

# Krisis

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ROBIN CELIKATES & RENÉ GABRIËLS

CIVIL DISOBEDIENCE  
DILEMMAS OF POLITICAL RESISTANCE AND PROTEST

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Most political theorists seem to agree that civil disobedience consists in intentionally unlawful and principled collective acts of protest that have the political aim of changing specific laws, policies or institutions. Civil disobedience is therefore to be distinguished from both legal protest and »ordinary« criminal offenses or »unmotivated« rioting, but also from conscientious objection and full-scale revolution. In practice, however, these boundaries are politically contested and probably cannot be drawn as easily as theory suggests. Furthermore, it is equally contested whether civil disobedience always has to be public, nonviolent, exclusively directed at state institutions, limited in its goals, and restricted to transforming the system within its existing limits.

Two of the most prominent theories of civil disobedience, those of Rawls and Habermas, highlight its primarily, or even exclusively, symbolic character. This, however, seems to reduce civil disobedience to a purely moral appeal, which sets all hopes on a responsive public. On a theoretical as well as on a practical level we are today faced with the question of whether civil disobedience requires a moment of real confrontation for it to be politically effective. It seems that civil disobedience does in fact have an irreducible symbolic dimension, but that it cannot be reduced to this dimension, because without moments of real confrontation it would also

lose its symbolic power and turn into a mere appeal to the conscience of the powers that be and their respective majorities. The necessity of going beyond the purely symbolic therefore seems to be substantiated by the symbolic function of civil disobedience itself, or a condition of its effectiveness: civil disobedience is a form of political practice that is essentially relying on stagings and (re-)presentations.

The articles in this special section highlight various challenges and possibilities the theory and practice of civil disobedience is confronted with today. *Alejandra Mancilla* argues that we should reintroduce the idea of a right of necessity for those in severe need. She uses the case of famine-affected Paraguayan campesinos to argue that under certain circumstances this right entitles agents to noncivil disobedience. In a similar vein, *Jacquelin Rothfus* suggests that the boundary between civil disobedience and criminal, or simply annoying, behaviour is much less obvious than usually assumed. With reference to the case of marginalised migrants in the Netherlands she argues that we should acknowledge the political aspects of certain forms of criminal behaviour. *Martin Blaakman* investigates how civil disobedience can be effective in a public sphere that suffers from various distortions and asymmetries. He argues that the Rawlsian notion of civil disobedience has to be supplemented by a Bourdieusian perspective in order to account for the effects of 'hermeneutic invisibility'. According to *Tom Grimwood* and *Martin Lang* we have to pay more attention to the aesthetics of civil disobedience. They use the example of the Militant Training Camp and Peter Sloterdijk's theory of rage to highlight how the rise of 'art activism' complicates the relation between the social and the artistic. Finally, *Tina Managhan* looks at how changing police tactics are (re)staging the scene from one of political protest to one of violence and disorder. She pays particular attention to the situated-ness of bodies and how the latter become de-politicized in the practice of kettling.

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ALEJANDRA MANCILLA

NONCIVIL DISOBEDIENCE AND THE RIGHT OF NECESSITY  
A POINT OF CONVERGENCE

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[I]t is an easy matter to talk philosophically, whilst we do not ourselves feel the hardship any farther than in speculation'  
– Samuel von Pufendorf (1729: 210).

Until the end of the twelfth century, in a world where massive famines and chronic poverty were a constant and very present threat, the sermons delivered to the Christian congregations – following the doctrine of the Church Fathers – focused on what the rich ought to do in the face of such suffering and deprivation. 'Feed him that is dying of hunger; if thou hast not fed him, thou hast slain him' (Aquinas 1892: 385), famously commanded Saint Ambrose of Milan. For the needy, meanwhile, the recommendation was that to starve was preferable than to sin; in this case, by stealing from the rich man's estate.

Today, in a world that has never confronted so much wealth and misery co-existing side by side, moral and political theorists appeal to their afflu-

ent audiences much in the same vein as the Church Fathers. 'What if I told you that you, too, can save a life, even many lives?', asks Peter Singer to his readers, enticing them to be generous and to donate to charitable causes (Singer 2009: ix). 'I invoke the very core of [Western] morality: that it is wrong severely to harm innocent people for minor gains' (Pogge 2008: 32)<sup>1</sup>, claims Thomas Pogge, one of the best-known figures in the global justice debate, in an effort to make the more empowered in our global society realize that they must reshape those institutions that allow foreseeable and avoidable human rights deficits to persist on a massive scale. Although these and other related discourses are mostly founded on the rights of the needy<sup>2</sup> (*human, basic, social*, or whatever they get called<sup>3</sup>), little is actually said of what these rights entitle their holders to do for themselves, and little moral guidance is given to the latter as to what they may do in the face of such serious deprivations.

At the end of the twelfth century, the established view presented by the Church Fathers as to how to deal with poverty and misery was challenged by a small group of Christian theologians and philosophers, who started looking at the problem from the other side – namely, not from the armchair of the wealthy landlords, but from the place of the destitute. Their focus was on what the needy may do for themselves in order to alleviate their plight, and their answer was that they had a *right of necessity* to claim what they needed to survive. The idea was basically that, because God had given the earth to all human beings, in the original state everyone was free to take what they needed to subsist. This was understood as a state of *negative community*, that is to say, the earth was not owned by anyone in particular, but everyone could get from it what was required for their immediate consumption. At a later period, human laws and institutions – private property among them – had been created to preserve that original equity in the best possible way, while advancing the well-being of everyone. If it ever was the case, however, that in civil society someone came to be in a situation of extreme need, she may demand to be helped and, if this help was denied, she may take what she needed without moral or legal sanction.

The best-known medieval version of the right of necessity was that of Aquinas, who claimed that '[p]roperly speaking, to take or use another's

property secretly in a case of extreme necessity does not have the character of theft, because that which someone takes in order to support his own life becomes his own by reason of that necessity' (Aquinas 2002: 217).

For the following five centuries, the idea of a right of necessity was also endorsed by philosophical figures like Hugo Grotius, Samuel Pufendorf and Francis Hutcheson (Grotius 1964: 193-195, Pufendorf 1729: 202-212, Hutcheson 1755: 117-140). Given certain conditions, they thought, a person in need was morally permitted to take and use someone else's property in order to escape his plight. Although it would have been anachronistic for these authors to call it a *human* or *cosmopolitan* right, this is in fact how they understood it: a *universal* right held by every *individual* that deserved *general* recognition.<sup>4</sup> Moreover, they took this right to be claimable by actual force, even if this went against the established laws and mainstream moral norms.

Given the conceptual gap in the global justice debate today (where most of the talk is about the duties of the rich, but little is said about what the poor may do for themselves), in this article I reintroduce the idea of a *right of necessity*. I first delineate a normative framework for such a right, inspired by these historical accounts. I then offer a contemporary case where the exercise of the right of necessity would be morally legitimate according to that framework – even though illegal and probably condemned by the standard moral norms. The case is that of a small group of Paraguayan *campesinos* (small farmers) suffering from the effects of a severe drought. In the third part, I introduce the concept of *noncivil disobedience*: I call an act of noncivil disobedience a *conscientious, public, illegal* and *forcible* act whose performance, while not necessarily intended directly as a means to bring about social and/or political change, may help to trigger these changes indirectly. In the fourth part, I suggest that certain instances where the right of necessity is overtly exercised – as in the case of the famine-struck Paraguayan *campesinos* – may also be interpreted in terms of noncivil disobedience, insofar as they serve a double function: as a means of satisfying immediate need, and as a marker of discontent in a society where the equal rights of individuals are a nominal ideal which remains unfulfilled in practice. I then address two objections that may be raised against resurrecting the idea of a right of necessity and

identifying it in certain instances with noncivil disobedience. I conclude by suggesting that, at the point of convergence between the two, a basic right like the right of necessity recovers its value as an active, (rather than passive) entitlement of its holders, while the use of force enters the picture as a legitimate means that – at least under certain circumstances – may be resorted to within the limits of civil society.

## I. The right of necessity

Given certain conditions, if a person in need takes and uses someone else's property openly or secretly – and even forcibly (if the owner refuses) – in order to escape her plight, this is not to be regarded as theft. What the person is doing, on the contrary, is morally permissible and ought to be considered as a legitimate exception to the established laws and standard moral norms. Such is, in a nutshell, the view of authors like Grotius, Pufendorf and Hutcheson when it comes to defining the right of necessity of individuals who are suffering from extreme material deprivation. The justifications given for granting this moral and legal exception differ: the first two are contractarian-based and start from a modern natural law perspective, while the latter is utilitarian-based. What these authors firmly agree on, nonetheless, is in the existence of such a right vis-à-vis perfect and imperfect rights which are, respectively, the subject-matter of justice and beneficence.

I can neither offer here a detailed analysis of these different accounts, nor pause on the tensions that each of them present.<sup>5</sup> Rather, what I do is take these authors as a source of inspiration from which to draw a normative framework for a right of necessity. In terms of the justification, I offer one that is contractarian-based and owes much to Pufendorf. I have shown elsewhere, however, that it is not contradictory, but follows from utilitarianism's most basic moral principle to include this exception within such a morality too (Mancilla 2012).<sup>6</sup>

To start with the justification, from the pessimistically Hobbesian to the optimistically Pufendorfian, a basic assumption of social contract theories

is that living in society is better overall than living in a pre-civil state, where individuals compete against each other and the only law is the arbitrary will of the strongest. On the contrary, by agreeing to respect some basic rules, individuals living in an organized society may pursue their own ends in relative security and harmony with others. One of the most important of these basic rules is that of private property.

While in the state of nature nothing belongs to anyone in particular and everything is up for grabs by everyone, in civil society we are not merely in contingent *possession* of what we need for our immediate consumption, but we may come to *own* an extended range of things. The institution of private property is taken to be essential for a well-functioning society and for the well-being of its members. This is true insofar as it promotes human industry and allows individuals to be better-off than they would have been without it. Consequently, once it is put in place, those who violate private property become liable both to moral condemnation and legal punishment.

Now, while the whole point of accepting to live in society and to abide by its rules is that it is overall beneficial for its members, exceptional cases might appear where following these rules would not only be disadvantageous, but would put our very lives at stake. In these cases, the contractarian says, it would be reasonable to leave a space for an exception. The idea is basically this: self-preservation is the strongest instinct of human nature. Therefore, we cannot expect someone whose very life is in danger to respect certain moral obligations, when doing so jeopardizes her chance of survival. In the specific case of material want, we cannot expect a person who is on the brink of starvation, for example, to refrain from violating private property laws and stealing someone else's loaf of bread, when doing so is the only way to appease her hunger. Instead of penalising the needy person in such a case, those judging ought to recognize this as an exception to the general norms, both legal and moral.<sup>7</sup> In order to prevent the exception from becoming a rule and thus a disruptive force within society, however, a set of conditions is required to set strict limits to the exercise of this right. These conditions are what reasonable agents participating in the social agreement would demand before granting it.<sup>8</sup>

Two things have to be kept in mind before spelling out these four conditions. The first is that they are taken to be either present or absent, i.e. they are interpreted in binary rather than scalar terms. Even though this strategy may sound oversimplistic (given that all of them can also be understood as coming in degrees along a continuum), it allows one to focus on those cases where the right of necessity appears uncontroversially. The second is that this is not purported to be a list of necessary and jointly sufficient conditions. Rather, when all are met, they mark a minimal area where cases of necessity appear quite indisputably. The point, then, is not to deny that a more inclusionary normative account for necessity claims may also be couched in contractarian terms, but rather that different arguments would have to be offered to support such an account – arguments that are not provided here.

So, what are these four conditions? Pufendorf condenses them in the following paragraph:

'If a man, *not through his own fault*, happens to be in *extreme want of victuals and clothes* necessary to preserve him from the cold, and cannot procure them from *those who are wealthy and have great store*, either *by intreaties, or by offering their value, or by proposing to do work equivalent*; he may, without being chargeable with theft or rapine, furnish his necessities out of their abundance, either by force or secretly' (Pufendorf 2003: 93, my emphases).

First of all, then, the need in question must be basic; i.e. it must be of such a kind that jeopardizes the very self-preservation of the agent if he is not able to satisfy it, and prevents him from leading a minimally acceptable human life. This explains why the right of necessity normally appears next to the right to self-defense. Both are about survival, even though the means to secure them are different: the latter, by reacting against some sort of aggression; the former, by taking positive action directed toward the fulfilment of some pressing need. To claim necessity for anything less than one's own subsistence is thus ruled out.

A second condition is that the agent has to be morally innocent: to wit, not responsible for her plight. This condition is thus understood in a nar-

row, backward-looking sense: it is narrow, because what matters is not the general character of the agent, but the causal role she played in falling into this particular situation; and it is backward-looking, because it does not focus on what the agent may do now and in the future, but on what she has already done regarding her situation. By putting this condition in place, an incentive is given to individuals to look after themselves and avoid falling in dire need through their own fault.<sup>9</sup>

Third, the needy person must not take from those who are equally (or almost as) needy. It is normally taken for granted that those who already have something have a better claim over that thing than those who demand it from them. Even in the state of nature there is already an assumption that, once an individual has taken concrete, physical possession of a thing, that thing becomes his and ceases to be part of the communal bounty. This tacit agreement is what Pufendorf takes to be the foundation of the right of primitive seizure or first acquisition, and what leads him to echo Curtius's words that 'he who refuses to deliver what is his own, has a fairer cause than he who demands what is another man's' (Pufendorf: 209).

In contractarian terms, this condition is justified by that tacit agreement: those who accept to leave an exception of necessity among the standard rules will want to limit its application to cases where the owners of the property at stake are not (or are not going to end up) as deprived as those who claimed the right in the first place. To ask someone to give away his last meal, after all, would defeat the very purpose for which this prerogative was originally intended.

Finally, the exercise of this right must be left as a last resort after all other paths of action have been tried unsuccessfully. Again, the rationale here is to disincentivize people from abusing this claim: it is only sensible to limit this principle by making sure that the agents will only have recourse to it after trying other less disruptive options.<sup>10</sup>

At this point, the readers may be wondering what the actual application of such a strictly limited moral prerogative can be today. If the idea of a right of necessity fell into oblivion from the eighteenth century onwards,

one may think that it was because cases where all the above conditions were met became less and less frequent due to the enrichment of the nascent capitalist society, the rise of the welfare state and the increasing importance given to the ideals of distributive or social justice and socio-economic rights. Why let the individuals fall into dire need when it was more efficient for the whole system to guarantee a minimal threshold for everyone, below which no one should ever fall?

Although this may be partly true (or even wholly true in most cases), I propose that, if we take the list of conditions enumerated above and apply them to some specific scenarios in the world today, we will realize that cases of necessity still arise or may arise – for example, in certain instances of pickpocketing, shoplifting and even pirating (Mancilla 2012). What happens nowadays, however, is that these are criminalized across the board as theft or violation of private property, and those who engage in them are condemned as moral and social pariahs, even though what they are doing (or may do) is simply claiming their legitimate right. I analyze one of these cases in the next section.

## II. The famine-struck campesinos

On January 2012, the recently ousted Paraguayan President Fernando Lugo signed a decree for a food emergency for 90 days, due to an acute drought in the Eastern and Western regions of that South American country. The most damaged by the drought were 110,000 people from at least 313 indigenous communities, whose subsistence crops were lost and faced famine as a result (USDA 2012). Especially in Alto Paraná and Canindeyú, two of the most critical areas, not only the local *campesinos* were affected, but also the *Braziguayos*. The latter are industrial soy producers from Brazil who, since the 1970s, have been buying thousands of hectares of arable land in this landlocked country to grow this crop, mainly for export for animal feed and biofuels. For them, however, the recent drought did not threaten their lives, but rather their pockets: due to it, the soy production is expected to fall to 6.4 million tonnes in 2011/2012 (compared to the record 7.5 million yield in 2010/2011, which represented

an export value of 1.59 billion USD) (D'Angelo 2012).

Today, Paraguay is the world's sixth producer of soy beans, with over 2.6 million hectares cultivated, and the fourth largest exporter. Despite an impressive economic growth of 14.5 percent in 2010 (mainly thanks to this crop), Paraguay remains nonetheless the second poorest country in South America: 20 per cent of the population live with less than 1 USD a day, while almost half of the population live with less than 2 USD a day (World Bank 2002: 237). In terms of the Human Development Index, moreover, the country ranks 107 from a total of 187 (UNDP 2011: 126). The distribution of land is also extremely inequitable: 351 families and multinational companies control 40 percent of the total arable land, while 1.2 million small farmers occupy only 6 percent of the total arable land, half of whom live with less than 1 USD a day (Fogel 2005: 443).

Now, if that were not enough, thousands of farmers are threatened by famine. While the government has been sluggish to attend their most urgent need, the big agribusinesses around them keep loading their trucks with protein-rich soybeans, to be eaten by foreign cows, chickens and pigs, or to be used as biofuel to feed 'sustainable' cars in Europe. Given these circumstances, I pose the following question: may the Paraguayan *campesinos* take these trucks and fetch their produce for their own consumption, or enter the soy plantations and help themselves to the crops? May they claim necessity in this scenario?

To answer this, it might be illuminating to start by presenting *Open Granaries*, one of the paradigmatic examples of necessity used by Pufendorf. In times of famine, the authorities have to order the opening of the granaries to feed the population. But, 'must the poor therefore be content to starve, when the magistrates neglect to make due provision for their sustenance?' Pufendorf's answer is that they mustn't, and that, as long as the conditions to claim necessity are met, 'the law which forbids theft is not to be extended to this present case' (Pufendorf 1729: 210). In short, the agents are empowered to take what they need to guarantee their sustenance.

Let us review if the conditions to claim necessity are present in the Paraguayan case. Starting with the kind of need in question, what is at stake for the *campesinos* is their very subsistence. As one of the farmers put it simply: 'If it doesn't rain, we will have no food' (Hernández 2012). There is no doubt that the need in question is basic.

Second, the agents are not responsible for their plight. The *campesinos* were hit by an unexpected drought which destroyed most of their plantations. Moreover, because they are among the poorest of the poor, even if they had known that a drought was coming, they could not have shielded themselves from this climatic emergency. Their plight, then, is not due to their negligence, or their idleness, or their engagement in risky activities.<sup>11</sup>

Third, the owners of the resources are clearly not equally needy. For one thing, the food they grow – as already mentioned – is not for their consumption, nor for the consumption of other people, but for animal feed and biofuel. That the owners of these crops do not depend on them for their subsistence is also clear from the fact that they do not live on these lands, not even close to them; on the contrary, most of them are Brazilian and Argentinian businessmen, or multinational companies for whom soy is solely about profit. The cost of letting the needy take a part of their crop would indeed constitute a negligible percentage of their total production and would affect – if anything – their million dollar profits by a few thousands in total.<sup>12</sup>

Fourth, if the presidential order that 'all necessary administrative and financial measures are taken to provide an immediate response to problems related to food production' remains ineffectual (ABC Color 2012), the last-resort condition is also met. For the farmers, their only means of subsistence has been ruined and, considering that extreme poverty is especially prevalent in the rural areas, presumably they do not have enough money to buy the food they need. In terms of political power, moreover, the detailed normative and legislative system in Paraguay contrasts with the lack of enforcement of the law by the State and the prevalence of a corrupt political elite, within which the *campesinos*, as a marginal group, have no representation. On the contrary, the big agribusinesses are politically well-protected and represented.<sup>13</sup>

A final consideration is pragmatic. As stated in a report from OXFAM, ‘[i]n Alto Paraná, smallholder farmer settlements look like tiny islands in the midst of uniform seas of soy’ (Itriago 2012: 9). That is, the food needed to prevent starvation is right there, in the soy fields at the very edge of the farmer’s lands, and in the trucks that carry them through the dusty country roads to Argentina and Brazil, from where they are exported.<sup>14</sup>

In sum, my claim is that, faced with starvation and with their authorities failing to act effectively, the Paraguayan farmers may exercise their right of necessity by taking and consuming the crops from the vast plantations that surround them, even if this violates Paraguayan laws and directly affects the property of the big soy agribusiness.<sup>15</sup>

There is one important complication in this case that I have deliberately left aside so far: namely, the question of the legitimacy of the soy business itself, both regarding their claims to the land and the production methods they use. Regarding the first point, because many of the land transfers took place thanks to Stroessner’s corrupt agrarian reform, during the 70s and 80s, it could be pointed out that – together with a claim of necessity – the *campesinos* have a claim of justice against those who legally but illegitimately displaced them from their lands. By claiming necessity, as I will suggest in the next sections, the *campesinos* may nonetheless contribute towards reinforcing this latter claim too. Regarding the second point, there is a growing concern that, despite contributing to the country’s economic growth, the soy business has produced massive environmental degradation, raised rural unemployment and brought health problems to the neighboring communities, due to the heavy use of agrochemicals. If this is the case, again, the *campesinos* would have a claim of justice against the soy businesses to compensate them for the harm done to them; a claim that would strengthen their more basic claim of necessity. It is important to make clear, however, that even if these accusations were not true and the big farmers were neither responsible in any way for the plight of the *campesinos*, nor beneficiaries of some past injustice, the claim of necessity of the latter to let them take and use their produce would still stand.<sup>16</sup>

### III. Civil and noncivil disobedience

There is a growing sense among moral and political philosophers today that the traditional concept of civil disobedience has become insufficient to account for a number of social and political movements that are taking shape at the global level.

Acts of civil disobedience, as theorists like Hugo Bedau and John Rawls proposed in the 60s and 70s, are *conscientious*, *illegal* and *public* acts, *political* in nature, whose purpose is to protest against some specific law, policy or government decision which is deemed to be illegitimate (Bedau 1961, Rawls 1971). What is paradigmatic and essential to civil disobedients, according to these authors, is that they never resort to force in order to achieve their aims but, on the contrary, seek change only through peaceful means. Moreover, they are even willing to accept official punishment as a way of nodding to the general institutional framework of that society. Rather than revolutionary, civil disobedients are reformists, and the system within which they work for these reforms is – to a greater or lesser extent – open to attend to their claims.

While the *disobedience* straightforwardly points to the fact that they go against some established rules, the use of the term *civil* to qualify these acts can be understood in two different ways. In a first sense, an act of disobedience is *civil* insofar as it is performed by *citizens* – i.e. ‘full-time’ members of that society, with the duties (like paying taxes), but also with the privileges (like voting and using the State’s social services) that their status entails.

In a second sense, acts of disobedience are *civil* insofar as they are *civilized* and peaceful, as opposed to disorderly and violent. Here, the word *civil* refers to the fact that those engaging in these acts do not use direct physical force – as they maybe would in a pre-civil, state-of-nature scenario. Civil disobedience, in this sense, is overall about *civility* in one’s conduct.<sup>17</sup>

Some authors have contested the first sense whereby the practice of civil disobedience is limited to citizens only. David Lyons, for example, presents the Afro-american slaves before the end of chattel slavery as a paradig-



matic example of civil disobedients, even though they were not citizens, but part of the white man's estate (Lyons 1998). Others, like John Morreall, have contested the second sense and have claimed that violence should be allowed if that is the only way in which citizens can achieve their political ends (Morreall 1976).

Despite these attempts to extend the boundaries of civil disobedience, it remains true that when we use this concept today most of us still have in mind what Bedau and Rawls had in mind too; namely, acts of disobedience that are *civil* in the double sense expounded above: to acts that are paradigmatically nonviolent, and whose performers are active members of civil society, confident that the institutional system will listen to their peaceful demands and will treat them with respect – even if they have to undergo some sort of punishment as a consequence of their refusal to abide by the law. Civil disobedience, to put it differently, is mostly associated with organized, pacific protest done by dignified citizens who are conscious of their entitlements as such, as opposed to spontaneous and sometimes violent acts performed by those who remain at the margins of the social system, either officially (for example, illegal immigrants) or in practice (as in the case of those whose basic rights as citizens are formally recognized but ignored and disrespected on a daily basis).

However useful it might have been to conceptualize phenomena like the civil rights movement and Gandhi's tactics of nonviolent resistance, the classic understanding of civil disobedience is clearly not enough to account for certain social movements emerging today. Instead of giving arguments to extend its scope (like Lyons and Morreall), I propose that *noncivil disobedience* is a better term to conceptualize some of them.<sup>18</sup> Let us say that an individual performs an act of noncivil disobedience when he/she acts *conscientiously*, *publicly* and *forcibly* against a law, policy or decision of the government which ignores or violates a basic right.<sup>19</sup> Even though his/her primary aim may not necessarily be to effect a change in that law, policy or decision, his/her acting in such a way may contribute to bring about that change.<sup>20</sup>

Like civil disobedients, noncivil disobedients thus *conscientiously* and *publicly* engage in *illegal* acts. But there are at least four features that distinguish them.

First, their disobedience is *noncivil* because the use of force is not excluded but, on the contrary, may be the only practicable way to fulfill some basic right or rights after all other paths of action (including those of civil disobedience) have been tried unsuccessfully.

Second, it is *noncivil* because it is paradigmatically exercised by those who, even while enjoying the privileges of citizenship in theory, remain marginalized and excluded from even the most minimal benefits of their status in practice.

Third, while acts of civil disobedience are first and foremost political, aiming directly at a change in a law, policy or provision of the government,<sup>21</sup> the primary aim of noncivil disobedients does not necessarily have to be political. Rather, political change may well be an indirect effect of their actions. This is reaffirmed by the fact that the target of those disobeying the law does not have to be the State and its institutions, but may be any individual or group, public or private, against whom (or against whose property) they are forced to act by the circumstances.

Finally, noncivil disobedients are not necessarily willing to accept the punishment imposed on them. When political change is a secondary aim, however, accepting punishment (for example, by going to prison) may make sense in pragmatic terms; for example, as an expressive means of publicizing their plight more broadly and informing society about what they take to be a just claim.

Rather than constituting a break in the social contract, acts of noncivil disobedience should be regarded as a reaction to something that previously broke or threatened to break the contract – by violating the basic rights of certain members of society, or by failing to fulfill them. In this sense, noncivil disobedience may be given a place within civil society as an escape valve or last resort.

In the next section I suggest that, when done publicly, the exercise of the right of necessity may also be interpreted as an act of noncivil disobedience, and I bring back the case of the Paraguayan *campesinos* to exemplify this point. It is important to stress that I am neither saying that all instances where the right of necessity may be invoked also correspond to instances of noncivil disobedience, nor that all acts of noncivil disobedience may be subsumed under the label of necessity.<sup>22</sup> My claim, rather, is that there is at least one type of cases where both converge: i.e. those where necessity is openly claimed and exercised, and the political force of that claim comes as an indirect effect of it.

#### IV. Noncivil disobedience and the right of necessity

By stopping the trucks with the soy beans and fetching their produce, the *campesinos* perform an act that is *conscientious* (they know what they are doing, and what they are doing it for), and *public* (they are aware that they will appear in the national news the next morning, and may even be willing to get that extra attention). Their action, moreover, is *illegal*: they are violating the laws of private property and sometimes also other laws – for example, through the obstruction of public roads and the occupation of private land.

Unlike civil disobedients, however, the illegal actions they perform require the use of force, especially given that they are met by armed resistance, if not from the owners of the property in question (who live hundreds of miles away), then from their private gunmen or the police.

Second, although they are recognized as citizens by the Paraguayan law, in practice the *campesinos* have little or no chance of participating or influencing the politics of their country. When the recently impeached President Lugo was elected in 2008, one of the slogans of his campaign was to empower the rural population and carry out a much needed agrarian reform. Four years later and with a new right-wing President running the country, this slogan remains unrealized and the repression against the demands of the *campesinos* is as strong as ever.

Third, the target of the *campesinos* when claiming necessity is not directly the State and its institutions, but anyone whose property is at hand to help them out of their plight. Moved by hunger, the first purpose of taking the soy beans for their own consumption is then not political, but pre-political and pre-civil: it is about bare subsistence. That performing these acts has a political impact is thereby a secondary effect and not necessarily the main (or sole) motivation for their actions.

Lastly, the *campesinos* are not necessarily willing to accept the punishment imposed on them, given that what they take to be doing is merely to claim a basic right. Although accepting the punishment imposed by the authorities is not precluded, the rationale behind such an acceptance would be merely pragmatic; namely, to make their claim widely known and hopefully to put pressure on those who could change the law to their benefit.

Two objections may be raised at this point.

A first objection is that claiming necessity in this type of case does not address the *real* problem. Stealing trucks with soybeans for their own consumption is not the solution to the plight of the *campesinos* and in fact, the objection would continue, acts of this sort have been rare or in-existent occurrences. What these small farmers ought to do is not merely to appease their hunger, but to strive to redesign the laws concerning land ownership. Their claim, in other words, is not about immediate necessity, but about long-term justice: while the danger of famine at the beginning of 2012 was a contingent situation, the problem of unequal land distribution is structural and has permeated the Paraguayan society for decades.

While not denying that this might be true, as I said before, here my limited purpose has been to point to the fact that claiming necessity under their circumstances would not be out of place but, on the contrary, would be perfectly legitimate and could also serve to reinforce their claim of justice to a more equitable land distribution. After all, there is nothing reasonable in expecting the needy to wait quietly, with *civility*, until the institutions are changed for their benefit, while those who have the means to effect that change have failed and keep failing to do so. While exercising

the right of necessity forcibly may not be the optimal solution for those who go hungry in a world of abundance, it should be at least regarded as a legitimate path when all other paths have been closed. That the *campesinos* have not at all (or only rarely) resorted to the tactics here described does not preclude the possibility that they may do so in the future, at least so long as the emergency persists.<sup>23</sup>

A second objection relates to a cost-benefit calculation. Considering the stark repression with which they have been met in the past (it suffices to see the growing list of dead farmers and policemen during clashes in recent years<sup>24</sup>), claiming necessity by stealing trucks filled with food may be *just*, but futile and therefore *morally impermissible* – to use the language of some *jus ad bellum* theorists.<sup>25</sup> In other words, given the high costs that stealing the food would entail overall, the *campesinos* ought not to resort to the use of force.

Assuming that they have already tried other paths of action – peaceful protest, finding a job in the agribusiness, appealing to the local authorities – to this one may reply that, given their desperate situation, it is actually prudent for the *campesinos*, i.e. it makes sense in utilitarian terms, to engage in such conduct as a last resort. Neglected by the government and by the rest of society, they have nothing to lose but something to gain. If one wants to be cynical about it, apart from the publicity that their cause will get, going to prison could actually be seen as an improvement in their quality of life: there at least they will get shelter and two meals a day.

## V. Concluding remarks

It is a standard philosophical maxim that one ought to search for simplicity and avoid, as much as possible, to multiply the categories unnecessarily. In this article, however, I have sought to show that at least with regard to the concept of civil disobedience, having such a wide umbrella to account for so many different types of acts does not enlighten the discussion, but obscures it. By introducing the concept of *noncivil disobedience*, I have identified those acts performed by people who are often at the

margins of society both in terms of social and political representation, and who use force as a means to get their claims heard. Moreover, I have claimed that an old moral concept – the *right of necessity* – may still have a role to play today and have suggested that, when carried out in an open, public way, its exercise may also be interpreted as an act of noncivil disobedience.

By putting forward this proposal, my aim has been threefold. First, I have sought to reinforce a conception of basic human rights (and, more specifically, of the right of necessity understood as a right to subsistence) as entitlements of their holders to do certain things, rather than as mere triggers for certain anointed duty-bearers to act on behalf of the rights-holders. This active conception of basic rights is much needed in a context where most of the talk on the topic takes their holders to be passive (and patient) recipients. Second, I have suggested that the traditional means of civil disobedience used for adjusting the laws, policies and provisions of the state may not be enough to effect the changes needed in order to fulfill (and not to violate) basic rights. Especially in societies with entrenched structural injustices and deeply asymmetrical powers of representation among their members, leaving noncivil disobedience as an option for those whose basic rights remain violated or unfulfilled may not be the optimal solution, but still ought to be regarded – at least under certain circumstances – as a legitimate last resort. Third, in an attempt to put the theory into practice, I have pointed toward a concrete contemporary scenario where these ideas converge, i.e. that of the Paraguayan *campesinos*.

There are, of course, some pending tasks, which suggest that this point of convergence should also be seen as a point of departure for future explorations. Among them: to offer a more systematic account both of noncivil disobedience and the right of necessity (and of the relationship between them), and a more detailed analysis of other cases that may be couched under one or both of these terms; to inquire into the amount and type of *force* required for an act to be regarded as *noncivil*, as opposed to *civil*, disobedience; and to evaluate the potential side-effects if these principles were ever to be widely applied.<sup>26</sup>

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<sup>1</sup> Hereafter, square brackets indicate that the text quoted has been changed.

<sup>2</sup> I say mostly, because philosophers in the utilitarian tradition, like Singer himself, avoid using the language of individual rights or, if they do, they use it above all as a rhetorical tool. Cf., for example, Campbell 2007.

<sup>3</sup> For *human* rights, cf. Pogge 2008. For *basic* rights, cf. Shue 1980. For *social* rights, cf. the International Covenant on Economic, Social and Cultural Rights 1966.

<sup>4</sup> Moral cosmopolitanism, which underlies all human rights declarations, rests on three main tenets. First, *individualism*: its ultimate focus of concern are individual human beings, rather than larger collectives. Second, *universality*: every member of the human community is taken to have an equal moral status. And third, *generality*: this universal and equal moral status is to be recognized by everyone else (Pogge 2008: 175).

<sup>5</sup> For a comparison between Grotius and Pufendorf on this topic, cf. Swanson 1997 and Salter 2005. For Hutcheson's account, cf. Mancilla 2012.

<sup>6</sup> Considered as the forefather of utilitarianism, Hutcheson thus justifies exceptions of necessity upon the greatest good of the system. So long as we can tell a plausible story of how respecting the right of necessity of an individual in certain situations brings about the best short and long-term total outcomes, then the person may exercise his right. Thus, for example, 'the public interest is really promoted, when an innocent man saves himself from some great evil by some small damage done to another' (Hutcheson 1755: 139).

<sup>7</sup> In Pufendorf's words, the right of necessity should 'not [be] comprehended in the general words of a law' (Pufendorf 1729: 203). It is not, then, a *legal* right that can be systematized and turned into a norm, but a *moral* right that the law and the standard moral rules have to recognize and accept as an exception, if they care to preserve equity.

<sup>8</sup> Apart from its most basic assumption (namely, that the institution of private property does in effect guarantee that the members of society will be better-off than they would have been without it), there are two other assumptions in place here. First, that there is at least some material surplus: in times of generalized famine, other rules would apply. And second, that the agents will fully or almost fully comply with the rules, avoiding the use or misuse of this exceptional prerogative.

<sup>9</sup> Although hereafter I limit my analysis to individual acts, the same rationale could be applied to collectives; i.e. only those groups who are not collectively responsible for their plight may legitimately claim necessity.

<sup>10</sup> There is another condition that Pufendorf and the other authors mention, but that I here omit; namely, the intention to compensate the owners of the resources taken and used. I leave it aside because of the difficulty – if not plain impossibility – to judge intentions, not only for external observers, but even for the agents themselves (who may be self-deluded). Why not demand actual restitution as a condition instead? Mainly because there are cases where, even if no restitution were possible, it would still be plausible to say that the grounds for claiming necessity would be met.

<sup>11</sup> I am not denying that those who are responsible for their plight ought also to be helped in this scenario. My point is rather that claims of this kind – at least for the pur-

poses of the present discussion – ought to be distinguished from what I am trying to identify and isolate as clear-cut necessity claims.

<sup>12</sup> To have an idea: the price of a metric ton of soy beans in April 2012 was 530 USD.

<sup>13</sup> In recent years, *campesino* protests against the big soy producers have increased due to various reasons: among them, the heavy use of agrochemicals which contaminate air and water and affects the adjacent rural communities; and the displacement of thousands of families from the countryside to the urban slums, as a result of the pressure to sell or lease their lands and turn them into soy fields. Each time, these protests have been harshly repressed.

<sup>14</sup> Apart from its water efficient growth habit, the soy fields use large-scale modern agricultural technology and irrigation, which under these extreme circumstances makes them fare better than the crops planted by the farmers.

<sup>15</sup> At this preliminary stage, I leave unanswered many questions that will arise when turning to the actual execution of the principle. Among them: how much are they allowed to take, and for how long? How should the soy owners respond to their claims? May the government compensate the soy owners, given that the *campesinos* will not be able to? Etc.

<sup>16</sup> A similar situation takes place in Ethiopia. Due to the worst drought in 60 years in the Horn of Africa, in 2011 4.5 million people (mainly farmers and pastoral cattle-raisers) were in need of emergency food assistance. At the same time, an increasing number of multinational companies were growing food for export. In the biggest greenhouse in the country, in Awassa, which occupies the area of 20 soccer fields, around 15 tons of fresh produce are harvested every day. As a journalist vividly describes it: 'Commercial farms dot the northbound highway to Addis Ababa. In the evenings, a steady stream of trucks loaded with fat, sumptuous berries and cherry-red tomatoes rumble past, rushing to Bole International Airport and Gulf-state grocery stores beyond. The highway's dusty shoulders, meanwhile, are littered with the carcasses of animals dead from starvation and disease, the bones bleached white from the sun' (MacDonald 2010, Vidal 2010). May the hungry Ethiopians claim that food? The answer should be no different to the Paraguayan case.

<sup>17</sup> Civil disobedience may be said to be *civil* yet in a third sense, insofar as it is performed by *civilians* as opposed to paramilitary forces. For the purposes of this discussion, I leave this use aside.

<sup>18</sup> I use the term *noncivil disobedience* to distinguish it from what Jenet Kirkpatrick calls *uncivil disobedience*, which carries a negative connotation. Among uncivil disobedients, Kirkpatrick includes certain violent and radicalized political groups in the U.S., such as frontier vigilantes, Southern lynch mobs and militant abolitionists. What unites them is their ideal of righteous violence and the firm belief that they represent the will of the People and thus the true Law, which they uphold against a government that they refuse to recognize as their legitimate representative (Kirkpatrick 2008).

<sup>19</sup> This law, policy or decision does not have to violate or ignore basic rights *systematically*. For example, the laws of private property are regarded most of the time as legitimate, but upholding them without exceptions may under specific circumstances deprive a person of the fulfilment of her most basic right to subsistence or even life. Under such circumstances, the person could engage in an act of noncivil disobedience and go against those laws in order to preserve herself.

<sup>20</sup> I hereafter assume that, for an act of noncivil disobedience to be legitimate, those engaging in it are neither individually nor collectively responsible for their deprived situation. The idea of setting this clause in place is to prevent abuses and to incentivize individuals and groups to look for other paths of action before appealing to it.

<sup>21</sup> This is true regardless of the fact that, to achieve this aim, the disobedients may use indirect means to attack that law, policy or provision.

<sup>22</sup> On the one hand, a shoplifter who secretly steals milk for her children would be a case of necessity without noncivil disobedience, as would be a hiker who breaks into a mountain hut to seek shelter from an unexpected storm. On the other hand, the following could be interpreted as cases of noncivil disobedience without necessity: squatting illegally in private lands to demand an agrarian reform; infringing certain copyrights or patents in order to use information that one wants to make publicly accessible; and appropriating a public service like transport or schools to demand an improvement in one's

freedom of movement or access to a decent education. In these examples, arguably, what is at stake are *basic* rights, but not the right to subsistence or survival.

<sup>23</sup> The same holds for other contemporary scenarios where necessity may be invoked. Pickpocketing and shoplifting for basic goods in poor countries, for example, may barely serve to attenuate the symptoms of deep structural injustices in those societies. One could think that if done overtly and repeatedly, however, the political and social effects of these acts could go well beyond the satisfaction of the agent's immediate need.

<sup>24</sup> In fact, it was as a result of one of the deadliest clashes between policemen and *campesinos* (which ended with 16 dead and many wounded) that Lugo was impeached by the Parliament in June 2012.

<sup>25</sup> Cf. for example: 'A war may be just and yet morally impermissible, if the country that war is waged against is liable to attack, but the consequences of attacking it are very bad' (Lippert-Rasmussen, forthcoming: 9).

<sup>26</sup> I thank Ryan Bellevue and two anonymous reviewers for helpful criticism and feedback on previous versions of this article. I am also indebted to the audience at the workshop *Who Owns It – Land Claims in Latin America, Their Moral Legitimacy and Implications*, held at the Centre for the Study of Mind in Nature (CSMN), University of Oslo, August 2012.

# Krisis

Journal for contemporary philosophy

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JACQUELIEN ROTHFUSZ

AWOR NAN TA YAMA NOS CRIMINAL! (AND NOW THEY CAN  
CALL US CRIMINALS!)  
CIVIL DISOBEDIENCE AND THE DUTCH-CARRIBEAN TOP 50

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*Ta ken a mata nos? (Who has killed us?)*

*Makamba! (The Dutch!)*

*Ta ken a horta nos? (Who has stolen from us?)*

*Makamba!*

*Ta ken a gaña nos? (Who has lied to us?)*

*Makamba!*

*Ta ken a bende nos? (Who has sold us?)*

*Makamba!*

*Awor nan ta yama nos criminal! (And now they call us criminals!)*

– MC Pester, 1993. (Cited in: van San 1998: 256).

## The Top 50

‘...and so in this way the Caribbean people all retreat and they no longer trust anybody. You see? They stay within their own group, you know, and they do everything amongst themselves. You see, their own work...doing their own things, if anybody comes to them, you know, he has got to have

good reasons to mix with them and be able to prove it.’<sup>1</sup>

Groups of noisy Dutch-Caribbean men are frequently hanging around on the streets of Groningen, talking to each other in Papiamentu. Occasionally they flirt with girls passing by and often they are tinkering with their cars, while listening to loud music from the car radio. They hardly make any contact with people outside their own group. Police, social workers and many other professionals attempt to turn them into assimilated citizens, but almost never successfully. Their distrust of native Dutch people, and especially of institutions, appears to be strong. Most of these men belong to the ‘Top 50’.

The ‘Top 50’ refers to a list of the most problematic Dutch-Caribbean men in Groningen. To be included, a person must be Dutch-Caribbean, a repeat offender, jobless, dependent on benefits and in debt. These people often lack a permanent place of residence, a proper education and a stable relationship as well. Several professionals who work with these people, such as social workers and the police, have compiled this list. They called these men the ‘Top 50’, although the number of people on the list may vary.

The men in the ‘Top 50’ choose not to participate in mainstream society, but they do not explain why. Often their behaviour is labelled as criminal. I want to discuss, however, whether this behaviour can also be regarded as some kind of civil disobedience.

I want to use the ‘Top 50’ as a test case for the relevance of the concept of ‘civil disobedience’ in contemporary pluralistic democracies. I will begin by discussing Rawls’ and Arendt’s thoughts on civil disobedience. Using the work of Foucault, van Oenen and Žižek, I have uncovered two problems in Rawls’ and Arendt’s ideas. In the first place, many protest activities are not actually addressing government. In the second place, political protests often present ambiguous and unreasonable arguments to express discontent. Finally, I will use the ‘Top 50’ case to argue why the limits of civil disobedience need to be reconsidered.



## Civil Disobedience

Rawls and Arendt are considered to be the authoritative classic authors on civil disobedience. Rawls based 'A Theory of Justice' on the idea of a social contract (Rawls 1971). In his thought experiment, free and rational subjects are situated behind a veil of ignorance, where they deliberate about what the correct rules are in a just society. These subjects are similar to the Kantian rational modern subject. They are supposed to be universal citizens, lacking specific ethnic or historical roots, who are capable of deciding upon just principles for all. Based on those principles, the majority decides which laws and policies have to be put into effect. All citizens are participating in the implementation of these principles. A just society has to be democratic, according to Rawls, because democracy enables an open dialogue between citizens about the way society should be organized. According to Rawls, in a dynamic, pluralist society, government should justify its fundamental political choices in such a way that citizens from different backgrounds may be reasonably expected to accept them (Rawls 1999). This can be achieved by founding basic laws upon public reason. In 'What is enlightenment', Kant introduces the distinction between public and private reason (Kant 1784), a distinction that is adopted by Rawls. Private reason relates to a specific sub-set of the public as a whole, to specific religious convictions for example, which are not shared by the whole population. Public reason, however, is built on common sense, noncontroversial results of science and facts. As a result, Rawls reckons it to be acceptable for all reasonable citizens. But even majority rule, justified by public reason, may contain injustices, because the interests of minorities may be overlooked. In order to rectify this problem in near just societies, Rawls introduces civil disobedience in his theory of justice. This may serve to correct majority rule in a democracy, because minorities can signal injustices by being civilly disobedient and propose solutions to repair those injustices. John Rawls defined this concept '...as a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government.' (Rawls 1971: 364).

In the classic examples of civil disobedience, people protest against unjust laws and policies by addressing government. A clear example is Thoreau's

refusal, in 1840, to pay taxes, in order to protest against an unjust war. Gandhi's protest against the British rule over India is another classic example. A more recent one is the civil disobedience of the feminist punk rock band 'Pussy riot'. They gave a very short performance in Moscow's Cathedral of Christ the Saviour, in which they jumped around, punching and kicking, with colourful balaclavas over their heads, crying: 'Mother of God, chase Putin away!' After less than a minute church security men stopped them. Afterwards, a Russian court convicted them of hooliganism and they received a prison sentence. In this way, Pussy Riot made a political protest that was clearly directed at Putin, the Russian Prime minister, and the Russian Orthodox Church, which represents patriarchy and supports Putin. The band's protest was non-violent and the members accepted the legal consequences, although some of them fled the country. The conviction and imprisonment resulted in massive international attention for their political dissent.

Arendt values civil disobedience as a safeguard for plurality in society. In her essay 'Civil disobedience', she distinguishes civil disobedience from other examples of disobedience to the law (Arendt 1972). According to Arendt, people who enact civil disobedience should be distinguished from conscientious objectors, because conscientious objection is an individual statement, whereas civil disobedience is practiced by a group. Conscience is personal and a moral dilemma is primarily an intrapersonal, apolitical conflict. It is about being a good man. However, Arendt states that in civil disobedience the dilemma is between being a good citizen by obeying the law or disobeying the law because the law is unjust. Civil disobedience is a political conflict between objectors and the state. Arendt also distinguishes civil disobedience from criminal activities. Criminals avoid the public eye, whereas practisers of civil disobedience act out in the open. Moreover, criminal behaviour differs from civil disobedience because criminals act for their own benefit only.

'Civil disobedience arises when a significant number of citizens have become convinced either that the normal channels of change no longer function, and grievances will not be heard or acted upon, or that, on the contrary, the government is about to change and has embarked upon and persists in modes of action whose legality and constitutionality are open

to grave doubts.’ (Arendt 1972: 74)

Rawls and Arendt make a clear distinction between civil disobedience and other illegal acts. However, their conditions are rather strict. In order to categorise an act as civil disobedience, it must focus on governmental laws and policies. Furthermore, the protest has to be non-violent, based on conscience and substantiated by public reason. In Kant’s footsteps, Rawls considers citizens to possess universal reason, which enables them to think for others. Arendt differs from Rawls because she also takes the fundamental value of plurality into account.

Rawls’ and Arendt’s stringent conception of civil disobedience may have the effect of turning it into a rather elitist choice. Consequently it may cause us to overlook the political impact of protest signals that are not clearly articulated, or explicitly presented as resistance against the law or policies of government. In the last decade, we have been confronted with several manifestations of social discontent that do not fit Rawls’ and Arendt’s criteria. Often these manifestations are labelled as criminal or disruptive behaviour. As a result, elements of social critique are being overlooked. Therefore, I want to question the boundaries of the concept of civil disobedience, as proposed by Rawls and Arendt.

## Localization of the opponent

I want to question the requirement that civil disobedience is always directed at the laws and policies of a local or national government. In the last section, we have seen that, on the one hand, Rawls’ theory is liberally oriented in the sense that it gives people equal opportunities in designing their lives. On the other hand, van Oenen remarks, there is supposed to be ample room for government intervention (van Oenen 2011). Power and resistance seem to be connected to the relation between citizens and the government they have chosen. Thoreau, Martin Luther King, Gandhi and Pussy Riot clearly addressed their civil disobedient acts at the government and its policies. Several recent protesters, however, did not. The Occupy movement, for example, strives for social change. Local groups have dif-

ferent priorities, but these are all related to changing the economic structure and power relations. These groups consider large corporations and the global financial system to be their opponents. In our neoliberal democracy, according to the Occupy movement, these institutions favour a small financial elite at the expense of the majority of the people, ‘the 99%’. From the perspective of the Occupy movement, the economic interests of big companies prevail over the political decisions made by democratically chosen representatives. Therefore, ‘the opponent’ is no longer a government as such.

## Governmental power and disciplinary power

Foucault offers tools for correcting Rawls’ centralistic model. In *Discipline and punish*, he distinguishes between two models of power: sovereign and disciplinary power (Foucault 1975). Sovereign power is used in the relationship between a sovereign and his subjects, whereas disciplinary power structures everyday life. The latter normalises people, so they will fit into the format of ‘normality’, the domineering norms in their historical context. In this way, Foucault was decentralising power. Whereas Rawls’ theory of justice focuses on a central government, Foucault provides tools to recognise power and resistance in other places. Disciplinary power is a central element of the welfare state, a model of a state that intervenes in social processes. In order to do so, structures are developed in which citizens are the constant object of observation and evaluation. The boundaries between public and private become blurred because of the politicisation of private life and private relations. Biopower produces the modern subject. Whereas resistance against sovereign power is directed at the sovereign, or, in a parliamentary democracy, at government, resistance against a normalising power may be much more diffuse. People can resist being moulded into normality by stepping out of the system, if possible. Because normalising power is everywhere, not only in government but also in places like schools, hospitals and prisons, resistance can emerge anywhere and take many forms. The idea of normalising power enables us to conceive of the refusal to participate as resistance against dominant norms. In this way, the anti-psychiatry movement in the eighties, which

questioned the need to be ‘normal’ and tried to label madness as a positive experience, can be described as resistance. Willis offers a detailed account of ‘counter-school culture’, in which working class kids use several tactics to avoid learning, such as truancy, doing no work while being in class or making practical jokes at the teachers’ expense<sup>2</sup> (Willis 1983). All these actions can be explained as a form of resistance against the normalisation that takes place in schools. While normalisation strategies are aimed at incorporating people in the format of normality (Foucault 2008), deviant groups develop various counter-strategies that can be conceived of as social criticism.

## Democracy and interpassivity

In addition to the omnipresence of normalising power, the process of democratisation is also decentralising power. Citizens become more involved with the political process, as they are able to take part in discussions about policies. This is in line with Rawls’ ideas on the ideal society. Democratisation, however, can also contribute to a sense of alienation and impotence. The classic descriptions of civil disobedience predominantly come from Western Europe and North America in the seventies of the last century. This was a time in which many different groups struggled for emancipation: students were campaigning for participatory democracy in universities, for example in Paris in May 1968; feminists were trying to liberate themselves from the shackles of household work and child rearing; black people, with leaders like Martin Luther King, were fighting for equal rights, for example by going on marches or actions like taking a bus seat intended for whites. In addition to these emancipatory struggles, many people protested against the War in Vietnam. Rawls and especially Arendt were motivated by the post-war urge to fight totalitarianism and this political activism inspired their description of civil disobedience. As a result of the protest movements in the seventies, political participation in the Western world has grown. We can conclude that civil disobedience worked as a correction to the shortcomings of democracy, as it was intended to do. In the last decades, however, the political landscape has changed. According to van Oenen, the political culture of emancipation,

characterised by a high level of interactivity, has gone too far (van Oenen 2010). A counter-emancipatory turn into interpassivity, the inability to act on norms that the subject himself has chosen, has emerged. Van Oenen argues that citizens have become increasingly involved in policy-making, in order to attend to their own interests as well as to deliberate about social goals (van Oenen 2011). Citizen-participation leads to a strong focus on the democratic process, instead of on the ideals and results. People can take part in the deliberations, but the results remain unclear (Van Oenen 2006). According to van Oenen, the political dream in the United States used to be ‘a machine that would go of itself’, an organic metaphor of a sensitive system, encountering relays, feedback and control. It has changed, however, into ‘a machine that goes by itself’, a mechanical metaphor for a process that works without external corrections. Many citizens have mixed feelings about political participation. On the one hand, they do not feel as if they are in control, on the other hand they are so heavily involved that there is no way to address their discontent. After all, they themselves were the ones who made these political choices. Maybe this is the reason why so many recent political protests have been much more diffuse than the ones in the seventies, with their ideals being hardly recognisable. In this way, perfecting the democratic process may lead to alienation. This, in turn, may lead to diffuse expressions of unease about the political situation, as a clear opponent is lacking.

As a result, people may vote for ‘protest parties’, which play a significant role in several western countries. These parties, such as the Danish People’s Party in Denmark and the PVV of Geert Wilders in the Netherlands, set anti-European and xenophobic goals and pretend to offer a way out with a return to national values and the national currency. Most voters of the PVV, however, say they do not agree with the aims and strategies of the party at all. Some even remark it would be an atrocity if the PVV plans were to be realised. By voting PVV, they mainly want to send a signal that, for example, there are problems linked with the multicultural society, and express their distrust of the political elite (Aalberts 2012). Even as the Dutch and Danish belong to the wealthiest people in the world and consider themselves to be among the happiest people on earth, according to self-report questionnaires (OESO 2011), a lot of them are not striving for political ideals. In elections, their choice is determined by dissent and their

vote is a protest vote. So even if a political party is quite explicit in its policies, the parliamentary democratic system can be used for ambiguous protest signals. Where less than a century ago women and black people in western democracies were fighting for the right to vote, many citizens now give their vote to a party that does not represent their ideals, or refrain from voting altogether. This is far from the ideal rational citizens, in Rawls' theory, who deliberate, based on public reason.

The meaning of these conflicts changes by including in the conception of civil disobedience conflicts that are not specifically directed at government, but have a more diffuse character. If, for example, we label the refusal by the 'Top 50' to participate in mainstream social arrangements as a partly political act, we can no longer put them away as criminals who isolate themselves from society. In this way we can pull their encounters with social workers into the realm of the political. The conflicts have a meaning that is relevant for the political context, and appeal to other citizens to re-assess the justness of their arrangements.

## Reasonable arguments

Rawls argues that actors should be serious, sincere and have a moral conviction in order to be classified as civil disobedient. Disobedient citizens should present public reasons that can be derived from a reasonable political conception of justice, sufficient to support their unlawful behaviour. I want to question whether civil disobedience can only be accepted if it is well-argued. Is violence always incompatible with civil disobedience? Should riots or movements in which people express their resistance against the social-political situation always present substantial arguments and unambiguous political goals in order to count as civil disobedience? Should the protesters be constructive in changing the political situation? On several occasions, activities have been labelled as social protest, even when the aim was ambiguous or even quite unclear.

## Violence

Kaulingfreks analyses the political meaning of urban violence by groups of young men, who hang around in problematic neighbourhoods in Utrecht and Paris (Kaulingfreks 2009). Media and policy papers portray the behaviour of these men as incomprehensible, elusive, threatening and opposing the political ideal of participation. In this way, these groups are labelled as outlaws. Kaulingfreks, however, argues that what might appear as aimless violence could also be conceived of as a form of social engagement. The refusal to be incorporated can, as such, be interpreted as a critique on a society that these men experience as unjust.

Unlike the Parisian students in May 1968, rioters in the Parisian suburbs in 2005 were not making demands, carrying banners or formulating explicit political messages. They were burning cars instead. Evidently these riots were not firmly based on social criticism or substantial arguments, nor did they meet the criterion of non-violence. Only the expression of their discontent was clear. Žižek describes these actions as 'Neither offering a solution nor constituting a movement for providing a solution' (Žižek 2008). Their aim was to create a problem, to signal that they were a problem that could no longer be ignored. 'This is why violence was necessary' (Žižek 2008: 66). Žižek labels the behaviour in riots like these as 'subjective violence', which is different from the 'normal' situation. This should be contextualised, however, against a background of 'objective violence', which is inherent in the normal state of things. Objective violence is similar to what physicists call 'dark matter', the context in which we live; we do not recognise it as such. Žižek distinguishes two types of objective violence: symbolic and systemic violence. Symbolic violence is present in language, in the universe of meaning. Language can divide people by assigning different labels to them, which may result in different opportunities. Systemic violence consists of the consequences of economic and political systems. If we consider violence to be 'always already present' and thus determining which opportunities individuals get, subjective violence is no longer a fundamental break from the normal situation. It can be placed on a continuum between verbal and non-verbal acts, which can all be more or less violent. Burning cars may thus be a logical reaction to symbolic and systemic repression.

Roy makes a similar argument, when she analyses the relationships between the Indian government and minority groups in the province of Kashmir (Roy 2009). According to Roy, the interests of big companies determine Indian politics. In her eyes, the Indian neoliberal democracy is far from perfect since it became associated with the free market. ‘What happens now that democracy and the free market have fused into a single predatory organism with a thin, constricted imagination that revolves almost entirely around the idea of maximizing profit?’ (Roy 2009: 2). Those opposing the progress of the free market, mainly poor Indians, are labelled as criminals, gangsters, Maoists or terrorists. In this way, their activities are criminalised and excluded from the political debate. The poor Indians can only choose between resistance and surrender. If they do not leave their land voluntarily in order to make space for dams or industrial plants, the Indian army evacuates them from their territory. Dissenters are frequently prosecuted in court. According to Roy, the combination of progress – interpreted as economic determinism – and union – interpreted as ethnic, religious and national uniformity – forms a dangerous mix in India. This results in the marginalisation of minority groups, such as Muslims, Adivasis and Dalits. In this manner, the poor lose their chance to employ non-violent civil disobedience in order to express their discontent. Referring to Gandhi’s non-violent protests, which are classic examples of civil disobedience, Roy asks how people who are already starving can carry out a hunger strike, how people can boycott foreign products if they do not have the money to buy things, and how someone can refuse to pay taxes if he does not earn anything. Here again, as in Žižek’s work, the origin of violence is assumed to lay in the situation in which the protesters are living, in the policies of government and, closely related to that, in the power of big multinational companies. They change the environment in such a way that it becomes unfit to live in. Water is polluted, land is dispossessed and the course of rivers is changed in such a way as to cause droughts, floods and landslides. These conflicts are usually in remote areas, such as Kashmir, where they are kept from the public eye.

## Diffuse goals

As we have already seen in the case of the rioters in Paris in 2005, several protest groups do not always present clear goals, based on public reason. They often express their discontent with society in a diffuse way. The Occupy movement wants to reconsider the economic structure, but the precise goals vary from place to place. In London, in the summer of 2011, a peaceful protest against the police killing of a 29-year-old Afro-Caribbean resident of London escalated into extreme riots, arson and looting. Journalists and scientists offered many interpretations, just as in the case of Paris in 2005. Should we understand this sudden unrest as moral decay, expressed as a need for excitement and an opportunity for looting by bored youngsters? Or as a social protest? But then, a protest against what? Against the increasing social and economic inequality in the UK? Against the rising youth unemployment? Against the moral decay of the rich and powerful? As a black protest against years of frequent ‘stop and search’ actions, particularly of young black men, by the police, combined with continuing social deprivation, growing unemployment and a feeling of a lack of opportunity? As a general discontent with the police? Unlike in Paris 2005, the rioters were not specifically marginal citizens with poor prospects. Some of them were successful students from wealthy families. One of the prominent activities in the London 2011 riots was looting. The criminologists Hall and Winlow offer as an additional explanation for this behaviour the suggestion that the rioters were of the ‘post-political’ age, as proclaimed by neoliberals (Hall and Winlow 2012). Citizens are no longer motivated by political ideals, such as equal rights. They do not identify themselves as people who adhere to specific ideals; instead, society is dominated by consumer culture as the source for personal identity. According to Hall and Winlow, this explains why the rioters did not express their discontent with marginalisation and injustice in political terms, but started looting. As Arnon Grunberg wrote, nowadays, the one and only ideal is the latest iPhone. We may conclude that protesting against the social-political order may take many forms. In many cases, arguments and solutions are not reasonable and remain unclear, but the actions obviously signal the dissatisfaction of the parties involved. These signals have a political meaning, which should be taken seriously in the political discourse.

## The Top 50: a controversial case of civil disobedience

Returning to the Dutch-Caribbean men, also known as the ‘Top 50’, who spend their days hanging around on the streets, it seems clear that Arendt’s and Rawls’ conception of civil disobedience does not include their behaviour as they do not present any explicit political ideals that aim at changes in laws or policies. They refuse to assimilate and this makes them clash with neighbours and several professionals in social care and law enforcement. I want to argue, however, that their discontent should be given voice in the political discourse.

In the period between 2009 and 2012, several students<sup>3</sup> and I interviewed people who belonged to the ‘Top 50’ or were personally or professionally involved with them. I also studied policy papers on this group, in order to get more insight into the practices which were used to normalise the behaviour of the ‘Top 50’ and the ways in which they reacted to these attempts (Rothfuzs 2012). In policy papers and in the media the ‘Top 50’ is usually described as a problem for society. One social worker mentioned that it is remarkable nobody ever mentions anything positive about this group<sup>4</sup>. The behaviour of this group is usually not considered to have a political aspect and the men themselves do not pretend to be acting politically either. Their motives definitely include non-political ones, such as material profit or status seeking. Although some men in this group live on welfare and have considerable debts, others earn a lot of money in illegal activities such as coke dealing. Their expensive cars and golden necklaces are often more tempting for young Dutch-Caribbean men than the prospect of a decent job, offered by the social workers. Several activities that others experience as annoying are quite normal in Caribbean culture. Living on the street, talking loud, showing off valuable possessions such as cars and scooters or gold chains, or neglecting strict appointments are quite acceptable in Caribbean culture. And for people who do not have a lot of money, it is quite normal to avoid expensive garages and repair their car on the street instead. By labelling this behaviour as deviant, Caribbean culture is placed outside the ‘normal’ social order. In some cases it is even criminalised, as assemblies have been banned on the square where the men used to meet. Though much effort is invested in involving these men in ‘normal’ social life, they retreat into their own social habitat,

which can be conceived of as a counterstrategy to normalisation strategies.

The ‘Top 50’ does not express explicit social critique. However, in interviews many Dutch-Caribbean men, including those who are integrated and successful citizens, mentioned experiences with discrimination and unfulfilled promises by public services and employers. This resulted in distrust of white Dutch people in general and the administration in particular. The wife of a former ‘Top 50’ Dutch-Caribbean told about her experiences with rehabilitation:

‘In general, he always went to the probation officer properly and I always accompanied him and, well, in court they said he didn’t show up, so then he was really angry. Because he, I knew myself because I always accompanied him because I am a person of ‘appointments should be kept’... Once they visited me at home, but his scooter was in front of the door, so I put it inside in the evening, but next to my house it was perfectly tidy, quite clean, and this probation officer, he wanted to write a report and he said: “Oh, you made it perfectly tidy here with the four kids” and this and that and he wrote a report and in court they said: “Yes it is a big mess and the scooter was in the room, not the perfect environment for kids”.’<sup>5</sup>

Another example was the availability of a ‘tinkering workplace’ on an industrial site. The council provided a place where the ‘Top 50’ could tinker with their cars without annoying neighbours. It was a great success. In Foucault’s terms, it could be explained as an effective disciplinary strategy. The ‘Top 50’ was separated from their neighbours and in the workplace they created their own social order, where the men corrected deviant behaviour of other participants. However, the council closed the place, because of a change in financial priorities. What annoyed the participants most was not the fact that it was closed down, but the fact that it was closed down before the end of the project period upon which they had agreed. Due to experiences like this, some of the Dutch-Caribbean men lost their faith in the social system. In interviews with the ‘Top 50’ and people who are involved with them, it becomes clear that they withdraw into their own group and try to become invisible for the administration and for professionals who try to assimilate them into a regular life style. In

this way, disciplinary control is hampered. This might be interpreted as an expression of discontent with their place in Dutch society. Even though the 'Top 50' does not give a political dimension to their refusal to assimilate, there are other Dutch-Caribbean men who do so by pointing to the blind spots in the perception of the 'Top 50'. The rapper MC Pester, who is cited at the beginning of this article, expresses their discontent. In this rap, which was written in 1993, after police officer Nordholt declared that fifty per cent of all street robberies in Amsterdam were committed by people from Dutch-Caribbean and Suriname descent, MC Pester is trying to change the perspective. Contrary to what the police and the public thinks, people like the 'Top 50' are not the (only) criminals, he says. Like Žižek, he signals the objective violence that is already present, both in history and in present society. In this way, he provides a context for the 'Top 50', which is absent in most analyses of their behaviour. The think-tank OCaN, an advisory board of integrated Dutch-Caribbeans, has been asked for advice by the government (OCaN 2007). They pointed out that defining the 'Top 50' problem as an exclusive problem of a group of Dutch-Caribbean men causes a blind spot for the contemporary and historical relations between this group and the white majority in the Netherlands. Most men in the 'Top 50' grew up in a poverty culture in which they had few means to influence their own situation. Their presence in the Netherlands and their social position are the result of a long history of slavery and exploitation in Curacao. Although the Dutch used to be very active in the Atlantic slave trade, slavery has never been a major issue in the Netherlands (Oostindie 1995). In the eighteenth and nineteenth centuries, Dutch authors defended the slave trade with an appeal to its economic profitability, but also because the slaves were considered to be lazy, unreliable, lascivious and lacking a normal family life. These stereotypes are still present in the dominant image policy makers, the media and many non-Caribbean people use when talking about the 'Top 50'. Still, the slavery past remains a subject that is hardly present in the white Dutch consciousness. On the other hand Oostindie argues that slavery still plays a crucial role in the way Afro-Caribbeans think of themselves and of contemporary issues, such as racism and social achievement (Oostindie 2008). The different valuations of history may contribute to the aforementioned distrust of the Dutch-Caribbean people. Recognition of this black page in Dutch history might contribute to the restoration of mutual

trust. Thus, the refusal by the 'Top 50' to participate may open the eyes of the white Dutch people to injustices in history and in the present.

In 'Justice, Deviance and the Dark Ghetto', Shelby discusses the critics of poor people in black ghettos in the United States, who demand that they take greater 'personal responsibility' for their choices in life (Shelby 2007). They want them to stop blaming the government for their problems. Shelby examines whether the situation in black ghettos can be considered to be a near just society. He points out how those who grow up there are disadvantaged by material deprivation and institutional racism. Shelby refers to Rawls, who makes a distinction between two types of injustice: on the one hand, the injustice of institutional arrangements in a society in which the basic structure is just, and on the other hand injustice in a society in which the conception of justice only serves the interests of the corporate and political elite. Shelby argues that in the first situation non-violent civil disobedience, as practiced in African-American activism by people like Martin Luther King, may help to make fellow citizens aware of the difference between political ideals and reality. If the political ideology mainly supports the elite, however, other means may be necessary and justified to convince the majority. In the case of the 'Top 50' of Dutch-Caribbean men, we may doubt if the situation in which some of them grew up, in a poor neighbourhood in Willemstad, Curacao, or in a broken family in a Dutch suburb, provided them with sufficient opportunities in life. Their social context is part of the problem.

## Conclusion

According to Rawls the role of civil disobedience is:

'[...] to address the sense of justice of the majority and to serve fair notice that in one's sincere and considered opinion the conditions of free co-operation are being violated. We are appealing to others to reconsider, to put themselves in our position, and to recognize that they cannot expect us to acquiesce indefinitely in the terms they impose upon us.' (Rawls 1971: 382-383)

In order to reach this goal, Rawls' definition of civil disobedience should be expanded by including ambiguous social critique into the political discourse. In his theory, Rawls acknowledges the plurality of societies. In the hypothetical original position, the subjects behind the veil of ignorance are cut loose from their historical and cultural context (Rawls 1971). In his description of political deliberations in a democracy, Rawls is attempting to overcome the conflicts involved in different comprehensive doctrines, by presenting the ideal of public reason (Rawls 1999). This ideal is based on the idea of a universal reason that is supposed to be convincing for all citizens. Based on the cases described in this article, however, I want to argue that plurality is a fundamental aspect of modern societies, which cannot be exceeded by a universal reason that is acceptable to all citizens. This is in line with Arendt, who pleads for plurality instead of undivided sovereignty. Homogeneity is fatal for democracy, according to Arendt, whereas conflicts fortify it. According to Arendt, civil disobedience is an important factor in strengthening the democratic process by limiting the authority and sovereignty of the state (Arendt 1972 and Hannah Arendt Center 2011). It raises the awareness of injustice and, as Kaulingfreks argues, outlaws – people who are placed outside the dominant order – are often the ones to offer opportunities for innovation (Kaulingfreks 2009). So, civil disobedience is a valuable contribution to society. Part of this value is lost if the lines are drawn too rigidly, expelling protest and utterances of discontent that are not clearly addressed to governmental laws and policies, as well as unreasonable and sometimes violent actions from the political discourse. These actions and this behaviour signal situations which, according to the people involved, are serious infringements of the principal of equal liberty or of an equality of opportunity, the first and the second principle of justice (Rawls 1971). In this way, these actions can help us to reassess the moral parameters of our society. Furthermore, the times and circumstances have changed since Rawls and Arendt wrote their classic accounts, and this has resulted in a change of political power strategies. I want to argue that this consequently also results in different counter-strategies, which should be recognised as such. On the other hand, I would not like to include all forms of disobedience into the realm of the political. Dealing drugs, looting shops and fighting the police are often mainly criminal activities, devoid of political meaning. Shelby warns that 'The urban poor should not be demonized, stigmatized, or otherwise de-

humanized, just as surely as they should not be romanticized' (Shelby 2007: 160). The same applies to the other cases that have been mentioned. The line between criminality and civil disobedience should not be drawn too strictly, by assigning activities exclusively to the criminal or the political realm. Instead of a sharp dividing line, a broader borderland should be identified, in which politically recalcitrant behaviour can contain both political and non-political elements. By listening to the political messages in unruly behaviour we can bridge the gap between different groups and enhance the opportunities for the improvement of democracy.

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<sup>1</sup> Interview with Dutch-Caribbean man who supervises Top 50 Dutch-Caribbean's. Translation by the author.

<sup>2</sup> Surprisingly these tactics and the corresponding values become the ideal preparation for a life in the working class, according to Willis (1983). Here resistance turns out to have a normalizing effect.

<sup>3</sup> These students were studying social work or applied psychology at the Hanze University of Applied Sciences.

<sup>4</sup> In interviews, several neighbours, however, were neutral or positive about the presence of these men in their streets. Some reported that the liveliness of the neighbourhood was greater because of their presence and some remarked how the plurality in the neighbourhood improved tolerance, which made them feel freer to go out in casual wear, for example. Others however reported harassment and criminality, such as bicycle thefts.

<sup>5</sup> Interview with Dutch-Caribbean partner of a (former) ‘Top 50’ man. Translation by the author.

<sup>6</sup> The author would like to thank all interviewees and interviewers for their involvement; René Boomkens for his supportive and critical supervision; Marieke Borren and other members of the Practical Philosophy research group at the University of Groningen, the participants in her presentation at the 7th Annual International Interdisciplinary Conference of the Centre for Applied Philosophy, Politics and Ethics of the University of Brighton and Louis Polstra for their critical feedback on several versions of this article; the Hanze University of Applied Sciences and the University of Groningen for providing funding for her PhD research; Helena Vis for transcribing the interviews; Hermien Lankhorst for editing this paper; Lastly, she is grateful to René Gabriëls, Robin Celikates and the anonymous peer reviewers of *Krisis* for their valuable comments.

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CIVIL DISOBEDIENCE IN A DISTORTED PUBLIC SPHERE

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## 1. Introduction

Civil disobedience has always existed, but as a philosophical notion it only arrived relatively late in the history of political theory. This is no coincidence. It was only when a public sphere accessible to all had developed in modern times that new opportunities for effective civil disobedience came into being. The reason for this is not self-evident. The public sphere is in some ways distorted, making it problematic for the civilly disobedient to make a public appeal for social justice. To them the public sphere is therefore both a curse and a blessing. Civil disobedience may nevertheless be effective. As a moral issue it is usually discussed in terms of reasons and acts. In this article I will focus on its effectiveness and argue, from a moral perspective, how civil disobedience can be effective despite the distortions the public sphere suffers from.

Civil disobedience has its place within a broad spectrum of actions that make up political (and civil) resistance. They range from self-initiated civil participation, such as the Belgian G1000 ([www.g1000.org](http://www.g1000.org)), via legal demonstration and illegal protests, as we have seen during the Arab Spring, to violent actions. We may differentiate between these different forms of political resistance by taking heed of what makes them effective. Political

resistance may be effective primarily on the basis of either employing dialogical resources or real confrontation. The importance of this distinction is that the first type still functions within the existing power of structure of society, drawing on resources of symbolic power to persuade the people in power who owe their dominance to greater resources, including a monopoly on violence, while the effectiveness of the second type depends, on the basis of real confrontations, on achieving a direct change in society's balance of power. What makes the category of civil disobedience a special one, is that it may be the only form of resistance that can be effective in both respects (although not necessarily simultaneously). If people obeying the law is a necessary condition for the ruling social groups to stay in power, then breaking this law (for example when soldiers refuse to obey an order to shoot at demonstrators) will have an immediate effect as a real confrontation (see Corlett 1997 who discusses the possibility of non-violent, coercive civil disobedience). But breaking the law may also have an effect when it affects not primarily power resources, but people's minds. Here I will focus on the effectiveness of civil disobedience from the perspective of civil disobedience as a moral, more specifically as a dialogical practice (cf. Smith 2011: civil disobedience as 'deliberative practice').

Political theorists usually agree on a standard notion of civil disobedience that comprises at least three characteristics that can be found in the Rawlsian notion of civil disobedience: it involves breaking the law, is non-violent and is public. As Rawls's notion of civil disobedience still dominates literature on this subject, I will take this as a starting-point for criticising the standard notion of Rawls (Rawls 1991a; 1999b). Rawls too starts from the idea that civil disobedience is a form of political resistance. What sets civil disobedience apart from these other forms is that it entails actions that are both illegal and non-violent. Other features Rawls attributes to civil disobedience are not specific to it, but are inherent to all forms of resistance, i.e. that they are 'guided and justified by political principles'. Civil disobedience has one other feature it shares with other forms of political resistance: it is public.

I will argue that Rawls cannot explain how civil disobedience may be effective as a public appeal for social justice, because he does not fully understand what it means for civil disobedience to be public in relation to

the public sphere. His analysis would require an additional notion of publicity which, as I will argue, is the notion of hermeneutical publicity. From a Bourdieusian perspective I then make a case for the claim that public spheres always suffer from hermeneutic invisibility. This may explain why non-violent appeals for social justice fail as dialogical practices. Finally I will suggest how we nevertheless could understand that civil disobedience can be effective as a dialogical practice.

## 2. Hermeneutical invisibility

According to Rawls civil disobedience is a public act in two different ways: by addressing public principles and by entering the public forum. When breaking the law, which is not necessarily the same law that is being protested against, the civilly disobedient justify their act with an address to public principles. With their appeal they intend to denounce what they consider to be unjust laws. Their criticism is 'guided and justified by political principles'. Next, the civilly disobedient make their appeal in public, i.e. address a public with their act of breaking the law. An act of civil disobedience is by itself not enough, it should be backed up by efforts to offer an explanation for breaking the law. Civil disobedience – as both the act of breaking the law itself and the accompanying acts that disclose its appeals – is then 'engaged in openly with fair notice; it is not covert or secretive. One may compare it to public speech, and being a form of address, an expression of profound and conscientious political conviction, it takes place in the public forum' (Rawls 1999b: 321). The notion of publicity, in both its senses, demonstrates two different dimensions of the public sphere, a subject that Rawls explores more extensively in his *Political Liberalism*. Rawls has been criticised by deliberative and discourse theorists for offering a notion of the public sphere that is restricted to public opinion in the governmental and legal domain and excludes public opinion in the domain of civil society (cf. Benhabib 1996; Charney 1998). But this debate does not affect the criticism of his notion of publicity being discussed in this article.

If the only requirements for civil disobedience to be a public act were 'addressing public principles' and 'entering the public forum', then taking recourse to illegal acts of protest would not be necessary: legal acts of protest already meet these requirements. Rawls acknowledges that people who make normal appeals against injustice, by performing legal acts of protest, may experience difficulties that make it hard for their protest to be heard. As examples he mentions the indifference and the unwillingness of the dominant majority. He then concludes that, when 'normal appeals to the political majority [...] have failed', civil disobedience is 'a last resort' (Rawls 1999b: 327): '[b]y engaging in civil disobedience a minority forces the majority to consider whether it wishes to have its actions construed in this way, or whether, in view of the common sense of injustice, it wishes to acknowledge the legitimate claims of the minority' (ibid.: 321). Rawls does not choose to theorise such difficulties as indifference or unwillingness as a problem of publicity. This weakens, in the first place, his notion of the public forum. Rawls concedes that making one's appeal in public is obviously not enough when the public it addresses is indifferent or unwilling to listen. But it then remains unclear why a public sphere that does not function properly for normal appeals would do so for civil disobedience. As breaking the law is the one difference that he discusses in comparing normal appeals with those of civil disobedience, Rawls seems to assume that the symbolic force of an illegal (non-violent) act is already enough to arouse the attention of the dominant majority. But even this explanation would be unsatisfactory. Underlying his analysis of moral appeals for justice is the assumption that they, whether they are sustained by legal or illegal acts, essentially aim to persuade the dominant public. But it is not obvious that breaking the law has this effect. It may even strengthen the opinion of the dominant public that this minority deserves no just treatment. Rawls' notion of the 'public forum' is too weak to overcome the issues I raise here. This is due to the restrictive definition of his other notion of publicity: the appeal to public principles. To show this I will first discuss the Rosa Parks case.

The case of Rosa Parks is commonly regarded as a typical case of civil disobedience. In Montgomery a city ordinance prescribed that seats in buses should be segregated: the first four rows of seats were reserved for white passengers while black passengers could be seated in the remaining rows.

One day in December 1955, Rosa Parks, a black woman, refused to give up her seat for a white passenger. She was arrested for this. It ignited one of the great events of the Civil Rights Movement: the 1955-6 the Montgomery Bus Boycott (McAdam 2011). If we first look at this case from the perspective of the public sphere, the essence of the dominant public opinion was the 'separate and equal' doctrine, which stated that the separation of black and white people was compatible with the idea of their equality. The basic, legal source for this doctrine was a decision of the Supreme Court of the United States of America in the case *Plessy v. Ferguson* (163 U.S. 537 (1896)). This decision was repudiated only in 1954 by a new decision in the case *Brown v. Board of Education* (347 U.S. 483 (1954)). If, however, we look beyond the dominant public opinion and what laws were saying, African-Americans suffered in many ways from a severely discriminatory attitude towards them. It led to brutal practices of lynching men and raping women, but it also translated into many more subtle practices of discrimination (McGuire 2010). Gradually some African-Americans organised themselves for political action. When the Rosa Parks incident took place in 1955, they had already been looking for an interesting case that could lend itself not just to an appeal to the dominant public, as it appears, but also to a mobilisation of their community to mass protest actions. The case of Rosa Parks was carefully and strategically chosen. An important consideration was the estimation of how the press and the public opinion would judge her integrity and respectability. For this reason the earlier, similar, case of Claudette Colvin was rejected (McGuire 2010).

The notion of the 'public forum' is defective due to the restrictive definition of Rawls' other notion of publicity: the appeal to public principles. As Rawls sees it, the civilly disobedient appeal to public principles with the aim of bringing about a change in the law or policies of the government. But this prevents him from seeing other, deeper-lying forms of injustice. For example, seeing the Civil Rights Movement, of which Parks became part, as a struggle primarily against unjust laws fails to recognise that this movement was a response, as the Rosa Parks case illustrates, to a pattern of discriminating practices against African-Americans that were sometimes backed-up by laws, sometimes enacted despite laws to the contrary, and in the end denied them real citizenship (cf. Arendt 1969). The appeal

of the civilly disobedient, although it may be part of a struggle for adjusting laws, addresses the attitudes of people from dominant social groups against the dominated, and the social practices that result from it. These practices include violence, but also ordinary injustices that evade regulation by law. As the dominated see themselves forced to take recourse to civil disobedience, this may show that their problem lies even deeper. The difficulties in making a public appeal for social justice are themselves part of the social injustices which the dominated suffer. Their appeals remain, somehow, invisible to the dominant public. The notion of the public forum, however, does not allow Rawls to theorise this problem.

Another notion of publicity is needed to make sense of this problem. A clue for an alternative understanding is provided by Fricker who draws attention to what she calls 'hermeneutical injustice': 'the injustice of having some significant area of one's social experience obscured from collective understanding' (Fricker 2007: 155). She illustrates this by telling the story of Wendy Sanford who, in the late sixties, was battling depression after having given birth to a son. One day she visited a university workshop on women's and sexual issues and participated in one of the discussion groups: 'In my group people started talking about postpartum depression. In that forty-five-minute period I realized that what I'd been blaming myself for, and what my husband had blamed me for, wasn't my personal deficiency. It was a combination of psychological things and a real societal thing, isolation' (Susan Brownmiller as quoted by Fricker 2007: 149). While Fricker is interested in tracing the moral causes of this injustice to 'a structural identity prejudice in the collective hermeneutical resource' (ibid.: 155), as she phrases it in her technical vocabulary, for the present argument Fricker may be understood to claim that people should be able to articulate, disclose, explicate their social experiences. From this we may derive a normative ideal of publicity that is not one of the public forum, but one of hermeneutical publicity.

Fricker is not explicit on the theoretical sources of her notion of 'hermeneutical injustice' or how she understands hermeneutics in this context. Here I will turn to Gadamer's ideas on hermeneutics, including those on conversation, which interest me not because of the moral ideal they imply, but because they allow me to distinguish two forms of hermeneutical

publicity by tracing what is hermeneutically invisible. Hermeneutics should be understood here as a special form of interpretation, one that pre-understands other people as intentional subjects, not as objects. Hermeneutical publicity (or: visibility), however, is not the standard situation. Hermeneutic invisibility is part of our human condition in two different ways. First, interpretation takes place against a background ('Hintergrund') of pre-understandings or what Gadamer calls 'sensus communis' (common sense) (Gadamer 1990). We may call this 'background invisibility'. Hermeneutic reflection presupposes that something from the background understanding becomes visible in reflected, articulated self-understanding (Gadamer 1993).

Yet another form of hermeneutic invisibility can be distilled from Gadamer's ideas on conversation. In a true conversation people come to an understanding. It requires a certain identification, which does not imply a transposing of one's self into another person, but which is a process in which 'each person opens himself to the other, truly accepts his point of view as valid and transposes himself into the other to such an extent that he understands not the particular individual but what he says. What is to be grasped is the substantive rightness of his opinion, so that we can be at one with each other on the subject' (Gadamer 1975: 387). If during a dialogue people succeed in mutual identification, the exchange of opinions will have a transformative effect on them, changing their previous understandings. If a person's identification fails, however, then the opinion of the other will remain hermeneutically invisible to us. This we may call 'dialogical invisibility'.

The two criteria of publicity that Rawls distinguishes, 'addressing public principles' and 'entering the public forum', are not enough to make civil disobedience into a public act. Only if these notions are supplemented by the notion of hermeneutical publicity (or: visibility) can we see that in the public sphere normal appeals and civil disobedience may both suffer from hermeneutical invisibility. As interesting as this insight may be to moral and political theorists, it is crucial, as the Rosa Parks case illustrates, to the dominated themselves who wish to be heard. They may use this insight for searching those instruments of protest that will overcome hermeneutical invisibility and make their appeal effective. But this requires

understanding hermeneutical invisibility as the consequence of a distorted public sphere. This issue I will address in the next section.

### 3. The distorted public sphere: social habits of interpretation

In the previous section we have seen two forms of hermeneutic invisibility. The idea of a distortion of communicative exchanges within society has been explored in different ways by deliberative theorists (see Hayward 2004). One of the first was Habermas (1970). His ideas have been re-examined by Warnke (1993), O'Neill (1997) and, also using Bourdieu, Crossley (2004). According to one line of argument the dominant devalue what the dominated say on account of their cultural styles of communication (their way of speaking with an accent, dressing, moving, et cetera). To support this claim Bourdieu's notion of habitus, and specifically of linguistic habitus or habitus in taste, has sometimes been invoked. The general idea behind this is that a certain form or style of how people present themselves elicits a certain response from others, one which discloses a certain evaluation of that style. In the way people present themselves they are recognised as part of some particular social group. Depending on how this social group is valued, people may be perceived as authoritative speakers or devalued as speakers. Fricker, for example, theorises this as 'testimonial injustice' (2007). I choose a different line of argument. I believe Bourdieu's notions allow for yet another interpretation of distorted communication, more specific of a distorted public sphere that has not yet received much attention from political theorists. If we home in on linguistic expressions, Bourdieu's theoretical frame allows a distinction between their form (their style, their non-propositional aspects) and their (cognitive) content. Whereas the former line of argument focuses on the form of communication and self-presentations and its implications for the status of those who speak, regardless of the content, I propose a reading of Bourdieu that focuses on the propositional contents of communicative exchanges and the extent to which the contents of linguistic expressions are caught by habitus.

Bourdieu would agree with Rawls in imagining the public sphere as a forum where citizens exchange opinions, or a 'field of opinion', as Bourdieu

Bourdieu phrases it himself (1977: 168). The contents of these opinions, as I interpret Bourdieu, are structured in two different ways: according to the logic of argument (discourse), and according to social habits of interpretation. The habitus is a system of ‘internalized structures, schemes of perception, conception, and action common to all members of the same group or class’ (ibid.: 86) which determines people’s attitudes, not only in how they act and react towards people from other (dominant or dominated) social groups, but also in how they perceive and understand their social world. Bourdieu understands habitus as a response by people to the objective conditions of existence (economic, social, et cetera) that build up the social world in which people grow up. As past experiences condition people to respond in particular ways to these conditions, they tend to perform the same reactions whenever similar conditions occur. When conditions change over time but without compelling them to adapt their habituated responses, people may persist in the same reactions. Although people’s habitus, as a structural, internalised response to objective conditions, lends objective social meaning to their practices, this does not mean that people perform these practices with the intention of realising this objective social meaning. As such the habitus is ‘the source of [a] series of moves which are objectively organized as strategies without being the product of a genuine strategic intention’ (ibid.: 73). With his notions of ‘linguistic habitus’ and ‘distinction’ Bourdieu has explored his notion of habitus in more specific domains, those of language and taste. Whereas these notions stress the non-propositional features of social practices and our non-propositional responses to objective conditions, habitus may also be applied to the propositional contents of our social practices, i.e. of our speech acts. Whenever opinions, as interpretations of objective conditions, are expressed according to certain patterns which themselves are not the product of a strategic intention, they are what I call social habits of interpretation.

Interpretive habits raise problems for making normal moral appeals as Rawls understands them: they prevent the dominant from seeing alternative interpretations of social events and, even more so, they prevent the dominated from adequately reflecting on social injustice. Although Bourdieu has not engaged in discussions on specifically civil disobedience, he has always been concerned with social injustice. One way of incorpo-

rating this in his theoretical frame was by introducing the notion of symbolic violence. Whenever habitus, including interpretive habits, function to conceal power relations, this is what Bourdieu calls symbolic power. One way of understanding this concealment is censorship in its classic sense: the dominant who choose to suppress certain expressions. But Bourdieu has in mind a more pervasive kind of concealment. Outside the field of opinion, the universe of the discussed, is the universe of the undiscussed. This is what Bourdieu calls ‘doxa’, which is related to Gadamer’s common sense: ‘It seems, however, to be almost a relationship of mirrored opposition: while Gadamer emphasizes the enabling aspects of the *sensus communis*, Bourdieu emphasizes its limits’ (Holton 1997: 47). Both notions have in common the idea that a great deal of what people do carries implicit, non-deliberative meanings that they take for granted and that are beyond their conscious and reflexive grasp. Doxa is therefore pre-reflective. Whenever there is a ‘quasi-perfect correspondence between the objective order and the subjective principles of organization [...] the natural and social world appears as self-evident’ (Bourdieu 1977: 164). Bourdieu is aware, more than is Gadamer, of the implications of doxa for issues of power and social justice. Domination will be most effective if censorship is internalised and everyone, the dominant and the dominated, accept the social order as a natural order. Social injustices lie hidden in the daily social practices that people perform with their habitus. As the habitus, which governs the interpretive habits, belongs itself to the doxa, people take these interpretations as representing the social reality, even if counter-evidence is available. Unjust practices therefore appear to them as normal and natural. Normal appeals will fail to convince the dominant social groups to adopt new interpretations. Bourdieu is even more pessimistic. He questions people’s capacity for self-reflective understanding of their social practices and therefore of the mechanisms of power. Although the public sphere, the field of opinion, is also a sphere of reflection, the social imagination is only quasi-reflective. The limits to self-reflection therefore put a limit on the effectiveness of public dialogue.

Bourdieu allows no room for a disruption of the interpretive habits, of the ‘undiscussed’, except when a crisis occurs: ‘The critique which brings the undiscussed into discussion, the unformulated into formulation, has as the condition of its possibility objective crisis, which, in breaking the im-

mediate fit between the subjective structures and objective structures, destroys self-evidence practically' (ibid.: 168-169). The objective crisis enables people to challenge the boundary between doxa and the field of opinion. They make explicit the views on certain social conditions, views that until then remained undiscussed and for that reason were invisible, and start to question the self-evidence of these views which by now are unveiled as arbitrary interpretations. As a result they will bring forward opinions which are heterodox, because they bring undiscussed topics from the doxa into the field of opinion. But the crisis is not yet a sufficient condition for the emergence of a critical discourse. People from dominant social groups have an interest in preserving the boundary of doxa even though, as this interest too belongs to the universe of doxa, they may not be aware of this interest. One possible strategy would be to prevent, by ignoring or disqualifying, the need to face, and respond to, the heterodox opinions as regards their contents. Another strategy, which is of interest for my argument, to which their social habits of interpretation will prompt them, will be to respond to the contents of the heterodox opinions in an effort to force them into the logic of their standard, orthodox interpretations. The effect will be that heterodox opinions, in a hermeneutic sense, are silenced. A critical discourse which will enable a rationalisation of competing opinions will be possible only, according to Bourdieu, when 'the dominated have the material and symbolic means of rejecting the definition of the real that is imposed on them through logical structures reproducing the social structures [...] and to lift the (institutionalized or internalized) censorship which it implies' (ibid.: 169).

When we do not see social habits of interpretation preventing hermeneutical visibility, we risk not recognising certain acts as civil disobedience. This means examples of those who did not succeed, or have not yet succeeded in making their appeal public, are hard to find, especially so when we focus on our own contemporary societies. This is illustrated by the situation of minority groups such as the Roma. They live throughout the European Union and share the same experiences of institutional discrimination and social exclusion. Although their situation has been recognised by both national authorities and the European Union, their (illegal) acts of resistance against political authorities are rarely reported in terms of civil disobedience. One reason for this may be that we tend to assume that

civil disobedience, as the term already suggests, is performed by citizens, whereas citizenship is precisely what is often denied to Roma. What the problematic status of their citizenship implies for the effectiveness of their appeals in the public sphere is illustrated by the campaign of a group of Roma NGOs. In the summer of 2010 French authorities started to repatriate thousands of Roma to Romania and Bulgaria in order to get rid of illegal camps. Roma NGOs tried to change public perception with a campaign that had as its motto 'ROMA=CITIZENS'. However, this failed to stop or slow down the expulsion of Roma, in part because the motto itself was a strategy that could not disrupt the social habits of interpretation surrounding the concept of citizenship (cf. Parker 2012).

#### 4. Disrupting the social habits of interpretation

In the previous two sections I have sketched the problem the dominated face in making an appeal. The concept of hermeneutical invisibility makes it clear that the social injustice dominated people experience includes the problem of making public their claim of social injustice. Next, the notion of social habits of interpretation introduces the possibility of a distorted public sphere that prevents normal appeals from becoming hermeneutically public. We have no reason yet to believe that civil disobedience does not suffer from this problem. In this section, however, I will show why civil disobedience may nevertheless succeed where normal appeals fail. First I will argue that the pre-condition for disrupting the social imaginations depends on a pre-reflective capacity to sense injustice that both the dominated and the dominant have, despite their interpretive habits.

The claim, implicit in Bourdieu's notion of 'doxa', of how oppressed people experience unjust conditions in times without crisis, is problematic (cf. Lewandowski 2000; Crossley 2003; Myles 2004). In any society there is an imperfect fit between the objective and subjective structures, between doxa and the field of opinion, between the actual social practices and what they mean according to society's interpretive habits. In times without crisis, as we have seen, marginalised people experience the imperfect fit, including their unjust conditions, as normal and natural because its real



nature is concealed by the social habits of interpretation and other habitus. Bourdieu claims that only an objective crisis enables them to reflect on their conditions and realise a more appropriate self-understanding. But the reflection of dominated people, however imperfect it may be to bring out clear articulated opinions, presupposes also, apart from objective conditions, subjective experiences that already contain a spark of discontent with these conditions. For this claim we find a clue, again, in Fricke's idea of hermeneutical injustice. Wendy Sanford, in the example we mentioned earlier, had a sense that she was unhappy with her condition even though she lacked the appropriate words and the context for understanding it. Furthermore, when she met other women in a similar situation, she was able, not only to recognise what other people said as relevant to her own situation, but to incorporate what was said into feelings she already had. The notion of *doxa* cannot, however, allow an understanding of people's *doxa* as including discontent. By stressing the normality that oppressed people experience in relation to their oppressive conditions, Bourdieu assumes that *doxa*, in times without crises, is harmonious in a way that suggests that people experience some kind of contentment with their social situation. But a harmonious experience would provide no interesting material for self-reflection.

Another construction is needed of people's subjective experiences to the extent that they belong, beyond reflected self-understandings, beyond habitual interpretations, to the universe of *doxa*. This requires a different view on '*doxa*'. At the same time the challenge is to preserve those elements of '*doxa*' that support the analysis of a distorted public sphere. *Doxa* can be understood as the universe of the undiscussed, but also as the attitude itself that people in society have incorporated towards the universe of the undiscussed: the habitus, the 'feel for the game' or, as Bourdieu also phrases it, the practical sense. It means that people act in silent recognition of what remains as undiscussed. I argue for a broader notion of sense than Bourdieu uses ('*sens pratique*'), one that includes the sense of injustice (cf. Ostrow 1990; Shklar 1990). Whereas the practical sense generates a sensitivity for the unspoken rules of the game that are implied in social practices, the sense of injustice, on the other hand, creates a sensitivity for the dissonance between what the rules of the game require, and their habitual interpretations. Experiencing the social order

as natural and normal is not necessarily the same as having a harmonious experience and does not preclude the simultaneous experience of discontent. Even when the injustices people suffer are hermeneutically invisible to themselves and go unrecognised as an experience of social injustice, this does not imply that people are blind to the disadvantageous, hard social conditions they personally suffer from. People do sense, at least within the limits of their personal experiences, the differences between their unfavourable situation and those of dominant social groups. And they do sense the burden of their own situation in comparison with the situation of the dominant. To the extent that they are sensitive, therefore, to the dissonance between the habitus that prompts them and others to respond in certain ways, and the needs, wishes, or dreams they have in whatever rudimentary form, they may come to experience discontent about their conditions. At this stage it does not matter that they are yet incapable of articulating their discontent as an indignation about social injustice.

The sense of injustice forms the pre-condition for emancipation and political resistance. It allows for acts of civil disobedience even when people have not yet completed the transition from background invisibility to self-reflection. If injustices are invisible to people from both dominant and dominated social groups, it would seem that political resistance, including civil disobedience, is not possible as it presupposes awareness of those injustices. This is not the case. Even if people are not in a situation of articulating this discontent as one of social injustice, they may nevertheless act on their discontent (see Scott 1990). As people have a sense of injustice, they also have a pre-understanding of the limits of the social power they are subjected to. In such cases it is crucial that the act of breaking the law remains non-public. Only in a later phase, when people of a dominated social group have organised themselves, may the process of self-reflection evolve to the point where they choose to make their appeal public.

All moral appeals in the public sphere have in common the attempt to question habitual interpretations of certain social practices. Moral appeals therefore start from the hope for dialogue and intend to persuade the dominant public opinion by articulating what is claimed to be a social injustice. Just as dominated people have a practical sense and a sense of soci-

social injustice, so have the dominant. While the first sense determines whether the dominant register social injustice, the second sense determines how they are affected by them. The problem is precisely that their sense of social injustice tends to be weak to the extent that habitus, and social habits of interpretation in particular, confirms their dominant position. Whatever reasonable and well-articulated appeal is made, its responses remain caught in the patterns of interpretive habits. This obtains for both normal appeals and civil disobedience. What is needed is something that somehow arouses dominant people's sense of social injustice.

Civil disobedience is more than a purely moral appeal. It can be effective where normal appeals cannot, because the civilly disobedient have realised that their earlier normal appeal failed due to its hermeneutical invisibility. They use this insight to find means of protest that pass the test of morality, but may also disrupt the social habits of interpretation. The secret to their success is that they persist, as they did when they made a normal appeal, in addressing the dominant public as a moral public, but they employ resources of dialogue that differ from those used in making their normal appeal. The use of the 'dialogue' metaphor in relation to the public sphere should not blind us to differences in dialogue between people in a face-to-face setting and interactions between social groups in the public sphere. But there are certain analogies that work for both. Gadamer teaches that the exchange of opinions has a deliberative impact on people: a true conversation changes our own understandings. If, however, we limit our understanding of dialogue to an exchange of opinions as propositional contents, we are in danger of blinding ourselves to the dialogical force of the non-verbal, the non-propositional, implicit meanings of our practices. From Bourdieu we may learn, especially from the way he shows, more so than Gadamer, that doxa is always present in what we do, including the dialogues we 'do'. When one person talks to another it has a deliberative impact on the other by what she says, but a non-deliberative impact by how she says it, how she behaves while saying it. (Although this idea is implicit in Bourdieu, he has not, as far as I know, explicitly dealt with analysing this. cf. Goffman 1981; Garfinkel 1964; Heritage and Clayman 2010.) But an impact which is non-deliberative may nevertheless have a dialogical effect, encouraging or inviting the other to an attitude of identification. This type of effect is related to what Warren called 'the illo-

cutionary force of good manners' (2006). If, in a conversation, someone feels she is not being heard, she still has strategies available that may help her to win the attention of the other, sometimes even by disrupting the habitual 'logic' for having a conversation, for example by being silent (cf. Brown 1998) or by performing rituals of mourning (Pool 2012). Therefore dialogue is an exchange of acts that have both a deliberative and a non-deliberative impact. A dialogue in a face-to-face-setting may have its equivalence in the public sphere. When, in the case of normal appeals, discontented citizens focus solely on what they have to say, they are in danger of not being heard, as we have seen in the previous sections. They should, therefore, also speak by performing acts that have a non-deliberative yet dialogical impact. This impact appeals at first to the practical sense of people from dominant social groups. It should enable them to identify and sympathise with discontented citizens (although they need not be aware of the non-deliberative impact). Next, discontented citizens may succeed to arouse the sense of social injustice the dominant have. And this, finally, may disrupt their habits of interpretation.

It seems that breaking the law is a powerful act of creating a non-deliberative impact and thereby forces a crisis in the habitual interpretations, precisely because in a (near) just society the rule of law is considered to be fundamental to realising justice. If people choose to break a law for their cause, risking punishment, it must be something very important to them. It is therefore tempting to consider, as Rawls does and with him many others, acts of political resistance, based on breaking the law, as constituting a different class of political resistance: civil disobedience. Here I disagree with Rawls. A definition of civil disobedience as breaking the law is a definition from the perspective of the dominant. Many breaches of law of which African-Americans were victim, were not recognised as such. On the other hand, both Claudette Colvin and Rosa Parks, for example, were probably not breaking the law in a technical sense, but only subverting custom (McGuire 2010). What matters for the civilly disobedient is not breaking the law, but what the dominant public perceives as breaking the law. Even then, breaking a law, or at least what the dominant public perceives as such, is in the first place a means of generating publicity, of getting access to the public sphere of the dominant. What really matters for the civilly disobedient is to find what will set in motion the sympathetic

identification of the dominant public: what law to break, how to do this, what other actions are required. What creates the non-deliberative impact the civilly disobedient need, is not that they break the law, but how they break the law. Consider, for example, the demonstration that the Southern Christian Leadership Conference (SCLC) and its leader Martin Luther King organised in 1963 in Birmingham, Alabama. The aim was that the demonstrators would protest non-violently for several days. But the choice for Birmingham was strategic. Its Commissioner of Public Safety was 'a notorious racist and redhead who could be depended on not to respond non-violently' (Howard Hubbard as quoted by McAdam, Doug 2011). The violent response against the demonstrators created the non-deliberative impact the demonstrators had wanted. Public opinion was on their side. Finally, I believe that appeals for social justice may be effective by employing non-deliberative resources, even without the need for breaking the law. My suggestion, therefore, is that in our analysis of non-violent acts of political resistance, including civil disobedience, we focus less on breaking the law as a criterion of distinction, and more on the dialogical effectiveness of non-violent political resistance.

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TOM GRIMWOOD & MARTIN LANG

## MILITANT TRAINING CAMP AND THE AESTHETICS OF CIVIL DISOBEDIENCE

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‘Crimes committed by small, mobile shock-groups, consisting of hooligans, should not be confused with morally based civil disobedient acts.’  
– Jürgen Habermas (in Falcón y Tella, 2004: 88)

‘[A] terrifying, sublime image of violence is still merely an image. An image of terror is also produced, staged – and can be aesthetically analyzed and criticized in terms of a critique of representation. This kind of criticism does not indicate any lack of moral sense. The moral sense comes in where it relates to the individual, empirical event that is documented by a certain image. But the moment an image begins to circulate in the media and acquires the symbolic value of a representation of the political sublime, it can be subjected to art criticism along with every other image.’

– Boris Groys (2008: 127)

### Introduction: Militant Training Camp

What is the relationship between art and civil disobedience? This question has, in recent years, become increasingly pertinent, not only for social justice movements and protest groups who have employed the creative

methods of artists in their campaigns, but also in the sense that social unrest – whether artistically involved or not – is an engagement in the dynamics of ‘cultural production’, and, as such, aesthetics therefore can and should be a medium through which civil disobedience is understood.

In March 2012, the Arcadia Missa Gallery in London hosted *Militant Training Camp*, (Bresolin, 2012) a social experimental performance camp designed to explore the idea of non-pacifist activity within wider social movements. Engaging not only with the tradition of anarchist activism, but also with more recent artistic involvement in acts of civil disobedience, the week-long performance-piece camp involved a residential ascetic ‘training programme’ followed by a series of violent performances open to the public. These took place in varied locations, from the gallery itself to other sites of protest, such as Occupy sites and Anarchist theatres. The project claimed to directly engage with both the successes and failings of militant art groups like King Mob, Black Mask, and Voina. Through physical and mental exercise, the camp promised to empower the group of artist-volunteers to be active and resistant to, in the words of the call for participants, the ‘last desperate acts of capitalism.’ In many senses, *Militant Training Camp*’s lofty aims – to understand the mind of the militant dissident – fell short. While at first appearing to be true to the claims of its own title – the participants slept and ate in the gallery space, embarked on rigorous exercise routines and plotted insurrectionary activities – a sceptic could accuse it of merely parading as ‘direct’ militant activism, of being a false representation of what we know to be direct action. As a ‘symbolic’ re-enactment, somewhere between Occupy protest and terrorist cell, the project was always going to be fundamentally mimetic, if not actually risking parody. This was combined, however, with visceral performances of genuinely violent acts and rehearsals of militant activity, which pressed the question: can art not contribute something *distinctive* to the act of protest? Was the ‘militancy’ of the project weakened by its mimetic qualities, or does this aesthetic condition offer an alternative insight into the structure of civil disobedience?

The underlying concern of any question regarding the aesthetics of civil disobedience is *from where* are we asking the question – socially or artistically? To this end, it would be fairly straightforward to criticise projects

such as *Militant Training Camp* for not being ‘proper’ social activism. However, in this paper we would argue, first, that any line between the political effect of civil disobedience and its aesthetic qualities are today increasingly blurred, a blurring documented by the rise of participatory, relational and socially engaged forms of ‘art activism’;<sup>1</sup> and, as such, the typical subordination of aesthetic practice to ‘real’ protest risks obscuring the complexities of disobedience as a cultural force. Nevertheless, when writers on art activism emphasise performance and resist the commodity-form of ‘gallery art’, they express scepticism at artists’ claims to subversion and revolt which are not situated within agonistic contexts of real confrontation. Our second argument examines this idea in terms of Peter Sloterdijk’s concept of ‘rage banks’, and suggests ways in which gallery space and aesthetics can yet be instructive elements of contemporary civil disobedience.

## Two Aspects in the Rise of ‘Art Activism’

It has by now been well documented that the idea of ‘art activism’ has emerged with a renewed intensity in recent times (see, for example, (Bishop, 2006; Firat & Kuryel, 2011b; Grindon, 2010; Sholette, 2002)). But, given that the relationship between art and politics has a long history, why this re-energisation of art’s social conscience *now*? While a full answer to this question is well beyond the reaches of this paper, there are two components of particular note which are worth examining.

One of the obvious responses to the question of ‘why now?’ is to point to the increasing capabilities of, and spaces for, artistic or aesthetic production, coupled with the growing reconfiguring of the more traditional relationship between ‘artist’ and ‘viewer’ to performance-based collective processes, rooted in context-specific events (see Bishop, 2006)). Undoubtedly, increased media outlets and networked technologies have increased the possibilities for ‘expressing dissent’ via artistic means;<sup>2</sup> allowing, for example, high-profile acts of playful subversion by groups such as The Yes Men<sup>3</sup> and the Laboratory of Insurrectionary Imagination;<sup>4</sup> or the instant circulation of activities by groups such as Act Up.<sup>5</sup> Correspondingly, spaces for

informed theoretical discussion of the inherent possibilities of artistic practice to act as a catalyst for social intervention continue to emerge: whether in publications such as *The Journal of Aesthetics and Protest*, which has been published since 2001; physical spaces for discussion and production such as ABC No Rio;<sup>6</sup> or more institutional centres such as the Leonore Annenberg Prize for Art and Social Change,<sup>7</sup> inaugurated in 2009, or educational programmes such as the Provisions Learning Project, a research centre opened in 2011 for ‘arts and social change’<sup>8</sup> based in George Mason University’s School of Art, Washington.<sup>9</sup> As Gregory Sholette comments, in his study of the protest art collective Las Agencias:

‘Certainly in the 1980s public protest was often infused with artistic elements yet this never reached the degree of saturation witnessed in recent mass demonstrations. High and low, pre and post modern now mingle as conspicuous, papier-maché puppets and digitally produced agit-prop imagery share a public stage that is as discontinuous as the movement itself appears to be.’ (Sholette, 2003)

Naturally, the form that this ‘art activism’ takes is varied. We have, to be sure, come a long way (both politically and aesthetically) since Bakunin called for the rather literal interaction of art and politics, by taking paintings from the National Museum to be hung on the barricades of the 1849 Dresden insurgency. But in keeping with the tradition of ‘de-skilled’ practice which, as Ian Burn argued (Burn, 1999), characterised artists attempting to reject the commodification and pretensions of ‘high art’, recent subversive and absurdist collectives such as the Luther Blissett Project<sup>10</sup> of the late 1990s, or Guerrilla Communication of today, continue to channel the spirit of the twentieth century avant-garde – Dada, the Situationist International and so on – but with ready-to-hand access to a wealth of network communications which seem to bypass the traditional need for a gallery or curated exhibition to exist as ‘art’. Likewise, organised protest events have utilised aesthetic features in order to attempt to subvert and undermine their regulation by the civil authorities, such as the *Bike Bloc* protest carried out in Copenhagen Climate Summit in 2009 (see, for example, Sniderman 2009). Today, as Gavin Grindon summarises, art activism ranges ‘from ideologically critical practices within institutional art forms, to community-oriented art projects, to playful street art, to extra-

institutional practices of invisible theatre and tactical media within social movements.’ (2010: 11) Nowhere are these variable approaches – along with the tensions that accompany them – more apparent than in the 2012 *Berlin Biennale*, entitled ‘Forget Fear’.<sup>11</sup> Curated by Artur Zmijewski, with associate curators including the Russian anarcho-absurdist group *Voina*, the exhibition aimed to investigate the question of how contemporary art responds to political insurgency, and what its role might be in civil protest. The result was an invitation for Occupy protestors and other non-artist activist groups to share the gallery space – along with performance artists, participatory projects and video installation – to not only curate artistic interventions, but also to present ‘activism’ itself as a heterogeneous, yet identifiable, form.

The largely critical reaction to the *Berlin Biennale* is significant: for the result was in many senses a broader echo of the debate surrounding art’s role in the political sphere. Above all, the exhibition was seen as noble, but confused, at times awkward, at times simply cacophonous.<sup>12</sup> There are, to be sure, reasons for wariness at the sheer polyvocality of art’s ‘social practice’ (see Bishop, 2006). However, it might also be suggested that such variation is not simply the result of a complex and often tenuous history of engagement between art and politics – it is also rooted in the very energy which drives contemporary protest itself.

Indeed, if we are to see such art activism as distinctly ‘contemporary’, we can also suggest a second component of its emergence at this point in time. The impetus for such experimentation with civil protest must also be seen as connected to what might be termed a lingering post-ideological malaise: a situation described by Sloterdijk as arising from ‘the loss of the function of symbolic institutions responsible for the political accumulation and transformation of dissident energies during two centuries of conflict’ (2010: 190); a frustrated and deeply ambiguous energy capable of both creativity and nihilism, dissatisfied with traditional forms of political expression.<sup>13</sup> If the distinctiveness of this malaise is its lack of overarching political identity, the likes of Alain Badiou (2012), Slavoj Žižek (2012) and David Harvey (2012) are, nevertheless, currently making claims that the ‘accumulations of rage’ seen in events such as the London riots are fragmented signs of a utopian future.<sup>14</sup> Such thinkers argue that, while dispa-

rate, these activities from across the spectrum of violent activity can be read as symptomatic of a ‘global struggle’; a struggle which incorporates, for Harvey, the protestors of Tahrir Square, the students of Chile, the workers striking in Greece and ‘the militant opposition emerging all around the world, from London to Durban, Buenos Aires, Shenzhen, and Mumbai.’ He concludes: ‘the brutal dominions of big capital and sheer money power are everywhere on the defensive’ (2012: 164).

It is not surprising, then, that in conjunction with such enthusiasm for the collective organisation and mobilization of ‘street activity’, via the dazzling array of available network technologies, a question is prompted which would seem to unite the aesthetic and the political concerns of art activism. Gregory Sholette thus inquires: ‘does this counter-globalization imagination indicate that a new variation of left, cultural politics has emerged?’ (2003). And such a question remains, for both theorists and activists alike, certainly seductive, difficult though it is not to see an idea (or, perhaps more accurately, a series of images) arising from protests such as the Wall Street Occupation, which suggests a re-imagined space for cultural politics emerging, whether through documentary photographs (usually guided by motifs of collectivism, or juxtapositions between peaceful resistance and heavy-handed state authority), satirical slogans on protest boards, or the seemingly endless range of text-over-image ‘memes’ circulated in social media.<sup>15</sup>

## Effective Interventions: Art and Subversion

But perhaps the seduction of Sholette’s question – and the apparent desire to answer affirmatively (*contra* Sholette himself) – can take us too far, too quickly. This risks ignoring two specific tensions within the idea of ‘art activism’, both inherently related to these twin aspects of the rise of art activism, and both illustrated by the *Militant Training Camp* project.

First, we must be aware that any response to Sholette’s question would be primarily a rhetorical activity – if not a *curating* activity, not unlike Zmijewski’s *Biennale* – involving the arrangement of visual and documentary

evidence to form a promise of emancipatory politics; an activity which would always simultaneously be involved in defending its arrangements of symbols, motifs and imaginary from a less accommodating mainstream media suspicious of the ‘novelty’ of such a movement.<sup>16</sup> This is really to say, in asking questions of the effects (or effectiveness) of artistic civil disobedience, we seem to be involved in an *aesthetic* question – possibly as much as we are a social one. Second, if these two components of art activism – the expansion of artistic production, and the simmering energy of post-ideological dissatisfaction – answer the question of ‘why now?’ it is important to see that these are not without friction. After all, the optimism with which collectivism, participation and protest are documented (from within protest movements, at least<sup>17</sup>) sits uneasily with the deeply ambiguous frustrations so often expressed as violent rage. And, just as the curators of the *Berlin Biennale* found, speaking of art in the moment of such rage can easily lead to charges of intellectual navel-gazing of the worst kind.<sup>18</sup>

It is in this sense that projects such as *Militant Training Camp*, far from an indication of some renewed ideological conscience, may well suggest a more anti-ideological, self-destructive and mildly narcissistic malaise in terms of the concepts and methods of political expression; less 99%,<sup>19</sup> more *Fight Club*. Channelling the rage and frustration of non-ideological disobedience – in particular the August riots in London, 2011, images of which were used in several performances – the project attempted to confront their audience with forms of actual violence itself. For example, in ‘Propaganda of the Deed’, which took place on international women’s day, lead artist Tom Bresolin repeatedly punched Gallery director Rozsa Farkas in the face, for five minutes. In ‘Dog’ Bresolin was stripped to the waist, tied to a chair, the sides of his head were shaved, and electrodes were attached to his head, arms, and chest while prison blues music wailed woefully in the background. He was then electrocuted for thirty minutes while a mix of images, news footage and movie-clips were projected onto his body. The projection featured a strange mix of politics, violence and consumerism: flitting from a policeman beating a protestor to an adorable puppy.

The ‘reality’ of such violence was, of course, questionable. The project remained heavily based on re-enactment, and most of the activities took

place within the gallery, or at least, within the gallery *system*: audiences gathered, we presume, to witness performances and/or videos of performances, *as art*. As Gavin Grindon notes, art that substantively or formally challenges social hegemony often operates in a different, often subtle, context when compared to ‘activism’ *per se*. The reason is, of course, that the boundaries which identity ‘art’ from ‘non-art’ are, while rarely tangible or visible, certainly embedded in certain institutional frameworks. ‘One can,’ Grindon rightly points out, ‘be as subversive and questioning of social relations as one wishes in a gallery’ (2010: 11). While the language of struggle, subversion and critique has become a staple of artistic discourse throughout the last two centuries, this does not necessarily equate to an *effective* form of disobedience: describing one’s work as ‘subversive’ is not solely reserved for ideological calls-to-arms, it also tends to look rather good on institutional grant proposals. If art activism often only mimics ‘real’ social activism, as Grindon argues, then it remains within the boundaries of the gallery system with no real consequences. There is, it seems, a need for a confrontation: an *event* of disobedience, which renders the act political rather than merely aesthetic. In a similar vein, Firat and Kuryel note that while much cultural activism tends to exhibit an ironic and humorous character, this sense of subversive ‘Bakhtinian carnival’ (the form of protest, incidentally, which Grindon promotes) can, both historically and theoretically, give way to ‘a contained and predictable parade fascinated by its own creativity,’ particularly when such activism ‘is not concerned with generating site and context specific situations sustaining a continuous political engagement’ (2011a: 13). Likewise, for Claire Bishop (2012), while art has an obligation to respond to society’s ills, effective art must be aimed at ‘activating’ its audience. It must antagonise, provoke, and challenge the passivity of spectator consumption. As such, Bishop rails against mere ‘spectating’ or contemplative artistic practice.

There is, undoubtedly, a general risk in any celebration of artistic subversion becoming so far immersed in seductive claims to ‘expose’ and ‘reveal’ implicit cultural relations, its effectiveness becomes all but impossible to gauge. That is to say, sure enough, when Firat and Kuryel duly go on to argue that there is a need for ‘tactical confrontation’ in order to create effective activist work, we find ourselves in the curiously predictable discourse which privileges *context, cultural awareness, tactical confronta-*



tion and so on; terms that are, by now, commonplace within critical discussions of activism as seemingly unquestioningly superior to the more traditional aesthetic activities of contemplation and spectatorship. Again, however, we must be careful of the haste with which such activities are dismissed. An over-reliance on, and reduction to, such motifs can easily conceal the complex ways in which a ‘confrontation’ might be constructed, encountered and revisited. Salient though Grindon’s argument is – and echoed as it is by Firat and Kuryel, Bishop, Lucy Lippard (1997) before them, and so on – that art is effective only through a confrontational or agonistic event, it is also important to resist the converse and overly-simple move whereby artistic practice is subordinate to ‘real’ activism. This would be to presume, too hastily, that art and politics are inherently separable, and as such artistic protest is only effective when it is immediate and visceral, but also directed to some purpose within the political sphere; for as Bishop notes, when the performance of art activism is unattached to a lobby, it can quickly become merely symbolic (2004). However, it must not be forgotten that a converse condition of the interest in art’s relationship to politics is the extent to which politics has itself embraced – if not overrun – the aesthetic. Indeed, as Boris Groys has argued, if there is a lack of *effective* political dissidence within contemporary art, this is not down to the ineffectiveness of the artist, but the far more effective intrusion into the aesthetic by the political (2008).

## The Curating of the Political

For Groys, it is not simply the case that where art becomes subject to the rationality of political struggle, it loses its radical potential to liberate; as such, as Marcuse once argued, art cannot represent revolution, but only ‘invoke it in another medium’ (Marcuse, 1972: 104). Rather, Groys argues that the presumption that there is a clear disciplinary demarcation between the realm of politics (and its instrumental reason) and art (with its unlimited imagination) is at fault. For Marcuse, the problem for art to overcome when it engages with politics was one of *identity*: art must defend itself as art and not become subservient to other forces. Art is a medium to be safeguarded within the political sphere; its effectiveness de-

pends on maintaining its autonomy in the face of that which would exploit it. This, of course, gives rise to the paradox of socially engaged art: the condition of the artist’s autonomy has always, since Plato, been their *separation* from the social; their lack of ‘usefulness’; their capacity for sustained, but disconnected, reflection (Sholette, 2002). But more importantly for Groys, this also misses the distinctly modern problem of identity that the artist faces.<sup>20</sup> It is not the case that art must find creative ways to enter into political debate. After all, from the nineteenth century onwards, Groys argues, art *has* entered the political sphere in many shapes and forms. However:

‘The problem is not art’s incapacity to become truly political. The problem is that today’s political sphere has already become aestheticized. When art becomes political, it is forced to make the unpleasant discovery that politics has already become art – that politics has already situated itself in the aesthetic field.’ (Groys, 2009)

As such, the *political* question of civil disobedience is necessarily an *aesthetic* one. Art activism is not something created in the safety of a white cube gallery and then ‘entered into’ the political domain. Rather, it is already embroiled within an aesthetic domain that has been ceded to the political. The space of ‘confrontation’ between the activist and the social reality they seek to change is one already organised and presented according to certain aesthetic guidelines. As de Certeau commented of civil disruption in *The Practice of Everyday Life*, ‘European anti-nuclear demonstrations, German or Italian terrorism, ghetto riots, Khomeini, Carter, etc.: these fragments of history are organised into articles of doctrine’ (1984: 186). Once narrated as *symbolic* of wider movements, the world is drawn into a particular structure of representation. ‘What can you oppose to the facts? You can only give in, and obey what they “signify”...’ (de Certeau, 1984: 186).<sup>21</sup> But whereas de Certeau’s narrative analysis points to the need for coherence and the stabilising of signifiers (which, in itself, would open up the possibilities for deconstructive subversion), for Groys the legacy of the avant-garde and its assault on univocal meaning is not ‘other’ to late modern media representation, but inherent to it.<sup>22</sup> Twenty-first century media representation and circulation has far exceeded that of the Dadaists in terms of its accomplished dexterity at juxtaposition, mon-

tage, and presenting the ‘shock of the new’. There is no better example, for Groys, than the representation of ‘terror’ itself, which constitutes an ‘image-production machine’ (2008: 126): the terrorist, Groys argues, consciously and artistically stages events that produce their own easily recognisable aesthetics, with no need of an artist to represent them in mediation. Osama Bin Laden, Groys argues, can be seen as a video artist (2008: 122). Conversely, images of the defeated terrorist – humiliated prisoners from Guantanamo or Abu-Ghraib – also bypass the need for an artist, whilst retaining iconographic similarities to the art and film of Viennese Actionism and Pasolini which should not be ignored.

Therefore, while Grindon is concerned that such art is merely representing versions of more extreme, real life politics but within the constraints of the gallery system, Groys suggests that the ‘point is not that art should conquer the territory of politics, should be committed etc. Instead, it needs to find its way in the territory that is now being conquered massively by political and also economic forces’ (Abdullah, Benzer, & Groys, 2011: 86). The necessity for art to ‘find its way’ in civil protest, and thus maintain an effectiveness which is distinctive to aesthetic practice, involves re-assessing how the event of disobedience relates to the institutional gallery space. Whereas this move may seem counter-intuitive (given the seemingly inherent rejection of galleries as forms of art activism), Groys suggests that once we understand the political sphere as ‘out-arting’ the artists, there arises an opportunity to assess aspects of art practice; in short, what moves art, *as art*, to beyond the more immanent demands of what Matthew Fuller terms the ‘media ecology’:<sup>23</sup>

‘In contrast to the mass media, art institutions are places of historical comparison between the past and present, between the original promise and the contemporary realisation of this promise and, thus, they possess the means and ability to be sites of critical discourse – because every such discourse needs a comparison, needs a framework and a technique of comparison.’ (2008: 129)

As such, the mobilisation of terror which usurps ‘subversive’ art – be it a suicide bomber’s video, or a media report on the rioting of ‘feral youths’ – holds one key aesthetic difference. Terrorist or antiterrorist, Groys says,

the non-art production of images and icons is geared towards the production of a truth beyond any criticism of representation. In short: the political usurpation of art is *iconophilic*, whereas the artist, and their surrounding gallery space (whether institutional or improvised) remains fundamentally *iconoclastic* (2008, pp. 124-126).

The reach of this iconoclasm would include, perhaps, a particular deconstruction of the ‘event’ of protest itself. If the violence of *Militant Training Camp* was contrived to an extent, its audience also witnessed the performances inside the camp itself, in situ. Participants had been stripped of their personal belongings and clothes on arrival; contact with the outside world was strictly regulated and limited; their time strictly controlled (both to avoid boredom and to maximise the effects of the camp through a militarised regime); and through very basic rations, daily exercise (often in the driving rain), and simple sleeping conditions, in order for there to be an ‘actual experience’ of militancy. But as the week went on – perhaps unintentionally – the nature of this experience became increasingly ambiguous. While spectators viewed not just the artistic performances, but also where and how the group were eating and sleeping, the violence of the deeds intermingled with a voyeuristic aesthetic. Both of these immediate relations between artist and audience seemed to trespass, albeit from different sides, on the boundaries of a ‘real’ event of violence. To this extent, the discomfort of the audience in witnessing a girl being punched in the face, or a young artist being electrocuted, that forms part of the work, may, of course, constitute an ‘event’ from the shared experience between the performers and spectators that could attempt to compete with acts of civil protest. It prompted reaction, and ‘opened debate’ (a ground which much militant art justifies its violence on). But if this was, indeed, the ‘event’ of protest, then it was clearly undirected; it lacked any criteria for civil disobedience, in the conventional sense, and would seem to be closer to the history of self-harming art (for example, the work of Chris Burden: a genre notably devoid of political overtones). However, the question which Groys’ reappraisal of gallery spaces raises is whether such experience necessarily constitutes the ‘event’ *by itself*, in an artistic sense. It would seem, rather, that the curatorial placing of such an event was part of a wider constitution of ‘protest’; one which involved not simply a synchronic moment of confrontation or performance, but also a

more laborious and repetitive diachronic arrangement of images and actions of ‘rage’, connecting the work not just to its militant forebears, but also to an image-saturated media context, competing to frame the iconography of ‘activism’.

In this sense, if the repetition of the camp not only robbed the event of confrontation (whether by exposing its mimetic basis, or more literally reducing the severity of the violence<sup>24</sup>), it also reconstituted the event in a way that asked whether civil disobedience is not itself a mimetic, aesthetic event: a rehearsal which is re-rehearsed in media circulation and political discussion? This point of re-presentation is precisely where – as Groys indicates in the quote our paper began with – aesthetic criticism becomes once again applicable. Given its organiser’s commitment to anarchist militancy, this curatorial point was perhaps not always clear in *Militant Training Camp* itself, and as such easily falls prey to the criticism of mimetic parody. In contrast, Alexis Milne’s ‘Riot (2008)’, a film and performance piece at the Danielle Arnaud Gallery (a converted Georgian house in a residential area of Kennington, London), illustrated this ‘stretching out’ of the event. Made in response to the G20 demonstrations, it involved the artist (who was a participant in the *Militant Training Camp*) and an accomplice hurling chairs and other items at a further projection of actual riot footage. In many senses, the ‘performance’ of the piece, in terms of the contemporaneous event, was not the violence itself, but the juxtaposition of violent images with the otherwise sedate setting of the gallery itself. One might also think of art which is often disassociated from (or ambiguously related to) a wider social movement ‘proper’, but nevertheless takes protest as its subject matter. For example, Anna Eriksson’s observational video installation *The Last Tenants* (2011), a four-screen looped narrative of tenants refusing to leave a Berlin apartment block; or Rabih Mroué’s *The Pixelated Revolution* (2012), where the artist delivered a lecture on ‘proper’ activist film-making processes (as outlined by avant-garde film-makers *Dogme 95*), correcting amateur footage of protests in Syria for its failure to conform to such rules; or even Walid Raad’s on-going exhibition project *Scratching on Things I Could Disavow* (2012).<sup>25</sup> In these works, the representation of acts of protest is certainly institutional rather than ‘tactical’ or ‘real’, and as such, is rendered ‘art’ rather than protest. But in doing so – in drawing attention to the institutionalisation of the

act, through the boundaries drawn around it, the collage of medias employed and the juxtaposition of action and space – the formation of the work as an exhibition itself is also put on view: forming a confrontation between the audience and the curatorial *conditions* of the more explicit ‘confrontation’ of the performance itself.

## Sloterdijk’s Banks of Rage

There must be a caveat to Groys’ argument, however. We suggested previously that two aspects of art activism were the expansion of artistic production, and the frustrated energy of post-ideological malaise. We have argued that the first aspect can be misinterpreted to wrongfully situate the place of the artist in the event of civil disobedience, at the risk of leaving the artist redundant. But to simply revert to the art gallery as a site of exposition and understanding can easily risk simply stepping back into the safety of the white cube. Clearly, there needs to be more of a case for what specific role the gallery plays that an instantaneous media sphere cannot already fulfil; and to begin to identify this, we need to turn to the second aspect of art activism: the field of rage within which contemporary protest flourishes.

An effective aesthetics of civil disobedience in many senses seems to sit in between two extremes: on the one hand, artistic intellectualism that, as Grindon argues, robs protest of effectiveness, and on the other hand, the kind of senseless violence or mockery which Habermas famously dismisses as illegitimate crime rather than civil protest. In Grindon’s view, it would seem that the potential to transform such energy into constructive social change seems to constitute a firm line of division between legitimate and illegitimate projects: *Bike Bloc*’s communal and creative approach to protest is legitimate; Voina’s setting fire to a police van and declaring it ‘art’ illegitimate.<sup>26</sup> However, this distinction seems only to defer the question of the grounds for such legitimacy, rather than address the specifically aesthetic dimension of protest we have discussed so far.

Such deferral is, again, in danger of moving too quickly, carried by the inherent optimism any such claim to legitimacy necessarily holds (the optimism that there is a clear line between legitimate and illegitimate protest, and that certain forms of collective activism occupy the former). But, as such, this kind of optimism is a form of investment: a point that Sloterdijk has elaborated upon in his book *Rage and Time*. For Sloterdijk, the transformative energy of protest (which he links to the broader historical concept of rage) is at risk of misrepresentation. Rage is too often treated as instrumental (or damaging, or pathological, etc.) to its users, which is to skip over (or purposefully defer from) the phenomenon of violence itself. If Groys interprets the ‘artistic process’ aspect of art activism as something which, often unknowingly, cedes its territory to a political sphere that has no need of an artist, Sloterdijk examines the corresponding aspect of ‘rage’ as something which has been domesticated, deferred and often misrepresented. Rage, he argues, must rather be understood as a form of *capital*: something which is spent (in acts of vengeful violence) or invested; and the treatment of such investment brings attention to the complex ways in which notions of ‘legitimate’ rage are assembled. As such, Sloterdijk claims, ‘the violence of the twentieth century did not “erupt” at any point in time.’ Rather, what at first ‘appeared like the highest level of running amok in reality consisted of bureaucracy, party organisation, routine, and the effects of organisational reflection’ (2010: 26).

It is tempting to argue, of course (alongside Badiou, Harvey et al.), that such an appraisal is rendered obsolete by the events of 2011, where ‘spontaneous’ protest seemed to resist such top-down organisation. But Sloterdijk’s thesis suggests that one cannot understand these protests, let alone make optimistic predictions as to their symbolism, without theorising rage as an investment, and, more boldly, as a condition of historical change itself.<sup>27</sup> The most basic form of rage, Sloterdijk argues, is an exertion of pride, something the Ancient Greeks, and their idea of *thymos*, knew very well. But the history of Western culture beyond Athens is one of suppressing this thymotic instinct, not denying it, but rather storing or investing it in order to gain ‘interest’ until it is finally acted upon. For the most part such individual rage ‘projects’ – angry mobs, militant individuals, or even anarchist calls for violent protest – fail. But if individual, local rage projects are collected, centralised and stored, under the guidance of a

‘single administration’ – a Church, a party, an ideology – then they can form ‘rage banks’ (Sloterdijk, 2010: 62). Thus, a future world is promised through the eventual release of rage in collective form – revolution – and the destruction it brings. This, Sloterdijk argues, is a basic structure of meaning in life: ‘rage projects’ gear life towards the fulfilment of vengeance at a point in the future. Rage becomes a basic condition of history.

Ironically, however, this rationalisation of rage is also a form of domestication, meaning that while investment increases the potential effectiveness of rage, it also leads to a practical deferral from the thymotic impulse of the Greeks. This is seen from the two dominant models of ‘rage bank’ in the history of Europe. The ‘metaphysical revenge bank’ forms the centre of monotheistic religion; and the thymotic revolution of the ‘world bank of rage’ embodied in twentieth century Communism. In the first model, rage is transformed from an occasional action of the Greek Gods to a constitutive feature of the monotheistic God: that is, a God with the capacity to judge and enact revenge accordingly. Revenge is transformed from a form of thymotic rage to a complex judicial process. Of course, it follows that localised, individual rage is an assault on the divine itself (the believer should literally turn the other cheek, and invest the rage). Rage therefore develops from the simply revenge of hurt pride to a sophisticated system of interest and payback. In the second model, twentieth century communism, the management of rage is developed into a deadly system of self-harm. Disparate anxieties, angers and revenge projects are guided and united by a ‘superior perspective’, whose demands ‘do not always coincide with the rhythms of local actors and actions’ (Sloterdijk, 2010: 62). Both models harness rage by deferring it, ultimately endlessly, and ‘totalitarian’ is not a hegemonic form of power but rather ‘the retransformation of the customer into a slave of the corporation’ (Sloterdijk, 2010: 159). True to any monopolised market, when a rage bank is formed the more local or individual rage projects are condemned for their wasted expenditures without significant returns.

Today, Sloterdijk argues, despite the fall of the central banks of rage (Christianity and Communism), there is no ‘real decrease of available quantities of rage among the excluded, ambitious, unsuccessful, and vengeful’ (2010: 190). However, today’s rage cannot be treated in the same

way. The post-1989 world, which sees the dominance of neoliberal capitalism, and with it the End of History (as Fukuyama famously expressed it (1992)) we are left with ‘an era without rage collection points of a global perspective’ (2010: 183). Whereas the workers’ movements of the nineteenth and early twentieth centuries could invest in narratives which linked them across borders and localities, this world lacks any such convincing story.<sup>28</sup> The result, for Sloterdijk, is either a return to ‘subcultural narratives’ such as ethnicity, or, failing this:

‘[insofar] as the dissatisfied of postmodernity cannot abreact their affects in different locations, the only available option is to escape to their own mirror image, which is provided by mass media as soon as scenes of violence attract public interest. [...] However, it is in precisely such episodes that the medium wins over content.’ (Sloterdijk 2010: 205)

Rage cannot thus be transformed into pride or hope, as the instruments of the mass media are situated within the ‘democratic mission’ of neoliberalism. This is why Sloterdijk is correct to account for the rage of protest movements through its conception within a wider system of market investiture: a world where, as Mark Fisher describes, ‘capitalism seamlessly occupies the horizons of the thinkable’ (2009: 8). The symbolism of protest is consumed as an image-icon: activities of civil disobedience, in many cases themselves re-enactments of earlier image-icons,<sup>29</sup> are uploaded to networked media and circulated through repetitive replaying, tagging and trending, all the while providing further audiences for the consumerism at the heart of internet media.

In this sense, the iconoclastic critique within art practice can easily become empty ‘symbolism’, parading as a political alternative whilst doing as little to address the fundamental structuring of rage as it does the political dominance of the aesthetic. Indeed, such ‘symbolism’ within protest and activist art cannot provide a point of investment, precisely because of its attachment to the older rage establishments. If the energy underlying contemporary rage bears little resemblance to the moral and political rage collectives of before, their available investment points continue to treat them in the same way. The political formations and ideologies available can appear as ‘dysfunctional relics’ in the current neoliberal context:

‘condemned to struggle with ugly speeches against images of beautiful people and tables of solid numbers’ (Sloterdijk 2010: 202). The protest movements of the new millennium may look for alternatives from the totalitarian systems of the past, but are too often based upon the same principle of rage investment. While rage remains a ‘basic force in the ecosystem of affects’ (p.227), this leads more and more to the kind of self-harming violence exhibited within the riots of Paris in 2005 – what Han Magnus Enzenberger describes as ‘molecular civil war’ (Enzenberger 1993, cited in Sloterdijk 2010: 210). In this sense, representatives of contemporary rage – the by-now familiar images of protest, riots, terrorism – do not necessarily signal some kind of challenge to Fukuyama’s End of History thesis. *Contra* the likes of Badiou and Harvey, such phenomena do not simply re-introduce social consciousness, political activism or, indeed, ‘history’ into the vacuum of the post-ideological cultural malaise. *They remain post-historical*: existing ‘when the rage of those who have been excluded connects to the infotainment industry of those who have been included, merging into a violent system-theatre of “last men”’ (Sloterdijk 2010: 41).

It is entirely possible to argue, of course, that the financial crisis of 2008, and the breakdown of the global banking system central to it, provides a counterpoint to Sloterdijk’s thesis. One may well argue that the ‘credit crunch’ and the subsequent rise of the Occupy protest movements, in fact, reintroduced history into the post-historical era. But given the specifically aesthetic issues that we have raised with the optimism of collective protest, we should be careful to note where the metaphorical and figurative aspect of rage investment remains at work in such civil disobedience. In effect, the cases of anti-capitalist protest (artistic or not) do not render Sloterdijk’s argument obsolete, so much as ask the question which Sloterdijk himself (at least whilst writing *Rage and Time*) was unable to answer: what alternative *is* there to rage investment? Furthermore, given how much rage collection points depend, as we have seen, upon the aesthetic or curated dimension of the public sphere, does at least one possible alternative lie within the relationship between art and civil disobedience?

## Art's Investment in Rage

We have argued in this paper that there must always be a place for caution in claiming any such possibility. In particular, while artistic practices may be derided for their mimetic qualities – that they can only repeat, impersonate or parody *actual* civil disobedience – it is precisely this reflective space which is needed within the seductive optimism of twenty-first century collectivist protest. This is clearer to see if we understand the art activism which privileges the event of confrontation, or context of dissidence (whilst rejecting gallery spaces and the introverted contemplations of art), as a form of local rage bank. By promoting an imminent form of rage at the expense of contemplative practice, this form of art activism economises the channels of protest: it demands an investment in a political activity, 'cashed in' within visible public space. But such investment would seem to produce only two outcomes: either to result in a 'small craftsmanship of rage [...] condemned to exhaust itself' (Sloterdijk 2010: 63); or, to attach itself to a larger rage bank (such as the ideologies rejuvenated in the work of Badiou), which only defers its anger by investing in a more global future that will never arrive. In both cases, we can make the following, tentative, argument: far from the art gallery sanitising the spirit of protest, the 'real' protest which supersedes it may well itself be a misplaced domestication of rage. Like violence, art without a lobby, a framework, an ideology – in short, that has become symbolic *of* something – is then seen as lacking any real effectiveness. Ironically, this means that in turn, the 'art' of art activism *remains* mimetic: a representative expression *of* a wider social discontent, in a Habermasian sense. The very rejoinder that is supposed to ensure the effectiveness of socially engaged art – its attachment to a cause and commitment to real confrontation and applied contexts – can thus end up moving further away from the raw energy of discontent and into the self-congratulating excesses of symbolic iconophilia. However anti-capitalist or symptomatic of a 'new' cultural politics, activist art may well be reduced to an advertising poster for another rage bank.

But what opportunities are there for an aesthetics of civil disobedience, that might move beyond the all-too predictable and inhibiting debates over mimicry and effective subversion? In this paper, we have attempted

to suggest that what is at stake in this question can easily be misplaced. To subordinate art to an 'event' of confrontation is to ignore the way in which such events are themselves aesthetic constructs; and to separate performances of vengeance, resentment or protest from the institutions of exhibition is to ignore the way in which rage depends upon 'collection' points for effectiveness. With this in mind, we finish with the following suggestion regarding art's relationship to civil disobedience.

Artists have, and always will, act as provocateurs. The legacy of modernism within contemporary art is its close affiliation with the mechanisms of indignation, and as such, artistic projects can expose cultural relations, present grievances, and attempt to incite certain forms of rage – a thymotic rage based on pride, rather than a repressed desire for destruction – in others. At the same time, we should not be surprised if such projects are largely unsuccessful. 'Provoking discussion' depends upon mutual interlocutors, after all, and if we are to avoid simply forming a 'local bank' of limited effect – and small artistic projects such as Militant Training Camp invariably operate on such scales – we are also limited by the motifs available to reach extensive audiences. Voina, for example, may well be socially engaged *and* anarchically resistant to ideological order, but acts through the reductive language of shock tactics that can quickly become puerile.<sup>30</sup> True enough, such acts of civil disobedience reach a wide audience, but through the base qualities of their work, which often obscure any deeper references and meanings behind them.

But responding to such failure need not be limited to, on the one hand, over-emphasising the severely local context of any artistic practice, or, on the other, investing in a broader symbolic, and iconophilic – realm. In between these two extremes, there remains the possibility for artists to accumulate mass-media imagery of rage and violence, and process it through the gallery system, in what is not so much a rage bank (indeed, there is no promise of returns), but perhaps as more of an *archive* of rage. Embracing the contemplative aspect of artistic exhibition is, of course, the dyadic opposite of what much art activism works for. However, appeals for art activism to focus more on the context often rest at a call for art to simply be more immediate: to emphasise the 'event' or 'performance' of dissidence, from Firat and Kuryel's desire for 'tactical confrontation' to

the exhibitions such as *Berlin Biennale's* exhibiting of the production of art as well as the final piece. While *Militant Training Camp* remained party to this discourse, it also suggested ways of engaging with the underside of this: the planning before, rehearsing during, and repetition after of such 'events'. It reminds us that, for all the warnings over artists disengaging from the social when they ignore 'context', the nature of a dissident 'event' – whether violent or civil – is constituted by more than simply the immediate confrontation or experience. As such, when we read such appeals for a context in which antagonistic disobedience takes place, we should not forget that determining this context is not dictated by a political sphere separate from art, but is itself a curatorial process – perhaps ceded, as Groys argues, to political forces, but nonetheless an aesthetic concern – funded as it is by the presentation and arrangement of image-ions.

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<sup>1</sup> The term ‘art activism’ is not without difficulties: some writers, such as Pablo Helguera (2011) prefer the term ‘socially engaged art’; whilst Nicholas Bourriaud famously emphasised the participatory aspect of such art in his theory of ‘relational aesthetics’ (2002).

<sup>2</sup> As well as – and far more seriously, in terms of consequences – allowing for the circulation of counter-media capable of responding to media blackouts in, for example, Syria (see Rich 2011).

<sup>3</sup> <http://theyesmen.org/>

<sup>4</sup> <http://www.labofii.net/>

<sup>5</sup> <http://www.actupny.org/>

<sup>6</sup> <http://www.abcnorio.org/>

<sup>7</sup> <http://www.digicult.it/news/the-leonor-annenbergs-prize-for-art-and-social-change/>

<sup>8</sup> <http://provisionslibrary.com/>

<sup>9</sup> Even the art journal *Frieze* – proprietor of the Frieze Art Fair, perhaps one of the largest symbols of art’s attachment to *laissez-faire* free market consumerism – recently dedicated a series of issues to art’s role in changing society.

<sup>10</sup> See <http://www.lutherblissett.net/>

<sup>11</sup> <http://www.berlinbiennale.de/blog/en/7th-biennale>

<sup>12</sup> See, for example, Christy Lange’s review at <http://blog.frieze.com/art-meet-politics-politics-meet-art-a-preview-of-the-7th-berlin-biennale/>

<sup>13</sup> By far the most concise and eloquent expression of this malaise can be read in Mark Fisher’s *Capitalist Realism* (2009).

<sup>14</sup> Unpublished at the time of this paper’s writing, the back cover of Žižek’s *The Year of Dreaming Dangerously* promises that the ‘subterranean work of dissatisfaction is continuing: rage is accumulating and a new wave of revolts will follow. Why? Because the events of 2011 were signs from the future: we should analyze them as limited, distorted (sometimes even perverted) fragments of a utopian future which lies dormant in the present as its hidden potential.’

<sup>15</sup> In broader representational terms, Badiou shapes these actions within a cultural history of revolt: while ‘blind, naïve, scattered and lacking a powerful concept or durable organisation, it *naturally resembles* the first working-class insurrections of the nineteenth century.’ We therefore, he argues, ‘find ourselves in a *time of riots* wherein a re-birth of History, as opposed to the pure and simple repetition of the worst, is signalled and takes shape.’ Badiou, A. (2012). *The rebirth of history: times of riots and uprisings* (G. Elliott, Trans.). London: New York: Verso.

<sup>16</sup> For example, James Kirchick’s (2012) comment that one Occupy gathering depicted ‘every 1960s leftist trope: groupthink, organizational incompetence, and the simultaneous hostility to legitimate authority while blindly following illegitimate authority that masks itself behind faux-democratic rhetoric.’ <http://www.worldaffairsjournal.org/article/over-there-occupiers-seen-europe> (accessed 24/07/2012)

<sup>17</sup> As Grindon notes (2009), the pacifism of many protest groups is often overlooked in official reports or representation in the popular media.

<sup>18</sup> Žižek has warned over the tendency for symbols to become too reducible to cultural commodity, and thus lose their effectiveness. While the protests of May 1968 were aimed at a political change, for example, ‘the “spirit of ‘68” transposed this into a depoliticised pseudo-activity (new lifestyles, etc.), the very form of social passivity.’ (2009: 60). This seems to us to be a central concern for any kind of ‘aesthetic’ of civil disobedience; however, Žižek is characteristically quick to pass too hastily over the meaning of such a commodification of protest; a meaning which the work of Sloterdijk is particularly useful for unpacking.

<sup>19</sup> <http://www.99percentfilm.com>

<sup>20</sup> One could also argue, *contra* Marcuse, that the independence of the artist can, paradoxically, lead precisely to their subservience to ideology. The Abstract Expressionists, for example, could well be argued to have allowed themselves to be controlled, to some extent, by dominant institutions (for example, Jackson Pollock's relationship to Clement Greenberg). Abstraction in thought (through submission to a particular cultural ideology) became manifested in abstract art.

<sup>21</sup> More recently, Christian Salmon has documented the power of narrative to blur boundaries between computer simulation and real world imaging in his book *Storytelling: Bewitching the Modern Mind* (2010).

<sup>22</sup> Of course, the association of art and terror is nothing new. Jean Paulhan, in his brilliantly irreverent but insightful work of the 1920s *The Flowers of Tarbes*, describes the process of aesthetic production and a constant tension between the (artistic) 'terrorist' and the 'rhetorician' who safeguards culture: the innovative and shocking against the systematising and codification of meaning. For both, the enemy is banality and cliché; but in the end, Paulhan argues, both sides inevitably collapse into each other, as the resistance to commonplaces inevitably forms a ritualistic cycle of innovation and circulation. Likewise, Peter Sloterdijk notes that the principle of revolution and resistance embedded within the shock tactics of modernist art, represented by a 'use of horror as violence against morality', not only 'explodes aesthetic and social latency, exposing the laws whereby societies and artworks are constructed', but also produces a correlative context: 'Permanent "revolution" demands permanent horror. It presumes a society that continually proves anew to be horrid and revisable. The art of the new is steeped in the thrill of the latest novelty, because it emerges by mimicking terror and in a parallelism with war – often without being able to say whether it is declaring war on the war of societies or waging war on its own account. The artist is constantly faced with the decision of whether to advance as a savior of differences or as a warlord of innovation against the public.' (Sloterdijk 2009: 80).

<sup>23</sup> See Fuller (2005). Fuller uses this term to refer to an environment where every occurrence is passed through processes of surveillance, recording and re-presentation, collapsing the distinction between simulation and original.

<sup>24</sup> 'Community Support', for example, saw a van being suddenly reversed into the gallery space during a public viewing. Participants in the camp, all wearing uniforms and balaclavas, jumped out, and were under instruction to beat up Bresolin for five minutes, then threw him into the van and drove away. But while the beating was real and performed with gusto, it did not last the full five minutes. Perhaps this signalled sympathy from the pre-established camaraderie of the participants in the camp; or perhaps a failure of the principle aims at extremist art (in any case, the speed with which the performance was executed in fact added to the shock factor; the audience was left baffled by what they had just witnessed).

<sup>25</sup> Both Raad and Mroúe's works were recently exhibited at *DOCUMENTA (13)* (see <http://d13.documenta.de/>)

<sup>26</sup> See <http://www.artinfo.com/news/story/755205/voina-explains-why-firebombing-a-police-tank-is-a-piece-of-art>

<sup>27</sup> As such, Sloterdijk is not suggesting some kind of conspiracy theory at work (that all acts of militancy are, wittingly or unwittingly, playing out roles predetermined by higher powers). Rather, he is suggesting that what may appear to be a dyadic opposite to the mechanisms of law, order and stability is, in fact, very similar. To quote at length: '[It] does not make any sense to establish a relationship between self-confident hatred and concepts such as nihilism – despite their prevalence as popular explanatory models. [...] Rage that has become reified as hatred is resolute good-will. Initially it appears as a pointed attack that brings about an intense local pain. Then it secures an allegedly necessary increase of pain in the world in order to persist in terrible reports and other media exaggerations. In light of this perspective, it is the subjective and passionate appearance of that which the penalising judiciary wants to embody objectively and without passion. Both rest on the axiom according to which the balance of the world after its disruption can only be recovered through an increase of pain at the right location.' (Sloterdijk 2010, pp.57-8).

<sup>28</sup> This argument places Sloterdijk in direct disagreement with Badiou's alignment of civil disobedience and earlier workers revolt (see above, fn.15).

# Krisis

Journal for contemporary philosophy

Tom Grimwood & Martin Lang – Militant Training Camp

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<sup>29</sup> One thinks here of examples such as contemporary student sit-ins, aiming to replicate those of the 1960s; or Occupy camps imitating the ‘spirit of Woodstock’. The work of Jeremy Deller offers a particular exploration of this re-enacting aspect of art’s social practice; for example in his *Battle of Orgreave* (2001), a re-enactment, and subsequent documentation of the re-enactment, of the violent clash between police and striking miners in 1984.

<sup>30</sup> A full list of Voina’s activities – including recreating hangings in Russian supermarkets, painting giant phalluses on bridges, and performing a live public orgy at the State Museum of Biology on the eve of the Russian elections – can be found at <http://plucer.livejournal.com/266853.html>.

TINA MANAGHAN

KETTLING AND THE ‘DISTRIBUTION OF THE SENSIBLE’  
INVESTIGATING THE LIMINALITY OF THE PROTESTING BODY  
IN A POST-POLITICAL AGE<sup>1</sup>

Krisis, 2012, Issue 3

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## Introduction

On December 9, 2010, up to 30,000 students, lecturers and labour leaders – who were protesting the British coalition government’s plans to triple tuition fees while making 40% cuts to university teaching budgets – converged on Parliament Square to make their opposition heard on the day the historic vote was to take place (Addley, etc. 2010). This was the fourth demonstration against unplanned tuition hikes (generating crowds of up to 52,000), led by the National Union of Students, the University Lecturer’s Union and the National Campaign against Fees and Cuts (Lewis, etc. 2010; Phibbs 2010; Mail Online 2010; Power 2010). The protesters were angered by the fact that the coalition government was forging ahead with plans to triple tuition fees without an electoral mandate and in spite of the promise by the minority party in the coalition not to raise tuition fees if elected to office. There are, of course, a variety of frameworks available to interpret this story and the events that would unfold on that day – events which culminated in the decision by police to corral thousands of

people, including many school age children, for up to 8 hours without food, water, or toilets in freezing cold conditions, in a tactic known as kettling (BBC News 2011b). Certainly, the events could be read as one of ideological confrontation – where questions were raised about who gets what, the nature of the state, the appropriate divide between public and private, and who gets to decide. But it was a policing, rather than political, framework that overshadowed the mainstream media’s portrayal – in sources as diverse *The Guardian*, The BBC and *The Daily Mail*. Within this framework the events of December 9<sup>th</sup> began with police being ‘caught on the hop,’ as one journalist put it, in the preceding protests – underestimating their size and, in one case, being unprepared when a group of approximately two hundred people left the main peaceful demonstration to ransack and occupy the Tory headquarters (quoted in Paige 2010; also see Addley, etc. 2010). The story, told thus, was one of a tactical game between protesters and police and the relevant question became whether order would be restored.

This article’s interest lies less in the question of how effectively ‘order’ was being restored than in the type of political order that was being (re)produced in and through this framework and the police tactics that both followed and enabled it. Taking the student tuition fees protests and media representations of them as my backdrop, this article critically examines the police tactic known as kettling. My claim is that the police were, wittingly or not, directly involved in (re)staging the scene from one of political protest to one of violence and disorder. Although this article will examine both police actions and media representations, it is particularly interested in the role that police tactics played in channelling and shaping events: re-directing the energies of the protesters themselves. And it is interested in what this might tell us about the current state of politics, democracy and the peculiar situated-ness of the bodies that protest in a post-political age.

While recognizing that the protesting body has always occupied a liminal space even in the so-called advanced Western democracies – seeking, in Austin Sarat’s words: ‘to define and occupy an in-between space, resistant to prevailing orthodoxy but engaged with it nonetheless’ (2005: 1) – this article aims to outline something of the specificity of this relation as il-

luminated by the practice of kettling. It will argue that kettling establishes a particular relation between sovereign authority and the protesting body, exemplifying, on the one hand, a rationality of administration and, on the other hand, a paternal exceptionalism and inherent violence. While the violence of the latter tends to be obscured by the former, I will show them to be co-extensive – with the violence of the latter ultimately stemming from the hegemonic rationality of administration (or biopolitics). Kettling, a technique originally devised to separate rival football teams, to contain and reduce the possibility of confrontation (ostensibly in the same way a kitchen kettle works to contain heat and steam), has been transposed and reworked for the purposes of managing and containing political protest: but to what end? I will argue that the specific liminality of the protesting body in late modern capitalism emerges precisely to the extent s/he is not read as a political protester at all.

## Starting Assumptions

To understand this, it is important to get beyond the conceptual straight-jacket that would have us see the emergence of kettling as a favoured policing tactic according to an evolutionary logic or even in terms of the ‘co-evolution of police and protester tactics’ (Gillham and Noakes 2007: 342). As Didier Bigo explains, ‘such a version of the world creates a kind of functionalist vision of security where security is explained through the evolution of insecurity (threats, risks, dangers, fears and so on)’ (2001: 92) as though any of these things might be established objectively. It is necessary, rather, to understand policing and its tactics as, on the one hand, part of a broader set of power relations and to pose questions about how a practice that originally emerged for separating rival football fans became reinvested and redeployed for the purposes of policing political protest: when and how did the aim of policing protest become that of seeking to corral and segregate? To borrow the words of Judith Butler (2002: 220) it is to pose the question ‘about the order in which such a demand becomes legible and possible.’ On the other hand, it is necessary to see policing and its tactics as involved in the (re)production and reconfiguring of power relations – ‘to consider that police do not only answer to [problems] but

are an active actor of the social construction of [crime and/or protest] as a political, social or security problem’ (Bigo 2001: 92).

This is not to deny that kettling emerges, seemingly naturally, from a particular social context. From a strictly functionalist point of view, it has emerged in response to the changing shape of political protest. As Duncan Campbell (2009) explains, ‘The nightmare scenario, as far as police are concerned, is a repeat of the poll tax riots when control of the centre was lost. Everything is now done to try to avoid a repeat.’ Writing in a blog for *The Times* on the day before the 2009 G20 summit in London, a former senior policeman described the rationale of the policing strategy to be employed: ‘The tactics are to herd a crowd into a pen, known as “the kettle” [...] the police will not want groups splintering away from the main crowd’ (quoted in Joyce 2011). Eventually the police noose is made tighter with the result being that the protesters are contained and the risk of street battles with splinter groups is minimized. But this explanation barely scratches the surface.

It is tantamount to advancing the case for water cannons on the grounds that they are an effective means for dispersing protesters. This may be, but thus far, despite suggestions by senior commanders in Scotland Yard and the Metropolitan police that it ‘would be foolish if we did not take time to look at tactics such as this’ (precisely ‘to combat the kind of violent [student] protests’ seen in London), it has been deemed by the Home Secretary, Theresa May, (amongst others) as inconsistent with the British culture of policing (Freeman and Doyle 2010). All of which is to say that the decision to employ one tactic or another (whether it be the use of excessive force or, as was done previously, the use of snatch squads to move into large demonstrations to target trouble-makers) cannot be reduced to a functionalist logic. It is embedded in a host of other assumptions about the nature of democracy, the relative value of human rights and societal tolerance for displays of state violence.

This article will begin by highlighting some of the key assumptions at play in the tactical usage of kettling as revealed by the legal challenges to its practice brought before the British Courts and European Commission of Human Rights and by the recommendations for its usage outlined in the

2009 HMIC Report, titled *Adapting to Protest*. It will show these to be part of a larger governmental rationality – a part of the contemporary *distribution of the sensible* that made kettling not only a legible and possible response to the student protests, but a reasonable and desirable course of action. From there, using the events of the day (and those leading up to it) as a case in point, it will show kettling to be both the product of a particular governmental rationality as well as a tactic that draws upon and extends this logic in particular ways. The result is that exceptional politics becomes not only the norm, but part and parcel of a slide towards an authoritarian politics disguised as a benevolent paternalism – i.e., part and parcel of the governmental task of administering life.

## Kettling as Exemplary of a Particular Governmental Rationality

According to the police, kettling offers ‘a vital public order policing tactic that prevents disorder and protects the public’ (BBC News 2011d). This view has been upheld in the courts and echoed in the 2009 HMIC Report, produced in the aftermath of the G20 protests to review policing tactics with a focus on the use of containment. In response to charges that kettling infringes on the civil liberties of protesters and constitutes an unlawful form of mass detention, the official view, reinforced both in court judgments and later in the HMIC Report, is that kettling is justified insofar as it is ‘necessary’ and ‘proportionate’ and insofar as it is tempered by the responsibility of police, in a democratic society, to facilitate peaceful protest (see HMIC 2009: 4, 8). The point is that kettling is discursively positioned as emerging from *the balance of rights*. As stated in the HMIC Report (2009: 42), presently ‘police are required to act as arbiter, balancing the rights of protesters against the rights of the public, business and residents.’ Just as it was deployed to separate rival football teams, kettling, in this view, works insofar as it contains and segregates.

The idea of kettling as a means to balance the rights of protesters against the rights of the public might sound reasonable, but it is precisely the nature of this ‘balance’ that must be queried: what is this balance? Which rights? Who decides? Furthermore, how might we understand the concep-

tualization of *the public* in this account if protesters are positioned outside it? I will begin to unpack some of this by stating what may seem to be the more obvious assumptions that underpin its usage. For instance, it emerges from the assumption that the tactic of escalated force (on display, for example, in the anti-Vietnam war protests in the United States and in suggestions to use plastic bullets or water canon) is inappropriate.<sup>2</sup> Indeed, it might be said to emerge from a particular liberal opposition to violence. As read in the court cases, it is affirmed to the extent it *protects* – that it is necessary to ‘prevent violence and injury to people and property;’ that, amongst the various options, it has been deemed the ‘least drastic’ way of preventing a breach to the peace; and, in one judgement, that it was ‘necessary for the crowd’s own protection’ (see Lewis 2012). Public opinion also seemingly supports it on these grounds.<sup>3</sup> As will be detailed in the next section, the protesters are not presented within official readings as enemies of the state, but as the objects of its care – as part of the life to be administered and managed such that the right to peaceful protest is maintained. And, indeed, the HMIC Report (2009: 5, 40) reminds us that ‘the right to protest in public is a synthesis of iconic freedoms: free assembly and free speech,’ but in ways that are least disruptive to the day-to-day business of the state.

## Paternalism of State Response

For this reason I am not describing the relation between protester and state as simply an enemy/state relation (although it is a slippery slope). Rather, and perhaps somewhat more insidiously because the relationship I am referring to obfuscates the element of ideological competition that comes to the fore in protest politics, I am describing a paternal relation to state authority. It is similar to what Iris Marion Young (2003) has described in terms of a patriarchal logic or a masculinist logic of protection whereby citizens come to occupy a position vis-à-vis the state akin to that of subordinates within a patriarchal household in exchange for the promise of protection. In Young’s words:

‘To the extent citizens of a democratic state allow their leaders to adopt a stance of protectors toward them, these citizens come to occupy a subordinate status like that of women in a patriarchal household. We are to accept a more authoritarian and more paternalistic state power, which gets its support partly from the unity a threat produces and our gratitude for protection.’ (2003: 2)

Young’s paradigm is useful because it goes some way towards explaining the emotional attachment to paternal state authority. But, there is more to this sense of gratitude that citizens feel (or are expected to feel) than that which comes from the state’s real or manufactured protection – and this too is key to understanding the figuration of state authority in terms of a paternal relation. This, I will describe, stems back at least as far as Socrates. For Socrates the key is that the Laws are not only that which protect, they are also that which generate life (see Brown 2005). Hence, the gratitude and deference Young described within the terms of a patriarchal logic echoes Socrates, who judged the very laws he rallied against as parental and ultimately submitted to them on that basis; but Socrates also suggests other factors at play. He described the laws as ‘more precious and higher and holier by far than mother or father or any ancestor’ (quoted in Brown 2005: 30). This is because, as Wendy Brown explains, for Socrates the laws were, in a sense, his ‘true parents’ – not just because they were authoritative or could promise protection from threats, but because ‘when the laws say to Socrates, “we have brought you into the world and reared you and educated you” [...] they are reminding Socrates of his own constitution by the polis he has criticized’ (2005: 32). The laws, explains Brown, frame and permit Socrates’ work:

‘[I]n idealizing this authority as both powerful and wise (and yet also vulnerable to injury) and in personifying this authority as parental, Socrates has recalled the libidinal and emotional attachments that citizens must have.’ (Brown 2005: 32-3)

This tells us something about the liminality of the protesting body in any society which owes its life to the order it rallies against. But there are two additional points worth bearing in mind.

First, this is only one way of imagining the proper relationship between citizen and state – and one that Young has pointed out is not particularly democratic. Much like the Hobbesian Leviathan, it is fundamentally rooted in subordination – the assumptions being that ‘[t]he sovereign decides what is necessary to protect the commonwealth and its members’ and ‘what actions and opinions constitute a danger to peace and properly suppresses them’ (Young 2003: 8). The problem, as Young describes it, is that ‘[d]emocratic values and freedoms would be easier to assert [...] if the face of authoritarianism were so ugly and easy to recognize’ (2003: 7).

Second, although the (seemingly benevolent) paternalism at the heart of state authority may be as old as the state itself, it has acquired a particular salience in the current context – one that may make it all the harder to recognize. Young suggests this also, but focuses on the role the American state has taken as protector, stemming from the so-called ‘war on terror.’ I will describe its current salience in terms of what Slavoj Žižek (2009: 34), borrowing from and building upon the work of others, has called ‘post-political biopolitics’ – a term he has used to describe ‘the predominant mode of politics’ in the West today. Žižek describes this as follows: “‘post-political’ is a politics which claims to leave behind old ideological struggles and, instead, focus on expert management and administration, while “biopolitics” designates the regulation of the security and welfare of human lives as its primary goal’ (2009: 34). The way in which they overlap, suggests Žižek, is quite straightforward: ‘once one renounces big ideological causes, what remains is only the efficient administration of life... almost only that’ (Ibid.).

For Žižek this is the predicament of Western civilization. Refusing higher causes or even an ability to imagine what one would fight for, modern man goes the way of Nietzsche’s Last Man who stands for nothing, takes no risks and seeks only security, daily pleasures and basic expressions of tolerance for one another. In this depoliticized realm, freedom becomes freedom from victimization or harassment and passion is mobilized primarily through moral indignation or fear (2009: 25, 36).

While this may be over-stating the case, it does resonate with one of the more curious definitions of democracy outlined in the HMIC *Adapting to*

*Protest Report*. The report suggests that while some measure democratic maturity ‘by the ease with which peaceful protesters can protest’, others believe ‘equally strongly’ that ‘a mature society is measured by the security that they have to go about their business free from protesters or anybody else’ (2009: 6). If, as already stated, the practice of kettling is envisaged as a means to balance the rights of protesters against the rights of *the public*, this might tell us something about the presumed nature of this balance. Specifically, while the report makes clear that the right to protest still plays a legitimating role in British politics (and thus must be facilitated), it situates a view of democracy that includes the right to protest (with its associated freedom of public assembly) against a view of democracy in which freedom from harassment essentially becomes the highest good. The problem with the latter view, of course, is that at its core there is nothing essentially democratic about it. As Young makes clear, it could just as easily lead us to an authoritarian as to a democratic politics. So when it becomes positioned as one of two competing definitions of democracy, it is worth taking note.

As Anastassia Tsoukala (2006) has noted, it reflects a broader reframing of the notion of freedom – one that she has traced through a textual analysis of the ways in which emergency measures have been legitimated in both the U.K. and France in response to the war on terror. As she illustrates, the notion of freedom being employed is negatively defined – i.e., ‘as a release from a threat’: ‘Terrorism is not perceived as a threat posed for the freedom of people to act in democratic terms but as a threat from which people set themselves free’ (2006: 622). Freedom then is no longer as readily associated with ‘freedom of action in a democratic society’ (622). Instead freedom, here and elsewhere, is being defined in ways that restrict civil rights and liberties such that the freedom pursued is a freedom from fear.

This is a reflection of the broader discursive terrain on which discussions are taking place about how societies balance and police the balance of the rights of different constituencies – as made quite explicit in the HMIC Report. Using Žižek’s (2009: 34) notion of ‘post-political biopolitics’ to usefully illuminate certain features of our political age, I will suggest that as big political questions are set aside and the focus increasingly becomes ‘the

efficient administration of life’ such that people can basically go about their lives unhampered (assuming the restriction of civil liberties will not apply to them), protest itself becomes mere disruption. We exist in a time when protest groups emerge with names like ‘Defend the Right to Protest’,<sup>4</sup> and I am glad they do. But why protest? Protest what? To what possible end? The name is an indictment of our times, but it also raises questions.

The questions are indicative of what Jacques Rancière (2009) has described as a left-wing melancholy (itself a product of our post-political biopolitical age) – i.e., a situation in which even if we desire something *other* we can no longer imagine its possibility. Moreover, it is a situation wherein the critic’s critical capacities are mobilized in ways that direct our attention not only to the overwhelming power of capitalist logics and disciplining functions (the ‘power of the beast’), but to ‘the illusions of those who serve it even when they think they are fighting it’ (Rancière 2009: 33, 35). In critical works of art, for example, it is to move from illustrating linkages between American over-consumption and its distant wars towards illustrating the futility or hypocrisy of the demonstrators protesting against these very things – highlighting, for example, ‘the cans spilling out of the dustbin which have probably been thrown into it by [them]’ (Rancière 2009, 28). Protest becomes mere spectacle.

While Rancière has traced this in critical art and academic traditions, it can also be documented in the musings of left-wing public intellectuals. Take, for example, Naomi Klein, who has warned that the anti-globalization movement was at risk of becoming a fan culture ‘with activists flocking to cities around the world [for the latest mass demo], following the G8 and World Trade Organization leaders ‘as if they were the Grateful Dead’ (2002: 270-271). Klein’s ‘touristic analogy’ points precisely to the fear that contemporary protest is always already caught up with what it criticizes; it is all part of the commodity spectacle. (Robertson 2006: 269). Arundhati Roy (2004) makes a similar criticism, arguing that although in ‘a spectacular display of public morality 10 million people on 5 continents marched against the war on Iraq [...] nobody had to so much as miss a day of work.’ ‘Holiday protests,’ she says ‘don’t stop wars’ and on this basis she urges a move from mere symbolic politics to *material* action



– to something that would make it ‘materially impossible for Empire to achieve its aims’ or, in other words, to something that would really stab at the heart of the beast.

Klein and Roy are quite right to point out that mass gatherings have been unable to stop the beast, but this need not lead to a false dichotomy between the symbolic and the real. As the editors of this special edition of *Krisis* have expressed it, ‘[o]n a theoretical as well as practical level we are today faced with the question whether civil disobedience requires a moment of real confrontation for it to be politically effective.’<sup>5</sup> This is the question the contributors to this journal have been asked to engage with, but, as the editors themselves acknowledge, it seems to displace the problem. In their words, ‘it seems that civil disobedience does in fact have an irreducible symbolic dimension’ which suggests that if we want another world we have to be able to imagine it. Any hope of transformative political practice hinges not simply upon our actions, but also and inextricably on what Žižek would call ‘a shift in our symbolic universe’ (2009: 58). Pointing to evidence from the student protests and their representations, I will argue that ‘real confrontation’ is and must be at the level of the symbolic. This is because it is the realm of symbolic confrontation that is being precipitously foreclosed while we are distracted by images of street battles, scenes of violence and the spectre that *this is ‘the real.’*

As stated, the student protests occurred over a period of a month, converging in the form of street marches or mass assemblies on four separate occasions. Various media sources noted that the protests were peaceful on the whole (See Lewis, etc. 2010; and Addley, etc. 2010). And yet, across the spectrum, the media event had less to do with the debates surrounding the funding of higher education than the on-going ‘cat and mouse’ game, as referred to by *The Guardian*, between student protesters and police (quote from Paige 2010; also see Addley, etc. 2010). In this and other ways, the media coverage of the student protests highlights what I have been describing as the rationality of administration (police logic) intertwined with what Rancière (2009) has described as the merger between left-wing melancholy and right-wing antipathy, or the ease with which the denunciations of protest as mere spectacle, voiced by those on the left, slide into the recriminations of those on the right.<sup>6</sup> This is the point at which ‘your

protest is meaningless’ turns into charges of self-indulgence and moral condemnation: ‘what do you think you are doing?’ and ‘who do you think you are?’ It need not be that the one follows from the other, but the overlap is revealing.

As Richard Littlejohn (2010), columnist with the *Daily Mail*, expressed it, ‘Their cause is always the same: demanding other people pay for their upkeep [...] As for tuition fees, it is hard-working taxpayers who must foot the bill for students to spend on meaningless media studies courses.’ Harry Phibbs (2010), another columnist with the *Daily Mail*, pointed to the ‘self-indulgence of [the student protesters] antics’ specifically: ‘Thousands of students are planning to take a break from boring old lectures and studying today to go on a demo to claim how much they value their education.’ There was an overwhelming focus within the right-wing press on the age of the protesters (with emphasis placed on the fact that many of those involved were university students or secondary school students still in uniform who had staged walk-outs from class) and their presumed socio-economic class.<sup>7</sup> Both of these real and imagined attributes served to portray the protesters as self-indulgent youth lacking in responsibility. This, of course, was despite the fact that university students on the protest lines had nothing to gain from protesting as the fee rates would not affect them and that many university lecturers were involved.

Yet, on the issue of class specifically, the *Daily Mail* set out to show that at least four of those involved in the protests came from privileged homes (with photographs of their homes included by way of evidence).<sup>8</sup> The matter of class was also at the heart of the anger and moral outrage specifically directed at Charlie Gilmour, student protester and son of David Gilmour, guitarist for Pink Floyd.<sup>9</sup> Gilmour, who happened to be high at the time, was later charged with violent disorder. But more than any of these things, what outraged the nation was the image of him swinging from a Union flag on the cenotaph (a monument to the nation’s war dead in Whitehall) while shouting ‘Let them eat cake!’ and ‘They broke the moral law. We’re going to break all the laws’ (quotes from BBC News 2011b and Bates 2011).<sup>10</sup> The former was a reference to the words famously, even if wrongly, attributed to Marie Antoinette upon learning that the peasants of France had no bread and has been thought to signify

her obliviousness to the plight of the masses. But, more than the words Gilmour used, it was the image (caught on camera and circulated in the papers) which raised the ire of many.<sup>11</sup> Here was the nation’s prodigal son – privileged and spoon-fed (or such is the assumption), railing against what Socrates might describe as *the laws which gave him life* – acting ‘disrespectfully’ to the nation’s war dead and bereaved families. In the words of Christine Odone (2011):

‘Gilmour was sticking his fingers up at history, tradition, and authority. Such disrespect from someone who has benefitted greatly from all three, offends ... [F]or the Oxbridge golden youth ... Britain is punting and Pimm’s, famous friends and inspiring tutors.’

Rightly or wrongly, for many, Gilmour epitomized the self-indulgence of the nation’s youth and was a visual affront to tradition and authority – to no less than the nation’s forefathers.

Worth noting is that while some referred to Gilmour’s actions as treasonous, he was not generally positioned as an enemy to the state (as a terrorist or spy, for example), but as a youth gone astray. The fact that he was high – a fact often attributed to recent rejection by his biological father – only furthered this view (see Bates 2011; Singh 2011; and Roberts 2011). In these ways, Gilmour and the student protesters writ large were read by the media through a paternal gaze and found to be *out of order*, generating a public demand for discipline to be restored. Jan Moir (2010) of the *Daily Mail* captures the mood well and the socio-political (even if not quite legal) justification for kettling that stems from it. It is worth quoting at length:

‘[T]he Met police detained thousands of the students for hours in a “kettling” movement, providing a difficult but neat introduction for those wannabe revolutionaries to the moral intricacies [...] of civil disobedience. Chief among which is that you might not get home for your tea. Naturally, many of the corralled youngsters furiously texted and tweeted their middle-class mums who were suitably enraged. No doubt feeling that the civil liberties of their little darlings were being breached. Maybe so, but if you are a mem-

ber of a group which moves from peaceful protest into causing violence and damage, even if you do not participate in that damage yourself, you have got to be prepared for the disobliging fallout and inconvenience that might come your way.’

Although several factors were at play in eliciting reactions such as this (including class grievances), it is worth noting that the paternalism evident in this media and public gaze depicts an identification with a patriotic ideal reflected through *the eyes of the state*. Symbolic identification, as Žižek describes, is ‘identification with the very place from where we are being observed’ (quoted in Brown 2005: 39). It is an identification with power, but one that is dissimulated through another image of purity or woundedness – e.g., *the hard-working British people* who are being asked to foot the bill and/or *the traumatized families of the war dead*. The imagined trauma suffered by the British people at the hands of one of their own diverts attention from state violence and aggression as well as their own.

From this vantage point, the incidences of violence by Gilmour and the student protesters might be usefully read as emerging within a context of what Žižek might call absolute violence:

‘[W]hen we perceive something as an act of violence we measure it by a presupposed standard of what the ‘normal’ non-violent situation is – and the highest form of violence is the imposition of this standard with reference to which some events appear as “violent”.’ (2009: 55)

Indeed, there are many instances of violence here – beginning with the denial of the protesters’ status as legitimate political actors. This can be extended to the suggestion that the appropriate response to the ‘offence’ caused by protesters is containment regardless of whether it breaches their civil liberties. Through the paternalistic gaze we can trace the easy slide to authoritarianism that Young identified in her *masculinist logic of protection*. The implications of this I will explore next.

## Paternal Exceptionalism

In the final section of this article I want to illustrate that kettling is not only *the outcome* of a biopolitical, post-political frame. What I intend to demonstrate are the ways that kettling extends this frame by acting on the bodies of police and protesters in ways that reaffirm and extend the paternalism and inherent violence of this relation. The violence of the kettle takes many guises, not *merely*, as some would have it, at the level of the symbolic. There is also a material violence insofar as the kettle is a form of collective punishment, if not, as suggested in court challenges, a form of unlawful imprisonment. In the words of a lawyer, expressing the significance of one court challenge, ‘This case could determine once and for all, whether corralling people into police pens and coercively holding them for hours [against their will] amounts to an unlawful deprivation of liberty’ (Lewis 2012). It is the indiscriminate and increasingly routine usage of kettling that has particularly raised the ire of civil liberties groups, becoming the focus of public debates (see BBC 2011c; and S. Laville and D. Campbell 2009). As signified in the shift in policing tactics from ‘strategic incapacitation’ (which involved targeting and incapacitating those likely to offend) to one whereby protest itself is contained, kettling functions as both a punishment and deterrent for any and all protest activity.<sup>12</sup> Many student protesters noted this ‘chill’ effect – reporting that they felt they were being punished for simply exercising their democratic rights with the aim being to discourage them from protesting again (see Addley et.al. 2010; BBC News 2011b; and UK Indymedia 2010).

No one, neither the courts nor the press, need deny this because kettling is justified *anyway* – insofar that it is necessary and proportionate. Kettling is inscribed within the logic of exceptionality, even as it becomes the norm. The language of the courts – the language of proportionality and necessity (the language of administration) – obscures this. Borrowing from Giorgio Agamben, it obscures the fact that the kettle inscribes a state of exception, a space wherein ‘the individual is deprived of his or her prior condition as a citizen’ – i.e., the kettle inscribes ‘a zone of indistinction [...] where there is no difference between law and force, wherein individuals are subject to the law but not subjects in the law’ (quotes taken from Meade 2010; Salter 2008: 367; also see Agamben 2005). What is excep-

tional, albeit normalized through state paternalism, is the willingness of the police and courts to deny the protester their full status as political citizens with recognizable and inalienable rights: freedom of assembly and basic civil liberties. In Agamben’s words, ‘Here the theory of necessity is none other than a theory of the exception by virtue of which a particular case [in this case, the policing of protest] is released from the obligation to observe the law’ (2005: 26).

The fact that, according to the courts and HMIC Report, the onus is on police to demonstrate that the forceful confinement of people for hours meets the test of necessity and proportionality also obscures. It obscures the fact that it is the police themselves, acting as petty sovereigns in an administrative state (where the locus of sovereign power has become diffuse), who are charged with the responsibility to *deem* the dangerousness of a situation (to the best of their knowledge) – and on these grounds they have never lost a case (see Butler 2004: 56). Referring to an earlier decision by Metropolitan police to kettle Climate Change protesters at Bishopsgate, police acknowledged the protesters were peaceful but defended their choice on the grounds they were protecting them from dangerous infiltrators (see Dodd and Lewis 2011). Similarly, in the case of student protests, it was the police who told us ‘the game has changed’ – pointing to the involvement of the nation’s children specifically (not just radical ‘anarchists and extremists’) to claim that ‘Britain is entering a new era of lawless riots and violent disorder’ (quotes from Mail Online 2010; and Camber 2010). This was the conclusion despite the rather obvious reason of why children were involved in this particular protest and despite the fact that the vast majority of protest activity was peaceful – with many instances of violence occurring only after the implementation of the kettle. Here we can trace a shift in the target of police action from *illegal acts* (the focus of strategic incapacitation techniques) to *the potential for a more general unruliness* that lies in the protesting body itself.

In all of these ways the act of containment literally creates a zone of lawlessness – and this is what is ultimately obscured by the language of the courts and administrative reports. There are two key points I am making in regard to this statement. First, containment creates a zone of lawlessness to the extent that those contained are deprived of their previous

rights as citizens – i.e., are subject to the force of the law while not recognized as subjects of the law with inalienable rights and freedoms. Here we see the potential slippage from a benevolent state paternalism to a paternal exceptionalism – the point at which the paternal sovereign who has given us life and who protects (i.e., the source of law) is also the one who has ‘the power to punish transgressions and to suspend the rules and norms in times of emergency or need’ (Gunn 2008: 9). ‘Sovereign is he who decides on the state of exception,’ wrote Schmitt (quoted in Gunn 2008: 16). As Joshua Gunn (2008: 16) explains, this view is comparable to Lacan’s image of the symbolic father; ‘the sovereign – be it group or an individual – has the legal power to determine when there is an exception to the Law.’ In his words, ‘[j]ust as a child sees a real father as a god-like figure who has the power to transgress his own rules, so may the sovereign come to function as a kind of legalized figure of lawlessness in the eyes of his subjects’ (Gunn 2008: 16). The paternal sovereign is he who has the power to abandon the subjects in his care to the force of law. He has the power to say ‘No’ and, in answer to the question of ‘Why?’ to say ‘Because I say so!’ (Gunn 2008: 9). It is *He* – or, in the post-political administrative state, the police, in the form of petty sovereigns – who has the power to deem the exception and, in the process, de-subjectivate members of the polis with regards to protection under the law.

It is for this reason that Agamben reminds us that before the sovereign, ‘we are all [potentially bare life]’ (1995: 115); we are all at risk of having our status as political citizens with rights denied such that we are neither recognized as subjects within the law, nor as existing outside it – but are bodies to be administered. The indiscriminate and increasingly arbitrary usage of the kettle highlights this point well. Although Agamben’s concepts of *bare life* and *the state of exception* have typically been used to illuminate the emergence of perhaps more obviously *exceptional* extra-legal practices by contemporary Western states (evidenced in things like Guantanamo Bay and extraordinary rendition), his broader aim was to demonstrate the extent to which ‘the state of exception tends increasingly to appear as the dominant paradigm of government’ (Agamben 2005: 2). He refers to this as ‘governance through administration, through management’ which he describes as ‘in the ascendancy’, while rule by law ‘appears to be in decline’ (quoted in Raulff 2004, 611). While academics have pre-

dominantly drawn upon Agamben to illuminate the processes by which certain bodies, usually raced bodies, have been denied the full rights accorded to political citizenship (being identified rather as the foreigner within), what the kettle illustrates is the more radical point that in a post-political age, ‘the foundation of political community is not solely in the enemy [or the real or imagined *foreigner*]’ as all citizens are ‘always available for potential exclusion’ (Salter 2008: 375).

This is not to deny that what is acceptable for some bodies is not acceptable for others, such that black bodies are still far more likely to be beaten up in police custody while white bodies are, as Moir expressed it, made late for tea.<sup>13</sup> But, it points to what Agamben describes as the ‘new “normal” biopolitical relationship between the citizen and state’ (2004: 169). In his words, ‘[w]hat we are witnessing here is no longer the free and active participation on the political level’ (ibid.); what we are witnessing is what Michel Foucault (quoted in Agamben 2004: 169) described as ‘the progressive animalization of man through extremely refined techniques.’ Focusing on the plight of the Guantanamo Bay inmates specifically (who were denied legal status as prisoners of war), Judith Butler wrote, ‘[t]here is a reduction of these human beings to animal status where the animal is figured as out of control, in need of total restraint’ (2004: 78). Could not the same thing be said about the corralling of protesters? This is why the language of proportionality and necessity – bolstered by the figuration of the kettle as a non-violent policing tactic – may be described as ‘bureaucratic fig leaves which conceal the raw power of the sovereign to “denaturalize” citizens’ (Salter 2008: 377). So effective is this technology that from the outside looking in all we see is the protesters’ incitement to violence. The violence becomes theirs – exemplifying Žižek’s point that there is ‘something suspicious, indeed symptomatic’ about *the liberal* ‘focus on subjective violence’ – the visible acts of violence ‘enacted by social agents, evil individuals, disciplined repressive apparatuses, [and] fanatical crowds’ (2009: 9).

To illuminate this point, I want to turn attention back to the protest events themselves, with particular attention to the protest on December 9<sup>th</sup> when police decided to kettle those amassed outside parliament. This occurred despite arguments made by former Labour MP Andrew Dismore

that, contrary to official police statements, the game had not changed and police should be trying to ‘de-escalate problems, not escalate them’ (quoted in Mail Online 2010). It also occurred despite widespread reports that the protests were peaceful prior to the police’s containment efforts.<sup>14</sup> ‘There was a danger of protesters breaking the lines and storming the Houses of Parliament,’ the Met Police Commissioner said in defence of kettling (quoted in Camber 2010). Police recalled the occupation of the Tory Headquarters and the strange incident involving a police van. The latter served as another example of the protesters’ ‘wanton violence’ as protesters were caught by media cameras kicking a police van, smashing the windows, and spraying it with graffiti.<sup>15</sup> What made the incident ‘suspicious’ (although under-investigated by the media) was that the van was abandoned in the area the protesters were cordoned. What made it interesting was that it was the protesters themselves who were left to restore law and order. After failed pleas by some protesters, a group of young girls linked hands and formed a human chain around the van until the violence stopped (see UK Indymedia 2010). In this instance and in the events of December 9<sup>th</sup>, what becomes apparent is not only the protesters’ incitement to violence and the role of the kettle in producing this response, but the kettle’s larger role in producing a zone of lawlessness.

This leads to the second key point I want to make in relation to this claim. Here I am referring not just to the legal lawlessness involved in denaturalizing citizens, but, more radically, the enforced instantiation of what many protesters described as ‘a scene out of Mad Max or the underground in Robocop’ (UK Indymedia 2010). In the beginning, protesters describe a camp-like atmosphere within the containment zone with some people gathered around small fires with radios or instruments and others parading and singing protest chants. People were free to enter even though no one was permitted to leave. But, later in the day police started to *tighten the noose* – pushing the crowd inward from the edges with their riot gear and redirecting the crowd via horse charges. People reported feeling angry, scared or both. As one protester described, ‘We had been kept in one place for too long [without food, water, or toilets], we were being attacked by police on the edges and thugs in the centre’ (UK Indymedia 2010). A regular complaint was that police did nothing to stop the violence or help the injured (see Hudson 2011). Alastair Hudson (2011), a professor of law,

reported watching a ‘young man in a balaclava repeatedly hurl chunks of concrete at the windows of the [Supreme Court] as two cordons of riot police watched in silence.’ He also watched it become a public toilet: ‘It seemed to become a metaphor for the human rights abuses that were going on around me’ (Hudson 2011). Many protesters suggested the police wanted to start a riot, attributing a new meaning to the kettle: ‘to raise the temperature in an enclosed space until there is an explosion of energy in the form of public disorder’ (quote from Hudson 2011; also see UK Indymedia 2010).

Hence, it is without exaggeration that the kettle established on December 9<sup>th</sup> created a legally lawless zone of violence. It was a space wherein protesters were both abandoned by the law and subject to the force of law – sometimes literally as in the case of Alfie Meadows (who suffered brain damage as a result of being beaten by police during the demonstration) and Jody McIntyre (a cerebral palsy sufferer who was pulled from his wheelchair and dragged across the ground). Notably, even in the face of blatant displays of police violence, many protesters noted this alongside acts of kindness by individual members of the police, perhaps testifying to a point by Butler that petty sovereigns ‘are not true sovereigns: their power is delegated, and they do not fully control the aims that animate their actions’ (2004: 62). The descriptions of those present also attest to the kettle as a materialization of *the camp* in an Agambian sense – a state of exception – and the role of the police in producing the unruliness they claim to be containing. As Agamben describes, the camp as ‘an apparently innocuous space [...] actually delimits a space in which the normal order is *de facto* suspended and in which whether or not atrocities are committed depends not on law, but on the civility and ethical sense of the police who temporarily act as sovereign’ (1997: 113). Later in the evening, the cordon was moved from Parliament Square to Westminster Bridge with protesters crowded together until 11:30 p.m. – some having been kettled for close to eight hours. When finally permitted to leave they were ‘forced to walk through a tunnel formed by baton-wielding, shield-toting riot police’ and then (in a further violation of their civil rights) to have their pictures taken (Hudson, 2011).

This is what I am describing as the liminality of the protesting body in a post-political age. In and through the re-staging of protest events, which occurred first via police actions and then in media re-presentations (i.e., through the instantiation of the state of exception), *the normal* was (re)instantiated as well. In this case, a traumatized national public was brought into being – traumatized not by the evidence of a wounded political citizenship, but by a self-indulgent youth, the clamour of democracy, and fear of harassment in the public domain.<sup>16</sup> The freedom that was conceptualized as threatened was not the freedom to act or demand accountability from one’s elected representatives but the freedom to go about one’s daily life undisturbed... ‘and almost only that.’<sup>17</sup> The police told us that ‘Innocent Christmas shoppers [were] being caught up in the violence’ (quoted in Addley, etc. 2010). In this statement, as elsewhere, a cultural ordinariness and, indeed, *the distribution of the sensible* were reaffirmed and imagined as protected by a benevolent and paternal national sovereignty – even as the logic of the market seemingly extended and tightened its grip.<sup>18</sup>

## Conclusion

Berlant has argued that in contemporary liberal democracy ‘it is possible for anyone to claim that challenges to their desire for an unconflicted world have produced the kind of pain that ought to set in motion the recuperative justice [and] moral outrage previously deemed appropriate only in response to structural oppression’ (2005: 53). This too is a sign of our post-political age. And it offers a useful vantage point from which to revisit the case of Charlie Gilmour who, in addition to swinging from the Cenotaph, was charged with violent disorder for throwing a rubbish bin and leaping on a bonnet of a Jaguar car. Not incidentally, this car formed part of the royal convoy that (in what might be hailed a ‘Marie Antoinette moment’) did not change its route to bypass the student protests as it escorted Prince Charles and the Duchess of Cornwall to the Royal Variety Performance – assuming, of course, that tuition fees protests figured on the royal register at all. By revisiting the story of Gilmour I will return to the question posed by the editors of this journal of ‘whether civil diso-

bedience requires a moment of real confrontation for it to be politically effective’ and will summarize my argument generally.

I am not arguing that protesters should avoid *real confrontation* – traditionally defined as direct or material action. I am taking issue, rather, with the false divide that emerges between *real* confrontation and symbolic forms of protest – as direct action is also always symbolic and *real* confrontation must occur at the level of meaning. More specifically, my argument is that the focus on what Žižek (2009: 3) calls ‘subjective’ violence displaces the inherent state violence at work in the paternal relation established between state and protester – a relation exemplified in the tactic of kettling. In so doing, it obscures the role of the kettle in re-staging all protest as disobedience – and *almost only that*. The danger is that protest increasingly becomes positioned as a mere hindrance to the smooth governing of *the public* (wherein the rights of citizen workers/consumers are advanced over those of citizen protesters) rather than integral to it – if conceived in terms of an active and participatory democracy.<sup>19</sup> Hidden from view are not only various forms of structural violence at play, but symbolic violence – the ‘more fundamental form of violence’ that pertains ‘to language as such, to its imposition of a certain universe of meaning’ (Žižek 2009: 1).

Indeed, what is notable about Gilmour’s sentencing is not only the lengthiness of the sentence delivered relative to the offence, but the factors that informed his sentencing – that gave it meaning.<sup>20</sup> One of these was Gilmour’s class (as Gilmour had ‘many advantages which are denied to most young men who come before this court’) and the other was Gilmour’s ‘deeply offensive behaviour’ towards the war dead.<sup>21</sup> Although his ‘antics’ at the Cenotaph did not form part of the charge against him (because it is not illegal to swing from a flag), the judge indicated it signified the extent of his transgression – showing just ‘how out of control [he was] on that day’ (quoted in Camber 2011). Interestingly, the judge said he had no doubt that Gilmour ‘felt strongly about the legislation regarding tuition fees’ (quoted in Camber 2011) but divested him of the right to such political passion because, it would seem, political passion belonged elsewhere – not to this body, this time, this place. As others had done before, the judge pointed out that it was the war dead who ‘fought for his free-

dom to protest' (Odone 2011) – reiterating the idea that it was their laws that enabled him, generating his life and privilege. Nonetheless, just as others were pissing on the Supreme Court, one might ask whether Gilmour's actions were not symbolically calling into question what they died for – for *this* (an unaccountable government, a stripping away of civil liberties, and, in fact, a stripping away of any meaningful right to protest)? To re-invoke a popular protest chant in response to the image of Gilmour swinging from the Cenotaph whilst screaming about the moral laws, *isn't this what democracy looks like?* This is real confrontation – at the level of the symbolic and the level of meaning.

Yet, the national news media story was not one concerned with what democracy and liberty mean (or might mean), what might be worth dying or living for, or even what might be worth getting angry about. What was seen and heard, from the comfort of our living rooms (from the position of comfortably administered subjects) and reaffirmed in the court sentencing, was Gilmour's 'violence' and the public offence generated by his and fellow protesters' actions and anger. The student tuition fees protest event, as (re)staged by police actions and (re)presented in the media, was the story of a group of self-indulgent students who were, at the very least, threatening to disrupt our day-to-day affairs and, at most, causing mayhem – terrorizing innocent Christmas shoppers on the streets. Herein lays the liminality of the protesting body in a post-political age. The body is cast, contained and processed as neither an enemy of the state, nor necessarily a political subject; it is a body to be administered and, arguably, to be administered better.

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<sup>1</sup> I am taking the concept of 'the distribution of the sensible' from Rancière (2009). I would like to thank the editors of this special edition, René Gabriels and Robin Celikates, for their support throughout. I would also like to thank René and the two anonymous reviewers for their helpful and thoughtful feedback on earlier drafts of this essay. Last, but not least, I would like to thank my research assistant, James Clarke, for diligently digging up materials on my behalf.

<sup>2</sup> For more on historical shifts in the policing styles of political protest (including escalated force), see Gillham 2001.

<sup>3</sup> According to an Ipsos MORI survey '77 percent [of people in the U.K. surveyed] agree that holding protesters in a controlled area for a number of hours to reduce disruption to the general public's day-to-day activities was justified in all or some circumstances' (HMIC 2009: 29-30). This was generally preferred to tactics involving 'the use of force' – although reflects a surprisingly high degree of support on the grounds of mere disruption when respondents were given a chance to qualify their answers (i.e., to only support kettling in particular instances such as when there was a threat to private property or 'public safety') (HMIC 2009: 29-30). On the whole though, the preference to use kettling as opposed to escalated force arguably reflects a more benevolent paternalism – one also expressed in the HMIC *Adapting to Protest* report more generally wherein chief among

the reasons that society should tolerate protest is that it has proven to be 'an important safety valve' for those with strongly held views to blow off steam (HMIC 2009: 5).

<sup>4</sup> For more on this group, see their website: <http://www.defendtherighttoprotest.org/> [viewed 10 Dec. 2012].

<sup>5</sup> Quote from the call for papers for this issue.

<sup>6</sup> Worth noting is a point picked up by one of the external reviewers of an earlier draft of this article – i.e., that the depoliticization of political protest in the media is not uniquely characteristic of our post-political age. And yet I highlight the media's specific (and paternalistic) portrayal of the student protests, in combination with my larger discussion about that which is uniquely characteristic of our post-political age, because I think the two things combined tell us a great deal about *the distribution of the sensible* within which kettling emerges as a legible and reasonable response to protest activity.

<sup>7</sup> Emphasis was placed on the fact that many of those involved were university students or secondary school students still in uniform who had staged walk-outs from class. For more on this and other examples of attention given to age and class, see the following: Moir 2010; Phibbs 2010; and Harper 2010.

<sup>8</sup> See Harper.

<sup>9</sup> For more on the issue of Gilmour's class, see the following: Odone 2011; Penny 2011; and Ellen 2011. Thank you to Joshua Chandler-Morris for noting an error on an earlier version of this article regarding the name of the Pink Floyd guitarist.

<sup>10</sup> For more on the anger towards Gilmour, see, for example, Penny 2011 and the blog responses to it.

<sup>11</sup> See Penny 2011 and the blog responses to it.

<sup>12</sup> For more on historical shifts in the policing styles of political protest (including strategic incapacitation), see Gillham 2001.

<sup>13</sup> A black person in the U.K., for example, is far more likely to be subject to the ‘stop and search’ powers of police and to die in police custody than a white person. For more on this see the following: Power 2011; and Defend the Right to Protest 2011. For more related to the point that while every body carries the capacity for bare life, ‘every body does not carry this capacity equally’ see, for example, the following: Kruger, etc. 2008 (quote from p. 102); and Butler 1993.

<sup>14</sup> See, for example, Royston 2010 and UK Indymedia 2010. For more on the general argument, brought forth by crowd control experts amongst others, that ‘kettling is counter-productive, inflaming crowds and encouraging confrontations’ see Lewis 2012, where this quote was taken from, and Joyce 2011.

<sup>15</sup> Police describe the ‘wanton violence’ of the student fees protests in Addley, etc. 2010.

<sup>16</sup> This concept of a traumatized national public borrows from Berlant’s understanding of ‘post-traumatic citizenship ideology.’ See Berlant 2005, quote from p. 71.

<sup>17</sup> Here I am recalling Žižek 2009: 34.

<sup>18</sup> For more on the way a positive valuation of cultural ordinariness becomes reaffirmed through the manufacture of emotional clarities in ways that further elite interests see Berlant 2005: 61.

<sup>19</sup> This formulation is borrowed from one of the anonymous reviewers of an earlier draft of this article.

<sup>20</sup> These factors seemingly informed Gilmour’s sentencing as both were cited when the judge delivered his sentence – although the judge was careful to note they did not form part of the violent disorder charge against him.

<sup>21</sup> These were the words of the judge in Gilmour’s case, quoted in Camber 2011.

# Krisis

Journal for contemporary philosophy

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ROBIN CELIKATES & YOLANDE JANSEN<sup>1</sup>

RECLAIMING DEMOCRACY  
AN INTERVIEW WITH WENDY BROWN ON OCCUPY,  
SOVEREIGNTY, AND SECULARISM

Krisis, 2012, Issue 3

[www.krisis.eu](http://www.krisis.eu)

*Krisis: Let us start with a general question about the current state of democracy. In your contribution to the book *Democracy in What State you write: 'Berlusconi and Bush, Derrida and Balibar, Italian communists and Hamas – we are all democrats now'. There seem to be two possible responses to this diagnosis of an exalted discourse of democracy that seems to accompany, and even to be functionally intertwined with, the multiple processes of de-democratization that you also describe in this article that we witness in our society: either we could give up the word democracy because, being hijacked by its enemies, it no longer functions as a critical and emancipatory alternative, (it has become a 'neoliberal fantasy' as Jodi Dean has argued), and to look for other concepts, e.g. communism. So that's one possible reaction. The other reaction would be to fight for the word and to insist on the gap between a radical understanding of democracy and its liberal democratic, low-intensity state-form manifestations, and to emphasize how democracy is intertwined with rupture, opposition, resistance. Could you sketch your position in this debate?**

Brown: Well you can probably guess that I am in favour of trying to rehabilitate the term, give it substance, reawaken its potential, not only for emancipation and equality but also for a notion of popular sovereignty. Whatever popular sovereignty might mean in contemporary national and post-national politics the link between democracy and popular sovereignty is one we just can't give up. There are many reasons that I don't favour the idea of surrendering the term. One of them is that political terms are always re-signifiable and contestable, even as they carry sedimented histories that make some re-signification very difficult. 'Communism' certainly doesn't come with any less difficulty in terms of its histories, its instantiations, its possible formations, than democracy does – it just happens to be a different set of difficulties. Could we get communism to signify democracy today? That's a challenge. It might work this way for serious students of Marx, but apart from that, the Cold War legacy of a discursive opposition between freedom and communism is a powerful one. I'm not simply saying that state communism established the opposition, I'm saying that Cold War discourse did and that we will be recovering from that for a long time. So that's one reason. But the second reason has to do with the contested nature of democracy itself. I don't accept that it has been conquered for a neoliberal fantasy, I think that the question of its meaning is at the centre of left-right politics today in the Euro-Atlantic world. I think that the aspiration for the promises that it holds out is the reason that the Arab Spring took place under the sign of democracy. It wasn't so that they could have more neoliberalism, it was so that they could have a modest say in who governs and how they're governed. It was to gain a modest purchase on what liberal democracy has long promised, namely universal rights, representation, equality before the law, etc. Now if those promises have never been fully realized, the very interval between the promise and the realization holds out the possibility for democratic work. So when I give a summary of characters who all claim to be democrats, and obviously are not all on the same team, my point is really that it has become very easy at this point in history to call democracy anything where even minimal elections combined with the free market appear. That's obviously a terribly hollowed-out and terribly limited meaning, and it has nothing to do with democracy in the most basic etymological and philological sense: *demos/cracy*, the people rule. Elections and the free market have nothing to do with the people ruling.

But as I said at the beginning, given that political terms always are re-signifiable, that they're always porous, that they're always floating, we can't say that this is a *wrong* use of democracy, we can only say that it's a thin, a limited, and an unemancipatory one. But I do think the term can be reclaimed politically, because I already think it's contested today. I don't think there's been some kind of triumphant conquest of the term. That's precisely what the Greek elections yesterday were about, whether democracy was to be equated with neoliberalism or something else. That's precisely what the Arab Spring was about, and that's what current struggles represented by groups like Occupy are about. In each case, there's an effort to reclaim democracy as something that has to do with more equality than it has been used to signify in recent neoliberal decades, and also more control by the people.

*Krisis: With regard to the return of communism in leftist discourse, you pointed to a strategic problem – the fact that this discourse also comes with its own set of problems, its own assumptions, historical baggage, etc. Would you also say that it suffers from a certain obliviousness to something that a Foucauldian might want to insist on, namely the social conditions and framings of political practices? Sometimes the return to communism has a somewhat decisionistic and even heroic undertone to it, which insists on the autonomy of the political act, that is strangely oblivious of these power relations and how they frame and limit politics. I was wondering how you would frame this problem with the discourse.*

Brown: Foucault had one way of naming this problem, which was to suggest that communism, Marxism more generally, never developed what he called a political rationality of its own and as a result was terribly available to other political rationalities, anything from absolutism to liberalism. Long before Foucault, others have pointed out that there's a very thin theory of politics in Marx, not only in his critique, but also in the very brief imaginary he gives us of communism, one that's entirely focused on the organization of production and the emancipation that the organization of production, owned and controlled collectively, would offer individuals and the whole. I think you're right that even today when people speak of communism as an alternative they are eliding the fundamental question of who controls, who rules, who governs, what the apparatuses

are and what the compatibility or incompatibility is of communism with direct democracy. And briefly I would say that in very, very small scale it is perfectly possible to imagine the relation of communism to direct democracy as being a very good one, e.g. in workers' cooperatives or other kinds of collectives – but at the level of the nation-state, let alone the world? It's impossible to imagine that. And that's where we have to do our thinking. It's unrealistic, but on the other hand that doesn't mean we want to say, as somebody like Slavoj Žižek does, that yes of course we must have the violent and the brutal arm of the state at the level of the larger political economy, because that's the only solution. I'm giving a crude version of his account, but he would be happy with it, I think. I am not suggesting that we give up on communist ideals, but that we need to do a great deal of work to think about its viability in a globalized twenty-first century and we need to think through the problem of politics.

*Krisis: In your contribution to Democracy in What State, you also point to 'the panoply of social powers and discourses constructing and conducting us' that seem to pose a limit to democratic control; to the fact that 'we and the social world are relentlessly constructed by powers beyond our ken and control', which seems to undermine notions of sovereignty, according to which the addressees of social norms should be their authors, and self-legislation at the heart of the modern idea of democracy, and to make it necessary to rethink democracy more in terms of its being embedded in forms of governance and subjectivation (or citizenization). What would a Foucauldian notion of democracy look like that takes such power relations into account? What are the theoretical resources and the practical possibilities of such a notion of democracy?*

Brown: I don't think it is possible to think democracy from a Foucauldian perspective for several reasons, and I think it's telling that Foucault himself seemed utterly uninterested in the question of democracy. I don't mean he was an anti-democrat. He became interested in the question of counter-conducts, individual efforts at crafting the self, to subvert, interrupt or vivisection forces governing or constructing us, but that's very different from attending to the question of democracy. I want to say one other thing here before I then directly answer your question. I've lately been rereading his lectures on neoliberalism and one thing I'm very struck by is

that there is an absent figure in Foucault's own formulation of modernity, when he offers us the picture of *homo economicus* and *homo juridicus* as the two sides of governance and the human being in modernity. Foucault just says you've got on the one hand the subject of interest, *homo economicus* and on the other hand *homo juridicus*, the derivative from sovereignty, the creature who's limiting sovereignty. But for Foucault there's no *homo politicus*, there's no subject of the demos, there's no democrat, there's only a creature of rights and a creature of interest. It's an extremely individually oriented formulation of what the modern order is. There's the state, there's the economy and then there's the subject oriented to the economy by interests and toward the state by rights. But isn't it striking for a French thinker that there's no democratic subject, no subject oriented, as part of the demos, toward the question of sovereignty by or for the people? Here Foucault may have forgotten to cut off the king's head in political theory! There are just no democratic energies in Foucault.

So one of the reasons one can't think democracy with Foucault has to do with his own inability to think it. The other reason has to do with the extent to which he has given us such a thick theoretical and empirical account of the powers constructing and conducting us – there's no way we can democratize all of those powers. So I think there one has to accept that if democracy has a meaning for the left today, it's going to have to do with modest control of the powers that govern us overtly, rather than that of power *tout court*. So it's going to be a combination of the liberal promise and the old Marxist claim about the necessary conditions of democracy. It's going to be at some level a realization of the Marxist critique of the liberal promise. We have to have some control over what and how things are produced, we have to have some control over the question of who we are as a people, what we stand for, what we think should be done, what should not be done, what levels of equality should we have, what liberties matter, and so forth. It will not be able to reach to those Foucauldian depths of the conduct of conduct at every level. The dream of democracy probably has to come to terms with that limitation. If we can, we will be able to stop generating formulations of resistance that have to do with individual conduct and ethics. In other words, I think that the way Foucauldian, Derridean, Levinasian and Deleuzian thinking has de-

railed democratic thinking is that it has pushed it off onto a path of thinking about how I conduct myself, what is my relation to the other, what is my ethos or orientation toward those who are different from me – and all that's fine, but it's not democracy in the sense of power sharing. It's an ethics, and maybe even a democratic ethics. But an ethics is not going to get us to political and economic orders that are more democratic than those we have now. The danger of theory that has too much emphasized the question of the self's relationship to itself, or to micropowers, as useful as it has been for much of our work, is that it has derailed left democratic thinking into a preoccupation with ethics.

*Krisis: In your recent book Walled States; Waning Sovereignty, you argue that the walls that are increasingly being built all over the Euro-Atlantic world to keep migrants out are irrational: walls are the symbols of sovereignty at the time of its definitive waning, while not being effective in re-establishing sovereignty in practice. If we look at it from a governmentality perspective, walls do have a certain practical effectivity in connection to other bordering practices such as detention and deportation. In the European Union, for instance, there is definitely no Fortress Europe, but there is population regulation. There is both empirical regulation, and also regulation of what we consider desirable future citizens and selves: formal citizenship makes way for the selection of persons on the basis of ethnicity, religion, poverty, education. What is your view of those developments?*

Brown: There is a difference between border control and walls. What happens at immigration, at the airport, is extremely effective in determining who gets in and who gets out. You don't get in without a passport. But walls are much less effective at this. So the reason I was specifically dealing with walls and not border controls is to understand why walls have arisen at a time when those kinds of security and immigration technologies, checkpoints, border controls, are so available and effective. My question was, why pour billions of dollars into these particular edifices that are crude, that are surmountable, that can be tunneled under, that can be circumvented in many ways?

And yet, my claim is not that walls are ‘merely’ symbolic and have no effects. That’s already an impoverished understanding of the symbolic. Walls in many cases are shoring up an image of nation-state sovereignty that is weakening as sovereignty, that is detaching from states themselves. I’m not saying that state sovereignty is finished, I’m not saying that there’s no such thing as states, I’m not making the claim that all we have are trans-national powers now. I also accept the formulation that one of the things we have in nation-states are new forms of governmentality producing who the ‘we’ is: who’s in, who’s out, who’s needed, who’s not needed, identities that are racialized, ethnicized, and ‘religionized,’ sometimes in incoherent yet consequential ways. For example, in US post-911 discourse, there is a constant interchangeability between the dark, the Islamic, the Arab and the Middle Eastern that scrambles who people actually are. So yes, there are these new forms of governmentality and securitization, and there is an intersection between what happens at the borders and what happens within. There are forms of policing, securitizing, categorizing and identity-making that saturate the internal lives of nations engaged in them, and that do not just happen at their borders. All this is very important.

But I was writing a different book. It was focused on just one question: country after country today is building walls— concrete, iron, barbed-wire, brick, plexiglass walls. Literal, obdurate objects. For the most part, they are not very effective as part of this governmentality that you have described. In many cases, they actually make the process more difficult, because they make it more difficult to see, to monitor, to check, and to classify and categorize what’s on the other side or trying to get in. They are also producing more and more criminality at the borders that they limn. They intensify organized crime to smuggle in people, goods, drugs and weapons. So my question was this: during a period in which we have a governmentality of securitization that also intersects with neoliberal regulation of labour, why these walls?

The other question in the book is: what does it mean to say that nation-state sovereignty is waning? Where are we? What is the post-Westphalian political formation that both refers to and beyond the nation state? We have nascent and struggling post-national constellations, e.g. the EU. We

have important trans-national institutions, the IMF, World Bank, World Court, and so forth. But we are still nation-state centric, even as state sovereignty is being weakened by globalization itself, by the flow of ideas, religions, labour, capital, political movements, across borders. Neoliberal rationality is also weakening state sovereignty. Now can this help us understand why these walls are being built? Walls which are not fundamentally abetting the governmentality you describe – they’re hugely expensive and often produce more and worse versions of the problem that they would purportedly address as they intensify violence and crime, and make more expensive the immigration and smuggling they aim to interdict. Are these walls resurrecting an *imago* of the nation and the sovereignty of the state even as both recede materially? And does this in turn generate a certain political imaginary with which we (theorists and activists) need to reckon today?

*Krisis: One interpretation could be that your understanding of walls would help us explain why phenomena such as deportation and detention are taking place.*

Brown: Part of what I’m suggesting is that what walls do is help to establish the ‘us’ and the ‘them,’ the threat of the outside to the supposed purity and integrity of the inside. Certainly this facilitates detention, deporting, and very harsh forms of governmental regulation. Yet again I was trying to isolate something about walling that was different from the whole panoply of border control on the one hand, and governmentality and managing multiculturalism on the other. Maybe it’s less acute here in Europe precisely because most of this is happening in the absence of actual walls. Here you have the *imago* of ‘fortress Europe,’ and the arguments about ‘fortress Europe,’ without the actual fortress. Whereas what we’re looking at in the United States is now 650 miles of wall (out of a planned 2,000). The concrete portions are not quite as tall as the separation barrier in Israel, but they are mammoth. It costs \$21 million per mile to build and will cost another estimated \$7 billion to operate and maintain over the next 20 years. Do you grasp these numbers? And the Border Protection Agency had to repair more than 4,000 breaches in the wall in 2010 alone. The wall is not stopping a thing, but it is having a tremendous effect on the American political imaginary.

# Krisis

Journal for contemporary philosophy

Robin Celikates & Yolande Jansen – Reclaiming Democracy

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*Krisis: What do you think of interpretations like those of William Walters, who stresses that there is also some resistant agency within the walling, for example by the organisations that fill water tanks on the U.S.-Mexican border? Counter-conduct takes place throughout different levels of society, by squatters, but also by lower-level governments, churches, border personnel, NGOs, medical personnel, and, not to forget, irregularized migrants themselves. Given what you were saying before regarding the individualist perspective on resistance, how do you see their contribution to the formation of complexly layered identities from 'within', particularly in contrast to the highly securitized, reactionary ones that you highlight in your book?*

Brown: Yes, but that said, let me be clear, I think these more individual or smaller efforts of resistance matter, both because sometimes you're literally saving a life, and also to the extent that they can be part of a broader politics of resistance. We, like you, are having a big struggle over the question of who we are and what the place of so-called 'new' immigrants is in the 'we'. This is a huge struggle, and a complicated one in the US about belonging, about healthcare, about education, about the price of labour. It touches everything. Okay, so here's how it plays out in the desert borderlands. There are self-designated 'Angels' who leave bottled water and maps out in the desert where the immigrants cross, trying just to help them stay alive during their crossing that the wall has made more difficult. On the other side, there are organized groups who go and pick up those bottles of water, or replace them with foul bottles of water, to actually poison and kill the migrants, or pick up the maps that the 'Angels' leave and replace them with maps that lead nowhere, that is, to their death. There's a very concrete political struggle going on there *between* non-state agents. To the extent that this struggle is known, to the extent that it's publicized, to the extent that it gains a political face, it's not nothing. So, on the one hand, there's a moral side to the story, trying to save a life. On the other hand, there is a political battle going on between two citizen groups, with big symbolic things at stake. And to the extent that it gets into the larger political discourse, it's doing a lot of work.

*Krisis: The bad thing is that we can't say resistance is just on the side of the NGOs providing the water.*

Brown: No. The 'Minutemen' who I talk about are the ones who are galloping through the desert and picking up the clean water and replacing it with foul water, and picking up the maps and replacing them and so forth. So they are engaged in resistance, right? Even if it's resistance to the failure of the state to persecute illegal entrants.

*Krisis: We would be interested to know more about the struggle over the 'we,' and how it's linked to recent protests, resistance movements. One thing that was much debated within and around the Occupy Wall Street movement, and that you also have been emphasizing in your comments on it, is that one of the successes seems to be in showing the possibility of a new sense of collectivity. Some people think that this is already a huge achievement, because this mode of 'we' as a progressive collectivity didn't seem possible. Could you say a bit more about this collectivity, and, more concretely, about where from today you see the possibilities and limitations of the Occupy movement and how it frames this kind of collectivity or political action?*

Brown: The Occupy movement was exciting when it erupted in the US. I'm going to speak from the perspective of the US, because it is everywhere, but the one I know best is there. It was exciting for the reasons you just described, the re-emergence of the *demos*. What was telling was that it emerged not as a set of labour unions, students, consumers, etc. but as a kind of mass that I want to suggest is the effect, in part, of the neoliberal destruction of solidarities, the destruction of unions, the destruction of separate groups or forces within the *demos*. (Those destructions have been very literal at the level of law in the US over the past ten years) So one thing that was interesting about the emergence of the 99% was that it was an emergence as a mass of individuals coming together, not as various kinds of groups making an alliance. This is partly the effect of the neoliberal breakdown of the *demos* into individuals rather than group solidarities, and Occupy is the first major left expression of this reconfiguration. The second thing I'd note is that Occupy has been successful, in the US, in changing the conversation about equality and inequality. No matter whether Occupy re-emerges in a massive way and becomes the future of left social organizing or not, it has still succeeded in an extraordinary and unanticipated way in making it possible, in a way that wasn't the case just



two years ago, to criticize the deeply inegalitarian effects of the neoliberal order. It has also reintroduced into mainstream liberal discourse the idea of the value of public goods. You can see Obama make the shift. You can see the Regents of the University of California make the shift in the wake of Occupy. They don't credit it expressly, but you can see the shift in the discourse. Those are two things – legitimate extreme inequality and the destruction of public goods – that I thought neoliberalism was just going to produce so successfully that we would not be able to recover, we wouldn't be able to *get them back* into our conversations. I think there have been tremendous effects of Occupy in this regard.

The beauty of Occupy and the difficulty for Occupy was its attachment to horizontalism. As we were saying in the beginning of this interview, it is one thing to have the commitment to direct democracy, and absolute participation in every decision, in a group of twelve, or even fifty. It's another thing to do that across thousands and still another to do that across millions, and in an ongoing way. It's not possible. So what do we do with that? I think many people in Occupy are asking this question. It raises a whole other set of issues, about the difference between leaders and rulers, the difference between participation and voice on the one hand and absolute shared decision-making on the other. It raises questions that radical democratic theory has asked for a long time, but hasn't had to answer immediately. So it's time to do that work and I think many people involved with Occupy want to do that work. I think even the die-hards got worn out by the ten-hour general assembly that produced one decision about tomorrow's action. And you will not get ordinary people to do that work. So that's one big issue facing Occupy.

The other thing I want to talk about is the problem of Oedipalization in politics, and what it means to get your target right. What is beautiful about Occupy is the focus on the destruction of public goods, the production of a debt and derivatives economy that drives most people down while consolidating wealth for the few, and the importance of recovering decision-making and democratic rule for the people – those are all wonderful things to affirm. But the difficulty is that many times attachments to tents or skirmishes with the police derail that larger agenda. The police, the state, the one-on-one collisions with what was taken to be the face of

power, became distracting to the point of absorption, which I want to call a certain Oedipalization, and a personification of power in the father, the state, the cops, or the chancellor of a university. Once you do that, you've *lost* the big picture and lost the big agenda. So some of the occupations I've seen or been a part of have run aground here. When the focus becomes 'Will we be able to keep our tents here? What are the police going to do next? Why didn't the mayor or the chancellor protect our occupation?,' then you're just having an ordinary kind of scrap over property rights, police power and hierarchy. At that point, the big and splendid agenda of Occupy gets lost. This problem is especially acute in student politics.

*Krisis: One challenge seems to be institutionalization without reproducing the problems of formal forms of political parties, political organizations, etc; another problem is what you've described as Oedipalization, sometimes a militant infantilism that one can't confront state power directly. Yet another problem seems to be with the effectivity of largely symbolic protest. I can't help going back to Marcuse's idea of repressive tolerance in terms of how the state reacts to protests. It's always a double strategy, it seems. Accept nice forms of protests that are easily controllable, that might still be radical in some sense, but do not really pose a challenge, even celebrate them. For instance, in Germany, every major politician seemed to be in favour of Occupy. The chancellor, Merkel, the opposition, everyone. 'It's great that those young people bring up these important questions. Even in this unorthodox way, that's really nice. That's what our democracy is about.' So on a symbolic level, the protest was immediately sanitized, introduced into the political cycle, etc. And of course, this one strategy of answering goes hand in hand with the criminalization of forms of protest that do not as easily lend themselves to this first kind of response. This is a problem that all kinds of civil disobedience or protests in that tradition seem to face. You can't go down the militant road, because that ends up with a fetishized idea of attacking the state on the street, but on the other hand symbolic protests also seem to run into real problems concerning their effectivity.*

Brown: These dangers though don't cancel the importance of protests. The Civil Rights Movement, for example, faced both of those dangers, as

did other groups that followed in the civil rights frame, and still I think we can say there was success. But of course: those are social reform movements. With Occupy, we're talking about the *fundamental* restructuring of the economy. And here, the double dilemma that Marcuse outlined and that you just reprised so well is very apt. That said, I don't think there are many alternatives. The thing about dilemmas in politics, and about paradoxes in politics, is that you often just have to navigate them. You can't just say 'Oh well, there must be some purer form'. Politics is such an impure field, and you have to have a stomach for that impurity, as Weber reminds us in 'Politics as a Vocation.' Politics is fundamentally impure and paradoxical, which is why so many people make the turn to ethics. It feels like it will be cleaner, and you'll be able to execute a complete and coherent sentence in ethics. You'll be able to say, 'this is what my ethical conduct should be, this is what it will be, and this is what it is.' Politics does not operate like that. It features unpredictable gaps between intentions, actions and effects. It features a medium in which 'principle' can backfire or simply be irrelevant.

I do think you're right about the response in most of the Euro-Atlantic world to Occupy, being 'This is good, and in fact we'll even make a space for this as long as it doesn't take a very militant form.' Unfortunately, I think this leads some activists to think that militancy must be the next step. That means violence, or tangling with the police, or occupying a building they will not let us occupy. We're then 'in the game', as Foucault would put it, that the administrators have organized, where this is okay and that's not okay and therefore you go for what's not okay. But where is the agenda, where's the political point? An example of this containment happened at the University of California. It was very funny. The president of the university combined with the dean of the law school and someone from public relations to have a forum called 'How should we handle the next Occupy?' And it was all about developing 'best practices,' for pre-event planning, and for civilian watch, and for monitoring; best practices should certain things erupt. It was all about fitting this whole thing into a neoliberal governance language that *everybody* was supposed to participate in: all the 'stakeholders'. So the cops, and the students and the staff and the faculty and the administrators were supposed to show up as stakeholders and plan the next Occupy together, to establish what would

and would not be best practices for participants, police, etc. It was almost a comedy version of neoliberal 'buy-in' and consensus, except the Administration was very serious about it.

*Krisis: How do you consider your own role, and that of leftist intellectuals, in thinking about Occupy and other movements and changes at the moment? What can the political theorist do when on the one hand, we seem to have become teachers in a kind of factory-like educational environment, and on the other hand, the classical role of the public intellectual is no longer unproblematically there. On the one hand, the changing media environment has seemed to dislocate the classical figure of the public intellectual, on the other hand, it seems to also have been bound up with a set of pretty problematic, epistemological, social understandings, quasi-paternalistic authoritarian in some respects. There are obviously many differences between public cultures which frame the public intellectual in very different ways, and which plays a very different historical role in the US, in France, in Germany, in the Netherlands, etc. But we were wondering what you thought about the self-understanding of critical theorists today.*

Brown: I find the fetishism of 'the' public intellectual particularly annoying today, so let me instead say something about what critical theory can offer, or how it articulates, with these political movements. On the one hand, I continue to think that the most important way that academics can contribute to what I'm going to call roughly a 'left agenda' (reconceiving democracy in a more substantive and serious way, addressing the organization of life by capital, re-establishing the value of public goods). The most important thing that we can do is be good teachers. By that, I don't mean teaching those issues; I mean teach students to think well. Whatever we are teaching, whether it's Plato or Marx, economic theory or social theory, Nietzsche or Adorno, we need to be teaching them how to read carefully, think hard, ask deep questions, make good arguments. And the reason this is so important is that the most substantive casualties of neoliberalism today are deep, independent thought, the making of citizens, and liberal arts education as opposed to vocational and technical training. We faculty still have our classrooms as places to do what we think is valuable in those classrooms, which for me is not about preaching

a political line, but teaching students that thinking is fundamental to being human and is increasingly devalued except as a technical practice. This is an old claim, from the Frankfurt School, but it's on steroids now. So I believe our most important work as academics is teaching students to think deeply and well. Our books come and go.

On the issues of the day, the blogosphere and its relatives actually have a pretty big impact. So when critical theorists do speak intelligently about something current, and that speaking is captured and disseminated through social media, it can be significant. So maybe we differ a little on the question of what the media has done to the public intellectual. If the pontificating public intellectual in *Le Monde* is on the wane, I do think she or he is on the rise in these other places. Maybe I'm encouraged in this area because in the US we've always had a dearth of intellectual life in most of our media until now. When we talk about public intellectuals, we're talking about a tiny group who read the *New Yorker* or *The Nation*, which is about .0001 percent of our population. By contrast, the new media has made it possible for serious analysis to circulate in all kinds of ways. Critical theory should take advantage of this. It affords a relation between politics and the academy not just through books or classroom lectures but through episodic interventions.

*Krisis: You have recently written critically about secularism. In France and elsewhere, we have seen that critical reflection on secularism has been taken up – and stimulated and politicized – by right-wing, conservative and/or anti-emancipatory organizations. Apparently one has to be very careful when being critical about secularism. Perhaps it's important to stress that there are different versions of secularism and that we need to think critically about these various versions. Or if one criticizes secularism more or less generically, it seems important to formulate the aspects we do want to save, in terms of basic rights, for instance. What's your view on that?*

Brown: In a way, we're back to the democracy question. Do we hang on to the term, secularism, and try to give it some new shape, or abandon it? I say we hang onto it. But you're also posing the problem of right-wing appropriations of left-critiques. There is always a danger that one's internal

critiques of left or liberal discourse will be appropriated by the right. That's the peril of doing those kinds of critiques, whether it's a critique of identity politics or certain aspects of feminism, or Oedipalization in protest politics. Now the contemporary American right, of course, has its own independent source of anti-secularism. They accuse liberals and leftists of 'secular-humanist nihilism,' which means we've emptied out the world of meaning. That said, the right also backed two wars that took place under the sign of 'they're fundamentalists, we're secular,' 'we're tolerant, they're intolerant.' So things are all mixed up here.

Now, to your question: what is to be saved? I don't think we can answer it generically, because I think there are distinct formations of secularism, varieties of secularism, so we have to ask it in the context of the secular discourse in each society that secularism governs. What I am committed to trying to save in the US context is the important distinction between church and state, a distinction that aims to secure a religion-free public realm and personal religious freedom. It doesn't do either completely, of course, but one then has to figure out how to extend secularism beyond its Christian-Protestant roots, so that it can make good on its promises. One also has to give up the idea that there is some neutral, secular space. So it's a question of making these problematic conceits part of our lived work on secularism.

If we leave the terrain of secularism for a moment, this might become clearer. We used to have these debates about whether universalism's absurd or useless, whether there's always a constitutive outside. Well of course, there's always a constitutive outside, nothing is truly universal, but that the same time one doesn't want to give up on the notion of universal inclusion of all humanity into the Kantian idea of the dignity of humans, or the idea that everyone is entitled to survival as well as thriving beyond survival. But one has to know at the same time that there will always be a constitutive outside, that the universal will never truly be universal. There will always be some humans who are 'not human enough' to be included. Just as with secularism, it will never achieve the neutrality it pretends to have. We must always be pushing it toward a greater neutrality, knowing that it won't achieve it, that it will always be operating from a standpoint, and it will always be a religious standpoint. Similarly,

knowing that secularism doesn't simply address religion but defines it, we can become attentive to *what* it's defining. *What* is it saying religion is? What *counts* as religion, and what does it cast as good religion and bad religion? These become things for us to work on, politically, in the culture but also in law. This is how we might save something like secularism. Instead of saying 'Don't attack it, it's all we've got to prevent the opposite' where the opposite is imagined as theocracy or fundamentalism, I think secularism becomes strengthened by becoming more self-critical and available to revision. I think it's an emancipatory and inclusive modality for all political cultures, but it unfolds in different ways in India, Turkey, Egypt, Germany. And it will also be weaponized in different ways in each place. So we 'save' it precisely by working on its false conceits, and attempting to remake secular law and secular debates; rather than by burying these conceits, or simply defending secularism as better than the alternatives.

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JACQUES RANCIÈRE

DE BEPROEVINGEN VAN HET KRITISCHE DENKEN<sup>1</sup>

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Ik ben zeker niet de eerste die de traditie van de sociale en culturele kritiek waarin mijn generatie is opgegroeid ter discussie stelt. Heel wat auteurs hebben verklaard dat haar tijd voorbij is. Gisteren kon men zich nog vermaken met het ontmaskeren van de donkere en solide realiteit die verborgen was achter de schittering van de schijn, vandaag zou er geen enkele solide realiteit meer zijn om tegenover de heerschappij van de schijn te stellen, noch een donkere keerzijde van de triomf van de consumptie-maatschappij. Laat me onmiddellijk zeggen dat dit niet het discours is waaraan ik mijn stem wil verlenen. Integendeel, ik zou willen aantonen dat de concepten en procedures van de kritische theorie helemaal niet in onbruik zijn geraakt. Zij functioneren nog steeds zeer goed, zelfs tot in de vertogen van degenen die hun verjaring verkondigen. Maar het gebruik dat er vandaag van wordt gemaakt, getuigt van een complete omkering van hun oriëntatie en veronderstelde doeleinden. We moeten dus het hardnekkig voortbestaan van een interpretatiemodel en de omkering van zijn betekenis in rekening brengen, willen we werkelijk een kritiek van de kritiek formuleren.

Ik zal hiervoor enkele hedendaagse manifestaties op het gebied van kunst, politiek en theorie onderzoeken die deze omkering van de manieren van beschrijven en bewijsvoeren, eigen aan de kritische traditie, illustreren. Ik

zal daarvoor vertrekken van het gebied waar deze traditie vandaag nog sterk leeft, dat van de kunst en in het bijzonder van de grote internationale tentoonstellingen waar men de kunstwerken nog graag kadert in een globale reflectie op de staat van de wereld. Het is in die zin dat, in 2006, de commissaris van de Biënnale van Sevilla, Kozui Enwezor, deze manifestatie gewijd had aan de ontmaskering, in het tijdperk van de globalisering, van 'de machinerieën die de sociale, economische en politieke banden decimeren en ruïneren'<sup>2</sup>. De eerste van die vernietigende machinerieën was natuurlijk de Amerikaanse oorlogsmachine, en de eerste zalen van de expositie waren gewijd aan de oorlogen in Afghanistan en Irak. Naast beelden van de burgeroorlog in Irak, kon men foto's zien van antioorlogsdemonstraties van een Duitse, in New York wonende kunstenaar, Josephine Meckseper. Eén van die foto's trok de aandacht: men zag er op de achtergrond een groep betogers, op de voorgrond een overvolle vuilnisbak zodat een deel van het afval ook op de grond lag. De foto had eenvoudig als titel 'Geen titel', wat in deze context leek te willen zeggen: geen behoefte aan een titel, het beeld spreekt voor zich.

Wat het beeld zei, kunnen we begrijpen door de spanning tussen de politieke plakaten en de vuilnisbak te vergelijken met een kunstvorm die heel representatief was voor de kritische traditie in de kunst, met name de collage. De foto van de betoging is geen collage in de technische betekenis van de term, maar het effect dat ervan uitgaat is het resultaat van dezelfde elementen die het politieke en artistieke succes van de collage en de fotomontage gemaakt hebben: de botsing op hetzelfde vlak van heterogene of zelfs conflictueuze elementen. In de tijd van het surrealisme diende de procedure om onder het prozaïsche van het burgerlijke bestaan de onderdrukte realiteit van het verlangen en de droom te tonen. Het marxisme maakte er zich vervolgens meester van om door de storende ontmoeting van heterogene elementen het geweld van de klassenheerschappij, dat verborgen bleef achter de schijn van het gewone dagelijkse leven en van de democratische vrede, waarneembaar te maken. Het was het principe van de brechtiaanse vervreemding. Het was ook het principe, in de jaren zeventig, van de fotomontages van een Amerikaanse geëngageerde kunstenaar, Martha Rosler, in haar reeks getiteld *Bringing the war home*, waarbij zij beelden van de Vietnamoorlog plakte op afbeeldingen van vrede Amerikaanse interieurs. Zo toonde een montage, getiteld *Balloons*,

tegen de achtergrond van een ruim villa-interieur met in een hoek opblaasballonnen, een Vietnamees die in zijn armen een dood kind draagt, een kind gedood door kogels van het Amerikaanse leger. Het verband tussen de twee beelden moest een dubbel effect veroorzaken: het bewustzijn van het heerschappijstelsel dat het Amerikaanse huishoudelijke geluk verbindt met het geweld van de imperialistische oorlog, maar ook een gevoel van schuldige medeplichtigheid aan dit systeem. Aan de ene kant zei het beeld: zie hier de verborgen realiteit die jullie niet *kunnen* zien, jullie moeten er kennis van nemen en naar die kennis handelen. Maar het is niet vanzelfsprekend dat de kennis van een situatie ook het verlangen om haar te veranderen met zich meebrengt. Daarom zegt het beeld ook iets anders: zie hier de evidente realiteit die jullie niet *willen* zien, want jullie weten dat jullie er verantwoordelijk voor zijn. Het kritische dispositief beoogde dus een dubbel effect: een bewustwording van de verborgen realiteit en een schuldgevoel ten aanzien van de ontkende realiteit.

De foto van de manifestanten en de vuilnisbak speelt met dezelfde elementen als de fotomontages: de verre oorlog en de binnenlandse consumptie. Josephine Meckseper staat even vijandig tegenover de oorlog van George Bush als Martha Rosler tegenover die van Nixon. Maar het spel van de tegenstellingen op de foto functioneert helemaal anders: het verbindt de Amerikaanse overconsumptie niet met de verre oorlog om de militanten tegen de oorlog een steun in de rug te geven. Het werpt veeleer die overconsumptie voor de voeten van de manifestanten die opnieuw pretenderen de oorlog naar huis te brengen. De fotomontages van Martha Rosler accentueerden de heterogeniteit van de elementen: het beeld van het dode kind kon niet geïntegreerd worden in het mooie interieur zonder het te laten exploderen. De foto van de manifestanten aan de vuilnisbak daarentegen onderstreept de fundamentele homogeniteit van de elementen. De bekertjes die uit de vuilnisbak puilen werden daar waarschijnlijk ingegoooid door de betogers. De foto suggereert dus dat hun mars zelf een mars van consumenten van beelden en van spectaculaire verontwaardiging is. Deze manier om het beeld te lezen is in harmonie met de installaties die Josephine Meckseper beroemd hebben gemaakt. Deze installaties, die vandaag op vele exposities te zien zijn, bestaan uit kleine vitrines, allemaal gelijkend op winkel- of reclamevitrines, waar zij, zoals de fotomontages van gisteren, elementen bijeenbrengt die geacht

worden tot verschillende werelden te behoren. Bijvoorbeeld, in een installatie getiteld 'Te koop': een boek over de geschiedenis van een Engelse stadsguerrillagroep, die precies de oorlog naar de imperialistische metropolen wilde brengen, te midden van mannelijke modeartikelen; in een andere: een mannequin van vrouwelijke lingerie naast een communistische propaganda-affiche; of de slogan van Mei 68, 'Werk nooit', op parfumsflesjes. Deze dingen spreken elkaar schijnbaar tegen, maar het gaat erom te tonen dat ze tot dezelfde realiteit behoren, dat ook de politieke realiteit een fenomeen van jongerenmode is. Ook de foto van de manifestanten zou op zijn manier hiervan getuigen: ze betogen tegen de oorlog van het rijk van de consumptie dat zijn bommen op de steden van het Midden-Oosten loslaat. Maar deze bommen zijn een antwoord op de vernietiging van de torens die zelf in scène was gezet als het spektakel van de ineenstorting van het rijk van de koopwaar en het spektakel. Het beeld lijkt ons dus te zeggen: deze betogers zijn daar omdat zij de beelden van de ineenstorting van de torens en de bombardementen in Irak hebben geconsumeerd. En het is nog eens een spektakel dat ze ons geven in de straten. In laatste instantie worden terrorisme en consumptie, protest en spektakel, teruggevoerd naar één en hetzelfde proces dat geregeerd wordt door de koopwarenwet van de equivalentie.

Maar als deze visuele demonstratie tot het einde zou worden doorgevoerd, dan zou ze tot de afschaffing van de kritische procedure zelf moeten leiden. Als alles slechts spectaculair exhibitionisme is, valt de tegenstelling tussen verschijning en realiteit waarop het kritische discours gebaseerd is zelf weg, en daarmee iedere schuld ten aanzien van de wezens die zich situeren aan de kant van de verdonkeremaande of ontkende realiteit. In dit geval zou het kritische dispositief enkel het eigen verval aantonen. Maar zo is het niet. De kleine vitrines die revolutionaire propaganda en jongerenmode vermengen, zetten de dubbele logica voort van de militante interventie van gisteren. Zij zeggen nog steeds: zie hier de realiteit die jullie niet kunnen zien, het onbepaalde rijk van de koopwaar, de nihilistische gruwel van de kleinburgerlijke levenswijze. Maar ook: zie hier de realiteit die jullie niet willen zien, de participatie van jullie zogenaamde daden van revolutie aan dit vertoon van onderscheidingstekens geregeerd door de koopwarenexhibitie. De kritische artiest neemt zich dus nog steeds voor om de kortsluiting en de clash te provoceren die het geheim

onthullen dat verborgen wordt door de exhibitie van beelden. Bij Martha Rosler moest de clash het imperialistische geweld onthullen achter het gelukzalige tentoonstellen van goederen en beelden. Bij Josephine Meckseper bleek de etalage van beelden identiek aan de structuur van een realiteit waar alles uitgestald wordt zoals in een koopwarenetalage. Maar het gaat er nog altijd om aan de toeschouwer te tonen wat hij niet kan zien en hem beschaamd te maken over wat hij niet wil zien, op het gevaar af dat het kritische dispositief zelf verschijnt als een luxegoed dat deel is van de logica die het aanklaagt.

Er is dus wel degelijk een dialectiek inherent aan de ontmaskering van het kritische paradigma: men verklaart dat het paradigma in onbruik is, maar enkel om het mechanisme ervan te reproduceren, met het risico de onwetendheid over de realiteit of de ontkenning van de miserie te transformeren in onwetendheid over het feit dat de realiteit en de miserie zijn verdwenen en het verlangen om te negeren wat schuldig maakt te transformeren in verlangen om te negeren dat er niets is waarover men zich schuldig zou moeten voelen. Dit is in wezen het argument dat verdedigd wordt, niet door een kunstenaar, maar door een filosoof, Peter Sloterdijk, in zijn boek *Schuim*<sup>3</sup>. Zoals hij het beschrijft is het moderniseringsproces een antigravitatieproces. De term verwijst in de eerste plaats, uiteraard, naar de technische uitvindingen die de mens toegelaten hebben om de ruimte te veroveren en die de communicatietechnologieën en de virtuele realiteit in de plaats hebben gesteld van de solide industriële wereld. Maar hij drukt ook de idee uit dat het leven veel van zijn 'zwaarte' van weleer zou hebben verloren, dat wil zeggen van zijn last van het lijden, van zijn wrangheid en zijn ellende, en daarmee van zijn realiteitsgewicht. Daardoor zou er voor de traditionele procedures van het kritische denken, gebaseerd op 'de definities van de realiteit geformuleerd door de ontologie van de armoede' geen plaats meer zijn. Als zij nog bestaan dan is dat, volgens Sloterdijk, omdat het geloof in de soliditeit van het reële en het gevoel van schuld ten aanzien van de ellende het verlies van hun object overleven. Ze overleven in de vorm van noodzakelijke illusies. Marx zag hoe de mensen in de hemel van de religie en van de ideologie het omgekeerde beeld van hun reële miserie projecteerden. Volgens Sloterdijk doen onze tijdgenoten het omgekeerde: ze projecteren in de fictie van een solide realiteit het omgekeerde beeld van dat veralgemeende proces van

gewichtsverlies. 'Welke idee ook, die in de publieke ruimte geuit wordt, het is de leugen van de miserie die de tekst redigeert. Alle vertogen zijn onderworpen aan de wet die erin bestaat de luxe die nu heerst te vertalen in het jargon van de miserie.' Het ongemak van de schuld, dat menervaart tegenover de verdwijning van de zwaarte en van de miserie, zou zich omgekeerd uiten in de herneming van de oude vertogen die de ellende en het slachtofferschap benadrukken.

Deze analyse nodigt uit om ons te bevrijden van de vormen en inhoud van de kritische traditie. Maar ze doet dat enkel door de logica ervan te reproduceren. Zij zegt ons, nog maar eens, dat we slachtoffer zijn van een algemene structuur van bedrieglijke schijn, slachtoffer van onze onwetendheid en van ons verzet tegen een onweerstaanbaar globaal ontwikkelingsproces van de productiekrachten: het proces van dematerialisering van de rijkdom dat het verlies van oude overtuigingen en idealen tot gevolg heeft. In deze argumentatie herkennen we gemakkelijk de onverwoestbare logica van *Het communistisch manifest*. Het is niet voor niets dat het vermeende postmodernisme hieruit zijn credo heeft gehaald: 'Al wat vast is, verdampt in de lucht'. Alles zou vluchtig, vloeibaar, gasvormig worden en er zou ons niets meer overblijven dan te lachen over die ideologen die nog geloven in de realiteit van de realiteit, van de miserie en de oorlogen.

Hoe provocerend ze zich ook mogen voordoen, deze theses blijven gevangen in de logica van de kritische traditie. Ze blijven trouw aan de thesis van het onontkoombare historisch proces en zijn noodzakelijke effect: het omkeringmechanisme dat de realiteit in illusie verandert of de illusie in realiteit, de armoede in rijkdom of de rijkdom in armoede. Ze blijven een onvermogen om te weten en een verlangen om niet te weten aanklagen. En ze wijzen altijd op een schuld in het hart van de ontkenning. Deze kritiek op de kritische traditie gebruikt dus nog steeds de concepten en de procedures ervan. Maar toch, het is waar, er is iets veranderd. Gisteren nog beoogden deze procedures bewustzijnsvormen en energieën op te wekken die gericht waren op een emancipatieproces. Vandaag zijn ze ofwel helemaal losgekoppeld van die emancipatiehorizon, ofwel duidelijk gericht tegen die droom.

Het is deze context die de fabel van de manifestanten en de vuilnisbak illustreert. De foto drukt waarschijnlijk geen afkeuring uit van de betogers. Godard spotte in de jaren zestig al mild-ironisch met de 'kinderen van Marx en Coca-Cola'. Toch marcheerde hij met hen toen ze betoogden tegen de oorlog in Vietnam, omdat de kinderen van het Coca-Colatijdperk vochten, of in ieder geval dachten te vechten, met de kinderen van Marx. Wat veertig jaar later veranderd is, is niet dat Marx verdwenen zou zijn, opgeslorpt door Coca-Cola. Hij is niet verdwenen, hij is van plaats veranderd. Hij bevindt zich nu in het hart van het systeem, als zijn buikspreker. Hij is het verachtelijke spook of de verachtelijke vader geworden die getuigt van de gezamenlijke schande van de kinderen van Marx en Coca-Cola. Gramsci had eertijds de Sovjet-revolutie gekarakteriseerd als revolutie tegen *het Kapitaal*, tegen het boek van Marx dat de bijbel van het burgerlijk sciëntisme was geworden. Men zou dit evengoed kunnen zeggen over het marxisme waarmee mijn generatie is opgegroeid, het marxisme van de ontmaskering van de mythologieën van de koopwaar, van de illusies van de consumptiemaatschappij en van het rijk van het spektakel. Veertig jaar geleden werd het geacht de machinerieën van de sociale heerschappij aan te klagen om nieuwe wapens te geven aan hen die er de confrontatie mee aangingen. Vandaag is het een gedesillusioneerde kennis van de heerschappij van de koopwaar en van het spektakel, van de gelijkstelling van alles met alles en van ieder ding met zijn eigen beeld. Deze postmarxistische en postsituationistische wijsheid stelt zich niet tevreden met het geven van een fantasmagorisch beeld van een mensheid die volledig bedolven is onder het afval van haar koortsachtige consumptie. Ze beschrijft de heerschappij ook als een kracht die zich meester maakt van alles wat pretendeert haar te contesteren. Ze maakt van ieder protest een spektakel en van ieder spektakel een koopwaar. Ze stelt dat het allemaal ijdelheid is, maar tegelijkertijd ook de demonstratie van een schuld.

De stem van het buiksprekende spook zegt ons dat we twee keer schuldig zijn, en wel om twee tegengestelde redenen. Omdat we nog vasthouden aan de oude tijden van de realiteit en de schuld, terwijl we doen alsof we niet weten dat er niets meer is waarover we ons schuldig zouden moeten voelen. Maar ook omdat we bijdragen, door onze eigen consumptie van koopwaren, van spektakels en van protesten, aan de verachtelijke heer-

schappij van de warenequivalentie. Deze dubbele beschuldiging impliceert een opmerkelijke herverdeling van de politieke posities. Enerzijds is de oude linkse aanklacht van het rijk van de koopwaar en van de beelden een vorm van ironische of melancholische instemming met dit imperium geworden. Anderzijds worden de militante energieën naar rechts afgeleid, waar zij brandstof leveren voor een nieuwe kritiek van de koopwaar en van het spektakel, waarvan de kwalijke gevolgen nu omschreven worden als misdaden van het democratische individu.

Dus aan de ene kant de ironie of de melancholie van links. Zij dringt erop aan dat we bekennen dat al onze subversieve verlangens gehoorzamen aan de wet van de markt en dat we slechts ten dienste staan van het nieuwste spelletje dat beschikbaar is op de globale markt, dat van het ongelimiteerde experimenteren met ons eigen leven. Zij toont ons hoe we opgeslokt zijn in de buik van het monster, waar zelfs onze bekwaamheden om autonoom en subversief te handelen en de interactienetwerken die we ertegen zouden kunnen gebruiken, ten dienste staan van de nieuwe kracht van het beest, die van de immateriële productie. Het beest, zegt men, legt beslag op de verlangens en bekwaamheden van zijn potentiële vijanden door hen tegen de beste prijs de meest begeerde koopwaar aan te bieden: de mogelijkheid om met hun leven te experimenteren als ware het een tuin van oneindige mogelijkheden. Het biedt aan ieder wat hij of zij maar kan wensen: realityshows voor de dommeriken en grote mogelijkheden tot autovalorisatie voor de slimmeriken. Dit is, zegt het melancholische discours ons, de valkuil waarin degenen zijn gevallen die dachten de kapitalistische macht te verslaan, maar die hem daarentegen de middelen hebben verschaft om zich te vernieuwen door gebruik te maken van de energieën van de contestatie. Dit discours heeft bijkomende zuurstof gevonden in *Le nouvel esprit du capitalisme* van Luc Boltanski en Eve Chiapello. Volgens deze sociologen zouden de ordewoorden van de revoltes van de jaren zestig, en vooral van de studentenbeweging van Mei 68, het kapitalisme – in moeilijkheden na de petroleumcrisis van 1973 – de middelen geleverd hebben om zich te regenereren. Mei 68 zou immers de thema's van de 'artistieke kritiek' op het kapitalisme geleverd hebben: het protest tegen een onttoverde wereld, de eisen van authenticiteit, creativiteit en autonomie. Dit in tegenstelling tot de 'sociale kritiek', eigen aan de arbeidersbeweging: de kritiek op de ongelijkheden en de miserie en de



aanklacht van het egoïsme dat alle gemeenschapsbanden vernietigt. Het zijn de artistieke thema's die geïntegreerd zouden zijn door het hedendaagse kapitalisme, door aan de verlangens naar autonomie en authentieke creativiteit tegemoet te komen met zijn nieuwe 'flexibiliteit', zijn soepele omkadering, zijn lichte en innoverende structuren, zijn oproep tot individueel initiatief en tot 'netwerken'.

Deze stelling is op zich niet echt stevig. Er is een groot verschil tussen de discoursen voor managersseminars, die de stelling moeten onderbouwen, en de realiteit van de hedendaagse heerschappijvormen van het kapitalisme, waar de 'flexibiliteit' van de arbeid veeleer de gedwongen aanpassing aan de verscherpte productiviteitsnormen onder bedreiging van ontslagen, sluitingen en delokaliseringen betekent dan de oproep tot veralgemeende creativiteit van de kinderen van Mei 68. Overigens was bezorgdheid om creativiteit op het werk geheel vreemd aan de slogans van de beweging van Mei 68, die zich juist keerde tegen het thema van de 'participatie' en tegen de uitnodiging aan de onderlegde en genereuze jongeren om te participeren in een gemoderniseerd en gehumaniseerd kapitalisme. Een invitatie die de kern vormde van de neokapitalistische ideologie en het staatsreformisme van de jaren zestig. De tegenstelling tussen artistieke en sociale kritiek steunt op geen enkele analyse van de historische vormen van contestatie. Zij stelt er zich tevreden mee, conform de les van Bourdieu, de strijd tegen de miserie en voor de gemeenschapsbanden toe te schrijven aan de arbeiders, en het individualistische verlangen naar autonome creativiteit aan de kortstondig rebellerende kinderen van de kleine of grote bourgeoisie. Maar de collectieve strijd voor de arbeidersemancipatie is nooit gescheiden geweest van een nieuwe ervaring van leven en individuele vermogens, tegen de dwang van de oude gemeenschapsbanden. De sociale emancipatie is altijd ook een esthetische emancipatie, een breuk met de oude manieren van voelen, kijken en zeggen die de arbeidersidentiteit kenmerkten in de oude hiërarchische orde. Deze solidariteit van het sociale en het esthetische, van de ontdekking van de individualiteit voor iedereen en het project van een vrije collectiviteit vormde het hart van de arbeidersemancipatie. Maar het betekende ook een wanorde van klassen en identiteiten die de sociologische wereldvisie altijd geweigerd heeft, visie die in de negentiende eeuw precies ontstaan is als reactie op die wanorde. Het is dan ook heel normaal dat de sociologie die chaos ook in de manifes-

taties en de ordewoorden van Mei 68 terugvindt en men begrijpt dat ze eropuit is om de verstoring die teweeg werd gebracht in de goede verdeling van klassen, van hun manieren van zijn en hun actievormen te liquideren.

Het is dus noch de originaliteit noch de kracht van de these die kon overtuigen, maar de manier waarop ze het 'kritische' thema van de medeplichtige illusie weer in werking stelde. Ze gaf aldus voedsel aan de melancholische versie van het 'gauchisme' die zich voedt met de dubbele ontmaskering van de macht van het beest en van de illusies van degenen die hem dienen terwijl ze denken hem te bestrijden. Het is waar dat de these van de recuperatie van de 'artistieke' revoltes tot verschillende conclusies kan leiden. Ze ondersteunt indien nodig de stelling van een radicaliteit die eindelijk echt radicaal zou zijn: de massale desertie van de krachten van het Algemene Intellect die vandaag geabsorbeerd zijn door het kapitaal en de staat, zoals Paolo Virno gelooft, of de virtuele subversie die tegenover het virtuele kapitalisme wordt geplaatst, zoals Brian Holmes doet.<sup>4</sup> Ze steunt anderzijds ook de stelling van een militantisme in omgekeerde richting, niet langer toegepast om het kapitalisme te vernietigen, maar om een kapitalisme dat zijn spirit zou hebben verloren te redden.<sup>5</sup> Normaal echter houdt ze het bij de ontgoochelde vaststelling dat het onmogelijk is de gang van zaken te veranderen in een wereld waar iedere vaste bodem ontbreekt om zich te verzetten tegen de vluchtig, vloeibaar, immaterieel geworden realiteit van de overheersing. Wat kunnen eigenlijk de betogers/consumenten die gefotografeerd werden door Josephine Meckseper tegen een oorlog zoals hierna beschreven door een eminente socioloog van onze tijd?

'De fundamentele techniek van de macht is vandaag de ontwijking, de pas opzij, de weglating, de vermijding, de wezenlijke afwijzing van iedere territoriale opsluiting, met zijn zwaarwegende gevolgen van een orde die moet worden gesticht, van een orde die moet worden behouden, en met de verantwoordelijkheid voor de consequenties en de noodzaak om er de kosten voor te betalen. [...] De aanvallen door onzichtbare gevechtsvliegtuigen en intelligente, zelfgeleide raketten met doelzoekende koppen – bij verrassing gelanceerd, opduikend uit het niets, en onmiddellijk onttrokken aan de blik – hebben de verovering van het terrein door infanterie-

troepen en de inspanning om de vijand van zijn territorium te verdrijven vervangen. [...] De militaire macht en zijn *hit and run*-strategie voorspelden, belichaamden en voorzagen wat echt de inzet was van het nieuwe type oorlog in het tijdperk van de vloeibare moderniteit: niet het veroveren van een nieuw territorium, maar de muren neerhalen die de nieuwe globale en vluchtige machten tegenhielden.<sup>6</sup>

Deze diagnostiek werd gepubliceerd in 2000. Het is zeer de vraag of ze helemaal geverifieerd werd door de militaire acties van de daaropvolgende acht jaar. Maar de melancholische voorspelling steunt niet op verifieerbare feiten. Ze zegt ons simpelweg: de dingen zijn niet wat ze lijken te zijn. Dat is een propositie die niet het risico loopt ooit te worden weerlegd. De melancholie voedt zich met haar eigen onmacht. Voor haar volstaat het die om te zetten in veralgemeende onmacht en voor zichzelf de positie van scherpe geest te reserveren, met een illusievolle blik op de wereld waar de kritische interpretatie van het systeem een element van het systeem zelf is geworden.

Tegenover deze melancholie van links, hebben we gezien hoe een nieuwe rechtse razernij zich ontwikkelde die de aanklacht tegen de markt, de media en het spektakel herformuleerde als een aanklacht tegen de ravages aangericht door het democratisch individu. Onder de naam democratie begreep de heersende opinie vroeger de convergentie van een regeringsvorm, gebaseerd op de fundamentele vrijheden, en een individuele levenswijze, gebaseerd op de vrije keuze aangeboden door de vrije markt. Zolang het Sovjet-imperium bestond stelde zij deze democratie tegenover de vijand die totalitarisme genoemd werd. Maar de consensus over de formule die de democratie gelijkstelde met de optelling van de rechten van de mens, de vrije markt en de vrije individuele keuze vervluchtigde met het verdwijnen van haar vijand. In de jaren na 1989 hekelden steeds grimmiger intellectuele campagnes de fatale effecten van de combinatie van de rechten van de mens en de vrije keuze van de individuen. Sociologen, politiek filosofen en moralisten losten elkaar af om ons uit te leggen dat de rechten van de mens, zoals Marx goed had gezien, de rechten zijn van het burgerlijke egoïstische individu, de rechten van de alles kopende consument, en dat die rechten vandaag de consumenten aanzetten om iedere rem op hun bezetenheid los te laten en dus alle traditionele autori-

teitsvormen te vernietigen die een limiet oplegden aan de macht van de markt: de school, de religie of de familie. Dit, zeiden ze, is de werkelijke betekenis van het woord democratie: de wet van het individu dat zich enkel bezighoudt met de bevrediging van zijn verlangens. De democratische individuen willen gelijkheid. Maar de gelijkheid die ze willen, is die welke heerst tussen de koper en de verkoper van een koopwaar. Wat ze dus willen, is de triomf van de markt in alle menselijke relaties. En hoe bezetener ze zijn door de gelijkheid, hoe vuriger ze ijveren voor die triomf. Op basis hiervan is het gemakkelijk te bewijzen dat de studentenbeweging van de jaren zestig, en in het bijzonder die van Mei 68 in Frankrijk, enkel de vernietiging beoogde van de traditionele autoriteitsvormen die zich verzetten tegen de veralgemeende invasie van het leven door de wet van het kapitaal, en dat haar enige effect de transformatie is geweest van onze samenleving in vrije aggregaten van losgeslagen moleculen, beroofd van iedere band, volledig overgeleverd aan de enige wet van de markt.

Maar deze nieuwe kritiek van de koopwaar moest nog een stap verdergaan door als consequentie van de democratische dorst naar gelijke consumptie niet alleen de heerschappij van de markt te stellen, maar ook de terroristische en totalitaire vernieling van alle sociale en menselijke banden. Vroeger plaatste men individualisme tegenover totalitarisme. Maar in deze nieuwe theoretisering wordt het totalitarisme de consequentie van het individualistische fanatisme van de vrije keuze en de ongelimiteerde consumptie. Onmiddellijk na de ineenstorting van de torens verklaarde een eminente psychoanalyticus, jurist en filosoof Pierre Legendre in *Le Monde* dat de terroristische aanval de terugkeer was van wat het Westen had verdrongen, de straf voor de westerse vernietiging van de symbolische orde, waarvan het homoseksuele huwelijk het meest recente voorbeeld was. Twee jaar later gaf een eminente filosoof en linguïst, Jean-Claude Milner, nog een radicalere draai aan deze interpretatie in zijn boek *Les penchants criminels de l'Europe démocratique*. De misdaad die hij toeschreef aan het democratische Europa was heel eenvoudig de uitroeiing van de Joden. De democratie, zo argumenteerde hij, is het rijk van de sociale ongelimiteerdheid. Zij wordt aangedreven door het verlangen naar de oneindige uitbreiding van dit proces van ongelimiteerdheid. Aangezien het Joodse volk, omgekeerd, het volk van de trouw aan de wet van de afstamming en de overdracht is, vertegenwoordigde het het enige obstakel

voor deze aan de democratie inherente tendens. Daarom was het voor de democratie nodig om het Joodse volk te elimineren en bleek ze de enige begunstigde te zijn van deze eliminatie. En in de rellen in de Franse banlieus van november 2005 zag de woordvoerder van de Franse mediatieke intelligentsia, Alain Finkielkraut, de directe consequentie van het democratische terrorisme van de ongebreidelde consumptie:

‘Deze lui die scholen vernielen’, verklaarde hij, ‘wat zeggen zij eigenlijk? Hun boodschap is geen roep om hulp of een vraag om meer of betere scholen, het is de wil om datgene wat tussen hen en de objecten van hun verlangens staat te liquideren. En wat verlangen zij? Heel simpel: geld, merkartikelen en soms meisjes, [...] zij willen alles nu onmiddellijk, en wat ze willen is het ideaal van de consumptiemaatschappij. Het is wat ze zien op de televisie.’<sup>7</sup>

Aangezien dezelfde auteur beweerde dat de jongeren tot oproer waren aangezet door islamitische fanatici, voerde de bewijsvoering uiteindelijk democratie, consumptie, onvolwassenheid, religieus fanatisme en terroristisch geweld terug tot één enkele figuur. De kritiek op de consumptie en het spektakel vereenzelvde zich in laatste instantie met de meest crue thema’s van de schok der beschavingen en de oorlog tegen de terreur.

Ik heb deze rechtse razernij van de postkritische kritiek tegenover de melancholie van links geplaatst. Maar het zijn twee kanten van dezelfde medaille. Beide voeren dezelfde omkering door van het kritische model dat de wet van de koopwaar als ultieme waarheid van de mooie verschijningen wilde openbaren om zodoende de strijders van de sociale strijd te wapenen. De openbaring gaat nog steeds door. Maar ze wordt niet meer geacht wapens te leveren tegen het rijk dat ze aanklaagt. De melancholie van links nodigt ons uit om te erkennen dat er geen alternatief is voor de macht van het beest en te bekennen dat we ons daarbij neergelegd hebben. De razernij van rechts waarschuwt ons dat hoe meer we de macht van het beest proberen te breken, hoe meer we bijdragen aan zijn triomf. Maar deze ontkoppeling van de kritische procedures van hun finaliteit ontnemt hen iedere hoop op effectiviteit. De melancholici en de profeten hullen zich in het kleed van de verlichte rede als ze de symptomen van een beschavingsziekte ontcijferen. Maar deze verlichte rede verschijnt zelf

als verstoken van iedere invloed op de zieken wier ziekte erin bestaat zichzelf niet ziek te weten. De eindeloze kritiek op het systeem is per slot van rekening niet meer dan de uiteenzetting van de redenen waarom deze kritiek geen enkel effect heeft.

Natuurlijk is dit onvermogen van de verlichte rede niet toevallig. Het is intrinsiek aan deze figuur van de postkritische kritiek. Dezelfden die de nederlaag van de verlichtingsrede tegenover het terrorisme van het ‘democratisch individualisme’ betreuren, stellen die rede zelf onder verdenking. In de ‘terreur’ die ze aanklagen zien ze de consequentie van de vrij zwevende individuele atomen, losgemaakt van de traditionele institutionele banden die de mensen samenhouden: familie, school, religie, traditionele solidariteitsvormen. Welnu, deze argumentatie heeft een duidelijk identificeerbare geschiedenis. Ze gaat terug op de contrarevolutionaire analyse van de Franse Revolutie. Volgens deze analyse had de Franse Revolutie het weefsel vernietigd van de instituties die de individuen samenbrachten, opvoedden en beschermden: de religie, de monarchie, de feodale afhankelijkheidsrelaties, de corporaties etc. Deze destructie was voor haar het product van de geest van de Verlichting die ook de geest van het protestants individualisme was. Hieruit volgt dat deze losgemaakte individuen, zonder cultuur en zonder bescherming, tegelijkertijd voor het massaterroreisme en voor de kapitalistische uitbuiting beschikbaar waren geworden. De huidige antidemocratische campagne herneemt openlijk deze analyse van de band tussen democratie, markt en terreur.

Maar als zij er de marxistische analyse van de burgerlijke revolutie en van het warenfetisjisme bij kan betrekken, dan is dat omdat die in dezelfde bodem is ontstaan en er meer dan één element van heeft overgenomen. De marxistische kritiek van de rechten van de mens, de burgerlijke revolutie en de vervreemde sociale relaties werd inderdaad ontwikkeld op dit terrein van de postrevolutionaire en contrarevolutionaire interpretatie van de democratische revolutie als zijnde een burgerlijke individualistische revolutie die het sociale weefsel van de gemeenschap verscheurde. Het is dan ook normaal dat de kritische ommekeer van de kritische traditie die uit het marxisme is ontstaan ons hiernaar terugvoert.

Het is dus verkeerd te stellen dat de traditie van de sociale en culturele traditie uitgeput is. Ze stelt het heel goed, in haar omgekeerde vorm die nu het dominerende discours bepaalt. Ze is simpelweg teruggekeerd naar haar oorspronkelijke terrein: de interpretatie van de moderniteit als individualistische breuk met de sociale band en de democratie als massa-individualisme. Ze werd meteen ook teruggebracht naar de oorspronkelijke spanning tussen de logica van deze interpretatie van de ‘democratische moderniteit’ en de logica van de sociale emancipatie. De huidige ont koppeling van de kritiek op de markt en het spektakel van iedere emancipatorische bedoeling is de laatste vorm van een spanning die vanaf het begin in de sociale emancipatiebeweging aanwezig was.

Om deze spanning te begrijpen, moeten we terugkeren naar de oorspronkelijke betekenis van het woord ‘emancipatie’: het ontsnappen aan een minderheidspositie. Nu is de minderheidspositie waaruit de militanten van de sociale emancipatie wilden ontsnappen in wezen dezelfde als het ‘harmonieuze weefsel van de gemeenschap’ waarvan twee eeuwen geleden de denkers van de contrarevolutie droomden, en waardoor de post-marxistische denkers van de verloren sociale band vandaag zo vertederd worden. De harmonisch geweven gemeenschap die het onderwerp is van zoveel nostalgie, is die waar iedereen op zijn plaats is, in zijn klasse, enkel bezig met de functie die hem toekomt en voorzien van de zintuiglijke en intellectuele ‘uitrusting’ die met die plaats en met die functie overeenkomt. Het is de platoonse gemeenschap waar de handwerklieden op hun plaats moeten blijven omdat het werk niet wacht – het laat geen tijd om een babbeltje te maken op de agora, te beraadslagen op de volksvergadering en te kijken naar de schimmen in het theater –, maar ook omdat de godheid hen een ziel van ijzer heeft gegeven – de zintuiglijke en intellectuele uitrusting – die hen voorbestemt tot en vastlegt op die bezigheid. Dat is wat ik de politieverdeling van het zintuiglijke noem: het bestaan van een ‘harmonieuze’ relatie tussen een bezigheid en een uitrusting, tussen het feit in een bepaalde tijd en ruimte te zijn, er welbepaalde taken te verrichten en begiftigd te zijn met de vermogens om te voelen, zeggen en doen die passend zijn bij deze activiteiten. Sociale emancipatie betekende in feite het breken met deze overeenkomst tussen een ‘bezigheid’ en een ‘bekwaamheid’, die tegelijkertijd de onbekwaamheid betekende om een andere ruimte en een andere tijd te veroveren. Het betekende de

ontmanteling van dat werkende lichaam dat aangepast is aan de taak van de handwerksman die weet dat het werk niet wacht en wiens zintuigen gevormd zijn door dit ‘gebrek aan tijd’. De geëmancipeerde arbeiders vormden zich *hic et nunc* een ander lichaam en voor dit lichaam een andere ‘ziel’ – het lichaam en de ziel van zij die niet aangepast zijn aan geen enkele specifieke bezigheid, die vermogens om te voelen en te praten, om te denken en te handelen aanwenden die behoren tot geen enkele specifieke klasse, die behoren tot ‘om het even wie’.

Maar deze idee en deze praktijk van de emancipatie werden historisch vermengd met en uiteindelijk ondergeschikt gemaakt aan een heel andere idee van heerschappij en van bevrijding: die welke de heerschappij verbond met een scheidingsproces en dus de bevrijding met de herovering van een verloren eenheid. Volgens deze visie, voorbeeldig samengevat in de teksten van de jonge Marx, was de onderwerping aan de wet van het Kapitaal het feit van een samenleving waarvan de eenheid gebroken was, waarvan de rijkdom vervreemd was, geprojecteerd boven of tegenover haar. De emancipatie kon dan ook niet anders verschijnen dan als de algemene herinbezitname van een verloren goed door de gemeenschap. En deze herinbezitname kon niets anders dan het resultaat zijn van de kennis van het algemene proces van die scheiding. Vanuit dit gezichtspunt konden de emancipatievormen van die handwerkslieden die zich een nieuw lichaam maakten om hier en nu in een nieuwe zintuiglijke wereld te leven niets anders dan illusies zijn, geproduceerd door dat verdelingsproces en door de onwetendheid van dit proces. De emancipatie kon slechts komen als het einde van het globale proces dat de samenleving had gescheiden van haar waarheid.

Vanaf hier werd emancipatie niet meer opgevat als de constructie van nieuwe vermogens; zij werd de belofte van de wetenschap aan hen wier illusoire vermogens niets anders konden zijn dan de andere kant van hun reële onvermogen. Maar de logica zelf van de wetenschap was die van het oneindige uitstel van de belofte. De wetenschap die de vrijheid beloofde was ook de wetenschap van het totale proces dat onophoudelijk zijn eigen onwetendheid produceert. Dat is waarom zij zich voortdurend moest inspannen om de bedrieglijke beelden te ontcijferen en de illusoire vormen van zelfverrijking moest ontmaskeren die de individuen alleen maar

meer konden opsluiten in de valstrik van illusie, onderwerping en miserie. We kennen het waanzinnige niveau dat, in de periode tussen de *Mythologies* van Barthes en *La société du spectacle* van Guy Debord, de kritische lectuur van beelden en de onthulling van de bedrieglijke boodschappen die zij in zich droegen, had bereikt. We weten ook hoe, in de jaren tachtig, deze waanzinnige ontcijfering van de bedrieglijke boodschappen van ieder beeld werd omgedraaid met de ontvullende bewering dat er voortaan geen reden meer is om beeld en realiteit te onderscheiden. Maar deze ommekeer is niet meer dan de consequentie van de oorspronkelijke logica die het hele sociale proces als een proces van zelfverhulling opvatte. Uiteindelijk is het verborgen geheim niets anders dan het vanzelfsprekend functioneren van de machine. Hier ligt de waarheid van het concept van het spektakel zoals Guy Debord het heeft gefixeerd: het spektakel is niet de etalage van beelden die de realiteit verbergen. Het spektakel is het bestaan van de sociale activiteit en van de sociale rijkdom als afgescheiden realiteit. De situatie van zij die leven in de spektakelmaatschappij is dus identiek aan die van de gevangenen die vastzitten in de platoonse grot. De grot is de plaats waar de beelden voor realiteit worden genomen, de onwetendheid voor kennis en de armoede voor rijkdom. En hoe meer de gevangenen zich inbeelden dat zij bekwaam zijn om hun individuele en collectieve leven anders in te richten, hoe meer zij in de ban van de grot raken. Maar deze verklaring van onmacht keert zich tegen de wetenschap die deze uitspraak doet. De wet van het spektakel kennen komt neer op het kennen van de manier waarop het spektakel eeuwig de vervalsing reproduceert die identiek is aan zijn realiteit. Debord heeft de logica van deze cirkel samengevat in een lapidaire formule: 'In de werkelijk omgekeerde wereld is het ware een moment van het valse.'<sup>8</sup> Aldus behoort de kennis van de omkering zelf tot de omgekeerde wereld, de kennis van de onderwerping aan de wereld van de onderwerping.

Dit is waarom de kritiek op de illusie van beelden veranderd kon worden in een kritiek op de illusie van realiteit, en de kritiek op valse rijkdom in een kritiek op valse armoede. De zogenaamde postmoderne wending is in die zin niet meer dan nog een draai in deze cirkel. Er is geen theoretische overgang van de modernistische kritiek naar het postmoderne nihilisme. Men hoeft slechts dezelfde gelijkstelling van realiteit en beeld, van rijkdom en armoede in een andere richting te lezen. Het nihilisme dat men

toeschrijft aan de postmoderne stemming zou wel eens vanaf het begin het verborgen geheim geweest kunnen zijn van de wetenschap die zei het verborgen geheim van de moderne samenleving te onthullen. Die wetenschap steunde op de onverwoestbaarheid van het geheim en op de oneindige reproductie van het vervalsingsproces dat zij aanklaagde. De huidige loskoppeling van de kritische procedures van ieder emancipatieperspectief onthult alleen de scheiding die de kern uitmaakte van het kritische paradigma. Ze kan de illusies ervan belachelijk maken, maar ze reproduceert de logica ervan.

Dat is waarom een echte 'kritiek van de kritiek' niet nog maar eens een omkering van haar logica kan zijn. Ze moet de concepten en procedures van de kritiek, hun genealogie en de manier waarop ze verstrengeld zijn met de logica van de sociale emancipatie opnieuw onderzoeken. In het bijzonder moet ze een nieuwe blik werpen op de geschiedenis van dat obsessieve beeld op basis waarvan de omkering van het kritische model plaatsvond: het volledig versleten en altijd bruikbare beeld van dat arme, idiote, consumerende individu, verloren in de stroom van koopwaren en beelden en hopeloos verleid door hun valse beloften. Deze obsessieve bezorgdheid om de noodlottige uitstalling van koopwaren en beelden, en deze voorstelling van hun blinde en inschikkelijke slachtoffer, zijn niet geboren in de tijd van Barthes, Baudrillard of Debord. Zij kregen de overhand in de tweede helft van de negentiende eeuw in een heel specifieke context. Het was de tijd dat de fysiologie de veelheid van stimuli en zenuwcircuits ontdekte in de plaats van wat de eenheid en de eenvoud van de ziel was, en dat de psychologie, met Hippolyte Taine, de hersenen transformeerde in een 'beeldenpoliep'. Het probleem is dat deze wetenschappelijke promotie van de kwantiteit samenviel met die van de volksmenigte die onderdaan is van de regeringsvorm die democratie wordt genoemd, die van de veelvuldigheid van individuen zonder kwaliteiten, die door de wildgroei van gereproduceerde teksten en beelden, van vitrines in de handelstraten en van de lichten van de stad veranderden in volwaardige bewoners van een gedeelde wereld van kennis en geneugten.

Het is in deze context dat het gerucht de ronde begon te doen: er waren te veel stimuli die ons van alle kanten bestormden, te veel gedachten en beelden die binnendrongen in de hersenen die onvoorbereid zijn om die

overvloed te beheersen, te veel beelden van mogelijk plezier die de blik bereikten van de armen van de grote steden, te veel nieuwe kennis die in de broze hoofden van de kinderen van het volk gegoten werd. Deze excitatie van hun zenuwen betekende een ernstig gevaar. Het had een ontkenning van onbekende verlangens tot gevolg, nieuwe aanvallen op de maatschappelijke orde op korte termijn en de uitputting van het sterke werkende ras op de lange termijn. Het beklag over het teveel aan koopwaren en zinnenprikkende beelden was in de eerste plaats een beschrijving van de democratische samenleving als samenleving waar te veel individuen zijn die in staat zijn om zich woorden, beelden en levenservaringen toe te eigenen. Dit was in feite de grote angst van de elites van de negentiende eeuw: de angst voor de verspreiding van onuitgegeven levenservaringen, alleen maar goed om aan om het even welke passant, bezoeker of lezeres het materiaal te geven dat kan bijdragen tot de herinrichting van zijn of haar ervaringswereld. Deze vermenigvuldiging van onverwachte ontmoetingen betekende ook het ontwaken van onuitgegeven capaciteiten bij het volk. De emancipatie, dat wil zeggen de ontmanteling van de oude verdeling van het zichtbare, denkbare en doenbare, kon gedijen door deze vermenigvuldiging. Het aanklagen van de leugenachtige verleidingen van de ‘consumptiemaatschappij’ was vooreerst een zaak van de elites die met afschuw reageerden op de twee figuren die innig verbonden waren met de tijd van de populaire experimenten met nieuwe levensvormen: Emma Bovary en de Internationale Arbeidersvereniging. Natuurlijk nam deze angst de vorm aan van de vaderlijke zorg voor die arme mensen wier zwakke hersenen niet bekwaam waren om die complexe veelheid te beheersen. Met andere woorden: deze bekwaamheid om het leven opnieuw uit te vinden werd getransformeerd in onbekwaamheid om de situatie te beoordelen.


Deze paternalistische bezorgdheid en de daaruitvolgende diagnose van onbekwaamheid werd in grote mate overgenomen door hen die de wetenschap van de sociale realiteit wilden gebruiken om de mannen en vrouwen van het volk in staat te stellen bewust te worden van hun werkelijke, door de leugenachtige beelden verborgen situatie. Ze namen dit over omdat het overeenstemde met hun eigen visie op de globale beweging van de koopwarenproductie als automatische productie van illusies voor de subjecten die eraan onderworpen waren. Op die manier namen ze ook de

transformatie van bekwaamheden die gevaarlijk zijn voor de sociale orde in fatale onbekwaamheden over. De procedures van de sociale kritiek hebben inderdaad als doel de onbekwamen, degenen die niet kunnen zien, die de betekenis van wat ze zien niet begrijpen, die de verworven kennis niet kunnen omzetten in militante energie, te verzorgen. En de dokters hebben behoefte aan deze zieken om te verzorgen. Om de onbekwaamheden te behandelen, moeten zij ze voorturend reproduceren. En om deze reproductie te verzekeren, volstaat de truc die op gepaste tijden de gezondheid in ziekte en de ziekte in gezondheid verandert. Veertig jaar geleden liet de kritische wetenschap ons lachen met die idioten die de beelden voor realiteit namen en zich zo lieten verleiden door hun verborgen boodschappen. Ondertussen werden de ‘idioten’ onderricht in de kunst van de herkenning van de realiteit achter de schijn en van de verborgen boodschappen in de beelden. En nu, natuurlijk, doet de gerecycleerde sociale kritiek ons glimlachen om die idioten die nog geloven dat er verborgen boodschappen in de beelden zijn en er een realiteit gescheiden van de schijn bestaat. Zo kan de machine tot het einde der tijden draaien door haar voordeel te doen met de onmacht van de kritiek die de onmacht van de idioten onthult.

Ik heb dus geen ommekeer willen toevoegen aan al die omkeringen die dezelfde machinerie maar laten draaien. Veeleer heb ik de noodzaak en de richting van een verandering van uitgangspunt gesuggereerd. Aan de basis van deze nieuwe benadering ligt de poging om de band tussen de emancipatoire logica van de bekwaamheid en de kritische logica van de collectieve inkapseling los te maken. De cirkel doorbreken betekent vertrekken van andere vooronderstellingen, veronderstellingen die ongetwijfeld onredelijk zullen zijn in de ogen van onze oligarchische orde en van de zogenaamde kritische logica die er de tegenhanger van is. Zo zullen we veronderstellen dat de onbekwamen bekwaam zijn, dat er geen enkele verborgen geheim is van de machine die hen vasthoudt op hun plaats. We zullen veronderstellen dat er geen fataal mechanisme is dat de realiteit in beeld verandert, geen monsterlijk beest dat al onze verlangens en energieën verslindt, geen verloren gemeenschap die gerestaureerd moet worden. Er zijn wel, simpelweg, scènes van dissensus, die om het even waar en om het even wanneer kunnen opduiken. Dissensus is de organisatie van het zintuiglijke waar er noch een realiteit verborgen achter de verschijningen

is, noch een uniek presentatie- en representatieregime van ervaringsgegevens dat aan iedereen zijn evidenties oplegt. Iedere situatie kan van bin-nenuit opengebrouwen worden en kan opnieuw vormgegeven worden onder een ander perceptie- en betekenisregime. Het landschap van het waarneembare en denkbare opnieuw vormgeven, dat is het territorium van het mogelijke en de distributie van de bekwaamheden en onbekwaamheden wijzigen. De dissensus herschikt tegelijkertijd de evidentie van wat waargenomen, denkbaar en doenbaar is en de verdeling van zij die bekwaam zijn de coördinaten van de gemeenschappelijke wereld waar te nemen, te denken en te wijzigen. Dat is ook wat een proces van politieke subjectivering inhoudt: door de actie van de bekwaamheden die niet meegerekend worden, wordt de eenheid van de 'gegeven' werkelijkheid en de evidentie van het zichtbare doorbroken om een nieuwe topografie van het mogelijke te schetsen. De collectieve intelligentie van de emancipatie is niet het begrijpen van een globaal proces van onderwerping, maar de collectivisering van de bekwaamheden die ingezet worden in die scènes van dissensus. Ze is de inwerkingstelling van de capaciteit van om het even wie, van de eigenschappen van de mensen zonder eigenschappen. Dit zijn, zoals ik zei, onredelijke hypothesen. Ik denk nochtans dat er vandaag meer te zoeken en meer te vinden is in het onderzoeken van deze macht dan in de eindeloze taak van de ontmaskering van de fetisjen of in de eindeloze demonstratie van de almacht van het beest.

Vertaald door Jean Klak

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<sup>1</sup> Oorspronkelijke titel: 'Les mésaventures de la pensée critique', uit Jacques Rancière (2008) *Le spectateur émancipé*. Parijs: La Fabrique éditions, p. 30-55. Vertaald door Jean Klak, Gent, maart 2011.

<sup>2</sup> De exacte titel van de manifestatie was: *The unhomely. Phantomal scenes in the global world*.

<sup>3</sup> Peter Sloterdijk (2009) *Sferen. Band 2: Schuim. Plurale sferologie III*. Amsterdam: Boom.

<sup>4</sup> Zie Paolo Virno, (1996) *Miracle, virtuosité et 'déjà vu'. Trois essais sur l'idée du 'monde'*. Éditions de l'Éclat, en Brian Holmes (2002) 'The flexible personality. For a new cultural critique'. In: *Hieroglyphs of the future. Art and politics in a networked era*. Parijs/Zagreb: Broadcasting Project (ook beschikbaar op [www.geocities.com/CognitiveCapitalism/holmes1.html](http://www.geocities.com/CognitiveCapitalism/holmes1.html)), en 'Réveiller les fantômes collectifs. Résistance réticulaire, personnalité flexible' ([www.republicart.net/disc/artsabotage/holmes01\\_fr.pdf](http://www.republicart.net/disc/artsabotage/holmes01_fr.pdf)).

<sup>5</sup> Bernard Stiegler (2006) *Mécréance et discrédit 3. L'esprit perdu du capitalisme*. Galilée.

<sup>6</sup> Zygmunt Bauman (2000) *Liquid modernity*. Polity Press, p. 11-12.

<sup>7</sup> Alain Finkelkraut (18 november 2005) interview voor *Haaretz*.

<sup>8</sup> 'Dans le monde réellement inversé, le vrai est un moment du faux'. In: Guy Debord (1992) *La société du spectacle*. Parijs: Gallimard, p. 6. Nederlandse vertaling (2008): *De spektakelmaatschappij*. Amsterdam: Uitgeverij de Dolle Hond.

JOOST DE BLOOIS

KRITIEK IN KRABBENGANG  
OVER JACQUES RANCIÈRES 'DE BEPROEVINGEN VAN HET  
KRITISCHE DENKEN'

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In Jacques Rancière's 'De beproevingen van het kritische denken' herkennen we de vertrouwde ingrediënten van diens filosofische project sinds zijn afscheid van het althusseriaanse marxisme. De leidende vraag waarmee Rancière zijn essay ook besluit, luidt kortweg: hoe de emancipatie te denken? Dat wil zeggen, hoe de kritische theorie anders op te vatten dan als eenzijdig recept voor emancipatie, als instrument om de wetten en voorwaarden van de emancipatie in kaart te brengen? Rancière stelt de emancipatie voor als een uitdaging voor het denken die een radicale herijking van de kritische theorie eist. Zoals hij schrijft in zijn inmiddels veelgelezen tekst over Joseph Jacotot (1987): 'De traditionele pedagogie van de alwetende schoolmeester, waarvan de kritische theorie de hedendaagse avatar is, moet vervangen worden door die van de "onwetende schoolmeester".' De categorieën en conceptuele personae van de kritische theorie, van 'klasse' en 'geschiedenis' tot de figuur van de koning-filosoof dienen opgebroken te worden: de herijkte kritische theorie dient te vertrekken vanuit de voortdurende inbreuk die emancipatoire bewegin-

gen maken op haar begrippenapparaat. In 'De beproevingen van het kritische denken' noemt Rancière dit project 'de kritiek van de kritiek'. Hiermee sluit hij aan bij een beweging in het hedendaagse denken die het kritische project zoals zich dat in het kielzog van Kant ontvouwd heeft, ter discussie stelt. 'De kritiek van de kritiek' neemt uiteenlopende vormen aan: van Alain Badiou's filosofie van de waarheidsprocedures, het 'speculatieve realisme' van denkers als Ray Brassier, de esthetica van Boris Groys tot het biopolitieke anarchisme van Tiqqun. De grootste gemene deler van 'de kritiek van de kritiek' is dat zij het primaat van de theorie verwerpt precies omdat dit het onderwerp van kritiek in een al te passieve positie handhaaft. Of het nu gaat om de emancipatoire politiek, de materiële wereld die aan het denken voorafgaat, het esthetische object of de veelvoud aan levensvormen: het dictum van de moderne, kantiaanse kritiek stelt dat zij slechts kenbaar en, crucialer nog, *hoorbaar* zijn dankzij de bemiddeling van het kritische denken (een dictum dat weerklinkt van Hegel en Marx tot in Derrida en Foucault). Hierdoor worden zij in een ondergeschikte positie gedwongen in een hiërarchie die zowel epistemologisch als politiek uiterst problematisch is. Hoewel de inzet van zojuist genoemde denkers uiteenlopend is (en bovendien met regelmaat onderwerp van polemiek in het werk van Rancière), aanvaardt 'de kritiek van de kritiek' niet langer dat het reële tot stilte wordt gemaand; zonder overigens te vervallen in een (verondersteld) apolitek empiriefetisjisme. Integendeel: zoals het denken van Rancière zelf laat zien, wat op het spel staat in 'de kritiek van de kritiek' is juist om het emancipatoire potentieel van het reële (of dit nu het politieke evenement, de lichamelijkheid, het affect of het esthetische object is) *en het denken dat dit voortbrengt* te articuleren. 'De kritiek van de kritiek', in de eerste plaats die in het werk van Rancière, wil zodoende een antwoord zijn op het falen van de politiek-emancipatoire claims van het moderne kritische project, precies omdat dit falen inherent is aan de latent hiërarchische architectuur van het moderne, kantiaanse begrip van de 'kritiek'.

In 'De beproevingen van het kritische denken' stelt Rancière dat het falen van de moderne kritiek als emancipatoir project heeft geleid tot een nieuwe *dystopische kritiek* die dit falen niet als weeffout wil ontrafelen, maar als onvermijdelijkheid tot fetisj maakt. De hedendaagse incarnaties van de kritiek volgen de paranoïde logica van het *anything you do or say*



*can and will be used against you.* De hedendaagse kritiek, aldus Rancière, wil slechts tonen dat in de neoliberale hegemonie alle aspecten van het bestaan in dienst worden gesteld van het regime van de meerwaarde, dat zich allang buiten het domein van de materiële productie vertakt heeft. De kritische ontmaskering van de werkelijkheid leidt bijgevolg niet tot werkelijke bevrijding, maar uitsluitend tot een confrontatie met de eigen onmacht ten opzichte van precies die ‘machinerieën die de sociale, economische en politieke banden decimeren en ruïneren’ die door het kritische subject in kaart zijn gebracht. Rancière ziet deze claustrofobische denkfiguur terugkomen in het werk van uiteenlopende theoretici als Guy Debord, Jean Baudrillard, postautonomistische marxisten als Toni Negri of Paolo Virno en conservatieve denkers van de snit Alain Finkielkraut (bij monde van Nicolas Sarkozy ...). Telkens weer ziet Rancière dezelfde ‘omkering’ van het moderne kritische project: de kennis die de kritische methode oplevert is niet langer de voorwaarde voor emancipatie, zoals de moderne kritiek stelde, laverend tussen Kant en Marx, maar kennis van de onvermijdelijke medeplichtigheid aan het hegemonisch kapitalisme. De ‘postkritische kritiek’, schrijft Rancière, streeft er niet langer na ‘bewustzijnsvormen en energieën op te wekken die gericht waren op een emancipatieproces’. Begrippen als het spektakel, het simulacrum, de ‘reële subsumptie’ of de ‘immateriële arbeid’ dwingen ons, ingrijpender dan ooit, in de positie van de passieve leerling: in de hedendaagse varianten van de kritische theorie krijgt het subject niet alleen de eigen onwetendheid gereserveerd, maar ook nog eens de eigen onmacht. De latente hiërarchie van de klassieke kritische theorie kende nog een zekere ruilvoorwaarde: het primaat van de theorie maakte dat het (politiek) handelen altijd onder de auspiciën van de theorie geplaatst werd, maar tegelijkertijd maakte het script van de theorie het subject tot de acteur ervan. De hedendaagse kritische theorie herbergt niet langer een dergelijke beloning. Zoals Rancière schrijft, zegt de dystopische kritiek van vandaag ons

‘dat we slachtoffer zijn van een algemene structuur van bedrieglijke schijn, slachtoffer van onze onwetendheid en van ons verzet tegen een onweersstaanbaar globaal ontwikkelingsproces van de productiekrachten: het proces van dematerialisering van de rijkdom dat het verlies van oude overtuigingen en idealen tot gevolg heeft.’ (79)

Hiermee herhaalt zij ‘de onverwoestbare logica van *Het communistisch manifest*’, echter zonder de omkering van deze *Verfallsgeschichte* in de voorwaarde voor haar radicale, positieve en bevrijdende alternatief. In ‘De beproevingen van het kritische denken’ beschrijft Rancière de ‘postkritische kritiek’ als een dialectiek in krabbengang: een omgekeerde dialectiek die toont hoe het nieuwe steeds weer terugleidt naar de status-quo en het antagonisme steeds weer vervat blijkt te liggen in het Ene ... De dialectiek in krabbengang blijft trouw aan ‘de thesis van het onontkoombare historische proces en zijn noodzakelijke effect: het omkeringsmechanisme dat de realiteit in illusie verandert of de illusie in realiteit, de armoede in rijkdom of de rijkdom in armoede’, maar koppelt deze tegelijkertijd los van iedere ‘emancipatiehorizon’ (79).

Op het eerste gezicht lijkt Rancières analyse een zekere *Stimmung* van de hedendaagse kritische theorie te bevatten. De neoliberale hegemonie vertaalt zich, in soms heel uiteenlopende kritische discoursen, in ogenschijnlijk melancholische denkfiguren. Zo lezen we over het kapitalisme als politieke theologie (die als zodanig alomvattend is); een deleuzianisme dat het voortdurende stuivertje wisselen tussen re- en deterritorialisatie vertaalt als de dynamiek die het kapitalisme voortdrijft; een manisch-depressief postautonomisme dat in de immateriële en affectieve arbeid de kolonisatie van de laatste vrije ruimtes ziet; een postsituationisme dat de sleutelrol van de dialectiek in Debords kritiek op de spektakelmaatschappij uitwist. Soms slaat de melancholie om in louter affirmatie van de politieke, economische en technologische hegemonie van het liberaal kapitalisme: in het nieuwe, posthumanistische materialisme, of de viering van de *junkspace* en energiebanen van het wereldwijd genetwerkte financiële kapitalisme. Het is mogelijk om deze denkfiguren te voorzien van eigennamen (in willekeurige volgorde: Franco ‘Bifo’ Berardi, Rosi Braidotti, Rem Koolhaas, het Comité Invisible), maar interessanter is dat Rancière dit nauwelijks doet. De melancholische, heimelijk traditioneel-kritische *Stimmung* die hij waarneemt is veel minder unisono dan hij doet voorkomen. De algemeenheden waarin Rancière in ‘De beproevingen van het kritische denken’ blijft steken, zijn, onvermijdelijk, het gevolg van zijn poging een denken te distilleren dat een pervers soort berusting propageert uit een aantal oeuvres die juist het tegenovergestelde beogen: de vernieuwing van het kritische denken ten dienste van het emancipatoire

project waarvan zij altijd deel heeft uitgemaakt. Evenals in *La haine de la démocratie* (2005) laat Rancière hier één en dezelfde grondtoon klinken in uiterst progressieve en uiterst conservatieve denkers; een ‘ontmaskering’ die nauwelijks afwijkt van het cynische *guilty by association*. Rancière ziet in de postkritische kritiek ‘een opmerkelijke herverdeling van de politieke posities’. De klassiek linkse kritiek van spektakel en kapitaal is verworpen tot de melancholische berusting in hun almacht. Tegelijkertijd wordt het laatste restje militant verontwaardiging ‘naar rechts afgeleid’: de almacht van het kapitaal wordt toegeschreven aan het falen van het democratische individu. Zodoende zit de hedendaagse postkritische kritiek in de houdgreep van twee denkwijzen die volgens Rancière ‘twee kanten van dezelfde medaille’ vormen: de ‘rechtse razernij’ en de ‘melancholie’ van links. Dit amalgaam maakt dat Rancières betoog een aantal rare sprongen maakt. Zo plaatst hij Sarkozy’s wens om korte metten te maken met de erfenis van Mei 68 op één lijn met de (post)marxistische kritiek van de spektakelmaatschappij.

‘Sociologen, politiek filosofen en moralisten losten elkaar af om ons uit te leggen dat de rechten van de mens, zoals Marx goed had gezien, de rechten zijn van het burgerlijke egoïstische individu, de rechten van de alles kopende consument, en dat die rechten vandaag de consument aanzetten om iedere rem op bezetenheid los te laten en dus alle traditionele autoriteitsvormen te vernietigen die een limiet oplegden aan de macht van de markt: de school, de religie of de familie.’ (82)

Rancière laat dit type discours, waarvan de auteurs nergens met naam genoemd worden (al herkent de Franse krantenlezer vast en zeker de stellingen van Alain Finkielkraut) naadloos overgaan in Sarkozy’s verbale afrekening met de linkse decennia die volgden op Mei 68:

‘Op basis hiervan is het gemakkelijk te bewijzen dat de studentenbeweging van de jaren zestig, en in het bijzonder die van Mei 68 in Frankrijk, enkel de vernietiging beoogde van de traditionele autoriteitsvormen die zich verzetten tegen de veralgemeende invasie van het leven door de wet van het kapitaal, en dat haar enige effect de transformatie is geweest van onze samenleving in vrije aggregaten van losgeslagen moleculen, beroofd van iedere band, volledig overgeleverd aan de enige wet van de markt.’ (82)

Rancière gaat hier echter voorbij aan de inherente contradicties van een dergelijke positie, die in feite de contradicties van het huidige liberaal-populisme zijn. Sarkozy wenst de boedel van 1968 bij het vuil te zetten juist *in naam van de vrije markt*. Hier wordt een schizofreen pleidooi gehouden. Niet voor matiging van consumentisme en kapitalisme, maar een pleidooi dat, door een beroep te doen op begrenzing (van identiteiten) en ‘normen en waarden’, juist de grenzeloosheid (en de facto normloosheid) van het huidige kapitalisme wil dienen. Als Rancière een zekere *Stimmung* heeft aangevoeld, is het wellicht allereerst die van het populistische carnaval dat én de vrije markt én de traditionele waarden bepleit, én gesloten grenzen én het vrije verkeer van goederen en kapitaal, enzovoort.

De centrale denkfiguur van ‘De beproevingen van het kritische denken’ is precies dezelfde waartegen Rancière zich bij zijn tegenstanders keert: de dialectiek in krabbengang. In zijn constructie van de postkritische kritiek wist Rancière de emancipatoire inzet van de denkers die hij bekritiseert simpelweg uit of hij negeert de dubbelzinnigheid van hun herneming van de klassieke kritiek.

‘[De] ont koppeling van de kritische procedures van hun finaliteit ontleemt hen iedere hoop op effectiviteit. [...] De eindeloze kritiek op het systeem is per slot van rekening niet meer dan de uiteenzetting van de redenen waarom deze kritiek geen enkel effect heeft.’ (83)

Echter, de ‘ontkoppeling’ waarvan Rancière hier spreekt vindt slechts plaats in diens eigens betoog. Het gaat hier om een louter retorische ont koppeling, zoals duidelijk wordt Rancières kritiek op de (post)autonomistische kritiek van het postfordisme. In het werk van bijvoorbeeld de door Rancière aangehaalde Paolo Virno staat de kolonisatie centraal van de ruimte die het twintigste-eeuwse fordisme liet tot verzet en vereniging: het hedendaagse, immateriële kapitalisme weet juist het ludieke, artistieke en affectieve te verzilveren, en hiermee de scheiding tussen dagelijks leven en arbeid effectief te doen vervagen. Zoals Rancière terecht stelt, tonen postautonomistische theoretici als Virno hiermee aan hoezeer het hedendaagse kapitalisme de emancipatoire eisen van de jaren zestig en zeventig heeft weten te recupereren (zij laten zien, schrijft Rancière, ‘hoe we opgeslokt zijn in de buik van het monster [...] van de im-

materiële productie. Het beest, zegt men, legt beslag op de verlangens en bekwaamheden van zijn potentiële vijanden door hen tegen de beste prijs de meest begeerde koopwaar aan te bieden: de mogelijkheid om met hun leven te experimenteren als ware het een tuin van oneindige mogelijkheden.’ (80)) Wat Rancière *niet* vermeldt is dat diezelfde constatering in de postautonomistische theorie het vertrekpunt vormt voor een herformulering van radicaal-emanipatoire strategieën, waarin bijvoorbeeld een begrip als *multitude* als het nieuwe (en complexe) subject van die emancipatie een sleutelrol vervult. Zo hebben Virno’s analyses van de dubbelzinnigheid van de *multitude* en het immateriële kapitalisme radicale emancipatie tot doel en zeker niet de verfijning van de berusting. In zijn kritiek op het postautonomisme manoeuvreert Rancière zich dan ook in een uiterst lastig parket.

‘Het is waar dat de these van de recuperatie van de “artistieke” revoltes tot verschillende conclusies kan leiden. Ze ondersteunt indien nodig de stelling van een radicaliteit die eindelijk echt radicaal zou zijn: de massale desertie van de krachten van het Algemene Intellect die vandaag geabsorbeerd zijn door het kapitaal en de staat, zoals Paolo Virno gelooft, of de virtuele subversie die tegenover het virtuele kapitalisme wordt geplaatst, zoals Brian Holmes doet. Ze steunt anderzijds ook de stelling van een militantisme in omgekeerde richting, niet langer toegepast om het kapitalisme te vernietigen, maar om een kapitalisme dat zijn ‘spirit’ zou hebben verloren te redden. *Normaal echter* houdt ze het bij de ontgoochelde vaststelling dat het onmogelijk is om de gang van zaken te veranderen in een wereld waar iedere vaste bodem ontbreekt om zich te verzetten tegen de vluchtig, vloeibaar, immaterieel geworden realiteit van de overheersing.’ (81) [Mijn cursivering JdB]

Het is volstrekt onduidelijk waar Rancière het ‘militantisme in omgekeerde richting’ lokaliseert in het werk van theoretici als Virno en Holmes. Het staat immers op gespannen voet met de ‘desertie’ (of ‘exodus’) die zeker een cruciale plek inneemt in het werk van Virno, en die juist een poging is om nieuwe vormen van emancipatie te conceptualiseren. Nergens propageren Virno of Holmes de reddingspoging van de *spirit* van het kapitalisme (en het is veelzeggend dat Rancière niet in staat is om ook maar één referentie te geven waar dit het geval zou zijn). Integendeel,

postautonomistische begrippen als Virno’s ‘exodus’ of het ‘communisme van het kapitaal’ beogen de radicale omkering van het immateriële kapitalisme (een project waarvan de inzet nog altijd die van de marxistische hoofdlijnen is en waarin de opnieuw geformuleerde dialectiek op volle toeren draait). Om aan de tegenstrijdigheden van zijn betoog te ontsnappen, besluit Rancière de hierboven geciteerde passage zelfs met een, nogal ontluisterend, zwaktebod: de in haar volmaakte vaagheid even volmaakt suggestieve constatering dat ‘normaal echter’ de postkritische kritiek van Virno en anderen slechts berusting propageert. De vraag dringt zich op welke norm Rancière hier hanteert, zijn voorbeelden voldoen er alvast niet aan.

Rancière’s dialectiek in krabbengang leidt hem zodoende terug naar de sleuteldenkers van de postkritische kritiek. De logica van de omgekeerde dialectiek, waarin emancipatieclaims altijd reeds het instrument zijn van het conformisme, dwingt Rancière tot de retrograde ontmaskering van kopstukken van moderne kritische theorie als profeten van de ‘kennis van de onderwerping aan de wereld van de onderwerping’. Een cruciale etappehalte is Guy Debord’s concept van het spektakel. In Rancière’s lezing is Debord een dan eens cynische dan weer melancholische koning-filosoof die stelt dat de

‘situatie van zij die leven in de spektakelmaatschappij identiek [is] aan die van de gevangenen die vastzitten in de platoonse grot. De grot is de plaats waar de beelden voor realiteit worden genomen, de onwetendheid voor een kennis en de armoede voor een rijkdom’. (85)

Het spektakel is niets anders dan het bestaan van de sociale activiteit als afgescheiden realiteit. ‘Hoe meer de gevangenen zich inbeelden dat zij bekwaam zijn om hun individuele en collectieve leven anders in te richten, hoe meer zij in de ban van de grot raken’, aldus Rancière. Wanneer Debord de ‘wet van het spektakel’ weet te doorgronden, dan kan hij bijgevolg slechts een weten bieden dat weinig anders rest dan te erkennen dat voor elk emancipatoir handelen uit het spektakel ‘eeuwig de vervalsing reproduceert die identiek is aan zijn realiteit’. Debord’s definitie van het spektakel als afgescheiden realiteit is echter alleen te begrijpen vanuit het *fundamenteel dialectische karakter* van zijn denken. Om van Debord de

koning-filosoof te maken die gevangenen in de grot slechts wil wijzen op het onomstootbare feit dat hun gevangenschap levenslang is (hiermee niet alleen hun onmacht maar ook hun onwetendheid, en bijgevolg de alwetendheid van de koning-filosoof bevestigend), moet Rancière iedere dialectische beweging in Debord uitwissen. Dit is precies de inzet van zijn eigen dialectiek in krabbengang: de uitwissing van de dialectiek als denken van de emancipatie, door haar voornaamste denkers en denkfiguren achterstevoren te lezen. Zoals Debord in *La société du spectacle*, en tot in zijn allerlaatste autobiografische teksten, blijft herhalen: het is zaak 'zich te bevrijden van de materiële grondslagen van de omgekeerde waarheid' (Debord 1992: 168)<sup>1</sup>. Het spektakel als afgescheiden realiteit is allesbehalve in de eeuwigheid verankerd, maar dient uiteindelijk door de beweging van de geschiedenis opgelost te worden, dat wil zeggen: vernietigd te worden door het proletariaat (wat Rancière ook van deze marxistische basisgedachte mag vinden, het is onmogelijk haar te interpreteren als profetie van 'de onderwerping aan de wereld van de onderwerping'). Debords begrip van het spektakel, en niet in de laatste plaats de porositeit ervan, dient juist om de complexiteit van die taak te bevatten en de, al even diffuse, medeplichtigheid met het spektakel te bestrijden (en zeker niet ad nauseam te bevestigen); dat wil zeggen, *contra* het theoretisme van de filosoof-koning die tegenover het spektakel van de consumptie slechts het spektakel van het eigen gelijk stelt en *contra* de gevestigde 'emancipatoire' linkse politiek. Wanneer Debord, vanaf een overgangstekst als *La véritable scission* (1998), constateert dat het tijdperk van de revolutie een beweging maakt naar het tegendeel, dan is dat als moment in een dialectisch proces waarvan de uitkomst ongewis is, en zeker niet als een voorgeprogrammeerd falen.

De ultieme omkering in 'De beproevingen van het kritische denken', en daarmee het eindstation van de dialectiek in krabbengang, is onvermijdelijk Rancières herlezing van Marx.

'De marxistische kritiek van de rechten van de mens, van de burgerlijke revolutie en van de vervreemde sociale relaties werd inderdaad ontwikkeld op dit terrein van de postrevolutionaire en contrarevolutionaire interpretatie van de democratische revolutie als zijnde een burgerlijke indi-

vidualistische revolutie die het sociale weefsel van de gemeenschap verscheurde.' (83)

De marxistische (ideologie)kritiek blijkt hier een verborgen reactionaire kritiek: de kritiek van de schijn is maar schijn. Het marxisme zelf blijkt een camera obscura, waarin een in essentie contrarevolutionair denken zich de vermomming van de emancipatie aanmeet. Volgens de ijzeren logica van zijn omgekeerde dialectiek herhaalt Rancière hier precies wat hij de postkritische kritiek voor de voeten werpt: hij toont hoe iedere poging tot emancipatoire kritiek steeds weer terugvoert naar haar tegendeel. De ware horizon van Marx' denken blijkt de restauratie van de gebroken eenheid van de postrevolutionaire, kapitalistische samenleving. Tegen deze horizon van de 'herovering van een verloren eenheid' kan, volgens Rancière, iedere poging om hier en nu een nieuwe wereld te creëren slechts een illusie zijn: emancipatie kan slechts gedacht worden als het eindpunt 'van het globale proces dat de samenleving had gescheiden van haar waarheid'. Deze historische (en uiteraard dialectische) logica wordt, wederom zonder overdreven bronvermelding, geassocieerd met de van burgerlijke ideologie doortrokken negentiende-eeuwse pseudowetenschap der fysiologie: Marx' kritiek van de politieke economie zou in feite niet meer zijn dan een perverse poging om, onder het mom van de emancipatie, arbeiders de wijsheid te verkopen dat zij zich dienen te beschermen tegen 'de veelheid van stimuli' en de 'verspreiding van onuitgegeven levenservaringen' ...

Tegenover de listen van de kritische theorie stelt Rancière, sinds zijn afscheid van Althusser, het denken in termen van 'dissensus'.

'Dissensus is de organisatie van het zintuiglijke waar er noch een realiteit verborgen achter de verschijningen is, noch een uniek presentatie- en representatieregime van ervaringsgegevens dat aan iedereen zijn evidenties oplegt. Iedere situatie kan van binnenuit opengebroken worden en kan opnieuw vormgegeven worden onder een ander perceptie- en betekenisregime.' (86-87)

De vraag is echter of de motor achter de kritische theorie, de dialectiek, wel zo gemakkelijk kan worden samengevat als 'het doorbreken van de schijn'. Een andere vraag is of Rancière, om tot zijn conclusies te komen,

niet precies dat doet: het doorbreken van de schijn van de kritiek van de schijn (de 'eindeloze taak van de ontmaskering van de fetisjen', zoals hij het zelf stelt). Nog veel pregnanter is dan ook de vraag of Rancières alternatief, het 'van binnenuit openbreken' door de dissensus, niet een andere naam is voor diezelfde dialectiek? 'Een echte "kritiek van de kritiek", stelt Rancière terecht, '[mag] niet nog eens een omkering van haar logica zijn. Ze moet de concepten en procedures van de kritiek, hun genealogie en de manier waarop ze verstrengeld zijn met de logica van de sociale emancipatie opnieuw onderzoeken.' Dit is echter wat Rancières dialectiek van de omkering verzuimt te doen. Juist als Rancière zijn krabbengang voltooit, komt hij uit bij de vertrekpunten van de analyses die hij zegt te bekritisieren, dat wil zeggen bij vragen als: wat betekent 'van binnenuit'? Wat is de historische of evenementiële site die de dissensus in de eerste plaats toelaat? Wie of wat is het subject van de dissensus? De hedendaagse kritische theorie neemt een aanvang, precies daar waar Rancières kritiek stilvalt.

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<sup>1</sup> zie ook: <http://www.marxists.org/nederlands/debord/1967/1967spektakel.htm#b9>

TAMAR DE WAAL

SPATIAL SEGREGATION AND INEQUALITY

Review of: Elizabeth Anderson (2010) *The Imperative of Integration*. Princeton: Princeton University Press, 245pp.

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What happens at a university when it is the first multiracial setting its students function in? Elizabeth Anderson observed, while teaching at the University of Michigan in Ann Arbor in the late 80s, that subtle patterns of racial discomfort existed. For instance, during classroom discussions white students tended to ignore what black students were saying. While noticing these classroom dynamics, Anderson started to wonder whether there is a connection between the strong residential racial segregation in Michigan and these patterns of interaction at the university.

This anecdote illustrates the modus operandi Anderson uses in her book *The Imperative of Integration*<sup>1</sup>. Throughout the book she argues that political philosophy should reflect on existing social problems to identify

injustices in the world (21). It is, Anderson argues, only in this way that normative thinking works, as this makes it possible for us to move from the current world into a better one (181). With this, the research presupposes a Deweyan perspective to philosophy, which is not explicitly spelled out in the book, but emphasized by Anderson in several interviews.<sup>2</sup> Her philosophical approach entails the pragmatic starting point that experience is crucial to moral and political judging. Accordingly, Anderson argues that the critical test of any moral or political claim is to live in accordance with it and see whether the consequences are acceptable. Political philosophy should therefore focus on problems in reality that are systematic and structural. In this way, political concepts should be ‘tested in experience and revised as we fly’.<sup>3</sup>

Without a doubt, Anderson practices what she preaches. In *The Imperative* she combines an astonishing collection of research of the social sciences (sociology, psychology, economics) with political philosophy to make a convincing case that – in itself and from a democratic viewpoint – racial justice requires integration. And by using this interdisciplinary method so forcefully, Anderson shows that blending theoretical arguments with empirical analyses does make political philosophy more relevant.

In a nutshell, Anderson argues that segregation reproduces race-based injustice in multiple ways, and that, as a result, African-American people in the United States are worse off in mostly all measurable factors of living conditions. Building on Tilly’s concept of ‘durable inequalities’<sup>4</sup>, Anderson formulates a convincing relational theory of systematic group inequality that damages the functioning of democracy. However, it is not Anderson’s main ambition to show that racial injustice in the United States still exists. The crux of this book is that the primary cause of this racial injustice is *segregation*. For this reason, she elaborates extensively upon the point that spatial segregation between social groups results in massive inequalities in income, wealth, health and access to opportunities in education and employment. In addition, it strongly increases stigmatization and discrimination of racial groups.

If we try to place Anderson's argument within the American discussion on racism, it is clear where she stands. The book begins with the statement that it aims 'to resurrect the ideal of integration from the grave of the Civil Rights movement' (1). This may be a lost cause, Anderson acknowledges, as this movement lost the battle regarding the importance of factual (social) integration of racial groups long ago, partly due to left wing political movements in the late 1960s that shifted priorities from 'redistribution' to 'recognition'. Anderson nevertheless insists, although diversity should be celebrated, that theories of recognition cannot address the continuing problems of racial inequalities in the United States. Moreover, to believe this would be an 'illusion' (2). To prove this, Anderson expounds different mechanisms that demonstrate that segregation is the principle cause of disadvantaged access to resources, social networks and political influence. For this reason, the United States should return to the ambitions of *Brown v. Board of Education*, a landmark United States Supreme Court case that stated that 'separate educational facilities are inherently unequal'.<sup>5</sup>

An interesting part of Anderson's analysis is the way she uses contemporary social psychological research to ground her arguments. She refers, *inter alia*, to experiments that show that conscious and unconscious cognitive biases catalyze racial stereotypes and harden existing gaps between groups (74). Anderson combines this observation with researches that show that segregation strengthens these biases as well. In this way, she reasons that stigmatization and segregation are linked and mutually reinforce each other. As a result, this ongoing mechanism makes blacks in the United States victims of prejudice and discrimination, which deprives them of access to jobs, public goods and financial, cultural and human capital.

Another level of analysis that Anderson untangles is that these consequences of spatial segregation erode true democracy. To illustrate this, she asserts that democracy must be understood on three levels: as a membership organization, a mode of government, and a culture:

'As a membership organization, democracy involves universal and equal citizenship of all the permanent members of a society who live under a

state's jurisdiction. As a mode of government, democracy is government by the people, carried out by discussion among equals. As a culture, democracy consists in the free, cooperative interaction of citizens from all walks of life on terms of equality in civil society.' (89)

According to Anderson, these three levels of democracy need to work together, as they cannot be fully realized without each other. Within this explanation, she mainly stresses the importance of the cultural aspect of democracy. To put it somewhat brusquely: the main political philosophical argument of *The Imperative* is that laws alone cannot make a democracy work. To make it possible, uncomplicated interactions among citizens across (racial) group lines must also exist. This is crucial to maintain a civil society that an adequately functioning democracy requires: one that is based on equality, not solely in a legal sense, but in the sense of habits of association based on terms of equality and mutual respect. This means that social integration must be actively stimulated by dismantling spatial integration, to arrive at a situation in which different racial groups live, work and learn together without discomforts while regarding each other as equals. Anderson concludes that to realize this type of civil society is an imperative of justice. Given that segregation produces structural inequality and erodes democracy, integration is necessary to (re)create a just society.

In the second part of the book, Anderson deepens her analysis by demonstrating that segregation is not solely an injustice in itself, but furthermore negatively influences democracy. In chapter five, for example, the epistemic problem is discussed that a segregated society cannot make adequate democratic decisions, as representative decisions need an integrated society on all levels. Yet, when a society is racially segregated, the politicians have – most likely – no specific knowledge of the problems and experiences of groups to which they do not belong, which they do not meet and that are not actively participating in public life. As a consequence, these politicians are *epistemically* incapable of making decisions that would benefit the whole of society. Instead, they focus their political deliberations and decisions on problems they are familiar with, leaving the concerns of segregated groups out of their political reasoning. In the United States, this results in – as most politicians are white – the problems

and realities of the black people living in (the subcultures of the) ghetto's not being acknowledged in politics. As a consequence, no public policies are developed that would adequately solve their problems or fit their needs (94).

In the final chapters of the book, Anderson elaborates on the solution to all of these problems caused by segregation: integration. Therefore she explores a vision of public policy that focuses on spatial desegregation and of implementing affirmative action guidelines that make the integration of all groups possible, as only such an integrationist approach fosters a society in which different racial groups see each other and interact as equals. To make this claim plausible, Anderson discusses the 'contact hypothesis' formulated by Gordon Allport.<sup>6</sup> This hypothesis entails that frequent contact between different social groups helps people to overcome group stereotypes and evaluate out-group members as individuals (123). In other words, people need to have regular interaction to feel comfortable with each other. For this reason, institutionally supported interaction with members of stigmatized groups is necessary to reduce the patterns of discrimination against them. This may be an inconvenient truth. However, Anderson asserts the U.S. needs to bite the bullet: as a start, affirmative action is required in neighbourhoods, schools and workplaces to create the social integration needed for equality.

It could be argued that Anderson's constructive argumentation to support integration and affirmative action is fragile, as it leans so heavily on this 'contact hypothesis'. What if it is simply not true that contact and interaction between members from different social groups decreases in-group favoritism and discriminatory attitudes towards each other? Anderson refers to 'hundreds of studies that show strong support' for the contact hypothesis, mostly conducted by psychologists. For instance, adult graduates of integrated high schools report that they value interracial experiences, are more comfortable with interracial interaction, and are better prepared to live in a diverse society (127).

A more salient downside of *The Imperative* is that Anderson seems to assume that white people are the only actors in the problems that surround racial segregation and inequalities. She implies therefore that blacks are

merely recipients of social changes. In my opinion, it would have been interesting if more data was used on the efforts that are already being conducted and needed by African-Americans in the United States to change their present-day situation. The book exclusively portrays blacks as victims, not as active participants in public life with corresponding rights, responsibilities and duties. Yet, after reading all the political difficulties caused by social segregation summed up in *The Imperative*, I am inclined to think that a combined effort of both whites and blacks is crucial to change the current social ethos in the United States.

In addition, I suppose that for scholars of ethnicity, many concepts and mechanisms that Anderson illuminates are not new. However, with her specific framing of an empirical situation within political philosophy, Anderson shows that normative theory can give interesting new interpretations of factual problems. Subsequently, these interpretations can be used to support arguments in favour of integration policies such as affirmative action. The chosen approach by Anderson makes it possible to describe specific forms of experience (domination and oppression) in an original way that creates a broader vocabulary with which to analyze these difficulties.

Accordingly, I believe that the basic structure of the philosophical argument in favour of affirmative action could also contribute to European discussions on ethnicity. There is no doubt that most parts of the reasoning expounded in *The Imperative* could analogously be applied to strongly segregated cities such as Amsterdam and Paris. And if we take what Anderson says seriously, most of the European tensions surrounding multiculturalism could be solved when different social groups would start to actually live together and cooperate, instead of residing in separated neighborhoods or *banlieues*. Surely, a relevant follow-up question would be whether this is realistically and pragmatically possible; a question that is not satisfactorily addressed in the book.

To conclude, it must be emphasized that one of the most appealing features of the book is the optimism that underlies its strategy. Anderson seems to implicate that if we understand the structures that are holding the existing stigmatization and racism in place, we are able to overcome



these phenomena – and that we should. I have the impression that Anderson tried to write a classic example of a philosophical project she thinks is important<sup>7</sup>. By using a pragmatic perspective, she wants scholars to focus on direct practical effects to realize a fairer, more equal, more democratic and more just society.

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<sup>1</sup> Elizabeth Anderson, *The Imperative of Integration*, Princeton University Press 2010. Hereafter referred to as *The Imperative*.

<sup>2</sup> For instance: <http://freethoughtblogs.com/carrier/archives/1251/>

<sup>3</sup> David Hildebrand (2008) *Dewey*. Oneworld publications, 96.

<sup>4</sup> Charles Tilly (1999) *Durable Inequality*, University of California Press.

<sup>5</sup> *Brown v. Board of Education* (1954) 347 U.S. 483.

<sup>6</sup> Gordon Allport (1954) *The Nature of Prejudice*. Cambridge, Mass.: Addison-Wesley.

<sup>7</sup> Elizabeth Anderson (1999) 'What is the point of Equality?', in *Ethics*, 109 (2): 287-337.

GIJS VAN OENEN

PARTICIPATION AS IF THINGS MATTERED

Review of Noortje Marres (2012) *Material participation. Technology, the environment and everyday publics*. Palgrave Macmillan, 206 pp.

Krisis, 2012, Issue 3

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Materialism has come a long way. Marx borrowed it from the ancient Greeks and employed it against Hegel's idealism. Being determines consciousness, not the other way round. Or more precisely, the dialectics between these two, and any historical logic manifesting itself in this dialectics, should be understood in terms of material practices. This kind of materialism had a hard time resisting the rising tide of positivism, as the vicissitudes of the Frankfurt School have shown. Perhaps materialism survived best in the philosophical school of pragmatism – in a way, a form of naturalized Hegelianism. In the 1960s and 1970s, it revives in new Marxist theories of ideology, such as Althusser's, holding that ideology has 'materialized' in the institutional form of 'ideological state apparatuses'. Ideology is not transmitted discursively, but rather through institutional forms and practices. As Slavoj Žižek later puts it, these are 'ideology's external ritual'. Phenomenologically-inspired feminism is responsible for a further

resurgence of materialism, well summarized in Judith Butler's slogan that 'bodies matter'. To which Latour-inspired actor-network theory adds that it is a modernist fallacy to distinguish categorically between human and non-human bodies. Or in Donna Haraway's vocabulary, we are all cyborgs now.

Next in line, so to speak, is 'material participation' – the title of Noortje Marres' new book. Marres worked with Bruno Latour in Paris and was research fellow in Oxford affiliated with Steve Woolgar's research group. Presently she is senior lecturer in the sociology department of Goldsmith, University of London. She has been much involved with Latourian actor-network theory, especially with giving this approach a political 'twist' by connecting it to pragmatist political theory, as witnessed for instance in her 2005 dissertation *No issue, no public*.<sup>1</sup>

The new 'hybrid' of material participation is located at the site where practical philosophy, philosophy of technology, and philosophical ecology overlap – as the subtitle of the book well indicates. Practical philosophy is represented primarily in the notion of the public. Publicity is one of the main pillars of enlightened, modern forms of political life, as this is based on reason-giving and public understanding. The more specific notion of 'the public' stands for the group or groups that interact and communicate on the basis of a shared interest in a particular social issue. Philosophy of technology, especially in its Latourian incarnation, deals with the way in which objects come to play a role in this topic of publicity and publics – especially of course man-made objects, or artefacts. Things have somehow become closely, and intricately, involved with what was traditionally conceived as the (exclusively) human sphere of action, speech and deliberation. Philosophical ecology, finally, joins the fray as it becomes clear that this close involvement is part of a still larger sense in which 'the environment' is becoming ever more significant not only for human politics, but for human life, or even survival, itself.

Like every hybrid, 'material participation' has the appearance of an oxymoron. Participation traditionally refers to some inter-human activity, to some human practice we can join in with. Although such practices certainly possess a material dimension, the material is not usually considered

determinative for our reasons to join. We may like the church building, or the paraphernalia, but we attend services because of their spiritual meaning. We may admire the medieval Oxford college buildings, but we want to graduate from Oxford because of its academic and intellectual standing. Material participation has the quiet revolutionary, but also disconcerting, quality of apparently reversing this priority. It envisages participation not as a way of relating with other people, out of conviction or interest, but as a common, everyday way of dealing with things.

All things considered, those things do serve as an intermediary in our relation with other people – which any true Hegelian or Marxist would indeed say is true for all things, or at least for all goods. But it is precisely Marres' point that we need not 'consider all things', or talk things through, to function as a 'material participant'. Material participation is a form of participation that frees us from the burden of conscious agreement and dutiful conformity. It makes participation 'doable'. It does this by translating participation into something in between prudence, fun, and pride. Or, in Rousseauian terms, by using technology to bridge the gap between *amour de soi* and *amour propre*, that is, by technologically transducing acts that flow from natural concern with oneself and one's close environment into acts of ecological value. Everyday material action thus 'turns into an index of public participation' (3); or in other words, this transduction conscripts us into an ecological public.

Thus perhaps the most central claim in the book is that *things organize publics* (9). Against those who feel that such organization is too important – too *human* – to bring things into the equation, Marres argues, La-tourian style, that things have always already been part of that equation. It's just that we didn't take notice. Or in Rancière's vocabulary: it's just the way we divided the sensible. This brings us to the question when and why publics constitute themselves. Here Marres draws inspiration from John Dewey, defining public as 'ontological trouble' (44). That is, publics form where and when some particular division of the sensible shows itself as problematic – when it doesn't seem to function right. The idea of material participation is to design objects, devices, or more generally material settings in such a way that publics can form, and act, without 'investing' – time, money, attention, or ideology – in the problem; 'they suggest a

range of simple actions, rather than requiring citizens to grasp the complexity of environmental issues' (80). Material publics are furthermore characterized by 'normative multivalence': they can simultaneously serve multiple agendas, such as politicization, innovation, and economization' (62-63).

The book contains extensive discussions of the practical life of such devices. Most easily grasped is the Tea Light, basically an electronic light bulb on your kitchen sink that indicates whether demand on the national power grid is high or low. If high, it glows red, suggesting you should delay your tea-making plan for a bit. If low, it glows green, saying 'go ahead, knock yourself out!' (63). This contributes to evening out the load on the grid, which helps produce energy more efficiently, thus making economical, technical and ecological sense while imposing only a minimal burden on the (tea-drinking) public. A more sophisticated example is provided by 'ecoshowhomes', where architecture as a whole, rather than (individual) things, becomes the mediator or enabler for participation (113-114). Such homes employ 'actor-network-architecture', which assembles and re-assembles material elements to (re-)compose materials, technologies, actors, sites, concepts and so on into a coherent architectural assemblage. It creates 'spaces for politics', experimental sites in which the elements mentioned can be (re)combined in new ways by their users (120).

Against more orthodox approaches to participation, such as Habermas's, Marres proposes that we should not merely attempt to extend the scope of participation, to include either more issues or more relevant actors. Rather we should look at 'the facilitation involved in the organisation of public engagement exercises' (135-136). That is to say, we should be more attentive to how publics are connected to, and facilitated by, institutional structures – in which ways are they conducive to participation, and how do they possibly obstruct it? It is perhaps enlightening here to see publics as 'challenged', in both the common, and the politically correct senses of the word. The challenge of participation then refers both to the question of how to overcome obstacles to participation, and to the way in which, or the perspective from which, 'obstacles' are defined and identified. One's perspective on the world and one's material position in the world determine what appears as obstacle, and what as facilitator. If we abstain from

establishing in advance which configurations of things is to count as ‘obstacle’, or as facilitator, we open the way for a more experimental determination of such characteristics. And also a more political and democratic one, as the determination of what is to count as the best setting is now an open issue that can be explored from all angles.

This is what Marres calls ‘redistributing problems of participation’, theoretically the most prominent topic of the book. In experimentally rearranging itself, the public engages in democratic participation. And the public, as we saw, here refers to any ontologically problematic calibration of relations between humans and non-humans. It seems crucial that it is the public itself that is able to sort this problem out. And, equally crucial, it is able to do so without resorting to some normative criterion or meta-standard. As Marres puts it, in quite abstract sociological language: ‘The adjustments that are required of different settings, languages, and actor groupings to secure their mutual relevance (...) are negotiated and contested as part of participatory processes’ (140).

Several questions pop up at this point that are not quite straightforwardly addressed in the book – partly on purpose, one suspects, because one of Marres’ goals is to direct our attention away from more traditional preoccupations and let us look at issues of participation from a different angle. This seems part of her experimental proclivity, and enjoyment: ‘let’s see what happens!’ This by the way is one of the ‘family resemblances’ that links this kind of research to the sociological tradition of ethnomethodology (‘to know the nature of the lion, pull its tail’ – in other words, breach conventional expectations and see what happens). One might perhaps call it an academical style of practical joking. Still, we may ask in what sense this approach can go beyond merely showing that there is a status quo, and that disturbing it can be revealing.

For instance, is it also empowering? This is one of the most important unanswered questions triggered by *Material participation*. The book contains a clear emancipatory subtext, but it is difficult to see how the main argument could be understood in this way. Raising awareness, or consciousness, is precisely not the point. Rather the point is how to engage in participation without really thinking about it. Indeed, the idea seems to be

that participation actually fares *better* this way. This however precludes learning processes from taking place, on either an individual or a collective level. Material participation might thus be a bit *too experimental*; it is difficult to see how it could educate and empower people to judge and speak for themselves.

Closely related to this: how could ‘negotiation’ and ‘contestation’ in these experimental settings lead to valid judgments? In other words, what is the criterion for validity here? There is no such thing as a level of ‘discourse’, in the Habermasian sense, available here; neither is there any other discursive procedure through which participants could validate their ‘statements’. As a matter of fact, in as far as material participation does imply a recognizable procedure, it is hard to say whether it could evince more than a ‘feedback loop’ in a system driven by more or less arbitrary system imperatives. In the case of *Material participation*, these imperatives are ecological – one might say imperatives produced by the system itself in order to protect itself against abuse and exhaustion. In a sense, such imperatives would be the exact reverse of Baudrillard’s ‘fatal strategies’. In any case, such ‘participation’ means little more than being conscripted as part of a cybernetic feedback mechanism.

But then again, we may ask: how does this ‘conscripting’ take place? And: are the imperatives – ecological or otherwise – really ‘the system’s imperatives’? With regard to conscription, in the absence of prudential or moral reasons to join, there must be some other factor involved that persuades, or seduces, people to participate. There must be *some* promise that it will make their lives better, or more fun. In a way this persuasion comes from the object itself, such as the Tea Light, which we may perceive as friendly, unobtrusive and perhaps even fascinating. But there must be something more than this seductive lure of objects. As the Tea Light is apparently a prototype (63-66), it is unclear how it would be acquired – ‘marketed’, or otherwise distributed. But *someone* has to buy this object, as a consumer, and thus in some way consider its function and value – which would turn participation into a conscious, prudential, moral, or political act. Or alternatively someone else has *designed* this object, and considered how it should function, and attract users – has *scripted* it, in ANT-speak. And someone else again may decide to install it, for instance a

housing corporation, or to promote it by giving a discount, for instance an energy company, etcetera.

In this last case material participation again seems reduced to a cybernetic feedback loop that can be attached to any policy initiative – and in that sense a handmaiden of public administration, or even of commercial enterprises. But indeed it seems intended to be something like that: a kind of self-regulating democratic re-arrangement (redistribution) of whatever policy is being implemented. As Marres puts it, ‘participation cannot be primarily identified with a singular normative agenda’ (21). Just as the Deweyan public is intended to function as a democratic form of self-regulation. The big question is whether ‘participation’ as Marres defines it, can yield democratic results in the sense of ‘rule by the people’. Or as I called it, in the sense of empowerment. My Tea Light here glows red.

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<sup>1</sup> See the ‘dossier’ of three essays discussing this book in *Krisis*, 2006, issue 2.