

The cover features a solid blue background with a white curved shape at the top. Two large white L-shaped brackets frame the central text. The text is centered and reads: "Journal of [POLITICAL THOUGHT]".

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## [LETTER FROM THE EDITORS]

Dear Reader,

We are proud to present the Journal of Political Thought and welcome you into its pages.

The Journal is dedicated to exploring the theoretical accounts and normative dimensions of political life. Our publication showcases original undergraduate and graduate work in political thought, broadly conceived to encompass philosophy, political science, sociology, history, legal studies, and economics. In elevating awareness and discussion of political thought within the university, the journal aims to provide a forum for students to critically engage classic intellectual traditions and contemporary voices alike. And by thinking deeply about power, rights, justice, and governance at-large, we aim to gain a richer sense of what it means to live morally and collectively.

In the first piece of our inaugural issue, J.A. Rudinsky examines America's public philosophy of education in the context of liberalism's intellectual genealogy. From his simultaneously historical and applied perspective, Rudinsky formulates a critique of liberal neutrality from the standpoint of liberalism itself, and explores the role of education in shaping the moral foundations of a liberal society.

In our second piece, Carmen Dege explores the differing interpretations of humanism in the works of Louis Althusser, Paul Sartre, and Michel Foucault. Dege works to situate Foucault's work between that of Sartre and Althusser, arguing that Foucault provides a unique reconciliation of the humanist controversy. In doing so, Dege sheds light on how we might understand Foucault's final work in ethics and reconsiders how a metaphysical account of the human subject might be squared with immanent social critique.

In our third piece, Benjamin Marrow contributes to a debate at the intersection of the philosophy of mind and rational choice theory concerning the epistemological status of metapreferences. Critically surveying existing literature, Marrow contends that a new philosophical conception of metapreferences sheds light on the complicated relationship between preferences, rationality, and self-interest.

In our interview feature, Michael Walzer reflects on his career as a political theorist and offers commentary on a wide range of political issues. First, Walzer explores the interplay between identity and political theory, while reflecting on his own personal narrative. Next, Walzer comments on the state of political theory today, discussing the evolution of the field, methodological commitments, and contemporary trends. Lastly, Walzer explores the idea of the nation-state, discussing how it might navigate the overlapping challenges posed by religion and ethnicity.

We hope you enjoy.

Sincerely,  
The Editorial Board

Ugonna Eze  
Joshua Feinzig  
Dimitrios Halikias

Ezra Husney  
Jared Milfred  
Naomi Scheinerman

# Education's Discontent: A Liberal Argument for Character-Formative Education

J. A. RUDINSKY

Georgetown University

*Isn't it by now plain that it's not possible to honor wealth in a city and at the same time adequately to maintain moderation among the citizens, but one or the other is necessarily neglected?*

—Plato, *Republic*

AT the 2012 Democratic National Convention, Education Secretary Arne Duncan said the following: “Education is about jobs. It’s about giving every child a shot at a secure, middle-class life. And right now we’re in a race for jobs and industries of the future. If countries like China out-educate us today, they will out-compete us tomorrow ... The path to the middle class goes right through American classrooms.”<sup>1</sup> This short proclamation represents fairly well the public philosophy of education in American society today.<sup>2</sup> From the state’s perspective as much as from parents’, primary and secondary education serve economic ends. Through education the economy is made more productive and individuals acquire the tools they need to make a decent living for themselves.

This has not always been America’s public philosophy of education. In 1781 Thomas Jefferson described Virginia’s public school system with the following words:

[T]he principal foundations of future order will be laid here ... of all the views of [public education] none is more important, none more legitimate, than that of

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1 Arne Duncan, “Duncan’s Speech at the Democratic National Convention, September 2012,” *CFR.org*. Council on Foreign Relations, 5 Sept. 2012. Web. 2 Aug. 2015, <http://www.cfr.org/elections/duncans-speech-democratic-national-convention-september-2012/p28930>.

2 The concept of public philosophy, which figures prominently in this essay, I take from Michael Sandel, who defines it thus: “By public philosophy, I mean the political theory implicit in our practice, the assumptions about citizenship and freedom that inform our public life.” Michael J. Sandel, *Democracy’s Discontent: America in Search of a Public Philosophy*, (Cambridge, MA.: Harvard University Press, 1996),

4. Michael Rosen adds this gloss to Sandel’s concept of public philosophy: “Philosophies carry within themselves assumptions that are expressions of particular forms of life while institutions are animated by practices within which political theory is already implicit.” In order to understand this concept it is helpful to note that this way of thinking of the relation of philosophy to social institutions and practices is more characteristic of the Continental philosophic tradition, for example, the spectrum between Hegelian idealism and Marxian materialism. Not surprisingly, Rosen specializes in Continental thought. Michael Rosen, “Liberalism, Republicanism, and the Public Philosophy of American Democracy,” in *Die Weltgeschichte – das Weltgericht? Stuttgarter Hegel-Kongress*, ed. Rüdiger Bubner and Walter Mesch, 1999, 2.

rendering the people safe, as they are the ultimate, guardians of their own liberty ... Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories. And to render even them safe their minds must be improved to a certain degree.<sup>3</sup>

In light of this purpose, the Virginia schools' curricula, as Jefferson describe them, have a decidedly moral bent. They are designed to cultivate civic virtue in schoolchildren so they will be prepared to be self-governing citizens. This contrasts markedly with today's public philosophy of education, as it is expressed in Secretary Duncan's words, both in form and content. The form of Jefferson's philosophy is republican: education serves the ultimate end of creating a virtuous citizenry and preserving the republic. In today's philosophy, education also serves a certain conception of a greater good, but it is a different greater good than Jefferson's. Education serves to equip individuals to flourish materially and thus contribute to the nation's economic prosperity. The common good is strictly economic. Based on this premise our education differs in its content as well, with greater emphasis on science, technology, engineering, and mathematics (known as the STEM fields), and in the humanities a focus on technical reasoning and writing skills. At least as we tend to speak publically about education today, there is little sense of its moral and civic purpose. In 1944, economist Karl Polanyi observed, "the control of the economic system by the market is of overwhelming consequence to the whole organization of society: it means no less than the running of society as an adjunct to the market. Instead of economy being embedded in social relations, social relations are embedded in the economic system."<sup>4</sup> Similarly, today we tend to view education as an "adjunct to the market."

In this paper, I argue that this emphasis on economic outcomes is premised on but misunderstands one prominent principle of America's public philosophy, the doctrine of liberal neutrality, and that if we correct this misunderstanding of liberal neutrality we can and must recover a moral and civic vision of public education. I proceed in four sections. In Section I, I narrate the intellectual history that forms the backdrop of this shift. I focus chiefly on the development of the doctrine of liberal neutrality—the principle that the state must deal neutrally with its citizens, i.e. without favoring any one conception of the good over another, from its nascence in Hobbes and Locke, through John Stuart Mill, and up to its recent influential expression in John Rawls. In Section II, I seek to discern today's public philosophy of education by examining its chief expressions in policy, case law, and the literature of professional associations of teachers and administrators. Here I demonstrate how the philosophical development narrated in the first section is reflected in the institutions and practices of public education. From the various pieces of evidence, a general public philosophy emerges, one that reflects Secretary Duncan's words above. In Section III, I offer a critique of the public philosophy of education as revealed in Section II, drawing from sources in contemporary discussions surrounding liberal neutrality. But rather than argue for what

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3 Thomas Jefferson, *Notes on the State of Virginia*, "Query XIV," in *Thomas Jefferson Writings*, ed. Merrill D. Peterson, (New York: Library Classics of the United States, 1984), 256–275.

4 Karl Polanyi, *The Great Transformation* (New York: Octagon Books, 1975) 75.

is usually advanced in opposition to contemporary liberalism—communitarianism or republicanism—I critique liberal neutrality from the standpoint of liberalism itself, drawing chiefly from the work of Michael Rosen. By doing this I demonstrate that liberal neutrality need not foreclose character formative politics, and that therefore not only *may* we in liberal democracy seek to cultivate virtue through education but that we *ought* to do so for the sake of liberal democracy itself. Finally, in Section IV, I offer some suggestions as to how we might cultivate civic virtue through educational institutions and practices today.

## I. The History of Liberal Neutrality

While John Locke does not explicitly speak of neutrality in his writings, he paved the way for the doctrine of liberal neutrality with his idea of the state of nature.<sup>5</sup> In his *Second Treatise of Government* Locke famously advances a theory of government based on the social contract. On this theory, persons exist in the original “state of nature” as individuals, by their nature free to live as they wish, without duty or obligation. Only by voluntary choice do they enter into a contractual form of political community. What is noteworthy about this theory is that everyone starts from the same position: the state of nature is a state of equality. In its original context of early modern Europe, this notion was revolutionary. Government was now said to derive its legitimacy from the consent of the governed and not from the power, tradition, or divine right of kings. Toward any supposedly privileged groups, such as the nobility or the royalty, the state of nature is indifferent. Government has no power that is not given to it by the governed. In this picture of individuals in a pre-political state of nature are the seeds of the doctrine of liberal neutrality. If *every* individual, regardless of affiliation with any social class, has certain inviolable rights to self-determination, it follows that the government must respect and protect those rights indiscriminately. The fundamental equality of man espoused by Locke requires that government be neutral toward classes and religions.

Some 150 years later the Englishman John Stuart Mill made Locke’s implicit doctrine of neutrality explicit in his 1859 treatise, *On Liberty*. In the treatise, Mill states that his primary intention is to advance what has become known as the “harm principle”:

The object of this Essay is to assert one very simple principle... that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.<sup>6</sup>

By asserting harm as the criterion for governmental exercise of power, Mill fore-

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5 In so far as all liberalizing movements against authoritarianism and totalitarianism in medieval and ancient times anticipate neutrality, the doctrine traces its roots further back than Locke and Hobbes. It exceeds my scope here to give such a full narration.

6 John Stuart Mill, “On Liberty,” in John Gray ed., *On Liberty and Other Essays* (Oxford: Oxford University Press, 1991), 14.

closes any religious or sectarian justifications for governmental interference and in so doing relies on the principle of liberal neutrality. A government bound by the harm principle is thus also bound to be neutral toward different experiments in living among its citizens.

Mill's high standard for justified coercion is rooted in the important role he believes autonomy plays in human flourishing. For Mill, autonomy is required for the exercise of "individuality" without which persons do not achieve their full self-expression and self-development. Mill's primary target in his insistence upon individuality is the social conformism that occurs in liberal society, what he terms "social tyranny."<sup>7</sup> Conformism hinders individuals from expressing genius and originality, but it is precisely these qualities, Mill says, that need to be expressed for the sake of societal progress: "Genius can only breathe in an atmosphere of freedom."<sup>8</sup> One's beliefs must be tested in the free exchange of civil discourse, in order to weed out the untenable positions from society and achieve progress. For this reason, society (particularly the state) must ensure the broadest possible scope of individual liberty, hindering nothing except that which harms another. "The only freedom which deserves the name," Mill writes, "is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it."<sup>9</sup> Mill's classic defense of free speech and individual self-expression relies on the principle of liberal neutrality.<sup>10</sup>

Contemporary liberalism is defined not so much by a Millian insistence on freedom as by an insistence on justice and equality. Mill's philosophy finds greater purchase today among libertarians than liberals. The thinker who most clearly expresses this shift from freedom to justice and equality is twentieth-century philosopher, John Rawls.<sup>11</sup> It is in Rawls that the doctrine of neutrality comes, so to speak, out of the woodwork of liberalism and assumes center-stage. Rawls exerted his influence primarily through his magnum opus, *A Theory of Justice*, published in 1971. Like Mill, Rawls offers a theoretical foundation for a decidedly pluralistic liberal society. Rawls' chief aim in *A Theory of Justice* is to develop a theory that could serve as "the most appropriate moral basis for a democratic society."<sup>12</sup> It is an attempt to advance a concept of justice that

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7 Ibid., 8.

8 Ibid., 72.

9 Ibid., 17.

10 It must be acknowledged that Mill is not univocal in his liberal neutrality. It exists in tension with his utilitarian ethical system, which postulates a specific "idea of the good" which binds state action. Mill writes, "I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of a man as a progressive being. Those interests, I contend, authorise the subjection of individual spontaneity to external control, only in respect to those actions of each, which concern the interest of other people. If any one does an act hurtful to others, there is a prima facie case for punishing him, by law, or, where legal penalties are not safely applicable, by general disapprobation" (OL, 14). Thus the priority of utility as Mill conceives it limits liberty. As such Rawls would call Mill's utilitarianism a "comprehensive worldview" with respect to which the state must be neutral. Indeed, Rawls offers this critique, though without direct reference to Mill, in *A Theory of Justice* (pp. 22-26). Despite this tension, the inspiration of neutrality is evident in Mill's thought and liberal neutrality has historically persisted without the utilitarian backdrop.

11 In addition to Rawls, for expressions of this position see Ronald Dworkin, "Liberalism," in *Public and Private Morality* ed. Stuart Hampshire (Cambridge: Cambridge University Press, 1978), pp. 114-143; idem, *Taking Rights Seriously* (Cambridge, Mass.: Harvard University Press, 1977); Bruce Ackerman, *Social Justice and the Liberal State* (New Haven: Yale University Press, 1980).

12 John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), viii.



could be shared by democratic citizens across a pluralistic society, one that would provide a fair framework for both political disputes concerning moral questions as well as individual pursuits of varying conceptions of the good life.

The principle of moral neutrality in Rawls' thought is most clearly seen in two of his key concepts: overlapping consensus and the veil of ignorance. First, Rawls' concept of overlapping consensus refers to the "idea of the good" necessary for orienting state activity. Because, as Rawls writes, "a political conception [of justice] *must* draw upon various ideas of the good," politics cannot be, as some argue, *entirely* disconnected from morality. The question is not how to separate politics from morality but how to delineate an "idea of the good" that still upholds liberal plurality. The answer for Rawls is the concept of "overlapping consensus," which refers to "a public understanding" about "the kinds of claims it is appropriate for citizens to make when questions of political justice arise" and about "how such claims are to be supported."<sup>13</sup> It is a "shared idea of citizens' good" that is just at home in a utilitarian philosophy of life as it is in a Protestant, Jewish, or Muslim one. Rawls writes, "the public conception of justice should be, so far as possible, independent of controversial philosophical and religious doctrines."<sup>14</sup> The substance of this "shared idea" of the good is comprised of what Rawls terms "primary goods," defined as "things that every rational man is presumed to want."<sup>15</sup> Specifically, these include the "social goods" of "rights and liberties, powers and opportunities, income and wealth," as well as the "natural goods" of health, vigor, intelligence, imagination.<sup>16</sup> It is only with such a shared understanding of the good that the state can be just. Its justice lies in its neutrality toward comprehensive worldviews and their respective conceptions of the good. Rawls writes, "[justice as fairness] seeks common ground—or if one prefers, neutral ground—given the fact of pluralism. This common, or neutral, ground is the political conception itself as the focus of an overlapping consensus."<sup>17</sup> Without this neutrality, Rawls writes, the state has a "sectarian character."<sup>18</sup>

Second, the concept of the "veil of ignorance" is involved in the process of democratically deciding the "overlapping consensus" as to the good. A problem arises when the overlapping consensus must be determined democratically by people with their own particular interests and conceptions of the good informing their conception of justice, consciously or unconsciously. As Rawls writes, the "veil of ignorance" is necessary to "nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage."<sup>19</sup> Behind the veil all a person knows are "general considerations" of right and wrong and the primary goods. He does not know what these general considerations may result in in his own contingent circumstances, nor does he know his own personal conception of the good beyond what it shares with the primary goods. Rawls writes, "Nor, again,

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13 John Rawls, "The Priority of Right and Ideas of the Good," *Philosophy and Public Affairs*, Vol. 17, No. 4 (Autumn 1988), 255.

14 John Rawls, "Justice as Fairness: Political Not Metaphysical," *Philosophy and Public Affairs*, Vol. 14, No. 3. (Summer, 1985), 223.

15 Rawls, *A Theory of Justice*, 62.

16 *Ibid.*

17 Rawls, "The Priority of Right," 262.

18 *Ibid.*, 256.

19 Rawls, *A Theory of Justice*, 136.

does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism.”<sup>20</sup> In this way the citizen is neutral with respect to particular interests and to particular conceptions of the good.

Rawls’s rendering of neutrality in terms of justice as fairness is fairly well-reflected in contemporary American politics.<sup>21</sup> It is common to hear certain policies criticized by appeal to the principle that the government should not “legislate morality.” Whether in matters of religious practice, schooling, or food and drug policy, Americans oblige the state to maintain a position that does not favor any one conception of the good life over another. Thus, in the absence of any moral aim, the conventional view goes, the state is supposed to act so as to further the material well-being of its citizens—since material is the lowest common denominator of “the good life.” Granted, this is a bastardized Rawlsianism. Rawls’ primary goods extend beyond the material. But this conventional view is nonetheless animated by the conviction that the state should remain neutral with respect to competing ideas of the good.

## II. Moral Neutrality in Education

We now turn to the evidence. What conception of education is embedded in the institutions and practices of American public primary and secondary education? Before beginning, let me say a few words on methodology. How does one analyze something as broad and amorphous as the public philosophy of education? It is helpful to think of two categories of evidence, ascending from more practical to more theoretical.<sup>22</sup> The first category contains evidence from the level of policy. In this category I examine the education policy platforms of Presidents Bush and Obama, statements from the Department of Education under Arne Duncan, and specific policies related to internet-based learning. The embedded philosophy in this evidence is not strikingly clear, since administrators and policy-makers are concerned primarily with the practical problems of achieving results and improving performance. Nevertheless, the proponents assume certain principles in their public advocacy of their policies. The second category includes statements from professional associations. I think of this as the practitioners’ theory. From this evidence emerges a public philosophy that understands education to be a tool for achieving economic well-being, primarily for individual students, but also for the nation.

### A. Policy

#### 1. *Presidential Platforms: No Child Left Behind and Race to the Top*

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<sup>20</sup> *Ibid.*, 137.

<sup>21</sup> Scholars debate about how consistently Rawls held to this idea of neutrality across his career. It exceeds the scope of this paper to engage that discussion. Suffice it to say that part if not all of Rawls’ thought serves to transmit the doctrine of liberal neutrality into popular discourse.

<sup>22</sup> It must be conceded at the outset that this study’s analysis will be limited by constraints of time and space, so its conclusions will be accordingly modest. I selected my evidence based on how prevalent they are in popular discourse and media, since my aim is to discern not chiefly a philosophy of education as it is in practice in American society but as it is in the minds of typical Americans. However, these constraints only open the door to various avenues of further research to test my conclusions.

The chief distinctive of President Bush's education platform was his No Child Left Behind policy. This act ensured financial rewards to schools that implemented testing standards in the core disciplines, all in an effort to "close the achievement gap" between low-performing and high-performing schools. When signing the act at a public school in Ohio, the closest President Bush came to expressing some sense of the greater purpose of education was a declaration that "[f]rom this day forward, all students will have a better chance to learn, to excel, and to live out their dreams."<sup>23</sup> At other times, Bush's remarks on education tended to emphasize the economic aspect: "Our economy depends on higher and higher skills, requiring every American to have the basic tools of learning."<sup>24</sup> In his 2004 Cleveland speech, Bush said: "What matters is every child gets a basic education. And if you can't read, you're not going to be able to take advantage of the new jobs of the 21st century. And that's why—that's why we're focused on secondary schools, and that's why we've got plans to help high school students who've fallen behind in reading and math to gain the skills necessary to be able to work in this new economy."<sup>25</sup> He elaborated later in the speech: "You see, if you become a more productive citizen, you'll make more money. Better productivity, better skills means higher pay. And our country must focus our education system on helping workers learn the new skills of the 21st century so we can increase the job base of this country."<sup>26</sup> In a 2004 speech to an audience of Arkansas high school students, Bush digressed from his discussion of the prudence of national standards in a brief moment of reflection: "See, when you've got people with those skills getting out of high school, and somebody is looking to put a business here, they can say, look at this — look at the base of knowledge amongst people that we can employ in this state. People are likely to bring work here if the potential work force has got the basics in math and science."<sup>27</sup> Education improvement is in the interest of the local economy.

Similarly, Obama's signature education policy, the Race to the Top Fund, offered grants to schools who implemented programs for reform and innovation. In the Department of Education's Executive Summary of the policy, the only mention of its view on the purpose of public education is that it "prepare[s] students to succeed in college and the workplace and to compete in the global economy."<sup>28</sup> A look at Obama's earlier public statements about education on the campaign trail and as Senator shows a similar view. To Denver students in May of 2008, in a speech entitled, "What's Possible for Our Children," Obama framed his policy proposals by approaching the subject of education from an economic perspective: "Education is the currency of the Information Age, no longer just a pathway to opportunity and success but a prerequisite. In this kind of economy, countries who out-educate us today will out-compete us tomor-

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23 "President Signs Landmark No Child Left Behind Education Bill," Hamilton High School, Hamilton, OH, Office of the Press Secretary, WhiteHouse.gov Archives, posted 8 January 2002, <http://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020108-1.html>

24 "Promoting Compassionate Conservatism" Parkside Hall, San Jose California, 30 April 2002, pg. 119 in *Selected Speeches of President George W. Bush: 2001 – 2008*, [http://georgewbush-whitehouse.archives.gov/infocus/bushrecord/documents/Selected\\_Speeches\\_George\\_W\\_Bush.pdf](http://georgewbush-whitehouse.archives.gov/infocus/bushrecord/documents/Selected_Speeches_George_W_Bush.pdf)

25 "Remarks on Opening New Markets for America's Workers," Cleveland Convention Center, Cleveland, OH, 10 March 2004, pg. 224 in *Ibid.*

26 *Ibid.*, 226

27 "Remarks on Education," Butterfield Junior High School, Van Buren, AR, 11 May 2004, pg. 243 in *Ibid.*

28 Executive Summary of the Race to the Top Program, Archived Information, accessed 2 April 2014, <http://www2.ed.gov/programs/racetothetop/executive-summary.pdf>

row. Already, China is graduating eight times as many engineers as we are.” A glance at nothing more than the titles of two other speeches adds to the evidence: “Teaching Our Kids in a 21st Century Economy” and “21st Century Schools for a 21st Century Economy,” which Obama delivered as senator in 2005 and 2006 respectively. If this is how the president speaks of the importance of education, it suggests that he sees the national interest only in terms of our economic competitiveness.

While these two presidents may have differed on the particular ways education should be improved, the forms of their platforms were remarkably similar. They both generally were interested in improving the measurable outcomes of the public education system by applying a system of financial rewards. The motive for both was to achieve the widest possible distribution of quality education. They rarely alluded to any purpose beyond that; when they did, it was generally in the individual student’s personal financial interest and the national economic interest.

## *2. The Secretary of Education*

Perhaps the first person to come to mind when we think of the public philosophy of education is the U.S. Secretary of Education, currently Arne Duncan. In charge of the federal executive Department of Education, the secretary is responsible for executing federal education policy and is generally the figurehead of America’s public school system. Like the presidents’ policy platforms above, the secretary’s public addresses are most often concerned with practical questions of reform and performance; but even in these remarks some sense of the purpose of education is implied. For example, in a recent speech to students at Columbia University Teachers College, Duncan stated that two of the great “educational challenges” of our day are the changing nature of jobs due to the “information age,” and equal educational opportunity, since education is “the great equalizer in America.”<sup>29</sup> In another speech, this one to the National Board on Professional Teaching Standards, Duncan stated that the goal of education reform was “to close achievement gaps” in order to “keep up with our international competitors, and give our children a real chance in life ... It’s about empowering students to thrive in an innovation-focused world where the best jobs, as Tom Friedman has said, might be those they invent.”<sup>30</sup> These remarks, which reflect the general tenor of the Secretary’s public speeches, suggest that he too sees education as primarily in the interests of individuals’ financial well-being and the nation’s economic interest.

## **B. Professional Associations**

Shifting attention from policy-makers to practicing educators, the emphasis on economic empowerment persists. The National School Board Association states its vision as follows: “Our nation’s public schools will ensure that each child is prepared to reach his or her potential in life, contribute to society, and achieve a standard living [sic] that

29 “Teacher Preparation: Reforming the Uncertain Profession—Remarks of Secretary of Education Arne Duncan at Teachers College, Columbia University,” Archived Information, 22 October 2009, acc. 2 April 2014, <http://www2.ed.gov/news/speeches/2009/10/10222009.html>.

30 “Teach to Lead: Advancing Teacher Leadership: Remarks of U.S. Secretary of Education Arne Duncan at the National Board on Professional Teaching Standards Teaching and Learning Conference,” 14 March 2014, acc. 2 April 2014, <http://www.ed.gov/news/speeches/teach-lead-advancing-teacher-leadership>

is the American Dream... [Public education] will provide the foundation for social and merit based mobility that is so essential for a vibrant democracy and leading world economy.”<sup>31</sup> This sentiment, expressed by people involved in the administration of local education, echoes the tenor of the policy-makers examined above. In slight contrast, however, a similar organization, the National Education Association, has a more holistic view of the purpose of education in society. They state their “Core Values” as Equal Opportunity, A Just Society, Democracy, Professionalism, Partnership, and Collective Action. In their view, “public education is the cornerstone of our republic,” and “provides individuals with the skills to be involved, informed, and engaged in our representative democracy,” in addition to developing “their potential, independence, and character.”<sup>32</sup> This demonstrates that among at least some educators today there is a sense that education has a character-formative element in service of the political community. That this element does not arise in public discourse as much as the economic element suggests that we might be somewhat confused in our public philosophy of education. If so, this would reflect the amorphous nature of a public philosophy abstracted from various sectors of a large and diverse population. In the final analysis, while not univocal, the emphasis of the public discourse is on education’s economic utility.

Thus, the primary sense discerned in this evidence is that education’s greater purpose is to further the material wellbeing of students and the economic interest of the nation. I mean not to suggest that any of the adduced evidence is untrue or that these economic concerns are invalid; rather I simply mean to point out that we in America have a strikingly narrow focus on economics when we publically discuss education. Largely absent from this evidence is any mention of the moral side of education or its role in sustaining democracy through fostering self-government. On this view, public education exists to equip students with vocational skills. There is little to no sense of any change taking place at the personal level of character formation. When we do hear discussion of character formation, it is usually for the sake of learning skills: a young student in an underprivileged school district will not learn the skills being taught because the student refuses to apply himself or herself and responds poorly to authorities, so teachers strive to reform the student’s character so he or she can learn. Whatever successful character-formation occurs in scenarios like this is not to be discounted, to be sure. The problem is that its ultimate success is identified with the students’ new “career- or college-readiness.” This too is not a bad thing in itself, but what this discussion reveals about our understanding of education ought to trouble us: we measure the value of education by its financial return.

What does this emphasis on economic utility have to do with neutrality? Quite a bit, in fact. I suggest that this limited focus on economic outcomes is rooted in moral neutrality. One significant reason for this is that money is the one thing which everyone can agree is a key to a good life. While it might be hotly contested whether some understanding or other of upright moral character is required to live a good life, it is generally agreed upon that people need financial security to live well, whatever more

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31 “NSBA Vision Statement,” accessed 2 April 2014, <http://www.nsba.org/sites/default/files/NSBAVision-Statement.pdf>

32 “NEA’s Mission, Vision, and Values: Adopted at the NEA 2006 Representative Assembly,” acc. 2 April 2014, <http://www.nea.org/home/19583.htm>

specific form that life should take. In this way the contemporary public philosophy of education, defined by its emphasis on economic outcomes, is premised on liberal neutrality. In the section that follows I present some of the recent criticisms of this liberal neutrality in an effort to recover a workable foundation for a public philosophy of education as at least in part directed to civic virtue and the formation of character.

### III. Critique of Liberal Neutrality

There have been many notable critiques of liberalism in the last 40 years or so. Here I draw principally from one prominent critic, Michael Sandel—who offers what we might call a neo-Jeffersonian critique of liberal neutrality which he calls republicanism—and one of his interlocutors, Michael Rosen. Rosen is not a critic of liberalism in the fashion of Sandel—from a perspective opposed to liberalism—but he critiques various versions of contemporary liberalism from the standpoint of liberalism itself.<sup>33</sup> Here I relate Rosen and Sandel's exchange concerning liberal neutrality, for in it we find a theoretical basis workable in the 21st century for character formation through public policy.

In his 1996 book, *Democracy's Discontent*, Sandel criticizes liberal neutrality from the standpoint of his alternative position, republicanism. The key distinction between this republicanism and liberalism is in how they conceive of freedom. According to liberalism, citizens enjoy freedom from imposition by the state or other groups so that they may live out their chosen lifestyle without hindrance. This freedom thus enables the plurality of lifestyles that gives liberal pluralism its name. Central to freedom defined by republican theory, on the other hand, is participation in self-government. Citizens of a free republic deliberate “with fellow citizens about the common good and [help] to shape the destiny of the political community.”<sup>34</sup> And since self-governing requires certain character traits, republicanism requires a “formative politics, a politics that cultivates in citizens the qualities of character self-government requires.”<sup>35</sup> Thus the state cannot be entirely neutral as to the moral character of its citizens: “The procedural republic [liberalism without civic virtue] cannot secure the liberty it promises, because it cannot sustain the kind of political community and civic engagement that liberty requires.”<sup>36</sup> In sum, liberalism envisions citizens *free* to pursue their own ends without disadvantage, whereas republicanism envisions them *free* to participate in government in contrast to government restricted to an elite class or a sovereign monarch. Liberalism emphasizes those of citizens' actions not stipulated by anything

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33 For another argument in favor of liberalism but dismissive of liberal neutrality as typically conceived see William Galston, “Defending Liberalism,” *The American Political Science Review*, Vol. 76, No. 3 (Sep., 1982), pp. 621–629, in which Galston argues that the typical defenses of liberalism on the foundation of the neutrality principle fail, and consequently “defenders of the liberal state are compelled either to use some form of substantive justification or to abandon their endeavor. The latter alternative is both unattractive and unnecessary. Liberalism is worth defending, and it can be substantially defended.” Charles Larmore offers a similar argument in *Patterns of Moral Complexity* (Cambridge, 1987). He argues that “recognizing the value of constitutive ties with shared forms of life does not undermine the liberal ideal of political neutrality toward differing ideals of the good life” (95).

34 Michael J. Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge, Mass.: Harvard University Press, 1996), 5.

35 *Ibid.*

36 *Ibid.*, 24.

external to them, whereas republicanism emphasizes the one action stipulated by the republic: governing.

In his critique of *Democracy's Discontent*, Michael Rosen dismisses Sandel's argument against liberalism as such but affirms his insistence upon formative politics:

Yet even if I am right in rejecting Sandel's claim that, because of liberal neutrality, "encumbered selves" find themselves unjustly treated, it may seem that liberal neutrality (in whatever form it is adopted) faces another, even more serious objection ... The character of the people who compose a society *does* matter—it matters a very great deal.<sup>37</sup>

By "encumbered selves" Rosen means persons who are subject to "obligations of solidarity, religious duties and other moral ties unrelated to choice."<sup>38</sup> Rosen's liberalism is in his rejection of Sandel's argument that liberal neutrality unjustly disadvantages encumbered selves. On the contrary, Rosen argues, liberal neutrality *does* have the resources to honor those with unchosen commitments. In contrast to Sandel's republicanism, however, in Rosen's view, it does so without unfairly disadvantaging those without, for example, religious commitments. One way Rosen envisions this happening is by seeing unchosen commitments like religious commitments as handicaps, to be given an unequal share of the common resources just as physical handicaps are treated. Based on this alternative conceptualization of "encumbered selves" Rosen rejects Sandel's conclusion that republicanism is required if "encumbered selves" are to have a respected place in society.

Turning from this defense of liberalism, Rosen addresses Sandel's critique, asserting that "it is coherent to integrate within liberalism what I take to be republicanism's most trenchant point of criticism of it."<sup>39</sup> In so doing he shows that liberalism and republicanism are not mutually exclusive. To a large degree they differ only in emphasis—as said above, the former emphasizes what citizens are not required to do while the latter emphasizes what they are required to do. But liberalism, as Rosen shows, can make space for political commitments. Disagreements between the two sides arise when the specifics of this sphere of required action are determined.

Rosen argues for formative politics on four grounds by refuting the four typical liberal objections to formative politics. First, some say formative politics are unnecessary. Democracy can do just fine without any conscious effort given to the virtue of its citizens. Rosen responds by arguing that formative politics is in fact necessary because, as Sandel argues persuasively, public virtue declines as general affluence increases. Virtue is not in fact self-sustaining, and neither, therefore, is democracy. In support, Rosen adduces "the evidence of this sad century," probably referring to the rise of Nazism in Germany, if not more. Second, some say that formative politics presupposes an unrealistic degree of agreement about what virtue is to be promoted.

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37 Rosen, "Liberalism, Republicanism, and the Public Philosophy of American Democracy," *Die Weltgeschichte – das Weltgericht? Stuttgarter Hegel-Kongress, 1999-2001*, (English translation, accessed online: [http://scholar.harvard.edu/files/michaelrosen/files/liberalism\\_republicanism\\_and\\_the\\_public\\_philosophy.pdf](http://scholar.harvard.edu/files/michaelrosen/files/liberalism_republicanism_and_the_public_philosophy.pdf)), 22.

38 *Ibid.*, 13.

39 *Ibid.*, 23.

Against this, Rosen points out that Rawls's theory itself involves the need for an "overlapping consensus" on political principles, as we have observed: even something with such limited moral positions as his theory of justice requires. Why Rosen then asks, can't we similarly come to agreement with regard to the virtues of character? He points out that there are many character qualities that few if any would object to: honesty, kindness, intelligence, and the like. Liberal politics can foster these virtues without compromising neutrality because they do not represent competing conceptions of the good life with respect to which one must be neutral. Third, some say formative politics relies on morally impermissible methods of enforcement. In contrast, Rosen states, formative politics is subtler than coercion. It involves non-coercive methods like incentive structures. Fourth and last, formative politics does not, as some argue, violate the principle of liberal equality. This principle, as some construe it, requires that no lifestyle, including the virtuous one, be privileged above others. But, Rosen observes, even Rawls rejected this idea. In *A Theory of Justice* Rawls writes, "An individual who finds that he enjoys seeing others in positions of lesser liberty understands that he has no claim whatever to this enjoyment. The pleasure he takes in others' deprivations is wrong in itself . . . The principles of right, and so of justice, put limits on which satisfactions have value."<sup>40</sup> Here Rawls insists that not all choices of life "have value." Lifestyles that render less harm are to be privileged above others. As a model, Rosen describes a situation in which the state sets up an incentive structure by offering to subsidize a vaccine for a woman with an infectious disease who does not wish to be treated, thus encouraging her to lessen the threat to others of her infection. On Rosen's basis, then, liberalism can coherently integrate a formative politics, but not without forcing us to rethink our conception of liberal neutrality. Proponents of liberal neutrality emphasize those lifestyles with respect to which the state must be impartial, but they do not thereby require that the state must be impartial toward all lifestyles. Just as Rawls' constitutional democracy must be impartial toward comprehensive ideas of the good but *not* toward the primary goods, liberal neutrality can be applied to most lifestyles but not those that threaten primary goods. On this basis, then, constitutional democracy can promote virtue through education that is directed toward protecting and fostering the primary goods that occupy the "overlapping consensus" in a given society.

When liberalism embraces formative politics, a critical distinction emerges regarding the type of virtue being formed. Formative politics in liberalism can promote virtue that is primarily *civic* and not moral or theological, though it could have those qualities by coincidence. This critical distinction ought to allay common concerns about "legislating morality." It is a distinction between cultivating character for the sake of the individual's own well-being based on some particular concept of the good and cultivating character for the sake of the maintenance of the regime. The former could more easily be said to violate neutrality than the latter. Civic virtue, I suggest, is not bound to a particular conception of the good life, except in so far as civil and harmonious relations in liberal democratic society form a particular conception of the good life. If they do—and I do think they do—it is a conception of the good life that all liberals would no doubt affirm: we, without controversy, value peace and civility over discord and mistrust. The controversy arises when we begin to discuss the many

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40 John Rawls, *A Theory of Justice*, 31, as cited in Rosen, 26.



goods one may pursue within the broad bounds of peaceful liberal democracy, and on these the state *should* strive for neutrality. But in their emphasis on this neutrality many liberals may overlook the fact that the peace that will facilitate such pluralism *itself* requires certain qualities of character among citizens. The critical consideration is the intent behind the policy. In intending this peace as the goal of civic virtue, rather than some narrow conception of the good life, liberal politics can foster virtue and maintain its neutrality.

This principle has been understood for centuries. In *Democracy in America*, Tocqueville famously observed that democratic society tended naturally toward a form of “equality in servitude,” or democratic despotism, unless tempered by a healthy civil society. Contemporary political scientist Robert Putnam made noteworthy empirical findings in support of Tocqueville’s theory in his study of civic traditions in Italy, published in 1993. In this study Putnam observed that effective democratic governance is not ensured simply by democratic structures,<sup>41</sup> but requires what he called “social capital,” a certain quality of character among citizens of democracy that includes quality of independent judgment and community-oriented concerns.<sup>42</sup> If a society gives responsibilities of government to all citizens, then these citizens must all, to some extent, have qualities of judges and governors. They need to be able to make moral judgments when given policy decisions and jury duty. In their deliberations they need to be able to rise above self-interest to objectively consider the interests of all. Tocqueville saw that the wide distribution of political responsibility cultivated these virtues by impressing upon citizens the seriousness of democratic self-governance. This existential sensation chastened their character, he observed. We ought to view public education from a similar perspective: just as our administrative structures and the state’s stance toward civil society ought to be directed toward civic virtue, so should education. We may, as Tocqueville observed, foster these virtues by giving people responsibilities that require them, but if they do not have some measure of virtue before governments give them these responsibilities, such attempts will be of no use. Education, beginning early in life, is necessary to prepare them for these responsibilities.

#### IV. Conclusion

In summation, it should be clear that the liberal ideal of moral neutrality should not foreclose the possibility of civic education aimed at instilling virtue. In our muddled public philosophy of education, we tend to shy away from discussing the character formative aspect of education necessary for a free society to survive. Far and away the impression our public officials give is that education, from the state’s perspective, serves an economic purpose. This is in their rhetoric and their policies, and it is accepted by many but not all educators. We omit the character formative aspect of education either out of fear of violating neutrality or out of fear of losing ground in the great rat race of global capitalism. The first is misguided, and the second is short-sighted and irresponsible. By channeling Rosen’s “liberal critique of liberalism” into the discussion about education, I hope to have demonstrated that liberalism not only

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41 For evidence of this we need only recall the aftermath of the Arab Spring and the fate of several post-Soviet Eastern European republics, and even of Russia herself.

42 See Boix and Posner, 10.

does not disallow discussion of the good and of virtue but it actually makes critical use of it. There are certain virtues about which we have an “overlapping consensus” and therefore may intentionally instill through education. Such an effort may well meet with reprisal, to be sure, but my point has been that such reprisal cannot be grounded in some principle of right but must come from something else—such as one person’s particular interest.

A few brief words are needed on how teachers might implement character formative education. While it is not uncommon to find “values education” in primary and secondary curricula today, this approach is liable to miss the point. Civic virtue is more than head knowledge about what constitutes virtue, about what the definitions of patience, honesty, integrity, impartiality, kindness, and loyalty are. Civic virtue is practical, and so it must be learned through experience as well. Schools provide a unique context for this sort of education, and it need not eclipse traditional academic instruction and training. Often public schools bring together diverse people with little in common except geography, coming from different ethnicities, races, financial backgrounds, family-educational backgrounds, and so on. When teachers assign group projects to students as diverse as this they provide the same opportunity to learn the civic value of friendship that adults have as they participate in school governance: the students learn that it is in their own self-interest to get along with their classmates whom they might dislike, to do the work assigned to them, and to lead and follow as best suits the group dynamics. Besides friendship and cooperation, there are many other civic virtues that teachers can foster in their classrooms without falling into “indoctrination.”

Such measures as these would flow from the theoretical sorting I have offered here. It should be clear that character formative education can exist in liberal democracy—that Jefferson and Rawls and Arne Duncan can all get along, in other words. The problem may be less one of intellectual coherence and more one of politics and statesmanship. In other words, if our public philosophy of education is to be made more coherent and thus better for our democracy, those who shape it must take initiative. Candidates and policy-makers are going to have to turn the discourse away from economic output and begin emphasizing character formation and civic virtue in their public addresses and promoting it in their policies. Nonetheless, questions still remain. I have posited that there is greater continuity between republicanism and liberalism than is suggested by the debates. But these traditions are not therefore without their differences. Sandel and Rosen may disagree less than first suggested, they still do diverge. And therefore character education on Rosen’s model, while not nonexistent, will nonetheless be more limited than on Sandel’s model. “Encumbered selves” will not be able to rely on public institutions for their pursuit of their “idea of the good.” They must seek or create other provisions. It must still be asked in what way they are to have such provisions. But it should be clear that such an outcome is liberal. ■

# Foucault and Humanism: Meditations on an *Ethos* of *Limit*

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MICHEL Foucault's last works on ethics have stirred fundamental discontent, uncertainty and confusion among Foucault scholars.<sup>1</sup> Should we understand his "ethics" to be a "turn" to the subject in contrast to the political critique of its foundations, a genealogy of ancient thought conceived as a history of subjectivity, or a political engagement with an ethics of liberty? Rather than comparing the early Foucault with the later Foucault and distinguishing specific cycles or phases, I turn to Foucault's work in general and attempt to situate it within a map of interlocutors and themes. By providing a Foucauldian response to the humanist controversy between Jean-Paul Sartre and Louis Althusser, I seek to illustrate Foucault's own focal points as both a political and ethical thinker. Since the humanist controversy stages one vital attempt to bridge social theory and ethics through existentialist humanism, I argue that Foucault's intervention into this debate is particularly interesting. This interpretation of humanism is most prominently advocated by Jean-Paul Sartre and Maurice Merleau-Ponty who are most fervently refuted by Louis Althusser's theoretical anti-humanism. In a similar move as Martin Heidegger's initial response to Sartre's lecture on *Existentialism Is a Humanism*, Althusser criticizes existentialist humanism for essentializing either man in general or the laborer in particular as the historical subject which can fulfill humanity on the basis of its transcendental attributes of being. To Althusser, this recourse to human essence and the justification of specific conceptions of man is ultimately ideological; it forms an illusion which can be demystified on the grounds of a materialist critique of societal struggles.

I argue that Foucault is located at the intersection of both approaches and, in fact, reconceptualizes the humanist question into a valuable standpoint of immanent social

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1 Compare the articles about the moralizing use of Foucault assembled in *The Politics of Moralizing*, eds. Jane Bennett and Michael J. Shapiro (New York: Routledge, 2002); William Connolly asks whether Foucault "is a creative carrier of a generous sensibility ... [o]r a dangerous thinker who threatens political restraint by scrambling fundamental parameters of morality" in "Beyond Good and Evil – The Ethical Sensibility of Foucault," *Political Theory*, 21(3), 365-389, 365; Jeremy Moss edited a volume on *The Later Foucault – Politics and Philosophy* (New York: Sage, 1998), in which he collects essays on Foucault's politics and Foucault's ethics; several authors find a tension between Foucault's care of the self, central in his later works, and his focus on power relations in his earlier works (compare Neve Gordan, "Foucault's Subject: An Ontological Reading," *Polity*, Spring 1999, 1-13; Thomas McCarthy, "The Critique of Impure Reason, Foucault and the Frankfurt School," *Political Theory* 18 (August 1990): 437-69; Arnold I. Davidson, "Archaeology, Genealogy, Ethics," in Foucault, *A Critical Reader*, ed. David Couzens Hoy (Oxford: Basil Blackwell, 1986), 221-34

critique. To be sure, Foucault himself is highly critical of the term humanism as an axis of reflection, for he considers this theme “too supple, too diverse, too inconsistent.”<sup>2</sup> Rather a genealogical investigation of its historical relations to other themes and times must be undertaken, to which this paper can only form the beginning. Foucault also criticizes existentialist humanism for similar reasons Althusser does. On the other hand, however, he refrains from rejecting humanism in its entirety and remains critical of Althusser’s anti-humanism.

I aim to make sense of Foucault’s position with respect to the humanist controversy by offering different interpretations of a response to Nietzsche’s challenge of modern thought. I contend that the main reason for both Foucault’s critique of Sartre and Althusser lies in their failed understanding of the Nietzschean heritage for modern thought. Both do not recognize in Nietzsche’s philosophy a “doubly murderous gesture” which kills God *and* the subject, the possibility of general laws *and* man as the empirical-transcendental doublet. Their philosophies remain, therefore, limited and problematic. While Sartre only focuses on the death of values to then subscribe to a metaphysics of freedom, Althusser only focuses on the death of the subject to then subscribe to a metaphysics of a transhistorical materialist dialectic. This criticism notwithstanding, an engagement with Foucault’s interpretation of Nietzsche’s work will show that Foucault does not simply reject both positions. Indeed, as I will argue, Foucault’s work retains the motivation of Sartre’s initial humanist cause *despite* and *through* a comprehensive critique of both traditions. Most importantly, this cause, as understood by Foucault, is concerned with the search for an effective answer to the question as to what extent human beings who are the effects of “the iron hand of necessity shaking the dice-box of chance”<sup>3</sup> can work to change the dynamics and contradictions of the specific time in which they live. In an attempt to answer this question, Foucault conceptualizes an *ethos* of limit that aims at the unsettling and pluralization of life forms through a genealogy of historical problems. Rather than using the term humanism, though, Foucault situates this *ethos* in the enlightenment tradition. Indeed, as I will finally come to argue, he radicalizes Kant’s philosophy from the perspective of its own limits and turns it into an ethics of immanent and continuous social critique.

In order to illustrate this argument, I first introduce the humanist controversy between Sartre and Althusser. In the second section, I focus on Foucault’s interpretation of Nietzsche with respect to his work and with respect to both Kant and the humanist controversy. In the final section, I demonstrate a Foucauldian reframing of ideology and experience on the basis of which it is possible to reflect parts of his work, such as the *Louvain Lectures on Truth-Telling as Techniques of Domination*, to exemplify his notion of political and ethical substance.

### The humanist controversy: Sartre vis-à-vis Althusser

In an attempt to link what Marxists and Christian critics censure as merely an in-

2 Michel Foucault, “What Is Enlightenment,” in *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon Books, 2010), 44f.

3 Michel Foucault, “Nietzsche, Genealogy, History,” in *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon Books, 2010), 88f.

dividualistic phenomenology to a theory of human solidarity, Sartre proposes existentialism as a humanism and distinguishes it from the essentialist humanism of the enlightenment. At its core lies the Sartrean interpretation of Friedrich Nietzsche's "God is dead and man killed him" along with Martin Heidegger's philosophy of abandonment, the human condition of *Geworfenheit*: Since there is nothing before being, "existence precedes essence" and "subjectivity must be our point of departure."<sup>4</sup> While the philosophy of enlightenment has projected a universal idea onto human beings asserting that everyone possesses the same basic qualities, existentialism argues that "man first exists: he materializes in the world, encounters himself, and only afterwards defines himself."<sup>5</sup> Since human life is abandoned and can no longer build on any religious guidance, "we must bear the full consequences"<sup>6</sup> and formulate humanism on the basis that everything is permissible, no fixed values are "inscribed in an intelligible heaven."<sup>7</sup> Accordingly, the most forceful idiom in Sartre is freedom which is expressed on three interrelated levels: (1) The freedom *from* God and any particular morality (2) entitles human beings *to* freedom (3) to eventually *free* themselves. But what does Sartre imply when he alludes to the liberation of humanity through free choice? What does subjectivity mean in Sartrean existentialism and why does he conceive of subjectivity as the point of departure? It will become clear that existentialist humanism pursues an integration of phenomenology and Marxism through a concept of subjectivity that is predicated on individual agency which *wills* a society of free beings.

The first meaning of the existentialist principle "existence precedes essence" is that "man is not only that which he conceives himself to be" but that which "he makes of himself."<sup>8</sup> Man's existence consists of "nothing else than the set of man's actions, nothing else than his life."<sup>9</sup> Now, in order to engender actions in a lifelong project, every human being has to realize freedom as the condition of human life as such. To posit freedom as the human condition does not mean, though, that everyone should do whatever they like. Nor does it mean that all choices are arbitrary or that the faculty of judgment is no longer required. In fact, every situation confronts human beings with choices that are significant not only for them but also for others. To choose means to commit oneself and since my choices matter for others it follows that humanity becomes committed as a whole. Indeed, Sartre is walking an implicit tightrope when he argues that, on the one hand, there are no set norms and everybody must choose without reference to any pre-established values but that, on the other, everybody finds "himself in a complex social situation in which he himself is committed, and by his choices commits all mankind."<sup>10</sup> In fact, Sartre negotiates this tension by inserting humanity into the individual, the subject that is transcended as an abstract concept which contains the whole complexity of mankind on which choice is to be based. This is why Sartre can conceive subjectivity as the "absolute truth" of the Cartesian *cogito*, the *I think therefore I am* which discovers both oneself *and* the existence of others.

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4 Jean-Paul Sartre, *Existentialism Is a Humanism*, ed. John Kulka, trans. Carol Macomber (New Haven: Yale University Press, 2007), 20.

5 *Ibid.*, 22.

6 *Ibid.*, 27.

7 *Ibid.*, 28.

8 *Ibid.*, 22.

9 *Ibid.*, 55.

10 *Ibid.*, 45.

“Contrary to the philosophy of Descartes, or of Kant, when we say ‘I think,’ we each attain ourselves in the presence of the other, and *we are just as certain of the other as we are of ourselves*. Therefore, the man who becomes aware of himself directly in the *cogito* also perceives all others, and he does so *as the condition of his own existence*. He realizes that he cannot be anything (...) unless others acknowledge him as such. (...) I cannot discover any truth whatsoever about myself except through the mediation of another. *The other is essential to my existence, as well as to the knowledge I have of myself*. Under these conditions, my intimate discovery of myself is at the same time *a revelation of the other as a freedom that confronts my own* and that cannot think or will without doing so for or against me. We are thus immediately thrust into a *world* that we may call ‘intersubjectivity.’ It is in this world that man decides what he is and what others are.”<sup>11</sup>

Yet again, we can only be as certain of the other as we are of ourselves, because the other forms part of the self’s subjectivity in the *cogito*. With this understanding of intersubjectivity Sartre attempts to divert the accusation of being an individualist and to transform existentialism into a form of humanism. My existence is predicated on the existence of the other. Therefore, the freedom of the other matters as much to me as my own freedom. In fact, my freedom appears as freedom only through the intersubjective experience which is the condition of my existence. As soon as there is choice and “as soon as there is commitment, I am obliged to will the freedom of others at the same time as I will my own. I cannot set my own freedom as a goal without also setting the freedom of others as a goal.”<sup>12</sup> But as we begin to realize, this concept of intersubjectivity is not social. It does not constitute collective experience, but only constitutes subjective experience. Indeed, the phenomenological notion of subjectivity implies responsibility, for each subject experiences that she can only exist in relation to others and will therefore act responsibly. Thus, every choice is tantamount to a choice of morality, and responsibility becomes the modality of action.

“To use a personal example, if I decide to marry and have children—granted such a marriage proceeds solely from my own circumstance, my passion, or my desire—I am nonetheless committing not only myself, but all of humanity, to the practice of monogamy. I am therefore responsible for myself and for everyone else, and I am fashioning a certain image of man as I choose him to be. In choosing myself, I choose man.”<sup>13</sup>

Although existentialism conceptualizes intersubjectivity, it remains inevitably beholden to the consciousness and behavior of the individual. The subject is thereby turned into both the reader and the producer of meaning;<sup>14</sup> he does not conceive of meaning as a shared discursive space but turns the meaning of a situation back on the individual subject who becomes the meaning-giving agent.

11 *Ibid.*, 41f. (Italics added).

12 *Ibid.*, 48f.

13 *Ibid.*, 24f.

14 Michel Foucault, *Dits et Écrits: I* (Paris: Editions Gallimard, 1994), 514.

Through responsibility Sartre generalizes a moral vision as the realization of everybody's freedom. It promotes the ideal of a society of free individuals in positive reciprocity mediated by abundant material goods, a socialist collectivity he terms the "city of ends."<sup>15 16</sup> Although Sartre emphasizes that human beings are projects and project themselves freely into the future—that is, they invent and reinvent themselves against an *unspecified* background of values—he *specifies* free choice as the naturally taken responsibility for mankind and measures action accordingly. An existing subject is a responsible subject and vice versa. Only then can a subject fulfill its being, its authenticity. Unless the invention of subjectivity grasps human existence as Sartre's notion of intersubjectivity, that is the responsibility to maximize the freedom of others, it cannot materialize as an invention for it does not represent a real choice. "We always choose the good," since "nothing can be good for any of us unless it is good for all."<sup>17</sup>

Indeed, we can now see that Sartre's humanism rests on a phenomenology which conceives of authenticity as the transcendental being of subjectivity. In contrast to Heidegger's concept of authenticity, Sartre equates this notion with freedom. The subject is authentic to the extent to which it is free, and it is free to the extent to which it acts responsibly. In this light, it becomes clear why Sartre applies the concept of freedom in the imperative mode illustrated in an example he uses during his lecture on humanism. Accordingly, when asked for advice by a student he answered the following: "*You are free, so choose; in other words, invent. No general code of ethics can*

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15 Jean-Paul Sartre, "*What Is Literature?*" and *Other Essays* (Cambridge, Massachusetts: Harvard University Press, 1988), 166.

16 Sartre tries to link himself to the ideals of traditional Marxism by including the social necessity of violence and terror as a dialectical negation and form of existentialist existence. Thomas Flynn notices that it was only toward the end of his life that "Sartre admitted that he had not succeeded in reconciling the two equally necessary social concepts of fraternity and violence (terror)" (Thomas R Flynn, *Sartre, Foucault, and Historical Reason - Toward and Existentialist Theory of History*, vol. 1 (Chicago: University of Chicago Press, 1997), 260; compare also footnote 43 on the same page.). That his theory of choice, freedom and responsibility cannot hide a deeply engrained rationale of totality and conceives the existentialist signifier to be in a privileged position of historical knowledge is made explicit in Sartre's unperturbed answer in the discussion following his lecture on humanism. "When all is said and done, whenever we present our theories in the classroom, *we agree to dilute our thinking in order to make it understood, and that doesn't seem like such a bad thing. If we have a theory of commitment, we must be committed to the very end. If existentialist philosophy is, first and foremost, a philosophy that says 'existence precedes essence,' it must be experienced if it is to be sincere. To live as an existentialist means to accept the consequences of this doctrine and not merely to impose it on others in books. If you truly want this philosophy to be a commitment, you have an obligation to make it comprehensible to those who are discussing it on a political or moral plane*" (Sartre, *Existentialism Is a Humanism*, 55).

With respect to Sartre's understanding of Marxism and its common grounds of existentialist humanism, compare in particular the socialist humanism advocated by Maurice Merleau-Ponty who is considered most influential on Sartre's philosophy. Merleau-Ponty understands the laborer as the embodiment of humanism, and therefore pure, and the modern human condition as inherently evil and violent, and therefore impure. The purity on the side of the laborer deriving from the "instincts of the expropriated masses" is capable of founding humanity through the impure laws of human action, that is, through violence, thereby negating them. "Cunning, deception, bloodshed, and dictatorship are justified if they bring the proletariat into power and to that extent alone" (Maurice Merleau-Ponty, *Humanism and Terror: The Communist Problem* (New Brunswick, NJ: Transaction Publishers, 2000), xviii; xix). To be sure, Sartre does not consider the laborer as the historical subject. The historical subject for existentialist humanism, equally aiming at a socialist society in teleological fashion, is tantamount to the *individual signifier*, though, who qualifies for agency the more existentialist she is.

17 *Ibid.*, 24.

tell you what you ought to do; there are no signs in this world.”<sup>18</sup> Choose! Will! Invent! These are the imperatives enshrined in existentialist subjectivity. But they neither imply freedom as unlimited and unconditional choice, nor as the possibility to change shared meaning through intersubjectivity. Rather, they imply a burden of individual responsibility. In fact, the freedom to choose implies a self imprisoned in its ontological body, “left alone and without excuse,” “condemned to be free: condemned, because man did not create himself, yet nonetheless free, because once cast into the world, he is responsible for everything he does.”<sup>19</sup>

Martin Heidegger’s *Letter on Humanism*<sup>20</sup> offers a response to Sartre. Therein, he explains why the exchange of terms, the substitution of essence for existence, does not render existentialist humanism less essentialist. On the contrary, “the reversal of a metaphysical statement remains a metaphysical statement.”<sup>21</sup> It conceptualizes a humanism which “is determined to an already established interpretation of nature, history, world, and the ground of the world, that is, of beings as a whole.”<sup>22</sup> To Heidegger, Sartrean humanism, like all other humanisms before him, testify to the forgetfulness of Being, it prolongs the oblivion of the truth of Being and does not invest authenticity. It is not beings that have to be freed, but rather, Being as such. For it is in Being that human beings can be and, indeed, reach a level of authenticity. Thus, Heidegger opposes the Sartrean humanism because “it does not set the *humanitas* of man high enough.” The *humanitas* of man is the relationship of man to Being and the essence of man understood as the shepherd which cares for Being, which guides it to understand the question of Being.<sup>23</sup> However, Heidegger specifies the ways which are best to ask the question of Being. The best way ultimately lies in thinking. “In thinking Being comes to language. Language is the house of Being. In its home man dwells. Those who think and those who create with words are the guardians of this home.”<sup>24</sup>

Louis Althusser, although in many respects different to Heidegger, performs a similar move in criticizing humanism. What is metaphysical for Heidegger is ideological for Althusser; what is thinking in relation to Being for Heidegger is knowledge in relation to the real matter of history for Althusser. To Althusser, the humanism presented by theorists like Sartre or Merleau-Ponty has shown itself to be “an imposture (...), an ideological makeshift (...), an idle wish, unarmed but dangerous.”<sup>25</sup> In an attempt to rescue the image and theory of Marx, Althusser separates the early, more anthropological Marx from the late, more theoretical Marx. Whereas Althusser terms the first Marx as ideological and strongly invested in an anthropological, Feuerbachian critique of Hegel, he views the second Marx as more sophisticated and advanced, capable of countering Hegel on his own grounds by providing a dialectic materialism

18 Ibid., 33, emphasis added.

19 Ibid., 29.

20 The German text was first published in 1947 by A. Franke Verlag, Bern; the translation used for this paper is based on the text in Martin Heidegger, *Wegmarken* (Frankfurt am Main: Vittorio Klostermann Verlag, 1967), pp. 145-194.

21 Martin Heidegger, “Letter on Humanism,” in *Basic Writings: From Being and Time (1927) to The Task of Thinking (1964)*, ed. David Farrell Krell (San Francisco, California: HarperSanFrancisco, 1993), 232.

22 Ibid., 225.

23 Ibid., 234.

24 Ibid., 217.

25 Louis Althusser, “The Humanist Controversy,” in *The Humanist Controversy and Other Writings (1966-67)*, ed. François Matheron (London: Verso, 2003), 253.



that transforms the “ideological notions of Subject and Object” into “matter and thought, the real and the knowledge of the real.”<sup>26</sup> Althusser positions himself at the other extreme in disparaging any anthropological concept of man as “epistemological obstacles” which hinder “theory (...) to attain knowledge of its real object.”<sup>27</sup> While Sartre essentializes individual agency as human essence, Althusser essentializes the *matter of History*, its *real* object and conceives science as the only possibility of effective social critique.

Science in contrast to social and political institutions can produce mature knowledge such as Marx’s theoretical anti-humanism which Althusser presents as dialectic materialism. Its mature knowledge realizes the *total necessity* of ideology (since nobody can face class struggle as the matter of History in an unmediated way) and the *appearance* of ideology as a totality (since ideologies effectively mask real relations as imaginary relations). On this basis, theoretical anti-humanism can demystify the particular ideology in play as “the *site* of class struggle”<sup>28</sup> and develop a different ideology which is more true to the fact that history is essentially a never-ending process of class struggle, of the ongoing struggle between the material base and the ideologically disguised superstructure. On the one hand, Althusser’s anti-humanism attempts to destroy the impression of totality, of “ideology not having any history.” On the other hand, it offers an historical account about the real social forces undergirding the formation of ideologies: “the reproduction of the relations of production, i.e. of capitalist relations of exploitation.”<sup>29</sup> Thus, Althusser historicizes specific ideologies as false-consciousness and proposes “a theory of ideology *in general*, in the sense that Freud presented a theory of the unconscious *in general*”<sup>30</sup>—transhistorical and unexceptional. “There is no practice except by and in an ideology,”<sup>31</sup> which turns subjects into “concrete individuals” through forms of interpellation. Although these practices give the impression of free will and agency, they ensure the absolute subjection of the individual and thus the reproduction of capitalist structures:

“The individual *is interpellated as a (free) subject in order that he shall submit freely to the commandments of the [ideology], i.e. in order that he shall (freely) accept his subjection*, i.e. in order that he shall make the gestures and actions of his subjection ‘all by himself’. *There are no subjects except by and for their subjection*. That is why they ‘work all by themselves.’”<sup>32</sup>

Against the background of Althusser’s understanding of history as the socially necessary emergence of ideologies that reproduce relations of production—that is, relations of exploitation—it becomes clear that the transformation and development in his theory refer to a *total, transhistorical process*. While the content of ideologies can be changed, the underlying cause cannot. It is a science of dialectic materialism

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26 Ibid., 265.

27 Ibid., 271.

28 Louis Althusser, “Ideology and Ideological State Apparatuses (Notes towards an Investigation),” in *Lenin and Philosophy and Other Essays* (New York: Monthly Review Press, 1971), 147.

29 Ibid., 154.

30 Ibid., 161.

31 Ibid., 170.

32 Ibid., 182.

that can produce the mature knowledge and thereby demystify the socially necessary ideologies of false consciousness.

Both Sartre and Althusser answer Nietzsche's call either with a phenomenology of human essence against the background of the death of God or with a structural analysis of the social relations of capitalist production against the background of the death of individual agency. In both ways, freedom and ideology is conceptualized in metaphysical terms. Either man is condemned to be free or freedom is condemned to be ideological. While freedom is mediated ideologically for Althusser and is in itself a contingent phenomenon conditioned on an advanced science of ideologies, it is absolutely essential for Sartre. What becomes a metaphysics of man's freedom, or humanism, in Sartre, becomes a transhistoricity of ideology, or anti-humanism, in Althusser. Both share a fundamental skepticism towards the Enlightenment project. Certainly, they repudiate Enlightenment notions of freedom, yet, they also retain many of the tradition's fundamental assumptions by virtue of their implicit commitments to metaphysics. Sartre equates human freedom with authenticity and Althusser understands freedom as an idealist imposture which can only mask that good and evil are concepts of "the mighty, the high-placed and the high-minded (...) who claimed the right to create values."<sup>33</sup> In addition, they also share the conception of power as evil, thick, and negative which will be of greater importance once we investigate Foucault's standpoint.

As a result, both positions, although offering vastly disparate views, show remarkable similarities in the form and content of their arguments. We will see that Foucault has a very different take on both Nietzsche and the Enlightenment through which their similarities and differences can be illuminated and eventually reworked. Indeed, Foucault charges Sartre and Althusser in only going half way and thereby missing Nietzsche's novelty in pointing to an exit to the analytic of finitude enshrined in the death of God and the victory of the subject so central to modern thought since Kant. I will first conceptualize Foucault's interpretation of Nietzsche in relation to his own work and to the critical readings of humanism and anti-humanism it provides. Then, in the next section, I offer a Foucauldian answer to the humanist question.

### **From an analytic of finitude to an *ethos* of limit – Foucault's response to Nietzsche (and Kant)**

Most importantly, Nietzsche provides a "veritable *critique*" to the "play of an 'illusion' proper to Western philosophy since Kant"<sup>34</sup>. In contrast to Sartre and Althusser, who focus on either the death of God or the death of man, Foucault finds in Nietzsche "a *doubly murderous gesture* which, by putting an end to the absolute, is at the same time the cause of the death of man himself."<sup>35</sup> Indeed, while Sartre celebrates the *Übermensch* as the ultimately freed being who is capable of murdering God and thereby prove his own existence, and while Althusser interprets the *Übermensch* as the death of man whose freedom is rendered an illusion, Foucault interprets this figure as a metaphor of *two murders*: Not only does he kill God, but he also kills himself, and

<sup>33</sup> Friedrich Nietzsche, *Genealogy I*, 2.

<sup>34</sup> Michel Foucault, *Introduction to Kant's Anthropology* (Los Angeles, CA: Semiotext(e), 2008), 124; 121.

<sup>35</sup> *Ibid.*, 124.

thereby “ridicules” his own existence. As a consequence, the loss of origin is the most crucial point Foucault takes from Nietzsche. To him, Nietzsche does not only refer to a disappearance of authority, a specific set of values or beliefs (as Sartre would have it), or as the realization of an inevitable illusion which can only be called into question dialectically (as Althusser would argue). It is the form, in which the content of values used to be contained, that disappears and with it the possibility of self-critique which has so far enabled its return to its own origins. This form is tantamount to the Kantian subject as “both the *raison d'être* and the source of critical thinking” the originator of truth and the challenge of the same truth. Imprisoned in her own analytic of finitude, this subject is both reader and writer of meaning and cannot move beyond the illusion of modernity Foucault not only links to Kant, but to the phenomenology of Hegel. In Hegel, we find the same in and out of the subject through the subject, a movement that presents “all knowledge of man (...) as either dialecticized or fully dialecticizable.”<sup>36</sup>

Foucault attempts to discuss systems of knowledge and power critically and investigates the extent to which modernity might be wrong-headed. The full sublation of all knowledge and power is paradoxical to Foucault, because he argues that we *do* find non-dialecticizable moments, that are covered over and are forgotten as a result of historical struggles. He finds instincts that are dominated and settled without being recognized and sublated into new forms of knowledge and power. I argue that it is mainly against this background that Foucault agrees with Nietzsche on the in-existent continuity “between the instincts and knowledge” and focuses rather on “a relation of struggle, domination, servitude, settlement.” Knowledge or truth can “only be a violation of the things to be known, and not a perception, a recognition, an identification of or with those things.”<sup>37</sup> Knowledge does not integrate dissenting voices into one unity. Instead, the voices which participate in this struggle for domination represent forces which, in the course of their fight, reach momentary stabilizations which are then taken as the truth. However, these momentary stabilizations are nothing than “a kind of hiatus, in which knowledge will finally appear as the ‘spark between two swords,’”<sup>38</sup> as a seeming unification through a dialectical play when in fact there are winners and losers involved who, in turn, are rendered more strong or more weak depending on the meanings they assume in the truth games they have constituted themselves. Importantly, Foucault does *not* consider these fights to be unjust because the produced knowledge is unjustified or because the struggle for domination leads to violent forms of repression; the fact itself that there are stronger and weaker voices does not lead to an unjust situation. His appropriation of Nietzsche does rather suggest that injustice exists when the winner takes his victory as historical proof for *the* truth. For “history knows only one kingdom, without providence or final cause, where there is only ‘the iron hand of necessity shaking the dice-box of chance.’”<sup>39</sup> Injustice, thus, refers to the lie of unification against the background of “a precarious system of power.”<sup>40</sup> It refers to the “malicious”<sup>41</sup> lie, as the

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36 Ibid., 123.

37 Michel Foucault, “Truth and Juridical Forms,” in *The Essential Works of Foucault, 1954-1984, Volume 3: Power*, ed. James D Faubion (New York: New Press, 2000), 9.

38 Ibid., 12.

39 Foucault, “Nietzsche, Genealogy, History,” 88f.

40 Foucault, “Truth and Juridical Forms,” 12.

41 Foucault, “Nietzsche, Genealogy, History,” 95.

unity turns out to be “an empty synthesis.”<sup>42</sup>

This insight allows us to interpret Foucault’s emphasis on the “double break” more precisely. Foucault is not interested in criticizing *specific* contents of knowledge. He interprets Nietzsche’s first murder, the “break between knowledge and things,” as a *possibility* which is methodologically, by virtue of *genealogies*, turned into a standpoint of critique. The challenge of Foucault’s methodological intervention is to introduce possible exit points without specifying any consequential interiority. Thereby, this critique can reveal that “there is only discontinuity, relations of domination and servitude, power relations, [and] it’s not God that disappears but the subject in its unity and its sovereignty.”<sup>43</sup> In other words, Foucault is not concerned about God as such, about whether it is good or bad to believe in God. He is concerned about the problem of unity and sovereignty *in history in general*, and the problem of the subject conceived as a unity and sovereignty *in the modern world in particular*.<sup>44</sup>

In marking out the struggle over knowledge and truth as his site of investigation, Foucault constitutes a different knowledge to the universal knowledge Nietzsche fiercely criticizes as both “the grandest and most mendacious.” Indeed, Foucault’s critique inverts proximity and distance and studies what is the nearest, the most particular and unique. He thereby appropriates a type of methodology, which in turn produces knowledge that is very different from the results of the knowledge production it opposes. This type of knowledge is “not made for understanding but for cutting” for it “introduces discontinuity into our very being.”<sup>45</sup> As we will find out later, this does not mean that understanding does not play a vital role in Foucault’s work. The claim that knowledge is made for cutting rather than for understanding can instead be understood as a theoretical prioritization based on the ethical project to effectively “pronounce the interpretation that all truth functions to cover up.”<sup>46</sup> Now, Foucault uses numerous terms to characterize this peculiar critical enterprise. The terms that I consider most useful to understand its scope and practice are “effective history”<sup>47</sup> (*wirkliche Historie*) and “history of problems.”<sup>48</sup> In combination, both terms allow for the following definition: Any genealogical enterprise investigates the breeding ground of good and evil on the basis of social reality (*Wirklichkeit* not *Wahrheit*, *Herkunft* not *Abstammung*)<sup>49</sup> to illuminate the problems and contradictions of a specific historical truth game that are, in turn, ultimately disturbed.

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42 Ibid., 81.

43 Ibid., 10.

44 To be sure, also history in general for Foucault can only be studied through the perspective of the present, history is always specified for it refers to a present day actuality. We can therefore conclude that also “history in general” is understood through the problems Foucault finds in modern times which is the analytic of finitude and Kant’s illusory anthropological subject as both transcendental and empirical. (Compare in particular Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Vintage Books, 1994), last two chapters; Foucault, *Introduction to Kant’s Anthropology*, last section; as well as Michel Foucault, “What Our Present Is,” in *The Politics of Truth*, ed. Sylvère Lotringer (Los Angeles, CA: Semiotext(e), 2007), 137ff.).

45 Foucault, “Nietzsche, Genealogy, History,” 88; 86.

46 Michel Foucault, “Nietzsche, Freud, Marx,” in *Aesthetics, Method, and Epistemology*, ed. James D Faubion (New York: New Press, 1998), 276.

47 Introduced in Foucault, “Nietzsche, Genealogy, History.”

48 Compare in particular Foucault, “What Our Present Is,” 141f.

49 Foucault, “Nietzsche, Genealogy, History,” compare specifically pages 77-90.

In this sense, Foucault radicalizes the *ethos* of Kant's "Was ist Aufklärung?" and calls to analyze and reflect upon limits in a *positive* way. This positive "limit-attitude" turns Kant's *Critique* around. While Kant's *Critique* consists in tracking "the contemporary limits of the necessary" and finding out "what is not or is no longer indispensable for the constitution of ourselves as autonomous subjects," Foucault wants to know what the products of arbitrary constraints are to then "transform the critique conducted in the form of necessary limitation into a practical critique that takes the form of a possible transgression."<sup>50</sup> Transgression, however, does not aim at "letting unheard voices speak" to render them finally recognized, a concept entirely compatible with Kant and Hegel. What Foucault has in mind is a form of invention and creation which he counterposes, on the one hand, to Althusser's notion of science, and on the other hand to Sartre's notion of authenticity. For although Sartre aligns freedom with invention and Althusser seeks to invent new ideologies, they both understand invention as predicated on either the authentic relation man has to himself, or the authentic relation man has to his real materialist history, which is why the possibility of invention is bound to a *specific* subjectivity, be it free man or the mature scientist. Foucault, though, "would like to say exactly the contrary: we should not have to refer the creative activity of somebody to the kind of relation he has to himself, but should relate the kind of relation one has to oneself to a creative activity."<sup>51</sup> In this light, invention becomes a creative activity as the investigation of different relations to oneself, as the unsettling of specific truths which hold invention to be the *product* of a specific relation with oneself.

To summarize thus far, Sartre and Althusser remain trapped in the empirical-transcendental dialectic and fail to realize that power relations constitute both their own illusions and the potentials to unravel them through a genealogy understood as creative activity. On the basis of Foucault's appropriation of Nietzsche, we can clearly distinguish his position on freedom from both Sartre's and Althusser's. Contra Sartre—for whom freedom is the fundamental ontology of subjectivity—and Althusser—for whom freedom is the fundamental illusion—Foucault views freedom, radicalizing Kant, as that which marks a *possibility* and therefore informs the ethical standpoint of immanent and continuous social critique.

"This critique will be genealogical in the sense that it will not deduce from the form of what we are what is impossible for us to do and to know; but it will separate out, from the contingency that has made us what we are, *the possibility of no longer being, doing, or thinking what we are, do, or think*. It is not seeking to make possible a metaphysics that has finally become a *science*; it is seeking to *give new impetus, as far and wide as possible, to the undefined work of freedom*."<sup>52</sup>

To give new impetus, as far and wide as possible and picture freedom as being at work but undefined, this is the goal of Foucault's effective history, histories of problems and creative activity. And ultimately, this coinage of freedom is what gives Foucault's

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50 Foucault, "What Is Enlightenment," 43; 45.

51 Michel Foucault, "On the Genealogy of Ethics," in *Ethics: Subjectivity and Truth*, ed. James Faubion (New York: New Press, 1997), 262.

52 Foucault, "What Is Enlightenment," 46.

methodology its ethical thrust. The critical enterprise Foucault introduces cares about knowledge that can effect change through creation, an *ethos* of limit which, rather than seeking to incorporate exteriority into the same, endeavors to “liberate the profusion of lost events”<sup>53</sup> in taking exteriority as the crucial indicator to unsettle the maliciously claimed truth of the present. Foucault therefore assumes the position of a skeptic who cannot specify any specific program, life form or liberation strategy, nor is he interested in making lost events reappear as events on the stage of historical process. Indeed, he does not take the *standpoint* of exteriority but exteriority as a “*guiding theme*.”<sup>54</sup> He is interested in the emergence of different interpretations. The “authentic one,” the “true one” is therefore not the one “who seizes a sleeping truth in order to proclaim it” but who “pronounces the interpretation that all truth functions to cover up.”<sup>55</sup>

But how is such a position of an endless, authentic skeptic possible? How can change result from an analysis which is ultimately descriptive in nature? An engagement with Foucault’s own humanist question and the way he answers it by reframing two vital concept (*ideology* for dialectic materialism and *experience* for existentialist phenomenology) will put us into the position to understand the character of Foucault’s immanent critique and will finally allow us to illustrate it in light of the sixth Louvain lecture on the character of avowal in premodern and modern penal practices.

### **Reframing experience and ideology – Foucault’s answer to the humanist question**

*“[Effective history] discovers the violence of a position that sides against those who are happy in their ignorance, against the effective illusions by which humanity protects itself, a position that encourages the dangers of research and delights in disturbing discoveries. The historical analysis of this rancorous will to knowledge reveals that all knowledge rests upon injustice (that there is no right, not even in the act of knowing, to truth or a foundation for truth) and that the instinct for knowledge is malicious (something murderous, opposed to the happiness of mankind).”*<sup>56</sup>

In this passage, the meaning of “malicious” takes on yet another meaning. It distinguishes between good and bad murder and justifies, on this ground, why Foucault prefers Nietzsche over Kant. While Nietzsche’s doubly murderous gesture frees mankind, the murderous character of Kant’s empirical-transcendental doublet keeps mankind in a state of ignorance, wrapped up in illusions. This latter murderous movement is “opposed to the happiness of mankind.” Accordingly, the humanist question implied in this distinction can be phrased as follows: To what extent can human beings develop the kind of knowledge that contributes to the happiness of mankind? How can human beings, themselves in a state of ignorance, change the world into which they are thrown, which constitutes them in their beliefs and behaviors? The

53 Foucault, “Nietzsche, Genealogy, History,” 81.

54 Compare the sixth Louvain lecture in which Foucault says: “To show the paradoxes within the structure of avowal, its trap, I take as my guiding theme, rather paradoxically, what happened when the need for avowal was not satisfied or something escaped the procedure.” This guiding theme is constitutive of what I will discuss in the next section as “the experience on the edge” (Michel Foucault, “The Louvain Lectures: Truth Telling as Techniques of Domination,” *Lecture Nr. 6, May 20, 1981*, 10).

55 Foucault, “Nietzsche, Freud, Marx,” 276.

56 Foucault, “Nietzsche, Genealogy, History,” 95.

significance of this question for the Foucauldian project is best illustrated in relation to Althusser's and Sartre's positions on ideology and experience. I will first offer a Foucauldian reframing of ideology to then move, at the end of the paper, to his concept of "social experience." This investigation will give a clearer sense why Foucault is in a sense a Kantian humanist, inspired rather by the Enlightenment tradition than the tradition of humanism or anti-humanism.

While Althusser vacillates between ideology as a totality and ideologies as forms of false consciousness (a thickness not to be escaped from and a thinness so fragile to be unmaskable by science), Foucault persistently underlines that truth games "are [not] just concealed power relations."<sup>57</sup> Instead, power relations constitute truth games which then form historically hardened substances, material realities that position and subjectivize human activity. Most importantly, these substances are made of a fabric of power relations which itself is able to call the very substance into question. A problematization of these implicit power relations renders homogeneity ambiguous. The extent to which historically hardened substances are thick depends on the defense mechanisms these substances have worked out and worked over by their inherent power relations. Contrary to Althusser, Foucault thereby does not believe that thickness is dependent on the materialist ground of class contradictions as they manifest in historically specific time. In the sixth Louvain lecture on the paradoxical effects of avowal on early modern and modern penal theory and practice, Foucault also uses the term *dramaturgy* to illustrate his understanding of thickness. A drama, in this respect, is understood as "anything that brings forth the foundation and meaning of what is taking place."<sup>58</sup> If a specific substance is thick it is essential and functional for the maintenance of the truth game. In case its substance falls apart and cannot withhold itself from becoming an open, contradictory site it has to be replaced by new substances.<sup>59</sup> Thinness, on the other hand, does not relate to an illusion as false consciousness but to the knowledge *about* an illusion that comes with every truth game, the characteristic of which being that it can justify its own substance as an absolute manifestation which precedes interpretation.<sup>60</sup> Foucault gives an example of a reconceptualization of ideology in the sense of illusion in "Truth and Juridical Forms." Picturing capitalism as an ideology would mean to link specific truth games to the realization of the "employer's dream come true,"<sup>61</sup> not only in industry but also throughout society.

"The factory, the school, the prison, or the hospitals have the object of binding

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57 Michel Foucault, "The Ethics of the Concern for Self as a Practice of Freedom," in *Ethics: Subjectivity and Truth*, ed. James Faubion (New York: New Press, 1997), 297.

58 Foucault, *Lecture Nr. 6*, 9.

59 Compare *Ibid.*, in particular pages 9f., 24f.

60 For a Foucauldian account on thinness compare his understanding of man as being "no more than a kind of rift in the order of things" while he remains fully aware of the thickness specific modern practices of subjectivity carry. "Strangely enough, man (...) is probably no more than a kind of rift in the order of things, or, in any case, a configuration whose outlines are determined by the new position he has so recently taken up in the field of knowledge. (...) It is comforting, however, and a source of profound relief to think that man is only a recent invention, a figure not yet two centuries old, a new wrinkle in our knowledge, and that he will disappear again as soon as that knowledge has discovered a new form" (Foucault, *The Order of Things*, xxv).

61 Foucault, "Truth and Juridical Forms," 75.

the individual to a process of production, training, or correction of the producers. It's a matter of guaranteeing production, or the producers, in term of a particular norm."<sup>62</sup>

On this basis, Foucault reinterprets ideology in a manner that remains truthful to his notion of freedom generated not outside of but within and through the contradictions and disparities of knowledge-power-struggles. In short, ideology can no longer be regarded as an obstacle (be it "epistemological" or "political") for the subject preventing her from truly realizing her essence as labor or as a member of a specific class. Rather, ideology forms subjects of knowledge and constitutes truth relations that are *real* for both workers and capitalists. They are real in the full sense of the term, part of a drama that cannot only be described in symbolic or performative idioms. Within this drama there is a significance and effectiveness at play that is ultimately transformative. It transforms the subject into a subject of capitalist production and reproduction. But since transformation produces the very substance of truth games, we cannot naturalize a specific essence or materialist grounds on which transformation takes place. "In order for men to be brought into labor, tied to labor, an operation is necessary, or a complex series of operations, by which men are effectively (...) bound to the production apparatus for which they labor."<sup>63</sup> While we can therefore say that Foucault agrees with Althusser's structural analysis of capitalist reproduction (looking for it outside the typical worker-capitalist relationship *and* integrating the function humanism can play respectively) he disagrees with the way Althusser remains beholden to the notion of false-consciousness and ideology as the grounds for truth.

Rather than positing a materialist grounds of class contradiction and thereby enlisting in a hermeneutic which "in effect falls back on a semiology" and "believes in the absolute existence of signs," Foucault wants to unravel the relation between substance and interpretation by showing the forms contradictions take *within* specific historical truth games. He therefore calls for a hermeneutic endeavor which pictures the organizational possibilities of paradoxes, problems and oppositions – how do they organize themselves within the signs of a truth game?<sup>64</sup> To Foucault, Marx, along with Nietzsche and Freud, has opened up this hermeneutic. Marxism, however, apparent in both Sartre and Althusser, "abandons the violence, the incompleteness, the infinity of interpretations in order to enthrone the terror of the index or to suspect language."<sup>65</sup> Foucault conceives of Marx as a thinker close to an *ethos* of limit and wonders whether Marx did not, in fact, illuminate "the density of the sign, (...) this open space, without end, (...) this space without real content or reconciliation" through a "play of negativity that the dialectic, at last, had unleashed by giving it a positive meaning."<sup>66</sup> Similarly in Foucault, we do not find language, truth or power to be suspect, for they first of all form historically hardened substances which can only be understood as positive. They form positive meanings which are rendered open and ambiguous through the investigation of the specific organization of their problems. The historically hardened

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62 Ibid., 78.

63 Ibid., 86.

64 Compare Foucault, "Nietzsche, Freud, Marx," specifically 275-278.

65 Ibid., 278.

66 Ibid., 277.



substances are *positive* in the sense that they cannot be rejected. Since we form part of these positive substances and they constitute us, we cannot easily escape them. They imbue the present with effective meaning and significance.

Rather than thinking in terms of linear time Foucault is therefore interested in circular time. Rather than distinguishing “the ‘modern era’ from the ‘premodern’ or ‘postmodern,’” Foucault thinks “it would be more useful to try to find out how the attitude of modernity, ever since its formation, has found itself struggling with attitudes of ‘countermodernity.”<sup>67</sup> In this light, Althusser’s anti-humanism is shown to be a rejection predicated on a modern notion of linear progress. He cannot understand history as a history of problems that are exchanged and substituted in circular moves. Neither can he understand that this perspective, most importantly, enriches the meanings of the present, for, in fact, any history for Foucault starts in the actuality of present problems to effectively—that is, through the investigation of historically different ways of living—disturb the ways they have been organized. These historical ways of living “cannot exactly be reactivated but at least constitute, or help to constitute, a certain point of view which can be very useful as a tool for analyzing what’s going on *now*—and to change it.”<sup>68</sup>

Against this background, Foucault’s skepticism vis-à-vis *humanism* can be qualified more clearly. He does not so much reject the humanist question or interest; rather does he consider the concept unhelpful when it comes to a genealogical project. Foucault does not consider humanism a useful category of historical investigation. It is “too supple, too diverse, too inconsistent.”<sup>69</sup> Even more importantly, it is often confused with the category of enlightenment, which to Foucault is more productive. This confusion leads to an enforcement of humanist chimeras entirely wrapped up in the analytic of finitude. In other words, Foucault does not consider humanism to form a substance positive and thick enough to inspire a standpoint of effective critique of present problems. It can rather be understood in performative or symbolic ways, as reproducing the paradoxes we live in and constituting precise modifications of truth games while equally remaining not as effective as Kant’s *Critique* and Nietzsche’s response to form the decisive ethical substance to be worked on.

Yet, the ethical leverage of the humanist question is deeply embedded in Foucault’s critique of Althusser: There is no place for subjectivity in Althusser. He takes the death of man for granted and does not understand that Nietzsche does not formulate a solution, but rather poses a task which “requires work on our limits, that is, a patient labor giving form to our impatience for liberty.”<sup>70</sup> Although Nietzsche shows that any “origin lies at a place of inevitable loss” we are still bound to the analytic of finitude; we live it *positively* in all its thinness and thickness. The task is to get to the knowledge about man’s death, to dramatize it by way of bringing the “spark between the swords” on stage in a dramaturgically effective way. What maintains the play, where does it become weak? What is its dramaturgical substance, what is in danger to be lost. I argue that this double-layered structure of dramaturgical elements lies at the core of Foucault’s ethico-political enterprise. Since man is part of the ignorance he seeks to

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67 Foucault, “What Is Enlightenment,” 39.

68 Foucault, “On the Genealogy of Ethics,” 261 [emphasis added].

69 Foucault, “What Is Enlightenment,” 44.

70 *Ibid.*, 50.

dispel, he has to disappear himself. But how? Man can only disappear “as soon as that [other] knowledge has discovered *a new form*.”<sup>71</sup> An *ethos* of limit applied to this problem leads Foucault to an integration of subjectivity, knowledge and power, on the one hand, and ethical and political substance on the other. Indeed, the different substances taken by the empirical-transcendental doublet need to be understood on two different levels of dramaturgy. An investigation of political substance exposes the dramaturgical functionality and significance with which specific paradoxes are organized within a truth game. In comparison, an investigation on the ethical substance understands the dramaturgical work that is needed in order to change present notions of subjectivity. These are two entirely different, though deeply implicated, levels of investigation. The first investigation asks about the points of diffraction, *when* do systems derail and *how* do they replace their substances. The second investigation locates “the material that’s going to be worked over by ethics,”<sup>72</sup> the moralities involved to constitute specific subjectivities, specific relations between the self and oneself and asks *what* it is that needs to be changed.

In the sixth Louvain lecture, Foucault illustrates how we can conceptualize both investigations and their interrelation. An investigation of avowal in its *political*, dramaturgical substance would entail an understanding of the ways in which the practice of avowal moves from “a sort of contract of truth that (...) constituted a punitive engagement that gave meaning to the imposed sanction”<sup>73</sup> to the failure of this contract and attempts to supplement it through forms of hetero-veridiction such as psychological diagnoses.<sup>74</sup> Through this kind of analysis, Foucault gains a knowledge of historical problems, a knowledge about the ways the “question of subjectivity, of truth-telling of criminal subjectivity has been re-doubled and has extended its shadows over the simple question of avowal.”<sup>75</sup> In comparison, an investigation of avowal in its *ethical*, dramaturgical substance would entail an understanding of “appetite,” intensity and necessity of specific dramaturgical elements. Its question is primarily why the appetite for avowal is so big; which codes of morality are involved and have to become subject to change. Through this kind of analysis Foucault gains a knowledge about *the fact* that “the veridiction of the subject (...) provokes a crisis from which we have yet to escape.”<sup>76</sup> The harder it is to change a ethical practices, the more essential the specific ethical desiderata are for the judicial drama, the more vitally it is in need of an ethics that works on the subjectivities in play, the thicker is the *ethical* substance under investigation. Likewise, the more extensions of subjectivities within a specific substance are possible, the more its underlying politics can dramatize and juxtapose traps and expose the ways these traps have in turn been reintegrated into the judicial system, the thicker is the *political* substance under investigation.

These two levels of dramaturgy are illustrated in a second example. Foucault explains why he has turned to Greek aesthetics and philosophy with an explanation of political substance: “I wonder if our problem nowadays is not, in a way, similar to this one [in

71 Foucault, *The Order of Things*, xv [emphasis added].

72 Foucault, “On the Genealogy of Ethics,” 263.

73 Foucault, *Lecture Nr. 6*, 9.

74 *Ibid.*, 11ff.

75 *Ibid.*, 25.

76 *Ibid.*, 2.

ancient Greece], since most of us no longer believe that ethics is founded in religion, nor do we want a legal system to intervene in our moral, personal, private life.” In comparison, the ethical substance detected by him is the following: “Recent liberation movements suffer from the fact that they cannot find any principle on which to base the elaboration of a new ethics. They need an ethics, but they cannot find any other ethics than an ethics founded on so-called scientific knowledge of what the self is, what desire is, what the unconscious is, and so on.”<sup>77</sup> The ethical substance to be worked on is the scientific knowledge of what the self is. From the standpoint of this actuality, the problems and substances of ancient Greece can represent “a treasure of devices, techniques, ideas, procedures, and so on” which can be useful as tools for creative activity, that is the attempt to invent possibilities of how the relation one has to oneself can look like.

Yet again, and Foucault points this out himself, he does not prioritize the Greek way of living, the care of the self over modern ways of knowledge, nor does he seek to offer one specific alternative since “you can’t find the solution of a problem in the solution of another problem raised at another moment by other people.”<sup>78</sup> He rather wants to show “why ‘know thyself’ has obscured ‘take care of yourself’” to work on the ethical substance in place, that is “our morality, a morality of asceticism, [which] insists that the self is that which one can reject.”<sup>79</sup> Thus, ethical substance does not describe a specific normative content, it is normative *as such* and poses the question of alternatives without giving a clear solution. The ethical substance forms the necessity to work on specific normative concepts laid bare through an investigation of political substance. This enterprise involves the labor of systematic, homogeneous methodological inquiries in order to form an account of *effective history*. Thus, these inquiries are not contingent and ambiguous, “they have their practical coherence in the care brought to the process of putting historico-critical reflection to the test of concrete practices.”<sup>80</sup>

Against the background of this reframing of ideology we can get a deeper sense of what Foucault means by “seeking to give new impetus, as far and wide as possible, to the undefined work of freedom,” and understand that he engages in the meticulous study of history because he is not only interested in ambiguating meaning, a practice which remains on the symbolic and performative level. He wants to change effectively and incline the study of history to become cunning, critical, and curative.

I will end with one phenomenological reframing through which Foucault introduces a third dimension of dramaturgy. In contrast to Sartre who understands subjectivity as the authentic, subjective experience which founds absolute freedom, Foucault bends the concept of experience, with the help of Blanchot, Artaud and Bataille, to *social experience*. This different phenomenological reading of experience poses “the problem of experiences on the edge (...), borderline experiences which put into question what is usually considered acceptable.”<sup>81</sup> These experiences mark what we already detected

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77 Ibid., 255f.

78 Ibid., 256.

79 Michel Foucault, “Technologies of the Self,” in *Ethics: Subjectivity and Truth*, ed. James Faubion (New York: New Press, 1997), 228.

80 Foucault, “What Is Enlightenment,” 50.

81 Foucault, “What Our Present Is,” 132.

as the *guiding themes* of genealogical investigations. Their function is to unsettle, bring into play, disturb. Through them, the spark between the same and the other can be reconstructed and turned into a description of political and ethical substance which, in turn, sheds light on the contradictions that, before, had the possibility to organize themselves in the interior of the same. That borderline experiences are rather framed in terms of *social* than *individual* experience points precisely to the reason why Foucault is concerned about the substantive and dramaturgical and not the repressed and excluded. Indeed, in comparison to the common reading that Foucault attempts to liberate unheard voices to make them speak again, I argue that Foucault locates the ethical substance to be reworked amidst the social meaning these experiences carry with them. To be sure, it is only through their exteriority that we can get hold of dramaturgical elements in truth games which are thick enough to cause effective change. And maybe, for this purpose, the introduction of a hermeneutics of the self can form a vital tool. But Foucault does not opt for a specific way of life, be it the *parrhesiast* or the poet engaged in Kant's *Dichtkunst*. Foucault understands these practices as tools to ambiguate the social meaning which could be unmasked as a lie by borderline experiences. And thus it might be of interest to strive to become a *parrhesiast* and look for constraints and potentials in modern life. But this is not the thrust of Foucault's *ethos* of limit. Foucault is not interested in giving a prediction of the future, for it is "through many battles, many conflicts to respond to a certain number of problems, that specific solutions are chosen."<sup>82</sup>

Foucault cares about the *real* possibility of changing the same through the exteriority of the other which leads him to invoke a third meaning of dramaturgy.

"History becomes 'effective' to the degree that it introduces discontinuity into our very being—as it *divides our emotions, dramatizes our instincts, multiplies our body and sets it against itself*. (...) It easily seizes the slow elaboration of instincts and those movements where, in turning upon themselves, they relentlessly set about their self-destruction."<sup>83</sup>

In order to successfully dramatize our subjective experiences and introduce discontinuity into our social being and thereby answer the humanist question Foucault raises, he emphasizes the political and ethical substance of enlightenment which he finds in Kant's *Critique* and not in a reconceptualization of the humanism proposed by Sartre or Merleau-Ponty. Indeed, he is convinced that his social critical enterprise "still entails faith in Enlightenment."<sup>84</sup> The ethical substance of the enlightenment understands that we cannot choose to be part of it, "either accept it or escape from it, rather: we are beings who are historically determined, to a certain extent, by the enlightenment."<sup>85</sup> The political substance locates a possibility of transgression of the enlightenment in a continuous criticism at its frontiers, in turning the idea of *Critique*, which starts from the necessary and incorporates the excluded, into a critique which starts from the limits and reworks the same.

82 Foucault, "What Our Present Is," 139.

83 Foucault, "Nietzsche, Genealogy, History," 87f. [emphasis added].

84 Foucault, "What Is Enlightenment," 50.

85 *Ibid.*, 43.

In contrast to the privilege Sartre and Althusser give their own body of knowledge and with a skeptical eye on the dangers of humanist substances, we can conclude that Foucault answers the humanist question with a turn to the enlightenment. As a consequence, he even questions the common notion of theory, doctrine or knowledge for his own practice. What matters to him is a standpoint of freedom which informs creative activity and dramatizes what we have in light of what could be. To be successful and bear effective stakes, such an immanent critique of the present “has to be conceived as an attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them.”<sup>86</sup> Secondly, Foucault’s social critique needs work. Indeed, it has “its generality, its systematicity, its homogeneity, and its stakes” and it can have these only when it puts “itself to the test of reality, of contemporary reality, both to grasp the points where change is possible and desirable, and to determine the precise form this change should take.”<sup>87</sup> An ethico-political choice is therefore not for or against a specific solution, form of life or ethics, it is the “choice we have to make every day to determine which is the main danger,”<sup>88</sup> which carries the main substance that keeps us bound to the ignorance of mankind. ■

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86 Ibid., 50.

87 Ibid., 47; 46.

88 Foucault, “On the Genealogy of Ethics,” 256.



# Preferences, Metapreferences, and Morality

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THAT humans have certain desires is a fundamental truth of our nature and a central premise of economic theory. One may disagree about what those desires comprise or whether such desires are morally good or even beneficial for our interests, but one cannot doubt the existence of preferences across choices and alternatives. Economists, rational choice theorists, and many political scientists operate under the assumption that individual agents in the market and in the community have (somewhat) stable preferences and that individuals act according to these preferences.

That we have desires *about* desires is far less clear, but as important a concept. As Plato notably discussed through his concept of *akrasia*<sup>1</sup>, the process of acting against one's better judgment, there seems to exist a disconnect between one's desires and one's preferences about those desires. We all have desires that we desire not to have; at the same time, we often wish that certain beneficial activities constituted our desires.

Despite the apparent implications for the social sciences, the topic of metapreferences heretofore has been discussed primarily within the realm of philosophy. Philosophers of mind have discussed the concept of metapreferences as it relates to the will and human autonomy.<sup>2</sup> According to certain philosophers, the ability to evaluate our own preferences and to act against our first order preferences is what differentiates humans from non-humans and renders us free with respect to our will. In social sciences, meanwhile, much of the discussion of metapreferences has focused on specific explanatory applications—for example, on reasons why people commit suicide or on questions of social choice stability—or on reasons for why traditional economic preference theory may be insufficient in modeling human behavior.<sup>3</sup> Scholarship regarding the application of metapreferences in the social sciences has been sparse, and those who have discussed it have not fully considered the objects or content of our metapreferences.

In this paper, I will examine the formation and application of metapreferences to

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1 Plato. *Protagoras*. In *Plato Complete Works*. Ed Cooper, John M. (Indianapolis: Hackett). 358d.

2 See for example Harry Frankfurt. "Freedom of the Will and the Concept of a Person". *The Journal of Philosophy*, Vol 68, No. 1 (1971); Richard C. Jeffrey. "Preferences Among Preferences". *Journal of Philosophy* 71 (13):377-391 (1974); or Gerald Dworkin. *The Theory and Concept of Autonomy*. (Cambridge: Cambridge University Press, 1988). As Dworkin, writes, "Autonomy is conceived of as a second-order capacity of persons to reflect critically upon their first-order preferences, desires, wishes, and so forth and the capacity to accept or attempt to change these in light of higher order preferences and values".

3 See Albert O. Hirschman. "Against Parsimony: Three Ways of Complicating Economic Discourse" in *Rival Views of Market Society and Other Recent Essays*. (Cambridge: Harvard University Press, 1986).

argue that metapreferences fall into their own distinct, conceptual category. Secondly, I argue that the content of metapreferences draws on a variety of society-based and value-based heuristics. In particular, by invoking heuristics of popular approval and individual moral intuitions, metapreferences lead us to a set of preferences less selfish than what has been thought but ones that nonetheless cater to our wellbeing.

### What is a Metapreference?

Given the complexity of the concept of metapreferences, there is no singular accepted definition that satisfactorily encompasses the multiplicity of applications across different fields. Broadly speaking, however, a metapreference takes the general form of an aversion to or an approval of one's desire for a specific good or activity. In more formal logical notation, an aversion to one's desire might be expressed as *A pref. X over Y* but *A pref. [A pref. Y over X ] to [A pref. X over Y]*. In other words, A wants X over Y, but A wants to want Y over X. Or as Frankfurt puts it, "besides wanting and choosing and being moved *to do* this or that, men may also want to have (or not to have) certain desires and motives."<sup>4</sup>

The possibilities for metapreferences are numerous, but perhaps the most obvious and illustrative manifestation of a metapreference is one in which an individual has a preference for a "criticizable" activity.<sup>5</sup> A characteristic example would be that of the smoker, who desires a cigarette, but who wishes she did not have that desire. This individual is said to have a first-order desire for a cigarette, but a second-order desire (metapreference) that expresses distaste for her first-order desire to smoke. As Hirschman notes, metapreferences arise from the "ability [of humans] to step back from their 'revealed' wants, preferences" and evaluate them accordingly.<sup>6</sup> It is only through "stepping back" and evaluating the desire that the smoker can realize a metapreference, for she surely does not have a first-order desire not to smoke.

Before continuing, it is important to differentiate between several different conceptions of metapreferences. The primary conception of metapreferences I address in this paper supposes that "wanting" a certain desire connotes "wanting [the desire] to guide what I ultimately choose." In other words, my metapreference for desire Y over desire X entails that I want the end of desire Y. In many ways, this formula highlights the semantic difference between a "want" and a "preference," though as Frankfurt notes "it could not be true both that A wants the desire to X to move him into action and that he does not want to X."<sup>7</sup>

One could, however, imagine examples in which an individual could want to have a certain desire purely to experience the desire itself, without regard for its "end." This might be called the qualia view of metapreferences, and its occurrence and practical significance is harder to imagine. One can think, for example, of a therapist who wishes to want drugs in order to understand what desires his patients experience; Odysseus

4 Frankfurt, 1971, 7.

5 Later in the paper I will discuss exactly what is meant by 'criticizable'.

6 Hirschman, 1986, 144

7 Frankfurt, 1971, 10. In other words, a preference could be thought as a more holistic evaluation of alternatives that includes both the strength of the desire and a rational evaluation of its end, whereas a want might simply include a desire.



wishing to experience the temptation of the Sirens<sup>8</sup>; or an ascetic monk who does not want to want money (but as Douglas Whitman notes, would be fine with it appearing on his doorstep)<sup>9</sup>—but it is rare that we look at desires qua desires.

A more common type of metapreference, which might be termed the virtue-ethical metapreference, would be the act of wanting to be the sort of person that wants Y—for example, an individual might give to charity because he wants to be the sort of individual who engages in philanthropic activities. While this could be a type of primitive intuition, presumably this type of intuition could also appeal to either the desire itself or to the end of that desire. Indeed most of the time we wish to have them in order to become the kind of person who acts on those desires.

Bernard Grofman and Carole Uhlaner introduce a fourth conception of metapreferences. For them, metapreferences are “preferences over characteristics of choice processes,” or “preferences for the features of the procedures which result in outcomes, and not simply preferences for outcomes *per se*.”<sup>10</sup> Grofman holds that metapreferences concern the mechanisms involved in making choices, and suggests that the framing of the choice procedure can affect our first-order preferences themselves. In other words, given that preferences are, by nature, choices among alternatives, the rules of the choice process can be a source of a metapreference. To be sure, this definition is different from the iterative “second-order” and deliberately judgmental nature of metapreferences discussed by such scholars as Frankfurt, Dworkin, and Hirschman, but it parallels their view by framing how we act.

Despite these differences in definitions, it is important to note the similarities. All four conceptions suggest that the current rational choice model that only evaluates the revealed first-order desires of individuals (i.e. one’s preference is simply what one chooses to do) is fundamentally flawed. First-order desires do not always direct our actions, and each definition implies that a deeper, underlying set of preferences ought to be considered in concert with revealed desires. Secondly, as I will explore in the final section of this paper, there is significant overlap in the content that characterizes the different sets of metapreferences, including factors that are not immediately self-interested. For the purposes of this paper, I will take a metapreference to be an end-oriented heuristic used for evaluating desires that is neither self-interested nor is driven by concerns about utility.

### Debates over Metapreferences

Much of the resistance to the inclusion of metapreferences in contemporary economic literature stems either from a refusal to accept the existence of metapreferences as a distinct category or a failure to acknowledge their practical importance. Many economists and rational choice theorists hold that the satisfaction of any preference, by dint of it being a preference, brings utility. On this view, metapreferences are just a variant form of first-order preference. The economist Gary Becker, for example,

8 Jon Elster, “Ulysses and The Sirens: A Theory of Imperfect Rationality”. *Social Science Information* (5). 469.

9 Douglas G. Whitman. “Meta-Preferences and Multiple Selves”. (California State University, 2003).

10 Bernard Grofman and Carole Uhlaner. “Metapreferences and the Reasons for Stability in Social Choice: Thoughts on Broadening and Clarifying the Debate”. *Theory and Decision* 19 (1985) 31.

acknowledges that “economists have had little to contribute ... to the understanding of how preferences are formed,” and so under the “economic approach,” “preferences are assumed not to change substantially over time, nor to be very different between wealthy and poor persons, or even between persons in different societies and cultures.”<sup>11</sup> He further constrains preferences, arguing that not only are they assumed to be stable but that they are also “defined over fundamental aspects of life, such as health, prestige, sensual pleasure, benevolence, or envy.”<sup>12</sup> There is no room for “ad hoc shifts in values,” and whatever “non-rational” behavior does occur can be explained according to incomplete information or “the existence of costs, monetary or psychic.”<sup>13</sup>

While Becker does not address the concept of metapreferences directly, it is easy to see why the concept of metapreferences I discussed previously could not cohere with this view. As Hirschman notes, metapreferences often *only* come to light through conscious changes in action (or in economic terms, changes in revealed preference).<sup>14</sup> This is due to the fact that if one’s metapreferences always corroborate one’s first-order preferences, then metapreferences have no practical significance. Rather, “certainty about the existence of metapreferences can only be gained...[in] changes in actual choice behavior;” namely when one’s metapreference is directly at odds with her preference and causes her to act differently.<sup>15</sup> In the example of the smoker, we can gain insight into metapreferences precisely through the observation that on one day she refuses to smoke (i.e. when her revealed preference has changed), despite the fact that there is no observed change other than her taking the time to self-evaluate. To be clear, this is not to say that all changes in preference are motivated by metapreferences, nor that all metapreferences necessarily cause changes in behavior. It is possible that a metapreference could disagree with a first-order preference (that is to say, the conflict of interest exists), but the metapreference is weaker than that preference. In this case, the existence of conflicting preferences would detract from overall utility, but the metapreference would not have sufficient power to effect a change in action. Rather, it seems that there is a relevant sub-category of metapreferences that can effect changes in behavior.

Douglas Whitman, an economist who acknowledges several of the shortcomings associated with the overly rational approach pioneered by Becker (Whitman presents his own theory to explain anomalies of choice) is similarly skeptical of the concept of metapreferences. According to Whitman, and consistent with Becker’s approach, a second-order desire often stems from a “frustrated” first-order desire.<sup>16</sup> To return to the case of the smoker, Becker and Whitman would argue that the reason he stops smoking is that he has both a first-order desire for health and a first-order desire for cigarettes. When his desire for cigarettes “frustrates” another first-order desire, he inevitably gains a metapreference. In this sense, Whitman understands what we call metapreferences to be simply “intellectualized” desires.<sup>17</sup>

There is certainly some value to this view of metapreferences that ought be

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11 Gary S. Becker. *The Economic Approach to Human Behavior*. (Chicago: University of Chicago, 1976), 5.

12 Ibid.

13 Ibid., 6.

14 Hirschman, 1986, 144

15 Hirschmann, 144.

16 Whitman, 2003, 5.

17 Ibid., 12.

considered. Importantly, Whitman (and Becker) highlight a common point of confusion in current discussions about metapreferences. It is not simply that in rejecting a cigarette, one demonstrates a metapreference—after all, as Becker notes, health is a commodity (it brings us utility) and many of us who reject a cigarette may be contradicting an “instinct,”<sup>18</sup> but we are ultimately doing so to serve our health. But Whitman and Becker’s discussions overlook two important differences. The first is the difference between tastes and values, and the second is post-hoc theory development.

Frankfurt’s description of metapreferences in *Freedom of the Will and Concept of the Person* does not explicitly mention the distinction between tastes and values, but Frankfurt implies it through his distinction between “persons” and “wantons.” Frankfurt’s conception of personhood relies on one’s capacity to see the “desirability of his desires,” which even a rational wanton—an individual who always acts to maximize her utility—could not do.<sup>19</sup> What exactly does Frankfurt mean by this? Consider Whitman and Becker’s idea that metapreferences are simply another form of preferences and tastes. If this were the case then humans would *only* be concerned with maximizing utility, rather than having an underlying preference for the desire. This would mean that the smoker would simply be performing a cost-benefit calculation without caring which of his conflicting desires would take precedence in the end. Yet this conclusion appears tenuous at best. It seems that the smoker does not refuse the cigarette merely to maximize her utility according to some intertemporal utility judgment, but rather has underlying values about the activity itself and her relationship to that activity which transcend the activity’s measure of utility. In other words, Whitman and Becker seem to suggest that, so long as two activities bring an individual the same utility, that individual would have no reason to prefer one activity to the other.

The argument that Whitman and Becker might put forth in response to this criticism—that we wouldn’t choose something if it didn’t maximize our utility, or that there must be some implicit cost that has been overlooked—may certainly be plausible but rests on tautology or post-hoc theorizing. As Green and Shapiro note, rational choice theorists will often approach questions by “engag[ing] in a thought experiment designed to generate an explanation of a given phenomenon that is consistent with rational choice assumptions, somehow specified.”<sup>20</sup> This issue is further complicated by the fact that “the predictions of one rational choice model will invariably overlap with those derived from another kind of theory.”<sup>21</sup> Simply because refusing a cigarette seems to benefit our utility, it does not follow that we make that choice so as to maximize our utility. Indeed, as I will argue, our metapreferences are invariably more moral in character, which can benefit our self-interest (e.g. self-interest well understood) but not *because* we are self-interested.

Even if one were to entertain Whitman’s argument that metapreferences and

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18 While it is very often the case that the metapreference-preference distinction will parallel a reflective-instinctual difference, this is not always the case. As is later discussed, certain metapreferences—such as those concerning popular support or procedural fairness—can be instinctual in nature. Similarly, one can also take the time to reflect on what one really desires.

19 Frankfurt, 1971, 11.

20 Donald P. Green and Ian Shapiro. *Pathologies of Rational Choice Theory*. (New Haven: Yale University Press, 1994). 34.

21 *Ibid.*, 37.

preferences impact the same utility (one that takes into account all manner of psychic and monetary benefits), it seems there is still something to be said for understanding second-order desires as a distinct category. In labeling metapreferences “intellectualized desires,” Whitman implicitly acknowledges that metapreferences are of a different nature. For example, “meta-preferences can operate under specific circumstances, such as when an individual binds himself in advance;”<sup>22</sup> second-order desires more often than not “demand psychic attention” (as opposed to material satisfaction);<sup>23</sup> and our ideas of metapreferences often concern our “welfare utility function” (what is good for us) while first order preferences concern our “behavioral utility function” (what we want).<sup>24</sup> Thus even if we *can* compare the utility of satisfying a preference and satisfying a metapreference, if the formation, application, and content of the two are different (which Whitman suggests), perhaps each ought to be considered in its own scope.

### Metapreferences in Practice

To the extent that we have examined metapreferences in theory, it will be worth looking at what pragmatic implications the theory of metapreferences provides, particularly as they concern the economist or political scientist. After all, one can endorse Frankfurt and Dworkin’s arguments for the existence of second-order desires and their role in establishing human autonomy without believing that second-order desires hold any serious consequences for policy or action. Yet as Hirschman argues, metapreferences are valuable precisely *because* they reflect our values (that is, he argues, values are a source of our metapreferences) and allow us to act against our preferences or “interests.” We have already considered what this looks like in one situation—namely, when someone rejects a cigarette because he does not want to want to smoke—but no scholar has properly considered how metapreferences are manifested on a larger scale.<sup>25</sup> I do not claim to be able to fill this gap with empirically validated examples, but I would like to suggest some situations (albeit post-hoc ones) in which metapreferences might be at play. These situations provide room for exploration in further studies.

At one level, metapreferences can explain why we engage in restrictive behavior. People, by and large, do not adhere strictly to a preferentist model of behavior, and will often take steps in advance to remove criticizable goods from their path. At the same time, individuals can make themselves do what they do not “want” to do. Consider the voter’s paradox, which, as Green and Shapiro demonstrate, is a problem with rational choice theory. There appears to be no valid self-interested reason as to why individuals want to go to the polls either from a welfare standpoint (it is not a sacrifice from which they gain future benefits) nor from a behavior standpoint (the present-time “consumptive” benefits from attending the polls are virtually non-existent).<sup>26</sup>

22 Whitman, 2003, 7.

23 Ibid., 15

24 Ibid., 2

25 Hirschman’s discussion of metapreferences indicates that there are pragmatic consequences for understanding human behavior, without detailing what those consequences would look like.

26 Green and Shapiro, 53.

Given that there is no obvious benefit whatsoever from attending the polls, the voter's paradox addresses why so many still vote. A metapreferential model might be seen to provide some clarity in this regard: we don't have a preference for voting per se, but we might want to be the type of person who is civically minded and so wants to vote, and so we make ourselves go to the polls. These effects gain in clarity when we look at some empirically demonstrated examples, particularly ones where there is a conflict between moral forces (our values) and our tastes (our first-order desires). One famous case is that of the day-care center in Haifa Israel that saw a dramatic increase in parents picking up their children late, *after* the center started charging parents for picking up children later.<sup>27</sup> This runs directly counter to Becker's suppositions about demand. Certainly there could be a Beckerian explanation to this change in behavior that examines the change in terms of latent psychic costs that, once the policy was implemented, undermined an existing disincentive to keep children late, but the change in behavior could also be potentially explained by the idea that individuals did not want to be the type of person who have a revealed preference for leaving children late (their metapreference prevented them from leaving children late more often). It is only once the charge was instituted that the parents' metapreference was satisfied at the expense of their first-order preference for money. There are many comparable examples in economic literature of cases where economic factors "crowd out" moral considerations, suggesting that traditional economic models of human behavior are incomplete.

Another key practical aspect of metapreferences concerns the formation of metapreferences. Hirschman touches on the importance of "stepping back from" desires, which suggests a more reflective and less instinctual process. Attempts to influence our preferences often deal with one of these approaches at the expense of the other. For example "advertising and other acts of marketing influence the preferences that agents experience but do not influence the metapreference ranking."<sup>28</sup> This formation is consistent with the taste-value distinction made earlier: advertising works to formulate our tastes (for example, flashing an unhealthy food before the screen) in an attempt to ensure our first-order preference takes priority. A reflective or meditated process, wherein we take time to evaluate our desires and wants, meanwhile, would seem to favor the instantiation of our metapreferences over our first-order preferences, due to the fact that many individuals do not like the fact that they want, say, an unhealthy food. In these situations, where we are unable to actualize our metapreference as our will, Frankfurt might argue we lose our conception of personhood and simply become rational wantons responding to utility without considering the desirability of our preferences. Adam Smith also highlights this aspect of metapreference formation when he suggests that "the eagerness of passion will seldom allow us to consider what we are doing with the candour of an indifferent person" and it is only when are not seized by passions that "we can enter more coolly

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27 Samuel Bowles, "Policies Designed for Self-Interested Citizens May Undermine the 'Moral Sentiments': Evidence from Economic Experiments," *Science*. Vol. 230 No. 5883 (June 20, 2008), 1605-1609.

28 David George, "Does the Market Create Preferred Preferences?" *Review of Social Economy*, Vol. 51, No. 3 (Fall, 1993), 333.

into the sentiments of the indifferent spectator.”<sup>29</sup>

While these areas ought to be explored further, some discussion of metapreferences has already pointed to explicit situations in which our metapreferences do determine certain non-rational behaviors. Grofman’s discussion of metapreferences, for example, is part of an attempt to explain social choice stability—that is, why there is often “too much stability in social choice processes,” despite the fact that some of these outcomes might be less than favorable.<sup>30</sup> David George and David Lester, meanwhile, have shown empirically how metapreferences affect suicidal tendencies by demonstrating that “people whose metapreference is for life over death may be less at risk for suicide than those who metapreference is for death over life” and that it is therefore impractical to simply consider first-order preferences.<sup>31</sup> George also suggests that understanding metapreferences is necessary for a normative analysis of economic institutions, and not merely to “render a richer model of human choice.”<sup>32</sup> According to this line of reasoning, even if the economist does reject the idea that we can use metapreferences to direct our actions, economic institutions based purely off tastes that ignore the harms to welfare and metapreference satisfaction hardly maximize utility at all. In such a treatment of humans—one based on tastes and not values—“the market displays a pervasive inefficiency in its preference producing capacity.”<sup>33</sup>

### Metapreferences and Virtue

Discourse on metapreferences has also been conspicuously devoid of a thorough discussion of what exactly metapreferences consist of and what they satisfy, if not utility. Frankfurt, for example, reflects on the “suitability” of desires without explaining what is meant by suitability; he posits that there is no clear answer, stating that “there is no essential restriction on the kind of basis, if any, upon which [metapreferences] are formed.”<sup>34</sup> Grofman gives the most expansive outline of what constitutes our metapreferences, but similarly remains agnostic as to what extent these metapreferences are expansions of rational choice. In his view, metapreferences include such things as “procedural fairness,” “consensus,” “universalism and civility norms,” and “preference for decision maker’s image.”<sup>35</sup> Examples explored in other scholarly papers seem to hint at, without explicitly stating, similar types of standards for metapreferences, and in particular, ones that provide for our welfare. In this section, I suggest that the pertinent context for second-order preferences includes such considerations as morality (a first-order desire is criticizable if it does not cohere with our ethical intuitions) and relatedly, societal values (a first-order desire is criticizable if others would not approve of it).

One understanding of how these considerations affect the formation of metapreferences can be seen deductively. Consider an individual who takes the time to step back and evaluate her preferences. By definition, the individual cannot appeal

29 Adam Smith, *The Theory of Moral Sentiments*. (Oxford: Clarendon Press, 1976). 157.

30 Grofman and Uhlaner, 31.

31 David Lester and David George, “Metapreferences, Preferences and Suicide: Second Column in a Series,” *Crisis*, Vol. 21: 2. (2000). 57-58.

32 George, 1993, 332.

33 *Ibid.*, 344.

34 Frankfurt, 1971, 13.

35 Grofman and Uhlaner, 1985, 40-44.

to a first-order desire: if the standard by which the individual evaluated her desire was the extent to which it cohered with her first-order desires, then her metapreference could not contradict her first-order preference, and would hardly be a metapreference at all.<sup>36</sup> Another related possibility is that the metapreference could be associated with a facet of human nature such as “risk aversion” that does not exactly constitute a “desire” but neither is a “standard” reached upon reflection. For example, Grofman places an emphasis on “uncertainty avoidance” as a common metapreference, wherein “decision makers may place a high value upon maintenance of existing decision-making institutions and procedures, for reasons which may include custom and uncertainty avoidance.”<sup>37</sup> Frankfurt also admits the possibility of instinctual but not desire-fulfilling metapreferences, such as when “a person may be capricious and irresponsible in forming his second-order volitions and give no serious consideration to what is at stake.”<sup>38</sup> Past these minor considerations, however, a person who crafts a deliberate second-order volition must turn to other standards.

Adam Smith identifies several of these standards. In his *Theory of Moral Sentiments*, Smith describes some mechanisms that could serve as standards for metapreferences, such as his suggestion that we should place our desires and our actions in the context of the type of person others would approve. According to Smith, the “moral sentiment” in humans is primarily a means by which we evaluate others, and the extent to which others would approve of an action is a litmus test for the action’s suitability. He explains how things are “regarded as decent, or indecent, just in proportion as mankind are more or less disposed to sympathize with them.”<sup>39</sup> Smith’s idea parallels that of Grofman’s description of the metapreference of the importance of “consensus,” or as he puts it, the question of whether “the outcome[s] have (or appear to have) substantial popular support?”<sup>40</sup> But while Grofman admits this factor “could be rational if the cohesion facilitates obtaining other valued goods,” Smith understands that the metapreference transcends standard measures of utility, and rather serves as a heuristic for what is good: it is not that we actually seek approval from others, but rather that we desire “not only to be loved, but to be lovely; or to be that thing which is the natural and proper object of love.”<sup>41</sup> An individual has an underlying preference that exists “independent of any advantage which he can derive from it.”<sup>42</sup> Smith continues, “Nature, accordingly, has endowed [man], not only with a desire of being approved of, but with a desire of being what ought to be approved of being what he himself approves of in other men.”<sup>43</sup> One implication of defaulting to others is that our metapreferences are in large part shaped by the values of the society in which we live. We may have a metapreference against certain non-conforming sexual preferences not so much because of utility or morality, but simply because certain activities are

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36 A virtue ethicist like Kelly Rogers might argue serving our welfare is the “right” thing to do and so like Robinson Crusoe on an Island, we “ought” to provide for our welfare but not simply to increase our utility and not because we are selfish. See Kelly Rogers “Beyond Self and Other.” *Social Philosophy and Philosophy* 14 No. 1 (1997).

37 Grofman, 1985, 41

38 Frankfurt, 1971, 13.

39 Smith, II.i.2.2.

40 Grofman, 41.

41 Smith, III.ii.i.

42 Ibid., III.i.6.

43 Smith, III.ii.2.

frowned upon in our society. While this suggests that metapreferences are unstable, there is perhaps something to be said for the aggregate judgment of mankind. At least according to Smith, human approval corresponds closely with the justice of an action, and so social approbation and moral intuitions are hardly ever distinct.

Smith also introduces another standard by which we make evaluations—that of the third-party observer. In many ways, when we take the time to step back and reflect on our desires, we take on the role of a third party observer. For Smith, this mechanism of evaluation holds significant normative implications, for it is only when we “call forth...the impartial spectator” and look from the “place and eyes of a third person” that we can ignore our desires and “judge with impartiality between us [and others].”<sup>44</sup> In this type of evaluation therefore, man can properly “humble the arrogance of his self love, and bring it down to something which other men can go along with.”<sup>45</sup> As mentioned, there is a heavy overlap for Smith among what type of person we desire to be, what other people approve of, and what is morally good.<sup>46</sup> Even apart from other people’s approval, and from the impartial spectator, both of which lead us to moral ends in Smith’s view, there is the aforementioned mechanism of coming to our decisions through a reflective and reasoned process. Given that it is only through “reason, principle, conscience” that we are “capable of counteracting the strongest impulses of self-love,” it seems that metapreferences, which are more reflective in nature, will lead us to a slightly more moral sense of self-interest.<sup>47</sup>

Smith’s discussion of self-evaluation and reflection mirrors the empirical facts. Almost all of Grofman’s proposed metapreferences adhere to maxims of morality or of widespread approval. Procedural fairness and universalism norms, for example, point to the role of impartiality in forming our metapreferences, while questions of civility norms and consensus emphasize the role of societal approval. Similarly, in looking at the examples of metapreference-preference conflicts, we rarely see an example of an “immoral” or widely discouraged metapreference. We desire not to want the cigarette or unhealthy food; we desire to want to study hard and not be greedy. Our metapreferences, in this sense, cause us to be good and esteemed people and guide our self-interest as such.

## Conclusion

The argument put forth in this paper is bold, if only because of the epistemological difficulty (and perhaps even impossibility) in proving the existence of metapreferences. If anything, the primary purpose of this paper is to suggest the need for further studies of a nascent but significant sphere of preference theory. What I have sought to do in this paper is to sketch a preliminary synthesis of existing ideas about preferences in order to see how a “philosophical” concept might apply to our understanding of rational choice and self-interest. It seems evident that current models of preference theory are insufficient. Regardless of how one defines preferences, because we have the

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<sup>44</sup> *Ibid.*, I.i.5.4.

<sup>45</sup> *Ibid.*, II.ii.2.1.

<sup>46</sup> Smith argues that the “perfection of human nature” lies in loving ourselves only as much as we love each other, and suggests that this is the most agreeable sentiment to mankind (I.i.5.5).

<sup>47</sup> *Ibid.*, III.iii.5



power to evaluate ourselves and direct our actions accordingly, simply looking at what we “want” on the first-order level can obfuscate a dynamic view of human behavior. In particular, policies can be more effective if they take into account both the manner in which we form our metapreferences and determine their content. Individuals have desires, but they also evaluate those desires according to preferences seen to be good by others. In this sense, metapreferences can be understood as underlying matrices for human behavior: they ground our first-order preferences in moral structures which sustain our vision of a society that is simultaneously just and based on self-interest. ■



# INTERVIEW

[with Michael Walzer]

*Michael Walzer is a prominent American political theorist and public intellectual. A professor emeritus at the Institute for Advanced Study in Princeton, New Jersey, he is co-editor of *Dissent*, an intellectual magazine that he has been affiliated with since his years as an undergraduate at Brandeis University. He has written about a wide variety of topics in political theory and moral philosophy, including political obligation, just and unjust war, nationalism and ethnicity, economic justice, and the welfare state. He has played a critical role in the revival of a practical, issue-focused ethics and in the development of a pluralist approach to political and moral life. Walzer's books include *Just and Unjust Wars* (1977), *On Toleration* (1997), and *Spheres of Justice* (1983). We sat down with him in May for a wide-ranging conversation on the interplay between personal identity and political thought, the state of political theory today, and the overlapping challenges posed by religion and ethnicity for the contemporary nation-state.*

## I. Identity and the Political Theory License

**JPT:** What first drew you to the field of political theory?

**MW:** When I was a history major at Brandeis, I was first interested in studying the history of ideas. At the same time, I was always very engaged in politics. Brandeis was the place where the '60s began in the '50s. There was a lot of political activity on campus coinciding with the first desegregation decisions from the Supreme Court. We had an organization back then called "SPEAC," Student Political Education and Action Committee. There wasn't a lot of action, but it was SDS [Students for a Democratic Society] before there was SDS. I also came from a family that was very

interested in left-issue politics.

My teachers at Brandeis told me I should apply to graduate school in political science, because it wasn't really a field and you could do whatever you wanted. Whereas in history you would be committed to archival research, in political science you could write about politics, you could write political biographies, you could do law and politics, you could do sociology and politics.

**JPT:** As a graduate student did you know you wanted to work on normative political theory?

**MW:** Not yet. My dissertation was on the Puritans. I wanted to write about revolution, but my French wasn't good enough and my Russian was nonexistent, so I had

to write about the English Revolution, which meant writing about Calvinism. I was at that point very committed to the proposition that the way to study political theory was through history.

I had a Fulbright between college and graduate school, and I continued to read sixteenth century history with Geoffrey Elton at Cambridge. I came to Harvard having already started work on what became my doctoral dissertation on the Puritan Revolution. But once I was in the Government Department at Harvard, I realized that theory was what was interesting to me.

**JPT:** What changed your attitude towards political theory?

**MW:** I came to Princeton for my first position as an Assistant Professor teaching the history of political theory, because

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“Political theory should be the work of people who have a political position that they want to defend.”

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that was the only political theory that was taught back then in the Government Department. But once I was at Princeton, I began to talk to the philosophers here. Bob Nozick was here and Stuart Hampshire was a visiting professor at the time—he in particular was very important to me. While I was teaching, things were happening in the world. I was writing regularly for *Dissent*, and I went south in 1960 when sit-ins first began.

When I wrote about the sit-ins in *Dissent* and about the doctrine of nonviolent protest, I found that what I wrote in *Dissent* was more interesting and more fun

than the academic writing that I had done. A turn to normative political theory was a way of combining the two. If you look at the essays in *Obligations*, my first book, you would be looking at my first effort to write normative political theory. I remember trembling when I gave my first normative paper, which was the lead piece in what became *Obligations*. Stuart Hampshire was very kind and said good things, and he encouraged me to keep doing that sort of thing.

I recently wrote an autobiographical essay for Nancy Rosenblum at Harvard, describing what I call the “political theory license.” Political theorists do not have to pretend to be objective or non-partisan. I could write a paper that could be academically respectable defending equality or socialism. I could give a course on equality and the only requirement was that I acknowledge the strongest arguments against my positions and deal with them in class. At the time, I would write an essay and I would decide afterward whether to publish it in *Dissent* or in an academic journal. If I published it in an academic journal I would have to add 25 footnotes and muddy the prose a little bit, qualify certain things that would be unqualified in *Dissent*. But essentially, normative political theory let me do that.

Most of my writing was either from a social democratic position or from a Jewish perspective. I think political theory should be the work of people who have a political position that they want to defend. There are certain rules about academic discourse which shape how we defend a position, but that seems to me what political theorists should be doing.

**JPT:** What is the role of your cultural and political identity in guiding your work as a scholar? When Jürgen Habermas was recently asked to comment on the politi-

cal situation in Israel, he responded that it “is not the business of a private German citizen of my generation.” Is political theory a universal project, or is it a form of interpretation within one’s tradition?

**MW:** I can understand why a German of his generation wouldn’t want to criticize the Jews, although I’m not sure if that is the right response. Habermas as a sympathetic critic of Israel might be very helpful. But there is something to Habermas’s sentiment. For example, I oppose hate speech regulation in America but I favor it in Germany. There is a historical reason to say that holocaust denial should not be tolerated in Germany. But in the United States, it is just some nonsense that we have to put up with.

When I give lectures in Germany, I am always introduced as a “Jewish American,” which doesn’t happen when I speak in France. When I finish my lectures in Germany there is always a group of young people who pretend to ask questions. One will say that he worked in a hospital in Tel Aviv during the Iraq war, or visited a kibbutz in the Galilee, or volunteered for service in the Negev. It is so touching, it is as if they want me to forgive them and they of course have nothing to be forgiven for and I have no authority to forgive anybody. These people have a special view about the world and if they become political theorists it will certainly influence their work, as it should. For me, the way I write about the nation-state is influenced by the fact that I believe the Jews have a right to a nation-state of their own.

I’m sure that cultural factors and personal factors have an influence on academic work. That manifests itself in many different ways. There was a whole generation of academic Jews, some of them my teachers, who were hiding because they

had grown up at a time when if you were a Jew you would not be promoted at any American university. So they became a certain kind of universalist, which I thought was not the right kind of universalism because it was borne out of fear.

I had one professor who we all thought was a Polish count, and then his brother—who was a mathematician in California—published a memoir, in which he describes his Bar Mitzvah, and that was how we found out that our professor wasn’t a Polish count [laughter]. But there wasn’t an inkling of anything. And I had several professors like that, who were exposed in odd ways. Of course we relished the exposure. But that affected the way they thought and wrote about the Shoah.

**JPT:** Many have described you as a communitarian. Do you think communitarian is a helpful label?

**MW:** I’ve written a piece called “The Communitarian Critique of Liberalism” which is an effort to define how I am a communitarian and how I am not a communitarian.<sup>1</sup> As a definition of my position I would say I’m a very old fashioned social democrat. But another way of defining my own politics is that I’m a liberal social democrat with regard to national politics and I’m a communitarian with regard to Jewish politics. One of the features of liberalism is that it creates a space where there can be many communities and many different communitarianisms.

For this reason I have been quite critical of Michael Sandel’s effort to describe a communitarianism that is national in scope. His communitarianism is republican, and it’s the republicanism of America in the 1840s. If you read his

1 Walzer, Michael. “The Communitarian Critique of Liberalism.” *Political Theory* 18, no. 1 (1990): 6-23.

book, what's missing is the great immigration that transformed a relatively homogenous Anglo-American society into a radically pluralist society. I think it's a mistake to try to define a nation-state in communitarian or even "small-r" republican terms—when the republicanism is Rousseauian. It's too hot, too warm an embrace given the cultural differences in a pluralist society.

**JPT:** Do you see the Jewish community as one community?

**MW:** It is and it isn't. The Jewish community is itself pluralist, and one of the effects of American life—some would say one of the effects of the experience of Protestantism—is to affect denominational pluralism within Judaism of a sort that isn't the same but resembles denominationalization in the Protestant world. In general, I think that's a good thing. But above the denominational pluralism, there is a Jewish communitarianism, a certain kind of Jewish solidarity that is borne out of the sense of vulnerability.

**JPT:** From the communitarian perspective that you've been developing, is assimilation in some way undesirable?

**MW:** Yes. If assimilation means a loss of a Jewish history, of engagement with Jewish texts, the loss of a commitment to community institutions, I would be very unhappy about it. At the same time, I want American Jews to be engaged in American politics. I worry sometimes that we're a little too prominent. This is an interesting generational difference. During the Clinton administration, the whole American financial structure was in the hands of Jewish economists. Clinton seemed to be a philo-semitic, and my response was to worry. If things

go wrong, we'll be blamed, we'll be the scapegoats. But this didn't worry my children and grandchildren. They feel safe here. I guess I still have a little bit of the *galut* (exile) fearfulness, although much less than my parents. I was at Brandeis during the Rosenberg spy trial and I remember my parents being very scared. At Brandeis we circulated a petition

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“ Young people who grew up being told that Israel was or was going to be a light unto the nations at some point are going to ask where is the light? ”

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against the death penalty for the Rosenbergs as if we were American citizens who had a right to argue about this as much as anybody else. We weren't scared, or at least weren't as scared as my parent's generation. And my grandkids are much less scared than I am.

But here we are. This is the best diaspora ever. America America, the golden Medina. I remember that when I was elected president of the student council, the first thing I did was go to the principal and tell him that they have to stop playing basketball on Friday night. And he just smiled, and he was actually a smart man and didn't tell me that I was crazy. In my class of 75 there were five Jews. I was elected president of student council, and one other guy was elected president of the senior class. Only in America, I suppose.

But some kind of assimilation is going to happen. I'm comforted by the fact that there are fourth and fifth generation Reform Jews. Remember, in the mid-19<sup>th</sup> century, the Orthodox Jews were con-

vinced that Reform Judaism was just the slow process of disappearance. And it isn't. It wasn't. Some might think that the culture of Reform Judaism is a little thin, but it has been resilient, and it has gotten less thin than it was when I was a kid.

**JPT:** Do you think young American Jews today can have the same perspective on Israel as Jews of the previous generation can?

**MW:** Well, no. They're going to be more critical. The impulse toward apology is going to be much less apparent. And I think that the Israelis should be thinking about that. They need to recognize that there is a generational difference and that they can't call upon the same kind of automatic sympathy and solidarity. They will have to earn it. I'm sure that young people who grew up being told that Israel was or was going to be a light unto the nations at some point are going to ask where is the light?

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“ I think of the left as the place where hierarchy is resisted and authority diffused.”

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I'm a very strong advocate whenever I get a chance to talk to younger people of what Shlomo Avineri calls “Chetzi Aliya” (half an Aliya). If you're not going to move to Israel, then visit often, establish professional connections, learn Hebrew if you can, and send your kids for a semester here or there. But it's now a minority, I think, of American Jews who have even been to Israel. The world changes.

**JPT:** You described your politics as coming from the Jewish perspective but also

from a left perspective. What is the left and why are you on it?

**MW:** I grew up on the left, and my parents were sort of Popular Front lefties. We read the daily newspaper in New York, *PM*, back when I.F. Stone and Max Lerner wrote for them. When we moved to Johnstown, PA, my parents subscribed to Stone's weekly. Stone was a left journalist, something like Seymour Hersh today, so I grew up on the left. At Brandeis, Abe Sachar put together a faculty by hiring all the professors who couldn't get jobs in McCarthyite America. So it was a left-leaning faculty.

For me, the key idea of the left is egalitarianism. I think of the left as the place where hierarchy is resisted and authority diffused. So I live on the left, but I spend a lot of time arguing with my neighbors. At Brandeis I encountered the anti-Stalinist democratic leftists who founded *Dissent* magazine. They were ex-Trotskyites who abandoned the world of sectarian Marxism, and they founded *Dissent* as an effort to create a non-sectarian and anti-communist left.

I found this all very appealing and, coming home from Brandeis, I told my parents I wanted to become an intellectual and they gave the classic response: “from this you can make a living?”

**JPT:** In a piece for *NY Magazine*, Jonathan Chait recently drew a distinction between ‘liberals’ and ‘leftists.’ Liberals hold onto the classic enlightenment tradition that prizes individual rights and a free political marketplace, whereas the left comes from a Marxist tradition that emphasizes class solidarity. Is this a meaningful distinction?

**MW:** Leftists are egalitarians and sometimes the defense of equality involves

restrictions on individual activity, especially entrepreneurial activity. But the kind of left that we tried to create around *Dissent* was a liberal left. Irving Howe wrote an article to this effect during the early years of *Dissent*. Here was an ex-Trotskyite recognizing the importance of individual freedom. But we are not libertarians who view the notion of choice as the central right of the individual.

I'm a strong believer in public education, for example. I wouldn't ban parochial schools but I would try to create such attractive public schools that people will be drawn to them. I would allow some choice within the public system—there can be high schools with different emphases like music, art or science and there can be choice. But I would defend a strong public system.

I would favor tight regulation of the drug industry even if that restricts the freedom of entrepreneurs to sell quack cures. A decent society is one in which there is a big space for creative activity—even entrepreneurial activity—but there are limits set by the rights of others and the needs of a society for some kind of mutuality. Mutuality involves taking money from the very rich to help the very poor and sometimes may involve conscription for military service or required jury service. There are many examples of communal impositions on individual rights for the sake of solidarity and mutuality.

**JPT:** Why do you think that distributive justice has failed as a political currency in the United States, to the point where “redistribution” has become a dirty word among politicians?

**MW:** This is a question about political defeat. First of all, I'm not sure that I want to acknowledge the failure. If you

poll people in a certain way about particular goods or particular programs, like the Medicare program, you do find very widespread support for programs that are in fact redistributive. I think there is a lot of support for redistributive programs that no one has been able to mobilize politically. I think there is a lot of anxiety over the extent of inequality in American life today. I was very surprised during the Occupy Wall Street movement. I don't know if you visited any of the Occupy sites, but they were very ragtag. It was not a spectacle that one would think would appeal to ordinary Americans. And yet, the polling done during those months demonstrated high rates of support for the particular issues of student debt, helping people with mortgages, etc...

But we haven't won the ideological argument, although it looked in the 60s as if we were winning. The enthusiastic reception of Rawls's book at the time made me optimistic. The reception was especially enthusiastic in law schools, which I thought might mean something in terms of practice. I remember there was even this one Harvard professor who thought “well now that Rawls has shown that the two principles of justice are right, the Supreme Court should start enforcing them.” It may be that the failure of that moment had a lot more to do with the Vietnam War, with the New Left, with the counterculture, that discredited the arguments for distributive justice. But I don't have a good answer for why. People talk about individualism, the pioneer spirit, the effect of the frontier, the effect of immigration and the radical pluralization of American life such that there was not a coherent working class—there are lots of explanations but none of them seem to me entirely satisfactory.

The Supreme Court gets it wrong, for example, on the issue of money in poli-



tics. It may be simply that the acceptance of gross inequality in political influence is the result of political influence. The increasing power of money in American politics is the result of a number of factors, perhaps most importantly the demobilization of the labor movement, which was the major countervailing power to American capital. Cultural divisions on the Left have made our politics very difficult. There's a story to tell there, which I don't think has been adequately

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“The Straussians treated me with a remarkable combination of deference and condescension. They showed deference because they believed in hierarchy and authority, and I was a professor. But they showed condescension because I did not know the Truth.”

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told, with regards to the effect of the 60s on American politics. We thought we were winning. But in fact, we created the Reagan Democrats and, because of the culture of the anti-war movement and counterculture, we antagonized many of the people who are natural allies. The result is a left that cannot act effectively in the political world.

**JPT:** Why is it that the left cannot act effectively in today's political world?

**MW:** There has been a theory for some time on the idea of a fragmented left. There is the feminist movement, which is very important and partially success-

ful. There is the Civil Rights Movement, now reborn partly out of the agitation of police killings. There is the pro-immigration movement, led by Hispanic but also Asian people, which has produced interesting political moments. There is possibly a revolt of students in debt—this was a very important part of the Occupy movement. But the fragments don't come together, and that's been our problem for a long time. For me, the anomaly of American politics in recent years is that we had the partial success of the Civil Rights Movement, which has changed black life in America for the better. We had the considerable success of the feminist movement, which has radically altered the composition of the American political and economic worlds. We had the astonishing success of the gay rights movement. It came very fast. Each of these movements has made America a more egalitarian place, and yet at the same time, America has become a less egalitarian place overall. This is something that needs to be thought about. The particularistic movements have succeeded, but they have somehow gone along with, and maybe helped to produce, growing economic inequality. Perhaps, in some ways, these particularistic movements have even legitimized economic inequality. If there's a black middle class, maybe it deflects attention from the persistence of a black underclass.

**JPT:** An issue you mentioned earlier—a tension between the demands of a liberal secular society and communitarianism—is education. What's the purpose of education? Is it to instill some sense of civic virtue? Is it maybe to promote some Rawlsian “primary goods”? And how much leeway should we give to minority communities in running their own educational systems? This is of course an ex-

plosive issue among religious groups like the Haredim in Israel.

**MW:** I think about this a lot, especially in the Israeli case, but also in the American case. I have talked a bit about the importance and coerciveness of public education. I do not think that children belong, certainly not exclusively, to their parents. If a Haredi child in Israel is going to grow up to vote in Israeli elections, then all Israelis have an interest in the education of that child, because that child is going to help determine the fate of their children in a democratic society. So, I would have no hesitation in enforcing some requirements for civic education on the Haredim. And I mean really enforcing it. I would require that of all parochial schools in America as well. In *Wisconsin v. Yoder* [the U.S. Supreme Court case that dealt with Amish children being placed under compulsory education], the Amish wanted an early release from high school. That was an accommodation for the Amish who are not going to participate in the American political system (I don't think they vote). So my view of it is if they were actively participating in the American political system, I would want them to have a certain kind of education in American history, in the political theory of democracy, and in knowing something about how the institutional life of the country works. I would want them to even know something about American literature, as that is another reflection of the culture in which they are going to participate. I feel very strongly about that. So, education is a matter of democratic citizenship.

An education for virtue, at least in the Straussian sense, is something I am not exactly sure about. I've had a long engagement with Straussian thought. When I was teaching at Harvard, my col-

league was Harvey Mansfield, who was a Straussian political theorist, and we were both hired at the same time. The department was so divided that they asked the dean if they could appoint two people. In those days, budgets were expanding, and the department had enough money to do so. Harvey and I taught, and we were very polite with each other. I told my students that they had to take a course with him, and he told his the opposite. I taught a graduate seminar on Hobbes. I would have taught Rousseau, but Judith Shklar had Rousseau. There were always Straussian students in the seminar. The Straussians treated me with a remarkable combination of deference and condescension. They showed deference because they believed in hierarchy and authority, and I was a professor. But they showed condescension because I did not know the Truth. Some of them did it sweetly, and some of them not so sweetly [laughter].

So, education for virtue means that there has to be agreement within community and society about what virtue is, and so I would stick with something that we are more likely to have agreement on, about how a good citizen needs to be well-informed and have a critical intelligence, so far as we can produce that in a school. Education is also socialization. For instance, if in school you have a program on Memorial Day, that's going to produce a certain kind of person. When I was in school in Johnstown, Pennsylvania in the years after World War II, Memorial Day was a very important holiday. We would march from the school to the cemetery, and no one was absent. There would always be a priest and sometimes a rabbi, and the mayor would be present. It was a very emotional moment, because everyone had relatives who were in and oftentimes killed in the war. This type

of thing produced patriotism, and the schools were a part of that. We marched with our teachers to the cemetery. In fact, I think it was a very bad idea to make Memorial Day the nearest Monday instead of May 30th. This had the effect of transforming what was a serious holiday to what is now a long weekend. In Princeton, there is still a march on Memorial Day, but a lot of people aren't there.

**JPT:** Do you think civic education is being imparted effectively in U.S. schools, or do we need to be paying more attention to it?

**MW:** I don't think we're doing very well generally when it comes to education. Certainly inner city schools are underfunded, and the testing regime is a big mistake. My daughter is the co-principal of an alternative public high school in the New York City area, and her school gets exemption from the testing but has to fight against the bureaucrats every year. We're not devoting enough money to education. We have not created or made the teaching of our children into a career that commands respect and a decent income.

## II. Political Theory Today

**JPT:** What's not being talked about enough among political theorists right now? What deserves more attention?

**MW:** To be honest, I don't read a lot of academic political theory these days. My general criticism of contemporary academic culture is that I think political theorists have considerable difficulty recognizing the global religious revival, especially when it comes to addressing Islamic zealotry. That's a critique of, I suppose, some of my friends on the left. Among some political theorists, there has

been a critique of secularism, which is partly justified, but which is designed to apologize for some of the religious stuff that shouldn't be apologized for.

Now Habermas has talked about a post-secular age and a need to think differently about religion from the way we once thought about religion. But I'm not sure that has reached deeply into political theory.

**JPT:** Methodology is always a contested topic within political theory. For many years you've been a scholar at the Institute for Advanced Study at Princeton, which has made an enormous impact in the social sciences, straddling the lines between positive and normative work. Can you reflect on your time as a scholar here and how it's shaped the way you do political theory?

**MW:** It was four of us doing social science: Albert Hirschman, Clifford Geertz, and Joan Scott. This was a very unusual group. We were all committed to unscientific social science. You don't do comparative politics by studying data sets, but instead by spending time in a relevant area. It was a commitment to field work—to what Geertz called thick description—and to theory and history. There was a generation, the next after Geertz's, of anthropologists who went into the field and wrote about themselves, about how guilty they felt being white men in New Guinea. It was this moment of narcissism and Cliff hated that. Some people blamed him for it, but he hated it.

Albert Hirschman was an economist in development economics, and visited many development projects in Latin America. He spent years in Colombia. He didn't do game theory, or rational choice, so it was a particular kind of social science, and it did have an influence. Right

now my experience is that big social science, with its teams of researchers and data sets, is triumphant. This includes theory which is not normative theory but which is rational choice. I think the crucial thing to notice is that recently, every book and article written here had a single author. There were no teams of researchers. I spent five years reading military history before I wrote about the justice and injustice of war. That's just the way we all worked. We didn't theorize by reading other people's theories, and we stuck close to the real world.

**JPT:** On that last point, there was a blog post several years ago on the difference between political theory and political philosophy. It opens by asking: "What is it that differentiates John Rawls, Christine Korsgaard, Tom Scanlon, Brian Barry etc and their students and admirers from Michael Walzer, Judith Shklar, George Kateb, Sheldon Wolin, and their students and admirers? Why do the former often look at the latter and say "where's the argument," and why do the latter often look at the former and say "what's the point."<sup>2</sup> What's your reaction to that dichotomy?

**MW:** It's a group of similars on the philosophical side, and a group of dissimilars on the political theory side, although the latter didn't include Leo Strauss. I've never been very clear on the difference. When I went to school with the philosophers, I did sense there was something different about what I wanted to do and what they were doing. And to me the difference was epitomized in their commitment to hypothetical cases, often extremely weird hypotheticals, and my commitment to historical and contemporary examples. Certainly for Shklar

and for me, political theory involves a commitment to the study of politics, a commitment to the political world and some kind of engagement with it. Bob Nozick was of course very smart. *Anarchy, State, and Utopia* is a brilliant book and it became a manifesto of sorts for libertarians. But Bob Nozick was not a political person. It's a very playful book. At a certain point later in his life he would say "well, really you have to support the welfare state"—whereas Shklar and I were very serious about the political positions that we took. Maybe that's part of the difference between political theory and philosophy.

**JPT:** What about the difference between *Spheres of Justice* on the one hand and *Just and Unjust War* on the other? Why is it that *Just and Unjust War* reads more as moral philosophy while *Spheres of Justice*, to the extent that we are adopting these categories, reads more as political theory?

**MW:** Well certainly my philosopher friends liked *Just and Unjust War* much more than they liked *Spheres of Justice*. And I did make an effort in *Just and Unjust War* to ground the theory on some account of human rights. But really in the book I was much more concerned with being able to make specific judgments about particular wars and particular ways of fighting than I was concerned with the philosophical grounding. But what made *Just and Unjust Wars* acceptable to my philosopher friends was the simple fact that since wars are fought across cultural and religious boundaries, the arguments about when and how to fight have to be comprehensible on both sides. The arguments have to be developed and articulated in a universal idiom. And so the argument in *Just and Unjust Wars* is

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2 <http://profs-polisci.mcgill.ca/levy/theory-philosophy.html>

a universalist argument of the sort that philosophers like.

But when it came to distributive justice, it seemed to me that the principles that govern the distribution of particular goods have to be relative to the meaning of those goods for the people among whom they are being distributed. I took that to be a universal statement, but it leads to a very particularistic argument—and that the philosophers didn't like.

**JPT:** Taking the example of distributive justice, how can we go about searching within traditions when there seems to be such widespread disagreement?

**MW:** This is a frequent criticism I've tried to address in some of the essays in *Thick and Thin*. I think that the experience of living together in a common political and economic system does produce, most of the time, a sufficient set of what I call shared meanings for the most important social goods in society. My favorite example is the "cure of souls, cure of bodies." In the Middle Ages, the cure of souls was very important and it was therefore socialized. Tithes were collected, parishes were established, churches were built, communion was enforced, and all this was supposed to produce salvation. But as belief faded, people became skeptical about the possibility of the cure of souls, but increasingly confident in the cure of bodies. And as it became clear that you could cure bodies, the cure of bodies was socialized, beginning with public health. We are the laggards here in the United States. In the rest of the world, the cure of bodies was socialized, and that's because whatever differences there were in different religious traditions about the meaning of the body, there was a growing recognition that while eternity was uncertain, longevity was possible. And

since it was possible, societies organized themselves to produce longevity. That underlying agreement is very deep. There may be some cultural differences still—Christian Scientists don't accept medicine, for example—but the agreement is deep enough to provide a basis for the legitimate distribution.

The other example I've used is the idea of life as a project, life as a career, which wasn't at all common historically. But

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some time beginning with the French Revolution and the careers open to talent, the idea that you could be an entrepreneur, you could plan your life—became a dominant cultural idea even when the life you were planning could be very different depending on religious and cultural traditions. That is what made it impossible to sustain nepotism and made it very difficult to sustain things like quota systems and discrimination.

I certainly acknowledge cultural pluralism, but in my arguments about communitarianism, I always argued that the political system and the economic system had to be open. It's the cultural world where people have a right to create societies, schools, publishing houses, and religious institutions to sustain a common culture. But if you have a common political and economic life, I think my argument about distribution will work most of the time.

**JPT:** It has been almost 40 years since *Just and Unjust Wars* was published. If you were rewriting it today, what, if anything, would you change?

**MW:** I don't think I would change much in the arguments. I would expand some of the sections. In the 5<sup>th</sup> edition, I wrote a new preface on asymmetric warfare. This is similar to what I say about guerilla war but I would say more now. I also wrote a postscript responding to revisionists.

I might write the chapter on intervention a little differently. I still believe that the default should be non-intervention and intervention has to be justified. But in the 90s, I found myself justifying interventions in places like Rwanda and Darfur, so I might write more about that now.

zbollah.

It is possible to win asymmetric wars, as the Sri Lankans proved against the Tamil Tiger rebels, but only if you are prepared to kill high numbers of civilians and the world isn't watching. But you can't win if you are trying to fight according to the moral rules of engagement. That is the general problem of asymmetric warfare.

The critical problem of *jus in bello* in asymmetric warfare is the question, what risks do you ask your soldiers to take in order to reduce the risks that they are imposing on the civilian population, among whom the insurgents are hiding. This is a big problem for the American army and the IDF. It is much debated and I have participated in those debates in both countries. In Israel, I usually do so along with Israeli friends. I signed and partly wrote a piece about the Gaza War along with Avishai Margalit.<sup>3</sup> We argued that there must be a commitment on the army's side to accept risks in order to reduce the risks that they impose on civilians. We were arguing with Asa Kasher, an Israeli philosopher, and Amos Yadlin, head of army intelligence and later Labor candidate for Minister of Defense. Of course, even though we were arguing with one another, I was hoping Yadlin would win as Minister of Defense.

**JPT:** Could you speak to your opinion on private military contractors and the normative dimensions of having others fight your wars?

**MW:** Years ago I wrote a piece for *The New Republic* on private prisons, and 20 years later I wrote a piece on private military contractors. My argument is that when the state authorizes coercion

<sup>3</sup> <http://www.nybooks.com/articles/archives/2009/may/14/israel-civilians-combatants/>

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“ The dominant idea of the secular state emerges from the divisiveness of the religious world.

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**JPT:** Can you say more about asymmetric warfare?

**MW:** Asymmetric warfare is a military conflict between a high tech army, like the American army or IDF, and a low tech insurgency. The most important fact about asymmetric warfare, which people find hard to understand or acknowledge, is that the high tech army usually doesn't win. Americans didn't win in Vietnam, nor have we won in Afghanistan. And we haven't been able to defeat the Sunni or Shiite militias in Iraq. The Israelis have not had success defeating Hamas or He-

it must be in full control of this coercion and take responsibility for it. So I think that private prisons and military contractors are terrible. You can contract out the army kitchen or some of the transportation perhaps, but you cannot contract out anything that involves the use of force. Insofar as the contract soldiers are armed and likely to engage in armed conflict, they cannot be private agents. They must be subject to military discipline and military justice, which means that they must be in uniform.

### III. Israel, Nationhood, and Toleration

**JPT:** In your book *On Toleration* you describe two types of toleration regimes, one of them is the immigration society—the US and Canada for example—the other is the nation-state. I'm curious how the nation state navigates toleration given that there is a dominant group.

**MW:** Yes, I of course am the product of an immigrant society. And I always found it curious that my fellow leftists, who are radical critics of American society, at the same time thought that all of the world should look like America. Their critique of the nation-state was based on a vision of America. Against that and partly because I was a Zionist, I had to defend the nation-state. I had to defend a kind of liberal nationalism. And that, it seems to me, is not such a difficult thing to do.

Since I don't want to start these arguments with Israel, I always start with Norway. In 1905, Norway seceded from the Swedish Empire, and the reason for the secession was that they were afraid of losing their Norwegianess; indeed, they were losing a history, a language, and a sense of themselves as a people. So they created Norway, and the Norwegian state became a little engine for the reproduc-

tion of Norwegianess. And no one in the world finds this objectionable so long as they are tolerant—they weren't always tolerant, as there were decades of discrimination against the Lapps—but once they decided to be both Norwegian and multicultural, they ended discrimination, and they've done a lot of work to bring the Lapps into a decent place. They have accommodated or tried to accommodate immigration from Macedonia or Finland or from Eastern Europe. So long as they do that saying: "this is the nation-state of the Norwegian people. We study Norwegian history, we study Norwegian literature in the state schools. But there are non-Norwegians in the country, and there is plenty of room for them to organize their own cultural and religious institutions. And we will also teach their part of the history of Norway in our schools." This seems to me perfectly legitimate.

The most remarkable thing about American history in contrast to this is that moment starting in the 1840s, when the Anglo-American settlers who must have imagined they were creating an Anglo-American nation state like the nation-states of Europe, allowed themselves to become a minority in their own country. Of course, this was not entirely willingly—there were the "know-nothings," who wanted to make naturalization a 25-year process instead of a five-year process. But over a period of time the Anglo-Americans, for whatever reasons and with whatever resentments, allowed themselves to become a minority here. No one expects the Danes, Norwegians, French or Japanese to do that. It's not going to happen because these nations exist as homelands for a people who have been there for a very long time. America became what Horace Kallen called the "nation of nationalities," but that's not going to happen in other countries and there's

no reason to think that it has to happen.

I'm in favor of a generous policy of asylum, and I think the Europeans should be taking in more of the refugees from Africa and the Middle East than they are now. But they have the right to control the immigration such that their grandchildren will grow up in a state that is still French or that is still Danish.

**JPT:** Does toleration require a dominant culture? Given the argument you make in *Spheres of Justice*—that different communities share different understandings of social goods—must toleration be one of the goods that is shared among the different groups?

**MW:** I think toleration has to become dominant, but it doesn't become dominant because it is advocated or defended by a dominant group. The history of Western toleration is closely connected to Protestantism and to what Edmund Burke called the "dissidence of dissent." If you look at the history of Protestantism, you have Lutheranism and Anglicanism challenged by Presbyterianism challenged by Congregationalism challenged by Methodism challenged by Baptism, challenged by more radical Baptists and then by still more radical Baptists, and separatists of all sorts. And none of them wanted the state to support any of the others. And so it is the radical pluralism of Protestantism that is the chief source of toleration and of the understanding of a secular state. The dominant idea of the secular state emerges from the divisiveness of the religious world.

Now toleration has other forms, like in the millet system of the Ottoman Empire. That is a different model of toleration and quite common in imperial states, because the imperial state is not interested in changing religions, but in ruling the vari-

ous religious groups.

**JPT:** Related to this alleged tension between secularism and democracy, some critics like Ronald Dworkin have argued in essence that Israel cannot be a democratic state.

**MW:** I do think that, with the exception of Protestantism, all the religions I know of—in their theories of political governance—are incompatible with democracy, because all want some sort of overall ecclesiastical authority. The Catholics didn't make their peace with democracy until after WWII with the creation of the Christian Democratic Party, and that was very late. They believed that the Pope and the Bishop should have some kind of control over political life.

So, if there is a religion in which the governing authorities are people who are supposedly acquainted with the word of God, then democracy is enormously difficult, and maybe not possible. So, that's why the separation of church and state in the Christian world was such a long, difficult, and necessary process. In the Jewish world, the entanglement of religion and politics is very tight, for the simple reason that we did not have a state. The state is the place in which the struggle for separation takes place, and the only place in which it can happen. If you do not have a state, you will then have an especially radical entanglement.

Zionism was about disentanglement. The Zionists wanted a state that was about ethnic Jewry—understanding that religious Jewry was something else entirely. These ethnic Jews could be religious Jews, but they did not have to be. And some of the early Zionists did believe that the ethnic Jew could be a Muslim, a Buddhist, whatever. If you believed in Jewish peoplehood, then the Jewish people had



to be like any other people—just like a Frenchman can be a Jew or a Catholic. But that entanglement makes things difficult. That was the aspiration, and to some degree Israel does represent a separation. And insofar as it does represent a separation, Israel can be a democracy.

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“ The paradox of liberation is that these liberation militants were trying to liberate their people from the culture of their people.

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If Dworkin thinks that something like the Law of Return is undemocratic because it is discriminatory, I think something like the law of return depends on historical circumstance. If there comes a time that Jews around the world are no longer in any danger, I would favor repeal of the Law of Return, and I think a lot of people have that view. On the other hand, if you look at when the Soviet Union collapsed, Finland offered citizenship to the Russo-Fins—they constituted 20,000 people or so. Nobody thought that this meant Finland could not be a democracy.

**JPT:** For a case like Israel, though, where there is an entanglement between religious and cultural heritage, how should the secular state deal with areas that are influenced by Jewish law?

**MW:** The secular state should not be regulating conversion. I think so far as the secular state is concerned, anybody who calls himself or herself a Jew and is a Jew for the purposes of the state (the Rabbis can have other criteria, but for the state), he or she is entitled to whatever privileg-

es the Law of Return provides. At some point maybe there will not be the law of return. But, the influence of Orthodox parties is such that it is very difficult to change the conversion laws now. If ever there were peace, there would be a cultural war in Israel, and I think the seculars would win.

Now in the Ottoman Millet system, which is the source of Israeli family law, there are various religious courts and there is no civil marriage—you have to choose one or another religious court to marry. The current system is only discriminatory against atheists. There is no civil marriage in Israel and, again, that’s another cultural issue. But, it is not only Jews who oppose civil marriage in Israel. The Muslims and Christians also aren’t in favor of civil marriage.

That being said, I don’t see any reason why the Israeli Supreme Court—which regularly refers in its decision-making to Ottoman and British law and under Justice Barak regularly refers to American constitutional law—could not also refer to halakha when making some decision about some issue on which there is some interesting halakhic position. I don’t see any reason why they shouldn’t take halakha into account, in much the same way that the Israeli Supreme Court takes many legal systems into account.

**JPT:** In your work on national liberation, you speak about originally secular national movements slowly succumbing to religious extremism. Does this reflect something about the difficulty of preserving cultural pluralism without succumbing to religious extremism?

**MW:** When I gave a book talk about this, somebody shouted out from the audience: “you should be more worried about the physical reproduction of the secular

left!” Which is absolutely true. Around *Dissent*, there are all these young people who are not getting married and are not having children. Brandeis was full of Red diaper babies in the 1950s when I was there [laughter].

One of my arguments is that the secular culture of these revolutionary movements was somehow too thin. I’m not exactly sure how to explain the thinness. On one level, there is a certain artificiality to it. The French revolutionaries tried to create a ten-day week to correspond with the decimal system, but nobody liked a ten-day week because you had to wait so much longer to get a day of rest. They also had a Festival of Reason, with Robespierre presiding and there were civic oaths but all this didn’t take. And why didn’t it take? Well some of it was just silly, Robespierre in the robes of a Roman.

But on another level, the lifecycle is marked with religious rituals and ceremonies. There is birth, coming of age, marriage, and ultimately death. When you abolish these rituals and nothing replaces them you just have these awful moments of silence at a funeral of an atheist, where nobody knows what to say or when to cry.

**JPT:** Do you see the project of creating a secular national identity in these nation-states as unsustainable?

**MW:** The liberationists wanted to create a new Indian, a new Jew, a new Algerian. They talk about newness all the time. And they tried to provide new holidays or new interpretations of old holidays. Hannukah become the celebration of religious freedom and Passover became about national liberation. Joseph Trumpeldore was this early Zionist hero who died uttering the Hebrew equivalent of “it is good to die for one’s country.” No-

body visits his grave today yet thousands visit the graves of Rabbis in the Galilee.

My argument in the book is that the secularism of the liberation militants was both too confident and too radical. They all believed in the academic theory of inevitable secularization. As Nehru said, the triumph of science and reason was inevitable. And their rejection of the old religious culture was too radical. What needed to happen and what can still happen is a critical engagement with the culture. My books on the Jewish political tradition represent this type of critical engagement with the traditional culture. We have followed Oliver Cromwell who said to a state portraitist, “I want to be painted warts and all.” We have presented the tradition warts and all. The chapter on gentiles in the second volume has some awful stuff in it, but we think it’s important to confront both what we like and what we don’t like.

I think there are models for the kind of engagement with tradition that could work. One of the organizations I talk about in the book is “Women Living under Muslim Laws.” This is a group of mostly religious women, who are committed feminists, looking through Muslim sources, and reinterpreting Sharia in order to naturalize their feminism into the tradition. And that’s what a lot of Jewish orthodox feminists are trying to do by rereading biblical and Talmudic texts. That’s the model for what should have happened much earlier. These people are going to produce something that will still be liberationist, but that won’t offend and deny the tradition of their own people. The paradox of liberation is that these liberation militants were trying to liberate their people from the culture of their people. This is a project that inevitably produced resentment, anger, and eventually religious reaction.

Again America is an interesting case here because even among some religious groups, there was a strong commitment to the idea of a secular state. I'll leave you with my favorite story. In 1810, Congress passed a law saying that mail had to be delivered seven days a week. This produced a Sabbatarian uprising among the established protestant groups, especially the Presbyterians and Anglicans. There is this famous moment when the mail coach was stopped on Nassau Street here in Princeton, New Jersey, by a group of Presbyterian militants, who insisted that the driver get out of the coach, stay overnight in Princeton and resume delivery on Monday. In 1829, this issue came back to Congress where it was sent to the Committee on Post Office and Post Roads, which was chaired by an evangelical Baptist from Kentucky, Richard Mentor Johnson. He writes this extraordinary document in which he argues that the United States Congress cannot recognize a religious day of rest. Mail has to be delivered seven days a week. This is what the constitution requires.

This story seems to epitomize the radicalness of the early republic. Today, you could not imagine Evangelicals from Kentucky insisting that the mail must be delivered on Sunday. ■



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