Political Resistance and the Constitution of Equality

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LIST OF ABBREVIATIONS:

Citations from Rousseau's *Discourse on Inequality* are abbreviated as DI followed by the page number, for example, DI 164. The text can be found at Rousseau 1997b under References. Citations from *The Social Contract* are written as, for example, 'SC 2.7.3,' which refers to book 2, chapter 7, paragraph 3. The text can be found at Rousseau 1997c under References.

Citations of John Dewey's works are to the thirty-seven volume critical edition published by Southern Illinois University Press under the editorship of Jo Ann Boydston. Citations give text abbreviation, series abbreviation, followed by volume and page number.

Series abbreviations for *The Collected Works*:
EW   The Early Works (1882-1898)
MW   The Middle Works (1899-1924)
LW   The Later Works (1925-1953)

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INTRODUCTION:

In this dissertation I explore the conceptual relationship between equality and resistance in political philosophy. Through examination of the work of Jean-Jacques Rousseau, Karl Marx, John Dewey, and Jacques Rancière, I formulate a position that I call *Fractured Social Holism*. This is a problematic that attempts to articulate core issues at stake in the debates surrounding the purposes, meanings, and possibilities for politics. Through Fractured Social Holism I articulate a theory of equality that emphasizes the people and the communities upon whom society's institutions intend to distribute equality, arguing that resistance on the part of a population—group opposition, whether formal or informal, to some element of the societal status quo—conceptually grounds equality and its distribution by articulating its very possibilities. In other words, popular resistance to domination and oppression within society enunciates the demand for equality to which institutions respond.

My central question is: "How is equality constituted?" This question focuses on the community itself in order to shift agency from institutions that distribute equality to those who demand it. It emphasizes the active role of "the people" in the constitution of a community of equals, as well as the fact that the very notion of "the people" is what is at stake in that constitution; popular resistance challenges the very meaning and content of any given "people." Accordingly, I understand equality in the broadest possible sense, in terms of the opportunity of each and all within society to participate in dictating the terms of their public engagement with that society and with others within it.

Such a relationship between a society's people and its institutions forms the crux of Fractured Social Holism. What does it mean for a holism to be fractured? When a community articulates itself in the form of its ideals, common interests, and identity, it posits itself as an entity unique to its situation, making communities themselves fluid in their definition. Popular resistance

fights against domination and oppression in society, which are the manifestations of the fractures within the social identity. There is a whole, and there are fractures within it. These fractures, however, do not enable revolt against the identity of the whole merely in the name of difference. Rather, they allow a re-articulation of a new identity for the whole, reconstituting society in the name of greater equality. There is always a new whole or community in view that would come about through resistance. Fractured Social Holism attempts to capture this societal movement from the constitution of identity to its fracturing along lines of domination, and back again in the name of a new holism. A society's constitution is from the beginning potentially fractured, even as it seeks wholeness and harmony. Hence, social holism is always potentially fractured: Fractured Social Holism.

In the opening chapter I do three things that contextualize and situate the dissertation project. First, I provide overviews of mainstream views of equality and resistance, articulating how Fractured Social Holism responds to these accounts. I begin with ideal distributive and institutional philosophies of equality before shifting to the more recent developments in deliberative democracy, as well as to critiques of both frameworks. Shifting to resistance, I briefly discuss approaches to the concept of resistance within the history of modern political thought, including the legitimacy (or not) of resistance within social contract theory, as well as the necessity of resistance in Marx. I next move to the conceptual apparatus of Fractured Social Holism in light of its context within political philosophy given in the previous discussions. After outlining the different facets of the view itself and illustrating how it conceptually unites equality and resistance, I situate my view in terms of two distinct debates in contemporary political philosophy, between ideal and non-ideal theory, and moralism and realism.

Chapter two, "Nature, Politics, Myth: Rethinking Rousseau's Social Contract," moves from the broader contextualizaton to investigate how it is that such an approach becomes necessary and

illuminating. Taking up Jean-Jacques Rousseau's theory of the social contract, I show how the notion of *common interest* grounds both the attempts of institutions to robustly institute equality within a community, as well as the resistance to those attempts that deems them inadequate. Ultimately, the attempts of different parts of a given community to achieve equal status entails a redefinition of the entire community through a re-articulation of the common interest of the community as a whole. The upshot is that, despite appearances to the contrary, Rousseau's political philosophy offers a conception of political resistance.

I argue that Rousseau articulates a view of the natural world that understands it as conceptually beyond our reach if we consider the natural world to be the opposite of the social or civil world; our possible understanding of what we call "natural" can never be rid of the social perspective from which we theorize. This interpretation is decisive for the overall argument of the chapter and grounds my broader claims about resistance and community. Going against the social contract tradition that he inherited, Rousseau cuts off recourse to a conception of the state of nature that would justify a particular organization of civil society. Using this reading of the natural world, taken together with Rousseau's conditions for such a contract, I argue that Rousseau's General Will is not the invitation to all individuality that many think it is. Instead, I show that it is Rousseau's attempt to make sense of the fact that the type of stable justification for civil society that is available to those with a distinct idea of the state of nature is not available. Without such stable justification, political authority sits precariously upon the articulation of, and agreement on, the common interest of a community.

In Chapter 3, "From Species-Being to Democracy: Social Emancipation in Marx," I shift from a discussion of the possibility of resistance within an egalitarian community to the limits of what that resistance could look like. In order to delineate the boundaries of resistance I offer a reading of Karl Marx's dichotomy between political emancipation and human emancipation.

Rejecting this dichotomy, I argue for what I call *social emancipation*, conceived of as the middle ground between political emancipation, which for Marx remains wholly within the logic of the bourgeois State and therefore offers no emancipation at all; and human emancipation, which affects a shift away from the state and toward Communist society, and therefore toward true human freedom. I ground my articulation of social emancipation in Marx's idea of *species-being*, his conception of human existence that is defined through the dialectic between nature and society. In doing so I show how the Eurocentric and teleological elements of Marx's philosophy can be overcome from within through internal critique.

Social emancipation splits the difference between Marx's opposition by retaining his articulation of freedom via human agency and action while simultaneously rejecting the necessity of the state withering away. I contend that once we abandon his historical-teleological break between Capitalism and Communism, and between Statist and stateless societies, social emancipation is the only way to reconceive of human freedom in a way that remains recognizably Marxian. It is constituted through the activities of resistance to oppression and domination in all its forms within society, and through these activities the human freedom that Marx sought is manifest. This freedom can only be continually actualized through action directed toward the plurality of forms of oppression and domination as they come into existence, meaning that Marx's privileging of class is also overcome.

Where chapter 2 revolved around the possibility of resistance in egalitarian society, and chapter 3 dealt with its limits, chapter 4, "Pragmatism, Participation, and the Construction of Public Problems," accepts those limits and subsequently asks how egalitarian communities can organize themselves. Looking to John Dewey, I argue that individuals can exist equally within a properly democratic community only by participating in the construction and reconstruction of what Dewey calls public problems. Dewey situates public problems within participatory democracy broadly

construed as a way of life. I argue that they are constructed and reconstructed in the name of equality. The ability to participate in their construction is the gateway to a publically shared life that is the bedrock of equal standing within democratic communities. Dewey's full articulation of publics, public problems, and how they come about is insufficient because it lacks a critical edge. That is, Dewey fails to recognize that the question of who exactly gets to participate in the construction of public problems is never a given.

The issue of who makes up the community of those who may legitimately participate in the solving of public problems *is itself* a public problem, albeit one unrecognized by Dewey. This higher order public problem is always implicated in solving the kinds of public problems that he does recognize. I argue that the makeup of the community of public problem solvers is best articulated in the language of resistance on the part of those segments of a community who are excluded from, or devalued as, members of that community. Political resistance is therefore the manner in which the excluded attempt to offer a new answer to the question—the public problem—of how the community as a whole is constituted. The solving of the public problem of the community's makeup must be done at least partially beyond the merely deliberative means that Dewey offers, since the excluded must have the possibility of productively asserting themselves within the public sphere.

In Chapter 5, "Subjectivity, Identification, and the Incoherence of Resistance in Rancière," I investigate the notion of subjectivity as it relates to the mechanisms of resistance and political action within society. In each of the previous three chapters I show how effective political resistance is possible within the thought of the philosopher at hand. Here I interrogate the conception of resistance that is explicit within the political thought of Jacques Rancière in order to examine the mechanisms by which resistance constitutes new and equal political subjects. To that end, I argue for a novel interpretation of Rancière's philosophy of equality and resistance as he articulates through the process of subjectification.

Rancière grounds this process in the way that political actors dis-identify with the status quo through their resistance. I argue that through political action there is a simultaneous re-identification with a more equal society that does not yet exist, but that could come into existence if their political action is successful, therefore spelling out the silent half of the dichotomy of identification. Re-identification amounts to a manifestation of the reordering of the limits of the possible. Rancière is clear about the importance of dis-identification, whereas re-identification remains implicit. The content of re-identification points the way to an enlarged shared common social space that is made possible through resistance. Taken together, dis-identification and re-identification holistically take into account Rancière's framework in a way that is foreclosed if politics alone is the focus. The overall purpose of the chapter is to lay the groundwork for the further development of transformation—the movement from one police order to another and the attendant alteration of the distribution of the sensible—in Rancière's work.

These four chapters serve as case studies for Fractured Social Holism. Each takes up a figure from political philosophy and gives an interpretation of that figure in terms of the mutually constitutive relationship between equality and resistance that is outlined in the first chapter. Importantly, each of these interpretations operates on the philosopher's own terms, as internal critique. The outcomes of my readings of Rousseau, Marx, Dewey, and Rancière therefore offer novel ways of bringing their political philosophies into contemporary debates, doing so through the lens of Fractured Social Holism.

Chapter 1: Realism, Resistance, and Ideals: Fractured Social Holism

Introduction:

My goal in this chapter is to situate my project within contemporary debates in political philosophy. In order to do so, I first provide an overview of relevant work on theories of the two major themes of my dissertation, equality and resistance, which are explored in subsequent chapters through analyses of Rousseau, Marx, Dewey, and Rancière. I use resources internal to their own texts to offer novel readings that provide new resources for their projects as well as new ways to conceive of the relationship between equality and resistance generally. Rather than being exhaustive, the goal here is to give insight into how the following chapters fit together thematically.

In addition, I detail my own view, Fractured Social Holism, which is a conceptual apparatus that responds to mainstream views surrounding equality by arguing for its mutual conceptual dependency with resistance. That is, the primary argument contained in Fractured Social Holism is that resistance on the part of a given society's population is constitutive of the conception of formal equality that a society's institutions seek to put into practice: resistance constitutes equality. Distributive institutional equality has been the primary mode of recent mainstream English-language political philosophy, and is broadly characterized by debates surrounding the goods that institutions ought to secure for the population under their control. Fractured Social Holism argues that this distributive and institutional focus, while certainly important, ought to take into account, in further explicit fashion, the specificities of the particular society under investigation.[1] Shifting the theoretical focus in this way makes clear that the agency and power of equality does not lie

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[1] I am not claiming that distributive theorists such as Rawls, Dworkin, and Sen abstain from these considerations. Rather, I am arguing that these considerations ought to be more explicitly incorporated into the conceptual apparatus of equality that is being articulated.

exclusively with institutions, but is split between institutions and the population itself, the latter of which is in a position to make demands articulating the specific forms that equality might take.

Finally, I position Fractured Social Holism within recent debates in political philosophy surrounding ideal and non-ideal theory, and moralism and political realism, showing how it responds to issues central to these discussions. This will also further demonstrate the contemporary relevance of Fractured Social Holism and point to ways that the view can be further elaborated. Ultimately, I position Fractured Social Holism as a moderately ideal and recognizably realist theory of politics.

Section I: Contemporary Theories of Equality

Contemporary English-language egalitarian political philosophy has revolved primarily around distributive theories of equality, a result of the massive influence of John Rawls and Ronald Dworkin. Recently, Rawls' later work, as well as that of Jürgen Habermas, has positioned deliberative democracy alongside distributive equality as a major theoretical apparatus within egalitarian political theory (see Wolff 2007 for an informative overview of the contemporary discussions. I draw on his work in what follows). In this section I outline the broad commitments of both distributive equality and deliberative democracy, then provide the objections to them that motivate the move to Fractured Social Holism.

Rawls, Dworkin, and Sen each offer paradigm theories of distributive equality. For my purposes in this sketch of the conceptual context motivating the turn to Fractured Social Holism, I will only outline the commonalities of these distributive views rather than their many differences. All three theorists focus their conception of equality on that which a society's institutions distribute to its members. In each case, then, there are institutions that identify a metric of equality and

subsequently distribute it to the population, thereby rendering them equal in the relevant sense.[2] I want to question not the importance of distribution but its primacy.

Rawls argues for equal distribution of social primary goods, which he defines as liberty, opportunity, the powers and prerogatives of office, the social bases of self-respect, income, and wealth (Rawls 1999). Dworkin focuses on a hypothetical insurance scheme that is meant to mitigate the issues of brute luck and option luck that he sees within Rawls' theory, resulting in a view that incorporates responsibility into equality so that state institutions are no longer required to compensate the worse off in society for negative outcomes of choices that they willfully made (Dworkin 2002). Sen's capability theory subsequently challenges Rawls' and Dworkin's idealized distributional schemes of equality by focusing on an individual's capability to function, with functioning understood within the specific context of lived experience.   While Sen's and Nussbaum's developments of capability theory offer very real challenges to the more ideal theories of Rawls and Dworkin, it remains focused on the best distribution of capabilities on the part of institutions.

The rise of deliberative democracy in political philosophy attempts to recognize and incorporate the fact of pluralism into theory. In Rawlsian terms, the idea of a comprehensive doctrine falls apart in the face of contemporary society and its competing (potentially) justifiable ideas of the good life. Consequently, the goal is to find a minimal baseline societal structure on which to agree, within which reasonable variation is permitted as to how individuals order their values. Deliberative democracy makes rational deliberation the fulcrum of political discussion and decision-making (one collection of essays on deliberative democracy is subtitled 'Essays on Reason and Politics'); it is a cooperative procedure in which participants are seen as allies or friends instead of competing foes with divergent interests (Bohman and Rehg 1997). What is now being considered

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[2] Todd May refers to this kind of equality as "passive equality" (May 2008a).

as the metric of equality to be distributed is the access to deliberation with other members of society.

Rawls' notions of public reason and overlapping consensus form one version of this sort of deliberation (Rawls 2005). The other primary figure in the formation of deliberative democracy is Habermas, whose discourse theory of democracy offers a procedural view of popular sovereignty that is meant to rationally produce consensus (Habermas 1998). I do not have the space to do justice to the complexity of these views here, but they both offer procedural views grounded in impartiality, debate, and public reason, which are the hallmarks of deliberative democratic theory (Held 2006: 232). Deliberative democracy is also open to the same critiques that note regarding an excessive focus on distribution.

Many of the critics of distributive equality are critics more generally of ideal theory. In one instance we see, for example, the claim that, "the attempt to implement an "ideal" theory of equality can harm the very people that the theory is designed to help" (Wolff 2010). Similarly, deliberative democracy is criticized not for its putative aims, but because the conditions that it sets for success are too abstract and therefore unattainable; instead, the real non-ideal conditions of existing society should be the starting point for theorizing about deliberation (Gutmann and Thompson 1996). This critique allows us to reimagine deliberative democracy in non-ideal terms rather than reject it outright. Indeed, Amy Gutmann and Dennis Thompson go on to offer just such a reformulated view (2004).

Distributive equality and deliberative democracy are also criticized because of their perceived narrowness, which results in the fact that they are unable to adequately deal with pressing contemporary social and political problems. Focusing only on distribution, even in a sense extended beyond material goods, fails to address the injustices endemic in contemporary society by obscuring the institutional context that produces and maintains those injustices (Young 2011: 20). The charge

of narrowness is also found in critiques of luck egalitarianism, a framework of distributive equality that builds on Dworkin's theory mentioned above; it is the view that equality consists of eliminating the effects of bad luck. This means that institutions ought to be in the business of compensating individuals who are worse off than they might be due to no fault of their own, though not when they find themselves in such a situation as a result of choices they have made. Luck egalitarianism is therefore one more contemporary theory of distributive equality that places power into the hands of society's institutions when it comes to deciding who receives it. Instead, we ought to emphasize a society of equals and equal relations between individuals, one that results overcoming of hierarchical divisions within society so that all members are on equal footing with regard to respect and self-respect (Anderson 1999).

Critiques of the ideal of deliberation focus on not only its failure to address issues of domination and oppression, but also the ways that the ideal of rational deliberation itself works against those already politically disadvantaged within society (Sanders 1997). The insistence on certain rules as barriers of entry into the practice of deliberation proscribes the possibility that those who are already being excluded could call those rules into question. Idealizing rational deliberation is therefore just a clever way to reinforce the entrenched power differentials within society. One alternative model that has been put forward is discourse democracy, which seeks to incorporate the contestatory nature of political argument instead of attempting to elide or overcome it (Dryzek 2000: 5). Discursive democracy revolves around "the contestation of discourses in the public sphere," claiming that discursive shifts are capable of affecting decisive changes to the makeup of society (Dryzek 2000: 79). Focusing on contestation also expands how we think about deliberation to include rhetoric, testimony, storytelling, and greeting (Dryzek 2000: 167).

We also find attempts to move completely beyond the distributive paradigm directly to the people by emphasizing the active role that members of society play in demanding to be treated

equally by their institutions. We therefore see a focus on "active equality" rather than the "passive equality" found in distributional theories, in which the people simply wait around to be given an equal portion of whatever good has been located as the source of equality (May 2008a).

An agential spectrum has developed throughout the various positions surrounding distributive equality and deliberative democracy. Theories of distributive equality and rational deliberation focus on the agency of institutions. Critiques of those positions begin to shift at least some degree of agency back to the population in order to better address particular issues of domination, oppression, or injustice occurring within that population. Discourse democracy builds some degree of contestation into how deliberation is articulated, while active equality attempts to completely overcome the necessity of distributive institutions by placing agency firmly with the population. I conceive of Fractured Social Holism as responding to the same issues in different fashion. The goal is to conceptualize how a society of equals can be formulated while recognizing that our ideals about sufficiency, priority, and distribution—while important—are never beyond question. In fact, those who demand equal treatment from their institutions consistently challenge existing conceptions of these ideals. This highlights the importance of specific local contexts while also bringing to light the limits of theory more generally. The relationship between equality and resistance that I outline throughout my dissertation is meant to further develop this point: ideals of distribution are important, but how those distributive ideals are constituted is connected to the active participation of those on the margins of society who are engaged in resistance movements of all kinds against the institutions that are supposed to provide for them. In other words, resistance on the part of those who are dominated or oppressed within society provides the context and impetus for how equality is conceptualized and articulated. This notion of a mutually constitutive relationship between equality and resistance is the underlying theme throughout this project.

Section II: Resistance

Resistance is relatively under-theorized within mainstream political philosophy, especially in contemporary discourse. Resistance does appear, however, in the work of the classical theories of the social contract in order to show the limits of state legitimacy. In the work of Hobbes, Locke, and Rousseau, resistance on the part of the populace is only sanctioned when sovereign power, legitimized in the first place by the agreement of the contract, oversteps its bounds and violates that contract. The people are only bound to obey such power when they receive their end of the bargain in return. Once they cease to receive it, the contract is effectively broken and only force remains with which the sovereign can rule. Each of Hobbes, Locke, and Rousseau has their own outline for how the contract is agreed to, what its conditions are, and how sovereign power is constituted. In a general sense, though, the above characterization is accurate (in chapter two I will offer a critical reinterpretation of Rousseau's version of this process).

One final important point regarding social contract theories is that they are focused on giving accounts of society and its arrangements that would in effect render resistance unnecessary. In other words, they ostensibly provide social arrangements in which sovereign power is legitimate, justified, and agreed upon, so that resistance is illegitimate and unjustified as long as the contract is intact; resistance itself breaks the contract, and is therefore punishable. Fractured Social Holism contains an alternate view of how political power ought to function, entailing that those in power recognize resistance as efforts to reformulate the status quo in some fashion that deserves a constructive response. The point turns on the fact that social contract theories attempt to formulate a conceptually justified system of political power from scratch, as it were. My own view here is that such a justification is impossible. I will expand on this point below in a discussion of the paradox of founding.

Marx explicitly rejects the premises and arguments of the social contract theorists, a position that I will engage with in more detail in chapter three. Overall, he calls into question the terms of the discussion under which the contract theorists—and the classical political economists—operated. Marx rejected the conceptions of the human animal that, for the contract theorists, led to the idea that a social contract could be coherently constructed. In their place, inspired by Aristotle, he substituted the idea of *species-being*, enabling him to reveal the shortcomings of modern industrial bourgeois society. A better understanding of who we are as human beings, Marx's story goes, leads to the realization that the current form of society is one that must be overcome so that human beings can construct a society more in accordance with the kinds of beings that they really are. Unlike the contract theorists, who base contractual arrangement of legitimate state forms on the avoidance of resistance, Marx takes as primary the existence of a society that must be overcome. Resistance, therefore, becomes integral to that overcoming and the subsequent founding of communist society.

Much of the theory on resistance in political philosophy has come out of a broadly Marxist framework in the course of responses to fascism, totalitarianism, and colonialism. In these contexts, notably absent from the standard stories about the development of political philosophy in the 20th Century, we find accounts of the necessity of resistance in the face of domination and oppression. Reactions against the domination of colonial power often begin by highlighting the concrete realities of contemporary society and the need to move beyond them, in the process dislocating "the old myths" of the hierarchies proffered by those in power (Fanon 1994: 64). Beginning with the everyday violence done to specific populations also offers the possibility of discussing exactly how resistance—whether violent or non-violent—might come into being.

Taking as the starting point facts about how populations are dominated or oppressed, whatever the context, usefully contrasts with the conception of resistance held by the social contract

theorists. The former approach begins by recognizing the concrete and specific contemporary conditions of society and then attempting to look for a way out of those conditions that rely on the very real constraints presented by those conditions. The contract theorists in their own way also begin with the undesirable conditions of contemporary society. Their method of extracting human beings from that condition, however, entails the kind of abstract theorizing that is unhelpful, or at the very least not specific enough, to helpfully alter the current circumstances—an approach famously rejected by Marx in his *Theses on Feuerbach*.

Fractured Social Holism emphasizes the conceptual importance of resistance in the articulation of ideals of equality within political philosophy. In doing so it calls into question the tendency within mainstream political philosophy to ignore issues of resistance in favor of purely distributive schemes. I argue that we can only understand how best to philosophically pursue equality once we pair the concepts of equality and resistance with one another.

Section III: Fractured Social Holism

In the previous two sections I began to outline Fractured Social Holism with regard to theories of equality and resistance, as well as the relationship between those two concepts. In this section I give a fuller picture of the conceptual scaffolding that the view provides, which is a synthetic approach linking the institutional realm with its negation. The view will then be further articulated indirectly over the course of the following chapters.

One way of describing Fractured Social Holism is in terms of ideal and non-ideal theory (I will discuss this particular context in more detail in section V). Beginning with the non-ideal conditions of the contemporary world and its multi-faceted histories of oppression and domination, the ideal distributive paradigm of equality must be complemented by what we might call rectificatory equality or re-distributive equality. Such a view of equality embraces the contemporary standpoint of our situated theorizing, recognizing that a fully just societal arrangement has already been made

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impossible by historical fact. If the next best thing is aimed for—a "best possible" or most-just-given-the-historical-context arrangement—then institutions will have to be set up in a way that rectifies past injustices; distribution becomes re-distribution.

Another way of framing Fractured Social Holism is in terms of pluralism and monism, or difference and sameness. Instead of placing theoretical weight on either one, it attempts to strike a balance between the two by arguing for the necessity of both. The fracture is comprised of the competing perspectives, on the one hand, of the organizational principles of the social order and, on the other hand, those excluded from that social order because they do not fit within its organizational paradigm. In other words, the dichotomy is between order and disorder, or systematization and resistance.

Fractured Social Holism is a holistic view because it captures the totality of society, including its formal and informal institutions as well as its social norms and practices, all the way down to the common ways that its members sense and perceive one another on an everyday basis. Within the social world there is not, however, a specific sphere proper to politics that can be precisely located and fixed, alongside a separate space outside of that sphere. Though not all actions are intrinsically political, they all have the potential to be so depending on their context. Consequently, though society is not always already political in actuality, the specific sites of politics are not determined in advance. In other words, depending on context, the same actions have the capacity to be both political and not, meaning that a specific sphere of political action cannot be affirmatively delineated.

The claim that there is no particular and specific political sphere, as distinct from other societal spheres, can be taken in two different ways that must be distinguished; doing so reveals that they are making two separate claims and not referencing the same kind of thing. The first is the more theoretical version of demarcating spheres, which we can see in Hannah Arendt's work; this view demarcates "the political" as a sphere of a certain type of action (See Arendt 1998). Spheres of

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human activity are demarcated by distinguishing between the content of various activities according to the social space in which they occur; certain activities have political valence because of their context, while others do not. I follow Jacques Rancière in rejecting this kind of demarcation of human activity.

Channeling Aristotle, Rancière argues that instead of politics describing a particular way of life, it consists in taking part: politics concerns a distinctive kind of subject. Furthermore, this particular kind of subject is paradoxical because it is "a being that is at once the agent of an action and the matter upon which that action is exercised" (Rancière 2010c: 27-29). In other words, politics is defined by the act of participation, where participation is both action upon others as well as oneself. This conception of politics undoes the boundary between what is properly political space and what isn't by giving power to the people to continually contest who properly belongs to any given society.

The second is a practical distinction that demarcates the political, and which political realists appeal to in their rejection of moralism. Bernard Williams identifies the "first" political question— as opposed to a moral question—as "the securing of order, protection, safety, trust, and the conditions of cooperation" (Williams 2007: 3). Answering this question—what will secure these goods?—is the necessary, though not sufficient, condition of a state's legitimacy. I offer a view of legitimacy below that calls into question the usefulness of discussing it in terms of the state on the whole. My view is actually closer to Williams' than it seems at first, however, because of his acknowledgment that an answer to the first political question is required at all times. In other words, an answer to the first political question is always required, and every particular answer to that question of securing those goods is always in need of justification. Consequently, there is no true, fixed, or accepted "foundation" of a state apparatus that is beyond the necessity of such continual justification.

Williams offers what he calls the Basic Legitimation Demand as the way that states answer the first political question, allowing us to distinguish between legitimate and illegitimate states (recall that answering the question is merely a necessary condition for legitimacy). The Demand requires that states offer justification of their power to each of their subjects, and that it be accepted; this requirement essentially means that that state power must give subjects under that power reasons not to revolt (Williams 2007: 4-5). These justifications are political, not moral, reasons; the Demand is not a moral principle, but a political one. Put differently, answering the first political question inaugurates a political realm—as distinct from the moral realm—that has its own logic, which is the logic of the justification of power in the face of potential revolt, and which is discussed in terms of legitimacy. The degree to which legitimation has been secured is the degree to which those in power have justified themselves to those over whom they rule. When this justification ceases to be accepted then new demands are made of power to offer its own justification.

The distinction between the two senses in which the political is unique is important to mark because Fractured Social Holism rejects the former while endorsing the latter. That is, it affirms that political questions are irreducible to moral questions but rejects the idea that there are specific actions that are preconceived of as political based upon their context and those that are not. Furthermore, it is clear that a practical sphere of politics—government and its institutions—exists, and often operates under its own set of rules. Positioning Fractured Social Holism as rejecting the fixed theoretical demarcation of spheres while admitting the practicalities of politics in the real world allows for the fractious element of the position to come into view: while there is a professional world in which politics occurs, political acts on the part of citizens can occur anywhere within the social whole.

Consequently, Fractured Social Holism conceives of the political in a very broad sense, reaching the depths of the perceptions and sensations of our collective experiences (cf. Young 2011:

9, 34; Rockhill and Watts 2009: 275). The political extends far beyond the formal activities of governments or interest groups, which are the institutions that are often the sole subject of distributional views of justice and equality. Even further, however, are the connections between our sensory experiences, the relations between our selves and our roles or activities, and the presuppositions that go along with said relations and activities. These connections are a matter of how we see and interpret the world, and they are already political regardless of where they take place.[3]

Fractured Social Holism takes a hybrid stance regarding the specificity of societal spheres, although does so in a way that follows the realist contention that the political cannot be reduced to the moral. On the one hand, against a holistic view, a strong pluralism of societal spheres would preclude meaningful interaction and engagement between those spheres. On the other hand, a monistic holism must not contain the presupposition of a harmonious social existence that lies beyond the limit of contestation. Fractured Social Holism therefore attempts to navigate these difficulties by showing how the ideal of harmonious societal equality and the resistance that puts that supposed harmony into question are mutually constitutive of one another. Such an abstract universal goal of societal harmony is countered by the particular goals of those communities that resist their exclusion from that particular harmonious vision. They do so, however, in the name of a reformulated vision of equality and harmony that would remake society in more equal fashion if it were successful.

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[3] Though coming at the problem from different traditions, Rancière and Williams articulate the specificity of the political in similar fashion. Rancière's rejection of the so-called 'ethical turn' in Continental philosophy parallels Williams' rejection of moralism in favor of realism in Anglo-American political philosophy (Rancière 2010b: 59-61, 87). Though Rancière is making his claims in a different philosophical context, his view is recognizably realist and complements that of Williams. Rancière also rejects the reducibility of politics to morality, defining politics on its own terms as a specific mode of action in the face of power (Rancière 2010c: 27). Williams' Demand performs the same kind of operation, even if he defines his terms differently.

The social whole is the common ground of experience, though that experience comes from multiple perspectives: that of the dominant order as well as those of the different forms of exclusions that are produced by the dominant order. Fractured Social Holism views egalitarian social orders as those where resistance is a concrete possibility and has the capacity to alter the structure of society. Equality, then, is constituted by the imperative to resist domination and oppression in the widest possible sense; the different forms of domination and oppression within society are products of the different forms of social organization that name and exclude.

Accordingly, and importantly, fractured Social Holism is a normative rather than a descriptive view. In other words, it would be wrong to say that simply describes the way that resistance in general occurs, and that all resistance occurs in the name of a redefined image of societal equality and harmony. These claims are clearly empirically untrue, insofar that there are many movements around the world that in some way resist elements of the status quo but do not do so under the influence of egalitarian principles. As a normative stance, however, Fractured Social Holism is guided by such egalitarian principles, allowing for the necessary distinction to be drawn between good and bad resistance. I will refer to good resistance as democratic egalitarian resistance; it has two complementary elements, both of which are necessary. The first is that the target of resistance be some aspect of the societal status quo that is dominating or oppressive; the second is that the resistance itself argues for a modified vision for society that addresses that domination or oppression. In doing so it articulates a new universal ideal for society that answers the question, "if domination/oppression X were mitigated in some fashion, society would look like this." I will unpack these dual elements in turn.

First, regarding the point that resistance targets a dominating or oppressive or oppressive aspect of the status quo: I use these two terms broadly, with exclusion being their central feature. That is, an aspect of society is dominating or oppressive when it in some way systematically excludes

members of a certain group from full and meaningful participation within society. Beyond this minimal definition, there are potentially many additional specifications that could be made to distinguish the two. In targeting domination or oppression, resistance may either argue for the existence of an as-yet-unrecognized group through a demonstration of that group's being dominated or oppressed, or resistance may do so on behalf of a group that already recognized as a part of society. In both instances, a case is made that the exclusionary practices being resisted are wrong and anti-egalitarian.

Second, regarding the point that resistance puts forward a reformulated societal universal: in resisting some form of societal exclusion, those who resist do so by showing or articulating the inversion of that exclusion. In other words, they articulate what society would look like if that exclusion were turned into inclusion; they either put forward a new criterion of societal inclusion or show what it would be like if the existing criterion were actually put into practice. Furthermore, they may do so in all manner of ways, from formal demands, marches or protests to aesthetic production and beyond, confrontationally or otherwise (Dryzek 2000; Ranciere 2004; and Young 2011 all provide examples of this variety). It is important to emphasize that this view of resistance and the egalitarian reformulation of society will not yield a utopia of perfect equality. Resistance targets specific concrete inequalities and exclusions, seeking to rectify them. Consequently, even if democratic egalitarian resistance is successful, the new version of society that comes into being will still potentially contain the inequalities or exclusions that were not specifically targeted. In other words, egalitarian work is never done.

These two elements comprise democratic egalitarian instances of resistance, wherein exclusion at the group level is, on the one hand, resisted, and on the other, subverted in the name of inclusion. Resistance articulates a more inclusive vision of society, and a reformulated conception of what it means to belong to that society as an equal member. Such a reformulation can be phrased in

terms of a new societal universal, harmony, or coherence; however it is put, it is the constructive side of resistance in that it aims toward a new articulation of societal holism. The fractious element nevertheless remains present because whatever the new harmonious vision of society, the possibility of subsequent exclusions, domination, or oppression still looms and can never be discounted. Even if resistance is successful in restructuring society in more equal fashion, any newfound equality must be maintained in the face of such a possibility; sustained harmony is contingent upon vigilance. In subsequent chapters issues of the General Will, public concern, and common interest are universals that play an important role, nonetheless remaining open to interpretation through the concrete materiality and experiences of particular contexts.

Bad resistance, which I refer to as conservative resistance, can take many guises: for my purposes here, it is comprised of modes of resistance that do not conform to the above two criteria more than any positive content. In lacking the criteria for democratic egalitarian resistance, conservative resistance does not offer a modified vision of egalitarian society. These are groups or movements who may believe that they are being oppressed, but whose 'oppression' is really the imposition of equal treatment where it was absent. In other words, the removal of privilege may very well appear as though it is oppression to those whose elite position within society is now being questioned.

This point underscores the fact that positive resistance is an egalitarian act. While a common view of equality is that in order to progress toward it we add elements—rights, protections, or consideration—it can also be achieved by removal of others, such as domination, oppression, or unjustified power. There are real-world examples of movements whose members identify them as resistance movements of some sort that fall into this category, such as the Tea Party in the United States, or the fascist Golden Dawn party in Greece. The sincerity of these groups is not being doubted, but the vision that they fight for is not one that seeks an expanded conception of equality.

On the contrary, they seek the entrenchment of an unwarranted societal hierarchy, and are therefore conservative.

The dual elements of democratic egalitarian resistance provide Fractured Social Holism with both its holism and its fractures. Since one of the aspects of the view is that the possibility of this form of resistance is never foreclosed, there are consequences for how legitimacy is conceived. In short, the legitimacy of any given social order is never beyond contestation. In expanding on this point I adopt A. John Simmons' distinction between justification and legitimacy (Simmons 2000: 127-128). The former is theoretical and references the idea of the state in general, while the latter is concrete and concerns specific states and their histories. As I conceive of it, Fractured Social Holism makes no claims about justification because it begins with the realities of existing societies and their particulars. Insofar as the social whole is always potentially fractured and in need of reformulation, the legitimacy of the social order cannot be satisfactorily derived (Simmons 2000: 103).[4] This position leaves aside the possibility of the justification of a state that abstracts from the known realities of human society. How worthwhile such a project might be I leave for other theorists to answer.

The failure of legitimacy highlights what is referred to as the paradox of founding (See Lassman 2003; Honig 1993; Keenan 2003; Connolly 2002; and Connolly 1995). By that I mean the fact that the only way to secure a lasting foundation in the truest sense would be to start from scratch, as it were, in order to avoid the messiness of the existing world. This is only possible theoretically (think of Plato's *Republic*, or social contract theories, for example), meaning that all founding moments in the real world necessarily contain an element or elements that are unjustified by the principles instantiated by the founding itself. Using Simmons' terminology, this paradox arises when justification—as opposed to legitimation—is attempted beginning from the realities of

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[4] Consequently, Fractured Social Holism belongs to the tradition of philosophical anarchism that Simmons articulates.

human life and experience. The problem is that human life and experience consistently reveal to us how vexed political foundations really are, never far away from the gaps and fissures that the theories are supposed to explain away. In other words, to give an account of justification in this way is to necessarily give an account of a state that does not correspond to the kinds of beings that we know ourselves to be (in chapter 2 I offer an interpretation of Rousseau that reads him as illuminating this very point).

To say no more than that social orders are illegitimate would not be productive for giving an account of Fractured Social Holism; there would then be no way to argue for ways to improve them, or judge existing ones as better or worse. If an order on the whole is not legitimate, individual elements of it may be. Such a situation could result in a social order with more or fewer legitimate elements to its structure. Fractured Social Holism can step into this scenario as the lens through which we can view these different elements of societal legitimacy in terms of equality and resistance: equality and resistance are the moving parts that in each case adjudicate instances in which legitimacy is in question.

Societal legitimacy on the whole—in terms of foundations—is incoherent on this view, and therefore is not explanatory. Specific concrete instances and practices of rule, coercion, domination, or oppression within society are the sites of resistance that respond to those practices by demanding their legitimation where none is assumed to be possible. Bringing these contradictions into the open paves the way for the reformulation of societal relations regarding the specific sites of resistance. I recognize that at any given time there will be many different sites of resistance within society and that they may even be at odds with one another. This fact only serves to highlight the fractious nature of society highlighted above.

The multiplicity of sites of legitimacy and resistance within society is fruitfully supplemented by a conception of democracy. That is, the more that a society is able to be open to and respond to

these sites of resistance, the more democratic it is; degrees of democracy replace the idea of a society as a whole being legitimate or not. Democratic responses to the demand for legitimacy through resistance recognize the contingency of equality. Williams' Basic Legitimation Demand is in fact the beginning of politics as such but there can be no satisfactory answer that overcomes such contingency.[5] Consequently, there is no specific sphere of the political, but only the pragmatic ordering of governance, which is subsumed under the umbrella of the social whole since legitimating demands can come from anywhere, including from places least expected.

These varied concerns highlight the fact that Fractured Social Holism sits at the nexus of two distinct debates in contemporary political philosophy: moralism vs. realism and ideal vs. non-ideal theory. Though they are often discussed in tandem it is important to distinguish between the two debates. The debate between moralism and realism is about the kinds of reasons and justifications that are given for institutional arrangements. At issue is whether any political reasons given are ultimately reducible to moral reasons. In other words, are pre-political moral reasons necessarily the foundation for any justifiable political reasons, or are there different kinds of reasons that we can appeal to in justifying political arrangements? The latter position entails that there are reasons internal to politics, however it is conceived, that do not simply cash out in moral terms.

The debate between ideal and non-ideal theory focuses not on the kinds of reasons given—moral or political—but on feasibility. That is, how connected to observable human reality and experience ought our political theorizing be? Are we interested in only abstract answers to political questions even if they are not applicable to our societies, or must we ground our political theory in what we know are the contingencies of the contemporary world and what counts as feasible within it? The ideal/non-ideal distinction lies on a continuum in a way that the moralism/realism distinction does not, so a political theory can be described as more ideal than not even though it

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[5] The instances of resistance that Rancière calls politics, which I will discuss in detail in chapter five, are the exact kinds of actions that form Williams' Demand.

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contains certain concessions to non-ideal theory. In light of this distinction I want to suggest initially that Fractured Social Holism is an ideal theory of political realism, though one that is explicitly structured around the non-ideal conditions of society, rendering it moderately ideal at most. This suggestion will be further clarified in the following two sections, in which I will discuss realism and the ideal/non-ideal distinction; these discussions will allow me to specify Fractured Social Holism in more detail.

Section IV: Moralism & Realism

Though there are various attempts to refine and identify exactly what the realist position in political philosophy is, a satisfactory account remains lacking. In the preceding section I used aspects of Bernard Williams' self-professed realist view to illuminate my own view, Fractured Social Holism. While above I suggested that, at least according to Williams' terminology, Fractured Social Holism is a realist view, I want to interrogate the realist/moralist distinction to see if such a hard line can in fact be drawn. As noted, unlike the ideal/non-ideal distinction, a realism/moralism distinction—if it does in fact exist—does not lie on a continuum. At issue is whether it is anything at all distinct from moralism, and if it is, how many distinct views are there? Is there one coherent realist view?

Essays by Galston (2010), Baderin (2014), and Rossi and Sleat (2014) have tried to bring coherence to the variety of views referred to as realist. As has been noted, "it is a simplification to write as if there exists a coherent school of political realism, yet it is useful and, I think to a large extent justified, to speak of the realist critique of liberalism (though it is perhaps less plausible to speak of a single political realist approach to political theory)" (North 2010: 381). The starting point of realism, then, is to be an alternative to the mainstream liberal views in political philosophy, which are moralist, or ethics-first, views. What exactly these predominant views get wrong can subsequently lead in several directions, which yield the different realist views.

Galston observes that one theme tying realists together is "the belief that high liberalism represents a desire to evade, displace, or escape from politics" (Galston 2010: 386). There are two elements to this critique. The first is that even if such an evasion were attractive it would still remain implausible because of the kinds of beings that humans are; high liberalism is therefore not a realistic view. The second is that such an evasion is assumed to be the point of successful political theory. On the contrary, however, these positions attempt to domesticate the resistance and conflict that are inherent to politics (Honig 1993: 2). While Galston takes these two points alongside one another, Baderin teases them apart and distinguishes two distinct forms of realism in political theory: she gives the name detachment realism to the view that political theory ought to take more interest in practical realities and constraints of the real world and its politics; displacement realism is then the view that political theory as currently practiced does a disservice to politics—resistance and conflict—by trying to suppress it (Baderin 2014: 132).

The former view—detachment—is more clearly defined, asserting that political theory is a practical discipline that seeks to guide political action on the real world. It should therefore look to the facts on the ground that largely (but not entirely) leave theory behind in favor of further engagement with the real world (Baderin 2014: 134). Interestingly, the distinction between detachment and displacement brings the realist conversation closer to the ideal theory debate. If the issue in the ideal/non-ideal debate is feasibility and that of the realism/moralism debate is what kinds of reasons are appealed to, then detachment realism simply appears to be non-ideal theory. Galston also combines the two debates, positioning realism as an opponent of ideal theory (Galston 2010: 400-407). I will put aside for the moment the kind of critique labeled detachment realism, as it falls under the rubric of non-ideal theory discussed in the subsequent section.

That leaves me to focus on displacement realism, which argues against the domestication of the political, defined as inherently pluralistic and destabilizing. Rossi and Sleat provide an overview

of political realism that highlights the effects of the displacement thesis, though they do not use that particular term. Importantly, and I think correctly, they also take pains to distinguish the debates surrounding realism from those in ideal theory—realist views are not simply rejections of ideal theory in political philosophy, even if the views that realists critique often happen to be example of ideal theory (Rossi and Sleat 2014: 690). This sets their overview apart from both Galston's and Baderin's, allowing for a less vague crystallization of the different elements of the realist position.

Insofar as realists deny the priority of morality over politics, they draw a dichotomy between the two—but how starkly can this line be drawn? (Rossi and Sleat 2014: 691). Moralist theories of politics view political power as dependent upon moral status, defining legitimacy in terms of universal consensus (Sleat 2010: 489). If regimes are legitimate insofar as they use their power according to principles justifiable to all, then the moralist understanding of politics is that it is the outcome of universal agreement; in other words, politics is only possible against the backdrop of consensus (Sleat 2010: 490). The displacement realist view rejects this way of defining the political, instead arguing, "political difference is the essence of politics, and political difference is a relation of political opposition, rather than, in itself, a relation of intellectual or interpretive disagreement" (Williams 2007: 78). Furthermore, the "universal materials of politics" are "power, powerlessness, fear, cruelty, [and] a universalism of negative capacities" (Williams 2007: 59). Consequently, instead of politics beginning only after consensus has been reached, politics is actually the outcome of disagreement (Sleat 2010: 490-491). One clear distinction between realism and moralism, then, is that the latter views politics as beginning with consensus and the forms views it as beginning with disagreement.

The result of understanding the political in this fashion is that realists replace justice with legitimacy as their primary concern. At the very least, realists believe that focusing so exclusively on justice is insufficient for dealing with further pressing political problems; shining a light on

legitimacy is a way to bring those other problems into focus (Rossi and Sleat 2014: 692-694). Williams' identification of the "first political question" highlights this emphasis (Williams 2007: 3). His insistence that this first question must continually be answered and those answers justified shows how realists believe that disagreements are an ineradicable facet of politics and cannot be overcome with consensus (Galston 2010: 407). Accordingly, and consistent with the paradox of founding, even if the first political question is answered in a satisfactory manner, the resulting arrangement does not constitute a foundation beyond question (Sleat 2007: 394-395). It should be clear how the primary thrust of realism relates to Fractured Social Holism. The latter emphasizes the conceptual impossibility of achieving a harmonious social state beyond conflict and disagreement. Instead, the different elements of the social whole where domination and oppression are present become the sites of disagreement that constitute the sphere of politics.

The move from grounding politics in consensus to grounding it in conflict, difference, and disagreement also brings the concept of democracy into the fold. In closing this section, and offering a preliminary answer the question posed at its outset regarding the sharpness of the moralist/realist dichotomy, I want to turn to democracy and its role in this discussion. Crucial to demarcating the distinction between moralism and realism is the claim that the political is autonomous in some way. That is, there is a realm of human action regulated by morality and there is a different one regulated by other norms, political norms (Rossi and Sleat 2014: 691-692). The political, on this view, is a discrete sphere of human activity (Sleat 2010: 494).

The uniqueness of the political is rooted in disagreement rather than consensus. Consensus models of moralistic political philosophy are also often procedural or deliberative democratic models. Baderin points to this fact in her characterization of the realist position, describing it as rejecting democratic politics because the latter elides the conflict inherent in politics (Baderin 2014: 146). While the elision of conflict is integral to the realist critique or moralism, I argue that

democracy can in fact enhance the realist view by emphasizing the contingency of power and by showing how justification is demanded. This calls into question the strict demarcation between the moral and the political, but remains recognizably realist because of the insistence on disagreement as fundamental to politics, as well as on the primacy of legitimacy. That is, although the line between specific spheres of morality and politics cannot be strictly defined, the realist position that politics is not reducible to pre-political moral concerns remains (Rossi and Sleat 2014: 689-690).

Fractured Social Holism is a realist view insofar as it conceives of democratic resistance as integral to understanding the relationship between the underlying conflicts of politics and legitimacy. Democracy, insofar as it identifies 'the people' as the ruling class, brings with it the contingency of rule, described by Plato as the drawing of lots and the absence of a foundation for rule (see the discussion of types of rule in Plato 1988: 690c). If no overall justification for the legitimacy of a social order can be given, this is because a full account of the power structure of society—one lacking any blind spots—it not possible.

Put differently, even if we recognize that there are certain concepts that reveal the uniqueness of a political sphere it is still unclear exactly how that sphere is demarcated, if only because how it is demarcated is part of what is consistently called into question by the ongoing demand for justification. Even in terms of the legitimacy of different specific elements within the societal power structure—particular and localized justifications that more easily revolve around those who feel the direct effects of the coercive power of society and its rule—the exact demarcation of who is affected and in what ways is out of reach (see Dewey LW 2:235-372; I will expand on this point through Dewey's philosophy in chapter four).

Politics as the outcome of disagreement renders it as more than simply legitimate state power (see Sleat 2010: 494). As a democratic realist politics, Fractured Social Holism conceptually incorporates the presuppositions of conflict and disagreement into its framework, making it realist in

that sense. The other sense of realism, which sees the political sphere as autonomous, is modified in Fractured Social Holism. Politics on this view can take place anywhere, through all kinds of action: politics is a response and an outcome of disagreement, or a reaction to power that is deemed illegitimate and is therefore simultaneously the demand for justification. Politics is democratic resistance insofar as it recognizes that power is never entirely secure and foundational, never beyond having justification demanded from it. This is the heart of Fractured Social Holism.

Section V: Ideal & Non-Ideal Theory

I view ideal and non-ideal not as a dichotomy, but rather as a continuum. That is, there is no specific element of a theory that would necessarily turn it from ideal to non-ideal theory or vice versa. Instead, there are potentially both ideal and non-ideal elements to any theory, meaning that the theory will end up being either ideal or non-ideal only on balance. The arguments for both ideal and non-ideal theory focus on the purported purposes of political theory: why do we want a theory of equality, or justice, or distribution, for example? This question is echoed in the title of Sen's important essay, "What Do We Want From a Theory of Justice?" (Sen 2006). It is also connected to how much attention a theory pays to "fact sensitivity;" the continuum between ideal and non-ideal theory offered by Farrelly in this regard is illustrative (Farrelly 2007: 847).

At the extreme ideal end lies G.A. Cohen's assertion that knowledge of what ideal justice would look like is valuable for its own sake. That is, it has value even if we recognize that such a theory may have no purchase in the real world and be of no service in fixing identifiable problems within society. Partisans of non-ideal theory see this failure to guide action as an indictment of ideal theory, yet what Farrelly calls "moderate" ideal theory does in fact take itself to be offering guidance for action. Moderate ideal theorists, such as Rawls and Dworkin, endorse taking various non-ideal constraints into account, including the moderate scarcity and limited altruism of Hume's 'circumstances of justice' (Farrelly 2007: 846). Adjudicating between moderate ideal theories and

non-ideal theories when both agree on the action-guiding principle then becomes a question of deciding how well that guidance can be carried out in light of the degree of ideality of the theory.

Hamlin and Stemplowska take the idea that the ideal/non-ideal distinction operates as a continuum further than Farrelly by adding a useful third category: the theory of ideals. On their view the substantive distinction is not between ideal and non-ideal, but ideal and non-ideal theory together, on the one hand, and the theory of ideals, on the other. They highlight four dimensions to the continuum of ideal/non-ideal theory: fact sensitivity, abstraction, compliance, and perfection of the view of justice at hand; each of the four admits of various degrees that can be argued for, with the various possible combinations leading to a multidimensional continuum (Hamlin and Stemplowska 2012: 52). Though not identical, this continuum is similar to the one that Farrelly constructs.

The distinction between the continuum and the theory of ideals focuses on the intended purpose of theorizing: the former concerns identifying social arrangements and institutional design that will further certain goals; the purpose of the latter is "to identify, elucidate and clarify the nature of an ideal or ideals," which the authors refer to as "specifying ideals" (Hamlin and Stemplowska 2012: 53). The implication is that if political philosophers are going to offer theories of social arrangements, they cannot do so without reference to some reason or justification for the arrangement put forward—that is the role that the theory of ideals plays.

The distinction therefore gives them a way to answer the question of whether non-ideal theory is dependent upon ideal theory: they answer no, writing, "while elements of the theory of ideals should be seen as prerequisites for both ideal and non-ideal theory, theory that sits at any point on the ideal/non-ideal continuum may proceed without preliminary investment in 'more-ideal' theory" (Hamlin and Stemplowska 2012: 58). Theories are more ideal or less ideal depending on where they sit on the multidimensional continuum of ideal and non-ideal theory, offering social

arrangements that are further away or closer to maintaining the status quo. Consequently, Hamlin and Stemplowska argue for a "genuine dialogue" between more-ideal and less-ideal theory, "with each theory entering on an equal footing, rather than any claim that more-ideal theory is a prerequisite for less-ideal theory" (Hamlin and Stemplowska 2012: 59).

The theory of ideals—specifying ideals—is always at least partially necessary because we must choose which ideals or conceptions with which to orient political philosophy. Arguing for or against the merit of focusing on justice, equality, freedom, responsibility, personal identity, subjectivity, etc. does not tie us to particular conceptions about those ideals. In other words, a theory on the non-ideal end of the continuum, which focused exclusively on contemporary conditions and concrete circumstances, would still point to an ideal to orient the change in social arrangements being argued for—reform X ought to be made to law Y because the resulting social arrangement is more equal, for example. The theory of ideals concerns specifying which values are appealed to when arguing for different social arrangements.

Farrelly's non-ideal conception of what political philosophy ought to be involves philosophers engaging in "*self-conscious* dialogue" both amongst one another but also outside of academia with "executives, legislatures, courts and other public administrators" (Farrelly 2007: 860 emphasis in original). The outcome will be an enhancement of public deliberation that better takes into account the pluralism of the real world in which we theorize (Farrelly 2007: 861-862). His view can benefit from the distinction that Hamlin and Stemplowska draw. The self-conscious dialogue that he recommends is certainly worthy of incorporation into political philosophy—it would greatly benefit the way that political philosophers formulate new possibilities for social arrangements and institutional design. Furthermore, such dialogue is only possible through the specification of which ideals we actually want to promote and why: ideals are only explicable through their connection to concrete situations and examples.

Are the two aims of political theory mentioned above—theory as a means toward guiding action, and theory as an end in itself insofar as it captures truth—mutually exclusive? Swift argues that the answer is no (Swift 2008: 366). Conversely, Mills thinks that it is in fact the case (Mills 2005). The interpretation of the debate between ideal and non-ideal that I endorse here in effect sidesteps this question. It does so because what becomes a necessary condition of political theory is not a definition of the truth of justice or a perfectly just society, regardless of any feasibility constraints. Instead, the necessary condition is the specification of which ideal or ideals is going to orient the theory being constructed, regardless of how ideal the theory will be.

Fractured Social Holism specifies equality as its ideal. At the level of theory, it builds in the necessity for the kind of self-conscious dialogue that Farrelly insists upon. In doing so it also recognizes the limits of academic theorizing—political philosophers are not in a position to solve important social and political problems on their own. The relationship between equality and resistance within Fractured Social Holism is generalized and in need of being filled in with the details of particular real-world situations in which political action is being taken. Carrying out this work would involve exactly the kind of dialogue envisioned by Farrelly.

Fractured Social Holism, then, is a moderately ideal theory because it takes as its conceptual starting point the fact that there are unavoidable specifics of a given social situation in which there exist instances of domination and oppression. It does not engage with any particular social situation, but seeks instead to offer an abstract conceptual apparatus that can take into account the historical contingencies of real world social problems. It specifies the ideal of equality, and sets out a framework for understanding and evaluating social movements that seek to alter the holistic understanding of society, while also asserting the normative direction that such alteration should take.

Conclusion:

In light of these varied discussions of equality, resistance, realism, and ideal theory, Fractured Social Holism is best described as a moderately ideal and recognizably realist political theory. It seeks to conceptually link the abstract and universal ideal of equality with the specific and particular instances of resistance that occur within concrete societies when dominated and oppressed groups challenge the social order and attempt to restructure it for the better. The animating concern of this dissertation is that mainstream theories of equality fail to adequately recognize the way that resistance movements in the real world impact those theories themselves. Fractured Social Holism responds to this concern, while also appreciating the necessity of theory in general. The outcome of this approach is a political theory that openly acknowledges the importance of all types of empirical research outside of philosophy for making positive changes to society.

So far I have sought to give a broad account of the concerns that lie in the background of this dissertation on the whole. In my forthcoming discussions of Rousseau, Marx, Dewey, and Rancière I will confine myself to the primary source material and the secondary literature that directly engages with those primary sources; each chapter develops an interpretation of the figure at hand while keeping in mind the material presented here. In other words, my interpretations of Rousseau, Marx, Dewey, and Rancière are meant to address the issues presented in this chapter and develop responses to them from within those philosophers' frameworks.

Chapter 2: Nature, Politics, Myth: Rousseau's Resisting Subject

Introduction:

As disparate as its many texts are, Rousseau's corpus is an attempt to work through the relationship between equality and freedom in a variety of ways. If he ultimately never arrives at a satisfactory answer to the question of whether these two ideals can be reconciled, his efforts nonetheless illustrate why such reconciliation is so difficult, and perhaps impossible. In *The Sentiment of Existence*, David Gauthier holds that Rousseau's ideals of man and citizen fail on their own terms; he subsequently argues that the autobiography of the *Confessions* and the *Reveries* play out the tension between individual freedom and social equality, showing us how Rousseau never stopped believing in the uniqueness of individuals and their natural freedom, while nevertheless always recognized the futility of trying to move outside of a societal understanding of those individuals.[6] In this chapter, I offer a view of Rousseau's philosophy that resonates with the tensions Gauthier finds in Rousseau while proposing a different consequence of those tensions.[7] I ultimately attempt to show that, although Rousseau's ideal of a legitimate state—one that guarantees both equality and freedom—cannot succeed on his own terms, this failure shows us both the impossibility of a fully legitimate state authority, as well as showing how we can begin to conceive of resistance to that authority.

Rousseau's philosophy is emancipatory, insofar as he is primarily concerned with ridding human beings of all forms of slavery and domination. His point of departure is the present constitution of the social world, made evident in both the *Discourse on Inequality* and *On the Social*

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[6] Kelly 1987 offers an alternate analysis of Rousseau's philosophy through the lens of his autobiographical writings, specifically the *Confessions*. Kelly's project is to show how this text takes up all of the different social and political themes from Rousseau's other works and combines them within his self-presentation. Kelly writes, "Rather than regarding the *Confessions* as merely providing access to the man behind the works, I use it in an effort to clarify the most important issues of Rousseau's thought" (Kelly 1987: xii).

[7] Kukla 2005 also offers a highly illuminating portrait of the many seemingly divergent aspects of Rousseau's thought.

Contract. Rousseau is first and foremost critiquing the world around him, a world that is rife with inequality, domination, and oppression. His texts are by and large various attempts to make sense of how such a state of affairs could have been reached, as well as attempts to think of ways that humans might extricate themselves from that state.

Rousseau has often been misunderstood based upon superficial readings of both *Discourse on Inequality* and *On the Social Contract*. The overall argument of this chapter is that Rousseau is already well aware of many of the problems that are wrongly attributed to him, and is at pains to think through those problems to their ends.[8] It is true that Rousseau isn't able to offer a concrete solution, in the form of a set of social institutions that will solve the various social problems that he recognizes. What he does offer, however, is insight into why the issue of solving these problems is so difficult in the first place. We can gain understanding both from Rousseau's starting point as well as his methodology. Together they form an overarching critical standpoint whose conclusion points out the inevitable failure of certain kinds of solutions, the reasons behind those failures, as well as a way to move forward with those failures in mind.

The primary goal of this chapter is to interpret Rousseau's accounts of the human being and of society such that acts of resistance can be situated within them. Such a goal may seem paradoxical or even absurd, considering that Rousseau formulates the General Will and defines the social contract such that individuals must forfeit their rights to the community. A *right* to resistance against that community is therefore incomprehensible if we consider only the formal conditions of the pact. Instead, I argue that the way Rousseau construes the formal nature of the contract while also attempting to take into account the empirical and historical nature of political communities ends up producing a gap in the legitimacy of the community that results from the contract itself. While not *sanctioning* resistance, I interpret Rousseau's view so that resistance can nevertheless be *understood*

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[8] This places my reading alongside other attempts to defend Rousseau against his many detractors. See especially Wokler 2012, but also, Inston 2009 and Howard 1979.

from the perspective of the General Will, as resistance that challenges the definition of the common interest that binds citizens together. As this form of resistance entails a certain conception of the self, a secondary, but no less important, goal is to give an account of the subject that emerges from Rousseau's texts. The image of the self that Rousseau constructs is social and artificial, yet the importance of the natural does not disappear; we can only think about what is natural about us as human beings through the lens of our inescapable social constitution.[9]

In order to bring out these two aspects of Rousseau's social thought—resistance and the subject—I proceed in three sections, making three distinct points. Section I offers a reading of Rousseau's *Discourse on Inequality*, arguing that Rousseau's interpretation of the divide between the natural and the social does not provide a justificatory grounding for civil society, as it does for both Hobbes and Locke. Instead, Rousseau investigates this very divide in order to show that it in fact cannot be conceived of as such, and that there is nothing outside of the social world for us to theorize. In other words, even the natural and individual elements of our existence—*amour de soi*, natural pity, and our faculty of perfectability—are only conceivable within the broader framework of the social world that we inhabit.[10]

My interpretation gives a distinctly normative character to Rousseau's discussion of the natural world, using it to guide further political and social considerations. I argue that this normativity can only be properly binding if Rousseau's account of the natural in the *Discourse on Inequality* is thought of as a mythical account. Myth is necessary to show why and how our social world has a grip on us and why it matters. It is an account of why we are in the grips of society, why that is meaningful, and why we must continue to care about it.

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[9] At the outset of *Emile* Rousseau notes one of his goals for any good education, making it clear that the social world is never absent. He writes, "The essential thing is to be good to the people with whom one lives" (E 164).

[10] This makes this section an attempt of sorts to give an account of Judith Shklar's remark that in his texts, "Rousseau had left the theory of a stable human nature behind him with the rest of the Platonic tradition" (Shklar 1969: 9).

Another way of framing the project of the *Discourse on Inequality* is to say that, given its starting point of the contemporary world and its problems, Rousseau is asking: How is the normative possible? He doesn't begin with an account of the normative, but attempts to look at how it comes about through the constitution of the social world. Emancipation is the goal, but he doesn't offer a determinate content of emancipation from the outset; rather, in working through the tension between equality and freedom he gives content to the possibilities for emancipation.

Section II will shift to Rousseau's more overtly political writings, including *On the Social Contract* and *Considerations on the Government of Poland*. Here I argue first that Rousseau's vision of an ideal political community can only be properly understood against the often-ignored background of the very specific conditions within which he constructs that ideal. Though his articulation of political legitimacy fails on its own terms, the contours of that failure show us how we might be able to think of political resistance within Rousseau's framework. The normative character of the natural highlighted in the previous section shines through here as well: although a system cannot be built from our natural state alone, it is also impossible to move entirely beyond it.

In *On the Social Contract* Rousseau tries to construct a system that would in fact move completely beyond the natural world, which is the reason why his version of the social contract ultimately fails: it needs to produce an entirely artificial subject. This impossibility must be taken alongside the ineliminable social character of human beings. Natural physical inequalities, and so physical force, cannot be justified politically; we can't make the leap from that which is invoked as a given, such as natural superiority, to its normative justification. The inability to completely reconcile the natural and the social manifests itself at the political level, where the whole of society cannot be as self-sufficient as Rousseau would have it. A gap remains in the social identity, and this is the place where resistance can occur.

Section III will bring together the strands of argument from the previous sections to argue that Rousseau's accounts of equality and the social world have latent within them an understanding of political resistance that is necessary for any emancipatory politics. I argue that, given both Rousseau's account of the human condition and his necessary grounds for a legitimate civil society, there is no way to conceive of a political formation that can be closed off to the possibility of the resistance on the part of those who would challenge the constitution or definition of the common interest that binds citizens. That is, resistance occurs on the part of those who are not considered equal within the General Will. I therefore disagree with Judith Shklar's contention that the form of government that we get in *The Social Contract* is meant to foster passivity among citizens, and is merely symbolic and ritualistic (Shklar 1969: 20).

The stance I ascribe to Rousseau certainly differs from Hobbes, but Locke would at first glance appear to be closer. I believe that this is not the case. It is true that in his *Second Treatise of Government* Locke gives substantial power to the people when he discusses issues of tyranny and the conditions for the dissolution of government. Locke defines tyranny as the other side of law: where law ends, tyranny begins (§ 202). In other words, tyranny occurs when the power that has been entrusted to govern and preserve the people and their property is put to different ends that undermine that very goal (§ 201). In the face of tyranny, Locke asks directly, "May the *Commands* then *of a Prince be opposed*?" (§203). He then answers in the affirmative, with conditions: "*Force* is to be *opposed* to nothing, but to unjust and unlawful *Force*" (§ 204). In the face of the tyranny of those in power, then, the people may use force against force; the social contract through which society was founded has been breached.[11]

Locke authorizes resistance on the part of the people against authority when that authority has failed to carry out its duties to the people, making those in power much more beholden to the

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[11] Locke separately lists five ways that government can be dissolved from within, all of them forms of misconduct and dereliction of the duties agreed to in the social contract (see § 212-219).

people than Hobbes had. He draws a line between the just wielding of power and the unjust, and when the line is crossed then revolt is sanctioned. Rousseau, however, is not claiming something so straightforward. The distinction that I want to draw between Locke and Rousseau is based on legitimacy. For Locke, the social contract legitimates the political power in place under certain conditions. On its face, Rousseau's version of the social contract does the same. I am arguing, however, that once the details of Rousseau's contract are unpacked, we can find no such straightforward line between legitimacy and its opposite. Instead, we find that from the outset of its founding, the legitimacy of Rousseau's contracted society is in question.

My claim about legitimacy is grounded in the argument that Rousseau Rousseau's concept of the human subject is such that we cannot conceive of a concrete break between the natural world and artificial society. Just as the pre-social natural world is beyond our epistemological reach (if in fact it exists at all), the creation of a fully artificial social environment is also impossible. On my reading of Rousseau, the legitimate state of the social contract is such an artificial social environment, and so with the latter's failure comes the failure of political legitimacy. The resulting position is not passivity, but instead the recognition that attempts to construct political communities around coherent identities and common interests is potentially beset by disagreement about what the common interests of a community are and ought to be, and therefore about the makeup of the community itself—who belongs.

The ideal of popular sovereignty that Rousseau gives us through the General Will is a regulative ideal toward which we ought to strive, a notion in line with the perfectability that Rousseau attributes to the human condition. Rousseau's writings reveal the imperative to create a better future—he is neither a pessimist nor a quietist. While it is true that he fails to offer concrete solutions that aren't *a priori* saddled with conditions that impede their very success, he is not left in the position of saying that nothing can be done about the inequality to which he bears witness.

Section I: Illusory Nature in the *Discourse on Inequality*

This section attempts to do two things. The first is to give an account of the way that Rousseau presents the concept of *the natural* in the *Discourse on Inequality* (DI); the second is to argue for an interpretation of this account that conceives of the natural as having mythical sense in his writings. In developing his ideas about natural humanity in this text, Rousseau's reliance on a mythical sense of the natural is used to illustrate how we can only ever theorize about humanity from the inescapable position of sociality in which we currently find ourselves. He is presenting an account of the natural in order to provide the grounds from which he might prescribe a way out of the miserable conditions of humanity that he sees all around him. From this standpoint, the natural becomes the ground from which we can strive for goodness against the backdrop of our distinctly human faculty of self-perfection.[12]

At the outset of the text, in the epistle dedicatory "To the Republic of Geneva," we get the following wish: "I should have wished to be born in a country where the Sovereign and the people could have had only one and the same interest, so that all the motions of the machine might always tend only to the common happiness; since this is impossible unless the People and the Sovereign are the same person, it follows that I should have wished to be born under a democratic government wisely tempered" (DI 114-115). Though he is ostensibly praising his home of Geneva, Rousseau is also pointing out that the type of country that he wishes for does not currently exist.[13] I want to highlight this passage because it makes clear that, before the text proper has even begun, Rousseau has cast what comes in a normative light.[14] In describing this passage as giving normative weight to

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12 Einspahr 2010, and Neuhauser 2008 and 2012, also offer readings of the *Discourse on Inequality* that highlight their normative character, though I depart from them in using this normativity to ground a theory of a resisting subject.

13 See Wokler 2012 173-174 for further comments on the realities of the Genevan politics of the day and Rousseau's disapproval of them.

14 Derrida 2011 describes this famous passage as "a dream of *failed* origin rather than of *lost* origin" (Derrida 2011: 22, emphasis in original). Further commenting on the passage, Derrida adds, "given that the

the text, I mean that Rousseau is praising something that he is also telling us does not exist: the Geneva of his dreams. The rest of the *Discourse* can therefore be read as the story of what would have had to happen if his alternate Geneva were to have been able to exist.

The main body of the text contains a number of stories about the content of the "natural" in natural humanity, what he sometimes refers to as "Savage man." It is this usage of the natural, or of what we once were or might have been prior to the corrupting influence of society and its institutions, that I claim Rousseau is dealing with as myth. By *myth* I mean the rhetorical strategy of telling stories about the past in order to illuminate the present—stories that are not meant to be taken to be true in a literal or historical sense. The question certainly arises of *why* Rousseau writes utilizing myth in this way. I am claiming that myth functions as the starting point for our rational theorizing, and in doing so provides us with a justificatory ground to make normative claims regarding changes for the better. That Rousseau did not mean to provide a factual anthropological history of humanity should be clear from his stated intentions in the text.

For example, although he writes, "It is of man that I am to speak" (DI 131), Rousseau is quick to offer qualifications about the limits and possibilities of doing just that. He describes his investigation as one that, "ought not be taken for historical truths, but only for hypothetical and conditional reasonings; better suited to elucidate the Nature of things than to show their genuine origin" (DI 132). Furthermore, Rousseau's avowed starting point is not some past instantiation of humankind. Instead, he writes, "I shall assume him always conformed as I see him today, walking on two feet, using his hands as we do ours, directing his gaze over the whole of Nature, and with his eyes surveying the vast expanse of Heaven" (DI 134). From this beginning, Rousseau will proceed to "form conjectures based solely on the nature of man and of the Beings that surround him, about

Robinsonian [Crusoe] dream or ideal—basically that of an absolute identification of the sovereign and the people in a single person, a unique and thus lone person, solitary, exceptional—is inaccessible, what is called 'a democratic government [wisely] tempered' is the best expedient, the least bad approximation" (Derrida 2011: 23).

what Mankind might have become if it had remained abandoned to itself. This is what I am asked, and what I propose to examine in this discourse" (DI 132). We have, then, hypothetical and conditional reasonings, and conjectures, about the human condition.

Out of this general context of speculative thought, Rousseau gives us multiple pictures of what the progression of humanity from its natural state to its social state might look like. There are a number of different stages, each with their own hypothetical combination of sociality, solitude, dependence, individuality, family, property, equality and inequality, jealousy, rights, and wealth. There are pure individuals at one stage, with children who cannot even recognize their own mothers; the first dwelling is constructed, which leads to the formation of the family; subsequently societal institutions are formed when multiple families unite together. This progression hinders any recognizable non-social (or pre-social) conception of humanity, insofar as all interpretations of natural humanity must be filtered through the lens of society. It is through his multiple explanations for the life of human beings in the state of nature that Rousseau shows that actual knowledge concerning pre-social or pre-institutional humanity is not possible.

Backing up these claims entails making three inter-connected points: showing how Rousseau (1) articulates the split between the natural and the social, and (2) that any theorizing about human beings cannot avoid taking the present social condition of humanity as its starting point, including all of the knowledge that comes along with that position. This retrospective theorizing is not fruitless, however, if (3) the imperative of this retrospection is to make normative claims about the possibilities of human perfectibility and goodness through the social constitution of humanity.

The stated purpose of the *Discourse on Inequality* is the following: "To mark, in the progress of things, the moment when, Right replacing Violence, Nature was subjected to Law; to explain by what chain of wonders the strong could resolve to serve the weak, and the People to purchase an idea of repose at the price of their real felicity" (DI 131). Rousseau wants to show where and how

humanity has gone wrong, and then point the way toward something better. Given, however, his claims about hypothetical reasoning and conjecture, the story he tells about where humanity has gone wrong can only be a speculative one.[15] This conceptual space allows for the recourse to normative myth, since the historical facts of the matter have been set aside. They are not irrelevant in general, but it does not matter how far back into the history of humanity one goes—there will be no point at which the social is left behind and the purely natural is discovered.

Rousseau intends the work to mark the movement from nature to society. Yet, what we see is that this demarcation is impossible to pinpoint in any real sense. We instead come to the realization that any attempt to think about humanity outside of the terms and structures that are familiar to us is impossible. We must, however, test the limits of this type of theorizing in order to be able to come up with some way to think about changing the state of things as they are. This is how the mythical reading of the natural functions, as a way to use the retrospective theorizing that we are capable of in a prescriptive way. In looking 'backward' Rousseau is searching for some middle ground between quietism in the face of the terrible state of things around him and the purely abstract utopianism of a better life far removed from anything resembling the possible. This grounds his work in the present and places him firmly in the realm of critique.

In claiming that he is concerned with "only hypothetical and conditional reasonings," Rousseau makes a crucial distinction. As opposed to historical truths, which would purport to reveal a genuine origin of things, Rousseau is more interested in the elucidation of their nature. This distinction between nature and origin tells us that, although we cannot seek the pre-social origins of humanity, we can know that there is something more than *that which we are* to which we can aspire. It

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[15] See Neuhouser 2012 for an illuminating investigation of the relationship between genealogy and critique in Rousseau's *Discourse on Inequality*. There he argues that, "Rousseau rejects moral inequalities only to the extent that they are incompatible with the basic conditions of the freedom and happiness of every member of society" (Neuhouser 2012: 382). This consequentialist view is a product of the fact that the project of the *Discourse on Inequality* is an analytical one rather than a historical one ((Neuhouser 2012: 384).

is this forward-looking definition of our nature that Rousseau articulates throughout the text, and one that is based in his normative mythical reconstruction of humanity's past.

The text begins by noting the seeming impossibility of getting ahold of whatever the meaning of 'natural man' could even be. "The human soul," Rousseau writes, "altered in the lap of society by a thousand forever recurring causes, by the acquisition of a mass of knowledge and errors, by the changes that have taken place in the constitution of Bodies, and by the continual impact of the passions has, so to speak, changed in appearance to the point of being almost unrecognizable" (DI 124). The qualification at the end of the sentence indicates that, even if we are unable to get back to the origin of things, we don't have to get rid of the concept of what is natural to us. It can still be of use if we are able to rethink it in mythical fashion, allowing it to function in a normative and forward-thinking way.

The qualification is continued when Rousseau writes, "It is easy to see that it is in these successive changes of man's constitution that one must seek the first origin of the differences that distinguish men who, by **common consent**, are naturally as equal among themselves as were the animals of every species, before various Physical causes introduced in some species the varieties which we observe among them" (DI 124-125, emphasis mine). We are prodded by Rousseau to look at these very changes, which he previously pointed to as nearly making the natural state of humanity unknowable, in order to investigate what this natural state may have been. This is recognition of the difficulty of the task at hand, and an explanation of the recourse to myth—it shows that he is already theorizing retrospectively, beginning with the idea of the successive changes to our constitutions brought on by different societal forms.

The natural equality of human beings that he references in this passage is not given as an immutable fact that has been discovered by human investigation, but it is instead known by common consent. With all of the changes that humans have undergone, yielding such a variety

amongst them, human equality is less of a matter for empirical investigation, but must instead be founded on the common consent of human beings themselves. Rather than disinterested inquiry into the past, which would be descriptive, we get the consent of the people, which carries with it a normative dimension.[16] The most suitable and legitimate social and political scenario considering humanity's current condition is the one that entails common consent to our equality. This is based not upon the discovery of the timeless essence of human beings, but instead upon their current condition of inequality, which must form the starting point from which we attempt to conceive of something better. Rousseau isn't going to be able to tell us about a pre-social natural equality, though he can tell us how we can think of ourselves for the future and can give us an ideal to strive toward. That is the function of reconstructing our natural past through myth.

The underlying purpose of this mythical sense of the natural is to highlight the potential for radical change or alteration that Rousseau sees in human beings. It is, however, a power that we can only have collectively as a society (outlined through the General Will in *On the Social Contract*), since changes on this scale are only possible through the alteration of society's institutions. It is, however, the people who have the power to change those institutions democratically. There is a dialectic set up between the individuals within society and that society's institutions. The latter are set up by the former in order to accomplish certain future goals, the realization of which are capable of them altering the individuals themselves, and so on.[17] This potentiality is a part of our humanity for Rousseau, one capable of goodness even in the face of strong empirical evidence that would seem to point to the contrary: it is a humanity defined by Rousseau's normative claims about the human faculty of self-perfection.

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[16] It is certainly easy to read this invocation of common consent as a precursor to the notion of the General Will in *On the Social Contract*.

[17] This is not meant in any Hegelian sense, since for Rousseau this relationship is not a teleological one. Rousseau explicitly recognizes that even the ideal state described in *On the Social Contract* will inevitably crumble.

Rousseau discusses this faculty in relation to the differences that he sees between humans and animals.[18] He admits that there is room for reasoned disagreement in general about these differences, yet there is one point on which he firmly demarcates the distinction, one property "about which there can be no argument." This faculty cannot act alone, however. Instead, it needs "the aid of circumstances" with which it fosters the development of "all the other [faculties]." It is this faculty of self-perfection that permits all changes to the human race, unlike non-human animal species, each of which are, Rousseau writes, "after a thousand years what it was in the first year of those thousand "(DI 141). It is in the service of this uniquely human potential of the drive for self-perfection that Rousseau uses the mythical and normative sense of the natural that I am discussing here.

Regarding the separation between the natural and the social, and the possibility of our having any knowledge of what constitutes the former, Rousseau writes, "For it is no light undertaking to disentangle what is original from what is artificial in man's present Nature, and to know accurately a state which no longer exists, which perhaps never did exist, which probably never will exist, and about which it is nevertheless necessary to have exact Notions in order accurately to judge of our present state" (DI 125). We can have no knowledge about such a pure state because, from our place of theorizing in the present, we have no idea even of the possibility of the existence of an original form of human nature. When he follows up this claim with the assertion that, despite this ignorance, we must nevertheless attempt to theorize *just that* from which we are *a priori* cut off, Rousseau highlights the normative dimension of his claim. If this path is followed, we can improve human existence through the ideals of freedom and equality. The only catch is that these ideals must be understood in certain ways that are determined by present conditions.

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[18] For illuminating discussions of Rousseau's relationship to animals and the ways he uses them to set up his definitions of humanity, see Oliver 2009 51-78, 97-130.

We can see this even more clearly through the question that Rousseau asks both himself and his reader at the outset of the text: "*What experiments would be needed in order to come to know natural man; and by what means can these experiments be performed within society?*" (DI 125, emphasis in original)[19] That is, how could we strip away those elements of our constitution that are products of our social and institutional arrangements, so that we might isolate that which is purely natural within us? The success of this task is impossible, but we can nonetheless learn from our attempts to do so if we recognize that impossibility. Note the way that Rousseau words the question itself, grounding it in experimentation. Especially important is the second clause, which situates the possibility for these experiments within society. That is the limiting condition of any experiment we might undertake in this regard, and a condition that only lets us get so far. As I've indicated, I don't believe that Rousseau believed that this question could actually be answered. This is because, "the more new knowledge we accumulate, the more we deprive ourselves of the means of acquiring the most important knowledge of all" (DI 124). To go back to the distinction between nature and origin, the accumulation of knowledge and all other changes to our constitutions does in fact place any genuine origin beyond retrieval, but an investigation of how those changes could have occurred can reveal something about our current constitution. In looking back from human beings as they are and assuming them "always conformed as I see [them] today," Rousseau offers a story about the human condition, one that is supposed to render us more understandable to ourselves through revealing the criteria through which that condition must be thought. That is, there is no space outside of the social world through which we can grasp anything about our humanity. An integral component of that story, on my reading, is the mythical way that we conceive of our natural origins.

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[19] Rousseau also asks the question another, more substantive, way: "And how will man ever succeed in seeing himself as Nature formed him, through all the changes which the succession of times and of things must have wrought in his original constitution, and to disentangle what he owes to his own stock from what circumstances and his progress have added to or changed in his primitive state?" (DI 124)

Rousseau's story of the invention of private property and the subsequent societal developments that it engendered makes clear the impossibility of getting outside of the social aspect of our existence. There are two points within the history and development of private property that Rousseau describes as revolutions, each of which irrevocably altered the way things were. The first grew out of the unity of common and individual interest, insofar as some crude form of mutual engagements were formed around necessity for cooperation (DI 163). This in turn led to the "period of a first revolution which brought about the establishment and the differentiation of families, and introduced a kind of property" (DI 164). As the ideal of self-sufficiency was left behind leisure time was discovered, and with it new conveniences and superfluous needs. Rousseau describes this situation as "the first yoke which, without thinking of it, they imposed on themselves, and the first source of evils they prepared for their descendants" (DI 164-165). This changes the constitution of the beings at hand.

As Rousseau writes, "everything begins to change in appearance" (DI 165). Public esteem began to be of value, and with it mutual valuation and civility. But revenge as well becomes a norm, carried out in reaction to those who flout the newfound conventions of civility (DI 166). This early society, with the beginnings of morality, remained, however, still within an individual's means (DI 167). The coming of the second revolution, with the appearance of agriculture and metallurgy, then brings with it the slavery and misery that comes with the large-scale necessity of dependence upon others (DI 167-168). It is this second development that brings with it the domination and servitude, and wealth and poverty, which come with the large-scale division of labor (DI 171). Only now does Rousseau arrive at the state of war that is characteristic of other state of nature theorists, which is the world that Hobbes and Locke describe in various ways (DI 172).[20]

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[20] This is an all too brief reconstruction of these events as described by Rousseau in the *Discourse on Inequality*. My purpose here is only to offer a sketch in order to give the general progression of social life.

The story of societal revolutions told by Rousseau ends just where Hobbes and Locke begin their political theorizing, revealing all of the social history that they subsume into the natural state of humanity. That is precisely Rousseau's trouble with their accounts, which he sums up by writing, "They spoke of Savage man and depicted Civil man" (DI 132). Rousseau's reconstruction of a possible conceptual path from the natural world to the state of war shows us that if we were to imagine, as a kind of thought experiment, human beings in some pure natural state, removed entirely from the influence of society, what we would find is a totally independent being. It would be a being, however, so independent that it has no relation whatsoever to any other beings of its kind; it is unable even to recognize its fellows. Rousseau's speculations on the origin of contemporary humanity argue that any attempt to entirely abstract from the social aspect of human beings leaves us with a being that is not in any way recognizably human. Hobbes and Locke attempt to abstract away from society's effects but succeed only partially. This is why Rousseau claims that even their human beings in the state of nature are instances of "Civil man."

Given Rousseau's account, we should read the way that he splits the natural and the social into his famous remark concerning the natural goodness of humanity found in his Letter to M. de Malesherbes. It is this natural goodness that is the proper end of the human faculty of self-perfection. Taking into account the view found in the second *Discourse*, Rousseau's claim, "that man is naturally good, and that it is solely by institutions that men become wicked," is a normative one set against the background of his negative view of the contemporary world (quoted at Cohen 2010: 97). Rousseau is insisting that human beings are capable of goodness in ways that were not being recognized by his contemporaries. Rousseau was well aware of the same fact that Hobbes and Locke were, that humans are capable of evil and vice. He is challenging the reader to think of human beings otherwise, or of how humans might be made to be different. Being capable of goodness means the possibility of transcending current institutional and societal arrangements and

structures. This claim is given even more weight in Rousseau's letter to Beaumont when he calls this natural goodness of humanity "the fundamental principle of all morality" (quoted at Cohen 2010: 97).

The only reason that we can be said to be inherently good while still denying determinism is because we can be anything at all, from the lowest evil to the highest good, and that we are capable, under the right conditions, of collectively making the normatively correct choice of goodness. Descriptively, we are clearly capable of both good and evil. Prescriptively, however, we can only make the normative claim that we *should* strive for goodness. Unlike Hobbes and Locke, Rousseau theorizes an absolute break between the natural and the social that no amount of analysis will be able to traverse, and so he is left with the necessity of starting anew from humanity's current state.[21]

The impetus for the text on the whole is Rousseau's dissatisfaction with previous attempts to think about what natural rights mean: "[Those] who have examined the foundations of society have all felt the necessity of going back as far as the state of Nature, but none of them has reached it. Some have not hesitated to ascribe to Man in that state the notion of the Just and the Unjust, without bothering to show that he had to have this notion, or even that it would have been useful to him" (DI 132). This long passage continues, with Rousseau adding to *just* and *unjust* the ideas of the natural right of property, the authority of the stronger over the weaker and its leading directly to the formation of government, as well as the concepts of need, greed, oppression, desire, and pride. Surveying the field of investigations into the state of nature, and no doubt referring to Hobbes and Locke, Rousseau remarks, "They spoke of Savage man and depicted Civil man" (DI 132). For Rousseau, the capacities and concepts that have been used in the explanations and definitions of the natural, pre-social state of human beings are actually the products of the very society to which philosophers like Hobbes and Locke say they are prior.

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[21] Rousseau's plan for the constitution of Poland is one particular example of how this might be done, given the specificity of Polish history and its political situation.

Though they claim to lay bare the state of nature, they do no more than re-describe civil society and its ills. Rousseau's critique is that in their consideration of human beings in the state of nature, these philosophers utilize traits and characteristics that are in fact produced by society, and so they don't explain the state of nature at all. Instead of attempting the impossible task of trying to form institutions and civil society from the perspective of the state of nature, we have to put aside that state completely, or at least any hope of being able to come to some kind of concrete knowledge of it.

That Rousseau is using the natural in a mythical sense is a relevant aspect of his response to Hobbes and Locke. The only way that we can come to grips with our human condition, given the fact that our origins are cut off from us, is to reconstruct conceptually what could have led to our current condition. Hobbes and Locke err because they think an accurate description of the true state of nature is possible, distinct from civil society, whereas for Rousseau it only exists within that society in mythical form. They do no more than re-describe the current state, offering no insight into how to get out of it.

As Robert Wokler notes, "[Rousseau's] idea of natural liberty was in an important sense illusory…in so far as mankind never actually inhabited the innocent pristine state in which such liberty could be enjoyed. According to Rousseau's philosophy, in order to get at the truth it was often necessary to leave the facts aside…the state of nature he conceived was a fiction. There could therefore be no point in our attempting to return to it" (Wokler 2012: 163).[22] This allows Rousseau to think about how we want to mold our societies and our institutions in the best—most free and equal—way possible; there is not a natural foundation like the state of nature to which civil society has to conform, or onto which it has to map.

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[22] Rousseau writes, "What, then? Must Societies be destroyed, thine and mine annihilated, and men return to live in forests with the Bears? A conclusion in the style of my adversaries, which I would rather anticipate than leave them the shame of drawing it" (DI 203).

The place of what counts as natural or pre-social plays a vexed and ambiguous role in how we think about envisioning society and its institutions. On the one hand, we should not try to recreate anything from a pre-social state of nature or protect any remnant of that state, because whatever those things may have been (if they ever even existed) they are beyond our epistemological reach. On the other hand, as a concept the natural offers normative leverage for pointing to an improved picture of humanity and new visions for society. Its very ambiguity makes it an effective tool for articulating social critique and change. Taking these two sides together, the goal is to conceive of the best society that we can, which respects the normative goods of equality and freedom, given the state of humanity that we encounter. While it is true that we are trying to 'regain' the freedom that we enjoyed in the state of nature, it must be a rethought freedom, because we are, in society, fundamentally different creatures than we would have been pre-socially.

The meaning of freedom depends on the constitution of the human beings under consideration. The freedom that we might think was appropriate to the mythical pre-social human beings that Rousseau describes is not one that is even possible for a humanity that has entered into society. We can theorize what the freedom of a pre-social state was, which Rousseau does throughout the *Discourse*, but we can only use that in order to better understand what freedom should mean for those in the society that we have at present. We can only work back to the "absolute" freedom of the solitary, natural human.

As opposed to animals, it is the "capacity as a free agent" that the human being adds to the processes of nature (DI 140). That is, it is freedom, not understanding, that separates humans from animals (DI 141). The difficulty that he is attempting to overcome is thinking about the content of that freedom in relation to the impossibility of isolating a pre-social natural state for human beings. The notion of the free agent is deepened by the idea of self-perfection. Based upon what he has already said about the limits of human knowledge, Rousseau cannot make any claims about what is

most natural to human beings; we are constrained by the social. He can say, however, that we must attempt to alter the present state, and freedom helps imagine a state in which we are better off. Freedom is our nature insofar as we are free at each specific moment to alter the formation of society, alterations that will also affect how we are constituted. Rousseau's frequent invocation of the natural state of "Savage man," is put forth as comparison to our current "artificial" sociality; it is a way to reveal the limits of how we can think about radically changing our circumstances.

In order to conclude the foregoing argument regarding the natural in Rousseau, I juxtapose two quotations from the *Discourse*, one from the very beginning and one from the very end. On the final page of the exordium Rousseau tells us that what is found in the subsequent pages is nothing other than "history such as I believed I read it, not in the Books by your kind, who are liars, but in Nature, which never lies. Everything that will have come from it, will be true" (DI 133). Nature, which never lies, has put itself forth for humanity to see, yet in such a way as to make unknown to us any number of distinctions within it.

Nature here can only be understood in a broad sense of that which can be seen and reflected upon by us as human beings. Rousseau uses nature here as an umbrella term that would include what he later on in the text refers to as "Savage man" and "Civil man." It must also include what is encompassed by the second quotation, which comes just a few pages before the end of the *Discourse*. Here, Rousseau writes, "since the Mankind of one age is not the Mankind of another age, the reason why Diogenes did not find a man is that he was looking among his contemporaries for the man of a time that was no more" (DI 186). The fact that Diogenes knew of something to look for in the first place is relevant to us, and to Rousseau, because it shows how these different iterations of "Mankind" can present themselves to one another, not as fact, but as myth. We can look to them for inspiration, for guidance or advice, or perhaps for lessons, but however we look at them, we are unable to replicate them; we can only use them as starting points.

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As he continually reminds us in the text, the social institutions in which we all live together produce inequalities. This is why Rousseau can write in *On the Social Contract* that, "anyone who dares to institute a people must feel capable of, so to speak, changing human nature" (SC 2.7.3). This means that political change always resets the ground from which we begin, each time too late, to theorize our own humanity. The move away from an appeal to the natural is grounded in the normative ideals of freedom and equality, and is the possibility for the achievement of these ideals that are at the center of our open-ended natural condition.

Starting from where we already are does not mean that we cannot speak of "Savage man" at all, but that when we do we necessarily speak of him through the lens of the present, and in doing so recognize the mythical nature of these characterizations. This is not going to yield knowledge or fact about humanity from a pre-social time, but it can help us illuminate how we think about our own time and provide new ways to think about the future. On this view, the past can be thought of as a surplus. It is open to our mythical reconstructions, but at the same time it serves as the constraint on what we can imagine.

Section II: The Law of the Heart and the Tensions of the General Will

If there is no true state of nature to which we have recourse for Rousseau, then the very idea of a social contract is altered, since on the standard view endorsed by Hobbes and Locke, the contract is the path out of the state of nature and into civil society. If the state of nature isn't something that we can properly envision, then a social contract on those terms is incoherent. This is why Rousseau begins *On the Social Contract* by echoing the conceptual starting point of the *Discourse on Inequality*: "taking men as they are, and the laws as they can be" (SC 1.0.1). This stance begins to open up a space of resistance to the contract itself, making the possibility of resistance a constitutive part of any contractually legitimate social formation. In this section I argue that however we proceed from Rousseau's starting point, there will be no way to articulate a fully coherent and stable

social identity, which means that the legitimacy heralded by the contract is in question from the beginning.[23]

And yet, Rousseau's criteria for legitimacy as stated in *On the Social Contract* demand such coherence. The outcome of this tension is not that government is illegitimate, but that legitimacy can never be externally justified, made absolute, or placed beyond question. This is ultimately the place where resistance will become possible, which runs contrary to the popular, yet misguided, view that Rousseau's social contract stifles any and all dissent and countenances domination.[24] Given the conditions for its instantiation, Rousseau's conception of a contract will always have a gap within it into which resistance might step.

Given the starting point of the text, the positive political project of *On the Social Contract* is not an attempt to come up with an abstract notion of the best possible way of thinking about government and/or institutional societal arrangements. "Taking men as they are, and the laws as they can be," is it possible to conceive of a civil order in which "there can be some legitimate and sure rule of administration" (SC 1.0.1)? In other words, Rousseau is not advocating an excavation of what human beings were like "in the beginning" in order to see where things went wrong and to correct the mistake.

Rousseau makes it evident that *On the Social Contract* is a work of social critique when he writes, "If I were a prince or a lawgiver, I would not waste my time saying what needs doing; I would do it, or keep silent" (SC 1.0.2).[25] Not being in a position to affect these changes, he writes

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[23] See Kukla 2005 for an illuminating discussion of what she calls Rousseau's impure reason. She shows how skeptical Rousseau is, at an epistemological level, of any completeness of truth and identity. Kant, Hegel, and Marx will come after Rousseau and each offer their own concrete solutions involving the coherence and synthesis of reason and knowledge. Rousseau remained skeptical that any such move could work.

[24] See Wokler 2012 for a catalog of these charges, as well as a fruitful reading of Rousseau that counters them.

[25] Again note Rousseau's rhetorical formulation of imagining himself otherwise, just as he does at the outset of the second *Discourse*. Each time he sets up a mythical grounding for his reflections, providing evidence for my view that he at least implicitly recognized the limitations of his theorizing. See Derrida 2011 20-25 for further discussion of this point.

about them, formulating the thrust of the entire text in the following way: "'To find a form of association that will defend and protect the person and goods of each associate with the full common force, and by means of which each, uniting with all, nevertheless obey only himself and remain as free as before.' This is the fundamental problem to which the social contract provides the solution" (SC 1.6.4). He is clear that the starting point is not a conception of natural individuals around which the civil order is built.

His problematic is whether, from within the civil order that already exists, we can instantiate legitimate authority, ensure individual freedom, and protect goods, while also creating an equal society in which all are united with all. In other words, without neglecting either one, how do we maximize both freedom—an individual virtue—with equality—a collective virtue. Rousseau makes the point that this task is impossible through the engendering of new forces; all that is possible is that "men…unite and direct those that exist," which means that they must combine the sum of their forces of self-preservation (SC 1.6.2). This is another way for him to say that he is "taking men as they are" and not trying to start from what once was. The General Will is what this unity of forces looks like.

Before getting to the formation and workings of the General Will, it is necessary to articulate exactly how a contract can be agreed upon and be legitimate. Rousseau is clear that the foundation of a people is the true foundation of a society (SC 1.5.2). Only then would it be possible for a people to give itself a leader. That is, the election of a leader can only be done by a people already in existence; the election cannot be the act that instantiates a people in the first place. Following up on this point, Rousseau writes, "Indeed, if there were no prior convention, then, unless the election were unanimous, why would the minority be obliged to submit to the choice of the majority…the law of the majority rule is itself something established by convention, and presupposes unanimity at least once" (SC 1.5.3). Rousseau is making one point in two different ways, and equating two

different phenomena: the existence of a people and unanimous agreement. There must be *either* prior convention *or* unanimity in order for a certain outcome—the election of a leader—to obtain, but Rousseau implies that unanimity would only be possible if there were already a prior convention in place, which refers to the prior act of the founding of a people. Established as an empirical impossibility, Rousseau sets up this ideal of unanimity as a conceptual tool, or as a guiding myth.

These are also two ways of describing a scenario in which the minority would be obliged to follow the majority in a system of majority rule. Otherwise, there has been nothing to legitimate majority rule among a given group. In making clear that a people must be in place in order to give itself a leader of any kind, he is equating "the act by which a people is a people" with unanimity. This means that, on Rousseau's view of the social contract, unanimity is required as its founding principle in order for legitimacy to obtain. This is the condition necessary to even to get the project off the ground. Everything that follows in the text, from the workings of the General Will to the legislator and beyond, must considered in this light. The legitimate social contract requires a strong social identity already in place, and Rousseau accounts for the existence of these identities in the text itself.

What does Rousseau mean by unanimity, and how is it equivalent to identity? There are peoples and societies before there are nations, which he makes clear when he writes, "What people, then, is fit for legislation? One which, while finding itself already bound together by some union of origin, interest, of convention, has not yet borne the yoke of true laws" (SC 2.10.5).[26] The social contract is meant to institute a nation, not a historical people; the latter is a prerequisite for the former. Recall Rousseau's comments regarding unanimity and prior convention. His description of historical peoples is one in which these groups have a stable and coherent identity, formed through history, that forms the foundation of the legislation that comes from the social contract. Unanimity

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[26] See Canivez 2004, which contains a helpful taxonomy of the different ways that Rousseau uses the term 'people.' Canivez calls this type Rousseau's "historical and cultural concept of people."

is not something like conformity of belief or opinion, which would be much too strong. It should instead be thought of in terms of the common interest of the society in question, and the willingness to put that common interest and that membership in society first when it comes to public matters. It is certainly true that this sounds as though something like an informal general will must already be in place before the real General Will can be founded, but this is exactly one of the tensions inherent in Rousseau's formulations that will be discussed more fully below. This identity is the basis for the unanimity that grounds the legitimacy of the General Will, to which I will now turn.[27]

An explanation of the contract that founds civil society and yields the General Will is exhausted by just one clause, "the total alienation of each associate with all of his rights to the whole community" (SC 1.6.6).[28] Additionally, Rousseau writes that the social contract itself can be reduced in the following way: "*Each of us puts his person and his full power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole*" (SC 1.6.9, emphasis in original). This is a "public person," a "moral and collective body," and a "common self" (SC 1.6.10). It is a "single will, which is concerned with [our] common preservation, and the general welfare" (SC (4.1.1). It is only the General Will that can direct the forces of the state, and then only to its proper end, which is the common good (SC 2.1.1), and this General Will is nothing other than sovereignty (SC 2.1.2).

Furthermore, the General Will points to no individual or determinate object, but only to all (SC 2.4.5). If it were to be otherwise then it would change in nature and cease to be the General Will (SC 2.4.6). This is not just a mere collection of individuals; as a moral person with an individual

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[27] See Miller 1984 for a defense of the view that Rousseau is the decisive figure in the development of modern democracy. Much of this story revolves around Rousseau's conception of freedom, as stated succinctly in his characterization of the General Will.

[28] See O'Donovan-Anderson 1996 for an interesting parallel between Rousseau's description of the social contract as the total alienation of each member with Wittgenstein's private language argument in the *Philosophical Investigations*. His claim is that, "both thinkers, against a standard Enlightenment account of the requirements of justification, assert instead that justification can occur only within the practice/community which is to be justified" (O'Donovan-Anderson 1996: 88).

will of its own, the General Will is more than the sum of its parts. As such, it is lawmaker insofar as "Law is nothing but the declaration of the general will" (SC 3.15.8). The outcome of the General Will is restricted by common interest, preservation, and welfare. Laws are produced by the General Will, and enshrine rights; the General Will adheres to the common consent of the people. Rights, therefore, are a product of the people's common consent. This correlation illustrates Rousseau's equivalences between common consent, unanimity, and a historical people; they are three different ways of defining the identity of a social group.

According to the procedures outlined by Rousseau, the General Will is established by tallying the votes of all who are part of it. In casting a ballot, all that the individual is doing is trying to best ascertain what the General Will is in that instance insofar as the General Will is that which is in the common interests of all the citizens (SC 4.2.8). The General Will produces equality only because it is able to overcome the partiality of the individual, who, it would appear, finds it very difficult to see beyond herself. However, when united together with other individual wills, it is easier to do good for society as a whole.

> Indeed, while it is not impossible that a particular will agree with the general will on some point, it is in any event impossible for this agreement to be lasting and constant; for the particular will tends, by its nature, to partiality, and the general will to equality. It is even more impossible to guarantee such an agreement, even it if did always obtain; it would be an effect not of art, but of chance. The Sovereign may well say, I currently will what a given man wills or at least what he says he wills; but it cannot say: what this man is going to will tomorrow, I too shall will it; since it is absurd for the will to shackle itself for the future, and since no will can consent to anything contrary to the good of the being that wills. If, then, the people

promises simply to obey, it dissolves itself by this very act, it loses its quality

of being a people; as soon as there is a master, there is no more sovereign,

and the body politic is destroyed forthwith (SC 2.1.3).

In collaboration, citizens become free in a new sense of the term, one that is applicable to societal

circumstances, because the relevant action occurs at the level of the General Will and not at the level

of the individual (SC 4.2.8).

With this structure of the General Will in place, it is incumbent upon the body politic, *qua*

General Will and sovereign, to consistently re-affirm the laws that it has itself willed for itself. It

cannot simply say that it will obey, regardless of the content of the laws that have been made. It

must instead continuously create and judge laws according to the common interests of the members

of society. However, the General Will is able to exist only insofar as the common interests have tied

together all of the members' wills in the first place. If this has not happened then, by definition, the

very social contract that led to the creation of the General Will has been renounced.

It is of the nature of the contract itself to support, and in turn be supported by, the common

interests of those who come together to form it. Rousseau tells us, "The social pact establishes

among the Citizens an equality such that all commit themselves under the same conditions and must

all enjoy the same rights" (SC 2.4.8). This is so because the General Will is constituted not by

certain members united together, but rather by a common interest, which, as we have seen, is

necessary for the founding of a people (SC 2.4.7). The connection of all members through their

common interest is a direct result of the unanimity initially needed to get the contract off the ground

in the first place, and is obtained from the historical people who enter into the contract. Rousseau

grounds these historical peoples, who exist prior to electing a leader, on common interests that tie

them together as societies. The General Will can only then be the codification in law of this unity

that has already existed in the social world.

This is the necessary background to think through Rousseau's infamous claim that the General Will cannot be mistaken, and that individuals are forced to be free: "whoever refuses to obey the general will shall be constrained to do so by the entire body: which means nothing other than that he shall be forced to be free" (SC 1.7.8).[29] It is also the way to understand his claim that factions ought not exist within the state. Rather than advocating the suppression of dissent, this provision of the social contract is actually in place to protect the freedom of individuals and keep from being dominated by others.[30] We have already seen that the General Will points toward the common interest of all of those who participate in it, and that this common interest should be understood through the lens of the historical people that formed the basis for the political people inaugurated by the social contract. Given these foundations for the deliberation of the General Will, the deliberation will result from the large number of small differences among the individuals that obtain when they each deliberate and vote on their own (SC 2.3.3). There is the possibility, however, that factions arise.

Factions are "small associations at the expense of the large association," and "the will of each one of these associations becomes general in relation to its members and particular in relation to the state…The differences become less numerous and yield a less general result" (SC 2.3.3). When each individual deliberates alone in her participation in the General Will, all of the small differences between individuals work toward the common interest of all. But, when individuals do not deliberate separately and form groups, the *quantity* of differences between individuals are minimized, while the *gap* between the differences themselves becomes greater. These factions each

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[29] See Bertram 2012 for a reading of the ambiguities within Rousseau's conception of the General Will. He presents two ways of reading the General Will—democratic and transcendent—which have different sets of consequences for the overall workings of Rousseau's philosophy. In the end, he argues for the two as being complementary in a way that is consonant with the way that I attempt to resolve the tensions within Rousseau's political thought.

[30] Inston 2009 discusses this point nicely in terms of the relationship between the particular and the universal in *Of the Social Contract*.

have their own "general" will, but one that is not directed to the common interest of the society as a whole. Becoming a part of a faction means substituting a different general will for the actual General Will of the social contract; it is to dismiss the common interest of all in favor of the common interest of a few. Rousseau's inveighing against factions is therefore meant to safeguard the freedom of each individual to participate in the General Will in a meaningful way, so that in deliberation they are not facing groups who do not have the common interest of society in mind.

At first glance this characterization of factions seems to point toward a conception of resistance that remains purely individual. I think, however, that there is a certain formulation of a faction that fits within my argument. What would this type of faction have to look like? Recall that for Rousseau, "the particular will tends, by its nature, to partiality, and the general will to equality" (SC 2.1.3). He sees factions as groups of particular wills that tend toward partiality. That is, they tend away from equality and from the common interest that dictates the General Will. If factions are to have another possible formulation then there must be the possibility that they do not do this, and that they in fact attempt to redefine or alter the content of the common interest of the General Will.

In order to protect the General Will and prevent the formation of breakaway factions that will threaten it, as well as the abuse of power by the Prince or members of the government (SC 3.10.6-7), a state must give itself "the best constitution it can have," despite the inevitability of that state's collapse (SC 3.11.2). Indeed, Rousseau writes, "The body politic, just like the body of a man, begins to die as soon as it is born and carries within itself the causes of its own destruction" (SC 3.11.1). With these admissions Rousseau seems to resign himself to the formation of the factions that earlier in the text he was so worried about. This points to the way in which alteration of governments, whether revolutionary or born of reform, are built into the structure of institutions that Rousseau is discussing. The social contract will eventually be broken, and rights lost. At such a

point, the process must be begun again, new common interest articulated, a new General Will formed, new rights enshrined, and a new people born.

This is what I take Rousseau to mean when he writes,

> Anyone who dares to institute a people must feel capable of, so to speak, changing human nature; of transforming each individual who by himself is a perfect and solitary whole into part of a larger whole from which that individual would as it were receive his life and his being; of weakening man's constitution in order to strengthen it; of substituting a partial and moral existence for the independent and physical existence we have all received from nature. In a word, he must take from man his own forces in order to give him forces which are foreign to him and of which he cannot make use without the help of others. The more these natural forces are dead and destroyed, the greater and more lasting are the acquired ones, and the more solid and lasting is also the institution: So that when each Citizen is nothing and can do nothing except with all the others, and the force acquired by the whole is equal or superior to the sum of the natural forces of all the individuals, the legislation may be said to be at the highest pitch of perfection it can reach (SC 2.7.3)

The complete artificiality called for by this part of the text echoes the unanimity needed for the founding of a nation; just as complete unanimity is impossible, and is therefore mythical, so too is complete artificiality. They function as regulative ideals that cannot actually be realized in practice. Yet, as we know from the second *Discourse*, though the natural cannot ever be separated from our social constitution, neither can it be overcome or left behind. This puts the efficacy of the social contract in doubt, since if the secure foundation of a political people needs complete artificiality to

succeed, then it will be doomed to fail from the beginning. Rousseau, however, seems to implicitly recognize these limitations inherent to his view. We can see this through a discussion of the four kinds of laws that he specifies in *On the Social Contract*, as well as through the limitations that Rousseau places on the state if it is to be stable. In putting forth conditions that he knows cannot be fully satisfied given contemporary conditions, he accepts the next best thing. This second-best scenario is one in which the fully coherent and unanimous identity that would bring stability to the state is not possible, which means the identity of the state is always open to contestation. This turns unanimity into an aspirational regulative ideal, one countenanced by Rousseau's account of human perfectionism. Exactly how this can be conceived within Rousseau's framework will be the focus of Section III.

Rousseau's taxonomy of the different kinds of laws is another way for him to fill out the meaning of the unanimity of identity of the historical people upon which the social contract is based. The four kinds of laws are as follows: political laws are foundational, and constitute the ordering of the state (SC 2.12.2). Civil laws regulate the relationship between the individuals within the state, making sure that they each remain both independent of one another and dependent on the state (SC 2.12.3).[31] That individuals ought to be kept independent of one another yet dependent on the state is the same point that Rousseau makes regarding factions. As soon as an intermediary group takes shape, both of these specifications are undermined. The third kind of law is criminal law (SC 2.12.4). Though Rousseau states that the political laws, as constitutive of the form of government, are the proper and only subject of the text (2.12.6), he calls the fourth and final kind of law "the most important of all," the law of the heart. This law "is graven not in marble or in bronze, but in the hearts of the Citizens; which is the State's genuine constitution; which daily gathers new force;

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[31] That individuals ought to be kept independent of one another yet dependent on the state is the same point that Rousseau makes regarding factions. As soon as an intermediary group takes shape, both of these specifications are undermined.

which, when other laws age or die out, revives or replaces them, and imperceptibly substitutes the force of habit for that of authority. I speak of morals, customs, and above all of opinion; a part [of the laws] unknown to our politicians but on which the success of all the others depends" (SC 2.12.5). This description of the law of the heart is how Rousseau shows what must be included in any unanimity of identity of the historical people upon which the social contract is based.[32]

Given the above account of the law of the heart, it is clear that it must come prior, and provide support, for even the fundamental political laws that form the state. This point is made even clearer throughout *Emile*, and is the reason for that text's structure. At its outset Rousseau is considering various educational attempts to form either men or citizens, and writes, "Forced to combat nature or the social institutions, one must choose between making a man or a citizen, for one cannot make both at the same time" (E 163). What Rousseau means here, however, is not that a single individual could never be both man and citizen, but that they cannot be made at the same time, since the latter depends on the former, and so the former must be primary.[33]

Neuhouser notes that Rousseau is attempting to overcome the opposition between the two, which means "devising an education that makes it possible for the goals implicit in each of these ideals to be realized in a single individual" (Neuhouser 2008: 20).[34] The solution to this problem is that education must come in successive stages, but with the understanding that this does not imply that each could do without the other. Emile must be first made a man by the tutor, free of any and

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[32] See Oliver 2009 108 for a discussion of the consequences for our actions if this learning by heart could actually be taken to its limit.

[33] For an illuminating account of human nature in Rousseau considered in terms of a kind of aesthetic education, see Kukla 1998. She argues that Rousseau conceives of selves as autonomous agents who are nevertheless concretely planted within the "messy natural world of bodies, climates, and contingent habits and passions" (Kukla 1998: 228). Despite our different aims, my account of human nature as gleaned from the *Discourse on Inequality* resonates with hers.

[34] See Garrard 2003 for a thorough picture of Rousseau's complex relationship to both his own time and to the ancient republics. Garrard characterizes his view as a counter-Enlightenment that sought to articulate a republic of virtue, as opposed to one of letters. This relationship is laid bare at the outset of *Emile*, when Rousseau describes the virtues of the citizens of ancient Sparta or Rome. The educational project of that text is meant to show how such a mode of citizenship could be adapted to the 18th Century.

all societal influence, if he is going to be able to function as a free individual within society. Becoming a man means learning and internalizing what Rousseau calls the "law of the heart": customs, morals, and opinion. Emile must learn these before he can participate in society. The first four books of *Emile* concern this aspect of Emile's education, before he is given an abbreviated version of the social contract in Book V and subsequently sent out into the world.

And yet, this educational program does not ultimately succeed. Regarding those who charge *Emile* with promoting a system of domination in the place of education, Robert Wokler comments:

> We might pause for a moment to consider how inept must be a social
> system built upon that programme, according to which each child must be
> kept away from all others by a single tutor who devotes much of his own
> life to the task, only to find, in due course, that his charge is unfit for both
> political and domestic responsibilities, and, following the infidelity of his
> wife, becomes a vagabond, and then a slave to pirates, perhaps even ending
> his days on a desert island (Wokler 2012: 166)

With this overall picture of what *Emile* and its sequel describe it is clear that, as with *Of the Social Contract*, Rousseau is portraying an ideal that is in principle impossible, but that still reveals certain necessities and goods for which we might strive from the perspective our own limited resources. My claim throughout has been that we ought to conceive of the instances in which Rousseau presents ideals that are in principle impossible of being realized as mythical constructions meant to guide our theorizing. The natural man that Emile's tutor wishes to form is not a possibility given the necessity of interaction with society. This desire, yet inability, to reach the content of the natural in *Emile* parallels the same failure in the *Discourse on Inequality*. The first four books of *Emile* are meant to give content to the law of the heart that in *Of the Social Contract* Rousseau says is the

condition for all other laws; the man in *Emile* is made prior to—and is the basis for the possibility of—the citizen.

Given the eventual failure of Emile's education, we can see that Rousseau has no illusions about the practicality of implementing the educational apparatus found in *Emile*. If the perfect citizen cannot even be formed under these rigorous conditions, then for doing so in the real world will certainly not be achievable either. It is still possible, though, and necessary, to foster the law of the heart from within a given society. This means, however, that the unanimity of identity or common interest that grounds a historical people was absent initially, opening up the identity of the society to contestation. Since that identity is always related to the common interest of all, fostering identity through the law of the heart means the fostering common identification among the members of society with one another. But if this is done from *within* then society lacks the absolute legitimation brought about by fundamental political laws.

The result is an ongoing process of identity formation in which the unanimous content of the General Will, as the condition of its absolute legitimacy, and its ability to force individuals to be free, are impossible on Rousseau's ideal terms. Prior convention and unanimity ground coercion on the part of the General Will, and imply that there is a coherent and stable identity—law of the heart—undergirding the General Will. When this condition doesn't obtain, a space of possible resistance opens up within the conceptual apparatus of the General Will as to what the content of the common interest is in the first place. Identities arise through the formation of historical peoples and the ways that the common interest internal to them is variously articulated and contested. This means that resistance and contestation are necessary conditions for identity-formation, rendering it impossible to posit a stable identity without recourse to the sites of resistance that call that stability into question.

We can see Rousseau give content to the law of the heart in *Considerations on the Government of Poland.* He offers concrete ways to foster patriotism and civic duty, advice intended to provide the grounds of a coherent and stable identity that can then motivate the identification with the General Will. Describing the project itself, Rousseau writes that its goals are, "Reforming the Government of Poland, that is to say, giving to the constitution of a large kingdom the solidity and vigor of that of a small Republic" (1997a: 193). Educational efforts form the heart of the plan, with Rousseau stating, "It is education that must give souls the national form, and so direct their tastes and opinions so that they will be patriotic by inclination, passion, necessity…At twenty a Pole should not be just another man; he should be a Pole" (1997a: 189). These descriptions are of a people, revealing that what it means to be part of a people is learned. There is certainly much more to the advice that Rousseau gives in this text, but this small selection should make clear that a coherent identity is something that Rousseau sees as being a prerequisite for the functioning of the General Will.

It must also be taken alongside the fact that he recognizes the futility at the deepest level of achieving such a robust form of identification, one without cracks or contestations. That doesn't mean that there should never be attempts to foster a national or cultural identity. These identities are not monolithic and do not subsume individuals into them; the particular wills of each are retained within the social contract. The futility of the formation of a national identity at the deepest level only means that each instance of its formation—of its articulation of a common interest—can be in principle challenged, since it can never rest on the kind of foundation that would render that contestation illegitimate. These challenges come in the form of the re-articulation of the common interest and in the name of the society as a whole, within which all are equal. This is what separates legitimate resistance from the kinds of factions that Rousseau deplores, since the latter do not intend to modify the General Will, but only to consolidate private gain at the expense of the public good.

Finally, the size of a particular nation is an important consideration as well. Rousseau writes that there are limits to the size a state can attain with regard to it being capable of good governance: it mustn't be too large to be well governed, nor too small to be self-sustaining (SC 2.9.1). The conditions for the size of the state echo the claim regarding unanimity and the presence of a historical people. Their purpose is to provide the ground for a firm identity that can motivate identification and consent with the General Will. If it grows too large, it strays from its goal of promoting the interest common to all, and the social bond stretches and grows loose (SC 2.9.1). Taken together, the various aspects of the General Will and the law of the heart clarify the impossibility of achieving the absolute coherence of an identity that would ground and legitimate the social contract beyond contestation.[35]

We can now return to the story told by Rousseau in the *Discourse on Inequality*, which also provided conditions under which civil society was inaugurated. It is not, however, the ideal of unanimity or the coherence of a common interest uniting a historical people. Instead, the inaugural founding of civil society was done by the rich and powerful in order to maintain their dominance (DI 173). But, according to *On the Social Contract*, force carries with it no political right (SC 1.3). The poor acquiesced only for protection (DI 175-176).

Of them, Rousseau writes, "Why did they give themselves superiors if not to defend them against oppression, and to protect their goods, their freedoms, and their lives, which are, so to speak, the constitutive elements of their being?" (DI 176). This is the "fundamental maxim of all Political Right, that Peoples gave themselves Chiefs to defend their freedom, and not to enslave them" (DI 176). The initial founding of civil society was predicated upon the subjugation of the weak by the strong and powerful, making the legitimating unanimity of a historical people and their common

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[35] See Althusser 1972 for an account of *On the Social Contract* that also highlights its internal tensions, which he terms discrepancies. He argues that the contract itself "has the immediate function of masking the play of the Discrepancy which alone enables it to function" (Althusser 1972: 114). Although my account resonates with his in this regard, my conclusion remains much more positive (cf. Althusser 1972: 155-160).

interest unable to ever form the foundation for the ideal functioning of the General Will as put forward in *Of the Social Contract*.

As Rousseau knows, "It is impossible to subjugate a man without first having placed him in the position of being unable to do without another" (DI 159). The General Will, with its provisions against factions, is meant precisely to block the possibility of such subjugation. It cannot, however, do so beyond doubt. This is why, after Rousseau has shown the ways in which a social contract can never be made completely legitimate and entirely authorized, we are always left with an institutional state of things in which the common interest is contingently settled but not beyond doubt. In other words, the common interest is still what directs the General Will, but what that common interest is has not been decided in advance through the existence of an already established people. The people itself remains open to redefinition, and therefore so does that people's common interest. This is precisely where resistance enters into the equation.

Section III: The Possibility of Resistance in the Name of Common Interest

This third and final section will proceed in more speculative fashion than the previous two, and attempt to build upon their insights in order to articulate the possibility of resistance within Rousseau's framework: resistance in the name of the common interest, which underwrites the equality of all of the members of society. The equality of each and all is explicitly built into Rousseau's conception of the General Will. It is equality that is, at least partially, explained in reference to the common interest of the members of the state who participate in the General Will. Equality is also grounded in the social identity of historical peoples, which forms the unanimous basis for the proper functioning of the General Will.

Here I argue that the equality that Rousseau claims is necessary to inscribe within the General Will is, on his own terms, impossible to fully realize. It should instead be thought of as an aspiration or a regulative ideal. Rather than an internal contradiction, it is an impossibility that

opens up the space within the functioning of the General Will where the articulation of the common interest is at stake. In simultaneously trying to, on the one hand, work out the necessities for the legitimation of government institutions among free people, and on the other hand, lay bare the shortcomings of the societies that we are responsible for having created, Rousseau implicitly reveals a middle path that, as much as is possible, lives up to his ideal of freedom. This middle path lies between the two mythical poles of our completely natural past and our completely artificial future, and shows how resistance is latent within Rousseau's conception of equality.[36]

On Rousseau's terms a fully stable and coherent identity won't be possible for a social environment. Since the underlying justification can never be as strong as Rousseau claims it needs to be, then the door is open from the outset for a reinterpretation of the social identity, which manifests itself around the common interest of each and all. Resistance is couched in a concern for the common interest that the General Will is supposed to represent, an interest in which is the motivating factor behind the resistance itself. Those who would attempt acts of resistance care about the fact that their interests are not compatible with the common interest. But why would individuals care about the reformulation of the common interest? Why not simply reject participation in the public political process and withdraw into private life? Put simply, why do we care about the common good? Rousseau has an answer to this question, and can provide motivation for the resistance that seeks to reformulate the common interests of society.

According to the story that Rousseau tells in the *Discourse on Inequality*, the human species must seek coherence at the societal, not the individual, level.[37] Even working together to hunt or build huts is recognition that the common good is primary and that we require others for our own

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[36] Perhaps this is what Rousseau had in mind when he ended the introduction to Part I of the *Discourse on Inequality* by writing, "Discontented with your present state, for reasons that herald even greater discontents for your unhappy Posterity, you might perhaps wish to be able to go backward; And this sentiment must serve as the Praise of your earliest forbears, the criticism of your contemporaries, and the dread of those who will have the misfortune to live after you" (DI 133).

[37] See Kukla 2005 for an exploration of the vexed nature of the self in Rousseau, as compared to Kant.

self-fulfillment. Survival and self-preservation necessitate that we recognize that the common good is something worth pursuing. That this point relies on *amour de soi* being a driving force is not a problem for the view, since it is a part of our natural constitution that can't be left aside. *Emile* and *Of the Social Contract* also make the desire for social coherence necessary. In *Emile* this is made clear through the fact that Rousseau doesn't think it possible to bring Emile's education to an end after Book IV.

At that point, he has only received the education of a man, but he has yet to know what it means to be a citizen. He must be groomed for entrance into society and the General Will in order to make his freedom as complete as can be, which occurs in Book V. In *Of the Social Contract* Rousseau is clear about one of the project's primary conditions right at the outset. Given the obstacles that have come to exist in nature, as well as our individual capacities and endowments, the only way forward in overcoming those obstacles is the unity of existing forces (SC 1.6.2-3). The common interest must take precedence if we are going to continue to struggle for even our individual self-preservation.[38] The impetus for resistance is the desire for the coherence of the common interest.

This does not at all mean, however, that the conception of resistance that I am locating within Rousseau's philosophy is a complete solution to the identity issues that could arise within his idea of the state. The limit to the resistance found within Rousseau is the inability to incorporate new types of citizens into the General Will. Women, for instance, were not conceived of politically by him, and so are not be recognized on the public stage as beings who have a say. This point is

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[38] There is also clearly an aesthetic dimension to Rousseau's thoughts on imperfection and the necessity of the unity of individuals, as he shows in the *Confessions*. He writes of being enamored with a beautiful prostitute who seems physically perfect to him in every way. Convinced that there must be some flaw to be found, he eventually notices a "malformed nipple," which causes him to "panic" (Rousseau 1995: 270). Rousseau constantly shows himself skeptical of claims to already-existing perfection, seeking out flaws even in the unlikeliest of places. Just as he rejects the possibility of a perfect state, he rejects the possibility of perfection in terms of beauty.

made most clearly in Book V of *Emile*, where Rousseau describes Sophie as essentially being only a subsidiary of Emile, someone he needs in order to become the citizen he ought to become. Resistance is limited to those who already form a part of the General Will and have a say within it. These are those who are already recognized as playing a role, and it is the role itself that is the candidate for redefinition. New actors are barred from the stage, though those actors who are already present can reshape the roles that they play. Since the law can always only be general and abstract, its content, and the particulars that make up the object of the law, are open to being re-imagined from within.[39]

But, what would this type of resistance look like? Here again we have reached the limit of what Rousseau can tell us, as the resources that I have outlined here underdetermine the specific forms that resistance might take. This is a direct consequence of the fact that Rousseau prescribes a framework that is contentless when it comes to the General Will and the articulation of the common interest. Rousseau is only concerned in *On the Social Contract* with the form that legitimate government takes. He does not, however, want to completely ignore the fact that content must of course be given to the laws. These particulars are to be left up to the specific society—the historical people—that implements them, with the understanding that there must be different laws for different peoples. Rousseau emphasizes this specificity when he writes, "The same laws cannot suit such a variety of different provinces with different morals, living in widely different climates, unable to tolerate the same form of government" (SC 2.9.3). As long as the criterion of formal freedom and equality under the General Will are met, then the laws of the heart of the historical peoples who implement the General Will meet the minimum conditions for legitimacy. Aside from the abstract form that Rousseau gives to the General Will, there is no concrete content to it that specific societies

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[39] For discussions of Rousseau and his complex relationship with women see Okin 1979 393-416, and Wingrove 2000.

would be able to apply to themselves. The content has to come instead from inside each different society, based upon the common interests generated by the historical moment of each.

Certainly, Rousseau sees the task of cultivating the law of the heart for a nation as a much more important element of their constitution, but finds that he can only speak about it on a case by case basis: Emile is a child of the French countryside, and he devises separate plans for the governments of Poland and Corsica. The upshot is that the content of the resistance must be decided upon by those who resist; it cannot be imposed from the outside. Its form not entirely left up to those who resist, however, because it must be in some way connected to the deliberative procedures of the General Will. Certainly this means that such resistance is only one kind among many, but it is the form to be found in Rousseau. The common interest of the people is up to them to articulate, not something that can be imposed from outside. Though Rousseau often describes the General Will and its functions in deliberative terms, there are other ways to publicize a conception of the common interest, such as demonstrations, protests, marches, artistic expression, and more.

One further point needs to be made about the limitations of Rousseau's view mentioned above. Taking into account Rousseau's autobiographical writings demonstrates that he does in fact recognize the limits of the political world and the freedom that it can provide. This chapter has focused on Rousseau's political writings because it is there, especially in *On the Social Contract*, that he attempts to find ways to mitigate the uncertainties and ambiguities that he finds in the relationship between society and the individual. I have tried to show the outcome of those attempts.

Viewing his autobiographical writings alongside my conclusions about the construction of the social contract, we can see how Rousseau supplements the limited freedom available politically with a higher form of personal or individual freedom available even to those who remain excluded politically from the form of freedom guaranteed by the General Will. Even for those with a

conceptual place within Rousseau's political sphere—who participate in the General Will—political freedom is limited and does not exhaust freedom's content. Politics forms only one part of the broader social world, and contrary to a commonly held view, Rousseau never seeks to subsume the individual to the collective or to the state; the individual exceeds politics. Rousseau also knows that there is no way to separate the individual from the social world that she inhabits, despite the fact that she is not *reducible* to that social world. This is why he struggles throughout his autobiographical writings to assert his individuality and his uniqueness against the society he inhabits, yet time and again must face up to the fact that he is unable to completely extricate himself from it; it always pulls him back.

I have offered three main arguments in this chapter: (1) Rousseau resorts to a mythical conception of the natural as a consequence of the impossibility of demarcating the social from the natural, and in order to show how we can think of normativity within our social world; (2) Rousseau's own conditions for the proper and legitimate functioning of the social contract cannot be fulfilled on his own terms. I have argued that the former normativity combined with the latter instability of the social contract open up (3) a space of possible resistance within Rousseau's conception of legitimate government. The three steps are connected to one another, each stemming from the previous, since it is the lack of a natural foundation for a legitimate state that necessitates Rousseau's attempt to offer a completely artificial one. When this fails, just as the entirely natural version fails, the middle ground of resistance is opened up. This space of resistance is a necessary one, since, on my reading, Rousseau was well aware of the shortcomings of his view; he knew that he was asking too much, having known that the contingency of history and our imperfect natures render a fully stable and coherent social and institutional structure impossible.

Chapter 3: From Species-Being to Democracy: Social Emancipation in Marx

Introduction:

Recent introductions to Marx have begun by posing the question of Marx's contemporary relevance. Jonathan Wolff writes, "In 1907 the Italian philosopher Benedetto Croce asked 'What is living and what is dead in the thought of Hegel?' Every decade or so, someone or other gets the idea of asking the same thing about Marx. Well, now it is our turn. At the start of the twenty-first century how much, if anything, will escape the funeral pyre? My answer is: more than one might think" (Wolff 2002: 1). Prior to the turn of the millennium Étienne Balibar similarly noted, "The general claim of this little book is to understand and explain why Marx will still be read in the twenty-first century, not only as a monument of the past, but as a contemporary author—contemporary both because of the questions he poses for philosophy and the concepts he offers it…*Marx is more important for philosophy* than ever before" (Balibar 2007: 1; emphasis in original).[40] Both of these texts, Wolff's explicitly so, are responses to world events such as the fall of the Berlin Wall, the claims of the disappearance of ideology, and Francis Fukuyama's thesis on the so-called "end of history." These same events prompted an international conference held at the University of California, Riverside in 1993, titled "Whither Marxism? Global Crises in International Perspective."[41] Another example, spurred by the more recent events of the 2008 financial crisis, is Terry Eagleton's *Why Marx Was Right* (Eagleton 2011). It seems that Marx's defenders, as distinct as they can be, are forever in need of providing justification for themselves.[42]

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[40] The book's initial publication was in 1993.

[41] For the subsequent volume see Magnus & Cullenberg 1995. This was the conference where Jacques Derrida delivered the lectures that would become *Spectres of Marx* (Derrida 1994).

[42] See also Anderson 1976 and Boucher 2012 for helpful overviews of Marxism. Boucher 2012 is particularly valuable for the emphasis it places on critique within the tradition.

Such justification has been done both in the face of real world events and the failures of concrete experiments in Marxism as well as in response to theoretical critiques. In doing so Marxists of different stripes have attempted to reformulate Marxian political ideas to render them more applicable to the contemporary scene and its problems or issues. Successors to Althusser's scientific Marxism—such as Rancière, Balibar, Badiou, Laclau—have tried to continue the radicalism they see in Marx to different degrees, all while abandoning Althusserian orthodoxy to varying degrees.[43] Critical Theory moved apace into its Second and Third Generations, with Habermas, Honneth, Benhabib, Fraser, and Young engaging with both the Marxist tradition as well as the post-Rawls Liberal literature.[44] Analytical Marxists like Cohen, Roemer, and Elster attempted to incorporate Marx's politics into debates surrounding distributive justice and contemporary economics, stripping away the elements of Marx's view that hindered such a project; this primarily entailed eschewing the dialectical character of his writings in favor of analytical tools.[45]

In light of these debates, movements, and reorientations of Marx's thought, this chapter looks directly back to Marx in seeking to rethink his political philosophy on his own terms. I offer a position that aims to combine the importance of the normative categories that are the *sine qua non* of contemporary democratic theory with the insistence that theory must resist any tendency toward stagnation. In other words, it must account for the dynamic social processes that produce exploitation and domination, which means that it must move beyond the state apparatus to account for the necessity of resistance to that apparatus and its effects. The result sacrifices stability for openness. My goal is to offer an interpretation of Marx that leaves his views well-placed to participate in contemporary debates about democracy, equality, radical politics, and political action.

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[43] See Rancière 1995a, 1999, 2004a, and 2011a; Balibar 1994, 2002, 2004, and 2014; Badiou 2001 and 2005; Laclau 1996 and 2005; and Laclau and Mouffe 2001.

[44] See Benhabib 1986, 2006; Fraser 1997, 2009; Fraser and Honneth 2003; Habermas 1985, 1991, 1998; Honneth 1991, 1995, 2007; and Young 2011.

[45] See Cohen 2000, Elster 1985, Lukes 1985, and Roemer 1988, as well as Roberts 1996 for a sympathetic yet critical appraisal of this movement.

To that end I engage with Marx's conceptions of species-being, rights, and democracy in order to show how Marx's idea of human existence enables a conception of resistance that accords with Marx's view of emancipation. His definition of human existence, termed *species-being*, is couched in the dialectic between nature and society. Given the details of species-being, however, Marx sets up an untenable dichotomy between political and human emancipation. The latter is meant to bring true freedom to human beings, beyond alienation, and would be achieved in Communism, while the former is dismissed as bourgeois and wholly inadequate to ensure the freedom proper to the human species. Marx scoffs at mere political emancipation, seeing it as a tool of capitalist exploitation and alienation. In place of this dichotomy I argue for what I call *social emancipation*. This does not entail the withering away of the state, as Marx suggests would be necessary for human emancipation to occur, but I argue that it nonetheless provides human beings with the freedom proper to species-being through its constantly renewed activity of resistance to oppression, domination, and ideology.

The chapter will proceed in three parts. Section I will outline Marx's conception of species-being and human agency, specifically articulating his view on the relationship between nature or the natural world and society, civil and otherwise. The natural/social dichotomy is important because of the ways that Marx transforms the views of the social contract philosophers who came before him. They relied on the demarcation between nature and civil society in order to ground the legitimacy of the state. Against this view, Marx combines nature and human society into one dynamic holistic category, in addition to telling a story about bourgeois civil society and why it must be overcome.

On this point I want to situate my reading Marx in relation to the previous chapter on Rousseau. There, my two-part argument went as follows: Rousseau does not accept the division between the state of nature and the state of civil society. His view of the natural world and the state of nature subsequently removes the possibility of firm justification for the state based upon that

division, on contrast to Hobbes and Locke. The result is that the state is contested from the outset through resistance in the name of the common interest of those within society. My argument in this chapter mirrors the previous one to a certain extent. In explicitly collapsing society into nature through species-being, Marx's holistic dialectical model renders any justificatory move from nature to civil society impossible. An understanding of species-being underscores the salience of this point.

Section II will critically engage with Marx's views on democracy, rights, and emancipation. While generally following the spirit of his stance, I attempt to show that he overstates his case. Specifically, I aim to show that his recourse to human emancipation is unnecessary and does not follow from the conception of species-being outlined in Section I. In Section III, I offer a reconstruction of Marx's view based upon species-being, specifically with regard to the idea of emancipation. I posit social emancipation, grounded in the activity of resistance, in place of his dichotomy between political and human emancipation.

Implementing social emancipation within Marx's framework relies on reinterpreting his post-capitalist Communist ideal. On my reading, rejecting the dichotomy between political and human emancipation also means rejecting the possibility of overcoming civil society through the establishment of Communism. Rather than a concrete possibility, Communism and the freedom it promises take the form of a regulative ideal that is in principle unreachable but whose vision inspires social and political activity.[46]

I am reading Marx as simultaneously unmasking one unhelpful myth—capitalism—and offering up another, helpful one—Communism—in its place. The freedom that he sees as only possible through human emancipation, manifest in Communism, can be transferred to an alternative form of emancipation—social emancipation—that remains grounded in species-being. Social

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[46] See Lassman 2003 for an interpretation of political theory as inevitably orienting itself with respect to utopian ends. Though I generally agree with his analysis of the Western political tradition, the goal of this chapter (and more broadly, this dissertation) is to attempt to productively deal with the tension he describes.

emancipation entails the ongoing and renewable activity of freedom through resistance, acknowledging that Marx's post-capitalist dream of Communist society fails. Communism itself is then transformed into a regulative ideal that animates resistance.

For the purposes of this chapter I remain agnostic on the specific reason for abandoning the post-statist Communist ideal, as there are several possibilities based upon different readings of Marx's texts. My position, which there is not space to defend here, is that Marx's Eurocentric and teleological view of history is untenable.[47] I do not want to reject the softer theses that relations of production or technology are determinative for Marx.[48] Historical materialism in some broad sense, then, is not an issue for me in and of itself. I do not think that any of this entails a rejection of Marx's overall project, though the many debates surrounding these issues necessitate modifications; this chapter argues for one such modification.[49]

Though I abandon Marx's dream of unmediated society and full transparency, I do want to insist on inheriting a Marxian spirit.[50] This spirit is articulated in Marx's letter to Arnold Ruge, where he makes clear that he is working from the standpoint of critique: a ruthless criticism of everything that exists (Marx 1978: 12-15). Marx's position in the letter forms the basis of this chapter, so it is important to outline the details here. Marx writes to Ruge that he wants "to find the new world only through criticism of the old" (Marx 1978: 13). Internal critique should be read here both methodologically and politically. Marx writes, "The state everywhere presupposes that reason has

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[47] See Elster 1985 and Derrida 1994 for two very different positions that do defend this position. Saïd 1994 and Spivak 1988 specifically note the colonial character of Marx's view. Levine 1993 holds onto the possibility that historical materialism could in fact end up being true.

[48] Cohen argues for the latter while others argue for the former. I do not wish to enter this debate here.

[49] The position that I advance does not *require* the rejection of Marx's stronger stance. There is the possibility that, from a prudential standpoint, the realities of the contemporary world make realizing Communism nearly impossible, and so the view I present here could be the next best thing. From this perspective what matters is only that my position is a possible reading of Marx, if not a necessary one. I do maintain, however, the absolute necessity of Marx's *historical* stance, whether teleological or not.

[50] See Gratton 2012 on the political fictions of sovereignty as well as Derrida's notion of inheritance of the Marxian spirit in Derrida 1994.

been realized. But in just this way it everywhere comes into contradiction between its ideal mission and its real preconditions" (Marx 1978: 14). Instead of only producing new principles in the face of these contradictions, Marx instead advocates identifying criticism with real struggles. The alignment of theory and praxis can then "show the world what it is fighting for" (Marx 1978: 15).

Marx describes the process in terms of bringing about the self-consciousness of those involved in struggles. The reform of consciousness is not to be done through principles or dogmas, but through an analysis of contemporary political consciousness in order for that consciousness to show itself to itself; for it to become *self*-conscious. Clearly there are Hegelian resonances here. There ought to be no strict dividing line between past and future—we cannot abandon the past and begin with a clean slate of sorts; the past forms the conditions of possibility for the future. Instead we ought to clarify the already-existing desires of political struggles in order to be able to carry out the goals of the past. This is not a *new* task, but the completion of an old one. That is, criticism provides clarification to itself about what its struggles and desires are really about. Through criticism we make our goals even clearer to ourselves. This "the work of our time" is therefore confessional (Marx 1978: 15).

In the letter Marx is explicit about bringing theory together with real struggles: this is certainly one way that he tries to shift Hegel's idealism onto more concrete material foundations, but there are also implications in terms of dialogues within contemporary political philosophy. The emphasis on real struggles means that Marx can be taken up and reformulated with regard to new and different contemporary concerns, which connects directly with the potential efficacy of realizing one's goals. Though Marx himself can be charged with utopianism, this was in fact the charge that he made against the French utopian socialists: their theories were far too idealized to be in any way connected with the contemporary world and its ills. Consequently, without any connection between

the present they rejected and the future they sought, they were left with no way of carrying out their plans.

Temporality is an integral element of Marx's critique of the utopian socialists. Marx is explicit about the necessity of "our time" and its tasks, meaning that the contemporary scene, whatever the time period, is both primary for, and constitutive of, critique. That is, there is no general or abstract critical position, but only critical positions *in light of and in response to* the real struggles that are all around, struggles against exploitation and domination. Accordingly, if we are going to continue to look to Marx for resources and assistance in formulating critical positions for own times, we must not be afraid to modify the particulars of his position even as we retain its critical spirit.

Marx provides further critical emphasis in the letter's most famous passage: "But if the designing of the future and the proclamation of ready-made solutions for all time is not our affair, then we realize all the more clearly what we have to accomplish in the present—I am speaking of a *ruthless criticism of everything existing*, ruthless in two senses: The criticism must not be afraid of its own conclusion, nor of conflict with the powers that be" (Marx 1978: 13).[51] In light of the need to rethink Marx's political philosophy in terms of contemporary needs and debates, and in line with the trajectory of the chapter outlined above, I interpret Marx's ideal of Communism as a regulative political fiction, or regulative myth or ideal.

This interpretation parallels my interpretation of Rousseau's General Will from the previous chapter, though in inverted fashion: Communism represents not total undivided sovereignty but sovereignty completely effaced. Its impossibility means that the state, instead of withering away, will

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[51] Thought it is beyond the scope of this chapter to fully defend it, I am also working from the position that this letter informs the whole of Marx's philosophy. This means a rejection of the Althusserian view that there is a drastic shift between the so-called early humanist Marx and the mature scientific Marx. In focusing on species-being as grounding Marx's potential contributions to political philosophy I am also endorsing a humanist reading of Marx that is at odds with Althusser. See Grant 2005 and Ruda 2009 for two very different interpretations of Marx that produce a radical humanism.

always lack complete legitimacy, yielding a theory of exclusion and resistance. This interpretation goes against Marx's ideal of the future transparency between man and nature, or the natural and the social—the overcoming of all dichotomies. Resistance would be obsolete in such a world simply because it would be unnecessary. Continuing his critical stance from the standpoint of our own time means that we must, in a way, move on from Marx. His own position, as sketched above in the letter to Ruge, makes such a move necessary; we must confront the struggles and tasks of "our time" in order to clarify our criticism and our struggles.[52]

Section I: The Activities of Species-Being and the Link between Nature and Society

The purpose of this section is to provide an account of species-being that makes clear just how significantly Marx departs from other influential accounts of the human animal.[53] Most important is the fact that Marx rejects a particular view of 'natural man.' This has certain implications for thinking about democracy and political organization, which I will bring out in Section III in putting forth the details of specific to my interpretation of Marx.

Marx's definition of the human being and his characterization of the human essence in terms of species-being is a direct response to two strains of thought.[54] The first is the contractarian political philosophy of Hobbes, Locke, and Rousseau.[55] The second is the classical economic theory of Smith and Ricardo. The two are connected through their reliance on the state of nature as a conceptual tool to develop their notions of human beings and human society. Marx's articulation of the relationship between nature and humanity—and implicitly, therefore, the possibility of the

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[52] The contemporary world's globalization, heterogeneity, and the fact of pluralism should certainly inform any contemporary reading of Marx. This is also what Rawls does with Liberal contract theory: inherit its spirit and adapt it to a different world from a new perspective.

[53] Wartenberg 1982 argues for species-being as central to Marx's critique of capitalism, and so is a helpful companion to my argument that species-being grounds critique through political resistance.

[54] See Henry 1983 for an argument for the philosophical (as opposed to the economical or sociological or political) centrality of Marx and his unifying focus on what it means to be human.

[55] As is clear from the previous chapter, I disagree with Marx's view on Rousseau, who I take to be much closer to Marx than Marx himself realizes.

movement from the state of nature to the state of civil society—offers a corrective to these views. Instead of drawing a distinction between nature and civil society, and establishing the human through the details of the conceptual movement from one to the other, Marx rejects the dichotomy. Through this rejection he sets up a unitary, though not static, view of nature. He posits a dynamic series of relationships, all internal to the natural world, focusing on our productive capacities as living creatures interacting with their environments. Importantly, this removes the necessity of the formation of a state in the founding of civil society, a primary element of the contractarian view. Though Hobbes, Locke, and Rousseau are all clear that they did not believe that the states of nature they described ever existed, they rely on the conceptual distinction between such a purely natural state and the artificial world of civil society in order to theorize political legitimacy. For Marx this kind of theorizing is unhelpful and incoherent.

Since there is no purely natural state that human beings must leave, forming civil society in doing so, then the foundation of the legitimacy of the state that is set up through civil society's founding is also undermined. For social contract theorists the state of nature, even conceived of only theoretically and not historically, provides the conceptual basis for the legitimacy of the state and its institutions. It articulates the conditions that must obtain for legitimacy to exist. Though eventually he believes that the state will wither away and Communism will arrive, Marx nonetheless believes that the existence of states in the here and now must be the starting point for political philosophy. I will eventually reject Marx's thesis on the withering away of the state, but I do follow him in recognizing the importance of refusing to admit a state of nature into political theory. The social emancipation that I argue for in this chapter is based in this very refusal.

In the *Manuscripts* of 1844 Marx is explicit about rejecting the state of nature, which he calls "some imaginary primordial condition" (Marx 1992d: 323). The reason for the refusal is simple: recourse to the state of nature as an *explanans* tells us nothing about the current state of humanity as

we find it, which is the only starting point that Marx thinks we are capable of taking up.[56] Marx further rejects of the idea of the isolated human in the state of nature at the outset of the *Grundrisse*, where he writes, "The individual and isolated hunter and fisherman, with whom Smith and Ricardo begin, belongs among the unimaginative conceits of the eighteenth-century Robinsonades ['Utopias on the lines of Defoe's *Robinson Crusoe*'], which in no way express merely a reaction against over-sophistication and a return to natural life, as cultural historians imagine" (Marx 1993: 83).[57] On this interpretation, these stories of isolated individuals are *not* merely the rhetorical or literary devices that tell us about human nature that Hobbes, Locke, and Rousseau might think they are. For Marx all of the stories told about the state of nature are themselves responses to the material conditions of civil society, and therefore tell us not about ahistorical human nature but instead about the states of civil society confronted by their authors. More specifically, they are stories about newly emerged forms of human independence within civil society that was brought about in the 17th and 18th centuries.

Afforded a previously unknown freedom from familial attachment in civil society, philosophers went about trying to understand such newfound individual freedom. In doing so, they read it back through history as a natural law. Marx reiterates the point in his brief discussion of J.S. Mill at the beginning of the *Grundrisse*. He points out that Mill, in identifying the bourgeois relations of production in society, presents them as "natural laws independent of history" (Marx 1993: 87). Rather than being ahistorical, Marx sees them all as stories about the present, projected back into the past and naturalized. These philosophers are actually interrogating the current material conditions of society and the newfound civil autonomy of individuals (Marx 1993: 83ff.)

Marx begins these draft notebooks with this discussion of the state of nature and the *Robinsonades* because he will go on to give an outline of his theory of production in the *Grundrisse*.

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[56] Marx's argument here is structurally similar to Aristotle's rejection of Plato's unitary Form of the Good as inadequate for explaining what it set out to explain.

[57] The state of nature stories told by Hobbes and Locke would be forerunners to the more mature (that is, for Marx, economic) views of Smith and Ricardo, which drew from Defoe.

Insofar as a story of production is a story about the individuals who are part of that process of production, it must also a story about a certain conception of those individuals as human beings. Marx positions his theory of production opposite those of Smith and Ricardo. He sees a debt to the social contract theorists and *Robinsonades* in both, due to their theories of the isolated and autonomous individual. This type of individual, however, has never actually existed. In contrast, Marx cites Aristotle's formulation of the human, but gives his own gloss on the famous phrase: "The human being is in the most literal sense a [political animal], not merely a gregarious animal, but an animal which can individuate itself only in the midst of society" (Marx 1993: 84). The individual as we know it is dependent upon society in order to exist at all.[58]

The opening section of the *Grundrisse* concisely encapsulates Marx's view of the individual, around which his articulations of the natural world revolve. It presents the individual in opposition to the autonomy of both the social contract theorists and the classical political economists, and sets up the framework of his overall view. Given this introduction, it should be clear that the position of the human being vis-à-vis nature and society is an interesting one for Marx because he rejects the very terms of the discussion, at least as it was proceeding among the classical economists and political philosophers. In other words, there is not an essential dichotomous relationship between nature and society that he wants to outline and then defend. Instead, nature is viewed as the overarching concept that encompasses and grounds any view of the state and civil society. Furthermore, civil society is an obstacle to the ultimate realization of freedom that Marx sees in the post-capitalist world of Communist society, available only through human emancipation.

For Hobbes and Locke—though in different ways and for different reasons—the state of nature is a theorizable conceptual space that can serve certain practical or theoretical ends; they were under no illusions that it ever existed. Marx rejects this. The *Theses on Feuerbach* (Marx 1992e: 421-

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[58] See Chitty 1997 for an exceptionally clear rendering of Marx's view on the essence of human beings from a purely ontological standpoint.

423) contains a broad outline of many of the ideas that are more fully fleshed out in other texts. In the *Theses* Marx positions himself between Hegel and Feuerbach.[59] In Marx's view, the latter doesn't adequately oppose the former because his materialism (along with all other previous forms of materialism) remains passive and objective. It ignores human beings and practice, and so is unable to grasp "practical-critical" activity; it always remains merely contemplative (Thesis I). This is evident in Feuerbach's discussion of human essence abstracted from all individuals. Human essence is instead, Marx counters, "the ensemble of social relations," which Feuerbach does not see; he ends up with an isolated individual just like Smith, Ricardo, and the social contract theorists (Thesis VI). The centrality and importance of activity—and therefore society—for Marx is evident here, and this emphasis grounds the view that follows.

The consequence of Marx's social view of humanity is that any ahistorical human essence, whether that of Feuerbach, Locke, or Ricardo, is a social product belonging to particular forms of society (Thesis VII). Marx's argues that Feuerbach's crude materialism leaves out the human agent and reduces actors to merely passive observers, which leaves humanity at the mercy of history. Marx's emphasis on history is what frames the discussion of species-being. The reciprocal relationship between history and human beings is in the foreground—human beings make history just as history makes human beings. Agency is neither entirely formed by circumstance nor removed. I now want to turn to the ways that Marx rejects the terms of the relationship between nature and civil society that are accepted by the contractarians, and in doing so provides his own account of human beings, species-being.

Marx's account of species-being is a dialectical one that doesn't in principle privilege any one moment over any other. The rejection in the *Theses* of one-way determination guides the rest of Marx's account. The most immediately relevant issues in fleshing out this dialectical determination

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[59] See Held 2009 for an elaboration of Marx's relationship to Feuerbach on this point.

of history and humanity are the ways that Marx characterizes both the human being and the natural world in these texts. The logical place to begin is with Marx's equation of the human being with what he calls species-being. Hobbes and Locke define the human being as primarily a bearer of rights. Marx does not disagree that humans are or can—or even that in some situations *should*—be such bearers. His disagreement depends on the distinction between the political and the human that will be the subject of the following section. For Marx, rights act at the level of political emancipation and so are unable to deliver the true human freedom that only comes through human emancipation.

Marx describes humanity in the following way: "Man is a species-being, not only because he practically and theoretically makes the species—both his own and those of other things—his object, but also—and this is simply another way of saying the same thing—because he looks upon himself as the present, living species, because he looks upon himself as a *universal* and therefore free being" (Marx 1992d: 327). This invocation of the universal is a forerunner of Marx's usage of Aristotle at the outset of the *Grundrisse*. As Held puts it, "Marx's theory of species-being is thus both an account of what makes a human being human, and the fact that this essence of humanity is only (potentially) fully realized within the community" (Held 2009: 146).

The human being is a species-being because, as individuals, humans view themselves as acting out what it means to be the universal. There is a question here about whether or not Marx thinks that we are conscious of doing this or simply do it pre-reflectively. The letter to Ruge is of particular relevance on this point. Recall that this is where Marx characterizes critique as having the particular benefit of being able to make those who engage in it more self-conscious of their own critical aims. Part of what critique does is that it helps to clarify even our own critical practices. At the level of our species-being, even though self-consciousness will reveal this aspect of our existence to us, it is also already in play whether we realize it or not. Recognition of ourselves as species-being

would be transformative, in that humans would now see themselves as having potential that they had not known about previously. Only retrospectively would they see that it was there all along and being put to use.

Making the species the object of our actions means that through this activity we make ourselves into instantiations, or manifestations, of a universal. That is, there is something that is fully actualized in each individual, and that is the universal notion of the human species. The connection to human activity is important, since it is activity that will be connected to labor and to nature.[60] We can subsequently see how Marx is glossing this idea when he writes that the human is, "an animal which can individuate itself only in the midst of society" (Marx 1993: 84). Society exists insofar as human beings see themselves as universal beings, part of a species in which there are others like themselves, with whom they cannot help but interact. This is the mere cognitive ability to see others as we see ourselves.

Stephen Mulhall emphasizes this point when he writes, "Any animal lacking consciousness of itself as a member of a species would be incapable of recognizing any of its actions as deriving solely from its membership in that species, as being species-specific actions rather than, for example, individual actions" (Mulhall 1998: 14). Mulhall places human drives, which are in need of development through enjoyment, at the center of his account of how we individuate ourselves as members of the specifically *human* species.[61] Part of what makes human species-being unique is that we use these drives and our praxis emanating from them to modify our nature within the contingent limits of history; humans are their own task (Mulhall 1998: 15). The resistance that forms social emancipation echoes this specific point: society is its own task, and we can only achieve human freedom through our efforts to modify it for the better according to our social nature.

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[60] See Dyer-Witherford 2004 for a fascinating account of species-being in relation to the high-technology capitalism of the contemporary world.

[61] Mulhall highlights perfectability, which again indicates Marx's debt to Rousseau (Mulhall 1998: 15).

Society in general means nothing more than human beings living together in the world. As Wartenberg notes, species-being is "an attempt to understand the human being as a creature in society, faced with naturally imposed conditions of existence, but capable of an incredible breadth of response to those very conditions" (Wartenberg 1982: 95). All forms of civil society are also forms of society generally, but society generally is not exhausted by those forms.[62] Just as Communism, the society beyond civil society, is still a form of society in general, states of nature are also forms of society and human interaction. Hobbes is a helpful comparison. The Hobbesian war of all against all described in *Leviathan* counts as a form of society for Marx. Hobbes views it as a group of atomized individuals all seeking nothing by their own particular gain and survival; whence the need to come together and form civil society. The movement is from one extreme of competition to another of cooperation (read: subjugation); the line is starkly drawn. Marx counters by offering the observation that human needs and desires preclude the competitive state of nature from playing the natural role that Hobbes wants it to play. Our survival—the very desire that Hobbes says directs competition—is actually what makes such a view implausible.[63] Put differently, we already know prior to civil society that at least some form of cooperation leads to survival.[64]

The meaning of species-being takes shape in the context of estranged labor and its relation to capitalism. The possibility of human alienation plays a central role in how Marx identifies the human, its possibility of having rights, and its relation to the natural world. Within capitalism, Marx argues, we find the necessity of alienation, and of humanity's estrangement from itself. Our essence

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[62] Society in general is merely the condition of human beings living amongst one another in some way. Civil society is a subset of society generally, which includes institutions and organizations constructed by citizens to structure their communal lives.

[63] Rousseau predates Marx on this point as well, though he articulates it differently. See his *Discourse on Inequality*.

[64] A similar line can be run regarding Locke's view, though his is not as rigid as Hobbes,' since it admits of three levels instead of two and allows for property in the state of nature.

as human beings—as species-being—is separated from our existence in that it is not being actualized through our activity. The alienation of labor is constituted in a number of ways.

The first is that the labor is external to the worker (Marx 1992d: 326). This means that the work is not part of the worker's essence; he denies himself in his work; he only "feels himself" and feels "at home" when he is not working. The labor undertaken by the worker is forced labor, undertaken as a mere means and not as an end in itself. The worker has no choice if he is to attain survival or satisfy any other needs. Marx summarizes these points when he writes, "the external character of labor for the worker is demonstrated by the fact that it belongs not to him but to another, and that in it he belongs not to himself but to another" (Marx 1992d: 326). Note that the implication is identification between the individual and work or activity. Fittingly, several lines later this is termed "a loss of his self" (Marx 1992d: 327).

The personal life of the worker is turned against him, insofar as it is alien to him and owned by another. The worker's activity—"for what is life but activity?"—becomes separate from him, and all that is left that can be said to be properly his are his merely bodily animal functions (Marx 1992d: 327).[65] Though Marx locates the human beyond strictly biological functions, he does not stray from materialism. The labor of the worker is connected to nature and its relation to species-being, so the alienation brought about by the capitalist mode of production directly relates to the natural world, which is inseparable from human beings. Here Marx focuses on what he calls *inorganic nature*. On the one hand, human beings physically live from the natural products that they find in the world. On the other hand, "the universality of man manifests itself in practice in that universality which makes the whole of nature his *inorganic* body, (1) as a direct means of life and (2) as the matter, the object and the tool of his life activity. Nature is man's *inorganic body*, that is to say nature in so far as it is not the human body" (Marx 1992d: 328, emphasis in original). What is not the human body is

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[65] In his *Ethics* Alain Badiou (2001) draws heavily on this formulation of the human being.

nonetheless an extension of it, since we use our bodies to make use of and manipulate what is physically external to us. Given the relationship that Marx holds between nature, labor, and the human being, not *all* nature is going to be the inorganic body of the human being, since inorganic nature is limited to what humans beings are capable of mixing their labor with. This obviously changes over time and with the alteration of labor's productive power. We may have no idea in advance what elements of nature will become part of our inorganic body.

The human is central to Marx's entire account, not just of nature but also of production, capitalism, and history generally. We saw above that it is part of conceiving of the individual as species-being that it sees itself as universal. This universality in relation to nature means that everything outside of the human body is secondary in some way—notice he uses the term inorganic, not unnatural. However, there is not a hard separation between the human and nature, even if the latter is inorganic. Nature itself makes up the inorganic body of the human being, which means that, though the human is *central*, it is not *isolated*. Humans are the historical agents that drive change, both to themselves and to their environments.

In their capacity as these agents, it is a matter of taking control of history such that, as a species, we are able to realize the potentialities of human flourishing to the fullest extent. This resonates strongly with the letter to Ruge, insofar as the realization of this potential is gained through critique of our own time. The historical point must be emphasized. Only in the context of history and temporality can this potential be actualized. Since time and history occurs for human beings together, Marx further underlines the lack of isolation of each individual.

Regarding the activity carried out by species-being, Marx writes in the *Grundrisse*, "Nature builds no machines, no locomotives, railways, electric telegraphs, self-acting mules, etc. These are the products of human industry; natural material transformed into organs of the human will over nature, or of human participation in nature. They are *organs of the human brain, created by the human*

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hand; the power of knowledge, objectified" (Marx 1993: 706). Through this kind of activity human beings add to nature, making it objective. Only nature that is not worked over by human beings through their activity remains inorganic, as even machinery fashioned from nature can become organs of the human body in its productive activity. Marx is adamant, "Labor is *not the source* of all wealth. *Nature* is just as much the source of use-values (and what else is material wealth?) as labor, which is itself only an expression of a natural power, human labor power" (Marx 1996: 208). The human as species-being is the locus of these formulations, but what is defined as body or not body, organic or inorganic, is not restricted to a simple view of the human being. It is the activity itself that can change these definitions over time.

The individual human is inherently connected to the universal human species as well as to nature. The human is elevated above the merely natural, as Marx makes clear when he writes, "man is not only a natural being; he is a *human* natural being; i.e. he is a being for himself and hence a *species-being*…as everything natural must *come into being*, so man also has his process of origin in *history*. But for him history is a conscious process, and hence one which consciously supersedes itself. History is the true natural history of man" (Marx 1992d: 391).[66] As human beings make history, so to do they make themselves and their own species-being. Activity, including reflective and self-conscious activity, is central to this process, as both the human being and history are continually coming into being—being brought into being—by the productive activity of those same humans.

The *human* natural being is more than *mere* natural being, a distinction that I ascribe to Marx's initial rejection of Feuerbach's version of materialism that we saw above in the discussion of the *Theses*. That crude materialism was rejected for not being able to grasp any dimension of activity or praxis; for Marx human life is production and activity, which means agency and not quietism in the

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[66] Cf. Michel Foucault's *The Order of Things* (Foucault 1994).

face of the domination by the movements of history.[67] This two-way determination comes out in the relationship between the individual and society: "Just as society produces *man* as *man*, so it is *produced* by him. Activity and consumption, both in their content and in their *mode of existence*, are *social* activity and *social* consumption. The *human* essence of nature exists only for *social* man…*Society* is therefore the perfected unity in essence of man with nature" (Marx 1992d: 349). Existence is a social activity, and even in private work we are social beings (Marx 1992d: 350). Nature's objective essence depends upon human social life, and though this means that there is only ever context, the movements of history determine these contexts. Furthermore, this double relation between the natural and the social is always present for humanity: "The production of life, both of one's own labor and of fresh life in procreation, now appears as a double relation: on the one hand as a natural, on the other hand as a social, relationship" (Marx 1983: 173). The two are unable to be separated, though their formulations are open to change depending on the forms that productive human activity takes.

On this view, it looks like labor is the essence of human beings. But laboring under capitalism, insofar as it necessarily entails the alienation of the worker, erases human beings from society and creates a soulless and inhuman world (Marx 1992d: 352ff). Then what of the properly (read: full, non-alienated) human? It can only be achieved in a post-capitalist world; that is, it can and will be achieved in communism. Human beings only produce in true freedom when they do so not merely out of need—this is what sets humans apart from non-human animals on Marx's view (Marx 1992d: 328-329). When human beings produce well they subordinate economics—mere means—to universal ends: "It is therefore in his fashioning of the objective that man really proves himself to be a *species-being*" (Marx 1992d: 329). This is also the only way toward true freedom for Marx, freedom from the subsuming of human need to economic need.

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[67] Going against Marx's teleological view, I interpret this point as strongly anti-determinitive and grounded in the regulative ideal of freedom and communist society. I will expand upon this point below.

The category of 'social' is exhaustive for Marx. It is the space determined by the material productive forces in a given society, forces that are outside of the control of any particular individual or group of individuals. They are instead already in place—and so constituted historically. In other words, we all enter into a society that is already ordered a certain way, which we are unable to change on our own. Relations of production are necessary even for our survival, again rejecting the Hobbesian emphasis on atomistic individuality in the state of nature. Successful survival is precisely the development of new, better forms of production (Marx 1978: 4).

Though not exhaustive, this overview of the way that Marx articulates the human individual in relation to nature and the natural is sufficient for my purposes here. The relationship between human beings and nature is a dynamic and reciprocal one. In rejecting Feuerbach, Marx embraces a view of humanity that is active and productive, and that understands itself as universal. As such, each human being is inherently social, connected to others and to nature—both of these are constitutive of activity and production. Now these views of nature, the human being, and the human species must be related to a discussion of democracy and emancipation.

Section II: Between Political and Human Emancipation

Our discussion of species-being has shown that it is inextricably temporal. It is also social, and through its productive capacities its activity makes history and its movements objective. Its productive activity is grounded and directed by needs, which differ depending on the prevailing societal formation, be it feudal, capitalist, or otherwise. Marx's teleological view of history, which my interpretation of his thought leaves behind, sees each successive societal formulation as an overcoming of the former, which means overcoming the alienation proper to each (Marx 1978: 5). Subsequently, in each new formation of society humanity renders itself *more free* than before. True equality would come with true freedom, which according to Marx is only available in Communism. This absolute freedom entails that humans would be freed from acting only on economic and

political need, but rather on human need. The language that Marx uses to describe Communist freedom mirrors the language that he uses to describe the dichotomy between political and human emancipation. Consequently, in rejecting the latter dichotomy of emancipation, I also reject the thesis that only in Communism, beyond alienation, is freedom possible. Freedom remains the goal, but we can locate it elsewhere.

This involves rethinking the distinction that Marx draws between human and political emancipation, and with it his articulations of democracy. In the texts where Marx derides political emancipation he does the same with democracy. I want to recover democracy for Marx and place it within the framework of social emancipation that I develop in the following section.[68] Since social emancipation entails achieving freedom through resistance to ideology and alienation, it situates democracy within that resistance as well.[69]

The direct connection between individuals, their interaction, and their environment means that there must be a distinction drawn between society generally and civil society. Marx reserves the latter for scorn insofar as he views it as synonymous with bourgeois capitalism. The emphasis is on 'civil,' not 'society.' In other words, civil society is just one possible form of society. One form of civil society is the bourgeois capitalism of Marx's day. That particular form arrived on the heels of feudal society, from which it is distinct, and will be supplanted by Communist society. Civil society is the realm of everyday economic activity, which means that it is distinct from the state. It also means that all forms of human society up through capitalism have been civil societies, but that

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[68] See Doveton 1994 for a helpful survey of the ways that democracy shows up in Marx and Engels. He ends on a positive note, writing, "in spite of certain inadequacies, Marx and Engels can still make an important contribution to current debates about the meaning of democracy" (Doveton 1994: 591). See also Pierson 1986 for an attempt to place Marx's politics and notions of democracy within concrete efforts at socialism.
[69] Femia 1985 argues that Marxism is not compatible with radical democracy (conceived through the writings of Rousseau, Mill, and Marx himself). Regarding radical democracy, my interpretation here situates Marx closer to the interpretation found in Howard 1999 and Abensour 2011, though it is notable that Femia's argument has more to do with *Marxism* than with *Marx*.

Communism will cease to be civil in the same fashion. There, human need takes the place of merely economic need, and the limitations of civil society have been overcome.

Civil society is the sum total of the material conditions of life within society, but it is not primary: its anatomy is found in that same society's political economy. Marx's analysis and definition of civil society shows us why he rejected the idea that real change could come from within in through political emancipation. Civil society is able to grasp legal relations and forms of state, but political economy explains or structures civil society and gives it its meaning. The result is that, in order to be able to understand legal relations and forms of state, we must study political economy. Thus Marx is led to devote his later to work to such study. The broader point resonates with Marx's letter to Ruge and its insistence that attention be paid to real struggles: the particular is determinate of the general; the general doesn't come first (Marx 1978: 3-6). Legal relations arise from economic ones (Marx 1996: 211). Civil society is determined, it is not determinate.

Seyla Benhabib has argued for a reconceptualization of Marx's notion of civil society in relation to Hegel in a way that resonates with my overall strategy. She shows how Marx's logic of civil society must be thought of as distinct from Hegel's precisely because of Marx's break from Hegel with regard to "the unity of the Hegelian totality," which "consists of the one principle that emanates through it" (Behnabib: 1981 164). Marx's emphasis on "a moving, dynamic, and self-reproducing totality" is of a different order than Hegel's "unfolding of a single conceptual principle" (Benhabib 1981: 164). Benhabib's separation of Marx from Hegel on this point coincides with my argument for social emancipation and the dynamic resistance that then constitutes freedom. Benhabib ultimately calls Marx's logic "the method of expounding a concrete and differentiated totality" (Benhabib 1981: 165). This could also be an apt description of the logic of resistance that I am presenting: a radical break with capitalism does not occur, keeping the totality intelligible from

the side of the present, but it remains both concrete, because it begins with real struggles, and differentiated, because those struggles dynamically alter the totality through resistance.

In turning to Marx's critique of the bourgeois capitalism of his time we can see exactly how and why he draws the distinction between political emancipation and human emancipation. Marx grounds his dichotomy of emancipation in a critique of Bruno Bauer. His charge is that Bauer, in rejecting Jewish religious freedom in favor of a secular democratic civil society, confuses political emancipation with human emancipation. Political and civil rights belong on the level of bourgeois reform, not to the level of revolution that would overthrow the existing order. The alienation defined by Marx describes the worker within the existing capitalist system. A democracy that gives certain rights to its citizens will not, however, erase that alienation. Instead, democracy only gives sovereignty to *alienated* man, in the sense of alienation described above.

Alienation is the hinge of Marx's emancipation dichotomy: as long as it exists, human emancipation has not occurred. Religion, just like capitalism, alienates. Religion is the spirit of bourgeois civil society, and it alienates individuals from both themselves and from their community (Marx 1992c: 223). Religion is the product of oppression and discontent—the realization of human essence entails its abolition, along with the abolition of everything else that alienates human beings (Marx 1992a: 244). The idea of a perfected democracy "demands of no one that he accept Christianity, but simply that he accept religion in general, any religion" (Marx 1992c: 226). That is, civil society gives freedom *of* religion, not freedom *from* religion—this is not real freedom, just as it is also not freedom to 'freely' enter into contracts as a worker within capitalism, and so the freedom gained by democratic civil society is the mere freedom to engage in alienated labor (Marx 1992c: 232-233). Freedom is impossible as long as there is alienation.

Bourgeois civil society "leads each man to see in other men not the *realization* but the *limitation* of his own freedom" (Marx 1992c: 230). In contrast to this view, Marx writes in *The*

German Ideology, "Only in community with other has each individual the means of cultivating his gifts in all directions; only in the community, therefore, is personal freedom possible" (Marx 1983: 193). This means that there is no initial natural freedom that we then lose. Instead, freedom must be constituted through true communal life. Put another way, we do not have freedom to lose, only to gain. This echoes my interpretation of Rousseau in the previous chapter. The state, however, is only an *illusory* form of communal life (Marx 1983: 176). It does not guarantee freedom in any way, and even if it were 'free' the result would not be the freedom of the individuals within it. In the terminology used above, this is to focus on the general at the expense of the particular. As Marx writes, "The state can liberate itself from a limitation without man himself being truly free of it" (Marx 1992c: 218; see also Marx 1996: 221, where he asks, "A free state—what's that?"). This is why communism will entail the eventual withering away of any existing state.

The state is unnecessary to foster community because humanity, as *species-being*, is *already* communal and inseparable from nature. At bottom, there is the intercourse among human beings that produces not only the various societal forms of production, but what we think of as the very essence of the human being: "For language, like consciousness, only arises from the need, the necessity, of intercourse with other men…Consciousness is therefore from the very beginning a social product, and remains so as long as men exist at all" (Marx 1983: 173-174). Again, we do not begin with individual consciousness and then put them together to form a society, just as we did not begin with an understanding of nature that stands alone.

Following from this grounding, Marx's "first premise" is the existence of actual, living human individuals, "real individuals, their activity and the material conditions under which they live," instead of abstract freedom, equality, or a set of natural rights, (Marx 1983: 163).[70] These individuals are the ones living, making history and their own subsistence, and their nature depends

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[70] This starting point calls to mind Rousseau's in *The Social Contract*: "men as they are, laws as they might be" (SC 1.0.1).

on the material conditions determining their production (Marx 1983: 163-164, 171). The particulars of the existence of civil society comes from them and their activity: "The form of intercourse determined by the existing productive forces at all previous historical stages, and in turn determining these, is *civil society*" (Marx 1983: 179). This highlights the two-way, dialectical relation that Marx outlined in the *Theses*; history and the forms of production affect *species-being*, which affects history and the forms of production, and so on.

Capitalism provides a new lens through which to view human beings because the bourgeois civil society that goes along with it has a certain character. The various facets of life are separated out and individuated, a state of affairs that is distinct from the previous feudal mode of life. Under feudalism, all elements of life were combined and housed under the umbrella of the political. There was always a political relationship between the single individual and the state as a whole (Marx 1992c: 232). The political revolution that overthrew the feudal order "*abolished* the *political character of civil society*. It shattered civil society into its simple components*" (Marx 1992c: 232). Bourgeois capitalism is this shattering, resulting in the distinct spheres of public—political—and private—property, labor, etc.

Marx is identifying democracy with capitalism, a move that is at best equivocal and at worst misguided. A charitable reading entails that Marx is failing to distinguish between two uses of the term democracy. On the one hand, there is its current bourgeois form that seeks things like rights from within the framework of the state. This is exactly the stance of Bauer's that he rejects. On the other hand, however, there is democracy in its ideal or potential form. The latter usage of democracy is one that Marx wants to hold onto and that we can identify with equality, freedom, and

creativity. Indeed, it would see its proper manifestation in Communism, when each and all would be free and equal.[71]

In democratic civil society natural man serves only as the bearer of natural human rights.[72] However, these rights fall under the political sphere of this new, non-feudal formation of society, meaning that they will not bring real freedom to humanity. "True" natural man, one apart from rights, will only come after capitalism. That is, the realization by humanity of humanity as *species-being* will be the beginning of human emancipation and the beginning of freedom. Conversely, bourgeois democratic civil society can only offer political emancipation: "Political emancipation is the reduction of man on the one hand to the member of civil society, the *egoistic, independent* individual, and on the other to the *citizen*, the moral person" (Marx 1992c: 234). The split within the individual necessitated by political emancipation in bourgeois society is the alienation that is constitutive of that form of society. These two options—human and citizen—track the separation wrought by capitalism upon the unity of life under feudalism.[73] This is the positive element of feudalism, and it is the unity that we want back, though in a new—better and more advanced— form. If rights are fought for and won, nothing has been done to overcome the separation between human and citizen. That is why political emancipation while often very positive, remains limited.

Indeed, Marx critiques the Gotha Program for conceiving of its struggle within the "narrowest national perspective" (Marx 1996: 217). The "bounds of the present-day national state," which the Program explicitly invokes, renders real equality impossible. In reality, "*equal right* is continually beset with bourgeois limitations." For workers within that framework, equal right means only an unequal right to unequal labor. Since the economic base of society is determinative, and

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[71] There is another parallel with Rousseau here: just as the ideal of Communism would be true democracy, the ideal of the General Will achieves the same.
[72] Miguel Abensour describes Marx's *Critique of Hegel's 'Philosophy of Right'* as offering "a critique of political modernity under the banner of democracy" (Abensour 2011: 12).
[73] Again, Rousseau is a forerunner here.

society is capitalist, then any conception of rights must be within the bounds of that system. As Marx writes, "Rights can never be higher than the economic form of society and the cultural development which is conditioned by it" (Marx 1996: 214). In making its demands internal to the system, the Gotha Program undermines its own goals, rendering success impossible from the outset.

Marx decries as fantasy the idea that state aid will be able to transform society. A new society must instead be achieved through revolutionary means, as opposed to reformist. The reforms called for, such as the establishments of co-ops under workers' democratic control, would only achieve their aims if they were independent of the bourgeois government (Marx 1996: 221). These proposals are capable of seeking anything more than the political emancipation that Marx sees in Bauer's text.

Opposite this definition of mere political emancipation is the more fundamental idea of human emancipation. But human emancipation as a *political* achievement is illusory; for revolutionary politics the state is merely instrumental. Marx describes this form of emancipation in the following way:

> Only when real, individual man resumes the abstract citizen into himself
> and as an individual man has become a *species-being* in his empirical life, his
> individual work, and his individual relationships, only when man has
> recognized and organized his *forces propres* [own forces] as *social forces* so that
> social force is no longer separated from him in the form of *political* force,
> only then will human emancipation be completed (Marx 1992c: 234).

Instead of political rights won within the confines of the democratic state, human beings ought to achieve emancipation encompassing the entirety of social life, and the totality and unity of social

forces. Freedom is not exhausted by a political regime of rights.[74] Instead, the social and political must be fused together, something that comes about through the realization of humanity as *species-being*. Against the limitations of the Gotha Program, human emancipation transcends bourgeois right, naming a society whose motto is: "from each according to his abilities, to each according to his needs" (Marx 1996: 215).

The full articulation of *species-being*, as the natural essence of humanity, therefore comes at the end of the history that Marx is telling. Its realization will bring about the end of capitalism and bourgeois civil society because it will abolish the separation of the political and social spheres. This would not entail a move backward to feudalism, but a move forward to something new. In keeping with his criticism of the French utopian socialists, Marx does not characterize Communism as an ideal reality—it is not supposed to be utopian (Marx 1983: 179).

Yet this is precisely the tension in Marx's thought that I am attempting to resolve through social emancipation. In distancing himself from utopian thinking, Marx makes Communism into the very movement that abolishes the present material conditions—communism is thinking differently, or learning to think differently (Marx 1983: 179). That is, the term does not pick out a particular form of society, only a general form that has overcome alienation and a lack of full freedom. It arrives at the end of pre-history, after capitalism, and is the first non-antagonistic societal formation (Marx 1978: 5). History proper, then, begins where antagonism and alienation end. This sets up history to encompass any number of further societal formations that are non-alienating and that are "Communist" in form.

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[74] I should note that this does not mean that rights are irrelevant by any means. I take Marx's polemics against rights talk in these passages under discussion to be indicative of his insistence on *human* emancipation; rights talk does not move past the inadequacies of *political* emancipation. Since my position here is that this opposition itself is untenable it is not a problem for me to embrace rights talk while still insisting that freedom is not exhausted by them; alone they are inadequate. It has traditionally been the Analytic Marxists who have broached the subject of rights within Marxism (see Buchannan 1982 and 1983, Miller 1984, and Peffer 1990 in particular). It is worth noting, however, that Balibar stands with them in his steadfast affirmation of the importance of rights (see Balibar 1994 and 2014).

Marx has set up a radical break between the pre-history of antagonistic societies and the history proper of Communist societies. In rejecting the necessity of this historical rupture I nonetheless follow Marx in conceiving of Communism as thinking differently; social emancipation and its activities of resistance continually attempts to think differently. It is guided by the ideal of freedom beyond antagonism that constitutes Communism, but denies the singular rift between pre-history and history.

Section III: Social Emancipation and the Activities of Resistance

In this section I want to put forward what I call *social emancipation*, which is meant to take the place of the distinction that Marx draws between political emancipation and human emancipation. Political emancipation is rejected for only offering reform, doing its work from within the system. It accepts the state *qua* state and believes that it can achieve its goal of emancipation from within that framework. Political emancipation, however, is revolutionary and would dissolve the current formation of society and the state. This very dissolution is the achievement of emancipation on this view, so by definition it must not do its work on the state's terms.

In offering a unified alternative to this dichotomy I am not rejecting Marx's overall view.[75] He shows us in *Capital* all of the ways that capitalism is easily able to adapt and co-opt legislation attempting to limit its ills—political measures—for its own ends, undermining these efforts at reform. Though he may very well not realize it, implicit in his description of capitalism's seemingly endless capacity for adaptation in the face of reform is a rejection of the ideal of human emancipation. This could be the reason for Marx's shift toward economic analysis in his later works. It is beyond the scope of this chapter to investigate these ideas further, but it suffices to say that my

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[75] I follow Ernesto Laclau (2001) in considering Marx's dichotomy untenable, though I part from him in that he comes down on the side of political emancipation, while I want to offer a new category distinct from both.

view is recognizably Marxian in that I want to account for the same goals as Marx: freedom and emancipation as sought outside of, and against, the state.

My account of species-being is the basis for my argument in favor of social emancipation instead of human emancipation. That is, the freedom that is proper to human beings *qua* species-being is achieved not in human emancipation, as Marx would have it, but in social emancipation. Marx errs in rejecting political emancipation as strongly as he does, failing to see how the distinction between political and human emancipation is not as stark as he would have it be. *Capital*'s account of how industrial capitalists were able to incorporate any new law intending to improve the lives of workers into their business model makes the potential shortcomings of political emancipation clear, and so Marx is not wrong to be critical of Bauer. He does, however, let his critical tendency get the best of him in this instance. The question now is, how to reconceive emancipation while maintaining a critical stance? My answer is social emancipation.

My contention is that human beings *qua* species-being are able to achieve a form of freedom that is compatible with Marx's aims in articulating human emancipation. As we have seen, Marx argues that human activity continually shapes and directs history. The goal of human activity is the continual shaping and direction of human activity in accordance with freedom, democracy, creativity, and equality. Marx thinks that bourgeois democracy only gives sovereignty to *alienated* man. Accordingly, overcoming alienation is the goal of human emancipation. The activities of social emancipation are also geared toward overcoming alienation.

Marx sees the natural as coming at the end of the historical account that he is giving, which is the end of pre-history. History proper, the future Communist history in which alienation has been overcome, is the history of natural humanity. This is the inverse of the state of nature scenarios given by Hobbes and Locke, in which natural man leaves that state and enters society. This is supposed to be the realization of species-being and the understanding of the relationship between

humans and the natural world that they are a part of. Such transparency, however, is suspect not only from a contemporary lens, but is also in tension with Marx's own thought. Why would what amounts to a future state of nature be any less of an "imaginary primordial condition" than a past one? (Marx 1992d: 323).

There is no important sense of the natural or the social that is separated from the other. Human beings are always interacting with nature. The social, insofar as it deals with cooperation or interaction, goes all the way down—there is, nor has there ever been, no solitary individual. Production, then, insofar as it is connected to the basic intercourse between humans, also goes all the way down. But, production *always* includes nature, so the social and the natural are always interconnected. Here we can see Marx denying both idealism as well as Feuerbach's crude materialism. Nature has no autonomy from our social interaction with it, nor does sociality have autonomy from nature. The meaning of nature has nothing outside of our thinking about what 'nature' means. The upshot of all of these associations is that we have a triangle consisting of nature, society, and the individual, such that one term cannot be removed from the others (see Marx 1983: 171).

Feudalism united all three but didn't produce freedom. Capitalism split them apart and offered something that looks like freedom on the surface but that in reality produces alienation. Rights given by the bourgeois state are representative of this false freedom under capitalism. Rights cannot overcome alienation, and since getting beyond alienation means the move to Communism, it follows that the focus must not be on rights as an end in themselves (Marx 1983: 177). This overcoming of alienation, and therefore becoming free, entails recognizing humanity as activity and production, and as *species-being*, and so recognizing the truth of this triangular relation.

But what would such recognition look like? Marx thinks that it would look like Communism, which he views as the form of society that will follow capitalism as human history

progresses forward. Instead, posit that Marx's notion of a post-antagonistic Communist society functions as a *regulative ideal* that guides political action, and there is no fixed future endpoint to that action. Communist society—beyond pre-history, the state, and antagonism—is Marx's own kingdom of ends. It would be true freedom, and a time where there would no longer be a "cleavage…between the particular and the common interest" in society. The result is a world in which "nobody has one exclusive sphere of activity but each can become accomplished in any branch he wishes," and it is possible for one "to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner…without ever becoming hunter, fisherman, shepherd, or critic" (Marx 1983: 177). This famous line of Marx's captures the kind of freedom that he sees as impossible through a regime of rights within democratic bourgeois society—through mere political emancipation. That society forces human beings to *become* any one of the above listed occupations, defines them as such. Moving beyond capitalism and bourgeois civil society means recognizing something about nature, that we are part of it rather than distinct from it. Nature, in the final analysis, is what, then, brings freedom on the Marxian account, while a regime of rights, at worst directly impedes attaining that freedom, and at best, serve as a pragmatic stop along the way toward attaining that freedom.

This utopian sketch of Communist society is only of use to us as inspiration. It is not even clear how seriously Marx took this description to be, as he was famously resistant to making attempts at describing Communism. (See Wolff 2002: 94). In the postface to the second edition of *Capital* he rebukes those who reproach him for "confining [himself] merely to the critical analysis of actual facts, instead of writing recipes (Comtist ones?) for the cook-shops of the future" (Marx 1992b: 99). I have noted Marx's insistence on beginning from concrete realities of the social world and their attendant facts, and this is merely another example of that stance. A more grounded position regarding Communism is that instead of a historical or ontological break with capitalism, it

is merely an epistemological break. This is reinforced by passages from the very same text, where Marx writes, "Communism is for us not a stable state which is to be established, an *ideal* to which reality will have to adjust itself. We call Communism the *real* movement which abolishes the present state of things. The conditions of this movement result from the premises now in existence" (Marx 1983: 179). Though the goal is an entirely new set of societal relations, the tools for creating them can only be found within the present conditions.

Kenneth A. Megill smartly emphasizes this point in his thorough discussion of 'community' in Marx's thought. Discussing the Gotha Program, Engels suggested dropping the term 'state' altogether and replacing it with community, which better captured his and Marx's idea of freedom (Megill 1970: 382). The ideal community is properly democratic because it allows freedom to manifest itself. The state impedes this freedom on Marx's view, though I have noted my disagreement with Marx on this point. Megill discerns four characteristics of the kind of community that Marx envisioned as the successor to capitalism and harbinger of human freedom. It is universal, in that it is characterized by openness and communication; it is classless, in that productive labor will cease to be an attribute of class; it is historical, in that it allows for social revolutions to take place within the system; and it is scientific, in that a "science of society" is used to "help manage and plan the future development of society" on a large scale (Megill 1970: 392). My view here differs from the Marx that Megill presents us with in that the state will not disappear. Resistance is, however, built into the system as that which allows individuals and groups to revolutionize society in various ways. Since resistance is the actualization of freedom (social emancipation), it is done in the name of the democratic openness that Megill finds in Marx.[76]

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[76] The classless character of community is worth commenting on here. There is an equalizing of the members of the community in that they are all now thought of as laborers and see one another as such. This hints at an element of Marx's thought that has gone unmentioned in this chapter so far: recognition. Renault 2013 argues persuasively that there is not one unified conception of recognition in Marx's work, but three. This points to the complexity of the contemporary material conditions that he is analyzing, in that

Following Marx's lead in focusing on the particular struggles of the social and political world and taking their cue from them, we are led to reformulate how we think about emancipation and its possibilities. My idea of social emancipation is a way of doing that while also, crucially, remaining true to Marx's description of species-being. Social emancipation is the product of species-being once the teleological movement of Marx's philosophy of history is left behind. The alternate view remains historical, but is not teleological. Now it remains to explain just what social emancipation is and how it is distinct from the two forms of emancipation that Marx describes.

Social emancipation is grounded in resistance and stands between reform and revolution, which correspond to political and human emancipation, respectively; resistance describes the various activities that have emancipation as their goal. Following Marx, the goal of emancipation is freedom. But instead of freedom being achieved as humanity crosses the Rubicon into forms of society beyond antagonistic social relations (read: Communism), freedom is continually actualized through human activities of resistance to domination and exploitation. Leaving behind the strict teleology of Marx's view as invalidated by history leaves us with the issue of defining what political struggle looks like. That is, if it doesn't explicitly contribute to the teleological progression of societal forms, then we what can Marx tell us?

There is no particular principle limiting the form that this activity can take. What unites the different activities of this kind is their intentionality. Though one could perform actions that accidentally have the unintended effects of resistance, for them to considered resistance they would have to be recognized as such. Recognition can come, however, either from the individual or group performing it, or others engaged in struggle. Diffusion of recognition is important for the view to remain recognizably Marxian. As we saw in the definition of species-being and its attendant

exploitation and domination take different irreducible forms under capitalism. It also, I think, reinforces my contention that any historical or ontological break between capitalism and Communism is impossible. My account of social emancipation implicitly recognizes this variegation in the fact there is not one final struggle that, once won, will lead the way to a new stable community. Resistance does not cease.

discussions of nature and society, Marx cannot endorse an individualistic model of anything. To insist on the individual intentionality of resistance would be to undermine the entire framework that is in play.

I want to assert that social emancipation is actually an outcome of species-being. Recall that Marx insists on beginning with the real and the material aspects of life (Marx 1983: 163). This entails always beginning from "actual economic fact" (Marx 1992d: 323). Directly related is Marx's rejection of the regress problem of a first cause (Marx 1992d: 357). How could we not end up at the "beginning" of society, or its initial founding? Beginning with shared facticity blocks the regress problem because it allows us to see that it is the wrong question to be asking. We only seek an answer to this question because our needs aren't being met in the present, so if we focus on those needs and their satisfaction—emancipation—then the regress problem evaporates. This is the standpoint of critique and its empirical grounding (Marx 1983: 154). It is a standpoint that always begins with the word 'definite': definite production of definite individuals in definite situations.

Productive human activity in the service of human needs is the motor of resistance, grounding it in species-being. The strict line that Marx draws between emancipations political and human is justified through his belief that the state cannot be useful for revolutionary societal change. On its face, this seems reasonable. Why would a state purposefully contribute to its own downfall? Things are not so black and white, especially if we follow Marx's advice and begin with the definite and the particular. On the one hand, it is too conservative to expect measures only internal to the state to promote change. On the other hand, it seems entirely wrongheaded to conceive of societal change that is entirely independent of the state and its functions. Recall that in Marx's view, human emancipation cannot be a *political* achievement (see Marx 1992c: 234). If we read this as saying that emancipation cannot be *solely* a political achievement, where political means from within the formal

structures of the state, then we can agree with Marx. It is necessary, however, to broaden the meaning of the word political.

In rejecting the proposals of both Bauer and the Gotha Program as being woefully inadequate to inspire any real change for the better Marx concocts an unhelpful distinction. If we reject this line then the meaning of what is political expands. Resistance and social emancipation seeks the same type of thing that Marx thought human emancipation stove for: the better satisfaction of our needs as species-being, which are needs beyond the merely economic. This gets accomplished in all sorts of ways, from more traditional avenues within the government to radical protest action well outside of the mainstream. This is, however, a continuum instead of a difference in kind.

Just as Marx notes that the structure of laws and the state depend on the economic foundations of society and the forms of production present within it, the results obtained at the state level are determined by all of the past actions in society agitating for change. Political action can lead to formal legal changes, but the impetus will always have come from outside the formal in the first place. These actions can be individual or group-based. They can be speeches, marches, discussions, talks, performances, publications, etc. No action is in principle barred from having political import or performing resistance.

What can these actions accomplish, especially if we no longer have a future Communist society to fight for? The ideal of Communism and the freedom it promises must be converted into a regulative ideal in whose name resistance is carried out. Freedom is no longer the outcome of revolution, but is actualized through the process of resistance that would transform society. This is a tenable position because Marx himself has already aligned emancipation with better satisfaction of our non-economic needs. He has also defined species-being as the kind of being that relates to the natural in a certain way. Nature is species-being's inorganic body because of how we relate to it

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through our productive activity, which is dictated by our needs, broadly construed. We know that we cannot ever be sure in advance what parts of this inorganic body will be made objective by human activity. If this is the case, then we ought to be just as unsure of how satisfied we will be over time given the products and consequences of our activity.

This is where the imperative to resist appears. The dynamic relationship between individuals, society, and nature that Marx endorses means that change is produced through the elements acting upon one another. Human beings are agents of history, *pace* Feuerbach, yet limited by their surroundings. As they manipulate those surroundings their powers are augmented, enabling them to alter their surroundings in new ways. Marx recognizes all of this in his discussions of nature and objectification. But if we know that in principle these developments are not supposed to come to an end, even in Communist society, then why ought we think that we would reach a point at which we are completely and truly emancipated and free? This is what human emancipation and Communism are supposed to bring, but if freedom and emancipation simply mean the satisfaction of our human needs. Alienation cannot be in principle left behind, even if it can be overcome for a time. Why would there be a guarantee that it wouldn't return with new developments of human productive activity?

Rejecting the future state of nature that would be Communism does not mean that freedom has to be abandoned, even if that is where Marx located it. Resistance is the activity that works toward the goal of overcoming alienation on a smaller scale, which seems like a stance that Marx would want to endorse given his oft-stated goal of focusing on the definite and the particular. Freedom is transformed into the ongoing struggles against alienation in the name of emancipation and the satisfaction of needs, but with the recognition that no such victory can be final. We become freer through this realization but also through fighting for better lives. Progress remains, though it is far less guaranteed than Marx would have it. We realize our potential for being free through

resistance, not only on our own, but through community with others. Marx is clear that there can only be freedom within community. Aligning ourselves with communal struggles is what brings freedom to the surface. In doing so we carry out social emancipation.

Chapter 4: Pragmatism, Participation, and the Construction of Public Problems

Introduction:

Where chapter 2 revolved around merely the possibility of resistance within egalitarian society, and chapter 3 dealt with the potential limits of that resistance, chapter 4 begins with those limits and subsequently asks how egalitarian communities can organize—and re-organize— themselves in response to them; in doing so I explore the philosophy of the Pragmatist John Dewey. Dewey's philosophy fits into this chapter progression because of the ways that he highlights the efforts and responsibilities of members of the public in dictating the shape that their society takes. I take up Dewey's conception of publics in *The Public and Its Problems*, offering a critical re-articulation of the term that is able to address issues at the heart of contemporary social and political philosophy: domination and oppression, the fact of pluralism, the importance of difference, and how democratic politics can respond to them.

I argue that we should draw a conceptual distinction between second-order public problems and the more fundamental first-order public problem (singular) of publics: the very constitution of publics themselves is itself a public problem. That is, the construction of publics from within is itself the underlying condition for the possibility for all other problems to be articulated and then solved by that public; when second-order public problems are discussed and subsequently solved, they carry implicitly within their articulation an answer to the question, "who constitutes this public who is able to participate in its public problem solving?" I will first articulate Dewey's framework of democracy, focusing on the aspects of it that directly relate to his notion of publics. I will then go on to discuss potential shortcomings of his view through a review of contemporary debates surrounding the efficacy of Dewey's model. Finally, I will offer my own supplement to Dewey's

view that relies on his core insights yet builds upon them in a way consistent with the spirit of his work.

I begin with Dewey's analysis of democracy and what he calls "publics." These publics are formed through community response to problems that are public in nature—public problems. Furthermore, such responses are grounded within participatory democracy broadly construed as a way of life, which means that Dewey's definition of democracy stretches far beyond the merely institutional structure and functioning of society. Broadly, publics are groups bound by being on the receiving end of third-party actions—those who are indirectly affected by any manner of others' actions—and are constituted through the idea of common interest.

In the last several years there has been much discussion in the literature surrounding Dewey scholarship regarding whether the conceptual apparatus of his social and political philosophy is capable of offering the grounds for any kind of critical response to power, oppression, and domination. The charge that Dewey's philosophy is unable to do so is not a new one—Louis Mumford made it in 1926 (see Hildreth 2009: 781). Recent scholarship, however, has begun to push back against such a characterization by reconstructing a Deweyan view of democracy that is attuned to structural inequalities in society as well as the threat of power being concentrated in the hands of a few. These scholars present a Dewey that seeks above all the robust equal participation of all of society's citizens in articulating the form and direction of the community in which they live. The result is a far more radical Dewey.

I fully endorse the endeavor to make explicit the radicality of Dewey's social and political philosophy. In this chapter I add to this burgeoning literature in order to emphasize a specific point that has not been made, but that is consistent with both Dewey's own statements as well as the more recent defenses and reconstructions of his view, namely the question of who participates in the construction of the public. In short, while these recent interventions do show how we can conceive

of a critical edge within Dewey's philosophy, they do not account for how Dewey fails to recognize that the very question of *who exactly gets to participate in the construction of public problems* is never a given. I want to insist upon the fact that the makeup of who participates in or as the public remains open to contestation and re-articulation; its content is never fixed. The modification of Dewey's view that I offer in this chapter is therefore an attempt to solve the problem of who participates from within Dewey's own philosophy. The issue of who makes up a community of those who may legitimately participate in the public problems of that community *is itself* a public problem, albeit one unmentioned by Dewey. An answer to this higher order public problem is always presupposed in solving the kinds of public problems that he does recognize. My modification of Dewey's framework of the public makes this explicit.

In doing so, I argue that individuals can exist equally within a properly democratic community only by participating in the construction and reconstruction of the meaning and identity of that community. In other words, the boundaries of community—who belongs and can therefore meaningfully participate, who does not, and how this line is drawn—are what is at stake within democratic community. Furthermore, they must always be at least potentially at stake for the community to remain democratic and leave open the possibility of participation to all. Another consequence of this view is that "full" participation can never be achieved, because the boundaries of a community and its participants are in principle never fixed beyond redefinition.

The makeup of the community of public problem solvers is best articulated in the language of resistance on the part of those segments of a community who are excluded from, or devalued as, members of that community, insofar as members are able to fully participate in public decision-making processes. Political resistance is therefore the manner in which the excluded attempt to offer a new answer to the question—the public problem—of how communities are constituted and defined. The solving of the public problem of the community's makeup must be done at least

partially beyond the merely deliberative means that Dewey emphasizes, since the excluded must have the possibility of productively asserting themselves within the public sphere; often their exclusion in the first place precludes their use of the legitimate deliberative apparatus in place. They do so in the name of the equality of robust and meaningful participation of all members of a community, as well as the ability to contest the limits of that participation.

Dewey is correct that the ability to participate in the construction of public problems is the gateway to a publicly shared life that is the bedrock of equal standing within democratic communities. The problem of marginalization, however, requires an even stronger position. That is, even the constitution of who gets to participate in the construction of and answer to public problems is a problem that is always facing a community. Consequently, the manner of this construction must go beyond mere deliberation in order to be as inclusive as is possible, keeping open the possibility for those excluded or silenced by the status quo to productively assert themselves within the public sphere. Acts of resistance—political action—on the part of those who would re-define the public and its scope prepare the way and serve as a primer for the institutional taking up of the very same issues.

The values of society are recognized and constructed through the articulation of public problems by the community, and that community's subsequent response to those problems. Upon inspection, these dual sources of societal value are revealed as dependent upon the democratic values of openness to others within the community, manifest through dialogue, discussion, debate, experimentation, and deliberation. Though Dewey sufficiently champions these democratic values, he does not extend them to thinking critically about the very makeup of the community itself. The critical turn that I am making with regard to Dewey's framework is to take up his principles of democratic problem solving and decision-making and apply them to the community itself, with the upshot that the makeup of the community is an issue that demands the same sort of democratic

problem solving and decision-making as do other more specific public problems. The values that

structure society also guide the manner in which populations articulate problems of public concern

and their solutions must also question the very make up of that society. A first-order public

problem is therefore the constitution of public themselves, while the issues that involve and impact

each public become second-order public problems. Dewey's view on its own does not account for

the first-order version, though it is consistent with and implied by his writings; this chapter makes

this implication explicit, and does so on Dewey's own terms.[77]

Section I: Democracy as a Way of Life

This section will focus on Dewey's views on democracy and publics, as well as his

corresponding appeal to officials instead of experts. Once his view is on the table, in subsequent

sections I will explore some of the ways that contemporary political philosophers have tried to

modify it, and then offer my own contribution. Democracy is, he wrote, "primarily a mode of

associated living, of conjoint communicated experience" (MW 9:93). Dewey viewed democracy as a

way of life, and as an attitude that encompassed all aspects of our experience and our lived lives.

Such a view entails that democracy incorporate far more than a specific arrangement of institutions

or a certain pattern of voting. If democracy is more than simply a particular way of setting up public

institutions or the act of voting, then what is it?

In its simplest formulation, Deweyan democracy is collective social inquiry. In *The Public and

its Problems*, Dewey writes, "From the standpoint of the individual, [the nature of the democratic

idea] consists of having a responsible share according to capacity in forming and directing the

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[77] Though the focus of this chapter is Dewey's political philosophy, I by no means want to imply that I view this domain as separable from the other aspects of his thought. On the contrary, from Dewey's corpus we get a holistic philosophy that deals with truth, meaning, politics, education, morality, art, logic, and other topics all in an interconnected way. As Dewey notes in a discussion of the relationship between the self and institutions, "The old-time separation of politics and morals is abolished at its root" (MW 12:192). Several scholars have articulated how Dewey's political philosophy is built upon the foundation of his moral philosophy (see Festenstein 1997 and Pappas 2008 for two different ways of drawing out this connection).

activities of the groups to which one belongs and in participating according to need in the values which the groups sustain. From the standpoint of the groups, it demands liberation of the potentialities of members of a group in harmony with the interests and goods which are common" (LW 2:327-8). There is a harmonious relationship between individuals and the groups to which they belong, which is conditioned by the values and interests that connect individuals. Through this dynamic relationship all three elements—individuals, groups, and their interests—are open to alteration.

Dewey regards democracy as an "ideal" only insofar it is a "tendency" that we push to its limit, even with the knowledge that we will never reach it, since "things do not attain such fulfillment but are in actuality distracted and interfered with" (LW 2:328). In short, democracy requires constant renewal if any progress is to be made with regard to it. As an unreachable ideal, democracy is "a tool that provides some guidance…without telling us what to do in a particular situation" (Pappas 2008: 74). The three-pronged relation among individuals, groups, and interests means that modifications in any direction will have an impact that extends beyond their immediate effects. Democracy is the mode of living together within such a dynamic arrangement, with the goal of consistently making the most of that arrangement for the benefit of all participants.

With the emphasis on the collective ability to recognize, inquire about, and potentially solve problems, it is no wonder that Dewey opposes a view of democracy that relies on experts in charge. A class of experts, he writes, "is inevitably so removed from the common interests as to become a class with private interests and private knowledge, which in social matters is not knowledge at all." Why is this the case? Because the way that one becomes an expert in "specialized technical matters [and/or] matters of administration" in the first place presupposes that the general framework of policy is already satisfactory. In other words, for Dewey the very idea of expertness is at odds with the kind of critical and inquiring mind required by democracy (LW 2:364, see also LW 2:312-3).

This is not to say, of course, that in some areas expertise is exactly what is needed. But these are technical spheres removed from direct contact with the social and political world; when they do come into contact with that world it is not the expert's role to mediate that contact.

The upshot of Dewey's view on the role of experts and expertise is that the knowledge traditionally thought to belong to societal experts is to be disseminated throughout society and therefore democratized. Such a process raises new questions about the dynamics and power differentials between social groups that revolve around identifying and attempting to rectify the possible epistemic injustices at play within a particular context. How this important issue is dealt with depends on the context of the groups involved and their histories; there can be no generic (ahistorical) template for how expert knowledge is re-distributed throughout the community at large.

Dewey's description of publics shows us exactly how it is that experts do not have a role to play in democracy. Publics have what he calls officials, whose role is antithetical to that of an expert. Publics are central to Dewey's expansive vision of democracy, and their definition first requires distinguishing between the general idea of public (the adjective, as opposed to a singular noun called 'the public')—which is not coextensive with a particular public—and private. Dewey writes, "The line between private and public is to be drawn on the basis of the extent and scope of the consequences of acts which are so important as to need control, whether by inhibition of by promotion" (LW 2:245). Publics, then, "consists of all those who are affected by the indirect consequences of transactions to such an extent that it is deemed necessary to have those consequences systematically cared for" (LW 2:245-6). These two quotations draw the line between the public and private arenas, as well as provide for a way to articulate that line according to the specificities of circumstance.

Beyond the fact that actions are considered public when their consequences indirectly affect others, Dewey also tells us that "public" is itself an abstract entity—there is a plurality of concrete

publics of different sizes that are formed according to the above definition. Individual publics are "called into being" by the consequences of our actions when those consequences "expand beyond those directly engaged in producing them" (LW 2:252-3). Consequently, there is in theory no limit to the number publics in existence at any particular time. Publics intersect and overlap with one another, and larger publics can contain smaller publics. Individuals are often members of many different publics at any given time. Some publics are more official than others, if we take official to mean explicitly organized, as in a government institution. All publics have officials by definition. As a result, Dewey's view of publics articulated here takes on a more ideal, rather than non-ideal, tone that Dewey probably intended.

Dewey defines officials as "those who look out for and take care of the interests thus affected" within a given public (LW 2:246). These officials are "public agents" in that they are "doing the business of others in securing and obviating the consequences that concern them" (LW 2:247). Officials are not experts, as they have no claim to better or more extensive knowledge of the public that they serve than the members of that public. Officials only come into existence through the recognition by those affected that they are in fact being so affected. As Dewey writes, "The public is organized in and through those officers who act in behalf of its interests" (LW 2:253). The task of these officials is to care for the common interest, insofar as they "represent a public, but the public acts only through them" (LW 2:282). It is in the name of this very same common interest that publics are formed in the first place. Dewey describes publics being formed by those taking steps to conserve their interests in the face of possible harm from others (LW 2:246). The notion of common interest therefore orients and grounds the very idea of publics.[78]

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[78] On this point again we run into the more ideal elements of Dewey's theory. His description of how publics come into being is quite clearly only one way that they could do so. More specifically, publics are *not* always organized around the interests of its members. This reality further supports the necessity noted above regarding delving into issues of epistemic injustice, both between and within social groups. My own view in

In a representative government like ours, citizens have a dual capacity: as voter and as officer of the public.[79] Votes are representations of the public interest, though of course it is possible that a voter instead acts on private interests alone when voting; in such a case she has failed *qua* public official (LW 2:282).[80] Publics are communities that are defined by the recognized and articulated interests of that community, based upon how members of that community are affected by the actions of those around them. Dewey's definition of publics brings together those who act and those who are affected by those actions in some tangible way. This is an important point because it means that by definition there cannot be a public or a community solely made up of, say, industrialists and not those who purchase the goods produced by those industrialists. Dewey's insistence on both the primacy of the common interest of all members of a community, as well as the fact that the effects of our actions constitute community, indicates that publics are sensitive to inequality through their very definition.

The issue of a community's common interest intersects with a broader point that Dewey makes about individualism. The focus, he argues, should not be on exactly *how* human beings came to associate with one another (a clear allusion to social contract theory). Instead, we should focus on "how [human beings] come to be connected in just those ways which give human communities traits so different" from other forms of association found in the world (LW 2:250). In other words, given the fact of association, what are the distinctly human ways of associating? As humans we group ourselves together in the name of science, religion, art, sport, teaching and instruction of various kinds, industrial and commercial pursuits, and many others (LW 2:252). There is no specific

this chapter regarding two orders of public problem, outlined in Section III, is an attempt to provide an outlet for these issues from within Dewey's own framework of publics and democracy.

[79] 'The public' invoked here is one particular public of many publics within any given society—the one that revolves around citizenship and official participation in the democratic state form. This public is not in itself more important than any other publics that may exist.

[80] This and related passages contain very strong echoes of Rousseau's description of the General Will's functioning in *The Social Contract*; see chapter 2 for an elaboration of this point with regard to Rousseau.

limit placed on the kinds of interests that can bring people together into a public, only the requirement that common ground be articulated between those who act and those who are affected by those actions. If we continue to recognize, as noted above, that issues of epistemic injustice are close at hand regarding issues of community, then we are left to take Dewey's definition of community as normative. This rules out as undemocratic—and so not true communities—those that are inherently exclusionary and discriminatory.

With these definitions in hand, what can we say about public problems? A public problem is one that is articulated and subsequently solved through appeal to the common interest of the community of those affected. Recognizing a public problem could entail the formation of a new public along with its officials. It could also entail a reconfiguration of an already-existing public through recognition of how the needs and interests of that public have changed. Whatever the process entails, it relates to identifying and cultivating objects of public concern based on the consequences of human action. Such a process requires inquiry into what things or kinds of things fall under the heading of 'common good.'

The notion of the common good is linked to that of community.[81] On the relation between community and democracy, Dewey writes, "Regarded as an idea, democracy is not an alternative to other principles of associated life. It is the idea of community itself" (LW 2:328). A community is therefore more than the sum of the individuals within it (see Pappas 2008: 217). Accordingly, in *Democracy and Education* Dewey writes, "There is more than a verbal tie between the words common, community, and communication. Men live in a [normatively true democratic] community in virtue

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[81] 'Community' is another site where we run into potential ambiguities and equivocations within Dewey's own descriptions. Though it may seem that he is using the nouns 'community' and 'public' interchangeably, community carries less weight; it does not have the conditions attached to it that we find in Dewey's definition of publics. Instead, community is simply our natural condition of living beside and amongst one another—the starting point for thinking about human beings. One of the goals of Section III is to make it clear the necessity of always interrogating the definitions of community and public that we both find ourselves a part of and that we act to create.

of the things they have in common, and communication is the way in which they come to possess things in common. What they must have in common in order to form a community or society are aims, beliefs, aspirations, knowledge—a common understanding—like-mindedness, as the sociologists, say" (MW 9:7-8). Communities are therefore fluid and never fixed, though of course they can achieve some kind of stability buttressed by habit, custom, and history.

The result is that there is no "community as a whole" for Dewey other than the abstract concept of humanity, which sits alongside all of the more local and particularized communities that exists within that umbrella term. But how this abstract concept gets defined is an open question and is dictated by our experiences and what we learn from them (LW 2:259-60). We must also be careful to distinguish the idea of community from the state. The former must not be reduced to the latter, though the two are intertwined insofar as we actively define them both for ourselves (see MW 12:192). There are potentially many different communities within any given state. Furthermore, "the public forms a state only through officials and their acts" (LW 2:277). The state, therefore, goes as its officials go (LW 2: 278). Citizens must accordingly remain vigilant regarding the efficacy of the officials.

Society itself is made up of many associations (MW 12:197). Dewey orients the state in relation to the broader category of community association when he writes, "Somewhere between associations that are narrow, close and intimate and those which are so remote as to have only infrequent and casual contact lies, then, the province of the state" (LW 2:262). This entity is "the organization of the public effected through officials for the protection of the interests shared by its members" (LW 2:256). The interest of the public is the ultimate criterion of government activity. For this relationship between a community and its government to take hold, however, prior work is needed. Though government "exists to serve its community," this "cannot be achieved unless the community itself shares in selecting its governors and determining their policies" (LW 2:327). In

other words, for such a scenario to arise, however, the public must find and recognize itself. Developing the terms and conditions of this search is the task that occupies much of *The Public and its Problems*. This is not a task to be completed once and for all, but one that always renews itself. As Dewey writes, "a state is ever something to be scrutinized, investigated, searched for. Almost as soon as its form is stabilized, it needs to be re-made" (LW 2:255).

The idea that the members of a state, connected through their interests, are also tasked with scrutinizing, investigating, and searching for the state may sound counterintuitive. Dewey's open-ended view of democracy, however, means that he could have it no other way. Simply because a state exists and has its institutions formulated in a specific way does not mean that the task of organizing it has been replaced with the task of pure maintenance. Citizens, as members of the state, must continually remain vigilant in order to ensure that the formation of the state remains true to the common interest (LW 2:278). They must also have the agency and opportunities to resist and replace those societal formations that do not live up to the common interests of all.

Participation is therefore integral to Dewey's view. The participation of all members of a community is definitional in the formation of that community, in accordance with the guidelines that Dewey sets out for the formation of publics. That is, publics are formed by the very articulation of the common interests and extended consequences of the members of that public. Participation is an assumed fact (Pappas 2008: 71) and is unavoidable (Pappas 2008: 72). That is, we are always within a situation that we must participate in in some fashion (Pappas 2008: 74). The question then becomes: *how* to participate; an avowed refusal to participate is still a manner of participation.[82] Though participation is crucial to sustain democratic society, it is arguably even more important in the face of oppressive and exclusionary factors; participation will mean different things given these different contexts and goals of action. Social movements aimed at reform, for

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[82] Here Dewey essentially prefigures Sartre's view of freedom and choice but without the ontological baggage.

example, will participate in certain kinds of ways depending on what they feel will have the most positive impact. We must here distinguish in general between the kinds of participation that would undo, redo, or create new publics. The kinds of participation belonging to each of these will not be known in advance, but just we find in Dewey the normatively correct kind of public and community, we can also see here the same normatively correct kind of participation: that which strives toward the inclusion of the interests of all who live amongst one another and their ability to have equal standing in their interactions with one another and with the institutions under which they live.

There are "literally infinite" types of association, since "there are as many associations as there are goods which are enhanced by being mutually communicated and participated in" (MW 12:197). There is no a priori way of deciding what future forms of association and participation will be. There is furthermore no specific endpoint, no perfect form of association that once achieved will be fixed upon. "Society," Dewey tells us, "is the *process* of associating in such ways that experiences, ideas, emotions, values are transmitted and made common" (MW 12:198). That is why communities articulate current problems instead of representing achievements in and of themselves (LW 2:331). We would not even have knowledge without communities, for "Knowledge is a function of association and communication; it depends upon tradition, upon tools and method socially transmitted, developed and sanctioned" (LW 2:334); knowledge itself is inherently communal.

Dewey defines community as any place where there is both conjoint activity as well as an appreciation of the positive consequences of that activity by the participants; in these scenarios there exists the mutual understanding of a desire to sustain the good, however it is collectively defined by the community (LW 2:328). Participation within our communities and associations to articulate problems and transmit our experiences to others has a necessarily critical element to it, in that we put ourselves up for public scrutiny in the goal of transformation (Festenstein 1997: 88). Think of

the mutual understanding of the desired consequences of the actions of community members among the participants—these consequences don't have to be narrowly understood such that they refer to specific actions. Instead, Dewey is describing something like an ethos, a way of life or a general outlook shared by community members and that unites them.

The foregoing has certainly not been an exhaustive treatment of Dewey's views on democracy and all that it entails. It does, however, provide the general framework of Dewey's view, which will ground the discussion that follows. This framework of democracy is organized around a community with three main elements: individuals, groups, and interests. These communities are constituted around the consequences and effects of our actions on those around us, indicating that the community is grounded in equality of participation regardless of power or influence. Keeping Dewey's framework in mind I will now turn to several recent reconstructions of Dewey's work that seek to address issues within his views on democracy.

Section II: On the Potential for Deweyan Criticism

In this section I consider two interconnected problems with Dewey's political philosophy that have been discussed in recent literature. The primary issue that I will focus on is that of power and whether Dewey offers the conceptual resources to combat its negative manifestations within society. In order to successfully position popular resistance to oppression and domination within Dewey's notion of democracy, there must first be space for a critique of power. The scholars whose work I consider here argue "against the claim that pragmatist social science would make no value judgments but rather become a pure instrument for subjective interests and, in effect, affirm the existing social order" (Midtgarden 2012: 505). Asking if Dewey provides us with the conceptual apparatus to make sense of power or articulate popular political resistance against domination by societal elites requires asking a further question: with what force or justification can we put forth that apparatus, even if one is possible? The relationship between Dewey's ideas of democracy and normativity are

implicitly contained within that of resistance. Ultimately, I want to show that while these philosophers do much to show how Dewey's philosophy can be responsive to power, they do not give an account of how resistance to such power fits within Dewey's framework. In the following section I will respond to this issue.

The initial charge against Dewey is that he lacks the conceptual resources to say why his social and political philosophy doesn't either easily result in, or implicitly allow for, the consolidation of power among a small group of elites. In the previous section we saw how Dewey relies on a community's self-articulation of its own common good and common interests. A *prima facie* objection is that it seems far too easy on this view for an elite group to exert its power by silencing others' interests and asserting their own as "common." Accordingly, these recent efforts attempt to correct the record, as it were, by pushing back against the view that Dewey's social and political philosophy merely endorses the status quo; that it "avoids conflict and is unsuspicious of power" (Hildreth 2009: 780; see also 781 on "pragmatic acquiescence"). Alison Kadlec even refers to Dewey's thought as "Critical Pragmatism" (2006, 2007). In attempting show why this is not the case, one need also demonstrate the force behind the claim: even if its a conceptual possibility for Dewey that a small group cannot easily capture societal power, how can we remain within Dewey's framework while also saying that such a state of affairs *ought* not to occur?

I will show how some recent contributions to the literature surrounding Dewey have attempted to solve the problem of power and resistance before shifting to the second problem—justification—which is nested inside the first. With these interpretations of Dewey on the table, I can then transition to Section III, in which I offer my own way to think about the issues of power and resistance from within Dewey's philosophy. The crux of the issues of power and resistance is whether Dewey ignored the need to provide a way for the public to push back against the potential for power to be concentrated in the hands of elites. There have been several recent attempts within

Dewey scholarship to show that the above charge is a misreading of Dewey, and that he does in fact have mechanisms built into this philosophy for recognizing such a danger and for avoiding it.[83] These defenses articulate and answer the justification question in different ways, sometimes more successfully than others. In moving through these different responses my goal is to articulate these positions in order to use them as a springboard for my own perspective offered in the following section.

The issue of how Dewey is able to deal with power and elite control within society is essentially one about the potential for social criticism. In her discussion of *Reconstruction in Philosophy* Alison Kadlec writes, "Dewey's intellectual history of philosophy [given in that text] is aimed at enabling agents to distinguish between real and false interests" (Kadlec 2006: 532). This aim is a part of Dewey's attempt to reclaim the importance of lived experience, which is the very basis for criticizing existing institutions and societal arrangements in the first place (Kadlec 2006: 531). Indeed, as Dewey writes of his work in *Experience and Nature*, "If what is written in these pages has no other result than creating and promoting a respect for concrete human experience and its potentialities, I shall be content" (LW 1:41). It is this respect that guides his overall approach to philosophy.

Kadlec claims that, since Dewey's notion of experience is so wide-ranging—dovetailing with his conception of democracy as a way of life—it is imbued with critical social force. The very fact that Dewey seeks to undermine dichotomies of privilege is evidence of democratic struggle (Kadlec 2006: 532). If correct, then Dewey's entire philosophy is instilled with critical potential. If this potential is not to be stretched too thinly, however, we must make sure we are able to focus it productively. Before evaluating such a possibility I will turn to attempts to show how Dewey's

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[83] See Rogers 2008, Kadlec 2006 and 2007, Midtgarden 2012, Hildreth 2009, Honneth 1998.

philosophy is capable of recognizing the kinds of problems that would call for such a critical response.

Near the end of *Experience and Nature* Dewey laments the fact that human beings are all too often unable to find a workable middle ground in life that is relevant to their capacities and potentialities. Human beings, he writes, "move between extremes. They conceive of themselves as gods, or feign a powerful and cunning god as an ally who bends the world to do their bidding and meet their wishes. Disillusionized, they disown the world that disappoints them; and hugging ideals to themselves as their own possession, stand in haughty aloofness apart from the hard course of events that pays so little heed to our hopes and aspirations" (LW 1:313). This passage is indicative of a general outlook in Dewey's philosophy that continually looks to break down what he sees as false and exclusionary dichotomies, looking for a midway point that is more reflective of our lived experience. Dewey's account of democracy can also be helpfully framed this way.

Melvin L. Rogers provides an illuminating articulation of Deweyan democracy by staking out a middle ground for him within democratic theory, orienting Dewey with regard to two very real dangers. Rogers positions Dewey between Walter Lippmann and Sheldon Wolin. The former, with whom Dewey publicly disagreed during his lifetime, advocated the view that, "citizens lack the requisite time and interest to bring the democratic ideal to fruition;" furthermore, "he maintains that citizens are inherently resistant to information that would call into question their deeply held beliefs" (Rogers 2009: 71). Lippmann's conclusion is an elitist democracy in which an elected specialized class of social scientific experts examine, interpret, and report on political reality, thereby giving shape to policy and society (Rogers 2009: 72). This cadre of experts does all of the work that the masses are unable to do, but are chosen by the masses based upon their ability to do that work best.

At the other end of the spectrum is Sheldon Wolin's view that democracy not about governing at all but about the undoing of governance and the negation of reification: democracy

destabilizes and is inherently revolutionary, always a threat to politics as usual (Rogers 2009: 74). Clearly Wolin's notion of democracy does not lack the ability to resist against power. As Rogers notes, the issue is, "whereas Lippmann moves too far in the direction of privileging elites, Wolin moves too far in the opposite direction, resulting in an inability to reconcile popular sovereignty with representative institutions" (Rogers 2009: 74). On the one hand, Wolin essentially reifies resistance, turning it into the only political value there is: any and all sorts of organization or institution are opposed to the revolutionary nature of democracy. On the other, Lippmann proscribes even the possibility of resistance from democracy, since all that it entails is choosing which elites know how best to run things.

Recalling the view of Dewey outlined in Section I, we can see how he can be used to forge a middle ground between these two positions. Rogers' reconstruction of Dewey reconciles the opposition between Lippmann and Wolin. Walter Lippman's challenge to popular sovereignty rested on the supposition that "citizens are inherently resistant to information that would call into question their deeply held beliefs" (Rogers 2009: 71). Unable to use new evidence to re-evaluate their commitment, public decision-making is distorted. Lippman's position led him to advocate for an elitist vision of democracy, in which "experts give shape to the problems that are only dimly perceived by both citizens and political officials" (Rogers 2009: 72). In contrast with Lippman's complete mistrust of the populous to properly understand society's most pressing issues, Sheldon Wolin conceives of a radical notion democracy that rejects the constraints of elites and the institutions that they support. Democracy is anarchic, "both *functionally* and *conceptually* tied to revolution" (Rogers 2009: 74). Wolin's view of democracy lies completely with the people insofar as they undermine and attempt to overturn the machinations of those who control society. Taking stock of these competing visions of democracy, Rogers positions Dewey as being able to embrace the positive aspects of each, while avoiding their shortcomings (Rogers 2009: 76).

Democracy as a way of life is a holistic position that encompasses both our institutions and the social practices that stand outside of them—at times challenging them as well. In other words, the state and the public are not oppositional, as Wolin would have them, nor is the latter simply in thrall to the former, as it is for Lippman. Instead, the citizens are able to guard against the abuse of power in governance through, first, believing in the legitimacy of that governance, and second, participating in the influence and shaping of that very governance (Rogers 2009: 86). Central to this framing of Dewey through the dual lenses of Lippmann and Wolin is that Dewey's "democratic faith" (Rogers 2009: 82; see also Hildreth 2009: 780). This faith connects the two extremes of total administration and chaos, leaving us with an engaged population always able to contest and influence governance.[84]

Power is therefore not concentrated at either pole but is instead the middle ground that connects them, yielding a holistic space of relations that encompasses all aspects of our lives: "Power is *enacted* through experience, but every experience is itself situated and structured by a complex transactional field of forces" that form a "cultural matrix" (Hildreth 2009: 789-90; emphasis in original). Dewey conceives of experience as "intersubjective, communicative, and social," meaning that it permeates our environment and our interactions—it is not something that simply happens to us but is an ongoing process (Kadlec 2006: 522n7). One potential issue within these analyses is that we may still lack a way to show why Dewey's citizenry would—or ought to— resist oppression and domination.

Both Hildreth (794ff) and Kadlec (2006: 536ff; 2007: 46) highlight growth as a major way to extract this kind of critical leverage from Dewey, but questions remain as to the efficacy of this strategy. That is, does the concept of growth actually provide the right impetus for political resistance? Though Hildreth locates normative resources within Dewey's philosophy in two

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[84] Axel Honneth (1998) also offers a version of Deweyan democracy as occupying a middle ground in democratic theory.

different ways, the first—the process of experimental inquiry—depends on the second—growth. I will therefore focus on the latter concept here. In response to critics who have argued that growth, which Dewey describes as the only moral end for social life (MW 12:81; MW 9:54), is conceptually neutral and capable of having just as many negative outcomes as positive ones, Hildreth seeks to clarify the relationship between growth and learning through experience. This strategy is meant to give positive valence to the concept of growth. He argues that growth is more than just any kind of learning, but instead entails the kind of learning that opens up, rather than forecloses, future possibilities for growth. Therefore, not all forms of learning are conducive to growth; some forms of learning actually narrow future possibilities (Hildreth 2009: 795, relying on LW 13:19). If publics are constituted through the effects that actions have on others, then no community of robbers (to use Dewey's example at LW 2:328) is a legitimate public because those who are being stolen from are manifestly affected by the robbers' actions, yet their interests are not being looked out for.

Similarly, Kadlec writes that, for Dewey, "growth cannot be conflated with any unspecified or generic conception of expansion" because it "implies a reciprocal relationship between the expansion of social intelligence and the goods generated by these means" (Kadlec 2006: 537). Kadlec's notion of reciprocity in Dewey stems from his claims about the illegitimacy of a public of robbers: the relationship between robber and victim is not reciprocal insofar as the robber takes, but does not give, goods. The criterion of reciprocity works up to a point. Hildreth himself admits that it may work only on a small scale (Hildreth 2009: 797). He also concedes that Dewey does not sufficiently answer the question of how we can get leverage for changing societal institutions, which is a crucial aspect of successful resistance to power, domination, and oppression. In other words, we must be able to show how Dewey's view would make change effective on a large scale rather than just a small one (Hildreth 2009: 798). In the following section I attempt to give an account of how such large scale change might happen.

Given Dewey's holism and refusal to appeal to any Archimedean standpoint outside of our experience, it makes sense to articulate normativity on immanent grounds. Any Deweyan critical apparatus, Kadlec writes, must be immanent insofar as the limit of inquiry itself is our lived experience; experience is the condition of possibility for criticism, and so social criticism must come from within (Kadlec 2006: 537, 2007: 13). Torjus Midtgarden takes up Kadlec's call for the need to ground Deweyan standards of social critique internally, articulating his account of Deweyan standards for social criticism in sociological and historical sources. The result is the "immanent cultural criticism" that he finds in Dewey.

Such an immanent approach to criticism is connected to Dewey's democratic faith. The engagement on the part of the public that emerges in Rogers' account of Deweyan democracy takes courage, and is by no means a given; Dewey had faith that such courage was within our reach if only we better recognized our capacities and mined our experiences for insight. He wrote of having "confidence in the directive powers that inhere in experience, if men have by the wit and courage to follow them" (LW 1:5). The result is a position of neither naiveté nor blind trust: "we must be ready to doubt, but we must do so for the sake of cultivating our immediate experience" (Pappas 2008: 77). The potentiality is there for the kind of critical stance we are looking for, but how strong is it?

Midtgarden believes he can derive an adequate basis for immanent critique through resources from history and the social sciences through a reading of Dewey's *Lectures in China, 1919-1920* (Midtgarden 2012: 507). Midtgarden sees in the lectures a distinctly historical way of deriving immanent standards of critique through recognition, prefiguring Axel Honneth's work as well as revealing Dewey's Hegelian legacy (Midtgarden 2012: 507). Much of what comes out in the *Lectures* echo the claims that Dewey makes in *The Public and its Problems*, such as the idea that "a society is made up of a multiplicity of groups each of which is constituted on the basis of at least one interests

held in common by its members" (Dewey 1973: 65, quoted at Midtgarden 2012: 508). The element of Midtgarden's analysis that I want to focus on, however, highlights a theme unique to the *Lectures*.

Dewey offers a historical study of social conflict and their related social movements, providing a three-stage blueprint for such conflicts and their results. First, there is an absence of conflict on the surface even though there is a dominant group and a suppressed group; the former has managed to legitimize their domination in some way or another. Second, this conflict becomes manifest within society. What before was simmering beneath the surface, perhaps unseen to those not directly affected, has now made itself apparent to all; the suppressed group has made public demands of some kind. Third, the conflict is resolved somehow through, hopefully, the public recognition that the demands being made were valid; institutional reform subsequently legitimizes this recognition (Midtgarden 2012: 509; the original classification can be found at Dewey 1973: 77-78). Dewey's three stages provide a vague schema of how larger scale social change takes place, though he still makes apparent his trust in the democratic human power of collective problem solving.

Midtgarden subsequently offers two considerations for how to criticize cultural sources of normative authority from this Deweyan perspective. The "subjective" consideration entails the distinction between custom and tradition, and the "common recognition of authoritative norms implicit in social practices." In other words, some deeper level of agreement is appealed to that then subsequently entails one of the two views being debated. One party thus finds herself in a position of self-contradiction. Traditions are merely institutionalized customs of which we are explicitly conscious. A tradition, then, could effectively critique normative authority "by making the very *content* of norms implicit in customs cognitively accessible (qua beliefs) for its members" (Midtgarden 2012: 515). The idea seems to be that justifications for customs can be teased out and articulated in order to be appraised according to their efficacy with regarded to their presuppositions.

In the "objective" consideration the goal is to "undermine the authority of traditional beliefs by identifying their historical origins and by relating such origins to the present situation and thereby showing their social inadequacy" (Midtgarden 2012: 515). I take it that the second half of this claim is the more important of two. Paired with the "subjective" condition above, we get a dynamic and dialectical relationship between the undergirding principles that form societal norms, and the concrete expressions of the norms themselves. Criticism can come in the form of claiming that the latter do not meet the standards of the former, or through the demonstration that the latter shows the inadequacies of the former, leading to their reformulation. A more Hegelian version of this process would appeal to something along the lines of its inexorably progressive march toward completion. Dewey, however, can only offer us his democratic faith that such a dialectic would move in the right direction if we constructed the societal conditions conducive to such progress.

There is much more to recommend in Midtgarden's reading of Dewey's *Lectures* in terms of its Hegelian roots and relation to philosophies of recognition. At this point I simply want to use it to orient the following section of the chapter, as this brief overview through some of the recent ways that scholars have defended and illuminated Dewey still leaves us with some questions to answer. Midtgarden makes the most successful case for the existence and application of Deweyan critical resources, building on the work of the other thinkers discussed here. Following their collective insights, it does appear that there are resources within Dewey's thought for a critical apparatus to take shape, one that is focused on the potential to restrain the concentration of power in the hands of a cadre of societal elites and ensure that the democratic community of inquirers and experimenters can flourish, as well as some immanent grounds for its normative force. In the following section I offer a supplement to these views that incorporates and relies on insights gleaned from the above interpretations while offering a new way to pull them together. In doing so I argue

for a way to conceive of political resistance amongst the people from within Dewey's own framework and on his own terms.

Section III: A More Thoroughgoing Democracy

In this section I offer my own modification of Dewey's view in light of the outline of his views on democracy and publics given in Section I, as well as the issues relating to critique set out in Section II: the perceived inability to take account of the power dynamics within society and the subsequent problem of the potential for normative force for social criticism in response to those power dynamics. I intend for the view put forward here to be in the spirit of Dewey's views on democracy—while attempting to work around some vagueness and tension within them—in order to articulate a more thoroughgoing Deweyan democracy, one that allows for the constitution of pragmatic resistance within society.

We can begin by recalling participation: we are unable to refuse to participate because we are always within the context of a given situation. Such a condition brings Dewey's contextualism and holism into relief, both of which play important roles. Together they highlight the way that temporality relates to Dewey's idea of democracy. Democracy itself, as we saw above, is a process of solving problems that come about through human association. It is a task that aims at "a better life relative to where we are, rather than to some predetermined conception of the good life" (Pappas 2008: 286). It is not a process that is beholden to an end, as a mere means. Because contexts are ever-changing there is no ultimate end that democracy has in mind other than the continual ability ameliorate problems as they arise. In line with Dewey's notion of the "ideal" of democracy, it can have no a priori justification. Democracy can, however, be tested for its ability to mitigate the ills of the present and improve contemporary conditions (Pappas 2008: 219). The question would be, given the present circumstances and the problems that have arisen, could

democracy as currently constituted manage to solve those problems? If not, then some kind of democratic alteration is needed.

Viewing democracy in this way recalls the difficulties within Dewey's view noted in Section I, and places much weight on the particularities of the present and its constitution. It entails that we begin to think about how democracy is constituted based upon the conditions in which we find ourselves in the present, including the conditions that have produced it (Pappas 2008: 72). In his account of ethics and democracy in Dewey's thought, Gregory Pappas writes that "present learning can be directly experienced and judged as a meaningful and worthwhile experience regardless of what comes from it" (Pappas 2008: 151). That is, we do not need a fully articulated and clear future ideal to strive toward. Recall that there is no conception of the fully complete ideal of democracy, though there is the matter of judging situations according to their own standards of success. For Dewey, "every situation has its own measure and quality of progress" (MW 14:195). Democracy, as the very definition of associated living and collective inquiry is therefore the communal process of navigating diverse different situations, including recognizing what they require.

Pappas' interpretation of Dewey makes his ideal of democracy into the very task of the present moment (Pappas 2008: 249). In other words, our collective existence without our communities and societies revolves around the attempt, in good faith, to best serve the common interests of all parties involved, given the particulars of the current scenario and its difficulties. The desired ends are conditioned by the particulars of the situation, so we cannot know them in an abstract sense. What we can begin with is the method of solving those problems, which is democracy. Intelligence is required for picking out these problems and their potential solutions. Dewey gives the name of intelligence to, "Concrete suggestions arising from past experiences, developed and matured in the light of the needs and deficiencies of the present, employed as aims and methods of specific reconstructions, and tested by success or failure in accomplishing this task

of readjustment, suffice. To such empirical suggestions used in constructive fashion for new ends" (MW 12:134).

From the standpoint of the present, given what we know about the past and its outcomes, as well as the makeup of our community and its interests, how should we act? Thinking through such a question in the most complete way possible, given any obstacles, defines intelligence. Dewey's experimental outlook emphasizes the cultivation of better possibilities for the future. This perspective must be complemented by a critical inheritance of the past that recognizes the backward-looking function of knowledge and the fact that we must investigate exactly how our beliefs were formed and put into place. In situating our beliefs historically we can provide them with their justification.

This emphasis on our present activity is helpful in pointing toward meaningful conception of resistance within Dewey's thought. The present takes on increased importance insofar as it is not simply the means to a future end but is rather rich and complex on its own. It as a history that has shaped it and that we must reckon with if we are to hope for a better future. Our inquiry into our circumstances and the problems they confront us with imbues the present with meaning that is linked to both the past and to the future. We already saw how Midtgarden looked to historical and sociological sources in order to derive the basis for social criticism internal to Dewey's democratic vision. The result of both Pappas' and Midtgarden's readings of Dewey on this issue gives us a more robust ground on which to build a critical edifice of democratic resistance.

The Deweyan view of democracy reconstructed here through these thinkers stands in contrast to Richard Rorty's reconstruction of Dewey, which ends up endorsing a problematic ethnocentrism. Rorty provides us no way at all of criticizing current practices, and no way to vindicate them either; we are stuck with what we have. Luckily for Rorty, what we have is Liberal Democracy, which he endorses, though he is hard-pressed to offer any strong reason for this

endorsement. The problem with such a view is that it falls into the very same trap regarding dualisms that Dewey was so opposed to. Pappas writes, "The alternative to the traditional quest for certainty and an Archimedean objective standpoint [which Rorty steadfastly rejects, just as Dewey does] is not that we are just humans talking to each other, trapped in our own language, culture, history, and inherited standards" (Pappas 2008: 76; see also 72).[85] Rorty backs himself into a corner and ends up implying that all criticisms of one's own communal practices are completely meaningless. This endpoint is a result of taking contexts to be, not fixed in and of themselves, but walled off from other contexts. It effectively makes conversation, dialogue, debate, critique, etc. impossible across these lines. Such a stance is totally inimical to Dewey's ideas about democratic community.

Though Rorty errs in his particular conception of our relation to history, inheriting our past and its traditions must remain an important aspect of reading Dewey. We cannot simply accept any and all historical concepts or the prevailing status quo. But if we begin with the idea that human beings are fallible then it is a short step to experimentation in favor of the best outcome. Note that this does not entail actually carrying out all experiments in the real world. If we are properly investigating and learning from experience, thought experiments will easily be able to tell us when certain kinds of actions will have negative results. This is nothing more than learning the lessons of history in order not to repeat past mistakes. Furthermore, the meaning of *best* in the context of a "best outcome" is indeterminate. This stance allows us to remain internally vigilant against our own concepts and conclusions, and allows for the fact that even our starting point of fallibility is/was theoretically incorrect. Such a critical eye toward history also allows us to use and reinterpret the concepts and categories that we inherit. These categories themselves are what at stake in the political present.

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[85] See Festenstein's discussion of Rorty's ethnocentrism (Festenstein 1997: 115-125).

Though I build on the work of Pappas and Midtgarden by recognizing the fruitful insights they provide regarding Deweyan democracy, they each nevertheless refrain from supplementing Dewey's view with the kind of critical edge that I want to impart. Midtgarden's historical derivation of immanent standards of critique strays too close to Hegel and the inability to promote active change; on this view history itself takes center stage in place of human agents. Pappas highlights the place of both temporality and futurity for Dewey in an insightful way, though a mechanism for understanding how those elements of democracy relate to social change is missing. My view of pragmatic resistance specifies the mechanisms of social conflict in history while moving away from the schematic three-stage presentation given by Dewey. In doing so I take up Pappas' temporally open-ended view of democracy, re-orienting it toward the specificities of social conflict.

Through this reorientation of immanent critique through sociological and historical sources in addition to the complexity of the present articulated, *it is the very context and meaning of our political terms* that are actually at stake in Dewey's political philosophy. The upshot of this claim is that the constitution of publics is itself a public problem—and a higher order one at that. Recall that publics are brought into being through the recognition and demonstration that there is a connection between certain actions and their consequences that bring people together. Publics are formed as a way to solve the problems posed by those consequences, and involve regulation of those consequences.

The officials of different publics care for them and nurture them, administering the necessary regulations to ensure that the problems are solved. Importantly, these officials are not experts who solve the problems on their own, but merely representatives of those who make up the particular public. Publics can only be constituted within their particular contexts, which are themselves constituted through history. Dewey clearly recognized the uniqueness of these situations, writing, "In no two ages or places is there the same public. Conditions make the consequences of associated

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action and the knowledge of them different" (LW 2:256). The task of a democratic community is of inheriting and interpreting the historical context of any given present in light of the perceived problems apparent within contemporary life.

If all decisions and values are inferred from context—as Dewey argues—then we have to acknowledge the plurality of overlapping contexts and what that overlap does to the inferring of those decisions and values; even humanity itself is a context that is illuminating for us. Though this is a kind of holism, it does not posit a static definition of what the whole must be. Instead it is a version of holism that is always being put into question from the inside. The concrete is the local, which we experience and live through up close. For Dewey, "The local is the ultimate universal, and as near an absolute as exists" (LW 2:369). Even though humanity is the concept that could theoretically give us a "total" context, it is so remote from our concrete localized lives that it remains inconceivable. Furthermore, it would continually have to be rethought on the basis of the plurality of localized happenings that are constantly taking place.

New experiences necessitate the re-evaluation and redefinition of what we thought we knew, so that any content of the abstract concept of humanity is continually being questioned by concrete localized practices and ways of life. Attempts at defining that abstract larger concept are not off limits, but they must be done with the realization that they are merely postulations that will either be reinforced or challenged by localized experiences. Either way, it must never be thought of as a fixed concept; however we define it, it is always in need of justification. No context can be completely exhausted as long as temporality and historicity persist. The full context of a given present is always unfinished even though the notion of the 'whole' is appealed to.

In my view these considerations provide the tools to articulate a notion of pragmatic resistance, which is the primary goal of this chapter. Pragmatic resistance is the action undertaken by some part of society that challenges the constitution of the community of who is able to

meaningfully participate in solving public problems. In other words, pragmatic resistance performatively answers the question of the first-order public problem: who makes up the community of a particular? The very makeup of a public—its identity and its meaning—is itself a public problem to be solved on the Deweyan model in democratic fashion. Conceiving of publics in this way is an outgrowth of the very apparatus put into place by Dewey himself. In this regard, I am simply making explicit an aspect of his democratic thought that had remained beneath the surface. Additionally, such a claim is meant to contribute to the literature discussed in the previous section, which seeks social critical tools from within Dewey's philosophy in order to enable it to better respond to the problems of contemporary society.

The distinction between these two levels of public problem is a conceptual one that allows for necessary self-reflection when articulating the problems facing a given community—care must be taken to not presuppose a certain image of that community that itself is exclusionary and part of the problem. Recognizing the conceptual distinction between the two orders of public problems forces us to see that when we do articulate these problems we are necessarily simultaneously ascribing a certain makeup to the community that ought to also be interrogated. The two sorts of inquiries—into the problems facing a community and the very makeup of that community itself—occur simultaneously because these communities already exist, regardless of whether they are exclusionary or not; there is no hope of first discovering the proper demarcation of a community and subsequently attending to its more specific problems; the two are inextricably bound up with one another.

I will now return to Dewey's view in order to make apparent exactly why I think that I am warranted in drawing a distinction between two orders of public problems. For Dewey publics come together to form states (themselves a kind of public) under the banner of a shared conception of the common good. State-publics then align with one another into a kind of federation (another

kind of public), in the name of cooperation and presumably according to a more abstract shared common good (LW 2:262-3, 325). Such a claim does not imply that states or nations are permanent features of our political landscape. Dewey existed, as do we, in a context in which states and the idea of national identities exist, and so we can utilize the concept even as we seek to redefine what it means.[86] Eventually that may mean that the concept disappears or becomes obsolete. Dewey tells us we must work with what you have, even as you work to change what you have. He reveals as much, when he writes, "To form itself, the public has to break existing political forms" (LW 2:255). In order to affect such change it must be done from the inside, as there is no perspective external to where we stand; the new comes from the old.

In order to make social and political change a reality we must realize that, "in political agencies and methods [change occurs] because the social conditions, in generating a new public, have prepared the way for it; the state sets a formal seal upon forces already in operation by giving them a defined channel through which to act" (LW 2:277-8). The institutionalization of values and ideas is subsequent to new social conditions coming to existence. The alteration of aspects of society according to the investigation into, and alteration of, the common interest is democracy self-correcting. But this self-correction is not just any alteration.

Democracy cannot solve any problems if the changes that it introduces do not respond to the actual problems at hand. Dewey writes, "The old saying that the cure for the ills of democracy is more democracy is not apt if it means that the evils may be remedied by introducing more machinery of the same kind as that which already exists, or by refining and perfecting that machinery" (LW 2:325). In order for these "evils" to be remedied, their solutions must not reflect the very same attitudes or structures that produced the evils in the first place; substantive change must occur not only at the level of policy and law, but in attitude and lived experience as well.

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[86] Dewey's vagueness surrounding the relationships between the relationship between public and state provides an area for constructive criticism of his vision (see Festenstein 1997: 86).

Though Dewey retained faith in our collective intelligence to be able to see and solve these problems, he nonetheless recognized the obstacles that remained.

Unless the conditions allow for such intelligence to be harnessed, things look quite bleak: "Until secrecy, prejudice, bias, misrepresentation, and propaganda as well as sheer ignorance are replaced by inquiry and publicity, we have no way of telling how apt for judgment of social policies the existing intelligence of the masses may be. It would certainly go much further than at present" (LW 2:366). What is necessary is "the improvement of the methods and conditions of debate, discussion and persuasion. That is *the* problem of the public" (LW 2:365). Dewey is speaking about the public at large (the particular public made up of the citizens of a particular society) being able to critically inquire into its own conditions of existence. Debate, discussion, and persuasion are what he is calling for.[87] Much recent work has been done in political philosophy using Pragmatism more broadly in the service of deliberative democratic theory.[88] Part of my overall claim about the makeup of the public being a public problem is that *more* than the deliberative apparatus that Dewey advocates for is needed. On its own deliberation is unable to allow for more extreme kinds of change, the kinds that becomes necessary when debate is ineffective because no one is listening. If the meaning and identity of publics are to be continually put into question, we must move beyond solely thinking about deliberation.[89]

If someone is part of a group that is systematically discriminated against in practice, even if not in law, such that her voice is given less weight than that of someone of a different group, then the characteristics of how dialogue is construed will be different for people from different

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[87] See Anderson 2011 for a contemporary and specific articulation of this scenario.

[88] See the work of Misak 2008 and Talisse 2011, for example. Broadly, this view shifts the focus from Dewey's model of democracy to Peirce's conception of truth as the end of inquiry. With no fixed outcome, working out truth becomes a deliberative practice that, the argument goes, supports a pragmatist epistemological view of democracy. I don't dispute the interpretations of Peirce found in these arguments, but want to offer a Deweyan alternative that goes beyond deliberation.

[89] See Young 1990 and May 2008a for more extensive critiques of the deliberative model. See also Dryzek 2000 for an illuminating discussion of the broader group of concerns about deliberative democracy.

backgrounds. Telling a person who would need to be forceful just to be heard and seen by her interlocutors that she must instead defer to the community and to virtues of selflessness is in itself oppressive (see Sanders 1997: 347). Without taking into account these facets of the real world, and then attempting to correct for them through emphasizing the epistemic attitudes proper to equality, deliberation fails to uphold democracy. My reading of Dewey responds to the shortcomings of deliberation by arguing for a much wider scope of democratic participation that challenges the status quo. Confronting the constitution of the community of public problem solvers may have to be done in ways other than deliberation, if the space of deliberation is structured in a way that excludes certain groups from participating. When this occurs, more disruptive forms of democratic participation must be used, which challenge the existing model and argue for its revision.

Diana C. Mutz describes the problem facing contemporary society. The subtitle of her book is *Deliberative versus participatory Democracy*. This dichotomy is a normatively incorrect one, but is descriptive of the contemporary scene. It illustrates the necessity of prioritizing social conditions in the development of democratic theory. In the sphere of ideal deliberative practices, the two ought not be in opposition to one another. Yet, when considering the prevailing social conditions the two become incompatible because deliberation does not guarantee, as I've argued above, meaningful participation. Furthermore, the norms of proper deliberation can even impede participation, depending on the participant. The choice becomes one between being heard at the expense of trying to engage with the formal procedures of deliberation, or engaging with them but being silenced. Since being heard is the desired end, the choice is easy.

When Elizabeth Anderson offers a contemporary take on Dewey's public problems in her essay, "The Epistemology of Democracy," she highlights the notion of public concern (Anderson 2006: 10). Though her analysis and application is helpful in many ways, the question still remains as to how exactly we focus on what an object of public concern is for a given public. Implicitly, it

requires that the very notion of that public itself be put into question and subsequently redefined. Anderson emphasizes the distinction between public and private, but the matter remains of figuring out what issues get categorized as objects of public concern. In directing Dewey's philosophy outside of the setup of deliberation and dialogue I am attempting to show how a force from outside of the given public organization is able to alter that organization in the name of the robust equal participation of all. This stance embraces the fact that the makeup of the public is what is at stake. When the public itself is an open question, it is therefore also an open question in what manner certain issues are deemed "public."

Questioning the makeup of publics can come in any number of disruptive forms, but the important point is that it allows for the status quo to be forcefully rejected. Change does not always have to come through channels already recognized by society's existing structure—if it arises through the institutional setup already in place then so be it. Existing structures cannot be guaranteed to always affect the needed change; sometimes—perhaps often—the change needed is greater than the institutional setup can allow, requiring that setup to be challenged from the outside. That is, through popular resistance that occurs outside of the recognized institutional channels for affecting changes to society. Expanding the scope of ways to challenge the status quo beyond the institutional and deliberative structures of society is in the spirit of Dewey's thought, as I have tried to show with textual support throughout this chapter.

Chapter 5: Subjectivity, Identification, and the Incoherence of Resistance in Rancière

Introduction:

Chapter 2 focuses on the possibility of resistance in egalitarian society; chapter 3 deals with the limits of such a society; chapter 4 accepts those limits and asks how egalitarian communities can organize themselves. Chapter 5 investigates the notion of subjectivity as it relates to the mechanisms of resistance and political action within society. In doing so, it interrogates Rancière's conception of resistance in order to offer an interpretation of his political thought that highlights the importance of *re-identification*. The goal of this chapter is to examine the mechanisms by which resistance constitutes new and equal political subjects. To that end, I argue for a novel interpretation of Rancière's notions of equality and resistance as he articulates them through the process of subjectivation.

Rancière grounds subjectivation in political actors' dis-identification with the status quo. My aim is to spell out what I see as the silent half of the dichotomy of identification, arguing that through this action there is a simultaneous re-identification with a new vision of a more equal society. Such a society does not yet exist, but could come into existence through successful political action. Political action is therefore a reordering of the limits of the possible. Rancière is clear about the importance of dis-identification, though re-identification remains implicit. The content of re-identification points the way to an enlarged shared common social space that is made possible through resistance. Taken together, dis-identification and re-identification holistically take into account Rancière's framework in a way that is foreclosed if politics alone is the focus. Re-

identification can help understand the movement from one police order to another and the attendant alteration of the distribution of the sensible that such a transformation would entail.[90]

One critique of Rancière's conception of politics is that it remains too narrow, and is in need of a supplement (examples include Hewlett 2007: 100 and Dean 2009: 31, 35). A robust notion of re-identification is able to provide such a supplement because it recognizes that politics can only be conceptualized and investigated alongside police.[91] Rancière's conception of politics is narrow because it is only one half of his view. Though much of the secondary literature on Rancière recognizes this point in conceptual terms, there is a lack of discussion about how to develop such an important element of his work. For example, Hewlett gestures toward thinking through the outcomes of politics when he describes democracy as a transforming force, though he does not elaborate on what this might mean beyond the abstract notion of drastic change (Hewlett 2007: 108). Even when he grounds Rancière's thought in "radical transformation" he does not specify how this kind of transformation can be applied to understanding and evaluating the movements between different police orders (Hewlett 2007: 143). That is, he does not attempt to conceptualize the other side of politics—the re-ordered police order—and he is not alone.

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[90] I use the term 'transformation' because I believe it splits the difference between something like 'reform,' which remains too connected to both institutions and the status quo for Rancière's liking; and something like 'revolution,' which entails too much of a break with the present. A distribution of the sensible is "a relation between occupations and equipment, between being in a specific space and time, performing specific activities, and being endowed with capacities of seeing, saying, and doing that 'fit' those activities. A distribution of the sensible is a matrix that defines a set of relations between sense and sense: that is, between a form of sensory experience and an interpretation which makes sense of it. It ties an occupation to a presupposition." (Rancière 2009c: 275). For more detail regarding Rancière's discussion of distributions of the sensible, see Rancière 2006b: 9, 12 and Rancière 2010: 36.

[91] Building on Foucault 2007, 'police' names any social order, mode of classification, or hierarchy within society—the term refers to any societal organizing principle that assigns of roles or parts to individuals as members of that society. It is the term for the "general order that arranges that tangible reality in which bodies are distributed in community…an order of bodies that defines allocation of ways of doing, ways of being, and ways of saying…it is an order of the visible;" politics is an interruption of that order (Rancière 1999: 28-29). There can be, therefore, no politics without police and not police without the possibility of politics.

In the first section I offer accounts of the place of order, theory, and ontology within Rancière's philosophy, which serve as the grounding for the remainder of the chapter. Though Rancière denies that there is—or even could be—any ontology present in his writings, I build my argument upon the idea there is a *negative ontology* at work.[92] Rancière's corpus contains a thematic unity of pushing the limits of the possible within the constraints of the material present. In other words, given those constraints and their avowals of what social formulations they render possible, how can political action bring new formulations of possibility into being? As I will show, his break with Althusser over the latter's "philosophy of order" undergirds the importance of pushing the boundaries of possibility toward new—and more equal—social arrangements within Rancière's philosophico-political framework. His rejection of the primacy of theoretical order vis-à-vis Althusser mirrors the same move politically.

Section two provides the details of Rancière's process of subjectivation, while section three develops the rationale for recognizing the concept of re-identification in Rancière's work in light of this process. I examine Rancière's use of the concept of dis-identification, which he makes central to his overall framework for politics and subject formation, reading it as only one half of a dichotomy. I ultimately argue that Rancière describes—but does not name—the re-identification at work in politics. Section four elaborates notions of space and place in order to further develop the conception of re-identification offered in section three. I argue for the importance of spatiality, reading political action as the imperative of enlarging the common and shared space of society based on the function of re-identification. This enlargement ultimately depends on enlarging our perceptions of possibility. Focusing on spatiality complements Rancière's language of distribution with language of placement in order to deepen thinking about the outcomes of politics and re-identification.

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[92] I borrow this description from Deranty 2003b: ¶ 30.

Rancière advocates a robust equality of participation that exceeds the codification of institutions and extends to the ability to participate in the continual restructuring of those institutions in order to make them more inclusive. Rancière's project is descriptive of the mechanisms of egalitarian movements for social change that resist oppression and domination. The many historical examples he uses that are illustrative of these movements reveal the formal structure of how that resistance happens. Rather than fighting *for* equality, equality is acted *upon* as the force behind resistance in the first place. This is proof enough for Rancière that individuals and groups are always capable, at least in principle, of recognizing their own subjection, a view that stands in contrast to Althusser and other Marxist thinkers who advocate views of false consciousness and the necessity of a vanguard or Party to move revolution forward.

Although Rancière develops his own unique vocabulary and explicitly distances himself from the orthodox Marxist lineage, his definitions of politics, police, and dissensus reformulate the Marxist debate about reification. In doing so he contributes to a conversation whose participants include Lukács, Gramsci, Adorno, and Honneth, among others: police orders reify and political action undoes reification. Dissensus, as the excluded element of a community claiming its inclusion on the community's own terms, is effectively the real world manifestation of immanent critique.

Section I: Order, Theory, and Ontology

This section clarifies Rancière's engagement with the notion of order, which connects to the complex issues of theory and ontology in his work. Though by no means synonymous, Rancière often rejects these three terms alongside one another, since each is guilty of the same reduction or elimination of possibilities. Engagement with these methodological issues is integral for thinking about Rancière's conception of police orders, and go a long way toward illuminating his overall framework of politics. To this end I situate Rancière in relation to Althusser, explore the impact of

this relationship on Rancière's thought, and point toward the consequences of said relationship for political action.

In attending to these issues scholars often ask how we ought to situate Rancière's work with regard to the work of others; in other words, is he working within an already-existing theoretical framework or intellectual lineage? May (2008a, 2009a, 2012) and Deranty (2003a and 2003b) see Rancière as making contributions to theories of anarchism and the ethics of recognition, respectively; Schaap (2011 and 2012) reads him via Arendt, while Renault (2012) does so via Marx. Chambers subsequently argues that these kinds of projects do a disservice to Rancière and the specificities of his projects, being that he very consciously evacuates theoretical ties to other philosophers from his work (Chambers 2013: 45). In noting the difficulty of pinning down Rancière intellectually, Deranty notes,

> He is a thinker deeply influenced by Marx, who has totally rejected Marxist sociology. An existentialist who casts away the notion of self-consciousness. A theorist of postmodern society who reject's Lyotard's philosophy of language. A theorist of social domination who criticizes Foucault's definition of power. A sociologist and a historian focusing his interest on the misery of the world, but critical of Bourdieu's most famous paradigms. A thinker of recognition who rejects the notion of understanding. A Deleuzian who puts the notion of the subject at the center of his political thought. The list goes on (Deranty 2003a: 136).

Rancière is very purposeful about these evasions because, as he writes, he "is not a political philosopher" (Rancière 2003: ¶ 10). Furthermore, he is not a political philosopher because he rejects the entire tradition and project of Western political philosophy, and does so precisely because its

theories attempt to impose *order* where there is none (Rancière 1999: xii). Rancière's broad rejection of theory and order can be traced back to his split with Althusser in the 70's.

In the Foreword to the recent English translation of *Althusser's Lesson* he remarks on his intellectual development, writing, "I have not changed when it comes to the principle which guided [the book's claims and analyses], namely, that only the presumption of a capacity common to all can found both the power of thought and the dynamics of emancipation" (Rancière 2011a: xvii).[93] At issue is Althusser's insistence on an intellectual vanguard and the necessity of the dichotomy between science and ideology.[94] Beyond the specifics of Althusser's theories, however, *Althusser's Lesson* "has its sights trained on the much broader logic by which subversive thoughts are recuperated for *the service of order*. The principle of this process of recuperation is the idea of domination propagated by the very discourses that pretend to critique it." Althusser's discourse merely "cloaks its consecration of the existing order in the language of revolution," foreclosing the possibility of transformation and merely reifying the dominant order (Rancière 2011a: 124; emphasis mine). Althusser's view, in short, is that "the dominated are dominated because they are ignorant of the laws of domination" (Rancière 2011a: xvi). Though the specific target of the text is Althusser, Rancière emphasizes that his former teacher is but a single example of an entire logic of order at work in theories of critique.[95] This is what leads Rancière to his rejection of the dominant strand of Western political philosophy since Plato, which he views as a tradition dedicated to imposing the same forms of order he finds in Althusser.

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[93] The common capacity to affect emancipation is what makes the transformation of police orders possible in the first place. Rancière thematizes emancipation throughout his work, most notably in *The Ignorant Schoolmaster* (Rancière 1991).

[94] See Montag 2011 for deeper discussion of Rancière's specific objections to certain elements of Althusser's thought. Brown 2011 argues that Rancière misses his intended target through a misreading of Althusser. I take no stance here on that point, only wishing to highlight the position from which Rancière was distancing himself—whether or not Althusser is truly representative of that stance.

[95] For a broader list of the targets of Rancière's critique see Rancière 2011b: 25-49 and Rancière 1999.

Against the Althusserian claim that "science belongs to intellectuals" (Rancière 2011a: 47), Rancière asserts that "*men* don't need *masters*" (Rancière 2011a: 90; emphasis in original). Deranty elaborates: "the dominated do not need masters or leaders to tell them what to think and what to say. Their plight is not due to false consciousness or ignorance, but to a social organization that systematically makes their voices and their achievements invisible and inaudible" (Deranty 2010a: 6). Althusser's theoretical apparatus does nothing more than confirm existing hierarchies: "For Althusser, only philosophy as the theory of the scientificity of science is capable of drawing this line of demarcation [between science and ideology], while the common lot of individuals is to be caught in the ideological and imaginary misrecognition of their real conditions of existence" (Bosteels 2011: 27). Beginning with his archival work in the wake of the split with Althusser, Rancière has devoted his entire career to showing that this supposed common lot of individuals is a falsehood. Indeed, he claims that he completely avoids ontological speculation in his writings in favor of explicitly focusing on *political action* as the central aspect of his work (Rancière 2009a: 117, 120).

Rancière's rejection of Althusser's "philosophy of order" pushes him to let those who would resist speak for themselves. The role of the intellectual, *pace* Althusser, is to speak alongside, not for, others: "the role of the philosopher is not to give his/her voice to the silent aspirations of the dominated, but to add his/her voice to theirs, to hear their voices, rather than interpret them, to help them resound, to make them circulate" (Deranty 2003b: ¶ 1). Furthermore, it is to do so without reifying a group such as "the workers" by affirming the notion that this collection of individuals speaks in one unified voice (see Rancière 2011c: 29-31, Rancière 2012a: xxv-xxvi, xxviii). As Hewlett notes, Rancière is of the mind that "in order to understand thought, and in order to judge its relevance, (which is arguably part of the same process), some discussion is necessary of the material and ideological-intellectual conditions of its production" (Hewlett 2007: 22). Such a stance

builds in the difficulty of reification, does not completely jettison theoretical insight, and strives at all times to be cognizant of the position of its author.

Rejecting the dichotomy between science and ideology leads Rancière to repudiate philosophies of order throughout his work, essentially making "theory" synonymous with "order." Additionally, his stance encompasses a rejection of ontological practices, since they are simply practices of order that reduce a proliferation of possibles to only one possible (Ieven 2003: 50).[96] The repudiation of ontology, theory, and ordering practices forms the crux of the connection between this meta-philosophical discussion of Rancière's work and the investigation of its content in the following sections.

Rancière claims that he never intended to offer a theory of politics, instead intending his work to be series of interventions into specific political contexts (Rancière 2009a: 114-115). That is, instead of offering a political ontology, which "tries to answer the question of what there is," Rancière's position it that, *pace* Quine, "'everything' may not be the only possible answer" (Ieven 2009: 57). Ontology eliminates the very possibility of emancipation because emancipation depends on the articulation of a new horizon of possibility (see Rancière 2011b: 32). Ontology therefore separates any critical position from purpose or hope, as it essentially accepts as a fact that there is— and cannot be—any alternative to the present (Rancière 2011b: 40).[97] Rancière is adamant that a place must always remain for a reconfiguration of what we imagine is possible; we must be ready re-think the limits of the possible.

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[96] Rancière claims that he doesn't even know what ontological thinking would look like (Rancière 2009a: 117). At the other end of the spectrum from Rancière's own denial of theory or ontology are interpretations that attribute to him a robust political ontology. The latter view is articulated most strongly by Dillon (Dillon 2003: ¶ 6-7), and somewhat less strongly by Hewlett (Hewlett 2007: 106). Each claims that Rancière's extensive use of examples from antiquity through modernity to contemporary times results in a timeless, ahistorical, and ontological structure of politics.

[97] See May 2009b for an exploration of hope in Rancière.

Deranty emphasizes what is most distinctive about Rancière's theoretical apparatus when he notes, "It is clear that Rancière's denunciation of philosophy is political through and through, both a debunking from within theory, and a denunciation of the practical political effects of philosophy's reduction of the political" (Deranty 2003b: ¶ 33). Accordingly, he describes Rancière's view as a *negative ontology* (Deranty 2003b: ¶ 30, see also Ieven 2009).[98] Deranty's description illustrates that, while Rancière provides examples of politics from throughout history, each shows the unique manner in which the order of a particular society was contested and successfully reformulated.[99] They describe situations in which equality is presupposed by the dominated when they challenge the order that upholds their domination. Rancière characterizes this presupposition as the equality of intelligence.

This claim has nothing to do with quantitative measures of intelligence, whatever they may be. "It does not mean that every manifestation of intelligence is equal to any other. Above all, it means…that the same intelligence makes and understands sentences in general" (Rancière 2011d: 14).[100] The equality of intelligence means that we are equal insofar as are all equally capable of giving meaning to the world, or of constructing a meaningful world. This capacity is the presupposition of equality, and the specific manifestations of this equal capacity to construct meaningful lives is in no way prescribed in advance; the content of that meaning-making is left open, though bounded by the possibilities inherent in circumstance. Rancière's theory, then, does not "prove" that we are all equal. It shows, however, that it has never been possible—despite myriad attempts—to prove that we aren't. Rancière's readings of political philosophy are thus supposed to show the failures of

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[98] Though I agree with Deranty's characterization of Rancière's ontology as negative, I should also note that I do not follow his ascription of a third political term—the political, in addition to police and politics—to Rancière (Deranty 2003a: 144, Deranty 2003b: ¶ 6). See Chambers 2013: 32-33 for elaboration of this point. See also Rancière 2003: ¶ 8, where he distances himself from the term.

[99] For the example of the Aventine, see Rancière 1999: 32; for Olympe de Gouges, see Rancière 2010: 57, and Rancière 2004b: 303-304; for the proletariat see Rancière 1999: 39.

[100] See also Rancière 1991: 45-73, May 2008a: 57-58, and Russell and Montin, forthcoming: 14-15.

attempting to exhaustively account for order, though they aren't meant to substitute a new theory of the same kind.

Hewlett argues that, in reacting against order, Rancière pushes back too much against Althusser, and as a result ends up not offering any positive view of how we should think about police orders being better or worse: "When one looks at the detail of [Rancière's] definition of politics, appealing as an idea though this ephemeral disorder of egalitarian revolt may be, Rancière's own system often becomes a philosophy of exception or even a philosophy of disorder" (Hewlett 2007: 113). Hewlett's critique partially hits its target if we recall that Rancière admits that instances of successful politics are rare (Rancière 1999: 17). Similarly, Dean argues that Rancière's politics of resistance ends up as nothing more than mere fantasy—it is unable to actually gain any leverage toward making the situation any different (Dean 2009: 31).

As Rancière himself makes clear in describing his entire philosophico-political framework, "Cut off from revolutionary practice, there is no revolutionary theory that is not turned into its opposite" (Rancière 2011a: 154). While Dean's criticism comes from a frustration with Rancière's work that is understandable considering the opaque way that he sometimes makes his case, her worry can be mitigated through interpretations that use his framework as a ground for further reflections on concepts about which he remains silent. The implication is not, however, that we are faced with a philosophy of disorder. Taking Rancière's negative ontology into account, we see that he does not valorize disorder for its own sake, or believe that disorder itself is the place where we find equality. The presupposition of equality dis-orders the current oppressive ordering of society. It does not, however, fetishize that disorder, and can only attempt to construct a new order that is less oppressive than the previous one.

The purpose of this section Rancière's is to outline Rancière's reaction against "philosophies or order," first articulated in rejecting Althusser's Marxism. This reaction is the underlying

presupposition of the rest of his philosophical output and the framework that unifies his disparate texts. 'Order' broadly construed becomes 'police order' more specifically, and politics is the democratic (dis-ordering and an-archic) disruption of that order. Ontology aims to be a fundamental mode of ordering, insofar as it is exhaustive in its ordering of existence. In other words, it defines the limits of the possible. Conversely, politics manifests new iterations of the possibilities of society and community through its dis-ordering and subsequent re-ordering. We can interpret this movement as a negative ontology because of the necessary re-ordering of society through a different police order subsequent to successful instances of politics. Rancière knows that there can be no absence of order—there can be no "pure politics" (Chambers 2013: 49). In acknowledging the necessity of order he implicitly also acknowledges the necessity of ontological thinking. Politics, however, undoes order in ways that are not predictable in advance. Since the future manifestations of order that are subsequent to acts of politics are both necessary and unknown in advance, we can characterize Rancière's as having a negative political ontology.

Section II: Dis-Identification and the Appearance of Subjects

This section outlines Rancière's notion of subjectivation. It is an active process, and an event that does not simply occur—political actors bring it into being. The process of subjectivation is the construction of cases of equality (Rancière 1995b: 66). The construction of these cases entails those who are excluded making a case for their inclusion based upon their equality, during which they aim to show the contingency of equality. Such political action occurs when the excluded highlights a logical gap or a tension between theory and practice. This gap is the wrong at the heart of the distribution of the police order—subjectivation happens in the articulation of this wrong.[101]

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[101] I take Rancière's claim that it is constitutive of police orders to have a founding wrong to be an inheritance of Marx, though he departs from the Marxian view by stripping it of its dialectical character. That is, there is no eventual resolving of the contradiction within the idea of the police order, only within particular police

Rancière consistently refers to those to whom the wrong has been committed the part that has no part (e.g. Rancière 2010c: 36). Those of the part that has no part are outcasts: "the name of those who are denied an identity in a given order of policy [police]" (Rancière 1995b: 66). And as outcasts they are *in-between*: "the place of a political subject is an interval or a gap: being *together* to the extent that we are *in-between*—between names, identities, cultures, and so on;" subjectivation is dis-identification or declassification (Rancière 1995b: 67-68). In other words, "it inscribes a subject name as being *different* from any identified part of the community" (Rancière 1999: 37, emphasis mine). Those whose part it is to have no part make their claim to inclusion by pointing out the contradiction within the current distribution vis-à-vis their particular role—they dis-identify with the police order by acting on their equality.

Rancière often cites the case of Olympe de Gouges as exemplary. Regarding the exclusion of women from the so-called universality of the rights accorded men and citizens, she asserted that if women could be deserving of the scaffold and could be hung for treason, then they were equally deserving of a place in the assembly; both denote public personhood. Rancière writes,

> The point was precisely that equal-born women were not equal citizens.
> They could neither vote nor be elected. The reason for their proscription
> was, as usual, that they could not fit the purity of political life. They
> allegedly belonged to private, domestic life. And the common good of the
> community had to be kept apart from the activities, feelings, and interests
> of private life. Olympe de Gouges argumentation precisely showed that the
> border separating bare life and political life could not be so clearly drawn.
> There was at least one point at which 'bare life' proved to be 'political':
> there were women sentenced to death, as enemies of the revolution. If they

orders. The founding of each new order brings with it its own contradictions that are left to political action to bring to the fore.

could lose their 'bare life' out of a public judgment based on political reasons, this meant that even their bare life—their life doomed to death— was political. If, under the guillotine, they were as equal, so to speak, 'as men,' they had the right to the while of equality, including equal participation to political life (Rancière 2010d: 68).

Subjectivity is always relational because of the impossibility of standing completely outside of all police orders or societal organization. It is a process is "the formation of a one that is not a self but is the relation of a self to an other" (Rancière 1995b: 66). Politics can only ever act against police and in relation to it.

Disruptions of the police order are constitutive of politics. They are "a matter of subjects or, rather, modes of subjectification [sic]. By *subjectification* I mean the production through a series of actions of a body and a capacity for enunciation not previously identifiable within a given field of experience, whose identification is thus part of the reconfiguration of the field of experience" (Rancière 1999: 35). This reconfiguration gives a new identity to the 'we' of the police order, to those who have a part. This is a 'we' that restages the common and its meaning (Rancière 2009a: 121). It is the construction and implementation of new modes of seeing that are able to make sense of the inclusion of those who were previously excluded from equal standing. It means being able to recognize a new 'we.'

The police order is organized through certain principles that strive for a harmonious whole in which every member of society has a part. The status quo, legal apparatus, the common assumptions of those in society, etc. are all included in this organization. Political action calls into question the disparity within the police order between its totalizing rhetoric and its exclusionary practices by forcing a counting—a recounting—of who is a recognized part of the social order. The recounting of who counts is how new equal subjects are made. The recounting also reconstructs the

given distribution of the sensible, the notion of our common sense and understanding. When the excluded make their declaration, they affect the space of speech and reasons such that what counts as speech and what counts as reasons within that space are altered. What is at stake is who and what counts as visible and audible within (the) common sense. It is a struggle over the 'we' who counts, and over who gets to be made part of the 'we' in a particular distribution of the sensible such that those who do play a part are seen and heard as a legitimate part of the social order. (Rancière 2009a: 116).

Acts of dis-identification in the process of subjectivation yields a divided conception of the subject because there is always the potential for those on the inside to end up on the outside, depending on the organization of the police order and its distribution of the sensible. In each case of political action we can see examples of such divided subjects insofar as they they belong to two worlds: the police order and its constitutive outside. The very essence of equality "is in fact not so much to unify as to declassify, to undo the supposed naturalness or orders and replace it with the controversial figures of division" (Rancière 1995a: 32). Democracy is another way of referring to politics—it is the dialogue of a divided community (Rancière 1995a: 83, 103). Political action declaring a wrong is democratic action, since democracy, instead of being a state form, is the lack of essential grounding to rule, or the qualification of all to rule (Rancière 1999: 101). Democracy is, then, the condition of possibility for all political action and subjectivation to take place.

It is within this space of the division of a community that subjectivation takes place, acted out by those marginalized subjects who are denied meaningful participation by the police order— that is the role they are given in the distribution of the sensible, a part that plays no part. In asserting their capacity for participation, their political action is a verification of their equality. Within any given police order, the only lens through which subjects can be seen is that police order itself and what it renders sensible. Yet, there are different perspectives from within that lens, and

the different points of view bring out the tension with that order regarding inclusion and participation in the commons. These different perspectives reveal the fracture in the social whole that is constructed along the lines of only the dominant perspective. It is the definition of the common sense of a community that is at stake when the fracture is brought into the open.

Section III: The Case for Re-Identification

Outlining the place and importance of re-identification within Rancière's thought will eventually allow for further reflection on the transformation from one police order to another. Rancière does not spend much time discussing the outcomes of these transformations, though they are nevertheless always implied by his thoughts on the workings of politics; articulating re-identification makes this clear. Rancière's definition of politics only refers to the interruptions of the police order, which are incomprehensible from the point of view of the status quo. An order of some kind is the condition of possibility for the existence of politics in the first place, since politics can only ever undo (see Rancière 1999: 30).[102] Since there can be no "pure politics," a politics without police, there is always some police order functioning (Rancière 2011c: 3, Rancière 1999: 31). As a result, there is always a status quo and an ordering of the sensible world that we inhabit. This by no means implies the necessary existence of a state or a government; even a state of nature is properly thought of as a police order within Rancière's terminology.[103]

The reason behind this broad articulation is that, as Saul Newman notes, "domination and hierarchy cannot be confined to the state, but are in fact located in all sorts of social relationships— indeed, domination is a particular logic of social organization, in which people are confined to

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[102] Rancière is at odds with Foucault on this point, as he sees the political proliferating throughout the societal order. For Rancière, not all actions are political—indeed, most are not.

[103] Rancière's neglect to make the state a central element of his view is the starting point for some of Alain Badiou's objections; police orders are ineradicable because the term encompasses all modes and forms of social organization: an anarchist utopia is no less a police order than a totalitarian state. See Badiou 2005 and 2009.

certain roles such as 'worker', or 'delinquent', or 'illegal immigrant', or 'woman', to which are attributed certain social identities" (Newman 2011: 59). Given that we are never without police orders, we ought to think about what makes for better or worse police orders within which to live our lives (see Rancière 1999: 28-29). Rancière is clear that not all police orders are the same. How does a society move from one of these orders to a different—hopefully better and more equal—order? Investigating the space within police orders first requires outlining the notion and importance of *re-identification* (see Chambers 2010: 62, 67). In speaking about identity and identification I do not intend anything ontologically static. It is possible to identify with something without having it become part of one's identity in some deep sense of the term. My notion of re-identification remains grounded in negative ontology, and so I am not making any claims to positive ontological identity.[104]

As the previous section makes clear, *dis*-identification and not *re*-identification is the centerpiece of subjectivation (Rancière 1995b: 67). Rancière explicitly claims that subjects do not exist prior to the declaration of a wrong, writing, "before the wrong that its name exposes, the proletariat [e.g.] has no existence as a real part of society" (Rancière 1999: 39). That is, the existing police order cannot make sense of those who are excluded by it, since it sees its own order as harmonious. In counting and giving an account of themselves—demanding to be seen and heard— political actors force the police order to take notice of them. Though these actors demand recognition, success in this regard is *not* what brings new subjects into being, as this removes agency from those who resist and returns it to the exclusionary order—exactly what Rancière is attempting to avoid. Instead, the collective activity of the presupposition of equality is what brings these new

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[104] I thank Todd May for this point.

subjects into being.[105] In other words, it is acting *as if* the situation were different, *as if* they were already recognized as having equal standing.[106]

Dis-identification "inscribes a subject name as being different from any identified part of the community" (Rancière 1999: 37). It *invokes* equality, but it is not an appeal *to* it. Rather, equality is the underlying condition of possibility for dis-identification in the first place: "the only universal in politics is equality. But we must add that equality is not a value given in the essence of Humanity or Reason. Equality exists, and makes universal values exist, to the extent that it is enacted. Equality is not a value to which one appeals; it is a universal that must be supposed, verified and demonstrated in each case" (Rancière 1995b: 65). Successfully presupposing, verifying, and demonstrating equality removes social identities produced by relations of domination (Renault 2012: 183).

In order to make the case for re-identification it will help to consider the particular manifestation of dis-identification found in *Proletarian Nights*. Glossing a letter from the joiner (a type of carpenter) Gauny to his friend Bergier, Rancière writes of "the revelation of a different world and the initiation of a new kind of relationship between beings" that had occurred in Gauny and friends' exchanges with other workers (Rancière 2012: 116). Their mission in these interactions was "no different from the universal conspiration in which the poets of the time sense the gestation of the new world" (Rancière 2012: 115). Their actions manifest a rejection of the intellectual division of labor, insofar as they refuse to act as workers are supposed to act. They instead act as thinkers, "wrench[ing] themselves out of an identity formed by domination and assert[ing] themselves as inhabitants with full rights of a common world" (Rancière 2012: ix). These were individuals who "performed the truly radical act of breaking down the time-honored barrier separating those who carried out useful labor from those who pondered aesthetics" (Rancière 2012: xxvii).

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[105] Rancière also differs greatly from Althusser in his account of subject formation. See Althusser 2001.
[106] See Rancière 2009b: 8 as well as Russell and Montin, forthcoming: 10 n.30, 11, 15.

Rancière's archival research on 19th Century French workers centers on the claim that there were many workers who did not in fact take pride in and identify with their profession, contrary to what many historians had assumed. Accordingly, we can better understand their dis-identification with the occupational identity prescribed to them by the distribution of the sensible, which comes out through the many letters and writings that Rancière unearths (Hewlett 2007: 87). And yet, *in and through* their rejection of one world and its logic of order, Gauny and his friends *also* posit another possible world. In doing so, they undo the hierarchical relationship between worker and thinker, and re-formulate their own subject position as "worker-thinker." In other words, they do not want to become thinkers as defined by the current order; they create a new subject position that had been denied by that order. The most important worker-subjects for Rancière were "the aspirant, self-taught and articulate amongst [them], who imitated the more privileged" (Hewlett 2007: 87). In their dis-identification with their own lot, these worker-thinkers *re-identified* with a world and a form of subjectivity that was meant to be cut-off from them, but *reformulated it* in a new way.

The articulation of this novel subject is the creation of a new mode of sensibility and perception; it is a matter of perceiving otherwise. These radical actions are moves toward a new identity that comes into being through politics. The creation of new subjects is a process of "the formation of a one that is not a self but is the relation of a self to an other" (Rancière 1995b: 66). This relational other is acknowledged by Rancière but goes unspecified—my contention is that the relation involved in subjectivation is the re-identification with a new world that occurs simultaneously with the dis-identification with the current police order, and thus affects a transformation of the police order.

Re-identification can be further illuminated through Rancière's concept of dissensus. Echoing dis-identification, it is Rancière's term for the interruption of the police order by politics. This interruption sees two different modes of human life come together in a conflict through which

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new spaces of identity are forged. It is the opposite of consensus, and occurs when the wrong of exclusion is brought out into the open by the actions of those who are excluded. It does not, however, refer to a confrontation between interests, opinions, or values. Instead, "it is the demonstration of a gap in the sensible itself. Political demonstration makes visible that which had no reason to be seen; it places one world in another" (Rancière 2010c: 38). When dissensus takes place, those who are unseen act in such a way as to "make visible the fact that they belong to a shared world that others do not see" (Rancière 2010c: 38). This does not mean that their actions make the unseen seen or the unheard heard, implying the pulling back of a veil to reveal what was already there. Instead, *new* forms of visibility and audibility are constructed through political action; new possibilities of what can be seen and heard are constituted. Dissensus founds a new community because it redefines the parameters that mark the limits of the existing community (Rancière 2010b: 38). A new community brings with it a new sense of what is given and presupposed within the police order. Beyond the legal or judicial world, this goes as deep as our sense of perception of the world around us.

Acts of dissensus reveal a tension between the organizing principles of a society and the status of certain members or groups who exist within that society. These acts point out a logical gap—a tension between theory and practice—within society. In other words, "the discursive 'stage' upon which politics takes place is therefore an inconsistency within the structure of universality, between its promise and its actualization" (Newman 2011: 60). Constructing such a stage also constructs a case of equality, which entails the excluded making a case for their inclusion—they show the contingency of equality (Rancière 1995b: 66).

Acts of dissensus certainly reject and dis-identify with the status quo and its unequal distribution of roles in favor of an identity actively asserted as equal. As May notes regarding the Civil Rights era sit-ins, "they made it clear that they were there to order lunch *like other people*, and

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that they expected to be served" (May 2010b: 72, emphasis mine). These actors are between identities, and are contradictory subjects because they are simultaneously "defined sociologically as dominated and democratically as equal" (Deranty 2003b: ¶ 8). These are those "who move at the borders between classes" (Rancière 2012: xxvii). Their dis-identification with their status quo-assigned identity is simultaneously also a re-identification with another world, a world that this re-identification helps to actually constitute. Re-identification along these lines stems from Rancière's rejection of ontology and philosophies of order. If all possible identities and subject positions are known in advance, as they are meant to in political philosophy as interpreted by Rancière, then such a redistribution of roles would be impossible.

The speech and actions of the worker-thinkers are an "encounter with the impossible" (Rancière 2011c: 30). The singularity of their discourse lies in the fact that they do not concede that their destiny as workers must be accepted as fully determined; they redefine what can be conceived of as possible and impossible. These actions undergird Rancière's claim that, from the beginning, he has insisted upon a "topography of the possible" in the face of those who would deterministically posit a fixed destiny for workers or any other excluded class (Rancière 2011a: xvi). In other words, that which is thought of as impossible by a given police order or distribution of the sensible can always be interrupted by dissensus, wherein political actors question the demarcation between the possible and impossible. Reconfiguring identity is the practice of equality, which is what "people are afforded when they are taken seriously, as valid partners in dialogue, as people who make sense" (Deranty 2010b: 11). In other words, people whose speech and actions are coherent and understandable.

Situated in terms of re-identification and the reformulation of what is conceived as possible through the creation of new forms of subjectivity, Rancière's politics connects to his rejection of ontology more broadly. Though he emphasizes dis-identification, his descriptions of acts of dis-

identity reveal that there is an underlying simultaneous movement of identity that also occurs and grounds the formulation of a new police order based on a more comprehensive definition of equality. The focus on re-identification brings the *goals* of individual instances of transformation into relief. Emancipation is the goal of forming a new identity, and the articulation of this identity through the *as if* of re-identification spells out the content of the new police order and demands that it be constructed.

Section IV: Transforming the Spaces and Places of Politics

In this section I elaborate notions of place and space, showing how they are useful for framing the interpretation of Rancière that I am putting forth. Political action is the drive to enlarge the common and shared space of society through re-identification, which highlights the importance of spatiality since such enlargement depends on enlarging our perceptions of possibility within society. Focusing on spatiality complements Rancière's language of distribution with language of placement in order to deepen thinking about the outcomes of politics and re-identification.

I use space and place not as metaphors but as real world concepts that refer to the materiality and concrete realities of the sensible and experienced world. May emphasizes the spatiality of democracy or politics in the title of his recent essay, "Democracy Is Where We Make It" (May 2009a). This is an apt turn of phrase because it highlights, first, the agency on the part of those political actors engaging in political action. Second, it brings into relief the idea of spatiality when it comes to resistance. Those who are without a part in a given police order occupy a place that has no place. We may be tempted to say that they are *mis-placed*, but that would be ignore the fact that the re-ordering of society through politics does not simply give new space to an old subject, but that *new* subjects are created through the demands that they make. The new police order, then, is populated by *new subject positions* throughout.

A better term is *dis-placed* because it refers not merely to a subject being in the wrong place, but more broadly connotes that there is something amiss with regard to how the common space of society at large is constituted. The emphasis is not on the physical space that one occupies, but on spatiality and how space is perceived and ordered. To put it another way, displacement refers to the possibilities admitted as actual by a given order, challenges to which open up avenues to conceive of new possibilities of spatial perception. Lindahl (2008, 2010, 2013) has recently developed a concept that he calls the "alegal" to describe those actions that are neither properly legal nor illegal, but that challenge the very distinction. Specifically, Lindahl concretizes the problem within the framework of globalization and what he calls postnationalism. In doing so, he picks out a particular frame of reference within which Rancière's thought can be put to work. In articulating the logic of globalized legal structures, Lindahl refers to these challenges as "forms of behavior that intimate a place that has no place within the distribution of legal places a collective calls its own, yet ought to in some way" (Lindahl 2010: 31). These actions, mirroring Rancière's descriptions of politics, "bring into play, additionally, the tension between law as an *actual* or posited distribution of ought-places and *possible* law—an alternate way of ordering legal space" (Lindahl 2010: 43, emphasis in original). In other words, these actions reveal alternative realities as well as point toward societal transformation that would make those possibilities actual.

Politics is the re-identification of being placed anew within a re-formulated order, and of re-placing oneself within redefined sensible space. Thus, we can talk about being *mis-placed*: identified as being outside the current order when the given subject is actually included by it; this amounts to a mere misunderstanding. We can also talk about being *dis-placed*: these are the outsiders, the excluded, which Rancière refers to as the "part that has no part;" the re-ordering of the police order and the articulation of new subject positions is how this group becomes included within a new

police order. The latter of these two situations entails a reformulation of how we see and perceive our existence in the spatial world, or our spatiality.

Rancière's distributions of the sensible highlight the importance of spatiality. These are the ways that experience is carved up and perceived by subjects. As Rancière explains, "I call the distribution of the sensible the system of self-evident facts of sense perception that simultaneously discloses the existence of something in common and the delimitations that define the respective parts and positions within it" (Rancière 2006b: 12). Elsewhere, he describes it as "a generally implicit law that defines the forms of partaking by first defining the modes of perception in which they are inscribed" (Rancière 2010c: 36). He describes aesthetic acts as "configurations of experience that create new modes of sense perception and induce novel forms of political subjectivity" (Rancière 2006b: 9). This final point is especially important here. Reconfiguring experience, making space for new ways of perceiving existence and the social world, make for the instantiation of new forms of political subjectivity.

At one point, Rancière describes 'police' as an order of the visible (Rancière 1999: 29). At another, he refers to it as "the symbolic constitution of the social" (Rancière 2010b: 36). If the police order is an order of the visible (and the audible) then a political act is an aesthetic act, and as such interrupts that order and even posits a new one in its place. Resistance occurs and subjectivation takes place in and through the remapping of what is visible and audible by the police order. Subjectivation starts with resistance to foundational wrong that is constitutive of the current organization of the police order. The fundamental wrong is the key to understanding why Rancière does not posit a natural or pre-political subject. Articulating the meaning of the 'wrong' will help to provide an account of the stage upon which subjectivation occurs, as well as how we are to conceive of the type of subject that comes into being there—subjects that are made through the resistance inherent in, political action, which is to say, resistance in the name of equality.

Insofar as re-identification posits a new world, it posits a reconfigured idea of what the shared common space of society can be, doing so through the transformation of the one currently in existence. In other words, the new common space outlined through re-identification is not mere utopian theorizing; it is a re-ordering of society directly connected to the material realities of the present. I do not intend "shared common space of society" as synonymous with "public sphere," as it is defined in various philosophical debates. Articulating the shared common space of society is not a matter of distinguishing between the public and the private; it is the underlying space that determines the possibilities for how the public/private distinction is drawn in the first place. It therefore has affinities with Rancière's definition of the distribution of the sensible. I choose "shared common space of society" for two reasons. First, I want to emphasize the shared and common nature of this space, which is elided when referring only to distributions. Second, if we are referring to distributions and re-distributions then we lack a quantitative measure of the change from one to the other; we can talk about enlarging a shared common space in a way that we can't in re-distribution. Enlarging the shared common space of society *both* enlarged quantitatively and alters qualitatively in the way that Rancière intends with a re-distribution of the sensible. The enlargement of our shared common social space retains the need to perceive differently, which Rancière emphasizes.

Dissensus acts as a division that is inserted into our common sense. 'Common' here has a double meaning: both its colloquial use, as well as the sense of what constitutes the common space of society, the world that we all have in common as members of the community. It refers to how the givens of the social world are perceived. Dissensus is therefore "a dispute over what is given and about the frame within which we see something as given" (Rancière 2010d: 69). It is the essence of politics, calling into question what we think of as the common social world that we all inhabit, as well as who is seen as inhabiting that world and for what reasons. When our common

sense is ruptured it must be subsequently reformed. When politics is successful and this reformation occurs, our perception of what is common has been reconstituted. Insofar as it has been enlarged, new possibilities that were previously unacknowledged have been recognized.

The redefinition and expansion of the shared common space of society is based upon political actors' re-identification with a new public sphere through their political acts. Though political action dis-identifies with and undoes the existing public order, it necessarily also identifies with a not-yet-existing re-formulated and more equal police order. As May rightly emphasizes, Rancière's notion of politics is reactive, in that politics can only react against the existing police order, whatever it may be (May 2009b: 259). Though the police order conditions the possibilities that can be imagined against it by political actors, it is not so exhaustive as to make the re-organization of that order impossible.

Though I refrain from the specific vocabulary of debates surrounding the public sphere, there is an undeniably public element to our shared common space. As Rancière describes politics, it "is a process of struggle against this privatization [of the public sphere], the process of enlarging this sphere," which entails "struggling against the distribution of the public and private that shores up the twofold domination of the oligarchy in the State and in society" (Rancière 2006a: 55). The struggle described here echoes the quantitatively spatial component of "shared common space." The goal of enlarging this space entails resistance against the law of private interest, as well as the struggle to assert the public character of certain space, relations, and institutions that get designated as private by the police order (Rancière 2006a: 56-57). That is, when democracy—as defined by Rancière—occurs, it struggles against the privatization of public life; it enlarges the shared common space of society, which is intrinsically public.

Politics is an act of perceiving otherwise, and "marks a moment of unrepresentability that is constitutive of democratic politics per se; not, that is, because it is democracy's essence but because

dissensus *opens the possibility* of a rearrangement of associational life" (Panagia 2003: ¶ 6). The goal of politics is the reconfiguration of our common space, and when successful it enlarges it. In other words, we see a transformation in the very makeup and definition of what is common. The process of creating new political subjects entails the reconstruction of this space, altering definitions of who and what are capable of being seen and heard within it (Rancière 2011c: 10). The new stage calls into question and redefines what counts as speech and as reasons, as well as what counts as the constitution of the people. Put differently, new subjects are possible because the common sense perception of who belongs to society has been re-placed.

Politics demands the redefinition of the organization of the police order so that the excluded remainder can be incorporated into it. Newly admitted subjects are *new* subjects (worker-thinkers, to take the example of *Proletarian Nights*). Crucially, such inclusion also entails the re-configuration of those who were already visible subjects within the police order, such as the poets and intellectuals. Since subjectivity is relational their identities also change, since they are now partially defined against a new form of subjectivity (see Rancière 1995b: 66). Such a process puts into question any articulation of the how the "public" is delineated by re-articulates the subjectivities of its members.

The legal realm is one important facet of the transformation of what counts as public. As Lindahl notes, "collective self-legislation is a privileged (but by no means the only) medium by which modern political communities order themselves" (Lindahl 2008: 120). Though Rancière is not usually thought of as a legal thinker, this element of public life is crucial. It is important to remember, however, that the legal by no means exhausts the reach of the police (Deranty 2003b: ¶ 36). Legal victories are often involved in large-scale changes to the police order. To return to May's example of sit-ins during the Civil Rights Movement, we can see how the eventual passage of civil rights legislation was one of the effects brought about by these political actions. Obviously, such legislation barely begins to solve the problems of domination and oppression. Legislation does,

however, form one major part of the ordering and distribution of societal roles. Even one of Rancière's most important examples revolves the standing in court of members of the proletariat (Rancière 1999: 39). A lack of legal standing is at least one way that certain members of a society are made into second-class citizens.

Legal recognition can serve a symbolic role, since law is one of the very few explicit and concrete manifestations of the police order (Deranty 2003b: ¶ 27). The law therefore provides an excellent initial mapping of the sensible terrain in any given police order, and can serve as a focal point for political struggle (Deranty 2003b: ¶ 29). Police orders seek full harmony without remainder, while politics as resistance manifests the gap in that harmony and renders it false. As it does so, resistance posits a *new* form of harmony—a new police order articulation of common public space—that the political actors *identify* with even though it does not yet exist.

Though dissensus presupposes equality, it is an abstract notion of equality. This is so because its content—the "what" of equality—is contextual and historical, and can only be defined within specific times and places (McClure 2003: ¶ 29-30). In political action the equality that is being asserted is tied to concrete actions and exclusions—there are specific material and/or legal gains being fought for in each specific instance of politics. The subjects who carry out these actions encounter the limits of the possible, hoping to redefine what possible can mean: they are attempting to articulate new criteria on which they will be judged as citizens (Hewlett 2007: 107). Furthermore, they formulate a new definition of how society ought to be organized, and in effect are redefining the status quo (Hewlett 2007: 113). In doing so, they articulate the very transformation that would take place.

Each instance of politics is a specific polemical intervention at a particular point in time. Such instances of "paradoxical contemporaneity" each appear in exemplary ways as interruptions of the contemporary status quo, only fully recognizable in retrospect (McClure 2003: ¶ 29). In each of

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these historical moments, the force that interrupts the status quo insists on the *public* nature of, for example, domestic violence or industrial conditions (McClure 2003: ¶ 30). By making issues public that had previously not been so, the stage is set for a re-ordering of the police; for a new distribution of the sensible that yields new kinds of social bonds (Deranty 2003b: ¶ 34). We ought to conceive of such a re-ordering in terms of the transformation to better policing. When political actors act "as if" they are already included equally in the police order, they create new access to public, civic space (Labelle 2001: 91).[107] They identify with a redefined and reordered public space that has not yet been achieved (Labelle 2001: 92, Hewlett 2007: 101). Sometimes these moments are fleeting, but Rancière is up front about how rare politics actually is—radical change is not often achieved.

The idea that we ought to consistently be critical of the possibilities proclaimed by the police orders that we inhabit is grounded at least in part in the idea that Rancière has a negative political ontology. He does not intend to provide a proof of the equality of all, but instead only proves the contingency of ruling principles and societal hierarchies. Since order itself can never be eradicated, we know that there will always be police orders. The point is that whatever the content of a police order, its justification can be successfully challenged, since the justification for the founding of an order is only ever possible retrospectively (Rancière 2009a: 119).

Lindahl is again helpful here. He writes, "By definition, acts that create legal orders cannot themselves be a part thereof" (Lindahl 2008: 124); and, "the founding acts of legal order are themselves *neither legal nor illegal* because both terms of this binary distinction already presuppose a legal order as the condition for their intelligibility" (Lindahl 2008: 125). Though Lindahl is specifically referencing legal orders, the claim holds more broadly for order in general as well. By definition, any order has built into it the distinction between that which belongs and that which does

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[107] It is interesting to note that in the abstract to this essay, Labelle uses "invasion of the public space" (Labelle 2001: 75) instead of "access to civic space" (Labelle 2001: 92). The former would perhaps be more accurate, given Rancière's insistence on the polemical nature of politics.

not, a distinction only made possible by the existence of that very order in the first place. Lindahl's view echoes Rancière's, for which democracy itself means the rule of those who by definition have no right to rule (Rancière 1999: 71). Democracy is not a *justification* for rule, such as a monarchy, aristocracy, plutocracy, or epistocracy would be; it is a power—*kratos* not *arkhè*. Conceived as an *arkhè*, democracy is unable to give an account of itself in the same way that, say, a plutocracy would be: "we have the money, and therefore the right to rule." Democracy is a rule without such a foundation or principle, and so is a "qualification without qualification" (Rancière 2010b: 51).

Conclusion:

In this chapter I have attempted to do four things with regard to Rancière's work. First, to give an overview of the difficulties surrounding order, theory, and ontology; second, to outline Rancière's process of subjectivation; third, to argue for the necessity of the concept of re-identification within that process; and fourth, to argue for the relevance of notions of space and place are for thinking about new transformation within society, insofar as they help us to see how politics involves the imperative to consistently challenge the limits of possibility for the common shared space of society and our perception of it. In doing so, I follow Deranty in positing a negative ontology in Rancière's work, which provides leverage for the idea that we ought to consistently test and push the limits of the definition of the public space of society without positing its content in advance.

Emphasizing the importance of re-identification forces us to articulate exactly what kind of more equal re-distribution of the sensible or a re-ordered society would look like given the specificities and complexities of a given situation. Re-identification leads to a better understanding of how the imperative to enlarge the common shared space of society is constituted. Re-identification provides a foothold for interrogating the ways that specific police orders should be re-ordered.

We know that Rancière admits that successful politics is rare, but this is a descriptive historical claim. Yet it is the basis for the critique that, because politics is "fleeting," we are doomed to failure (Hewlett 2007: 104, 106, cf. Dean 2009: 31). I believe that this stance underestimates the resources that Rancière provides us with.[108] He sets the stage for further thinking about comparisons between police orders, as well as the different kinds of transformations that are possible from one to the other—and for pushing the limits of those possibilities. My view is that none of Rancière's claims proscribe the integration of this line of thought into his framework, and is furthermore encouraged by them.

This entails both evaluating police orders as well as always remembering that the current situation can be improved—more equal and more just; improvement is possible in the here and now. So while it is true that we can at best remain agnostic about whether there can be some final stage in the pursuit of equality—utopia waiting for us to make into reality—we can alleviate this possible loss through the recognition that real change is much closer at hand, if we act. Focusing on the rarity of politics also elides the fact that successful instances of politics and societal re-definition may well be the culmination of many smaller efforts of change that went unrewarded in the short term yet contributed to the long term structural change that politics evinces. These are the contributions to politics that are only recognizable retrospectively as we spell out the narrative of history of the present.

Rancière uses the phrase "polemical interventions" to describe his work, alerting us to the spirit of critique founded on equality that ties his corpus together (Rancière 2009a: 116). The question that animates his interventions is, "where are we?" That is, how do we see our situation in the here and now? How do we map our situation, and how can we reconsider how we do that very mapping? How can we change the here and now (Rancière 2009a: 115)? In other words, how can

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[108] See May et al 2008.

we articulate the demands for—and construct—a new map, and with it new transformations of

spatiality and iterations of our common perception?

Conclusion:

Over the course of this dissertation project I have developed a normative framework for political philosophy called *Fractured Social Holism* that articulates a mutually constitutive relationship between equality and resistance. The question that animated my investigations is, "How is equality constituted?" In providing my answer to this question I delved into several distinct moments from the history of social and political philosophy in order to see how to shift the focus of egalitarian theory from institutions granting equality to the community demanding equality. The goal was to interpret these moments in ways that remained true to a normative vision of equality while also insisting on the necessity of the people's resistance to the status quo in the name of a re-imagined vision of social harmony.

In the opening chapter I provide the context for these interpretations by outlining Fractured Social Holism. On the one hand, I show how it responds to prevailing trends in contemporary egalitarian political philosophy by incorporating the necessity of resistance into the very definition of equality. On the other hand, I situate my view in terms of two current debates in political philosophy: between ideal and non-ideal theory, and between moralism and realism. Fractured Social Holism is best understood as being a moderately ideal and recognizably real theory of political philosophy.

Like realism, Fractured Social Holism insists that the realm of the political is irreducible to personal morality, but that there is no specific type or sphere of action that is delineated as 'political' in advance. Instead, all actions within the social whole are in principle able to become political depending how they are put to use. The relevant use for political action is when it is used to call into question the legitimacy of the status quo and how it orders the varied aspects of society. Context, therefore, determines the content and location of the sphere of politics, and it is fluid

depending on how those contexts change. In this sense, my view is a realist one, since it focuses primarily on legitimacy rather than justice, and sees politics as distinct from morality.

When resistance occurs, opening up a new site of politics, it is carried out in the name of a re-imagined vision of society that is more equal and inclusive. While this resistance begins with the concrete particulars of domination and oppression within society, it nonetheless relies on an ideal, an imagined new vision of society in which those particular wrongs are righted in the name of equality and a more legitimate social organization. There remains, then, an appeal to the abstract ideal of equality that would ground legitimate social arrangements, even as concrete social realities are taken into account.

With this general framework in place, I then moved on to four case studies that offer further development of Fractured Social Holism. My interpretation of Rousseau sought to show how resistance could become necessary to the continual re-foundation of society once we abandon the idea that a true foundation from scratch is impossible. Through a reading of the *Second Discourse* and *Social Contract* I argued that common interest grounds institutional attempts of producing equality within a community, in addition to the ways that those left out of said vision of equality resist those attempts in favor of alternate models. Though this interpretation of Rousseau runs counter to more traditional readings, which see no possibility of resistance within his social contract, I argued that the relationship between nature and society that Rousseau draws out in the *Second Discourse*, coupled with the very specific conditions that he lays out for a successful contract in the *Social Contract*, make such a reading plausible.

Moving to Marx, I investigated what resistance might look like once we have recognized its place within a philosophy of equality. I questioned Marx's outright rejection of rights and democracy by connecting his descriptions of nature and species-being, using those definitions to argue that the way that he positions communism is untenable. He does so by marking a strong

distinction between political emancipation and human emancipation: the former is merely a part of the bourgeois order and brings illusory freedom, while the latter rejects the totality of the existing order and causes the break that leads to communism. The way that Marx outlines species-being and its dialectical relationship with nature precludes such a break with the present that would yield a communist future. I argued instead that it is more consistent with Marx's vision of humanity to posit what I call *social emancipation*, which sits at the midway point between human and political in that it entails resistance to oppression and domination in all its forms within society, though without the expectation that a new form of society will be founded that takes humans beyond those ills. Human freedom is attained through these activities, and is continually actualized through action directed toward the plurality of forms of oppression and domination within society as they come into existence.

Through my reading of Dewey's social and political thought I then investigated how egalitarian communities organize themselves once the structure of emancipatory resistance is in place. I took up his notion of public problems, which come into being as groups of people realize that their actions and decisions indirectly affect others. This relationship produces a connection between the actors and those affected that links their interests as common. I argued that Dewey's formulation of public problems requires an additional layer if it is going to be able to take deeper societal exclusions into account, since his view presupposes that there is already an accepted community whose members are seen as legitimate possible members of publics. I claimed that there exists a deeper public problem that must be consistently carried out, which is the problem of who in fact makes up the recognized public. Acts of resistance on the part of those who do not feel so included serve as attempts to redefine the very community of public problem solvers itself.

Lastly, I took up Rancière's conception of subjectivity, which is constituted through acts of resistance. I argued that he places too much weight on the disordering aspect of such resistance.

Instead, as new subjects are created through acts of resistance, they can only do so through re-identification with a new form of subject and a redefined vision of egalitarian society. Such re-identification amounts to the imagination of a new shared common space of society that reorders the limits of what is possible within society.

These four chapters expanded on the general framework of Fractured Social Holism, illustrating four ways that the relationship between philosophy and resistance can be progressively articulated. The primary insights of each form the basis for Fractured Social Holism, namely, the possibility of resistance within egalitarian community from Rousseau, the limits of what that resistance in egalitarian society looks like from Marx, how egalitarian communities can organize themselves from Dewey, and how subjectivity relates to mechanisms of resistance and political action within society from Rancière. Taken together, these historical interpretations and the conceptual framework they engender provide a novel means of thinking about issues of paramount importance in contemporary political philosophy, including pluralism, oppression and domination, and the purposes and meaning of politics.

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