P'Q' and PQ' is the slope of the secant line which approximates the steepness of a curve. Marking of points P, P' and Q' signifies the possibility of identifying the slope of the curve in the figure. Through differentiation, the instantaneous change of rate is (metaphorically) indicative of a finitude as specified by a point in the tangent line. Meanwhile, the points lying between P and P' are infinite. Consequently, these infinitely many points may also render possible the creation of different secant lines (see Figure 3.2). If we identify points that are closer and closer to point P, the secant lines will be closer and closer to the tangent line. See Handelman, *Mathematical Imagination*, 108.

<sup>30</sup> Handelman, *Mathematical Imagination*, 114. Modifications ours.

differentials, can generate knowledge of its origin (and pre-origins, i.e., the events before lived experience) from the primordial motion that constitutes the present belongingness he or she has. It is in this sense that subjectivity renders truth to the generative workings of negativity: transition points between possessing quantity and that which possess no quantity, or what both Jews and Christians would refer to as creation from nothing.<sup>31</sup> Knowledge of motion is only possible from us, active creators of knowledge, being the ontological reference to the sum of all motions. Does this mean we can determine the future by simply calculating the trajectory of the multiplicity of differentials? For Rosenzweig, knowledge does not signify beliefs that are proven and justified, but rather what subjects have verified through their experience, akin to Immanuel Kant's closet empiricism.<sup>32</sup> Moreover, despite our knowledge being limited to what we have experienced, therein lies a deeper structure of temporality in motion that which confirms its direction within a continuum. For Newton, a continuum can be portrayed into a linear structure, where its continuous magnitude is not "bookended by points, but rather *generated* by a point as it moves continuously through space."<sup>33</sup> In the same way for Rosenzweig, the curve of time cannot be totalized by pointing to its origin and an undefined end, but rather it is a product of a continuous present ("the here-and-now") as it moves from beginning to end and, thus, constitute the continuum of time as a whole. This became the framework for conceptualizing the dynamic theory of epistemology and messianism. Rosenzweig wanted to show that we are able to generate knowledge about time through differentiation in two ways: "one the one hand, differentiation calculates the direction and rate of change of time at any particular time and, on the other hand, we can describe the curve of time from any particular time via its differentials."<sup>34</sup> As the whole determines the parts and vice versa, the continuum of all times necessitates any particular time that constitutes it, and not just the significant idealized ones (e.g., those yet to happen, the teleological yet undefined end, or the messianic promise). Mathematics, for Rosenzweig, suggests that time, as a continuum leading from the beginning of the world (i.e., creation from nothing) to the undefined end (i.e., messianic redemption), consisted not only of narratives from the past but also an infinite and expanding aggregates of moments and possibilities. The idea of the undefined yet capacious concept of continuum provides a defense for the role of Judaism in the schema towards redemption: Judaism appears before Christianity in history, confirming truths in both religions—in the same way that the "irrational"

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<sup>31</sup> *Ibid.*, 115.

<sup>32</sup> *Ibid.*, 124.

<sup>33</sup> *Ibid.*, 123. Italicization ours.

<sup>34</sup> *Ibid.*, 124.

numbers (quantities without representation, e.g.,  $\pi$ ; as Judaism still awaits for the Messiah for expression and reference) complete the actuality of “rational” numbers (quantities represented by the ratio of integers where the denominator should not be equal to zero, e.g., 1, 2, 3, etc.; as Christianity express its faith through Jesus Christ)—both being equally necessary in the flow of the continuum of redemption, representing an infinitude of redemption through each unique subjective actions toward “an ultimate, historically unreachable goal.”<sup>35</sup>

The critical import of this version of messianism focuses not on a passive expectation of divine interventions, but, on the contrary, it is a dynamic anticipation of divine revelation in the “here-and-now,” fueling a more emancipatory worldview stressed on our active engagement with the world. Handelman interprets from Rosenzweig’s negative mathematics that the ideals of emancipation need not be separate from human action, as the latter’s actuality reveals the fruits of revolutionary worldly engagement. For Handelman, as for Rosenzweig, the dynamic capacity of the differential to generate possibilities from negativity allows us to bring into present the truths of actual experience while “pushing its realization” from our historical experience—a lesson one may also find in the works of Ernst Bloch. Applying this in cultural studies, Rosenzweig’s negative mathematics contributes for a theory of culture that takes our present active efforts to engage in the dynamics of social change, where they become proofs themselves of those unrealized possibilities. Rosenzweig’s negative mathematics, Handelman contends, gave voice to the Jews regardless of their marginalized position in the history of salvation, revealing their significance in the redemption of

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<sup>35</sup> To clarify Rosenzweig’s use of these mathematical concepts, it can be observed that Handelman was referring to specifically the union between sets of rational and of irrational numbers, both being the set of real numbers. Metaphorically, Handelman elaborates that both Christianity and Judaism believe in a higher being, and the way in which they accept this higher being is comparably the same as the difference of rational and irrational numbers. Let decimals be the limelight to stress out the difference between these two sets: (1) On the one hand, terminating decimals and repeating decimals are members of the set of rational numbers. We have a decimal that has a finite digit, and a decimal that is non-terminating and includes a pattern of digits (e.g., 1, 2, 3, etc.—decimals that could possibly possess patterns). These sets of rational numbers may be associated with Christianity who accepts Jesus Christ as the Messiah and the Son of God, which is metaphorically compared to a terminating decimal because its revelatory expression is definite: He is God in the flesh, who came to redeem humanity from their sins. At the same time, a non-terminating decimal that has a repeatable pattern symbolizes too that the Christian faith to Jesus Christ as the way, the truth and life, is ritually expressed in the constant religious practices for redemption and salvation; (2) And on the other hand, there exists non-terminating decimals with no repeating pattern (e.g.,  $\pi = 3.1415926536\dots$ —the reference being continuous and undefined in the last instance), symbolizing the Jews’ hopeful anticipation for the coming of the Messiah, whose existence is yet to provide them the full revelatory expression of Jewish faith, acting as Judaism’s point of reference. See Handelman, *Mathematical Imagination*, 124–125, 137–138.



mankind to which Christianity is currently the major narrative of salvation. Such messianism reveals to us the potential of our present mundane actions to illuminate, verify and behold the truths of emancipatory futures.

While Scholem constantly makes use of lessons from mathematical logic and Rosenzweig from infinitesimal calculus, Handelman sees in Kracauer's writings the possibility of bridging the void between the material dimension of experience and the logical dimension of thought *via* geometry as the mathematical inquiry of space. It informed negative mathematics for the conceptualization of a materialist hermeneutics of mass culture and its products, in the attempts to reconsider advancing the failed project of the Enlightenment: a reasonable and inclusive society. Geometry enables a literary approach to cultural critique which "helped confront the contradictions of modernity and, through such confrontation, potentially resolve them."<sup>36</sup> For Kracauer, Handelman observes (in Chapter Four) that the use of geometric and architectural representation allows us to view a deeper metaphysical dimension of the materiality of our experience, causing us confront the problematics of disjunction between the forms and contents, between life and thought, in the hopes of finding an immanent sense of meaning in the apparent randomness of contemporary social life.<sup>37</sup> The potential of geometry to render an aesthetics of theory circulates in what Kracauer calls *projektionslehre*, developing a materialist reading inclusive of "correspondence, projection, and examination,"<sup>38</sup> as exemplified in his works *The Detective Novel: An Interpretation (Der Detektivroman: Eine Deutung, 1922–1925)*, the essays collected in *The Mass Ornament (Das Ornament der Masse, 1963)*, and other written pieces from the *Frankfurter Zeitung*. The aesthetics of theory performs its critique of reading the material products of society which are indicative of the ideological and metaphysical underpinnings and principles that govern society and culture beyond the surface, i.e., the rationality of a social order. After which, critique intervenes in the social realm by having society confront its contradictions *via* projecting back into the products these ideologies. In geometry, projection generates the possibility of reading these negativities, disjunctions, disconnections between the forms and matters. Moreover, projection pertains to the mathematical procedure of mapping one structure onto another, or to imagine space and figures in the faculty of intuition.<sup>39</sup> Kracauer's well-defined example,

<sup>36</sup> Handelman, *Mathematical Imagination*, 8.

<sup>37</sup> *Ibid.*, 151.

<sup>38</sup> *Ibid.*, 161–163. In page 163, however, Handelman refers to the third constituent of *projektionslehre* not as examination, but rather "transformation."

<sup>39</sup> Kracauer's *projektionslehre*, as observed by Handelman, rigidly employs not the mathematical lessons of modern-day projective geometry, but rather mainly comes from the methodical presuppositions of Euclidean plane geometry and Cartesian analytic geometry, with their use of concepts such as distances and angles. Perhaps, one may assume that Kracauer's



Handelman analyzes, is the idea of a detective novel being literature's "Enlightenment genre par excellence,"<sup>40</sup> signifying the immanent unconditional triumph of rationality (i.e., the detective) over the natural world (i.e., the mystery of the crime scene).

In a supposedly well-defined society, it was thought impossible to find traces of its being unreasonable, just as capitalism works very well and systematic that it thrives despite its oppressive tendencies and amidst crises in the economy. Kracauer's negative mathematics invalidates this perspective, as it becomes possible to criticize by analyzing the rationalized creations of the social order because "their manifest rationality gave insight into the principle guiding their production."<sup>41</sup> Mass ornaments, by virtue of being *ornaments*, reveal the excess pathological rationality of mass culture, that even if they are inessential and without function, it is from this non-teleological existence that discloses the movements, patterns, and figures which are indicative of the shapes of thought in the social order. Kracauer made it possible to view geometry, a mathematical branch, not as a mechanistic tool of capitalist mass production and exploitation, but rather as method of reading projections that render legible and visible the contradictions of abstract quantities, qualities, and modalities of capitalist products—ultimately having capitalism confront its own projected contradictory rationality.<sup>42</sup> Such rational confrontation is directed at Enlightenment's neglected promise of progress in reason and inclusion. Paying attention to those spaces marginalized by the dominant rationality, the projection entailing confrontation of our own shortcomings is similar to the mighty realism of Adorno's concept of immanent critique, in being critical too of itself. Kracauer's negative mathematics enables us to reconfigure the coordinates of the sensible world, where the materiality of our critique would bear potentials in transforming the disjunctions between experience and thought into conjunctions. Finally, Handelman claims that this geometrical cultural critique also applies to the examination, arrangement, and calculative partitioning (or worst, exclusion) of urban spaces made possible by certain

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constant use of projection as a geometrical method complements with projective geometry's theoretical inquiries on how lines and shapes project into space, and also the rendering the possibility of different objects meeting in conjunction with one another at some point in infinity, where distance may become irrelevant. In the same way that Kracauer's negative mathematics generates from projective geometry's concept of infinite spaces, it become possible to view conjunctions or disjunctions between life (e.g., modernity) and thought (e.g., rationality) in the form of critique. However, Handelman carefully describes Kracauer's idea and method of projection as "is geometric projection in reverse; it reads the metaphysical shape of an object out of its corresponding, rationalized forms, flattened and contorted." Handelman, *Mathematical Imagination*, 162.

<sup>40</sup> *Ibid.*, 151.

<sup>41</sup> *Ibid.*, 165.

<sup>42</sup> *Ibid.*, 171.

modern rationalities.<sup>43</sup> In Kracauer, we may find the Cartesian natural geometry performing the political assignment of cultural critique, hoping to have a material, ideal, and corrective effect on the social orders it criticizes.

There can be no doubt that Scholem, Rosenzweig, and Kracauer's contributions for negative mathematics renders critical import to theory, portraying a lot of potentials neglected by the early critical theorists. Indeed, Handelman's work reinvigorates the avenues for critique that treats mathematics as an important cultural and aesthetic medium.<sup>44</sup> But after a summative review of Handelman's work, *The Mathematical Imagination* reveals a crucial question (and a silence) which befalls into us at the end: How do these theorists of negative mathematics specifically count as significant intellectual predecessors of the Frankfurt School critical theory? Do the similarities between critical theory and negative mathematics in terms of the nature of inquiry, theoretical direction, and research variable account for Scholem, Rosenzweig, and Kracauer their proper theoretical and historical positions in the Frankfurt School tradition? Despite his constant claim that these three thinkers are friends to some of the founding members of the *Institut*, or the fact that their mathematical methodologies possess critical component for a theory of society and culture during the post-Weimar era, Handelman nevertheless silently ignores what genuinely discriminates negative mathematics as a constituent intellectual predecessor of the Frankfurt School critical theory. Instead, Handelman simply and contrarily refers to Horkheimer and Adorno's dismissal of mathematics that became influential among their circle, supposing the first generation's forgetfulness of these lost mathematical origins. This silence is intriguing because it is not a type of silence that reveals something inexpressible.

### Critical Theory of Negative Mathematics

Interestingly, we may subscribe from Bolaños's essay "What is Critical Theory?"<sup>45</sup> the three fundamental normative claims which encapsulate the emancipatory *program* of the Frankfurt School critical theory in order to examine whether the Frankfurt School tradition accommodates a place for Scholem, Rosenzweig, and Kracauer in the intellectual origins of the *Institut*. According to Bolaños, what distinguishes the critical direction of theory envisioned by Horkheimer from traditional theory are the following:

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<sup>43</sup> *Ibid.*, 181.

<sup>44</sup> *Ibid.*, 10.

<sup>45</sup> Paolo Bolaños, "What is Critical Theory: Max Horkheimer and the Makings of the Frankfurt School Tradition," *Mabini Review*, 2 (2013), 6, 17; See also Max Horkheimer, "Traditional and Critical Theory," in *Critical Theory: Selected Essays*, trans. by Matthew J. O'Connell (New York: Continuum, 1989).

(1) the anthropological turn of philosophical inquiry, which empathically recognizes the significance of human activity and the rational (and non-rational) elements that generates the materialist orientation in the study of real situations and events; (2) next would be the practical direction of theory towards both the emancipation from slavery and the abolition of social injustice, which considers the political importance of the existing quasi-transcendental values, suturing both theory and practice in the Frankfurt School tradition; (3) finally, a critique from the standpoint beyond class categories, as Bolaños explains, “the revolutionary impulse need not be limited to the bourgeoisie-proletariat structure and could be located in different social structures beyond the system of labor.”<sup>46</sup> If the aforementioned constitutes for Horkheimer the visions of the Frankfurt School tradition, we could extrapolate from these normative claims strong theoretical similarities with the constellation of ideas from Scholem, Rosenzweig, and Kracauer, as examined in Handelman’s book. In briefly doing so, we may be able to express Handelman’s seeming silence.

Beginning with anthropological character of doing philosophy, Handelman discovers in Scholem and Rosenzweig a particular emphasis on identifying human understanding as the subject of inquiry by negative mathematics. Specifically, it pertains to the attempt to problematize the various ways our rationality encounters human knowledge and experiences of negation as initial points of departure, allowing us to reveal the contradictions of majoritarian discourses and dominant symbolic registers, ultimately confirming truths from the real experiences of marginalization, exclusion, and isolation in the grand historical narratives available. This is the same with Kracauer when it comes to the corrective aim of *projektionslehre*: the transformation of a dominant rationality through its own projection of what human rationality ought to be. From here, the anthropological elements in negative mathematics generate the practical direction of the writings of Scholem, Rosenzweig, and Kracauer towards addressing the problems of oppression and social injustice. Scholem’s elaboration of the meaning of silence represent the mute speech of the exiled voices silenced by the dominant authorities in historical discourses. It is similar to Rosenzweig’s metaphorical discussions on the differential, suggesting that all narratives (e.g., Judaism, Christianity, etc.) are essential on their own uniqueness within history *in toto*, like differentials being of equal importance within the structural continuum. And for his part, Kracauer’s geometrical projection entails the transformation of the material dimension of our experience and culture, penetrating into the sensible coordinates to reconfigure spaces of marginalization and exclusion. But perhaps what parallels these thinkers of

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<sup>46</sup> Bolaños, “What is Critical Theory?,” 11.

negative mathematics with the Frankfurt School tradition is the third normative claim, which describes their research variable: For Scholem, Rosenzweig, and Kracauer, critique need not come from the formal categorization of class structures. The mathematical enterprise, given that it provides their philosophies and social theories the tools necessary to examine the constitutive aspects of negativity, is critique *per se* of the state of things and simultaneously a point of conjunction and intervention between thought and reality. Though it could be loosely argued that it is primarily their Jewish roots that which fueled Scholem, Rosenzweig, and Kracauer's intertwining of mathematics and philosophy. But Handelman was careful enough to recognize that critique can come *from anywhere*, and that the Judaism during the Weimar and post-Weimar Republic was a marginalized sector not only in economics but also in the academe, culture, politics, religion, and society in general. And it is in this over-marginalization of the Jews, being part of society without really having part of it (borrowing the idea from Jacques Rancière), that which allows them to transgress any social categorization, and thus enabling Scholem, Rosenzweig, and Kracauer to criticize the wrongdoings of oligarchic rule, oblivious histories, and oppressive systems from the standpoint and language of non-identity—a critique beyond identities, class categories, and territories as variables, i.e., a critique that comes *from anywhere*.

This ambit supplication to Handelman's work above seems to reflect the majorly exploratory nature of *The Mathematical Imagination*, specifically in its archeological rediscovery of the rich intellectual and mathematical heritage of Scholem, Rosenzweig, and Kracauer to the *Institut für Sozialforschung*. However, one should not neglect the intentions of the book and the implications of its discoveries. Handelman's work describes the prospects for critical theory and the importance of the role it plays in the digital technological age, hoping to show these prospects from the potentials of mathematical methodologies which thinkers prior to the *Institut* were able to utilize in their own struggle against social injustices. Negative mathematics contributes a theory of critique which are yet to be nominated as additions to the normative claims of the Frankfurt School tradition—to name a significantly few: (1) the possibility of knowledge in spite of skepticism and relativism through mathematical foundationalism; (2) new dimensions in the critique of disjunctions between life (experience) and thought (logic) through mathematical representations; (3) emancipatory model of mathematical expressibility; (4) and the immanence of mathematical truths in philosophical inquiry. These lessons are the strengths not only of Handelman's book, but also of the Frankfurt School tradition when employed in the digital technological age.

## Epilogue: Towards Digital Humanities

In a world that moves towards its technologization and digitalization, mathematics ought to be relinquished from its apolitical vision by the positivists and refashion its critical potentials to deal with the various forms of negativity (e.g., absence, erasure, lack, division, disjunctions, privation, etc.) in the hopes of realizing the emancipatory program of critical social theory. Like the philosophical style of the early critical theorists, Handelman argues (in the Conclusion) that negative mathematics does not offer an alternative to despoiled systems of oppressive orders, but rather modes of analyzing and intervening in the contemporary world, which make use of the analytic advantages of mathematics and the actuarial sciences without losing sight of the political, social and cultural imperatives that constitutes what we know today as critical theory.<sup>47</sup> Negative mathematics draws out the critical potential of the *digital humanities*, using its computational and digital approaches in addressing the problems of political quietism, colonial education, historical discontinuities, and modes of social exclusions caused by the combined negligence of neoliberal industrialization and globalization amidst a progressing world. Against the neoliberal interventions with knowledge-production, the mathematically-informed approaches such as cultural analytics, computational demographics, ethnological statistics, and distant reading not only use algorithms to examine patterns and codifications in order to analyze behaviors and canon of works which are almost impossible to read in a lifetime. More importantly, they also allow the digitalization of open-access text and sources in order to free and democratize knowledge to everyone. This is a specifically important solution to the problem of lack of access to knowledge for minoritarian individuals and groups, which is essential for their “technological and institutional power to create, maintain, and preserve” their minoritarian cultures, erased histories, forgotten legacies, and tolerated norms.<sup>48</sup> Negative mathematics, through the digital humanities, expands the horizon of the epistemological limits for the marginalized communities against the forms of digital and technological domination of the contemporary world.

There is a potted literary aftertaste to Kracauer’s lessons on projection and the role of the critic if readers are to read and re-read the rest and previous chapters, as there is no doubt about Handelman’s intentions from the beginning, targeted on projecting the problem of mathematics as a mathematical concern and not as a non-philosophical concern that needs to be avoided. This is evident from the initial discussions, that is, if the Frankfurt

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<sup>47</sup> Handelman, *Mathematical Imagination*, 189.

<sup>48</sup> *Ibid.*, 194–195.

School critical theory equates the problems and contradictions of calculative reason and its enabling features to the rise of Fascism during their time, the point, however, is *not to entirely dismiss* (the way Horkheimer and Adorno did) *but to establish* a radical model of mathematics, generated from its own negativities, projected against its progenitors of political quietism (i.e., the mathematics envisioned by the logical positivists), and ultimately against those who use it as an apparatus for oppressing others.

Meanwhile, in another distant world that is French philosophy, the intertwining of philosophy (as critical theory) and mathematics was never entirely new. It was the contemporary French thinkers who clearly saw theoretical autonomy and valuable truths from mathematics beyond its historical approximation by continental rationalism of the 16<sup>th</sup> to 18<sup>th</sup> centuries and its stereotype role in today's analytic tradition of philosophy, advancing critical thought in a variety of ways: Gaston Bachelard's anti-phenomenological reference to architectural science in elaborating the lyrical magnificence of experience, Jacques Lacan's constant use of mathemes in explaining the nature and mechanisms of the unconscious, Gilles Deleuze's notion of multiplicity being influenced by Riemann's hypothesis, Alain Badiou's necessary incorporation of Cantorian set theory into philosophy, Quentin Meillassoux's celebration of mathematical precision in spite of reality's hyper-chaos, among others. And even long before them, we are reminded too of the academic and historical prestige of the *quadrivium*: that arithmetic, astronomy, music, and geometry, as the liberal arts of numbers, were all essential disciplines not only for the formation of a universal idea of reality *in toto*, but more importantly for the formation of the human being in quest for reasoned truth towards the good life. It is fortunate that, with the merit of *The Mathematical Imagination*, we may now refer to Scholem, Rosenzweig, and Kracauer's contributions for a theory that is both critical and mathematical within the Frankfurt School tradition. Handelman presents to us a way out of our naiveté to this potential of mathematics in doing critical theory, more so in doing it here in the Philippines where some scholars on critical theory do not have that same level of enthusiasm for mathematics, thinking that it merely disregards critique and the critical studies of art, culture, literature, and other related fields.<sup>49</sup> But we do wonder, at this point,

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<sup>49</sup> This, however, is not a sweeping generalization. It is noteworthy to mention a few Filipino practitioners of critical theory who still maintained spaces for engaging with either the topic of mathematics and the numerical disciplines *per se*, or the use of quantitative and statistical approaches to theory and computer-aided methods of textual analysis: Agustin Martin Rodriguez's *Governing the Other: Exploring the Discourse of Democracy in a Multiverse of Reason* provided a demographic analysis of grassroot governance in the exploration of the nature of democracy in the Philippines' multiverse of rationalities; Walden Bello's *The Anti-Development State: The Political Economy of Permanent Crisis in the Philippines* (co-written with Marissa de Guzman, Mary Lou Malig, and Herbert Docena) elaborated a comprehensive (and painful)



if our local scholars being less of enthusiasts reveal to us not a naiveté to the intellectual heritage of Scholem, Rosenzweig, and Kracauer, but rather a symptom of a growing obsession with their own disdain to anything related to the mathematics which simplistically describe as yet another apparatus within the tyranny of metrics. In the end, perhaps all of us could learn something in being faithful to the task Deleuze has for philosophy: “There is no need to fear or hope, but only to look for new weapons.”<sup>50</sup>

*Department of Philosophy  
University of Santo Tomas, Philippines*

*College of Arts and Sciences & Senior High School Department  
Manila Tytana Colleges, Philippines*

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examination of the poverty experienced by the Filipino people, and is suggestive of a development strategy anchored from quantitative economic data gathered from real experiences; Ramon Guillermo’s *Translation and Revolution: A Study of Jose Rizal’s Guillermo Tell*, a pioneering work on Philippine digital humanities, used computer-aided techniques of discursive and textual analysis to highlight the ideological dynamics of 19<sup>th</sup> century nationalism in the Philippines; Filomeno Aguilar Jr.’s *Peripheries: Histories of Anti-Marginality* examines multiplicity of economic data supported by historical narratives from the margins (particularly the rice and sugar industries outside the center) that determine the structural dynamics of national historical change; Franz Giuseppe Cortez’s essay “Critical Business Ethics: Contributions and Challenges” extends the lessons from Frankfurt School critical theory to engaging ethical questions encountered from the practical disciplines of business, finance, and the actuarial sciences; and Jayson Jimenez’s essay “Kant and Precolonial Mathematics” aims to explore philosophically the intuitive precolonial ethnomathematics of the Angono Petroglyphs here in the Philippines.

<sup>50</sup> Gilles Deleuze, “Postscript on the Societies of Control,” *October*, 59 (Winter 1992), 4.



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Book Review

**Manekin, Charles H. and Daniel Davies  
eds., *Interpreting Maimonides:  
Critical Essays*<sup>1</sup>**

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**Jovito V. Cariño**

The medieval intellectual culture is a vast landscape inhabited by towering minds like Moses Maimonides. Maimonides was a complex and prolific intellectual figure. As a Jewish scholar, he was conversant in Arabic, Hebrew and Aramaic languages and was well at home with intellectual skirmishes with his Jewish and Islamic counterparts. The range of Maimonides' intellectual depth and breadth cannot be overstated as shown by his impact on the writings and debates which shaped the cultural atmosphere of Europe in the 12<sup>th</sup> and 13<sup>th</sup> centuries. This book presents a way to critically engage the medieval thinker from various perspectives over a span of 14 chapters (an introduction and 13 essays) that comprise this opus.

In his portrait of Maimonides, Herbert A. Davidson ("Maimonides and the Almohads") depicted the Jewish thinker as a mind well steeped in the writings of Averroes, Avicenna as well as al-Ghazali not to mention the well revered *Corpus Aristotelicum*. Very much like Aristotle himself, Maimonides was a person whose fascination with science was matched only by his passion for and interest on other cerebral pursuits. This he displayed at a very tender age leading to a career dedicated to learning medicine, mathematics, and astronomy along with the studies of the Jewish religious and legal texts. Among his very early works which sealed his scholarly reputation were the *Book of Commandments* and the *Misneh Torah*. An important aspect of Maimonides' oeuvre was the ease and seamless maneuver with which he moved from theology to philosophy and other secular sciences. His magnum opus, *Guide of the Perplexed* is the best demonstration of this intellectual dexterity. Maimonides viewed the relationship between theology and other disciplines, especially, philosophy, in terms of their organic unity, a position he shared with the almohads, his purported influencers.<sup>2</sup> The close affinity between Maimonides and the

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<sup>1</sup> Cambridge, UK: Cambridge University Press, 2019, 266pp.

<sup>2</sup> *Ibid.*, 11.

almohads led some scholars to infer the possibility of a kind of an intellectual transference between them, with the almohads at the helm. Davidson challenged this view by acknowledging some degree of almohads' influence but only to a point Maimonides was willing to accommodate it. This is a point similarly endorsed by Y. Tzvi Langermann ("Al-Ghazālī's Purported "Influence" on Maimonides: A Dissenting Voice in Trending Scholarship") in his discussion of Maimonides' intellectual kinship with al-Ghazali. One can indeed make a case for an al-Ghazalian influence on Maimonides, wrote Langermann, but only with established and clear standards that define the nature and extent of influence.<sup>3</sup> This is an important matter to consider, as far as Langermann is concerned, not just to preserve the philosophic originality of both thinkers but also to sharpen the readers' understanding of the specific contexts which simultaneously connected and disconnected the cultural tapestry characteristic of the Judeo-Arabic world. Understanding this Judeo-Arabic context is crucial, particularly, in coming to terms with Maimonides' more contentious views like his attitude towards women and the Gentiles. As Hannah Kasher ("Maimonides on the Intellects of Women and Gentiles") pointed out: "The status of women and gentiles in Maimonides's thought is not necessarily exclusively the product of his personal perspective...their status already established to a large degree in Jewish law" and hence "are not the product of his independent ruling."<sup>4</sup> Given this limitation, scholars are encouraged to look into the consequences of Maimonides' perspectives on women and gentiles rather than inquire about his explicit attitude towards them.<sup>5</sup>

Maimonides proved himself to be an original mind in his various treatises but perhaps no other work serves a testament to this more pronounced and more emphatic than his best-known opus, *Guide of the Perplexed*. It is important to note that the *Guide* is a theological work which showcases Maimonides' philosophic acumen. This exceptional ability to employ a philosophic medium to construct a theological treatise resonates with the same practice attributed to Thomas Aquinas who was himself a fond reader of the Jewish master. The *Guide* was Maimonides' attempt to sort out the philosophic and theological questions drawn from the Jewish scriptures. And as in Aquinas' career, it was in such theological opus that Maimonides consolidated his legacy as one of the formidable Jewish philosophic authorities. An account of this philosophic achievement was rendered by James T. Robinson in his discussion of Maimonides' Platonic reading of the Genesis' story about Jacob's ladder ("On or above the Ladder? Maimonidean and anti-Maimonidean Readings of Jacob's Ladder"). Maimonides' attempt

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<sup>3</sup> *Ibid.*, 28-29.

<sup>4</sup> *Ibid.*, 46.

<sup>5</sup> See *Ibid.*, 48-49.

to dissect the complex and esoteric passages of the Jewish scriptures like the Jacobine episode is but one of the many hermeneutic explorations one can find in the *Guide*. This sorting out, in true Maimonidean fashion, does not aim at the removal of interpretive entanglements usually found in reading the sacred texts but the demonstration of both the usefulness and limits of speculation in addressing such problems. As explained by Kenneth R. Seeskin (“What the *Guide of the Perplexed* Is Really About”): “We may conclude, as Maimonides does, that the *Guide* is not intended to resolve every difficulty. Nor is it to set forth a complete exposition of every subject in a manner appropriate to a textbook. ‘For my purpose,’ Maimonides tells us, ‘is that the truths be glimpsed and then again concealed.’”<sup>6</sup> For Sara Klein-Braslavy (“Reading the *Guide of the Perplexed* as an Intellectual Challenge”), it was its ability to introduce new ways of understanding the thorny scriptural questions it is trying to resolve that makes the *Guide* a compelling and interesting read (“Reading the *Guide of the Perplexed* as an Intellectual Challenge”). These questions include problems that range from the ritual (Yehuda Halper’s “Jewish Ritual as Trial in the *Guide of the Perplexed*”) to the scriptural (Charles H. Manekin’s “Maimonides on the Divine Authorship of the Law”) to the highly metaphysical (Daniel Davies’ “Divine Knowledge and Providence in the *Guide of the Perplexed*”).

The *Guide of the Perplexed* is without a doubt the definitive piece of work which secured Maimonides’ legacy as one of the most original Jewish thinkers and influential philosophic figures of the medieval period and beyond. With this in mind, it is important to note an important clarification offered by David Wirmer regarding the audience of the *Guide*. Wirmer explained that the perplexed were neither the hoi polloi nor the unarticulate but the “perfect men” for whom it was primarily written. Maimonides, as Wirmer wrote, reached out to them not because they were in error “but because they see the problems and are hence undecided and confused” (“The World and the Eye: Perplexity about Ends in the *Guide of the Perplexed* iii.13 and iii.25.”)<sup>7</sup> From its wide circulation in the Middle Ages (Diana di Segni’s “Early Quotations from Maimonides’s *Guide of the Perplexed* in the Latin Middle Ages”) down to the contemporary period, the *Guide* continues to inspire varieties of readings among scholars of medieval antiquity and Jewish thought. A fine example of a contemporary Maimonidean scholar is Shlomo Pines who bared two variants of reading Maimonides, the Averroist and the Spinozist; the former may be read in his Introduction to his own English translation of the *Guide* in 1963 and the latter, in his classic paper, “The Limitations of Human Knowledge According to Al-Farabi, ibn Bajja, and

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<sup>6</sup> *Ibid.*, 67.

<sup>7</sup> *Ibid.*, 173.

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Maimonides” published in 1979 (Josef Stern’s “The Agendas of Shlomo Pines for Reading the Guide of the Perplexed from 1963 to 1979”). Another equally imposing Maimonidean expert is Leo Strauss, the acknowledged Maimonidean authority of the twentieth century. Strauss’ influence among contemporary scholars on Maimonides was so far-reaching Warren Zev Harvey described it as “paralyzing” (“How to Begin to Study Strauss’s ‘How to Begin to Study the Guide of the Perplexed’”).<sup>8</sup> Harvey seems to say, that after Strauss, no scholar today can say or write anything about Maimonides that has not been discussed or disclosed by Strauss himself. This claim, while extremely flattering to Strauss, is disproved, nonetheless, by the very existence of this collection of essays, all bearing witness to the inexhaustibility of the perplexity that Maimonides continues to inspire among scholars to this day.

*Department of Philosophy  
University of Santo Tomas, Philippines*

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<sup>8</sup> *Ibid.*, 228.

Book Review

## **Rancière, Jacques, What Times Are We Living In? A Conversation with Eric Hazan<sup>1</sup>**

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**Jessie Joshua Z. Lino**

Terry Eagleton once said that “Every epoch suffers from the disability of being contemporaneous with itself, and of having no idea where it might lead.”<sup>2</sup> Of all temporal moments, only the present being an object of inquiry is explicitly revelatory of its own indeterminacy, making it almost always troublesome to any scholars from all disciplines to write about. Indeed, *contemporaneity* timelessly remains a buzzword for public intellectuals, as they are forced to elaborate and explain the present state of things from the lenses of their theoretical enterprise in the obvious (and sometimes oblivious) attempt to audit and validate consistency between their theory and practice. For Jacques Rancière, however, the figure of an intellectual is not necessary, and we need not become one merely to say a few words to describe the novelty of our contemporary events. To locate the belongingness of oneself within an epoch only requires a certain kind of vigilant historicity, in the attempt to look at humanity’s activities from the location of “being-there” while resisting its established *Zeitgeist*. It is in this particular light that mobilized the fruitful and timely conversations between Rancière and Eric Hazan during the years 2016 to 2017, towards the untimely publication of its first English translation, during the pandemicized year of 2020, *What Times Are We Living In?* What Steven Corcoran’s translation of this short philosophical work offers is a testament of a philosopher, his fidelity to the present realities, and his analysis of the politics of temporality that conditions our relation to and perception of the present moment.

Although time, temporality and history are significant themes featured in the totality of Rancière’s *œuvre*, what is distinct in his writings on history is that they do not gesture towards the establishment of a rigid philosophy of history. Instead, Rancière extrapolates from the archives of

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<sup>1</sup> trans. by Steven Corcoran (Medford, MA: Polity Press, 2020), 85pp.

<sup>2</sup> Terry Eagleton, *Figures of Dissent: Critical Essays on Fish, Spivak, Žižek and Others* (London: Verso, 2005), 144.

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historiography a discourse on history in-between aesthetics and politics: *Proletarian Nights* aims to examine the politics of experiences of the ordinary people whose nocturnal activities transgress the arrested timescapes of 19<sup>th</sup> century industrialization;<sup>3</sup> *The Names of History* is an analysis of the language used to articulate the poetics of knowledge, attempting to question the scientific authority of historical discourse over literary procedures;<sup>4</sup> and *Figures of History* examines the meaning of representation found in works of art, whose pictorial expressions of the past they portray possess the power to determine the meaning of history.<sup>5</sup> Meanwhile, one should be reminded that *What Times Are We Living In?* is not the first time that Rancière generates the titular interrogative. In June 2011, Rancière gave an inaugural lecture entitled “In What Time Do We Live?” at the Istituto Veneto di Scienze, Lettere ed Arti in Venice. Though the lecture analyzes the workings of domination in narrative descriptions of the present, it was in the same lecture that Rancière introduced the possibility of divergences in the plurality of times through fiction and other dissensual activities that disrupt and reframe our conception of the present.<sup>6</sup> The same theoretical direction on history is continued in *What Times Are We Living In?* as it intends to elaborate from contemporary social movements a politics of temporality situated in the middle a future without utopian promises and a past devoid of lessons and instructions.

The whole conversation revolves around the perception of the state of things, and the underlying politics that determines our gaze of the present moment. It begins from the standpoint of the major thesis generated in *Hatred for Democracy*, which centers on the idea of dissymmetry between democracy and representation. Rancière reiterates that the latter belongs to the domain of states and institutions, while the former being the anarchic condition for the possibility of politics.<sup>7</sup> However, the established perspective of the current global and political setting hinges on the equation of three different things—representation, election, and democracy—allowing the system of representation to effectuate in “the ‘democratic’ illusion whereby people are subjected” to believe in the self-reproducing power of election as

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<sup>3</sup> Jacques Rancière, *The Proletarian Nights: The Worker's Dream in Nineteenth-Century France*, trans. by John Drury, with an Introduction by Donald Reid (London: Verso, 2012), viii-x.

<sup>4</sup> Jacques Rancière, *Names of History: On the Poetics of Knowledge*, trans. by Hassan Melehy, foreword by Hayden White (Minneapolis and London: University of Minnesota Press, 1994), 7.

<sup>5</sup> Jacques Rancière, *Figures of History*, trans. by Julie Rose (Medford, MA: Polity Press, 2014), 64-65.

<sup>6</sup> Jacques Rancière, “In What Time Do We Live?” in Franco Berardi, Leo Bersani, Judith Butler, T.J. Clark, Jan Egeland, Fawaz A. Gerges, Jacques Rancière, Saskia Sassen, Vandana Shiva and Eyal Weizman, *The State of Things*, ed. by Marta Kuzma, Pablo Lafuente, and Peter Osborne (Oslo, Norway: Office for Contemporary Art Norway, 2012), 11-12.

<sup>7</sup> Jacques Rancière, *What Times Are We Living In? A Conversation with Eric Hazan*, trans. by Steven Corcoran (Medford, MA: Polity Press, 2020), 2.



participation.<sup>8</sup> Suffrage and the people's power to determine those who will govern them are both the language and political imaginary usually championed in states that present themselves as democratic. Rancière, however, sees the otherwise: representation entirely is not democracy, and the latter is the paradoxical power of the unqualified to exercise power. The people as political subjects are not pre-existing ontological givens; they are the result. In the same way for states that present themselves as democratic, it is not the people who are represented, but the *realpolitik* of representation produces a certain quasi-ontological category of a people policed within the sensible distribution.<sup>9</sup> As "adherence founds belief,"<sup>10</sup> this category of a people internalizes the workings of representation manifested in the present state of things wherein the marriage of nihilism and the market is dominant.<sup>11</sup> It delimits, if not de-politicizes, our way of conceiving activities that would actually matter in the struggle for the determination of the material conditions of everyone's well-being.

This system of domination even extends its current arrangement to what is referred as the defeatist mash—or the combination of heterogenous elements effected by half a century of defeats of struggles and hopes, involving thus a variety of contemporary predicaments: the loss of faith and interest in real democracy, the obsessive anthropocentrism through the neglect for climate change, the resort to fascist models of government, the spike of terrorism in the recent times, etc.<sup>12</sup> The defeatist mash defines the current world which we belong to, and therefore is the dominant perspective of the current state of things. From here, Rancière is convinced that the problem today is not to go further ahead, but "to go against the flow of the dominant movement."<sup>13</sup> But a question arises from here: what does it mean to fight?

Instead of directly addressing the question, Rancière rephrases it into "How is the *we* of the fight against the enemy constituted?,"<sup>14</sup> convinced that today's problem of political engagement touches on a two-fold essential matter: on the one hand, the idea of occupation and insurrection as constitutive activities of the political subject;<sup>15</sup> and on the other, the relation to time wherein the political subject situated, i.e., the present.<sup>16</sup> As political subjects of our time, it is necessary to pose anew the question of politics as a

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<sup>8</sup> *Ibid.*, 11.

<sup>9</sup> *Ibid.*, 11-12.

<sup>10</sup> *Ibid.*, 14.

<sup>11</sup> *Ibid.*, 38.

<sup>12</sup> Rancière, *What Times Are We Living In?*, 32-33.

<sup>13</sup> *Ibid.*, 34.

<sup>14</sup> *Ibid.*, 29.

<sup>15</sup> *Ibid.*, 62-65.

<sup>16</sup> *Ibid.*, 31.

question of locating the constellation of egalitarian moments that would establish its own temporal dynamics of intensities and durations.<sup>17</sup> Our task is to be able to know which type of people with whom one identifies in the disjunctive: “the people constructed by the dominant system or the egalitarian people under construction.”<sup>18</sup> And it would consequently introduce novel sensibilities in our perception of the present, including the means of criticizing the dominant perception of the present moment. From here, Rancière sets out his ideas on aesthetic revolution, generating from the lesson of the later Kant, Schiller, and the early Marx: that politics is concerned with the sensible world, from the activities that affect our relation to one another, which makes up the coordinates of the common world.<sup>19</sup> Politics is a matter of transforming our sensible experience, and no longer operates as the privileged activity of laws and institutions.<sup>20</sup> It necessitates dissociation, disagreement, and dissent against the policing of the sensible distribution, and instead occupies the prevailing topographies and timescapes for the community’s autonomy, expressivity, and self-determination. Consequently, politics is an act of differentiation—an escape from the pre-assigned category of the people who conforms to the dominant timescape.<sup>21</sup>

In the attempt to criticize the established milieu, politics opens the possibility of creating another time where we situate ourselves and engage in “the collective organization of the material life.”<sup>22</sup> In the anachronisms of different temporalities, to struggle means the efforts of living a self-determined community, in ways of being and acting together in the present. Politics is embedded in the activities of occupation. To occupy means to assert the presence of our first-person plural (*we*), in the creation of a different timescape that undoes the established conceptions of the present—a time removed from the natural workings of domination. We only become a people insofar as we gather together and occupy the present moment. Such is precisely the message of the book’s titular interrogative. And it is from this perspective that we can gauge the events of *Nuit debout* in France, the activities of Occupy Movement in New York, and other different assemblies in squares in Madrid, Istanbul and Athens as radical political movements directed against global sorts of offensive, according to Rancière.<sup>23</sup> *Nuit debout*, for example, gave rise to “the affirmation of a people different from that of the electoral process,” i.e., political subjects beyond the workings of

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<sup>17</sup> *Ibid.*, 30.

<sup>18</sup> *Ibid.*, 71.

<sup>19</sup> Rancière, *What Times Are We Living In?*, 47.

<sup>20</sup> *Ibid.*, 45.

<sup>21</sup> *Ibid.*, 39-40.

<sup>22</sup> *Ibid.*, 70.

<sup>23</sup> Rancière, *What Times Are We Living In?*, 41.

representation.<sup>24</sup> It introduced new forms of sensibilities that contradict the dominant system of representation by allowing the people to regain the *sensus communis* of belonging to a community of political life that is different to the policed quasi-ontological category. *Nuit debout* exemplifies the possibility of staging simultaneously both the events of constituting autonomous people and the events of constituting “a fighting force against the enemy:” the amendment of *loi Travail*.<sup>25</sup>

Regardless of brevity, the true merit of *What Times Are We Living In?* is its immersive engagement with a number of elementary themes that comprise Rancière’s testament of the present state of things, to name a few: the workings of representation expressive of an underlying social reality,<sup>26</sup> the different forms of constructing communities of struggle,<sup>27</sup> the meaning of emancipation and novel forms of existence,<sup>28</sup> political subjectivity and its relation to time,<sup>29</sup> the singularization of voices through a common power encapsulated in moments,<sup>30</sup> the sensible experience of aesthetic revolution,<sup>31</sup> and the idea of micropolitical forms of resistance amidst the global topography of domination.<sup>32</sup> Interestingly, the foremost strength of the text lies in its implicit literary sobriety, conceived as a radical attitude of textual sincerity to the sober realism of the present state of things, simultaneously recognizing the text’s inadequacies. In addressing the challenge of being contemporaneous, Rancière’s literary sobriety disables all forms of authorial sainthood, or an author’s betraying attempt “to transcend” beyond the text by monopolizing the textual object (i.e., the present) as his or her own while remaining objectively to, disinterested with, and unaffected by it. The critical importance of this literary sobriety provides us the possibility of establishing strong links of fidelity between text and life, between literature and reality, between the author and his encounter of the present. Perhaps Rancière’s literary sobriety in *What Times Are We Living In?* could serve as a critical tool in diagnosing the ills of a certain type of literature: namely, the malpractices of writings that turn events into mere opportunities that betray and undermine the real conditions of social existence—and in our case, those literatures that pretend to occupy the present time, but instead reductively transforms it into a spectrum of opportunities, ultimately remaining complicit to the malevolent ethos of hyperproductivity conditioned

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<sup>24</sup> *Ibid.*, 20.

<sup>25</sup> *Ibid.*, 27.

<sup>26</sup> *Ibid.*, 8.

<sup>27</sup> *Ibid.*, 16.

<sup>28</sup> *Ibid.*, 29.

<sup>29</sup> *Ibid.*, 31.

<sup>30</sup> *Ibid.*, 43.

<sup>31</sup> *Ibid.*, 45.

<sup>32</sup> *Ibid.*, 59.

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accordingly to the arrested schedules of the dominant timescapes of the neoliberal academia.

As stated in the book cover, “In politics there are only presents.” Novice readers and serious scholars on Rancière’s philosophy will be forced to engage with this text considering the element of untimeliness in the publication of Corcoran’s English translation of it. However, what is offered at the end of Rancière’s conversation with Hazan is an invitation to examine the emancipatory dynamics of untimeliness as “being-out-of-time” and the imperative of occupying the present state of things. It is from this lesson that we learn, in the plurality of timescapes, the means to resist the dominant descriptions of the present—to fight for the philosophical meaning of our current times.

*Department of Philosophy  
University of Santo Tomas, Philippines*

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KRITIKE  
c/o **Dr. Paolo A. Bolaños**  
Department of Philosophy  
Room 109 Main Building  
University of Santo Tomas  
España, Manila 1015  
Philippines