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Deep Solidarity:
Political Theology, Jewish Thought, and Liberal Commitment in a Secular Age

A dissertation presented

by

Charles Harry Taylor Lesch

to

The Department of Government

in partial fulfillment of the requirements
for the degree of
Doctor of Philosophy
in the subject of
Political Science

Harvard University
Cambridge, Massachusetts

August, 2016

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Deep Solidarity:
Political Theology, Jewish Thought, and Liberal Commitment in a Secular Age

ABSTRACT

Solidarity is crucial for liberalism. It helps to stabilize society, realize justice, diminish domination, and cultivate moral personality. Yet the sources of liberal solidarity have received almost no attention in political theory. This dissertation is a study of those sources. It is part original history of European philosophy, part novel moral psychology, and part new normative political theory. I call this theory *deep solidarity*.

The dissertation is centered around two questions: First, how can liberalism, which valorizes personal freedom, individual dignity, pluralism, and critical reflection, be joined with solidarity, which stresses social unity, visceral attachment, and the subordinating of one's own interest to a greater good? Second, if it is true, as critics of liberalism like Carl Schmitt have argued, that our commitment to others often has sources transcending reason, by what means can we channel humanity's non-rational psychology toward liberal values while avoiding jingoism, demagoguery, and fanaticism? To answer these questions, I take up a further challenge from Schmitt: that even our apparently secular ideas about solidarity conceal a critical and ongoing reliance on theology; and, to paraphrase Max Weber, that it is only because of liberalism's "religious unmusicality" that we overlook this fact.

My aim in this dissertation, therefore, is to retune political theory. Through fresh readings of five central figures in philosophy, and drawing from moral psychology, social theory, anthropology, and religious studies, I unearth, conceptualize, and critically evaluate two distinct

approaches for responding to Schmitt's challenge, one arguing that liberal solidarity can be realized through reason alone, the other accepting the necessity of the non-rational.

I evaluate the first in part one, tracing an original history of European political thought through Jean-Jacques Rousseau, Immanuel Kant, and Jürgen Habermas. By virtue of their far-reaching influence, each of these theorists also offers a prism for evaluating three distinct sub-approaches to liberal solidarity: *democratic*, *ethical*, and *discursive*. Western philosophy's dominant method for securing solidarity, I show, has been to find ways for grounding our commitment and motivation in reason; yet as I demonstrate further, it has done so, startlingly, by drawing deeply and directly from religious ideas. I call this method *solidarity through secularization* and argue that it has failed. Each theorist's attempt at secularizing a religious concept or practice ends up incomplete, leaving behind a remainder that either unleashes political pathologies or undermines its efficacy for solidarity.

In part two I move from history to theory, developing a new normative model for liberal solidarity that I call *deep solidarity*. I do so by recovering another, enormously rich but neglected tradition for thinking about solidarity and religion that straddles East and West: the modern Jewish thought of Emmanuel Levinas and Martin Buber. I argue that their distinctive strand of religiously-attuned phenomenology, largely overlooked by political theorists, offers a radical new method for assimilating theological ideas that is both uniquely sensitive to the need for non-rational commitment and highly cognizant of its dangers. I call this method *solidarity through imitation* and draw from it vital normative resources. From Levinas I derive deep solidarity's underlying moral psychology: *solidarity as sacrifice*. From Buber I derive its theory of obligation: *solidarity as fate and destiny*. Deep solidarity, I conclude, answers Schmitt's challenge, providing a pre-political form of moral commitment and motivation that transcends reason but is compatible with liberalism.

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Acknowledgements

The Mishna (Pirkei Avot 4:1) teaches that one becomes wise by learning from every person. The Talmud (Megillah 15a) teaches that whoever cites all his sources brings the world a little closer to the messianic age. If I have acquired any wisdom at all, it has been because I have been blessed to learn from so many extraordinary teachers, mentors, colleagues, friends, and family members. And, in the interest of not holding back redemption, I will now do my best to acknowledge them.

Nancy Rosenblum has been a model advisor. From the time that we first met and she decided to take a chance on a recovering anthropologist, she has been committed to my development as a scholar and human being. Even as I would present her with barely-formed ideas, she would help me to separate out the wheat from the chaff and guide them into something workable. And even as I zigged and zagged in my research and thinking, she consistently supported and encouraged me. Unreservedly generous with her time, she offered incredibly sharp, detailed, invaluable input on every part of this dissertation. But more than an ideal mentor, Nancy is also an archetype for what it means to live a life of purposive and exciting academic inquiry. She stresses that great work requires not only care and precision but *passion*; her writing exemplifies how even in an increasingly professionalized academy, one's research can be equal parts intellectual adventure and self-exploration. She is not only a brilliant teacher but also teacher of teachers, inviting me, as her teaching fellow, to develop and deliver my own lecture on Hegel for her course on the history of political thought. And she is a master at nurturing genuine creativity, coaxing her students to find and develop their own distinctive voices. Her constant refrain was, "Now I know what such and such a writer thinks, but what

does *Charlie Lesch* think?" I'm not sure whether I answered her question in this dissertation; but with her encouragement, I will keep trying.

Michael Rosen has been a constant source of support, guidance, and inspiration from the start of my doctoral program and the earliest stages of this project. His course on German Idealism single-handedly sparked my decision, as a graduate student, to turn to the serious study of European philosophy. He constantly sought opportunities for me to develop and refine my ideas, generously inviting me twice to deliver papers at Harvard's European Philosophy Workshop. Even as I was away from campus for a year, he made sure that we kept in regular contact, carefully helping me to think through different dissertation ideas. And his own work on Kant, Hegel, and the Frankfurt school, at once beautifully written, analytically precise, scholarly, and deeply engaged with humanity's most important moral and political questions, provides a model for my own reading and thinking about Continental thought. Just knowing that Michael would be evaluating my work was itself a major spur to sharpen and clarify my ideas. If this dissertation has any rigor at all it is because of his influence. (And if it doesn't, he is certainly not to blame!)

Peter Gordon has been a believer in this project from the moment he joined the committee, giving me inspiration, confidence and energy at precisely those times when they were most needed. Evidence of his mentorship and insight can be found in every chapter, each of which he read with amazing care, precision, and attention to matters both large and small. His way of reading and thinking about European philosophy can also be powerfully felt in the larger themes and questions of this dissertation. In part this is a result of his own writing, which brings to intellectual history an inspiring excitement, beauty and sense that ideas really matter. In part it is a result of his teaching. Peter's seminars have been among the chief highlights of my time as a

graduate student. In addition to almost single-handedly giving me an education in twentieth-century Continental social and political thought, they have also provided me with a wonderful intellectual home at Harvard. Two of the chapters of this dissertation, as well as a major part of its overarching theme, can be traced directly to his courses.

Michael Sandel's work has had a profound impact on my development as a scholar and a person. While still in high school, his writings were what sparked my interest in political theory; more importantly, his reflections on community, self, and the limits of justice for realizing the most significant things in life were what turned me on to asking big questions about the world, our place in it, and what we owe to one another. By the time I arrived at Harvard my ideas had shifted and I had moved on to liberalism. But if anything that made it even more of a pleasure to participate in his seminar and teach for his lecture course, engaging directly with the very ideas that had been so formative for me. As a member of my committee, Michael has provided valuable comments on my work and directions for further inquiry. And early on in my graduate career, he was instrumental in nurturing my interest in Jewish thought, helping my to spend time studying in Israel and directing me to people and institutions there. I am inspired by his attempts to make challenging moral and political questions accessible to large numbers of people and to cultivate a more thoughtful public culture.

Chapters of this dissertation were presented a number of conferences, workshops, and other forums to whose participants I am grateful, including the American, Midwest, and Northeastern Political Science Associations, the American Jewish Studies Association, Harvard's European Philosophy Workshop, Political Theory Workshop, Center for European Studies, and Edmond J. Safra Center for Ethics, the University of Toronto, Hebrew University in Jerusalem, and Harvard Divinity School. I would also like to extend special thanks to a number

of colleagues in particular for their questions, comments, conversations, insights, and criticisms, including Joelle Abi-Rached, Jacob Abolafia, Adriana Alfaro, Elissa Alzate, Eric Beerbohm, Colin Bird, Jonathan Bruno, Josh Cherniss, Tara Dankel, Ryan Davis, Avigail Ferdman, Michael Frazer, Bjorn Gomes, Moshe Halbertal, Mark Hanin, Philippa Hetherington, Brad Hinshelwood, Waheed Hussain, Doug Jarvis, Michael Joel Kessler, Tae-Yeoun Kim, Peggy Kohn, Lee MacLean, Jeffrey Macy, Mara Marin, Aline-Florence Manent, Yehudah Mirsky, Anne Monius, Diane Moore, Samuel Moyn, Eric Nelson, Lowry Pressly, Kenneth Seeskin, Dan Silver, Richard Tuck, Michael Walzer, and Bernardo Zacka.

I was able to research and write this dissertation because of the generosity of a number of fellowships, prizes, and institutions, including the Andrew W. Mellon Foundation, the American Council of Learned Societies, the Harvard Graduate School of Arts and Sciences Merit Fellowship program, the Harvard Center for European Studies, Harvard's Bowdoin Prize, the Ambassador John L. Loeb, Jr., Initiative on Religion Freedom, the Edmond J. Safra Center at Harvard Graduate Fellowships in Ethics, the Fulbright Foundation, the Betz Foundation, the Harvard Center for Jewish Studies, and the Harvard University Presidential Scholars program.

Ideas have a way of burying themselves so deeply within a person as to mask their origins. While I cannot trace back the inspiration for all of my ways of thinking, I would be remiss if I did not mention at least a few. As a Yale undergraduate James C. Scott was a wonderful mentor, someone whose intellectual dynamism, moral principle, kindness, and utter contempt for disciplinary boundaries continues to be a source of inspiration. The late Frank Turner taught me to appreciate the importance of contextual nuance in intellectual history without draining the ideas of their potency. Michael Dove sparked my intellectual flirtation with anthropology and appreciation for ethnographic attention to human nuance and detail. From

Boris Kapustin's wonderful seminars on civil society and violence I had my first exposure to Continental philosophy, social theory, and the drama of social and political thought. Finally, this list would not be complete without mentioning two high school instructors in Western Civilization: David Enelow, who taught me how to write and think; and Paul Scott, who taught me how to criticize easy assumptions and to dream of a radically different world.

My older sister Bibi, an accomplished biologist, has been a constant inspiration with her brilliance, extraordinarily hard work, and fierce dedication to the pursuit of knowledge. She is also a lover of poetry, which is the only way I can explain how she puts up with my kind of writing.

Peter and Carol Reisfeld opened their home to my wife and me so many times during the writing of this dissertation that they came to refer to me as the "scholar in residence." Their hospitality, especially during tough periods for our family, made this dissertation possible.

To my parents I owe a debt that I can never fully express. In a prosaic (though still extremely important) sense they read and commented on every chapter of this dissertation. In a deeper sense, their example of love, patience, devotion, curiosity, kindness, and excitement about ideas are its very model and inspiration.

My wife Beth has been my constant companion in life and ideas since our first serious conversation as college freshmen—remarkably, about Rousseau. By the final weeks of writing she had started referring to "our dissertation." And she is absolutely right. For without her unvarying sacrifice and support through many difficult moments, this project simply would not have materialized. She is a constant source of advice about all things, my writing included. But in her wisdom, she always understood that the things we care most about cannot be expressed in language.

Finally, my son Judah, born in the midst of writing this dissertation, has provided a constant source of laughter and joy, as well as a concrete experience of being constantly dependent on another's will.

Abbreviations for Frequently Cited Texts

CARL SCHMITT

CP *The Concept of the Political*, trans. George Schwab (Chicago: The University of Chicago Press, [1932] 2007).

PT *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: The University of Chicago Press, [1934] 2005).

JEAN-JACQUES ROUSSEAU

PN "Preface to Narcissus," in *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, [1752] 2010).

SD "Discourse on the Origin and Foundations of Inequality Among Men or Second Discourse," in *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, [1754] 2010).

LD "Letter to d'Alembert on the Theater," in *Letter to d'Alembert and Writings for the Theater*, ed. and trans. Allan Bloom, Charles Butterworth, and Christopher Kelly (Hanover: Dartmouth College Press, [1758] 2004).

J *Julie, or the New Heloise*, trans. and ed. Philip Stewart and Jean Vaché (Hanover: Dartmouth College Press [1761] 1997).

E *Emile, or On Education*, trans. Allan Bloom (New York: Basic Book, [1762] 1979).

SC "Of the Social Contract," in *The Social Contract and Other Later Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, [1762] 2010).

LB "Letter to Beaumont," in *Letter to Beaumont, Letters Written from the Mountain, and Related Writings*, ed. Christopher Kelly and Eve Grace, trans. Christopher Kelly and Judith R. Bush (Hanover: Dartmouth College Press, [1763] 2013).

GP "Considerations on the Government of Poland," in *The Social Contract and Other Later Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, [1772] 2010).

IMMANUEL KANT

RBS "Remarks in the *Observations on the Feeling of the Beautiful and Sublime*," in *Observations on the Feeling of the Beautiful and the Sublime and Other writings*, ed. Patrick Frierson and Paul Guyer, trans. Matthew Cooley, Patrick Frierson, Paul Guyer, and Thomas Hilgers, (Cambridge: Cambridge University Press, [1764-5] 2011).

DSS "Dreams of a Spirit-Seer Elucidated by Dreams of Metaphysics," in *Immanuel Kant: Theoretical Philosophy, 1755-1770*, ed. and trans. David Walford with Ralf Meerbote (Cambridge: Cambridge University Press, [1766] 1992).

CPR *Critique of Pure Reason*, trans. and ed. Paul Guyer and Allen W. Wood (Cambridge: Cambridge University Press [1781 and 1787] 2005).

UH "Idea for a Universal History with a Cosmopolitan Purpose," in *Kant: Political Writings*, ed. H. S. Reiss, trans. H. B. Nisbet (Cambridge: Cambridge University Press, [1784] 2008).

PR *Critique of Practical Reason*, trans. and ed. Mary Gregor (Cambridge: Cambridge University Press, [1788] 2010).

CJ *Critique of the Power of Judgment*, ed. Paul Guyer, trans. Paul Guyer and Eric Matthews (Cambridge: Cambridge University Press, [1790] 2000).

RMR *Religion within the Boundaries of Mere Reason*, trans. and ed. Allen Wood and George Di Giovanni (Cambridge: Cambridge University Press, [1793] 2004).

PP "Perpetual Peace: A Philosophical Sketch," in *Kant: Political Writings*, ed. H. S. Reiss, trans. H. B. Nisbet (Cambridge: Cambridge University Press, [1795] 2008).

MM *The Metaphysics of Morals*, trans. and ed. Mary Gregor (Cambridge: Cambridge University Press, [1797] 2000).

LPR "Lectures on the Philosophical Doctrine of Religion," in *Religion and Rational Theology*, trans. and ed. Allen W. Wood and George di Giovanni (Cambridge: Cambridge University Press, [1817] 1996).

LE *Lectures on Ethics*, ed. Peter Heath and J. B. Schneewind, trans. Peter Heath (Cambridge: Cambridge University Press, 1997).

LM *Lectures on Metaphysics*, trans. and ed. Karl Ameriks and Steve Naragon (Cambridge: Cambridge University Press, 1997).

LA *Lectures on Anthropology*, ed. Allen W. Wood and Robert B. Louden, trans. Robert R. Clewis, Robert B. Louden, C. Felicitas Munzel, and Allen W. Wood (Cambridge: Cambridge University Press, 2012).

NF *Notes and Fragments*, ed. Paul Guyer, trans. Curtis Bowman, Paul Guyer, and Frederick Rauscher (Cambridge: Cambridge University Press, 2005).

JÜRGEN HABERMAS

WB "Walter Benjamin: Consciousness Raising or Rescuing Critique," in *Philosophical-Political Profiles*, trans. Frederick G. Lawrence (Cambridge, MA: MIT Press, [1972] 1983).

TCA1 *The Theory of Communicative Action, Vol.1: Reason and the Rationalization of Society*, trans. Thomas McCarthy (Boston: Beacon Press, [1981] 1984).

TCA2 *The Theory of Communicative Action, Vol.2, Lifeworld and System: A Critique of Functionalist Reason*, trans. Thomas McCarthy (Boston: Beacon Press, [1981] 1987).

ÉMILE DURKHEIM

EF *The Elementary Forms of Religious Life*, trans. Karen E. Fields (New York: Free Press, [1912], 1995).

WALTER BENJAMIN

OL "On Language as Such and on the Language of Man," in *Selected Writings, Vol. 1, 1913-1926*, trans. Edmund Jephcott (Cambridge: Harvard University Press, [1918] 2004).

WoA "The Work of Art in the Age of its Mechanical Reproducibility," in *Selected Writings, Vol. 4, 1936-1940*, ed. Howard Eiland and Michael W. Jennings (Cambridge: Harvard University Press, [1939] 2006).

EMMANUEL LEVINAS

TI *Totality and Infinity: An Essay on Exteriority*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, [1961] 1969).

DF *Difficult Freedom: Essays on Judaism*, trans. Seán Hand (Baltimore: The Johns Hopkins University Press, [1963] 1990).

OB *Otherwise than Being, or Beyond Essence*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, [1974] 2002).

BV *Beyond the Verse: Talmudic Readings and Lectures*, trans. Gary D. Mole (Bloomington: Indiana University Press, [1982] 1994).

OS *Outside the Subject*, trans. Michael B. Smith (Stanford: Stanford University Press, [1987] 1993).

BPW *Basic Philosophical Writings*, ed. Adriaan T. Peperzak, Simon Critchley and Robert Bernasconi (Bloomington: Indiana University Press, 1996).

ALEXANDRE KOJÈVE

ILH *Introduction à la lecture de Hegel*, 2nd ed. (Paris: Gallimard, 1947).

IRH *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*, ed. Allan Bloom, trans. James H. Nichols, Jr. (Ithaca: Cornell University Press, [1947] 1980)

MARTIN BUBER

PU *Paths in Utopia*, trans. R. F. C. Hull (Boston: Beacon Press, [1949] 1958).

IT *I and Thou*, trans. Ronald Gregor Smith (New York: Charles Scribner's Sons, [1923] 1958).

OB *On the Bible: Eighteen Studies*, ed. Nahum N. Glatzer (Syracuse: Syracuse University Press, 2000).

BMM *Between Man and Man*, trans. Ronald Gregor Smith (Boston: Beacon Press, [1947] 1957).

OJ *On Judaism*, ed. Nahum H. Glatzer (New York: Schocken Books, 1967).

MOS *Moses: The Revelation and the Covenant* (New York: Harper Torchbooks, [1946] 1965).

KG *Kingship of God*, trans. Richard Scheimann (Harper & Row: New York, [1956] 1967).

PF *The Prophetic Faith*, trans. Carlyle Witton-Davies (New York: Harper Torchbooks, [1949] 1960).
W *Werke: Zweiter Band: Schriften zur Bibel* (München: Kösel-Verlag, 1964).
OZ *On Zion: The History of an Idea* (Syracuse: Syracuse University Press, [1952] 1997).

CHAPTER ONE

Introduction:
The Puzzle of Liberal Solidarity and Schmitt's Challenge

"'This is the book of the descendants of humankind' (Genesis 5:1): Ben Azzai said, This is the great principle of the Torah. Rabbi Akiva said, Here is an even greater principle: 'Love your neighbor as yourself' (Leviticus 19:18).

-Midrash Genesis Rabba[1]

"What philosophy discovers in religion is a mode of portraying or dramatizing the relations that human beings establish with something that goes beyond empirical time, and the space within which they establish relations with one another."

-Claude Lefort, "The Permanence of the Theological-Political?"[2]

"...We must begin by knowing the human heart."

-Jean-Jacques Rousseau, Emile[3]

LIBERALISM'S UNANSWERED QUESTION

In a distant American city, a young man is shot to death by a police officer in suspicious circumstances. His family and community call for justice. You agree with their grievance, but struggle to share in their suffering. It is the day after a hurricane and many of your neighbors have been left homeless, their houses flooded. You have a room to spare, but pause at the risk and inconvenience of taking in a stranger. On the floor of the New York Stock Exchange, a colleague passes along inside information about a company's earnings. He invites you to invest. Walking down the street, you find an engagement ring lodged in the cracks of the sidewalk. You

[1] Genesis Rabba, Parasha 24. All translations from the Hebrew in this dissertation are my own unless otherwise noted.

[2] Claude Lefort, "The Permanence of the Theologico-Political?" in *Political Theologies: Public Religion in a Post-Secular World*, ed. Hent de Vries and Lawrence E. Sullivan (New York: Fordham University Press, 2006), 157.

[3] Jean-Jacques Rousseau, *Emile, or On Education*, ed. and trans. Allan Bloom (New York: Basic Books, [1762] 1979), 236.

debate whether to pocket it or post a notice. Lying awake in bed, you hear what sounds like a young woman crying for help. You turn down the volume of your television; the seconds tick by; no one else is coming. As a long day comes to an end, a friend turns to confide in you. The hour is late, and you have other plans, but his voice registers vulnerability and desperation. On an icy winter day, a boat overfilled with refugees approaches your country's shores. You, the bureaucrat in charge, check your spreadsheet. On paper, this group will surpass your country's quota. But their fate is in your hands. At a military detention center, your commanding officer orders you to torture a captive. You look into the prisoner's eyes and waver. At a stoplight, a homeless man goes from car to car, asking for donations. He turns his face toward you and a moment of decision arrives. Some part of you wants to look away, avoid contact, resist the responsibility. But another part of you wants to look back, take in his pained eyes and expression, and embrace the self-exposure it entails.

These stories depict occasions for human solidarity. Some touch on issues of a national, or global, scale; others are personal and intimate. Some portend serious and weighty deeds; others seem banal, grave only in the realm of conscience or companionship. What they all share is the mark they leave on human society and personality. Solidarity, in its classical sense, is defined as a quality of how societies organize themselves at a given stage of human development, often expressed in binary terms.[4] For Émile Durkheim, solidarity is either primitive, coercive, and "mechanical," or modern, moral, and "organic."[5] For Ferdinand Tönnies and Max Weber, it is either the face-to-face *Gemeinschaft* of affective community or the

[4] For an overview of how classical theorists have defined solidarity, see Steinar Stjernø, *Solidarity in Europe: The History of an Idea* (Cambridge: Cambridge University Press, 2005). For recent attempts at definition, see Kurt Bayertz, "Solidarity and the welfare state: Some introductory considerations," *Ethical Theory and Moral Practice*, 1, 1998, 293-6; Sally Scholz, *Political Solidarity* (University Park: Pennsylvania State University, 2008); and Avery Kilers, "Dynamics of Solidarity," *Journal of Political Philosophy* 20(4), 2012, 365-83.

[5] Émile Durkheim, *The Division of Labor in Society*, trans. W. D. Halls (New York: Free Press, [1893] 1997), 11-178.

depersonalized *Gesellschaft* of rationalized market society.[6] Yet solidarity, in addition to being a descriptive category in sociology, is also normative category in political theory. It expresses an ideal, a vision of what society should look like. It offers a standard for how people should treat one another and how they should understand their obligations. And, as these brief examples show, the moral texture of a society's solidarity is fabricated not only from impersonal social structures. It is built up from moments of individual encounter and moral choice. It rises and falls on the hundreds of decisions a person makes daily about how to relate to her friends, family, neighbors, and fellow citizens—and perhaps more importantly, those human beings who lack signifiers of familiarity: strangers, aliens, and others, the nameless refugee and the faceless beggar on the street.

Solidarity is among the many sources from which effective liberal democracies draw their strength. Yet it has received comparatively little attention in discussions about the basis for good liberal societies.[7] Political theorists tend to focus on those aspects of the polity, like fair

[6] The two terms for Tönnies reflect different ways of conceptualizing the social ties among people, and both can exist simultaneously within a given social formation. *Gemeinschaft* refers to interpersonal connections based on regular, direct, and face-to-face interactions, as well as the social roles and values that arise from such connections. *Gesellschaft*, by contrast, refers to our ties with others and their accompanying beliefs in the context of irregular, impersonal, and formal relations. Ferdinand Tönnies, *Community and Society (Gemeinschaft und Gesellschaft)*, trans. and ed. Charles P. Loomis (New York: Harper Torchbooks, [1887] 1957), 33-102. Weber was highly influenced by Tönnies, and in his magnum opus *Economy and Society* he wrote in direct response his predecessor, employing the same conceptual language while changing its meaning to reflect his interpretative-empathetic approach to sociology (*Verstehen*). Thus for Weber, *Gemeinschaft* relations are characterized by affect, subjective feeling, and traditional bonds, while *Gesellschaft* relations are characterized by consent and rational agreement. To emphasize this distinction, he replaces both terms with the gerund in German: *Gemeinschaft* becomes *Vergemeinschaftung* and *Gesllschaft* becomes *Vergesellschaftung*. See *Economy and Society*, ed. Guenther Roth and Claus Wittich, trans. Ephraim Fischoff et. al. (Berkeley: University of California Press, [1921] 1978), especially pp. 1-57.

[7] Indeed solidarity has been so overlooked in contemporary sociology, political science, and moral and political philosophy that the absence itself has been the subject of scholarly reflection. For sociology, see Jeffrey Alexander, "Morality as a Cultural System: On Solidarity Civil and Uncivil," in *The Palgrave Handbook of Altruism, Morality and Social Solidarity*, ed. Vincent Jeffries (London: Palgrave, 2014), 303-10; Paul Reynolds, "Introduction," in *Cultural Difference and Social Solidarity: Solidarities and Social Function*, ed. Scott Boyd and Mary Ann Walter (Newcastle upon Tyne: Cambridge Scholars Publishing, 2014). For political science, see Stjernø 2005. For moral and political philosophy, see Bayertz 1998; Craig Calhoun, "Imagining Solidarity: Cosmopolitanism, Constitutional Patriotism, and the Public Sphere," *Public Culture* 14(1), 2002, 147-71; Lawrence Wilde, "The Concept of

laws, strong institutions, and representative procedures, that are conceptually clear, readily amenable to philosophical analysis, and plainly political. They begin at a high level of abstraction and with first principles like freedom, autonomy, and equality, working downward to arrive at a normative picture of a just state. This is an approach exemplified most recently by the philosopher John Rawls and his many philosophical descendants. But its origins stretch back into the history of the liberal idea. From its beginnings in the seventeenth and eighteenth centuries, liberalism has been associated with the protection of rights, like those of speech, property, and association, as well as legal equality. Today, liberal theorists continue the tradition of Locke, Kant, Constant, and Mill, seeking ways to help their societies better understand and live up to their founding ideals on tough issues like poverty, immigration, and cultural diversity.

This kind of thinking is important, indeed indispensible, for advancing the cause of a decent society. It challenges us to continue refining our political structures toward the end of justice. But it also leaves an important question unanswered. Liberal democracy, after all, is both a philosophical ideal *and* a way of life. While it exists on paper, in the minds of philosophers, and, to an imperfect degree, in our institutions, it also and equally exists in the lived experience of participants. And what defines the daily lives of actually existing citizens, even more than the quality of their institutions and procedures, is the quality of their relations with other people. Put another way, the phenomenology of a liberal democratic society is in no small measure a product of its solidarity. It rests on the strength of what anthropologist Victor Turner has called our "basic generic bond."[8]

Solidarity: Emerging from the Theoretical Shadows," *British Journal of Politics and International Relations*, 9/1, 2007, 171-81; and Scholz 2008, 10.

[8] Victor Turner, *Dramas, Fields, and Metaphors: Symbolic Action in Human Society* (Ithaca: Cornell University Press, [1974] 1996), 56.

Solidarity, then, is both liberalism's critical resource and its unanswered question. It is frequently considered to be a value of secondary importance to justice, or regarded as an epiphenomenal manifestation of well-ordered institutions. Or it is taken for granted, seen as a kind of natural resource that renews itself automatically over time. More often than not, however, theorists simply leave the question of liberal solidarity's foundations unanswered. There have been exceptions, which I consider below. But liberalism, as I will argue here, can no longer afford to ignore the significance of solidarity, nor the sources that generate it.

This dissertation is a study of those sources. It is part history, part moral psychology, and part normative political theory. I diagnose the challenges confronting the realization of liberal solidarity, consider what is at stake in the question, and offer a path forward. My aim is to provide a new normative template of solidarity—not, primarily, to satisfy philosophers, but to fill-in the political psychology and phenomenology of actually existing liberal societies. "The most obvious task of political theory," writes Judith Shklar, "has always been the elucidation of common experience, the expression of what is inarticulately known to groups of people at any time."[9] This dissertation is an attempt to articulate our voiceless fellowship, to give expression to certain social truths that we as citizens know, or should know, but whose meaning and significance has until now lacked a language of its own. What I seek to do, in short, is respond to liberalism's unanswered question.

THE NEED FOR SOLIDARITY: STABILITY, JUSTICE, NON-DEPENDENCE, AND MORAL PERSONALITY

There are those, however, who would deny that liberalism needs solidarity at all. By this view, liberal polities can be self-sufficient through a combination of legal procedures, individual

[9] Judith Shklar, *Legalism: Law, Morals, and Political Trials* (Cambridge: Harvard University Press, [1964] 1986), 28.

rights, and redistributive institutions, justly organized.[10] I think such a view is mistaken. Liberalism needs solidarity for at least four reasons: *stabilizing society*, *realizing justice*, *diminishing dependence*, and *cultivating moral personality*.

The first reason, *stabilizing society*, is negative, defensive, and pragmatic, rooted in a concern for basic social cohesion and tranquility. On the one hand, solidarity helps to temper extreme forms of self-interest. It is true that, broadly speaking, liberalism is compatible with a degree of egoistic behavior. Yet even thinkers as sanguine about individual self-interest as Adam Ferguson and Adam Smith recognized that our selfish and antisocial tendencies must have limits, which, when surpassed, threaten to violently tear a society apart.[11] Kant's apparently extreme view, that a polity could persist as a "nation of devils" operating under coercive laws, is actually a great deal more nuanced than often thought, as I will argue further on.[12] On the other hand, sometimes the issue is not egoism, but just the opposite. This is a problem that the

[10] For remarks on how solidarity has sometimes been dismissed as "rhetorical" or "ceremonial," see Reynolds 2014, 1; and Arto Laitinen and Anne Birgitta Pessi, "Solidarity: Theory and Practice. An Introduction," in *Solidarity: Theory and Practice*, ed. Arto Laitenen and Anne Pessi (Lanham: Lexington Books, 2014). Some operating in the framework of global justice have objected in principle to the idea that we should have special commitments to any bounded group of human beings. See for example Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005), 25-62; Gillian Brock, *Global Justice: A Cosmopolitan Account* (Oxford: Oxford University Press, 2009), 84-116; 274-97; and Kok-Chor Tan, *Justice Without Borders: Cosmopolitanism, Nationalism, and Patriotism* (Cambridge: Cambridge University Press, 2004), 131-202. For a counterargument, that beginning with bounded forms of solidarity may ultimately to a more global sense of solidarity, see Alison Brysk, *Global Good Samaritans: Human Rights as Foreign Policy* (Oxford: Oxford University Press, 2009). I offer my own response to the universalist objection in chapter six of this dissertation. For a more general argument contesting the need for solidarity in liberal-democratic societies, see Jacob Levy, "Against Solidarity: Democracy Without Fraternity," in *The Strains of Commitment: Solidarity in Diverse Societies*, ed. Keith Banting and Will Kymlicka (Oxford: Oxford University Press, Forthcoming).

[11] Unlike Bernard Mandeville, who postulates a relatively uncomplicated relationship between "private vice" and "public virtue," Smith, is careful to distinguish self-interest, the effects of which are socially salutary, from selfishness, which saps nations of their vitality. A person moves from having a disposition characterized by self-interest (or "self-love") to one of selfishness at the point at which she no longer accounts for the welfare of others in the course of her aggrandizement. See *The Theory of Moral Sentiments*, ed. Knud Haakonssen (Cambridge: Cambridge University Press, [1759] 2002), e.g. III.3.3, IV.iii.3, VII.ii.3.16. For a modern discussion of how social trends toward individualization may be undermining solidarity, see Nikolai Genov, "Challenges of Individualization," *International Social Science Journal*, 64, 213-14, 2013, 197-209.

[12] See chapter three. "Perpetual Peace: A Philosophical Sketch," in *Kant: Political Writings*, ed. Hans Reiss, Trans. H. B. Nisbet (Cambridge: Cambridge University Press [1795] 2008), 112.

philosopher Moshe Halbertal has termed "misdirected self-transcendence": the willingness to sacrifice oneself for causes that are morally dubious, anti-social, and violent.[13] In societies that fail to inculcate strong feelings of social identification and attachment, such causes come to seem more important than the lives of one's neighbors. As Jonathan Glover has illustrated in terrible detail in his "moral history" of the twentieth century, human beings—whether in Rwanda, Stalin's Russia, or the Third Reich—are all-too able to exchange their soft sympathy toward others for the hard purity of principle.[14]

A second, more positive, but also pragmatic reason, has to do with solidarity's value for *realizing justice*. Thus Martha Nussbaum, writing on the role of emotion in democratic politics, has advocated for a "public culture of compassion," one capable of galvanizing people to vote for social programs that go against their own economic interests.[15] She notes, for example, Franklin Delano Roosevelt's tactical distribution of heart-rending photographs of poverty among

[13] Moshe Halbertal, *On Sacrifice* (Princeton: Princeton University Press, 2012), 78.

[14] Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (New Haven: Yale University Press, 2012).

[15] Martha Nussbaum, *Political Emotions: Why Love Matters for Justice* (Cambridge: Harvard University Press, 2013), 157. For study of how egalitarian political appeals have often drawn on the idea of a national solidarity, see Ben Jackson, "The Rhetoric of Redistribution," in *In Search of Social Democracy*, ed. John Callaghan, Nina Fishman, Ben Jackson, and Martin McIvor (London: Palgrave Macmillan, 2009). Clem Brooks and Jeff Manza have argued that the welfare state has continued to persist even with the declining power of the working class only because of a sense of national solidarity. *Why Welfare States Persist: The Importance of Public Opinion in Democracies* (Chicago: The University of Chicago Press, 2007). Wim van Oorschot has demonstrated that when people make judgments about who of their fellow citizens deserve redistributed resources, they do so not only based on considerations of need and justice, but on account of aspects of solidarity, including identity, (perceived) gratitude, and reciprocity. "Making the Difference in Social Europe: Deservingness Perceptions Among Citizens of European Welfare States," *Journal of European Social Policy*, 16(1), 2006, 23-42. A classic argument for how the welfare state relies on a pre-political sense of community can be found in T. H. Marshall, *Sociology at the Crossroads and Other Essays* (London: Heinemann, [1950] 1963), 96. Markus Crepaz, by contrast, has argued that the welfare state itself can be a source for solidarity. *Trust Beyond Borders: Immigration, the Welfare State, and Identity in Modern Societies* (Ann Arbor: University of Michigan Press, 2008).

ordinary Americans. By replacing victim-blaming with sympathy, he fostered a new sense solidarity and eased passage of the New Deal.[16]

Stabilizing society and realizing justice speak to solidarity's contributory role for achieving the broader, macro-scale aims of political liberalism: security, social resilience, and fairness. They treat our shared bonds as being primarily of instrumental and political value, oriented toward the practical realization of normative goods independent of solidarity itself. I believe that both of these functions of solidarity are important, and each will contribute to the argument of this dissertation.

At the same time, I believe that liberalism needs solidarity for reasons unrelated to the immediate aims of politics.[17] The warp and woof of our social bond also has meaning in the realm of the ethical, the intersubjective, and the intimate, in the daily texture of interpersonal life and the formation of human moral personality. At first this might seem surprising. Solidarity, after all, is traditionally a concept of the mass, the collective, and the whole. It is most frequently invoked to measure what is common, not personal. Indeed solidarity has been implicated in what Hannah Pitkin, in her study of Hannah Arendt's social theory, called the "attack of the blob." In this role it threatens precisely to submerge the individual into the collective, to smother human personality entirely under the body of the social organism.[18] Yet solidarity, because it speaks not only to our abstract obligations, but to our phenomenology as

[16] Nussbaum 2013, 282.

[17] In this I disagree with Keith Banting and Will Kymlicka, who, in the introduction to their forthcoming volume on "The Political Sources of Solidarity in Diverse Societies," restrict the need for solidarity to instrumental concerns for realizing justice: "Solidarity, on our view, is important not so much for its intrinsic value as a component of individual flourishing or a virtuous life, but for its functional role in motivating compliance with the demands of justice." "Introduction," in *The Strains of Commitment: The Political Sources of Solidarity in Diverse Societies*, ed. Keith Banting and Will Kymlicka (Oxford: Oxford University Press, Forthcoming). I am grateful to Will Kymlicka for sending me this chapter in advance of publication.

[18] Hannah Pitkin, *The Attack of the Blob: Hannah Arendt's Concept of the Social* (Chicago: The University of Chicago Press, 1998).

citizens, also has a deeply personal moral valence. Two features of this phenomenology stand out in particular, and together offer third and fourth reasons for why liberalism needs solidarity.

To begin with, solidarity helps with *diminishing dependence* in its myriad forms. Every liberal society permits its citizens broad leeway for organizing their familial, associational, and interpersonal lives. Consequently, informal power relations will emerge in which some will be dominant and others quiescent. The problem with such dependence for liberals is twofold. First, as Rousseau so keenly observed, and as I discuss in greater depth in chapter two, dependence creates a dynamic that is ripe for exploitation, abuse, and domination. It leads not only to macro-scale social instabilities, but micro-scale cruelties of the kind that Shklar, famously, believed that liberalism needs to put "first" on its list of "ordinary vices." Such products of dependence are incompatible with liberalism because they are inimical to the forms of everyday social trust and respect that must suffuse every liberal polity for it to function.[19] Second, conditions of interpersonal dependence also inhibit liberalism's ideal of individual self-definition and self-realization. It is a liberal priority that we have the ability to shape our identities and decide on our commitments as we see fit. Yet this is only possible when we are free to pursue our goals and projects without living under another's thumb, not only legally and institutionally, but in our social relations as well. As Avishai Margalit has argued, acts stemming from relations of dependence—humiliation foremost among them—remove this kind of liberty. They lead to an "utter loss of freedom and control over one's vital interests."[20]

[19] "What is moral cruelty? It is not just a matter of hurting someone's feelings. It is deliberate and persistent humiliation, so that the victim can eventually trust neither himself nor anyone else." Judith Shklar, *Ordinary Vices* (Cambridge: Harvard University Press, 1984), 37.

[20] Avishai Margalit, *The Decent Society*, trans. Naomi Goldblum (Cambridge: Harvard University Press, 1996), 115.

To a degree, the frequency and magnitude of interpersonal dependence can be diminished through laws and well-ordered institutions. This is a project for which neo-republican theorists like Philip Petit, with their stress on securing non-domination, have advocated in particular.[21] But whatever reductions in dependence might be achieved at the level of juridical and political structure, differences in power, and the potential for these differences to turn into exploitation, will persist in the social and interpersonal realm. Human life is inevitably characterized by competition, reputation, and hierarchy. This is especially true in any kind of political order, like liberalism, that values a significant breadth of personal freedom. These social dynamics largely cannot change. What can change is how they manifest. If people will always have power over others, the manner in which they *use* that power is up to them. And the defining factor behind their choices is the quality of their society's solidarity. Feelings of attachment, responsibility, and shared destiny may stay the hand of the mighty in ways that the threat of legal coercion, or the abstract pull of moral obligation, do not. Human beings will always be tempted to place their own interests over those of others. Cruelty and domination, however, are anti-social tendencies, the products of a deficiency of identification with other human beings. Solidarity can help repair that deficiency.

In this way, solidarity also contributes to *cultivating moral personality*. In one sense, this is simply the positive, dispositional side of the negative role it plays in reducing domination. We manifest our identification with others through the diminution of bad qualities of character, like vanity and selfishness, and the cultivation of good qualities, like compassion, sensitivity, and altruism. Yet solidarity colors the self in a still deeper sense, one perhaps best elucidated by the sociologist George Meade. "In our reflective conduct," Meade writes, "we are always reconstructing the immediate society to which we belong. We are taking certain definite

[21] Philip Petit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997).

attitudes which involve relationship to others. In so far as these relationships are changed, the society itself is changed. We are continually reconstructing."[22] All human beings, in short, are both products of and ongoing contributors to the societies in which they dwell. Solidarity, by embodying the dimension of life in which moral choices have meaning and consequence, represents the site of this continual reconstruction. It removes our actions from the realm of the impersonal, and by rendering them socially significant, also makes them palpable to us, imbuing them with weight and permanence. And this, as Meade points out, is what lends solidarity its reflexive quality. It both absorbs and ricochets back upon us the manner in which we actually perceive, treat, and talk about others on a daily basis. Far from eliminating the meaning of moral choices through a kind of social determinism, solidarity actually highlights their significance. For the *content* of our solidarity is up to us: cowardice or courage, disgust or tolerance, commitment or neglect, selfishness or self-transcendence, insularity or the willingness to sacrifice. Against this backdrop, moral choices move from being discrete, isolated decisions, to becoming ongoing parts of our identity. And the decisions we make in such instances stay with us because the society that we create through those decisions also stays with us, coming into being at the same time as our sense of self. Practices of solidarity, therefore, have not only social, political and moral value. They have existential significance. They help shape us into who we are.

We need solidarity, then, not merely because of what it can provide for us—because of stability, security, and the demands of justice. We need it in order to diminish dependence and cultivate moral personality. We need it to give our moral choices meaning and make us into full

[22] George Meade, *Mind, Self, and Society from the Standpoint of a Social Behaviorist*, ed. Charles W. Morris (Chicago: The University of Chicago Press, [1934] 1967), 386.

persons. We need it, in short, because it takes on the normative texture that we give to it, and this texture, in turn, rebounds upon us, shaping our deepest selves.

The Puzzle of Liberal Solidarity: Securing Solidarity and Honoring the Individual

Yet if liberalism needs solidarity, how to achieve it presents a puzzle. The very concept of a "liberal solidarity" seems almost paradoxical, joining liberalism, which valorizes personal freedom, individual dignity, pluralism, and critical reflection, with solidarity, which seemingly stresses social unity, visceral attachment, and the subordinating of one's own interest to the good of the whole. Such a tension should be unsurprising given the origins of the liberal idea. What we now call liberalism arose precisely as a reaction to forms of political association that insisted on high degrees of social unity. The solidarity of pre-modern European societies was often enforced by some combination of religious coercion, cultural homogeneity, and political violence. It prioritized the welfare of the collective over that of the individual; regulated public speech and worship; and perpetuated an inflexible and hereditary class structure. Liberalism, with its emphasis on the individual's right to forge his own destiny, consciously rejected many of the techniques used by states to achieve solidarity. If a society is to persist as both liberal and solidaristic, then, it must find a way to reconcile two values that are often at odds with one another. I refer to these values, respectively, as *securing solidarity* and *honoring the individual*.

To *secure solidarity* means populating a polity with individuals concerned for the welfare of their neighbors and capable of self-transcendence. Such people are able, on occasion, to rise beyond the confines of their egoism and sacrifice for others. They are prepared to devote themselves to people, or causes, without hope of personal reward. They can be called upon to give their time, their resources, their bodies, and sometimes their lives. They are willing to take

risks to secure others' well-being, opening themselves up to both material and psychological vulnerability.

At the same time, securing solidarity does not insist on thoroughgoing moral virtue. The self-transcendence it requires is frequently quotidian. The vignettes that opened this chapter portrayed human beings confronted by a number solidaristic decisions. Many of these would be challenging to make, requiring judgment, fortitude, and some amount of self-exposure: opening one's door to a stranger, rallying for social change, returning a lost object, seeing the humanity of a beggar. Some, like the stock broker receiving an inside tip, would require forgoing one's own material interest. A few, like the officer ordered to torture, or the bureaucrat in charge of admitting refugees, would involve some risk to one's career. But none would require sainthood. What secures solidarity, then, is not a handful of discrete acts of moral heroism. It is the gradual accretion of enough solidaristic decisions, decided in the right way.

A distinctly *liberal* theory of political community not only needs to secure solidarity, however. It must also respect the critical faculties, life choices, particularity, and moral responsibility of the human being. Taken together, I call these values *honoring the individual*.

Honoring the individual means, to begin with, ensuring that citizens are not only legally permitted to question and dissent, but operate in a social environment in which they feel emboldened to do so. It involves cultivating a critical and reflexive public culture, one open to challenge, change, and experimentation.

At the same time, to honor the individual requires rejecting social and cultural homogeneity, both in metaphysical outlook and personal lifestyle. Part of what defines liberalism, at least in its more pluralistic forms, is precisely the *absence* of any unitary ideal of the individual and her behavior. A person may choose to live her life in a thick web of

commitments and associations, defined by multiple and overlapping interpersonal obligations—a PTA member, a mother, a Mormon, an informed citizen. But a person may also choose to live in relative seclusion from others, seeking out happiness and fulfillment in the absence of predetermined social bonds. "To be in company, even with the best, is soon wearisome and dissipating," wrote no better liberal than Thoreau. "I never found the companion that was so companionable as solitude."[23]

To honor the individual also entails safeguarding the particularity of the human person. Projects of solidarity often garner high levels of social attachment and self-transcendence. They produce what Hans Schmalenbach has referred to as "communion," a submergence of the self into the collective.[24] The byproduct of such forms of communion—human beings who have lost their sense of distinct personality and uniqueness—must clearly be avoided and the coherence of the person qua person sustained. What is needed instead, in Turner's words, is a relation between individuals that "safeguards their uniqueness in the very act of realizing their commonness."[25]

A final and critical aspect of honoring the individual involves preserving the self's sense of moral responsibility. Moral responsibility means, first, that one not only does what is morally right, but does so for her own thought-out reasons. The alternative is what Milton called a "heretic in the truth," a person who acts rightly for reasons that are either wrong or simply

[23] Henry David Thoreau, *Walden*, ed. Jeffrey S. Cramer (New Haven: Yale University Press, [1854] 2004), 131.

[24] Hans Schmalenbach, "Communion—a Sociological Category," in *Hans Schmalenbach on Society and Experience*, ed. and trans. Günther Lüschen and Gregory P. Stone (Chicago: The University of Chicago Press, 1977).

[25] Turner [1974] 1996, 274.

unconsidered.[26] At the same time, when the group to which a person has committed herself acts wrongly, she, by virtue of being a responsible moral actor, must resist bending to its decisions and dominant social norms. Finally, part of what defines moral responsibility is its efficacy, its ability to have an impact on the world and on the lives of others. In a society in which all of our moral work has been outsourced to the laws and institutions of the state, our morality, and so our responsibility, is sapped of its force in human affairs. To honor the individual thus requires a social environment in which morality has consequences.

This, then, is the puzzle of liberal solidarity: By what means can we combine, in individual human beings, the attributes of self-transcendence, sacrifice, and concern for the welfare of others, with plural commitments, critical thought, particularity, and moral responsibility? How can we reconcile these two apparently opposed values, securing solidarity and honoring the individual? Yet the puzzle runs even deeper than this. For when we turn from a discussion of abstract principles to the realm of actually existing persons, from questions of normative priorities to those of psychology and motivation, the challenge of assembling a liberal solidarity grows even more complex and formidable. We run into not only the boundaries of philosophical reconciliation, but the limits of human rationality.

THE NON-RATIONAL PSYCHE AND SCHMITT'S CHALLENGE

Attending to solidarity, I have suggested, draws us down to political phenomenology. To paraphrase Arendt, it shifts our focus from the abstract singular "man" to the particular plural "*men*," from the realm of the philosophical ideal to the deeply non-ideal experience of actual

[26] John Milton, "Areopagitica," in *John Milton: Selected Prose*, ed. C. A. Patrides (Columbia: University of Missouri, [1644] 1986), 231.

liberal-democratic life.[27] Such a move, I will now argue, should affect not only how we conceive of our political phenomenology, but also our political psychology. In the singular, a citizen has rights, obligations, and autonomy. She has a normative status that is imagined in thought and instantiated in law. She reasons, deliberates, and votes according to proper democratic procedures. And she exhibits a basic respect for others as part of what John Rawls called our "reasonable moral psychology."[28] In the plural, liberal citizens are messier, rowdier, harder to corral. They persuade, gossip, tell white lies, and have the best of intentions. They are torn between many layers of overlapping and unreflective commitments, participants in what Shklar called liberalism's "culture of subcultures," "tradition of traditions," and "ethos of determined multiplicity."[29] They are not often convinced by logical arguments, but can be swayed by stories of hardship, the sight of suffering, "habits of the heart," and the call of a righteous mission, both religious and profane.[30] What they almost never are, *pace* Rawls, is reasonable.

And this presents a puzzle for liberals. For more often than not, when we sacrifice for others, we do so not as a singular citizen, but as citizens in the plural. We are motivated not by the categorical imperative, or a level-headed eudaimonism, but by the untamed, non-rational parts of our psyche: affect, emotion, and intuition, our aesthetic sense and even our feeling for the numinous or metaphysical. These non-rational parts of selfhood represent potent means for uniting human beings across mental and physical distances, and are key resources for achieving solidarity. But rousing these parts of the self also holds dangers, as should be plain to any

[27] Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, [1958] 1974), 7.

[28] John Rawls, *Political Liberalism* (New York: Columbia University Press, [1993] 2005), 86.

[29] Shklar 1984, 248.

[30] Robert Bellah, Richard Madsen, William Sullivan, Ann Swidler, and Steven Tipton, *Habits of the Heart: Individualism and Commitment in American Life* (Berkeley: University of California Press, [1985] 1996).

student of humanity's past—or, for that matter, its present: cruel wars of religion, aspirations of nationalist revanchism, and fantasies of messianic cataclysm, both sacred and secular. Nor should these effects surprise us, given the features of non-rational psychology. To appeal to a person through myth or sacred enthusiasm is to cut through her logical faculties to the quick of her passions. This is the favored tactic of ultra-nationalists, demagogues, and would-be prophets. It culls from the dark politics of racism, demonization, and xenophobia. It sometimes harmonizes groups of people at the expense of an enemy or excluded other. And it frequently demands the silencing of criticism, that the foundations of its own authority be placed beyond the pale of question or critique.

Thus to the puzzle of liberal solidarity two further questions must be added: Can liberal solidarity be achieved through the rational self alone? And if not, how can the risks of non-rationalism—of social manipulation, demonization, and violence—be contained? Evaluating these questions requires, to begin with, that we grasp the nature and severity of the problem. We need to know precisely what elements of our non-rational moral psychology are tied to our solidarity. We must ascertain how deeply this connection goes. And we have to establish whether it is merely contingent or genuinely inexorable—whether liberalism, in other words, truly needs non-rational attachment, or whether it can mostly do without it. Rationalist psychology is so often intertwined with liberalism that these questions are only infrequently raised by liberalism's friends.[31] But they are asked, often and incisively, by its enemies. I thus turn now to one of them, a thinker whose own vile politics and reactionary political theory embraces non-rationalism, and in doing so, challenges the very possibility of liberal solidarity: Carl Schmitt.

[31] For a notable exception see Nancy Rosenblum's *Another Liberalism: Romanticism and the Reconstruction of Liberal Thought* (Cambridge: Harvard University Press, 1987).

No thinker has emphasized the primacy of unreason in political life and solidarity as vigorously, and controversially, as the Nazi political theorist Carl Schmitt. Solidarity for Schmitt is inconceivable without a moment of non-rationality. It rests on a kernel of individual commitment and loyalty that is not only difficult to fathom but cannot in principle be explained. It is liberalism's failure to account for this non-rational element that, in his eyes, dooms it to failure. Schmitt is a thinker who is loathed but also, paradoxically, respected. The reason is simple: his challenge to liberalism is formidable—so formidable, in fact, that he has induced some theorists to abandon liberalism for other, ostensibly more vital alternatives.[32]

Whatever the status of these alternatives, for those committed to both liberalism and solidarity I believe that Schmitt offers a twofold challenge.

First, *Schmitt contests liberalism's reliance on reason as a source for solidaristic commitment and motivation*. Liberalism, according to Schmitt, contains a normative lacuna. While it can partly justify using violence to enforce its laws and finance its institutions, it is not able to do so fully. Consequently, there is a wide gap between the kind of rational reconstruction that every member of a liberal society must undertake to morally bind herself to her fellows and the degree to which she is actually able to accomplish such a reconstruction. This problem at the level of normative legitimacy leads to a further one at the level of psychology: That liberalism is incapable of generating its own motivational resources. Because liberal citizens are unable to rationally justify their loyalty, the forces that practically stir them to sacrifice for their fellows

[32] Among the most notable of these so-called "Left-Schmittians" is Chantal Mouffe, who culls from Schmitt's thought to develop what she considers to be a more deeply pluralistic alternative to liberalism. Mouffe is careful, however, to distinguish her own "agonistic pluralism" from the violent antagonism celebrated by Schmitt. See *The Challenge of Carl Schmitt* (London: Verso, 1999) and *On the Political* (New York: Routledge 2005). Another thinker involved in left-wing rehabilitation of Schmitt's thought is Andreas Kalyvas. See *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt, and Hannah Arendt* (Cambridge: Cambridge University Press, 2008). Although I believe that it is critical to confront Schmitt's challenge, I disagree strongly with the Left-Schmittian view, and in particular, with the idea that tackling the implications of political theology requires that we abandon liberalism.

must be produced by forces extrinsic to liberalism itself. Thus with regard to both normative commitment and psychological motivation, according to Schmitt, the gap in liberal solidarity cannot be filled by reason alone. Its sources must lie outside liberalism's legal, institutional and moral framework.

Second, *Schmitt shows that in a secular age, these non-rational sources for commitment and motivation cannot come from religion.* For Schmitt the reason for this is purely practical: contemporary societies can no longer count on religion as a force for binding people together. The Reformation fractured Europe's Catholic homogeneity; the Enlightenment heralded the decline of traditional Christianity and religious practice more generally.[33] The consequence of these historical developments is that alternative, purely profane means must be found to crystalize the loyalty of moderns and inspire them to self-transcendence. Yet the available forms of political legitimacy and solidarity inherited from the Enlightenment were, in his eyes, either groundless or unviable. To Schmitt's pragmatic reason this dissertation also adds a second normative one: That it is *wrong* for societies to rely on religion for securing solidarity. On the one hand, to institutionalize, sanction, or specially advantage one sect over another violates liberalism's commitment to remaining neutral toward the existence and flourishing of different forms of life. On the other, it potentially infringes on liberal protections for freedom of conscience and minority rights. For Schmitt, an opponent not only of liberalism but pluralism,

[33] Schmitt's theoretical touchstone is Europe and the West more generally. Thus the fact that religion cannot practically provide for solidarity in the present European context does not, for Schmitt, mean that it might not have done so in an alternate modernity, or that political Catholicism might not yet do so again in the future. See *Roman Catholicism and Political Form*, trans. G. L. Ulmen (Westport: Greenwood Press, [1923] 1996). Nor does he rule out that religion might continue to provide for solidarity in non-western contexts. He expresses admiration, for example, of what he regards as Islam's unification of the religious and the political spheres. See *Political Theology II: The Myth of the Closure of any Political Theology*, trans. Michael Hoelzl and Graham Ward (Cambridge, United Kingdom: Polity Press [1970] 2012), 76.

these normative reasons of course hold no weight.[34] But for those of us dedicated to liberal principles, state neutrality and individual freedom are non-negotiable. Simply put, renewed religious homogeneity cannot be the basis for liberal solidarity.

But if our commitment and motivation must have non-rational sources, and yet we refuse to look to religion for providing them, where can we look? If securing solidarity requires transcending reason without reintroducing faith, how can we provide for it in a secular age? For Schmitt's own part, the answer is clear: Abandon liberalism in favor of a "total state," one which earns its legitimacy from the non-rational decisions of a god-like sovereign, replenishes its motivational resources by assigning human beings into tribes of friends and enemies, and crowns political life as the locus of our existential identity. To be sure, Schmitt's alternative is not the only illiberal one available. Other forms of reactionary and non-rational solidarity abound, including ultra-nationalism and charismatic dictatorship. But of course these are not *liberal* alternatives. And so put another way, Schmitt's challenge is this: If we concede that reason has limits in justifying and inspiring our attachment to others, can we avoid succumbing to an illiberal replacement, whether Schmitt's or another?

Answering this question leads to our second purpose for turning to Schmitt: his account of secularization and his theory of political theology. In order to assemble his political theory, Schmitt develops a novel and incisive account of the relationship between religion, politics, and solidarity in modernity. It is this account that forms the heart of Schmitt's challenge to liberal solidarity. And in his view, once he has successfully shown that secular commitment and motivation cannot subsist on reason alone, liberalism itself is doomed to fail. He thinks, in other words, that by undercutting psychological *rationalism* he also undercuts political *liberalism*.

[34] For Schmitt's opposition to pluralism, see *The Concept of the Political*, trans. George Schwab (Chicago: The University of Chicago Press, [1932] 2007), 40-52. Hereafter "*CP*."

Thus if we are to answer Schmitt's challenge, our task must be to uncover why and how he is wrong. Precisely because we want to reject Schmitt's political thought in the strongest terms, we must attend closely to how he arrives at it. We must find the spot where his train of logic hits a switch and can be diverted back toward liberalism.[35] To do this, I turn now to Schmitt on secularization and political theology.

SECULARIZATION AND POLITICAL THEOLOGY

One classical secularization narrative is what Charles Taylor calls a "subtraction story." It tells of the existence and loss of meaning, of something that was once present in human psychology, society, or politics and then fell away, leaving a void in its absence.[36] Thus for Nietzsche, the so-called death of God brings about a nihilistic world drained of purpose and motivation.[37] For Weber, religion's decline and the rise of the mechanistic worldview leads to disenchantment and a shattering of old forms of social cohesion.[38] For Claude Lefort, the

[35] Before proceeding, I should stress that my presentation here of Schmitt's thought is meant only to capture his critique of liberalism in broad strokes. I do not claim to offer a full or definitive reading, many rich examples of which can be found elsewhere. Nor do I think that his argument represents the only possible avenue for critiquing reason as a solitary foundation for liberal solidarity. Nonetheless, I believe that focusing on Schmitt is valuable. His presentation represents an especially clear frame for the problem, directing us, in general terms, to many of the most critical issues involved. His popularity among contemporary political theorists adds broader significance to our ultimate assessment of his critique. And philosophical association with fascism, and his personal association with the Third Reich, reveals the dialectical relation between philosophy and history, connecting otherwise abstract theory to political phenomenology. For more comprehensive readings of Schmitt's thought, see John McCormick, *Carl Schmitt's Critique of Liberalism: Against Politics as Technology* (Cambridge: Cambridge University Press, 1999) and Gopal Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt* (New York: Verso, 2000). For a study of Schmitt's intellectual influence, see Jan-Werner Müller, *A Dangerous Mind: Carl Schmitt in Post-War European Thought* (New Haven: Yale University Press, 2003).

[36] Charles Taylor, *A Secular Age* (Cambridge: Belknap of Harvard University Press, 2007), especially 26-29, 253-73, 531-77.

[37] Nietzsche advances this argument in a number of places. See for example *The Gay Science*, ed. Bernard William, trans. Josefine Nauckhoff and Adrian del Caro (Cambridge: Cambridge University Press, [1882] 2001).

[38] Max Weber, "Science as a Vocation," in *From Max Weber*, Ed. and trans. H. H. Gerth and C. Wright Mills (New York: Oxford University Press [1917] 1958), 153. Weber's thesis has historically dominated the modern sociological approach to secularization, and can be found in the new-classic studies of the phenomenon by Peter

political role once occupied by the quasi-divine monarch becomes an "empty place" to be filled-in by democracy's cacophony of values and interest groups.[39] Another classical secularization narrative is a story of political order and modernization. It stresses not meaning but legal and institutional function, claiming that societies have come to organize themselves in increasingly rational ways. Advanced by, among others, Marx, Weber, Habermas, and Peter Berger, it describes the gradual relocation and rationalization of social operations from the orbit of the Church into the realm of the political and profane.[40]

Schmitt's theory of secularization combines these two narratives, offering a story of both human meaning and political order. He agrees that secularization reflects an attempt to reproduce in the profane certain institutional functions of a formerly sacred provenance. He shares the view that human beings search out existential meaning in the world. But he denies

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Berger and David Martin. Peter Berger, *The Sacred Canopy* (Garden City, New York: Anchor Books, 1969), 105-174; David Martin, *A General Theory of Secularization* (New York: Harper Colophon Books, 1978) and *On Secularization: Towards a Revised General Theory* (Burlington: Ashgate Publishing, 2005). It should be noted that Berger's secularization theory has changed over time, and he has in recent years come to reject his earlier Weberian commitments. See his edited volume *The Desecularization of the World: Resurgent Religion and World Politics*, ed. Peter Berger (Grand Rapids: William B. Eerdmans, 1999). Steve Bruce is the most notable contemporary exponent of the Weberian thesis. *God is Dead: Secularization in the West* (Oxford: Blackwell Publishing, 2002). For work challenging this thesis from a number of angles, see José Casanova, *Public Religions in the Modern World* (Chicago: The University of Chicago Press, 1994); William E. Connolly, *Why I Am Not a Secularist* (Minneapolis: University of Minnesota Press, 1999); Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003); *Political Theologies: Public Religions in a Post-Secular World*, ed. Hent de Vries and Lawrence E. Sullivan (New York: Fordham University Press, 2006); Steven D. Smith, *The Disenchantment of Secular Discourse* (Cambridge: Harvard University Press, 2010); *After Secular Law*, ed. Winifred Sullivan, Robert Yelle, and Mateo Taussig-Rubbo (Stanford: Stanford University Press, 2011); and *Rethinking Secularization*, ed. Craig Calhoun, Mark Juergensmeyer and Jonathan van Antwerpen (New York: Oxford University Press, 2011). For an alternative account of secularization as disenchantment that does not conclude with a necessary loss of meaning, see Marcel Gauchet, *The Disenchantment of the World: A Political History of Religion*, trans. Oscar Burge (Princeton: Princeton University Press, [1985] 1997).

[39] Lefort 2006, 160, cf. *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, ed. John B. Thompson (Cambridge: MIT Press, 1986), 199, 279, 285, 303.

[40] Though the idea of rationalization can be traced to Marx, the concept receives its classical definition and elaboration in Weber's sociology. See especially *The Protestant Ethic and the Spirit of Capitalism*, ed. and trans. Peter Baehr and Gordon C. Wells (New York: Penguin Books, [1905] 2002) and *Economy and Society*, *op. cit.*, especially ch. 4, "Religious Groups (The Sociology of Religion)," pp. 399-528. For Habermas' secularization theory, itself framed as a response to Weber, see *The Theory of Communicative Action, Vol.2, Lifeworld and System: A Critique of Functionalist Reason*, trans. Thomas McCarthy (Boston: Beacon Press, [1981] 1987); Berger 1969.

that secularization must entail a loss of such meaning. And he vehemently rejects that modernity makes our political order any more rational. Indeed it is precisely by joining these two aspects of secularization into a single, radically revised account of modern political community that Schmitt can offer his deep challenge to the project of liberal solidarity. At the point where these two narratives meet, he argues, modernity is indeed able to find its new source for meaning and order. Yet in his telling, this source does not do away with our non-rational religious psychology. On the contrary, it merely redirects it toward a new object: the "sovereign," a figure whose station mirrors that of the deity, and whose decisions are analogous to "miracles."[41]

Schmitt's new secularization narrative is based on a concept he calls "political theology." In his book bearing that title, he famously defines the idea this way: "All significant concepts of the modern theory of the state are secularized theological concepts, not only because of their historical development...but also because of their systematic structure."[42] As Schmitt himself notes, political theology has a dual meaning. On one level, it presents an argument about the history of ideas: that certain concepts which form the basis of modern political theory originate in metaphors drawn from religious language and thought. Thus Hobbes, according to Schmitt, models his all-powerful sovereign on an omnipotent lawgiver; Rousseau derives his general will from a theory of divine volition; and Tocqueville sees the American idea of "the people" as a re-rendering of God's presence.[43] This meaning of political theology, it should be emphasized, is

[41] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: The University of Chicago Press, [1934] 2005), 36-7. The book first appeared in 1922. All of my references are to the second edition, published in 1934. Hereafter *"PT*."

[42] *PT*, 36.

[43] *PT*, 46-9.

merely descriptive. The status of a concept's genealogy, while illuminating, should in itself have no bearing on its present normative validity.[44]

Yet political theology also has a second and far more radical implication, one that moves it beyond the realm of metaphor and into the depths of our normativity and psychology. Human beings, according to Schmitt, are predisposed to create analogical correspondences between all dimensions of their reality, social, natural, and theological.[45] How a person understands the world in a cosmological sense will inevitably seep into her beliefs about political order and vice versa. Consequently, what Schmitt refers to as the "modern liberal constitutional state," is not, in his analysis, a free-standing political institution. It also carries along with it an ontology, metaphysics, and, especially, a theology.[46] The problem with liberalism, Schmitt argues, is that the theology its creators relied upon as its structural analogue, a kind of rationalist deism that imbues the world with intrinsic meaning and moral order, is unable to meet the demands of actual political life.[47] Put another way, even if all concepts of the modern state are secularized

[44] In this descriptive thesis, Schmitt is joined by a number of thinkers who have argued that modern political and philosophical ideas are secularized theological ones. Most prominent among them are Carl Becker, *The Heavenly City of the Eighteenth-Century* Philosophers (New Haven: Yale Nota Bene, [1932] 2003); Karl Mannheim, *Ideology and Utopia: An Introduction to the Sociology of Knowledge*, trans. Louis Wirth and Edward Shils (New York: Harvest, 1936); and Karl Löwith, *Meaning in History: The Theological Implications of the Philosophy of History* (Chicago: The University of Chicago Press, [1949] 1957).

[45] *PT*, 37. In *Political Theology*, Schmitt seems to vacillate, rhetorically, between two possible understandings of this latter component the "political theology" thesis: One, which argues for a metaphorical, analogical, or "structural" relationship between theology and the modern state; and another, which suggests that the modern state performs a metaphysical role formerly played by the deity. In his polemical sequel, *Political Theology II*, he makes clear that he intends the former. See especially p. 42, where Schmitt responds his critic Erik Peterson by arguing that his work "does not deal with theological dogma," but "problems in epistemology and the history of ideas," meaning "the structural identity of theological and juridical concepts, modes of argumentation and insights." Schmitt [1970] 2012. For an alternative view, see Heinrich Meier, *The Lesson of Carl Schmitt: Four Chapters on the Distinction between Political Theology and Political Philosophy*, trans. Marcus Brainard (Chicago: The University of Chicago Press, [1998] 2011).

[46] *PT*, 46-7, 62.

[47] *PT*, 59.

theological concepts, not all theologies secularize into a functional political order. Only some Gods are suited for our world, and the God of liberalism is not one of them.[48]

This raises a deep difficulty with liberal rationalism, one that Schmitt describes through his analysis of the "exception" in jurisprudence. Under normal circumstances, he argues, liberal theorists like Locke, Kant, and his German contemporary Hans Kelsen understand the laws of the state to have an intrinsic normative legitimacy.[49] They do so through a political theology, constructing an analogue between theological rationalism and legal positivism. By this view, laws of the state are legitimate in the same way that the laws of nature are legitimate; one of its edicts can no more be questioned than one of Newton's laws. And just as a divine watchmaker need never interrupt the course of natural laws properly set in motion, so too a liberal polity's laws need never be suspended.[50] What the "exception" reveals, according to Schmitt, is the fatal flaw of this liberal political theology, its secret reliance on a moment of the non-rational. All states encounter exigencies, emergencies that interrupt their normal functioning, strain their resources, and, at times, threaten their survival. Under such conditions, their laws may be inadequate to meet the challenge, tying the hands of leaders who want quick and decisive action. This creates the need for a "state of exception," a temporary suspension of the law to resolve the emergency. A state of exception, by its very nature, exists outside of the legal norm. So too must the act to effect such a state. But if that is so, there must be some agent who also resides outside the confines of the legal order, is not bound by its commands, and is therefore in a

[48] Schmitt offers a revised summary of this part of his secularization thesis in "The Age of Neutralizations and Depoliticizations." The essay is reproduced in *The Concept of the Political*. See especially pp. 81-5.

[49] *PT*, 41.

[50] *PT*, 2.

position to declare a state of exception and do what is needed to confront the emergency.[51] This agent, according to Schmitt, is the sovereign: "Sovereign is he who decides on the exception."[52]

The significance of the sovereign's act, according to Schmitt, is not merely that it responds to this or that particular crisis. It rolls back the curtain of liberal legal order and reveals the fundamentally non-rational basis of any political community. The very possibility of extralegal action, Schmitt argues, shows that liberal jurisprudence is not, in fact, a closed system whose edicts are akin to the laws of nature and correspond to a timeless reason. It is one which is humanly fashioned and contingent, its laws originating from discrete acts of will.[53] To be sure, the mere fact that a decision is *willed* does not automatically render that decision *non-rational*. An individual, when willing an action, can potentially choose to consult a pre-existing normative standard. This is something Kant stresses with his distinction between *Wille*, the rational choice to act according to a moral maxim, and *Willkür*, the spontaneous act of free choice itself.[54] Whatever the status of individual choice, however, the "exception" reveals that the choices of states must be different. The ever-present possibility that their laws will need to be suspended in response to an emergency means that juridical norms, unlike moral norms, cannot have a timeless and rational basis.

Set in the language of secularization, Schmitt believes that the necessity for sovereign decision gives the lie to liberalism's political theology. It shows that the state's true analogue

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[51] *PT*, 6-7.

[52] *PT*, 5.

[53] *PT*, 14.

[54] Kant's clearest discussion of the *Wille-Willkür* distinction can be found in his introduction to the *Metaphysics of Morals*. I offer a fuller examination of this distinction, and its role in Kant's political theory, in chapter three. *The Metaphysics of Morals*, ed. and trans. Mary Gregor (Cambridge: Cambridge University Press, [1797] 1998), 6:213-214, pp. 13-14.

cannot be to the rationalist God of Enlightenment deism, whose actions are constrained by moral facts, but a terrifying voluntarist God, one who acts without reason, morality, or deeper meaning.[55] Schmitt, in this sense, follows Hobbes in his nominalism and decisionism, where the state does not express pre-existing values, but in effect creates those values itself. "Suppose," Hobbes writes in a famous passage, that "a woman gives birth to a deformed figure, and the law forbids killing a human being. The question arises whether the new-born is a human being. The question is, *what is a human being*? No one doubts that the commonwealth will decide—and without taking account of the Aristotelian definition, that Man is a rational animal."[56]

For Schmitt, then, any liberal state, no matter how unbiased its juridical apparatus or rationalized its bureaucratic structure, necessarily contains a moment of unreason. Its laws, and the context for our shared lives that these laws create, have neither intrinsic rationality nor meaning. They are secured by a sovereign whose every pronouncement is like creation *ex nihilo*, "an absolute decision created out of nothingness."[57] The key fact about such acts of will is that they have no necessary normative content. Any normativity that they do have must be the

[55] Voluntarism is a theological doctrine according to which the actions of the deity are understood to emanate from will, rather than reason. Put in the terms of Plato's *Euthyphro*, an action or principle is "good" because God loves it; God does not love it on account of it being good. Consequently, for a voluntarist there is no basis for understanding the deep meaning or purpose of divine actions, nor, by extension, the basis for human morality. From the perspective of the human being, obedience to God is self-justifying. A common point of reference for the voluntarist mode of religious experience is the biblical account of *Akedat Yitzhak*, the "binding of Isaac," in which Abraham hastens to fulfill God's command to sacrifice his son Isaac without challenging the act's immorality. In *Political Theology*, Schmitt does not himself use the language of "voluntarism" to describe his concept of the sovereign, though the analogy is plain. For a discussion of Schmitt's use of voluntarist theology, see Hans Blumenberg, *The Legitimacy of the Modern Age*, trans. Robert M. Wallace (Cambridge: MIT Press, [1966] 1983), 99-100. Schmitt, in his response to Blumenberg, subsequently uses the term to describe his own thought ([1970] 2012, 120). See also Karl Löwith, who sees in Schmitt's thought a debt to theological occasionalism, itself a form of voluntarism. "The Occasional Decisionism of Carl Schmitt," in Karl Löwith, *Martin Heidegger and European Nihilism*, ed. Richard Wolin, trans. Gary Steiner (New York: Columbia University Press, 1995), pp. 37-69. I will discuss occasionalism at greater length, in the context of Rousseau's debt to the theology of Nicholas Malebranche in chapter two.

[56] Thomas Hobbes, *On the Citizen (De Cive)*, ed. Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, [1642] 2007), 17.12.

[57] *PT*, 66, cf. 31-2.

invention of human beings, the product of an act of human volition whose acceptance by the populace is, in turn, predicated on nothing more than pure will and decision. And what this means is that the institutions of the state, too, are also bereft of inherent moral significance. Its existence, our loyalty to its laws, solidarity with its members, and willingness sacrifice for its well-being, is the result of our ongoing, ungrounded allegiance. It cannot be explained in rational terms.

SCHMITT'S CHALLENGE 1: LIBERAL COMMITMENT AND MOTIVATION

As previously noted, Schmitt's account of secularization and political theology poses a twofold threat for the project of liberal solidarity. This is its first challenge: That *liberalism, rooted as it is in reason, fails as a normative basis for commitment and as a psychological force for motivation.*

To begin with, political theology undermines the sources of liberal *commitment*, both to the laws of the state and to other members of the polity. It is true that one can rationally commit to laws that one did not choose to live under, and to persons that one did not choose to live with. Kant, for example, argues that the social contract grounds political legitimacy not because of an actual moment of agreement, but because the idea of a contract allows us to reconstruct the rational basis for our existing juridical institutions.[58] Rawls' idea of the "original position" uses a similar maneuver, a thought experiment designed, at least in part, to illuminate for citizens the rationality of their extant legal and political structures.[59] But commitments of this kind have limits: They are defensible only as long they can be reassembled through reason. If this ceases to be possible, then their validity falls away. Thus if Schmitt is right, the ground for liberal loyalty

[58] *MM*, 94-5.

[59] John Rawls, *A Theory of Justice, Revised Edition* (Cambridge: Harvard University Press, [1990] 1999), 10-19.

disappears. Our attempts at rational reconstruction fail, choked off by the sovereign's moment of non-rational decision. For the liberal citizen in the abstract singular this is a crisis of legitimacy. It poses a philosophical problem of obligation: If the law has no validity, why should I obey it?

For actually-existing citizens in the plural, however, Schmitt's critique is not merely hypothetical, but personal and existential. None other than Rawls himself, quoting Hegel, notes the psychological importance of a person seeing her polity's institutions as rational: "When we look at the world rationally, the world looks rationally back."[60] But if the world fails to return our rational gaze, the polity ceases to be "ours." We come to see ourselves as bound by arbitrary and alien laws that have no connection to our reason. We find ourselves surrounded not by fellow citizens, but by strangers, brought together by chance, accident, or the vicissitudes of history. For citizens in the plural, then, Schmitt's challenge portends a crisis not primarily of legitimacy but moral commitment: If you and I have no reason for sharing our lives together, why should I care about you? At stake is less liberalism's theoretical grounding than its phenomenology of solidarity. Schmitt's challenge threatens to undermine the normative texture of our ordinary interactions and our sense of responsibility to one another.

Schmitt's secularization narrative also challenges another facet of liberal solidarity: the *motivation* to sacrifice for other people. At issue is the psychology of human self-transcendence. Every functioning liberal polity, I have argued, needs some way to secure solidarity. It requires of its members some awareness of being part of a greater community, some amount, however small, of transcending the self's natural egoism. The question is whether liberalism is practically capable of rousing this kind of self-transcendence. Prior to Schmitt's political theology, it was at least possible to account for liberal moral motivation in rationalist terms: Where liberal laws and

[60] John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge: Harvard University Press [2001] 2003), 3.

institutions were thought to correspond to our shared reason, our reason alone could, perhaps, inspire us to action. Yet if liberalism is deprived of its rational foundations, what will be the source of our motivation? What will move us to set aside our self-possession and sacrifice for others? Interest alone is surely no substitute.[61] It is true that part of the appeal of liberalism is the broad leeway it permits individuals to pursue their own projects and interests. But no political community based merely on the interests of its members can stimulate genuine acts of self-sacrifice, a reality Schmitt captures succinctly, if sensationally. "To demand seriously of human beings," he writes, "that they kill others and be prepared to die themselves so that trade and industry may flourish for the survivors or that the purchasing power of grandchildren may grow is sinister and crazy."[62]

Schmitt, of course, is loyal to neither liberalism nor rationalism, and so he answers his own challenge by abandoning both for what he calls "the political." The concept of the "political" recapitulates for solidarity the challenge to liberalism that Schmitt's political theology directed at legitimacy. If human commitment and motivation must have non-rational sources, then our lives together, too, must revolve around a non-rational locus, a "metaphysical kernel."[63] At the level of legal validity, this kernel is the sovereign's decision, the act of will that brings into being both the unity of the state and the normativity of its laws. At the level of commitment and motivation, this kernel is "the political," a constantly renewed, non-rational attachment to

[61] Some rational choice theorists have argued that even our apparently non-rational commitments, like friendship and membership in groups, can be understood as "rational" in a deeper sense, in so far as they help to solve coordination problems. See for example Russell Hardin, *One for All: The Logic of Group Conflict* (Princeton: Princeton University Press, 1995). Whatever the truth of this proposition, it aims at a different level of analysis than the one I examine here. When we consider not objectively-defined interests, as ascertained from the Archimedean point of the social scientist, but rather justification and motivation, as understood from the perspective of the acting agent, the rational choice approach has clear shortcomings.

[62] *CP*, 48.

[63] *CP*, 51.

other human beings.[64] Once any rational grounds for loyalty have been eliminated, the only way to explain the psychology of our self-transcendence must elude reason and rationalization. The bond people experience cannot be normative; it can only be willed. Herbert Marcuse, commenting on this aspect of Schmitt's argument, referred to this as "justification by mere existence": a kind of collective bootstrapping, a politicized existentialism.[65] Life, reduced in its meaning to groundless acts of self-assertion, can be sustained only through the repetition of such acts. Standard dimensions of human commonality, like shared aesthetic tastes or moral principles, fail as bases for solidarity because they lack this existential dimension.[66] And the pinnacle of willful assertion, according to Schmitt, is actual existential conflict between persons, the sacrifice of one's own life and the taking of the lives of others. All varieties of human rapport—friend, neighbor, colleague, kin—are ultimately subordinate to a single, primordial relation, the only relation that can capture this foundational dimension of existence: friend and enemy.[67]

The political upshot of Schmitt's challenge is dire. For if "the political" is the most fundamental form of human association, then political relations come to have ultimate primacy in human life.

This primacy has a twofold significance for human freedom and morality. To begin with, it entails what Schmitt refers to as the "total state." As opposed to the liberal state, in which different spheres of society—the religious, cultural, economic, legal, and scientific—retain a

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[64] *CP*, 26-30, 38.

[65] Herbert Marcuse, *Negations* (Boston: Beacon Press, 1968), 30-1.

[66] *CP*, 49.

[67] As Schmitt famously writes, "The specific political distinction to which political actions and motives can be reduced is that between friend and enemy." *CP*, 26.

degree of autonomy, the "total state" subordinates all realms of human existence to politics.[68] Entirely gone, certainly, is what Michael Walzer called liberalism's "art of separation," its faculty for enabling multiple and interlocking layers of commitment, obligation, and meaning.[69] The total state secures solidarity by homogenizing, directing, and unifying human loyalty.

At the same time that it secures solidarity, the primacy of the political also deeply colors our moral personality. For if a person sees herself not only as a citizen of a regime, but as existentially defined by her politics, her basic self-orientation will change. Her political membership, formerly a source of some value and patriotic loyalty, will become the polestar of her life's meaning and purpose. And because the political is characterized, above all, by a kind of existential violence—the distinction between friend and enemy—this violence, whether actual or its omnipresent possibility, will form the basis of her identity and outlook toward others. Indeed Schmitt explicitly, and happily, believes that the political's primacy will undermine the basis for universal human morality.[70] In place of the category of "humanity" will be an intense love for one's own. But such a love will not serve, like Burke's "little platoon," as the particularistic foundation for a more universal fellowship.[71] It will offer only a restricted, tribalized cohesion, a dynamic of "us vs. them." Thus in Schmitt's ideal universe, hostility

[68] *CP*, 24-5, 38, 72.

[69] Michael Walzer, "Liberalism and the Art of Separation," *Political Theory*, Vol. 12, No. 3 (Aug., 1984), pp. 315-330.

[70] *CP*, 53-58.

[71] Burke's famous phrase encapsulates the classical conservative argument for the primacy of particularistic loyalties. But its localism, as well as its ambitions toward a psychology of universalistic attachment, sharply distinguish it from Schmitt's own, far more antagonistic particularism: "To be attached to the subdivision, to love the little platoon we belong to in society, is the first principle (the germ as it were) of public affections. It is the first link in the series by which we proceed towards a love to our country and to mankind." *Reflections on the Revolution in France*, ed. Conor Cruise O'Brien (New York: Penguin Books, [1790] 2004), 135.

toward other groups is not, as it is in Ferguson and Hegel, an occasional device for rousing national unity.[72] Aggression and antagonism form the very basis of our solidarity.

In sum, when Schmitt claims that securing solidarity requires a non-rational kernel, he means two things: First, on the level of *normative commitment*, he believes that there is a gap in the liberal polity's ability to rationally legitimate itself, producing a concomitant gap in the citizen's ability to reconcile herself to its laws and obligate herself to its citizens. Second, at the level of *psychological motivation*, he argues that what practically inspires citizens to transcend their egoism to sacrifice for one another cannot be explained through reason alone.

SCHMITT'S CHALLENGE 2: NON-RATIONAL SOLIDARITY IN A SECULAR AGE

One can take issue with many elements of Schmitt's argument, and not only his noxious politics. His binding together of liberalism and legal positivism, and his view that the former must fall with the latter, has the appearance of a straw man. His rendering of the process of secularization is also vulnerable to critique, with some critics, like Hans Blumenberg, objecting to his reliance on analogical thinking and his unhistoricized human psychology.[73] His depiction

[72] The argument linking international war to domestic solidarity was a common one in the eighteenth and nineteenth centuries. Thus Ferguson writes favorably about states using the threat of an "enemy" or "common danger" to check internal conflict and generate civic unity. *An Essay on the History of Civil Society*, ed. Fania Oz-Salzberger (Cambridge: Cambridge University Press, [1767] 2003), 26-9. Hegel makes a similar claim, arguing that the "negation" of the other achieved via warfare is essential for securing the state's own "individuality," that is, its sense of itself as a distinct and unified entity. *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H. B. Nisbet (Cambridge: Cambridge University Press, [1821] 2008), §324 addition.

[73] Blumenberg argues against versions of the secularization thesis, including, in his eyes, Schmitt's, that imply the existence of some "substance" being secularized from one epoch to another. He finds this idea problematic for two reasons: First, because it is over-inclusive, running the risk of adducing every historical development or crisis to secularization ([1966] 1983, 4); second, because it lacks historical and psychological nuance, operating on the implicit assumption that the kinds of needs that human beings have vis-a-vis religion ("meaning" or "legitimacy," for example) have remained constant across cultures and periods (65-6). Blumenberg himself advances a thesis of secularization as "re-occupation," wherein modernity is forced to respond to (or "reoccupy") questions and problems (or "answer positions") that have been generated in former, religious ages of human history (48-9, 64-9). Though Blumenberg's thesis likely has the upper hand in the realm of the sociology of religion and history of ideas, it fails as a critique of Schmitt's political theory because it does not, in the end, address his challenge to the normativity of liberal juridical institutions and solidarity. Indeed Blumenberg himself admits that Schmitt's critique of liberal

of the consequences of political theology, too, can be contested. Even if liberal legal order lacks the certainty of a rationalist deity, Schmitt has not proven the need for a single, unitary sovereign. Sovereignty could also be the property of a small group, as Hobbes argues, or the possession of the people as a whole, as Rousseau insists.[74] Some of his arguments against liberalism and rationalism, too, clearly bite off more than they can chew. That our laws and institutions are the products of human will, and imperfectly rational, does not thereby divest them of *all* logic and justification. Citizens in the plural, after all, have messy motivations, not purely irrational ones. Reason, even deprived of its purity, may be able to get us further toward commitment and motivation than Schmitt would like to acknowledge.[75]

Yet despite its flaws, Schmitt's challenge is real and profound, leaving a gap in our solidarity. For even if reason is not as paralyzed as Schmitt imagines, it is also plainly inadequate as a basis for our lives together. While we may try to rationally reconstruct our polity, its manifest imperfection means that our efforts invariably fall short. And this tinges not only the legitimacy of our laws and institutions, but also our sense of attachment to those around us. It threatens to undermine the sources of our commitment and motivation. This, therefore, is the wound left by Schmitt's challenge: a fissure in our solidarity, one that cannot be mended by rationality alone. For a citizen in the abstract singular, this fissure can be safely left open. It can be downplayed as an inconvenient byproduct of the non-ideal nature of existing liberal

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legitimacy is not his main target: "Here is the heart of the difference between us: For Carl Schmitt, the political theorist, secularization is a category of legitimacy" (97).

[74] Hobbes argues that the commonwealth comes into being when an assembled multitude of people alienate their individual wills to one man, a group of men, or a majority of the multitude. Sovereignty, the expression of their collective will, is therefore something that can be represented ([1642] 2007, 6.1). Rousseau, by contrast, argues that no human being can fully alienate her will. Consequently sovereignty cannot be represented, and remains the possession of the people as a whole. "Of the Social Contract," in *The Social Contract and Other Later Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, [1762] 2010), 1.4, 2.1.

[75] I take up this argument in chapter four in the context of Habermas' discourse theory of solidarity.

democratic institutions. Or, if it is taken seriously, it can be temporarily elided, its resolution left to a future, presumably more comprehensive political philosophy. For citizens in the plural, however, this gap represents not merely a logical obstacle, but an urgent psychological void. As human beings we are always and already in the world, surrounded by concrete others. We have friends, partners, colleagues, daughters and sons; and we encounter strangers, guests, fellow citizens, and everyday people. We are pressed by obligations and called to serve. Our support is requested and our loyalty demanded. The need for solidarity does not wait for philosophy.

But if this gap in our solidarity cannot be filled by reason alone, what will take its place? If our commitment to sacrifice for others, and our motivation to act on that commitment, requires that we turn to non-rational sources, to what sources should we turn?

Here we arrive at the second part of Schmitt's challenge: That *in a secular age, these non-rational sources for our solidarity cannot come from religion.* By way of proceeding, I should note that many different meanings have been ascribed to the term "secular," and I will make no attempt to recount them all here.[76] For my purposes I intend two things by the idea: First, a sociological-empirical account of faith and practice; second, a normative theory of basic liberal principles vis-à-vis religion.

Whether the world is becoming more secular in the sense that it harbors fewer people of faith is a matter of back-and-forth debate.[77] But whatever the statistical trends, there is no

[76] For an overview of the term's myriad meanings, see Taylor 2007. Talal Asad has recently proposed a new understanding of the secular as neither the presence nor absence of religion, but something more nuanced: "The secular, I argue, is neither continuous with the religious that supposedly preceded it (that is, it is not the latest phase of a sacred origin) nor a simple break from it (that is, it is not the opposite, an essence that excludes the sacred)." Asad 2003, 25, cf. José Casanova, "Secularization Revisited: A Replay to Talal Asad," in *Powers of the Secular Modern: Talal Asad and His Interlocutors*, ed. David Scott and Charles Hirschkind (Stanford: Stanford University Press, 2006).

[77] Empirical studies of religiosity are largely inconclusive about whether the world (or even the west) is becoming less religious. For some prominent samples, see Casavnova 1994, Bruce 2002, Martin 1978 and 2005.

question that the extensive and growing diversity of sectarian beliefs makes it impossible for religion qua religion to serve as a unifying force in genuinely liberal-democracies.[78] No contemporary polity is secular in the sense of being entirely drained of religious practice; but many are *effectively* secular in so far as they cannot marshal religion as a motivating force for national political projects (which is not to discount religion's role for the solidarity of political *parties*).[79] This is a reality that Schmitt, writing in a far more religiously homogenous time than our own, keenly recognized, and was one of the factors motivating his political theology. Even so, Schmitt would likely have embraced a solidarity rooted in religion if he believed that it were possible.

And this brings me the second meaning of the secular, one to which Schmitt himself would not have agreed: An affirmation of the division between religion and the state, not only in descriptive terms as a byproduct of European history, but as a normative criterion for liberal-democracy. Liberal polities on the ground can be highly irreligious or deeply devout. The point, however, is that whatever empirical form they assume should depend solely on the choices of their citizens. The state must always be neutral to these choices. It should neither establish nor

[78] Robert Putnam and David Campbell have recently argued that in the United States, considerable religious diversity has not, counter-intuitively, led to a fractured polity. Even so, their argument is primarily that religion in American is a source for *tolerance*, not solidarity. They suggest that our frequent exposure to people of other faiths, including within our own families, makes us less likely to interpret differences of belief through a confrontational lens. *American Grace: How Religion Divides and Unites Us* (New York: Simon & Schuster, 2010). There is a lively debate among political theorists and social scientists about the relationship between Islam as a source for solidarity and liberal-democracy. See for example Khaled Abou El Fadl, *Islam and the Challenge of Democracy*, ed. Joshua Cohen and Deborah Chasman (Princeton: Princeton University Press, 2004); and Nader Hashemi, *Islam, Secularism, and Liberal Democracy* (Oxford: Oxford University Press, 2012). Sociological questions aside, I believe that as a normative matter *all* liberal-democracies should practice neutrality and reject religious establishment, regardless of the character of their citizenry.

[79] Christian Democratic parties, in addition to earning their own solidarity from shared religious belief, have historically also transmitted a message of national unity and solidarity, emphasizing class reconciliation and social integration. See Kees van Kersbergen, *Social Capitalism: A Study of Christian Democracy and the Welfare State* (London: Routledge, 1995); van Kersbergen and Philip Manow, *Religion, Class Coalitions and Welfare States* (Cambridge: Cambridge University Press, 2009); Kathleen Thelen, *Varieties of Liberalization and the New Politics of Social Solidarity* (Cambridge: Cambridge University Press, 2014).

encourage a particular sect. For were it to do so, it would risk infringing—in practice if not always in strict principle—on the minority rights and moral consciences of its citizens. It would fail to honor the individual. The latter meaning I intend by secular, therefore, is as a principle of state disestablishment and neutrality toward religion.

But if we cannot turn to religion as a source for non-rational liberal commitment and motivation in a secular age, where can we turn? Schmitt's own answer, as we have seen, is illiberal to the core: The normative force of God is replaced by the sovereign; the motivational force of religious fraternity is supplanted by the "political." Schmitt arrives at this view because he thinks that liberalism and rational solidarity stand or fall together. Having rendered reason unfeasible as a source for commitment and motivation in a secular age, he believes that he has dealt liberalism a crippling blow. And in an important sense, his thinking is perfectly plausible. For historically, the techniques that polities have used to compensate for the cracks in rational solidarity have often been highly illiberal. They have fed ethnic nationalism, enforced cultural homogeneity, instituted racialist laws, and promised eschatological redemption. They have spun myths, invented traditions, fabricated enemies, and begun cults—of new gods, the "supreme leader," and, indeed, reason itself.[80] They have sought out every crevice of humanity's non-rational psyche and turned it to their service. In so doing, they have often made gains in solidarity at the expense of other liberal values: individual freedom, pluralism, and particularity, the "liberal art of separation" and the independence from politics of civil society and ethical life.

[80] See, for example, Benedict Anderson's well-known analysis of the techniques used to craft "imagined communities," including the demonization of outsiders, the imposition of a common language, and the manipulation or creation of shared "memories." *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, [1983] 2006). See also Ernest Gellner, *Nations and Nationalism* (Ithaca: Cornell University Press, [1983] 2006). Eugen Weber provides a detailed historical account of the interrelation between nationalism and modernization in his classic study of the formation of the French state. *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914* (Stanford: Stanford University Press, 1976). Eric Hobsbawm and Terence Ranger offer a number of case studies illustrating the mechanisms involved in the "invention of tradition" in their edited volume. *The Invention of Tradition*, ed. Eric Hobsbawm and Terence Ranger (Cambridge: Cambridge University Press, [1983] 2009).

Here, then, is Schmitt's fundamental challenge for advocates of liberal solidarity: Is it possible to acknowledge that our commitment and motivation have deeply non-rational sources, while relying neither on religion nor illiberal means to secure them? If we concede, as I think we must, Schmitt's basic insight—that at the heart of our solidarity lies an irreducible kernel of unreason, one that binds us to our neighbors and stirs our self-transcendence—can we avoid its politicized and totalitarian consequences? And now putting everything together: By what means can we secure solidarity and honor the individual while accounting for the non-rational psyche? How can we both solve the puzzle of liberal solidarity and answer Schmitt's challenge?

CONTEMPORARY RESPONSES TO SCHMITT'S CHALLENGE: IDEOLOGY AND IDENTITY

In contemporary political theory, two leading models of liberal solidarity furnish responses to this question.[81] I refer to these models broadly speaking as *ideology-based* and *identity-based.* Though both have virtues, I will argue that each one, for different reasons, also entails real disadvantages and dangers. Each of these models actively attempts to secure solidarity and honor the individual. But they do not respond self-consciously to Schmitt's challenge. To better evaluate how they fare in answering it, therefore, I here break down Schmitt's argument into a more schematic form. Put very briefly, Schmitt makes three claims:

1. Liberal solidarity in a secular age lacks a crucial ingredient.
2. This ingredient is a non-rational source for normative commitment and psychological motivation.
3. This source can only be furnished by the sovereign's decision and the "political."

[81] I should stress here that my aim is to conceptualize a *liberal* form of solidarity. Thus I do not consider whether other, non-liberal theories like republicanism, communitarianism, radical democracy, and agonistic pluralism, might also be able to account for non-rationalist commitments and motivations. For a novel and fascinating (but still non-liberal) theory of solidarity based on the idea of "social rights," see Margaret Kohn's "The Critique of Possessive Individualism: Solidarism and the City," *Political Theory*, 2015.

Ideology-based models contest Schmitt's first claim, rejecting the very idea that liberalism in a secular age has a solidarity deficit. Normative commitment and psychological motivation, they argue, should be realizable within liberal polities through allegiance to shared political principles alone. Indeed, such models sometimes go further, pressing for *further* rationalizing the polity and so fully ridding solidarity of its reliance on all forms of non-rational and unreflective attachment.[82]

One ideology-based model that we have already mentioned can be found in John Rawls' idea of a liberal value consensus. According to Rawls, solidarity emerges automatically when members of the polity reflect rationally on the principles of liberal-democratic justice. Thus even in diverse societies, he argues, citizens will be committed to one another and motivated to act on their commitments because of their shared beliefs, arrived at through reason, about the principles underlying liberal-democracy. "Although a well-ordered society is divided and pluralistic," Rawls writes, "public agreement on questions of political and social justice supports ties of civic friendship and secures the bonds of association."[83] One reason why so many have been drawn to this theory is that it so clearly honors the individual. Because concord between citizens is only necessary at the level of political values—that is, those basic principles of justice that structure the polity as a whole—the polity contains significant latitude for personal freedom. Citizens are able to shape their religious practices, cultural mores, and basic views about the good as they see fit, even when they come into conflict with their fellows.

[82] To be clear, no advocates of the ideology-based model deny that non-rational motives often *do* play a role in inspiring us. Their argument is that they should not be *necessary* for liberal solidarity to be possible.

[83] John Rawls, "Kantian Constructivism in Moral Theory," *Journal of Philosophy*, 77 (9), 1980, 540.

A second ideology-based model is the theory of "constitutional patriotism" advanced by Jürgen Habermas, among others.[84] According to this view, laws and ethical norms are just when they emerge from our reasoned deliberation in common; and, as products of our own will and values, they will necessarily command our allegiance and motivation. Two factors differentiate constitutional patriotism from liberal value consensus. First, unlike for Rawls, according to whom arriving at shared principles is a process of rational reconciliation undertaken by all citizens in mental isolation from one another, for Habermas the principles governing our ethical and political lives must be arrived at through active and shared processes of deliberation. Though such forms of discursive deliberation need not be formal in the manner of a parliament or college seminar, they must be incorporated into the basic texture of both politics and the public sphere. And when such deliberation is successful, according to Habermas, it "forms the ultimate medium for a form of abstract, legally constructed solidarity that reproduces itself through political participation."[85]

In this way, ideology-based models do not so much respond to Schmitt's challenge as reject its central premise. They argue that reason alone is, in fact, capable of garnering sufficient levels of commitment and motivation. And they therefore deny that there is a gap in our solidarity at all.[86] Or, if they do recognize that such a gap exists, they insist that it is relatively

[84] Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge, MA: MIT Press, [1992] 1998). Habermas' idea of "constitutional patriotism" has attracted both critics and proponents. See for example W. J. Booth, "Communities of Memory: On Identity, Memory, and Debt," *American Political Science Review*, 93 (1999): 249-63; Patchen Markell, "Making Affect Safe for Democracy," *Political Theory* 28 (2000): 38-63; Anna Stilz, *Liberal Loyalties* (Princeton: Princeton University Press, 2009), 153-60; and Jan-Werner Müller, *Constitutional Patriotism* (Princeton: Princeton University Press, 2007); and Yack (2012), 22-43. I consider the psychological and sociological underpinnings of Habermas' theory of solidarity in chapter four.

[85] Jürgen Habermas, *The Postnational Constellation: Political Essays*, ed. and trans. Max Pensky (Cambridge: MIT Press, [1998] 2001), 76.

[86] Habermas, in a recent essay, attacks Schmitt's argument on the level of political sociology, arguing that "the political" has "migrated from the level of the state to civil society." Yet on a normative level, Habermas never

shallow, capable of being filled by reserves of moral motivation that spill over from other, existing sources, like civil society, the family, or friendship.

Identity-based models, by contrast, accept Schmitt's first and second claims but not the third. That is, they agree that secular liberal solidarity lacks something important, and they concur that this something is non-rational. But they reject the idea that this gap in our solidarity must be filled by a transcendent sovereign and the "political" distinction between friends and enemies. Instead, they locate the source of our non-rational commitment in our pre-political sense of identity.

A first kind of identity-based model is liberal nationalism. As championed by political theorists like Yael Tamir and David Miller, liberal nationalism emphasizes the necessity of "thicker" forms of commonality like culture, ethnicity, and memory in establishing the primordial basis for our solidarity.[87] It links commitment and motivation to how we answer our most basic existential question: who am I? Their response to Schmitt's challenge is thus to channel the kernel of our non-rational psychology into an inherited, pre-political, and (largely)

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directly confronts Schmitt's challenge to either liberal legitimacy or solidarity, merely dismissing his claims through a descriptive observation: "Democratic legitimacy is the only one available today. The idea of replacing it or complementing it by some presumably 'deeper' grounding of the constitution in a generally binding way amounts to obscurantism." "'The Political': The Rational Meaning of a Questionable Inheritance of Political Theology," in *The Power of Religion in the Public Sphere* (New York: Columbia University Press, 2011), 24.

[87] Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993); David Miller, *On Nationality* (Oxford: Oxford University Press, 1995). For a defense of a very moderate nationalism, see Chaim Gans, *The Limits of Nationalism* (Cambridge: Cambridge University Press, 2003). The contemporary debate over liberal nationalism is nuanced and wide-ranging. For a summary of the principle philosophical positions involved, see *The Morality of Nationalism*, ed. Robert McKim and Jeff McMahan (Oxford: Oxford University Press, 1997). For more recent anthologies, see *Nationalism and Ethnic Conflict: Philosophical Perspectives*, ed. Nenad Miscevic (Peru, IL: Open Court Publishing, 2000); *The Politics of Belonging: Nationalism, Liberalism, and Pluralism*, ed. Alain Dieckhoff (Lanham, MD: Lexington Books, 2004); and *After the Nation? Critical Reflections on Nationalism and Postnationalism*, ed. Keith Breen and Shane O'Neill (New York: Palgrace Macmillan, 2010). Even Martha Nussbaum's novel analysis, though directing us to the diverse emotional sources for liberal motivation, aims above all to fashion a shared *political* culture, a "safe nationalism." Nussbaum 2013, 69. For a critical analysis of nationalism that deals at length with the issues involved in motivation and solidarity, see Bernard Yack, *Nationalism and the Moral Psychology of Community* (Chicago: The University of Chicago Press, 2012). Rather than recapitulate this debate, my aim in this dissertation is primarily to develop an alternative form of solidarity that can avoid nationalism's pathologies, both philosophical and actual. I argue for how my own theory differs from nationalism in greater depth in chapter 6.

unreflective sense of belonging. This sense of belonging, in turn, is infused into the institutions, laws, and symbols of the polity. So institutionalized, our deep stores of solidarity can then be cashed out for a wide range of state projects, extending the influence of our non-rational psychology directly into political life. Not surprisingly, this makes identity-based models especially well-suited for public ventures that demand perseverance, commitment, and sacrifice: mobilizing for war, redistributing resources, and responding to catastrophes.

Another identity-based model is liberal multiculturalism. Sometimes referred to as a "multicultural liberal nationalism," this position, associated most prominently with the political theorist Will Kymlicka, attempts to "thin down" the claims of national allegiance so as to make them less exclusionary for minorities and less susceptible to jingoism.[88] While forging a polity's identity around a unified story, it simultaneously provides both public recognition of and legal protections for minority groups.

In sum, identity-based models, unlike their ideology-based peers, recognize (directly or indirectly) the power of Schmitt's challenge. And they attempt to respond to it by rechanneling the source of our non-rational commitment away from the political sphere and toward a pre-political bond with one's nation or people.

Both of these models have merits. Nonetheless, I believe that each ultimately suffers from one or more fatal flaws.

Attachments based on identity achieve intense fraternity, but sacrifice social diversity and personal autonomy. By elevating one nation, ethnicity, or religion above others, they narrow the confines within which an individual can explore and express her sense of self. Even when "thinned" in principle, in practice they still often marginalize minorities, inhibit creativity, and

[88] Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001).

smother human particularity. They either directly or indirectly stifle critical thinking, demanding—or strongly implying—that certain matters, like the state's organizing identity, are out of bounds for public critique. They diminish our moral responsibility, replacing our own best judgment with predetermined norms. They outsource our ethical agency, swapping our initiative for that of the nation. And, by reifying and valorizing a form of community that has no inherent moral status, they risk stirring members to undertake acts of self-transcendence that serve causes that are illiberal, morally dubious, or plainly evil. After all, "nationalism," in political theorist Bernard Yack's pithy phrase, "has a high body count"—a charge that could equally be leveled at many other forms of politicized identity.[89] In short, then, identity-based theories do not offer a compelling model for liberal solidarity. While they secure solidarity and offer an answer to Schmitt's challenge, they fail to fully honor the individual. I return to nationalism, and elaborate on this critique at greater length, in chapter six.

Attachments based on ideology, by contrast, honor the individual; but by neglecting to answer Schmitt's challenge, they fail to fully secure solidarity. Though they permit great pluralism and individual expression, their unifying bonds—grounded on a rational allegiance to abstract principles—are frequently fragile and ineffective. They suffer from what Aristotle, in his critique of Plato's ideal city, called "diluted" motivation: forms of loyalty weakened by their dissociation from actually existing things, persons, and places.[90] Perhaps more important than the motivational deficit of ideology-based models, however, are the dangers they invite by dismissing Schmitt's challenge. For if our solidarity necessarily contains a commitment gap, and this gap is not preemptively plugged, it may end up being filled by whatever assortment of non-

[89] Yack 2012, 303.

[90] Aristotle, *The Politics*, ed. Steven Everson, trans. Benjamin Jowett (Cambridge: Cambridge University Press, 1996), 1262b.

rational ideologies the polity happens to harbor, including those that are highly illiberal and dangerous. Thus by focusing myopically on our intellectual loyalties, both liberal value consensus and constitutional patriotism turn a blind eye to our political phenomenology. They ignore the complex psychological motives of citizens in the plural.

The specific problem with achieving solidarity via liberal value consensus we have already seen. Rawls, like Kant, believes that reason is both a universal faculty and capable of generating its own incentives for action.[91] He thus argues that when citizens rationally think-through the liberal principles underlying the polity, these principles will necessarily command their normative commitment and psychological motivation. Whether reason truly has such a motivational force is itself highly controversial, as I examine further on in this dissertation. But even if we grant Rawls' Kantian assumptions, Schmitt has shown that it is impossible for citizens to reconcile themselves to their liberal polity using reason alone. The ever-present possibility of a sovereign exception tears a fissure in liberalism's smooth surface, violating its self-conception as an autonomous system. And as a result of this fissure, we lose our ability to rationally reconstruct the polity. We can no longer fully commit to its members and motivate ourselves to sacrifice for them.

Constitutional patriotism suffers from a similar problem transposed from an intellectual to a participatory key. For Habermas, it is true that deliberation about norms and laws need not transpire in a pristine setting; his much-maligned concept of an "ideal speech situation" is a regulative standard, not a strict requirement of discursive ethics or democracy.[92] Yet even if we

[91] Kant acknowledges that some human beings, like young children or the mentally handicapped, do not have a faculty of reason, a view that Rawls surely shared. See for example his *Lectures on Metaphysics*, trans. and ed. Karl Ameriks and Steve Naragon (Cambridge: Cambridge University Press, 1997), 28:255, p. 70.

[92] Against those who would straw-man his philosophy, Habermas very clearly describes the "ideal speech situation" as a regulative *ideal* for intersubjectivity, with the proviso that it could be realized "only if the argumentation could be conducted openly enough and continued long enough." Jürgen Habermas, *The Theory of*

allow that deliberation is an ongoing and informal process taking place not only within political institutions proper, but throughout the lifeworld, the fact remains that discursive participation alone is a very thin foundation for belonging. Norms and laws do change, and human beings are the agents of these changes. But in modern, large-scale democratic societies, it is almost impossible for any given individual to register her own contribution to these changes. And so whatever ownership she may feel over them is almost certainly insufficient for binding her to them and to her fellows in deliberation.[93] Habermas, I should note, does have another strategy for answering Schmitt's challenge aside from constitutional patriotism. I evaluate and critique this strategy, what he calls the "linguistification of the sacred," in chapter four.[94]

In sum, the inadequacy of social bonds based on identity and ideology for responding to Schmitt's challenge signal the need for an alternative theory of liberal solidarity. Whether by failing to honor the individual or neglecting the non-rational sources of our commitment and motivation, each of these models yields a vision of solidarity that is pathological in a different way. They undermine the very cohesion they seek to engender: By playing with nationalist fire, identity-based models risk the eruption of non-rational violence and exclusion; by ignoring the untamed parts of our psyche, ideology-based models shrivel our interpersonal attachment. The product is either a dangerous kind of self-transcendence or a defective form of solidarity.

Communicative Action, Vol 1: Reason and the Rationalization of Society, trans. Thomas McCarthy (Boston: Beacon Press, [1981] 1984), 42.

[93] This is confirmed by empirical evidence. While studies indicate that deliberative participation increases one's political knowledge and skills, they do not show that it leads to improvements solidarity. See Shlomi Segall, "Political Participation as an Engine of Social Solidarity: A Skeptical View," *Political Studies* 53(2), 2005, 362-78; and Jane Mansbridge, "Practice-Thought-Practice," in *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*, ed. Archon Fung and Erik Olin Wright (London: Verso, 2003).

[94] It should also be noted that with regard to this alternative response to Schmitt, Habermas *does* seem to concede Schmitt's first premise, namely that liberal-democracy in a secular age lacks an important ingredient.

Yet how to proceed raises a dilemma. Schmitt argues that the ineluctability of unreason dooms any project of liberal solidarity, compelling us to accept his own totalizing and illiberal politics. He assumes, in other words, that if rationalism is vanquished, liberal solidarity will fall with it. But is he right? Recall the three claims that make up his argument: First, liberal solidarity in a secular age lacks an indispensible ingredient; second, this ingredient is a source of normative commitment and psychological motivation transcending reason; and third, this source can only be provided by the sovereign's decision and the concept of the "political." Contesting the first claim seems like a dead-end. Although ideology-based models may satisfy the philosopher's need for normative rigor, consistency, and clarity, they fail to account for the messy phenomenology of liberal-democratic societies. They neglect our non-rational psyche, the fact that we exist not only as abstract ideals but citizens in the plural.

We are therefore left with Schmitt's latter two claims. And this means our question to him can actually be framed in one of two distinct ways: First, if we grant the first claim—that liberal solidarity lacks something important in a secular age—is Schmitt also correct that this something must be a *non-rational* source of commitment and motivation? Or have we simply not yet found the right way to *rationally* organize the polity so as to secure solidarity? Second, if we accept not only that liberalism has a solidarity deficit, but that this deficit must be filled by a source transcending reason, does this source need to be the *sovereign's decision* and the "*political*"? Or is it possible to locate the non-rational *elsewhere*, perhaps in some other facet of our ethical, social, or political lives?

Whichever approach we choose for responding to Schmitt's challenge, however, we must also take seriously another part of the Schmittian thesis. Schmitt's secularization narrative and

concept of political theology remind us that aspects of our society and politics are indebted to religious concepts. No doubt, conceding that an idea has an historical debt does not thereby subvert that idea. Genealogy is not the same as justification. Even so, political theology should press us to adopt, if not a hermeneutic of suspicion, then at least one that probes more deeply into the foundation of our loyalties. If some of our laws, institutions, and practices have a provenance in theology, then perhaps our relation to them, too, still carries a residue of religious experience. Part of this experience, I have already argued, opens a fissure in the rational foundation of our solidarity. The language that philosophers often use to explain our commitments and motivations does not reflect our phenomenology as citizens. Another part, though, speaks directly to our disposition as ethical agents. For if Schmitt is right, then liberalism conceals a critical and ongoing reliance on forms of unreason to secure solidarity. And the true basis of our lives together, like the sovereign's decision, remains a profound mystery. It rests not merely on soft manifestations of the non-rational psyche, like affect, sympathy, and intuition, but has a hard non-rational kernel, one impervious to reduction, displacement, or full exposition. Cracking this kernel, I believe, will demand not only a greater sensitivity to human experience. It will mean shifting our field of analysis. It will require overcoming what we might call, paraphrasing Max Weber, contemporary political theory's "religious unmusicality," its tin ear to forms of life and politics infused by an otherworldly outlook.[95]

My aim in this dissertation, therefore, is to retune political theory. Through fresh readings of five central figures in philosophy, and drawing from moral psychology, social theory, anthropology, and religious studies, I unearth, conceptualize, and critically evaluate two distinct approaches for responding to Schmitt's challenge, one stressing reason, the other accepting the

[95] Max Weber, "The Social Psychology of the World Religions," in *From Max Weber* ([1915] 1958), 287.

non-rational. I develop the first by tracing an original history of European political thought through Jean-Jacques Rousseau, Immanuel Kant, and Jürgen Habermas. Western philosophy's dominant approach to securing solidarity, I show, has been to find ways for grounding our commitment and motivation in reason; yet as I further demonstrate, it has done so—startlingly—by drawing deeply and directly from religious ideas. I then move from history to normative theory, recovering another, neglected tradition for thinking about solidarity and religion that straddles East and West: the modern Jewish thought of Emmanuel Levinas and Martin Buber. I argue that their distinctive strand of religiously-attuned phenomenology, largely overlooked by political theorists, is both uniquely sensitive to the need for non-rational commitment and highly cognizant of its dangers.

I then compare and contrast these two approaches. Both seek to extract resources for secular solidarity from our religious concepts, categories, and practices; yet each does so in ways that are subtly but crucially different. Consequently, they arrive at radically divergent understandings of the basic facets of our lives with others, including the structure of moral obligations, the nature of human commitment, and the sources of our selfhood. I conclude by arguing that the choice of which approach to adopt will have far-reaching consequences for every facet of liberal solidarity in a secular age: stabilizing society, realizing justice, diminishing dependence, and cultivating moral personality. It will determine how we can both secure solidarity and honor the individual. And it will decide whether we succeed or fail at answering Schmitt's challenge. I refer to these approaches, respectively, as *solidarity through secularization* and *solidarity through imitation*.

SOLIDARITY THROUGH SECULARIZATION

Solidarity through secularization is the prevailing way that European political thinkers since the Enlightenment have attempted to solve the puzzle of liberal solidarity and answer Schmitt's challenge.[96] Emerging from an age of devastating religious wars, and encountering a new scientific and critical environment in which all sources of authority could be challenged by reason, they attempted to find a new foundation for human solidarity that both eschewed sectarianism and was itself rationally justifiable. Yet their method for doing so did not begin with reason itself. It started with religion. It was to transpose the theological language that they inherited from the realm of the sacred to that of profane human affairs.[97] In my definition, therefore, solidarity through secularization has three main elements: To begin with, it *seeks a rational basis for solidarity*. In this sense, it rejects Schmitt's second premise, insisting that our commitment and motivation need not have sources transcending reason. At the same time, it *arrives at this source by secularizing some aspect of religion or theology into morality, society, or politics*. And this leads naturally to its third element: that *attempts to achieve solidarity through secularization often result in a political theology*.

[96] From a purely historical perspective this is of course an anachronism, given that liberalism did not emerge as a common term of use until the nineteenth century, and Schmitt wrote in the twentieth. The point is that the problems of reconciling securing solidarity with honoring the individual, and the difficulty that Schmitt raises with rational commitment and motivation, were known in some form even by those who wrote well before his time.

[97] One reason for this is contextual. The discourse in which Enlightenment thinkers found themselves was suffused with religious and theological concepts, categories, and modes of thought. Given the limits of human imagination, would have hardly been possible to escape this horizon entirely. A second reason has to do with the diffusion of ideas. During the period, anyone with an education had some exposure to theology. Thus the concepts of western monotheism provided an easy and accessible vocabulary, one that would have been immediately recognized and widely apprehended. (In this sense, religious terminology during the Enlightenment was somewhat like economic and technological terminology today, where terms like "outsource" and "bandwidth" are frequently used metaphorically.) A final reason has to do with the particular character of religious metaphor. The deity, in Hebrew and Christian scripture, theological tractates, and popular usage, was itself often referred to using political metaphors: Just as a human king rules his kingdom through consistent and coercive laws, the divine king rules the universe through the invariable and inviolable "laws of nature."

Both political theology and secularization mean different things to different people, so let me be clear what I intend by them. By secularization, I do not mean to describe macro-trends of disenchantment, modernization, or social change. Nor do I mean to dismiss these uses. My level of analysis is simply different: I use the term to denote a mode of doing *political theory*. In particular, I mean for secularization to capture a certain method by which thinkers have made use of concepts, categories, practices, and forms of experience bequeathed to them by religious and theological traditions. Understood in this sense, political theology is actually one possible *manifestation* of secularization, which, all told, has three possible layers. All of these layers, I will argue, are present in different forms in Rousseau, Kant, and Habermas: *historical derivation*, *analogy* or *political theology*, and *logical dependency*.[98]

On a first and most basic level, secularization involves a thinker *deriving* from religion a concept for use in his secular intellectual framework. Notably, this meaning of secularization is purely descriptive. It refers to the a concept's genealogy through the history of philosophy and political thought. But it says nothing about the specific *role* that this concept will play once secularized. For instance, in modern Hebrew the world *hashmal* means "electricity." The word originates, however, in the prophet Ezekiel's fantastic descriptions of angelic forces. What we see from this example is that although a modern concept may have religious origins, those origins may determine little if anything about its contemporary use and normative implications. This applies equally to political concepts.

A second (and for solidarity much more critical) meaning of secularization refers to how thinkers use religious concepts for *analogy*, or in the context of political theory, *political theology*. Political problems sometimes resemble theological ones. The work that a concept does in the religious sphere may thus appear applicable to a task in the profane one.

[98] I am grateful to Peter Gordon for helping me to clarify these layers.

Consequently, theorists have often been tempted to make use of religious or theological concepts in political and philosophical contexts. Yet by doing so, they are not only borrowing from religious language. More importantly, they are attempting to appropriate the concept's *problem-solving ability* in the realm of theology or religious practice for the realm of politics. They believe, in other words, that the religious analogue allows us to better conceptualize the political predicament, better resolve it, or both. Thus Schmitt, seeking to understand the pathologies of liberal solidarity, analogizes liberal juridical order to rationalist Enlightenment deism. And in developing his alternative, he analogizes the sovereign to a kind of voluntarist god whose decisions are akin to miracles and so transcend reason. Secularization as analogy or political theology, therefore, involves a much deeper and more entangled relation between religious concept and their secular counterparts.[99]

This leads to a final meaning of secularization: the *logical dependency* of a secularized concept on some aspect of its religious origins. When Schmitt analogizes the sovereign to God, what he intends is a metaphor, not a factual comparison: We regard the sovereign's decrees not as miracles, but as *if* they were miracles; the sovereign is *like* the deity, not identical to the deity. Schmitt proposes his political theology because he finds it theoretically useful: The theological analogue, he believes, allows us to better understanding the sovereign's role, the nature of the polity itself, and how we should relate to our fellow citizens. Yet constructing such an analogue also entails significant risks. For we might find that even after a concept has been transposed from the sacred to profane realm, it continues to be covertly dependent on certain theological or

[99] In recent years, political theology has come to be used in three distinct ways: In Schmitt's narrow sense, as referring to the analogical relation between a concept in theology and one in politics; in a much broader sense, to denote almost any study of the relationship between politics and religion; and finally, as referring to a branch of actual theology, usually in Christianity, that intersects with political issues. In this dissertation I intend only the first sense. See Vincent Lloyd. "Introduction," in *Race and Political Theology*, ed. Vincent W. Lloyd (Stanford: Stanford University Press, 2012), 1-21.

religious elements. We may discover that it fails to secularize fully, and that its meaning remains irreducibly bound to its original religious milieu. In such a case, this concept would not merely provide an analogue. It would carry what I call a *religious remainder*, a not-fully-secularized trace of its religious origins.

In this dissertation, I identify such remainders in the attempts by Rousseau, Kant, and Habermas to ground our solidarity in reason alone. And I argue that these remainders pose a twofold problem for the project of liberal solidarity. To begin with, a concept analogized from religion may *fail to fit its assigned political task*. If it has a religious remainder, the solution it produces to a political problem will contain a logical contradiction. And so a thinker may be fooled into believing that his political theology accomplishes something different, or something more, than it actually does. At the level of philosophy this problem is merely academic. It poses an intellectual challenge, one whose solution may yet be found through tighter reasoning or a better religious analogue. At the level of liberal-democratic phenomenology, however, it is acute and highly dangerous. For it leads to a second and even more damaging difficulty: That if we *believe* that a political theology works when it fails *in fact*, we may *end up making our original problem worse*. Precisely because we labor under the illusion that we have found a comprehensive and rational solution to the puzzle of liberal solidarity and Schmitt's challenge, we may exacerbate the very pathological elements of our non-rational psyche that it fails to address. Like paving over a grassy field, it may for a time appear as if we have subdued humanity's non-rational tendencies. But eventually cracks will appear, and through them will come not grass but weeds and wilderness.

Thus to put this in a way that would certainly offend Schmitt's own intentions, political theology, I think, can serve as a kind of critical theory. By comparing a political philosophy with

its theological analogue, we can recognize its cracks and fissures. We can see where it goes wrong, and why.

Solidarity through Imitation

Secularization has become such an established way of channeling religious ideas into political theory that it sometimes seems like the only one available. Yet I believe that this is a mistake. Another approach exists. And one of my core aims in this dissertation is to recover, conceptualize, and marshal it for contemporary political theory. In Levinas and Buber, I argue, we find an alternative but neglected method, with roots in Jewish thought, for harnessing religion's solidaristic resources for liberalism in a secular age. I refer to this approach as *solidarity through imitation*.

Because solidarity through imitation is a new idea, much of what is distinctive about it will not be immediately clear in the abstract and will have await my readings of the thinkers themselves. Even so, I will here briefly preview its three main aspects.

First, solidarity through imitation *recognizes the need for wellsprings of commitment and motivation that transcend reason*. It accepts not only that liberalism has a solidarity deficit, but also Schmitt's further claim: that this deficit can only be filled by non-rational sources. (Of course it rejects Schmitt's final claim that this non-rational source must be the sovereign and "political.")

Second, solidarity through imitation arrives at these sources not by secularizing ideas, but by *retaining the original meaning and coherence of religious forms of experience*. Secularization necessarily entails some amount of transfiguration. When a concept is transposed from its religious milieu, its *function* remains analogically similar; its *meaning*, however, is

replaced by a profane one. Indeed for the secularizing theorist, this process of replacement is precisely the point: If we were forced to say that the sovereign's decision is not merely like a miracle but actually *is* a miracle in a metaphysical sense, then the comparison would be useless. What makes solidarity through imitation different, therefore, is that it refuses this process of analogical substitution. Instead, it earns its name by seeking not to replace, but *imitate* aspects of religion.

Finally, I have argued that attempts to realize solidarity through secularization often yield political theologies. The third aspect of solidarity through imitation, therefore, is that *it yields not a political theology, but what I call* deep solidarity*, a form of pre-political but non-nationalistic commitment and motivation to a group of people that transcends reason.*

As I will show, solidarity through imitation works by shifting our analytical perspective. "Replacement" is something that philosophers do. Drawing on their erudition, they look deeply into theological tractates or scholarly works on religion to wrest from their pages ideas serviceable for their own profane political theories. "Imitation," by contrast, is something that all people do. Human beings are mimetic creatures; beginning as children, we consciously or unconsciously take our cues from the world around us. We fabricate ourselves not only by imitating other individuals, but also crowds, animals, literary figures, and parts of nature. The whole world is potentially our template. At the same time, those who ascribe to a religious tradition also have an additional object to imitate: the divine being. They model their behaviors and their selves on the attributes that they ascribe to the deity. And they attempt to reproduce in their relationships with other people some quality of how they relate to God.

Solidarity through imitation does not advocate for this kind of *imitatio dei*. To do so would undermine the very purpose of this dissertation: to find a form liberal solidarity

appropriate for a *secular* age. But it does suggest that we can learn from it. Religious concepts, categories, and even forms of perception stay with us long after their original sources have faded away. Whether we are cognizant of them or not, they remain alive and vital in our questions, ideas, and relationships. And so they remain viable for us—not merely as a resources for fashioning new political concepts, but as models for relating to others, understanding our ethical obligations, developing our moral personalities, becoming full persons, and, ultimately, binding ourselves in solidarity with other people.

In this way, solidarity through imitation avoids a narrow-minded focus on the political realm as the sole nexus for our solidarity. As we have seen, this political myopia is not confined to Schmitt, but is also found in many liberal theorists of solidarity, including Rawlsians, constitutional patriots, and nationalists. To be sure, in the abstract stressing politics as a site for solidarity makes a degree of sense. The levers that turn the gears of culture, society, and moral community are hard to spot. Political structures, by contrast, offer clear ways of switching on our psychological attachment. And as they are the product of laws, it is easier to see how they can be modified or transformed. But an excessive focus on the political realm also carries risks. Politics, in which the potential to use force is never far from the surface, is an uncertain and treacherous vessel to ferry the ends of solidarity—never more than for citizens in the plural. Aspects of our non-rational psyche that, in a moral context, may produce laudable acts of self-sacrifice may, when transposed to a political setting, yield disastrous or deeply immoral forms of self-transcendence: violence, war, and martyrdom. States, in the interest of securing solidarity, may be tempted to overstep the boundaries of what liberal polities should rightly demand of their citizens. And lurking in the background is always Schmitt's totalizing vision, his invitation to make political life an end in itself.

Thus among the virtues of solidarity through imitation is that while it takes the non-rational seriously, it necessarily confines it to its proper context. States and political theories, as mental fabrications and abstractions, can harbor secularized theological concepts; but only people can imitate one another. Mimesis is a quality of human beings, not philosophies. This is not to say that solidarity through imitation is without dangers, as I note going forward. Even so, it necessarily channels the non-rational into our interpersonal relations. And in this way, it avoids some of the greatest dangers of politicizing unreason.

In short, the lesson of solidarity through imitation is this: We can retain the social and psychological benefits of a religious concept at a moral and phenomenological level, while draining it, at a cognitive level, of its necessary connection to theism. We can find a safe form of non-rational commitment and motivation. And it is this approach to religious ideas, I believe, that will ultimately furnish a full answer to Schmitt's challenge: a deep solidarity.

Dissertation Outline: From Political Theology to Deep Solidarity

The dissertation is divided into two parts, each treating one approach for answering Schmitt's challenge: solidarity through secularization and solidarity through imitation.

In the first, I examine attempts to achieve solidarity through secularization via original readings of Rousseau, Kant, and Habermas. It is true that many figures in the annals of political philosophy write about the relationship between religion and politics, liberalism, and commitment. And no small number arrive at their theories by secularizing theological concepts. Even so, there are four reasons why I believe these thinkers are especially suited to the task.

First, they represent some of the most powerful attempts in the history of philosophy to both secure solidarity and honor the individual. Hobbes certainly seeks out social unity and

engages with theology; yet it is hard to say that he cares very much about protecting the individual's critical faculties, life choices, particularity, and moral responsibility. Another reason for turning to these figures is their ongoing relevance: Rousseau, Kant, and Habermas remain tremendously influential, not only in the history of political thought, but in contemporary political theory. They provide scholars today with dynamic sources of insight into current questions and problems in a way that thinkers like Thomas Paine or John Dewey, in spite of their great importance, simply do not. This leads to a third reason: that these thinkers, by virtue of their far-reaching historical influence, can be read not only for their own ideas narrowly construed, but also for how those ideas have ramified. They can stand-in for distinct sub-approaches to solidarity through secularization that remain very much alive today: *democratic*, *ethical*, and *discursive*. Finally, each of these three thinkers is to an uncommon extent in direct dialogue with the others. Rousseau was Kant's primary teacher, and Kant was Habermas'. Each learns from his predecessor, builds off of his thought, and attempts to resolve his perceived flaws and weaknesses. Thus reading them together involves not merely three discrete philosophical excursions. It makes for a unified journey through the history of political thought.

Each chapter centers around a thinker and in each one I do four things. First, I argue for one or more ways in which we should interpret the thinker differently in light of his engagement with theology or religious thought. Second, I show how the thinker attempts to answer the puzzle of liberal solidarity and Schmitt's challenge. Third, I offer a critical assessment of his answer, demonstrating, in certain cases, where his attempt at realizing solidarity contains gaps, remainders, or is undermined by an internal contradiction. Finally, I take away a constructive idea or insight that I use to build the dissertation's normative thesis.

I begin in chapter two with Rousseau, the "general will," and democratic solidarity. The general will is Rousseau's most important concept, profoundly shaping more than two centuries of democratic theory. It is also his most poorly defined and understood. In the chapter, I offer a new reading of how the general will functions in Rousseau's thinking about solidarity. The general will, I argue, solves a problem in Rousseau's political theory: For a polity to be legitimate, it must honor our free will; yet the restrictive institutions he introduces to cultivate solidarity seemingly violate our moral freedom. After critiquing three interpretive approaches to the general will, I introduce my own, what I refer to as Rousseau's political theology. Rousseau, I show, develops the idea of the general will by secularizing several concepts from the theologian Nicolas Malebranche. I close by revealing a fatal flaw in Rousseau's political theology. As a theological concept, the general will rests on a certain model of divine agency. But no comparable form of agency can originate from the body politic. The result is a logical dependency of the general will on its theological origins, and the failure of Rousseau's program for solidarity. Despite this failure, however, I suggest that Rousseau makes two vital contributions to our thinking about solidarity: He provides us with insight into the social pathologies that undermine solidarity; and he shows the importance for solidarity of *diminishing dependence*, an idea that will play a crucial role in the dissertation going forward.

I turn next to Kant, his concept of "spontaneity," and ethical solidarity. Spontaneity is at the center of Kant's moral theory, explaining how human beings can make moral choices independent of their emotions and sensual drives. But as I demonstrate through a close study of his pre-critical writings, unpublished notes, and lecture transcriptions, he developed the concept less to guarantee moral responsibility than to better realize Rousseau's project of diminishing dependence. And, like his predecessor, he did so via a political theology, secularizing God's

faculty of spontaneity into the individual human being. This divine kernel of spontaneity, I show, is also at the center of Kant's strategy for achieving solidarity. Equally concerned with diminishing dependence, yet seeking to avoid Rousseau's coercive political program, Kant develops a model of ethical community that aims to replicate the achievements of the social contract but in a pre-political form. Yet Kantian ethical community, I show, is ultimately unviable. Human spontaneity is not only analogous to divine spontaneity, but conceptually dependent upon it. Consequently, realizing the ethical community requires positing something that takes us beyond what any secular liberal theory of solidarity can safely assume. Even so, Kant's ethical community—as a pre-political bond between people that both diminishes dependence and honors individual freedom and dignity—give us an attractive portrait of a kind of solidarity that could, in modified form, potentially answer Schmitt's challenge.

As I show in chapter four, this charge of reforming Kant's proposal for pre-political ethical solidarity is taken up by Habermas through his idea of the "linguistification of the sacred" and model of discursive solidarity. Habermas' mature philosophy represents the most highly-developed attempt to solve the puzzle of liberal solidarity and answer Schmitt's challenge in fully rationalist terms. And, like both Rousseau and Kant, he seeks to do so while diminishing dependence. I argue that his effort does not succeed: There are aesthetic features contained within ordinary ethical life, historically indebted to religion, that remain crucial for both commitment and motivation. Foremost among these is the "aura," a quality of norms, objects, and persons that originates in religious experience. Tracing Habermas' intellectual debts to Émile Durkheim's sociology of religion and Walter Benjamin's theory of language, I show that the core part of Habermas' attempt at solidarity through secularization—the so-called "linguistification of the sacred"—fails to sublimate these aesthetic features into discursive

practice. It retains a religious remainder. This critique, I conclude, has significant implications for thinking about how to respond to Schmitt's challenge. For any answer to succeed, I argue, it must attend to the non-rational residues of religion in our solidarity with others.

I devote the second part of the dissertation to this task, shifting from solidarity through secularization to solidarity through imitation via novel readings of Levinas and Buber. Although both Levinas and Buber are central figures in twentieth-century European philosophy and Jewish studies, in political theory they have mostly been neglected. I turn to them for two main reasons.

The first is methodological. Though different in many respects, both share a phenomenological approach to philosophy that helps to refocus our attention away from our abstract existence as liberal citizens in the singular and back toward our concrete lives as citizens in the plural. Yet unlike fellow travelers in phenomenology like Heidegger or Sartre, they not only stress existential questions but moral ones. Strongly influenced by sources in classical Judaism, they dwell at length on how to realize moral personality, ethical life, and social solidarity.[100] To be clear, this is not to suggest that Jewish sources provide the *only* possible means for solving the puzzle of liberal solidarity and answering Schmitt's challenge. Other traditions of thought, both secular and religious, could undoubtedly do the same. It is only to observe that they provide an especially rich and relevant resource for Levinas and Buber.

This leads to the second reason for turning to these two thinkers: the specific content of their arguments. As I show, both write either indirectly or directly in response to Schmitt's challenge. And they do so in a way that takes us past secularization and toward imitation: They look to categories of religious experience not for political theology but mimesis. Departing

[100] While it might have been theoretically possible to turn to classical Jewish sources directly in this dissertation, I believe that both Levinas and Buber, by translating Jewish ideas into modern discussions of solidarity, and by philosophizing directly in response to issues of secularization and political theology, offer normative resources that are invaluably richer and further developed.

dramatically from the dominant trend of European political theory, they accept the necessity of the non-rational for solidarity while simultaneously making valuable efforts to contain its dangers. And in this way, they help us to develop an alternative to political theology, a normative model for answering Schmitt's challenge and realizing liberal solidarity in a secular age: *deep solidarity*.

In chapter five, I develop the moral psychology underlying deep solidarity through a reappraisal of Levinas' political theory. Levinas is often read as a kind of apolitical ethical anarchist. Yet, by bucking the scholarly trend and reading his Talmudic commentaries together with his philosophical texts, I show that it was precisely by engaging with Rabbinic Jewish thought that he produced his most important political insights. To begin with, I argue that Levinas helps us to identify two threats to solidarity. One, which he traces to Hegel, turns human beings into moral spectators: individuals who close themselves to others by adopting a global perspective on human affairs. A second threat, which he associates with a certain kind of religious experience, dissolves human subjectivity into an ecstatic social whole, eliminating any boundaries between self and other. I then turn to Levinas' response to these threats. Levinas, I argue, develops a novel ethical epistemology by culling from the medieval Jewish philosopher Maimonides' negative theology. By staging our relations with other people in imitation of how we relate to God, he provides a channel for the non-rational psyche that avoids both moral indifference and sacred enthusiasm. I conclude by turning to Levinas' program for commitment and motivation. Levinas, I argue, helps to fill-in the moral psychology underlying our deep solidarity: *solidarity as sacrifice*. When we make sacrifices, we act on a solidarity with others that transcends reason. And by doing so, we provide for one of liberalism's most important

needs: cultivating moral personality, producing people open to the privations of their neighbors, concerned with diminishing dependence, and sensitive to vulnerability.

In chapter six, I scale up deep solidarity from the dyadic relation of "I" to "Other" to the collective "We" via an original reading of Buber's writings on philosophy, politics, and the Hebrew Bible. Buber confronts Schmitt's challenge directly: He harshly critiques political theology and rejects the drive to arrive at the foundations of human solidarity through secularization. To find an alternative vision for solidarity, he develops a novel, philosophically-infused reading of Jewish scripture. Against Schmitt's concept of the "political," he proposes a "theopolitical" spirit, a mode of understanding human power and legitimacy that seeks to realize the Rousseauian project of diminishing dependence. And against Schmitt's turn to political theology for solidarity, he offers a new theory of human obligation as both pre-political and non-rational. I call this theory of obligation *solidarity as fate and destiny*. What the solidarity of fate recognizes is that in order for human beings develop their moral personalities, they must commit to sharing in the joys and sufferings of some constellation of people. They must sacrifice for them in a way that exceeds their rational interest. And, without succumbing to nationalism or relinquishing their independent moral judgment, they must accept that this constellation may have a set of norms that does not reflect what they would have arrived at through unvarnished reason. When they do so, they are capable of achieving a solidarity of destiny: A group of people who, by imitating an inherited model of the deity, actively diminish their companions' dependence and cultivate moral personality.

In one sense, therefore, deep solidarity is a *descriptive* concept. It depicts an already-existing aspect of social structure. When present to the outside observer, it appears as a kind of Durkheimean "social fact," a way of describing the presence of certain ideas, values, and

practices as they reveal themselves to the social scientist.[101] Our participation in deep solidarity is not something we would affirm explicitly, as we would our association with a particular state, identity group, or civil-societal association. It does not displace relations like friendship and reciprocity. Nor does not exclude our other affiliations and commitments. While it can be fostered by civic, familial, or religious institutions, it cannot be identified with any one of them. It both encompasses and transcends particularistic identification, standing above the perspective of the knowing subject. Nor is deep solidarity meant to provide a substitute for the state's social-democratic institutions. It is meant to complement, not replace, large-scale political mechanisms for achieving distributive justice.

In another sense, however, deep solidarity eschews Durkheim's strictly third-person point of view. It captures a layer of our actually existing interpersonal relations and moral dispositions. It speaks to the psychological underpinnings of our commitment and motivation, giving us a picture of what moves us, practically, to overcome our narrow interests and care for others. In this way I follow the path of anthropologist Clifford Geertz, "reading over the shoulders" of participants, adopting, to the degree possible, their standpoint and psyche.[102] Still, in both of these senses my method for conceptualizing deep solidarity—focusing not only on norms in the abstract, but on the details of our psychology—departs from much existing political philosophy. My reason for doing so is simple: Elements of our solidarity, as we have already seen, blur the line between fact and norm. The psychological dimensions of human interaction themselves often have a moral valence.

[101] Emile Durkheim, *The Rules of Sociological Method*, ed. Steven Lukes, trans. W. D. Halls (New York: Free Press, [1895] 2013), 20-49, 78-100.

[102] *The Interpretation of Cultures* (New York: Basic Books, 1973), 452.

Yet in a final sense, my procedure does more closely resemble philosophy. For deep solidarity is not only a descriptive but *normative* concept. It sets a standard for our moral life and serves as a societal ideal. It refers to the content of our obligations toward others. And it speaks to what is required of us in the realm of ethical awareness, reciprocity and self-sacrifice. In addition to describing moral life, then, I take the additional step of *valorizing* one portrait of it, a certain pattern of our relations and dispositions. I assemble a kind of constellation out of the disparate elements of our ethical phenomenology, and turn that constellation, with some refinement, into a normative standard, a reflection of what society should look like.

Our *deep solidarity*, realized through imitation, thus has two elements: *solidarity as sacrifice*, and *solidarity as fate and destiny*. And these elements, I argue, allow it to simultaneously solve the puzzle of liberal solidarity and answer Schmitt's challenge. It navigates the danger and potential of non-rational experience without succumbing to nationalism. It stirs our willingness to sacrifice while keeping us mindful of its pathologies. It awakens us to our own vulnerability, and in this way, to the vulnerability of others. It diminishes dependence and its byproducts: exploitation, domination, and a constricted horizon for freedom. It uncovers where and how our ethics can be effective. It cultivates and exercises our moral personality. And it reveals the intimate connection between moral life and political community, showing that without solidarity, liberalism remains hollow and empty of purpose—a Kantian nation of devils without redemption. At the heart of any decent liberal polity, I believe, is a deep solidarity.

Our first step, however, must be to better understand the problem. What produces dependence, engenders egoism, spawns social pathology, and undermines solidarity? To answer these questions, I turn first to Rousseau.

PART I

Solidarity through Secularization: Political Theologies

"Attempts to define human nature almost invariably end with some construction of a deity, that is, with the god of the philosophers, who, since Plato, has revealed himself upon closer inspection to be a kind of Platonic idea of man."

-*Hannah Arendt*, The Human Condition, *38*

CHAPTER TWO

From Metaphor to Myth: Rousseau, the General Will, and Democratic Solidarity

"Poets...are not only the authors of language and of music, or the dance, and architecture, and statuary, and painting; they are the institutors of laws, and the founders of civil society...who draw into a certain propinquity with the beautiful and the true, that partial apprehension of the agencies of the invisible world which is called religion."
-Percy Bysshe Shelley, "A Defense of Poetry"[1]

"Make your paradise on earth while awaiting the other one."
-Jean-Jacques Rousseau, Emile[2]

ROUSSEAU, THE GENERAL WILL, AND SCHMITT'S CHALLENGE

"Rousseau's metaphors," observes Judith Shklar, propel his theory of solidarity, providing for him "the vehicles that take human needs into battle against the forces of inequality."[3] One way of judging a metaphor's success is by its influence, and in this sense, Shklar is surely right: After being introduced by Rousseau, the general will became one of the most important concepts for conceptualizing solidarity in modern political thought. In philosophy, it played a crucial role in the development of German Idealism. Fichte, for example, defines his aim as finding "a will that cannot possible be other than the general will"; in Hegel's thought, the "general will" is tasked with "supervising the [state's] supreme power."[4] The

[1] Percy Bysshe Shelley, "A Defense of Poetry," in *Percy Bysshe Shelley: The Major Works* (Oxford: Oxford University Press, [1821] 2003), 677.

[2] Jean-Jacques Rousseau, *Emile*, 419, *op. cit.* Hereafter "*E*".

[3] Judith Shklar, *Men and Citizens: A Study of Rousseau's Social Theory* (Cambridge: Cambridge University Press, 1968), 170.

[4] G.W. F. Hegel, "On the Scientific Ways of Treating Natural Law, on its Place in Practical Philosophy, and its Relation to the Positive Sciences of Right," in *Hegel: Political Writings*, ed. Laurence Dickey and H. B. Nisbet

general will also had a role in shaping American constitutional democracy. In Federalist 32, Alexander Hamilton argues forcefully for a national "general will," while for Thomas Paine civic harmony requires "that the general will...be publicly ascertained and known."[5] The influence of Rousseau's metaphor can be felt even at the heart of twentieth-century Anglo-American liberal political theory. In his *Theory of Justice*, John Rawls identifies himself as a Kantian thinker only insofar as Kant "sought to give a philosophical foundation to Rousseau's idea of the general will."[6] And according to Joshua Cohen, Rawls once said that his "two principles of justice could be understood as an effort to spell out the content of the general will."[7]

At the same time, the general will has been a source of intense controversy for its impact on political practice, whether real or purported. During the opening days of the French Revolution, Abbé Sieyès used the term to elevate the Third Estate from "nothing" to sovereign.[8] In the *Declaration of the Rights of Man and Citizen*, the law is defined as "an expression of the general will."[9] And Robespierre, who described Rousseau as "divine," saw the general will as guiding the Committee of Public Safety as it conducted the Terror.[10] Reacting to the French

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(Cambridge: Cambridge University Press, [1802-03] 1999), 134; J. G. Fichte, *The Foundations of Natural Right*, ed. Frederick Neuhouser (Cambridge: Cambridge University Press [1795-96] 2000), 134.

[5] Alexander Hamilton, "Federalist No. 32," in *The Federalist with Letters of "Brutus,"* ed. Terence Ball (Cambridge: Cambridge University Press, [1788] 2003), 145-6; Thomas Paine, "Letter Addressed to the Addressers on the Late Proclamation," in *Rights of Man, Common Sense, and Other Political Writings*, ed. Mark Philip (Oxford: Oxford University Press, [1792] 1995), 370.

[6] John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 252, 264.

[7] Joshua Cohen, *Rousseau: A Free Community of Equals* (Oxford: Oxford University Press, 2010), 2.

[8] Abbé Sieyès, "What is the Third Estate?" in *Political Writings*, ed. Michael Sonenscher (Indianapolis: Hackett Publishing, [1789] 2003), 111.

[9] "Decree upon the National Assembly," in *The Communist Manifesto and Other Revolutionary Writings*, ed. Bob Blaisdell (Mineola: Dover Publications, [1789] 2003), 76.

[10] Maximilien Robespierre, "Dedication to Jean-Jacques Rousseau," cited in Carol Blum, *Rousseau and the Republic of Virtue: The Language of Politics in the French Revolution* (Ithaca: Cornell University Press, 1986), 156.

Revolution, Benjamin Constant would blame the "despotism of the so-called general will."[11] After the First World War, John Dewey traced the origins of the conflict to Rousseau's "overruling 'general will" coming "under the influence of German metaphysics."[12] Toward the close of the Second World War, Bertrand Russell explained that the "doctrine of the general will [has] made possible the mystic identification of a leader with his people."[13] Karl Popper referred to the general will as "one of the most pernicious influences in the history of social philosophy."[14] Isaiah Berlin linked it to the Jacobins, Hitler, Mussolini, and the Communists."[15] And Jacob Talmon saw it as the wellspring of what he called "totalitarian democracy."[16]

That the general will has had a profound influence should be clear. But any idea that can claim as its adherents both Rawls and Robespierre should, I think, raise our suspicions. The central aim of this chapter, then, is to figure out the status of Rousseau's general will as solution to the puzzle of liberal solidarity and an answer to Schmitt's challenge. Is it an indispensable feature of secular solidarity, providing a rational foundation for our commitment and motivation? Or is it a dangerous myth, a concept whose ultimate incoherence allows it to be exploited by tyrants and dictators? Does it offer a fully rational way of filling in liberalism's solidarity deficit, both honoring the individual and securing solidarity? Or does it, as its critics suggest, succumb to a form of unreason every bit as dangerous as Schmitt's "political"?

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[11] Benjamin Constant, *Principles of Politics Applicable to All Governments*, ed. Etienne Hofmann (Indianapolis: Liberty Fund, [1815] 2003), 386.

[12] John Dewey, "The Public and its Problems," in *The Later Works, Vol. 2* (Carbondale: Southern Illinois University Press, [1927] 1988), 269.

[13] Bertrand Russell, *A History of Western Philosophy* (New York: Simon and Schuster, [1945] 1972), 700.

[14] Karl Popper, *The Open Society and Its Enemies*, vol. 1: *The Spell of Plato* (Princeton: Princeton University Press, [1945] 1971), 257 note.

[15] Isaiah Berlin, *Freedom and Its Betrayal: Six Enemies of Human Liberty* (Princeton: Princeton University Press, [1952] 2002), 47-9.

[16] Jacob Talmon, *The Origins of Totalitarian Democracy* (New York: W. W. Norton, 1970), 43.

In answering, my inquiry is organized around two central questions. First, what function does the general will perform for Rousseau's political theory? And, second, is it actually able to perform this function?

There is one critical obstacle to answering these questions, however: Rousseau himself never actually defines the general will. This is not, to be sure, because he was averse to definitions. Rousseau carefully explains many of his most important moral concepts, including *amour propre*, *amour de soi même*, pity, goodness, and virtue, as well as many of his political terms, like "citizen," "state," "tyranny," and "despotism." About the details of the general will, however, he leaves us in the dark. And this has created a challenge for interpreters, many of whom have struggled to make sense of the concept's seemingly paradoxical uses. One of the things I aim to do in this chapter, therefore, is to offer a new approach to the concept. For the general will is not only a metaphor, but a metaphor of a special kind: a political theology.

Rousseau is strongly committed to both collective unity and moral freedom. He sought to both secure solidarity and honor the individual. He thus proposes a political theory, modeled on a religious one, designed to reconcile these two values. But when one key aspect of his theological template fails to find an adequate political analogue, the entire extended metaphor, and the system it supports, falls apart. In the gap between the image of the general will and the reality of its function, his political theology fails. For we find that in Rousseau the state's general will not only leans on the idea of God's general will for its *analogical power* and *problem-solving ability*; it ends up being *logically dependent* on it. It contains a religious remainder that entirely undercuts its utility as a secularized concept. We are thus left with a theory that does the opposite of honoring the individual: it practically obliterates her critical

faculties, particularity, moral responsibility, and ability to decide about her own affairs. It fails as an answer to the puzzle of liberal solidarity and an answer to Schmitt's challenge.

Rousseau's political theory can be divided into three parts: First, an institutional program designed to secure solidarity, based on a model of human psychology and social behavior; second, a philosophy of individual moral free will and its ramifications for political legitimacy; and finally, a normative political theory for reconciling the institutional program for solidarity with humanity's moral freedom via the concept of the general will. The general will's principal function for Rousseau is thus to morally justify his practical program for solidarity. It is to square his techniques for securing solidarity with the priority that he places on honoring the individual.

In the first third of the chapter, I examine Rousseau's account of the causes of social pathology and his program for solidarity. According to Rousseau, selfishness, antagonism, and interpersonal domination originate in a historically contingent feature of our psyche: a disjuncture between our needs and our ability to fulfill them. A primary aim of his political program, therefore, is to close this disjuncture, to provide us with the experience of having our needs met or properly channeled. This psychological balance reflects the liberal value that I have referred to as *diminishing dependence*.[17] In addition to his negative aim of diminishing dependence and preventing social pathology, Rousseau also has a positive aim of securing solidarity: galvanizing citizens to self-transcendence, sacrifice, and concern for the welfare of others. To achieve both diminish dependence and secure solidarity in collective life, Rousseau forges a "common self" out of the citizens of the polity: he collapses the distinction between

[17] Rousseau is sometimes associated with the republican resurgence in political theory and its attending concept of freedom as "non-domination." While there is no question that Rousseau aims to combat interpersonal domination, his target is not domination per se but its underlying cause: dependence, on both the esteem and will of others.

ethics and politics, imposes public religious worship, aestheticizes civic life, and naturalizes the laws. Taken together, these measures unify our needs, diminish our desire to dominate, inspire our public concern, and so secure solidarity.

In the next third of the chapter, I examine Rousseau's philosophy of free will and its implications for his political theory. Against some traditional readers skeptical of Rousseau's belief in moral freedom, I argue that his fierce commitment to the concept becomes plain when set against the opposing position found in Hobbes and his eighteenth-century French followers. Moreover, I show that Rousseau saw the need to honor the individual and her free will as a indispensible criterion not only for moral life, but democratic legitimacy. This gives rise to a problem, however: For a polity to be legitimate, according to Rousseau, it respect honor humanity's moral freedom. Yet the restrictive institutions that he proposes for cultivating solidarity seemingly violate our free will. I call this the problem of democratic solidarity.

Thus in the chapter's final third, I turn to Rousseau's theory to reconcile honoring the individual with securing solidarity centered around the concept of the general will. After examining and rejecting three extant interpretations of the general will, I introduce my own, what I refer to as Rousseau's political theology. Rousseau, I show, develops the idea of the general will by secularizing into politics three concepts from the theologian Nicolas Malebranche: divine occasionalism becomes the act of voting; the "general will of God" becomes the "general will of the citizen"; and "the good of humanity" becomes "the good of the state." By bifurcating human free will into corporate and individual components, the general will thus seems to unravel the problem of democratic solidarity. It allows the state to use its coercive authority to secure social unity even when it appears to violate the individual moral freedom of its members. Yet this apparently seamless solution actually conceals a fissure. In its role as a theological concept, the

general will rests on a certain model of divine agency. But no comparable form of agency can originate from the body politic's "collective self." The result is a logical dependency on religious ideas and the failure of Rousseau's political theology as an answer to the puzzle of liberal solidarity and a response to Schmitt's challenge.

Rousseau, I conclude, did not intend the general will to enable popular tyranny, as readers like Talmon have argued. Even so, the concept's ambiguity—and ultimate incoherence—did invite its abuse by ideologues who had such despotic and totalitarian aims. A careful study of his thought should therefore serve as a warning. Rousseau's promise to deliver on both solidarity and freedom without relying on conventional norms, like those of traditional Christianity, has led a number of more recent scholars to turn to his thought as they craft their own interventions in democratic theory.[18] There is no question that he offers important insights into social harmony. His aim of diminishing dependence is one that all liberals should share. His portrait of the dynamics that give rise to interpersonal domination, written during a period that bore witness to the decline of traditional social structures and the birth of market society, is even more pertinent today as our egoistic culture has only intensified.[19] Even so, I think that we should hesitate before looking to his political program for guidance. Rousseau believes that by changing how we conceive of ourselves in thought we can change how we organize our lives in

[18] See for example Maurizio Viroli, *Jean-Jacques Rousseau and the 'Well-Ordered* Society' (Cambridge: Cambridge University Press, 1988); Jean-Fabien Spitz, *La liberte politique: Essai de genealogie conceptuelle* (Paris: Presses universitaires de France, 1995); David James, *Rousseau and German Idealism* (Cambridge: Cambridge University Press, 2013), 3-7.

[19] As Keith Michael Baker has shown, the concepts of "society" and the "social" were in many respects invented during the Enlightenment in order to account for new forms of interpersonal power and domination precipitated by the emergence of market society. He cites in particular Denis Diderot's *Encyclopédie*, which claimed (falsely) to have introduced the term "social," as well as Claude Buffier's *Traité de la société civile*, which argued that relations of asymmetrical power and status are justified for their role in leading to the prosperity and felicity of society as a whole. In this sense, the very idea of "society" was from the beginning linked to inequality. The important question for many thinkers of the time, including Rousseau, was therefore how social solidarity could be possible under conditions of inequality. "Enlightenment and the institution of society: notes for a conceptual history," in *Civil Society: History and Possibilities*, eds. Sudipta Kaviraj and Sunil Khilnani (Cambridge: Cambridge University Press, 2001), 84-104.

fact. To paraphrase Shklar, he thinks that a change in metaphor can effect a change in society. He is mistaken. The change is illusory. But the illusion itself is dangerous. Stated simply, what Rousseau intended as a metaphor instead became a myth. And as a myth, it should be rejected as a model for liberal-democratic solidarity.

NATURE, NEED, AND THE PSYCHOLOGY OF HUMAN DEPENDENCE

Rousseau's program for securing solidarity is based on his analysis of the psychological dynamics that produce dependence, fuel social pathology, and undercut collective harmony. In this section and the one after, I elucidate Rousseau's portrait of these dynamics, identifying their causes and detailing their consequences. Doing so not only allows us to conceptualize Rousseau's own response to the puzzle of liberal solidarity and Schmitt's challenge; it also helps us to better understand why diminishing dependence should be a priority for liberal solidarity more generally.

Rousseau's diagnosis is based on the argument for which he might be best known: that the human being is "naturally good."[20] Goodness is moral category, and we might intuitively think of a good person as one who is able to act virtuously even under challenging circumstances. Rousseau, by contrast, is careful to define the term not in a positive but in a neutral moral sense.[21] Rather than capturing the ability of a person to overcome a built-in inclination toward evil, goodness refers to a condition of psychological equilibrium, a state of

[20] Jean-Jacques Rousseau, "Discourse on the Origin and Foundations of Inequality Among Men *or* Second Discourse," in *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, [1754] 2010), 197. Hereafter "*SD*."

[21] See for example *E*, 67. See also Allan Bloom's "Introduction" in his translation of *Emile*, 14. Rousseau explicitly contrasts "goodness" with a different concept, "virtue," and assigns to the latter a positive moral connotation. *E* 193, 444-5.

perfect balance between one's needs and one's ability to satisfy them.[22] If a person's needs are met, she will be happy and have no reason to seek conflict with others.[23] Thus in contrast to theorists like Machiavelli and Nietzsche, who regard a certain subset of individuals—"the great," "birds of prey"—as born social predators, Rousseau regards all human beings as naturally peaceful.[24] And in contrast to Hobbes, who sees the drive for vainglory and domination as a basic facet of human psychology, Rousseau understands craving for power, too, as historically

[22] Throughout his works, Rousseau refers to this condition of mental equipoise as our "natural" or "original" state. See for example *SD*, 113, 124, 153-5, 186-7, 197; *E*, 39-40, 177, 205, 212-3, 223, 445. See also Rousseau's "Essay on the Origin of Languages," in *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, [1754] 2010), 268; and *Julie, or the New Heloise*, trans. and ed. Philip Stewart and Jean Vaché (Hanover: Dartmouth College Press [1761] 1997), 47-8, 185. Hereafter "*J*". And he makes clear in myriad places that he uses the term "nature" not to provide a blueprint for "returning" to a pristine primitive condition, but rather to endow this psychological harmony with normative value: "What, then? Must Societies be destroyed, thine and mine annihilated, and men return to live in forests with the Bears? A conclusion in the style of my adversaries, which I would rather anticipate than leave them the shame of drawing it." *SD*, 203. See also *J* 15 and 21. By arguing that Rousseau regards arriving at such a state of diminished dependence as normatively important, I am in effect contesting a number of scholars who deny that Rousseau valorizes nature in political life. By this reading, even though Rousseau portrays nature in a positive light in a number of his works, including *Julie*, the *Second Discourse*, and *Emile*, he envisions no role for it in the *Social Contract*, where social order is based solely on humanly created norms. See for example Skhlar 1969, 38; Pierre Manent, *An Intellectual History of Liberalism*, trans. Rebecca Balinski (Princeton: Princeton University Press, [1987] 1994), 78; J. B. Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy* (Cambridge: Cambridge University Press, 1998), 473; Andrez Rapaczynski, *Nature and Politics: Liberalism in the Philosophies of Hobbes, Locke, and Rousseau* (Ithaca: Cornell University Press, 1987), 277-8; Lester Crocker, *Rousseau's Social Contract: An Interpretive Essay* (Cleveland: Press of Case Western Reserve University, 1968), 91; Marc Plattner, *Rousseau's State of Nature: An Interpretation of the Discourse on Inequality* (Dekalb: Northern Illinois University Press, 1979), 110; Asher Horowitz, *Rousseau, Nature, and History* (Toronto: University of Toronto Press, 1987), 81; Laurence Cooper, *Rousseau, Nature, and the Problem of the Good Life* (University Park: Pennsylvania State University Press, 1999), 48-50. Arthur Melzer has also argued that the idea of "natural goodness," while important for Rousseau, plays no role in the *Social Contract*, which instead relies on a Hobbesian psychology of self-preservation. *The Natural Goodness of Man: On the System of Rousseau's Thought* (Chicago: University of Chicago Press, 1990), 115. For the origins of this view, see Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, [1953] 1965), 266-74, cf. Ioannis D. Evrigenis, *Fear of Enemies and Collective Action* (Cambridge: Cambridge University Press, 2008), 131-4. For a contrasting view, see Joshua Cohen, who argues that Rousseau's political state only makes sense on the assumption that human beings are naturally good. Cohen 2010, 127-130.

[23] "Any man who only wanted to live would live happily," Rousseau writes in *Emile*. "Consequently he would live as a good man, for what advantage would there be for him in being wicked?" *E*, 81-2.

[24] Niccolò Machiavelli, *Discourses on Livy*, trans. Harvey C. Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, [1531] 1998), I.4; Friedrich Nietzsche, "On the Genealogy of Morals," in *Basic Writings of Nietzsche*, trans. Walter Kaufmann (New York: The Modern Library, [1887] 2000), 1.13.

contingent, "unnatural," and potentially eliminable.[25] Were our psyche properly balanced, we would be happy and self-sufficient. Our motives for cruelty would melt away.

By the same token, Rousseau argues that the reason why the advanced European civilizations of his own day so often fail to produce good people is because their inhabitants experience a wide disjuncture between need and satisfaction.[26] The cause of this disjuncture is twofold. On the one hand, historical developments have made it more difficult for human beings, acting as individuals, to realize their needs. In his stylized account of the origins of human society, Rousseau explains this to be a consequence of the advent of the division of labor. Outside of society, people acquire what they need solely by their own power. Upon entering society, however, they begin to distribute tasks among different members. Each person becomes a specialist in her respective area of work and loses her capacity for other forms of labor. Lacking the ability to independently procure her own needs, such a person enters a condition of dependence. She becomes trapped, bound to other people, reliant upon them for her survival.[27]

On the other hand, existence in society not only deprives individuals of the tools with which to independently meet their needs; it also greatly expands those needs. And the most significant of our needs, according to Rousseau, becomes society itself. Rousseau, against not only Aristotle but also modern thinkers like Hugo Grotius and Denis Diderot, rejects the idea that

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[25] Hobbes [1642] 2007), *op. cit*., 1.4, p. 26; *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, [1651] 1996), 1.11, p. 70.

[26] Rousseau blames this on our no longer living "according to nature." *SD*, 142, 151, 157, 179, 186-8, 198-200; *E*, 85; *J*, 438. See also the "Preface" to his play *Narcissus*, in *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, [1752] 2010), 101 note, hereafter "*PN*"; and his "Letter to d'Alembert on the Theater," in *Letter to d'Alembert and Writings for the Theater*, ed. and trans. Allan Bloom, Charles Butterworth, and Christopher Kelly (Hanover: Dartmouth College Press, [1758] 2004), 295, hereafter "*LD*."

[27] *SD*, 151, 159, 165, 167. In a number of places, Rousseau refers to this condition as "weakness," and connects it with subversion of both goodness and freedom: "All wickedness comes from weakness. The child is wicked only because he is weak. Make him strong; he will be good. He who could do everything would never do harm." *E*, 67. Cf. *SD*, 151.

human beings naturally seek out the company and companionship of others.[28] Like Hobbes, he insists instead that our "sociability" be understood as a later, and artificial, construct.[29] He disagrees with Hobbes, however, about the causes of this sociability. In *De Cive,* Hobbes argues that persons seek out the company of others for only two reasons: utility or glory.[30] He thus regards not only the fear of death, but the desire for the positive judgment of others, as an integral part of the human psyche.[31] Samuel de Sorbière, who translated Hobbes' work into French, rendered both of these tendencies as "*amour-propre*," that is, "self-love."[32] Rousseau, reading and responding to Hobbes, appropriated the term for his own purposes, but believed that it was critical to separate these two features of human psychology. While he agrees that individuals naturally desire self-preservation, a quality he refers to as "*amour de soi-même*," he insists they only come to desire the esteem of others, what he designates with the term *amour propre*, in society.[33] "Hobbes' error," as he refers to it in an unpublished portion of the *Social*

[28] For more on Rousseau's rejection of natural sociability, see Ernst Cassirer's classic analysis, *Rousseau, Kant, and Goethe*, trans. James Gutmann, Paul Oskar Kristeller, and John Herman Randall, Jr. (New York: Harper & Row, [1945] 1963), 28.

[29] *SD*, 149. Richard Tuck refers to this as the "Hobbesianism of Rousseau." *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford: Oxford University Press, 1999), 197-207.

[30] Hobbes [1642] 2007, 1.2, p. 24.

[31] Hobbes [1642] 2007, 1.2-3, pp. 22-6; [1651] 1996, 1.12, p. 76 and 1.13, p. 90.

[32] Thomas Hobbes, *Le citoyen ou les fondements de la politique*, trans. Samuel de Sorbière (Paris: Flammarion, [1642] 1647), 1.2.

[33] Rousseau explains this distinction in a footnote to his *Second Discourse*: "*Amour propre* [vanity] and *Amour de soi-même* [self-love], two very different passions in their nature and their effects, should not be confused. Self-love is a natural sentiment which inclines every animal to attend to its self-preservation and which, guided in man by reason and modified by pity, produces humanity and virtue. *Amour propre* is only a relative sentiment, factitious, and borne in society, which inclines every individual to set greater store by himself than by anyone else, inspires men with all the evils they do one another, and is the genuine source of honor. This being clearly understood, I say that in our primitive state, in the genuine state of nature, *Amour propre* does not exist." *SD*, 218, note XV. Rousseau offers a slightly different psychological portrait of *amour propre* in *Emile*. Whereas in the *Second Discourse amour propre* and *amour de soi-même* are distinct faculties, in *Emile* the former is a kind of extension of the latter that only arises in conditions of interpersonal dependence. See *E*, 92.

Contract known as the "Geneva Manuscript," was to ascribe to the state of nature pathologies that accrued in society.[34] Had Hobbes adequately understood the origins of our desire for esteem, he would have shared his assessment of the human being's natural goodness.[35]

Our desire for esteem turns society into "need," according to Rousseau, because of an inevitable consequence of our proximity to other people: interpersonal comparison. As isolated individuals, we lack the capacity, let alone impetus, to evaluate our own abilities relative to others. In society, by contrast, we naturally compare how different people perform in diverse areas, both productive (e.g. farming) and unproductive (e.g. dancing).[36] One reason for this is pragmatic: If some are better fitted for certain tasks, it is more efficient and productive for society as a whole to assign them to those tasks. A more important reason is psychological. An individual raised apart from others would lack a certain sense of self-awareness. Never encountering people, the "only spectator to observe himself," he would be without the ability to adopt an external perspective on his actions.[37] This changes in society. Exposed to the evaluative gaze of others, a human being comes to intuit how his actions appear in their eyes, exchanging his first-person perspective for a third-person one.[38] He learns what the sociologist

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[34] "From the early version of the Social Contract known as the Geneva Manuscript," in *The Social Contract and Other Later Political* Writings, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, 2010), I.2.17. See also *SD*, 132.

[35] "[Hobbes] drew all his arguments from the constitution of Civil man: if he had gone back to Natural man, it is likely that he would have reached very different results, that he would have noticed that man suffers scarcely any evils but those he has brought on himself, and that Nature would have been justified." *SD*, 197.

[36] In Rousseau's famous description of the origins of interpersonal comparison, he notes the use of comparison for evaluating others' facility at performing both laborious tasks and purely social activities: "It became customary to gather in front of the Huts or around a large Tree: song and dance, true children of love and leisure, became the amusement or rather the occupation of idle men and women gathered together. Everyone began to look at everyone else and to wish to be looked at himself, and public esteem acquired a price. The one who sang or danced best; the handsomest, the strongest, the most skillful, or the most eloquent came to be the most highly regarded." *SD*, 166.

[37] *SD*, 218.

[38] *SD*, 187-8. See also *LD*, 263-4.

Erving Goffman, in his classic study of everyday self-presentation, called the "arts of impression management": the ability to sway others by attuning one's public appearance to their needs and expectations.[39] But although mastering these arts seems advantageous, Rousseau emphasizes that they come with a curse. Once we develop a taste for being evaluated, our sense of worth becomes irrevocably tied to this evaluation. Our self-esteem, previously determined internally, becomes the product of external forces, of our relative social status.[40] Because our evaluation and status can come only from other people, we come to be dependent on their company to satisfy our desire for esteem. And in this way, society itself becomes a need.

Interpersonal Dependence and its Threat to Solidarity

According to Rousseau, two psychological faculties play a special role in pathologizing our dependence and so undermining solidarity: the imagination, referring specifically to our ability to visualize ourselves in different societal roles and strata; and the passions, our social emotions.

The imagination, by alerting us to the malleability of the social world, intensifies our dependence on social judgment. Interpersonal comparison alone is not sufficient to turn esteem into a need. The capacity to compare precedes society; even Rousseau's solitary "natural" man would be able to juxtapose his circumstances to that of objects in his world—to animals, plants, and his surrounding environment. Yet no sane individual would ever feel envious of birds for

[39] As Goffman writes: "Let us now turn to the point of view of the individual who presents himself before [an audience of other people]. He may wish them to think highly of him, or to think that he thinks highly of them, or to perceive how in fact he feels toward them, or to obtain no clear-cut impression; he may wish to ensure sufficient harmony so that the interaction can be sustained, or to defraud, get rid of, confuse, mislead, antagonize, or insult them. Regardless of the particular objective which the individual has in mind and of his motive for having this objective, it will be in his interests to control the conduct of others, especially their responsive treatment of him." *The Presentation of Self in Everyday Life* (New York: Doubleday Anchor Books, 1959), 3.

[40] *SD*, 187-8; *LD*, 300; *J*, 69, 125.

their flight, or trees for their photosynthesis, or mountains for their longevity. The reason is simple: A person would never realistically imagine that he could occupy their place. Our position in the natural order is fixed and immutable, beyond our control. While we often imitate natural phenomena—developing airplanes, solar panels, and medicines, for example—we never imagine that we could actually *be* those phenomena.[41] Not so our position in the social order. Unlike nature, society is the product of contingent historical developments and human choices. Its structure lacks the rigidity of natural laws. Thus if *comparing* allows us to hypothetically juxtapose our identity with that of others, *imagining* grants us the ability to see ourselves as actually occupying their position. Our imagination permits the otherwise inconceivable—changing our status, transforming our condition—to appear possible.

In addition to the imagination, dependence also arises because of a further element: the passions.[42] Rousseau describes the toxic effect of mixing emotion and imagination through a Biblical motif, likening their combined effect to humanity's loss of innocence:

> The immediate power of the senses is weak and limited; it is through the intermediary of the imagination that they make their greatest ravages; it is the business of the imagination to irritate the desires in lending to their objects even more attractions than nature gave them; it is the imagination which scandalizes the eye in revealing to it what it sees not only as naked but as something that ought to be clothed.[43]

It is the imagination that imbues the world, and difference, with a moral tinge. It alerts us to the fact that our lower position vis-à-vis others is contingent and artificial, a human construct. Now enter the passions. A non-social animal might compare herself to others; she might even imagine

[41] There is a long tradition in aesthetic theory, stretching from Plato through Montaigne, Vasari, and beyond, of understanding human creativity as mimetic, rooted in our imitation of nature. See M. H. Abrams, *The Mirror and the Lamp: Romantic Theory and the Critical Tradition* (Oxford: Oxford University Press, 1953), especially 30-46.

[42] "It is the errors of imagination," Rousseau writes, "which transform into vices the passions of all limited beings." *E*, 219.

[43] *LD*, 350.

herself in their position; but lacking a passion for esteem, she would see their position neither as valuable nor desirable. The constructed nature of her "lower" status would not matter, because status itself would be irrelevant to her. But as Rousseau notes, "the passions we share seduce us."[44] As social animals, we have in common a desire for status and are keenly aware of our relative position. Thus the artificiality of social distinction appears not only as unfortunate but as unjust. We interpret it as a moral wrong. Comparing ourselves to others and craving honor, we experience our perceived inferiority as a humiliation, and the recovery of our status as a burning compulsion. Like Adam and Eve after the Fall, we see a need where one previously did not exist; our sense of being falsely perceived as inferior becomes for us a source of shame, a "nakedness" in need of covering. We become fanatics in the cause of righting our personal injustice. And in this way, we deepen our dependence, binding ourselves to the people and social mores that we believe will return us to our rightful position and restore our pride.

Our dependence on esteem produces three social and political pathologies harmful to our solidarity.

First, on an interpersonal level, it ensures that the realization of our own interests can only come at the expense of our fellows. The problem, simply put, is that esteem is a scarce resource. Because social status is relative, the aggrandizement of a subset of the populace necessarily entails the diminishment of another subset. This would not present a dilemma as long as people acceded to their comparatively lower stature, living, in Marx's famous term, in conditions of "false consciousness." But in the society Rousseau uses as his template, one witnessing the end of feudal structures and a new egalitarian ethos—and certainly in our own—it poses a major challenge. Esteem, in such circumstances, has become much more of a universal need. Fulfilling our own needs requires denying others the ability to fulfill their own. And this

[44] *E*, 244.

makes us anti-social, pitting us against our neighbors and actively undermining their projects and ambitions.[45]

Second, on a political level, our dependence on positive social judgment exacerbates the disjuncture between our own perceived interests and our perception of the interests of the polity as a whole. Instead of directing our thoughts toward the common good, and directing our energies toward its realization, we think about and work for ourselves above all.[46] By encouraging selfishness, the hunger for esteem thus undermines unity, stymies collective projects, and denudes everyday relations of affection and self-sacrifice.[47]

Our dependence on esteem also gives rise to a third, deeply harmful force: interpersonal domination. In society we cannot satisfy our needs by our own power. Nonetheless, a solution presents itself: Perhaps we can do so with the help of other people. And to ensure that these others serve us rather than themselves, we endeavor to keep them as much as possible under our control. This is the thinking underlying the desire to dominate: If we enlist a sufficient number of others, and control them thoroughly enough, we will finally have what it takes to be able to free ourselves of dependence. Though we are individually weak, this thinking goes, we can be socially strong.

Counter-intuitively, Rousseau's most powerful illustration of this psychological dynamic is his depiction, in *Emile*, of a child's tears:

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[45] *SD*, 198-200. As Rousseau writes in a famous passage from the *Second Discourse*, "Consuming ambition, the ardent desire to raise one's relative fortune...instills in all men a black inclination to harm one another, a secret jealously....In a word, competition and rivalry on the one hand, conflict of interests on the other, and always the hidden desire to profit at another's expense." SD, 170-1.

[46] *PN*, 99.

[47] Rousseau explicitly rejects the idea, associated in his time with Bernard Mandeville and Adam Ferguson in particular, that "private vices" translate on a social scale into "public virtues." "What a wonderful thing," Rousseau remarks sarcastically, in the preface to his play *Narcissus*, "to have put men in a position where they can only live together by obstructing, supplanting, deceiving, betraying, destroying one another! From now on we must take care never to let ourselves be seen as we are: because for every two men whose interests coincide, perhaps a hundred thousand oppose them, and the only way to succeed is either to deceive or to ruin all those people." *PN*, 100.

> The first tears of children are prayers. If one is not careful, they soon become orders. Children begin by getting themselves assisted; they end by getting themselves served. Thus from their own weaknesses, which is in the first place the source of the feeling of their dependence, is subsequently borne the idea of empire and dominion.[48]

A child's tears are initially a raw expression of basic needs gone unfulfilled. Capable neither of vocalizing her privations, nor, certainly, of remedying them, the child calls for the attention of her parent. Over time, however, the child learns that the parent responds not only to tears of urgent physical need, but to all tears. And therefore tears become for her a tool, a means by which to turn those around her into "instruments...to be set in motion...to follow their inclination and to supplement their own weakness."[49] In this way, children's tears are for Rousseau both the germ of our desire to dominate and a parable for society writ large. "From these tears," he writes, "is born man's first relation to all that surrounds him; here is formed the first link in that long chain of which the social order is formed."[50] Our transformation into "difficult, tyrannical, imperious, [and] wicked" beings, Rousseau thus emphasizes, "does not come from a natural spirit of domination." It arises instead from the experience of "how pleasant it is to act with the hands of others and to need only to stir one's tongue to make the universe move."[51] The social analogue to children's tears are status and power. And the social analogue to parental assistance is popular servitude.

These dynamics of dependence produce a dire cumulative effect: For the individual, the diminution of happiness, mental equilibrium, and self-sufficiency; for society as a whole, the undermining of interpersonal affection, attachment, and solidarity. As the divide between our

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[48] *E*, 66.

[49] *E*, 68.

[50] *E*, 65.

[51] *E*, 68.

needs and ability to satisfy them grows, we grow despondent. As our hunger for esteem transforms society into an ever-expanding need, we grow dependent. And as we come to recognize that we can make use of others to satisfy our needs, we grow fanatical, cruel, despotic, and tyrannical. Like the effect of tears on parents, prestige is a tool that can be used to command and influence others. And like the effect of tears on children, domination becomes easier, and more pleasurable, the more we take part in it. Having experienced the "pleasure of dominating"—its utility for fulfilling our needs, its flattering of our *amour propre*—we want to do it more.[52] We become, as Rousseau declares with a rhetorical flourish, like "ravenous wolves which once they have tasted human flesh scorn all other food, and from then on want to devour only men."[53] One of the reasons that people are willing to put up with being oppressed and dominated, Rousseau notes, is because of the hope that they themselves will one day have the opportunity to oppress and dominate.[54] It matters little that the promise of freedom held by domination is in fact a fantasy. As Hegel will later point out in his famous chapter on "*Herrschaft und Knechtschaft*," commonly referred to as the "master-slave dialectic," there is an irony to domination: Those who seek to dominate do so because it promises to free them from dependence on others; but because their status and power depend on the judgment of those they dominate, in practice they become more dependent.[55] Rousseau's frame of reference for interpersonal dependence is the *Ancien Régime*, where to be "free" was defined as the ability to

[52] *SD*, 171. In *Emile*, Rousseau puts the psychological dynamic this way: "But the desire to command is not extinguished with the need that gave birth to it. Dominion awakens and flatters *amour-propre*, and habit strengthens it. Thus whim [*fantaisie*] succeeds need; thus, prejudices and opinion their first roots." *E*, 68.

[53] *SD*, 171, cf. *E*, 228.

[54] *SD*, 183, cf. *E*, 87. Rousseau also stresses this idea in his famous opening to the *Social Contract*: "Man is born free, and everywhere he is in chains. One believes himself the others' master, and yet is more a slave than they." "Of the Social Contract," *op. cit*., 1.1.1. Hereafter "*SC*."

[55] I discuss this idea at greater length in chapter five in the context of Emmanuel Levinas' critique of Hegel.

lord over another. But it should be clear that his diagnosis is equally applicable to conditions of a modern market society.

DIMINISHING DEPENDENCE

Social pathologies fester and solidarity is undermined when a gap arises between our needs and our ability to fulfill them. Curing these pathologies thus requires closing this gap. And if we live in society, this gap has one source above all: our dependence on others' esteem. As long as we have a passion for esteem and imagine that we can advance our social status, we remain governed by the judgment of others. And as we work to secure this judgment, we risk becoming selfish, antisocial, and domineering. We undermine social harmony. Liberating us from our dependence on esteem is therefore a critical priority for Rousseau's theory of solidarity. At the same time, dependence on another's esteem is only a psychologically more complex version of another, more basic form: dependence on another's will. Rousseau is thus equally determined to eliminate our experience of arbitrary authority. "The truly free man," he writes, "wants only what he can do and does what he pleases. That is my fundamental maxim....Whoever does what he wants is happy if he is self-sufficient." As noted in the introduction, I refer to this aspiration for liberal solidarity as *diminishing dependence*.[56]

[56] Diminishing dependence for Rousseau has two aspects: material self-sufficiency and psychological self-sufficiency. While the former is not unimportant for Rousseau, he sees its realization as secondary to, and largely reliant upon, the latter, which is my focus here. *E*, 84-5. For the human being in her abstract or "natural" condition, according to Rousseau, to be materially self-sufficient is to have what one needs in the realm of shelter, nourishment, and sexual gratification. *SD*, 134, 161. For the human being in society, material needs are more complex, as the experience of what one physically requires is itself partly determined by social forces and expectations. *SD*, 161, 170-1; *E*, 214. Because of the hypothetical quality of our natural condition, Rousseau focuses much more on our latter, socially-embedded state, searching out examples of how to minimize, rather than eliminate, the growth of new needs. Thus in his "Letter to d'Alembert," he speaks admiringly about the villagers of Neufchatel, Normandy, distinguished by both the simplicity of their needs and their ability to attain them independently of others. *LD*, 295. In *Julie*, we learn that a sure sign of a master's happiness is not "gilt panelling, luxury, and magnificence," but "plenty without profusion." *J*, 383. And in *Emile*, the lone book our young protagonist receives during his upbringing is *Robinson Crusoe*, with its model of rugged self-sufficiency. *E*, 184-7. Rousseau, neither a trained philosopher nor an especially systematic writer, does not consistently speak as I do of

To diminish our dependence on social judgment, Rousseau's main strategy is to remove our passion for it. The passions arise because of our need for esteem. One potential answer, therefore, would be to satisfy that need. Yet this response falls short for at least two reasons. First, because our need for esteem arises in the imagination, it is effectively infinite. It is impossible to realize fully. And trying to do so only whets our appetite, further fomenting our passions.[57] Second, even if need for esteem could somehow be realized, it could be so only by some subset of the population. Prestige is a relative and scarce resource; it can be held by some if and only if it is not held by others.[58]

If our needs cannot be fulfilled, however, perhaps they can be reduced. The need for esteem propagates because we imagine that we can improve our social status. Thus Rousseau's approach for mollifying the passions focuses on this faculty above all. His aim, in short, is to constrict the imagination. "The real [physical] world has its limits," he writes, "the imaginary [social] world is infinite. Unable to enlarge the one, let us restrict the other, for it is from the difference between the two alone that are born all the pains which make us truly unhappy."[59]

Rousseau's approach to contracting the imagination stresses one aspect of our psychology in particular: our experience of natural necessity. If our imagination expands because of our impression of social contingency, contracting the imagination should be possible

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"diminishing dependence," though he does very frequently equate freedom with both self-sufficiency and the absence of dependence on others. See for example *SD*, 151, 159; *PN*, 100; *E*, 66, 85.

[57] *SD*, 171; *E*, 228. Thus the problem with the contemporary approach to education, Rousseau argues, is that by granting children everything that they want, it suggests to them that their desires will never be frustrated, thereby setting them up for later misery: "I saw that if I meant to satisfy all his whims, they would grow with my indulgence, that there would always be a point where I would have to halt, and where the refusal would be all the more painful to him for his being less used to it." *J*, 468.

[58] *PN*, 100.

[59] *E*, 81.

by reinstating the experience of necessity. He explains this by contrasting the different ways that we experience dependence, natural and social:

> There are two sorts of dependence: dependence on things, which is from nature; dependence on men, which is from society. Dependence on things, since it has no morality, is in no way detrimental to freedom and engenders no vices. Dependence on men, since it is without order, engenders all the vices....If the laws of nations could, like those of nature, have an inflexibility that no human force could ever conquer, dependence on men would then become dependence on things again.[60]

The more that we experience our place in the social order as having the same immutability as our place in nature, the less of a passion we will have for esteem. Seeing our status as beyond our ability to change—depending on "alien causes which are no way in our power"—we will not feel confined by our relatively lower position.[61] Though we have a "natural inclination" to "resist a useless and arbitrary prohibition," Rousseau writes in his "Letter to Christophe de Beaumont," no such inclination obtains regarding nature.[62] We might experience resentment at not being a king; we experience no resentment at not being a bird. Although we remain bound to nature, we

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[60] *E*, 85.

[61] *E*, 80.

[62] "Letter to Beaumont," in *Letter to Beaumont, Letters Written from the Mountain, and Related Writings*, ed. Christopher Kelly and Eve Grace, trans. Christopher Kelly and Judith R. Bush (Hanover: Dartmouth College Press, [1763] 2013), 31 note. Hereafter "*LB*." Rousseau's proposal is based on the assumption that human beings will not ordinarily rebel against aspects of their world that they take to be necessary. In this he opposes Plato, who, citing the story of Achilles struggling against a river, argues in the *Republic* that people sometimes do rebel against necessity. *Republic*, trans. Allan Bloom (New York: Basic Books, 1991), 391a-b. It is true that Rousseau acknowledges the possibility of such a recalcitrant attitude toward nature, offering as his own example the Persian emperor Xerxes: As recorded by Herodotus, Xerxes, in response to a storm destroying one of his bridges, ordered that the waters of the Hellespont receive three hundred lashes as punishment. Herodotus, *The History*, trans. David Grene (Chicago: University of Chicago Press, 1987), 7.35, p. 482. See *E*, 87-8, 213-4. Rousseau insists, however, that this kind of irrational obduracy is not an ingrained part of human psychology. It arises instead together with our desire to dominate, when we are taught no limits to our will. As he explains in *Emile*, "If [the child] is obeyed, as soon as something resists him, he sees in it a rebellion, an intention to resist him. He beats the chair or the table for having disobeyed him." *E*, 213. One way to explain Rousseau's departure from Plato on this point is as less a psychological point and than a reflection of a change in human perception regarding the workings of nature. Plato lived in an age in which most people experienced the world as in fact filled with wills—that is, the wills of the gods. Thus it would hardly be surprising that people would see natural phenomena, too, as potential antagonists. But in the newly Newtonian universe that Rousseau inhabited, nature was increasingly seen as a mute and deterministic mechanism. To rebel against it would be unthinkable.

will no longer feel subject to the human forces that appear to us as arbitrary, coercive, and parasitic on our independence.

Rousseau's proposal to reintroduce necessity reveals an important but unwritten feature of his approach to diminishing dependence: that dependence is a quality of our subjective experience, not our objective status. Put simply, for Rousseau we are unfree when we *feel* dependent; we are free when we *feel* self-sufficient.[63]

Rousseau stresses the phenomenological nature of dependence in a number of places, prominent among them in describing Emile's education. Two elements, he argues, enable Emile's freedom. To begin with, Emile should be permitted to will whatever he wants. His tutor should never correct, reprimand, or censure him.[64] Were he to do so, Emile would experience another human being as an impediment to his will. And because human beings naturally chafe at the authority of people, he would feel dependent and unfree.[65] But having an unconstrained will, Rousseau emphasizes, is not by itself sufficient for Emile's freedom. A second element is equally necessary: His ability to attain what he wills. Thus even if Emile can will what he wants unhindered by others, he will continue to feel unfree as long as he cannot realize the object of his will. In such a case, this object will stick in his psyche like a thorn. It will present itself to him

[63] A number of other commentators have pointed out that Rousseau seems to be more interested in the appearance of freedom than actual freedom. See for example John Charvet, *The Social Problem in the Philosophy of Rousseau* (Cambridge: Cambridge University Press, 1974), 59; Jean Starobinski, *Transparency and Obstruction*, trans. Author Goldhammer (Chicago: University of Chicago Press, 1988), 216; Diane Berrett Brown, "The Constraints of Liberty at the Scene of Instruction," in *Rousseau and Freedom*, ed. Christie McDonald and Stanley Hoffmann (Cambridge: Cambridge University Press, 2010), 161.

[64] Rousseau argues that punishment, too, must never appear to Emile as originating from the will of another human being. It should be perceived merely as a natural consequence of a bad act: "Punishment as punishment must never be inflected on children, but it should always happen to them as a natural consequence of their bad action." *E* 101.

[65] Rousseau argues that people naturally resent being controlled by human wills other than their own. He compares a person's natural relation to arbitrary authority to an "untamed Steed" who "bristles its mane, stamps the ground with its hoof, and struggles impetuously at the very sight of the bit." *SD* 177.

as an unrealized need. And in this gap between need and satisfaction he will come to feel dependent and so grow anti-social and domineering.

As Rousseau acknowledges, however, combining these two elements presents a puzzle. It is one thing to always will what one wants; it is quite another to always will what one wants *and* always attain what one wills. The latter seems impossible. It describes a condition associated with divine beings, not human ones. Or in Rousseau's terse formulation, referring to Emile, "Without being God, how will you content him?"[66] His answer relies on reintroducing natural necessity. The tutor, by making Emile's place in the social order appear fixed and beyond his control, can contract his imagination. Perceiving that he cannot change his status, Emile will not desire esteem. His entire outlook will shift. Instead of seeing himself as occupying a low rung of the social ladder, dependent on human agents for his advancement, he will interpret his status as determined by nature. "In place of social laws," Rousseau concludes, "we have bound him with the chains of necessity."[67] He describes Emile's changed disposition this way: "He will not say to himself, 'I have been refused,' but he will say, 'It was impossible.' And as I have already said, one hardly rebels against well-recognized necessity."[68]

Rousseau's concern is thus with Emile's inner feeling of freedom. His aim is that he experience a feeling of psychological non-dependence. He largely does not care *what* Emile wills, as long as he realizes the objects of his will. And, critically, he has no qualms that this can be accomplished only by drastically limiting what Emile can know about the world and dream of

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[66] *E*, 87, cf. 221.

[67] *E*, 187.

[68] *E*, 161. In a number of places, Rousseau links our experience of freedom to the psychological recognition of our lives as having a certain kind of fate. Thus in Julie, he advocates imposing on children the "heavy yoke of necessity" so that they will "learn early in what rank providence has placed" them (*J*, 469); and he concludes the preface to his *Second Discourse* with the following epigram: "Learn what the god ordered you to be, / And what your place is in the human world." *SD*, 128.

being. "Your greatest care," Rousseau instructs the tutor, "ought to be to keep away from your pupil's mind all notions of social relations which are not within his reach."[69] Nor does it worry Rousseau that his program is only possible through subterfuge. Indeed he emphasizes that in order for a child's education to be successful, his environment must be carefully, and secretly, curated by his tutor. Everything, then, depends on "seeming." Whether this felt, internal sense of non-dependence happens to correspond to any objective features of the world is unimportant: "Let him always believe he is the master, and let it always be you who are."[70] Plainly put, Rousseau argues that we can be entirely deceived about the nature of the universe and our place within it, and yet be completely non-dependent. In fact, the more that we know, the more likely we are to feel imaginative, covetous, dependent, and thus unfree. Knowledge, for the man of nature as for the man of Eden, is a "chain"; it precipitates a fall.[71]

To ensure Emile's happiness, Rousseau takes measures to diminish his experience of dependence. As I will now show, he does the same to ensure the polity's solidarity. But whereas Emile's non-dependence was achieved in social isolation, that of the citizen must be achieved in society. In such circumstances, it is not sufficient that a person refrains from tyrannizing her fellows. He must also fulfill the more positive criteria for securing solidarity. He must take an interest in the wellbeing of other people and have altruistic qualities. He must

[69] *E*, 185.

[70] *E*, 120. Tellingly, despite *Emile* ostensibly being about the education of independent human beings, it concludes with Emile, himself about to become a father, professing his complete dependence on his tutor: "Remain the master of the young masters. Advise us and govern us. We shall be docile. As long as I live, I shall need you. I need you more than ever now that my functions as a man begin." *E*, 480.

[71] *E*, 185.

be capable of transcending her ego and willing to make sacrifices for the public welfare. He must be not only a good person, but a good citizen.[72]

Securing solidarity raises three dilemmas for Rousseau. First, it is likely that we will sometimes distinguish between our own needs and those of the polity as a whole. But when we prioritize the former over the latter, we disrupt social unity. In what way, therefore, can we reorient our psychology to interpret the polity's needs as our own? Second, we often compete to realize the same needs, like esteem. If these needs can only be fulfilled at the expense of others, however, the result will be antagonism and domination. How then can our dependence on esteem be channeled toward socially beneficial ends? Finally, we may interpret the polity's needs cynically, as an exploitative mask for advancing the interests of a privileged person or group. When this happens, we will feel dependent on the will of other people, sapping our interest in the polity's welfare and causing us to bridle at its laws and institutions. Thus by what means can we experience the laws as reflecting not merely parochial human will, but having a deeper kind of legitimacy?

SECURING SOLIDARITY 1: CREATING A COMMON SELF

To answer his first dilemma and align our needs with those of the polity, Rousseau argues that citizens should share a "common self."[73] For Emile, cultivating the *feeling* of non-dependence entailed total dependence in *fact*. For the citizen, likewise, experiencing non-dependence requires an objective state of complete dependency. The dependency of a citizen is

[72] Rousseau's own term for this is "sociability." See *E*, 49; 87; *SC*, 4.8.32. However, Rousseau does sometimes use sociability to refer to simply to men in society, rather than in this more morally positive sense. See for example *SD*, 6.

[73] *SC*, 1.6.10.

not on a tutor, however, but on the polity itself. "Giving each Citizen to the Fatherland," Rousseau writes in the *Social Contract*, "guarantees him against all personal dependence."[74] Rousseau likens this paradoxical process to "changing human nature," which he defines as "transforming each individual who by himself is a perfect and solitary whole into part of a larger whole from which that individual would as it were receive his life and his being."[75] A citizen should identify completely with her state. Like the inhabitant of Plato's imagined republic, she should experience the pleasures of her fellows as her pleasures, and their pains as her pains.[76] When she does, her needs will be identical with those of her fellow citizens and the polity as a whole. When the polity flourishes, she will feel self-sufficient; when it blunders, she will feel dependent. When the polity has unmet needs, she will have unmet needs. And in so far as unmet needs rouse our passions, her passions will be channeled not toward dominating others for her own aggrandizement, but toward fulfilling the needs of the polity. Her emotions will be directed not toward self-interest, sacrifice.

Rousseau has two principal tactics for creating a common self: Collapsing the distinction between ethics and politics; and homogenizing the polity's culture, which above all means regulating and mandating religious worship.

His first tactic is to eliminate the idea that citizens have separate spheres of responsibility, ethical and political. A person who understands herself to have two or more domains of obligation will likely come to prioritize one over the others. She may understand her first responsibility as being to her partner, family, or community rather than to the state as a whole. At the very least, she will split her sense of obligation among them. For Rousseau, the danger of

[74] *SC*, 1.7.8.

[75] *SC*, 2.7.3.

[76] *Republic* 462b.

such competing commitments is that they undermine one's identification with the needs of the polity. They introduce alternative, and in some cases opposing, loci of interest and attachment. Rousseau thus makes a dramatic move: He equates the good of the state with what is morally good in general, and he equates the bad of the state with what is morally bad in general. "Wickedness," he writes in an unpublished fragment, "is basically only the opposition of the private will to the public will."[77] Rousseau reserves his greatest praise for those states which historically recognized no divide between politics and morality. Foremost among them is Sparta. In his "Letter to d'Alembert," he rhapsodizes about the "spirit of the Spartan regime," one in which "laws and morals, intimately united in the hearts of the citizens, made, as it were, only one single body."[78]

His favorite example of such total identification with one's political community is likewise drawn from Sparta. As recounted by Plutarch, a messenger, fresh from a recent battle, arrives at the home of a Spartan woman with five sons in the army. Pressed for news about the outcome of the engagement, the messenger informs her that all of her sons had been killed. To this, the woman replies, as quoted by Rousseau: "Base slave, did I ask you that?" Her only interest, evidently, is the outcome of the battle; the fate of her sons does not concern her. Thus upon being informed that the battle was won, this now childless mother runs to the temple to thank the gods.[79] It is this woman that represents Rousseau's civic ideal. He summarizes this ideal as follows: "The...individual will ought to be almost nonexistent...the general and sovereign will is the standard for all the others."[80] As little room as possible should be reserved for

[77] *Oeuvres complètes de Jean-Jacques Rousseau* (Paris: Pléiade, 1959), 3.483.

[78] *LD*, 300.

[79] *E*, 40.

[80] *E*, 464.

conceiving of one's needs apart from those of the state. Thus in his proposal for the design of the Polish constitution, he describes his envisioned state this way: "With this project adopted in its entirety everything is linked to the state, and no one, from the least individual to the foremost Palatin, sees any way of advancing but on the road of duty."[81]

Rousseau's second tactic for unifying our needs is to homogenize the polity's public culture. His rationale is succinctly captured by the anthropologist Mary Douglas. In her classic work on the concept of "purity," Douglas notes that human beings desire to see their physical surroundings reflect their interior mental order. We distinguish between the "clean" and "unclean," she argues, not—or at least not primarily—because of hygiene. We do so because of our "pattern-making tendency," our aspiration to have the world without mirror the world within.[82] Rousseau's understanding of the role of culture relies on a similar theory of correspondence. Like Plato, he believes that one's internal psychological makeup—one's soul—is largely a reflection of its environs, its political environs above all. Consequently, if citizens are meant to align their own needs with those of state, they should see those needs reflected in their society. They should be able to perceive what those needs are. And they should receive external affirmation that their fellows identify with the common self, and seek the state's welfare, to the same degree that they do.

Given that European culture in Rousseau's time was to a large extent centered around the church, it is not surprising that his special focus is on regulating public religious worship.[83] He

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[81] *GP*, 14.16.

[82] Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London: Routledge and Kegan Paul [1966] 1980), 36.

[83] In reflecting on religion, Rousseau's point of departure is less that religion is always a positive social force than that its absence is a negative one. "Irreligion," he observes in a footnote to *Emile*, "concentrates all the passions in the baseness of private interest...and thus quietly saps the true foundations of every society." *E*, 312 note.

argues, to begin with, that worship should be intimately linked to the polity and its laws. In concert with collapsing the distinction between ethics and politics, religion, too, should be largely indistinguishable from the state it serves. To this end he criticizes Christianity. Christianity's chief innovation was to separate out the way of life and aspirations of a person qua believer from her qua citizen. The problem with such a separation is that it dissolves the common self. It splits our needs between different spheres, theological and political, and leads to the state "ceasing to be one."[84] Rousseau, who argues against Hobbes on a number of key points, here openly and enthusiastically affirms his predecessor's call to task religious doctrine with serving political order. "Of all Christian Authors," Rousseau writes, "the philosopher Hobbes is the only one who correctly saw the evil and the remedy, who dared to propose the reunification of the two heads of the eagle, and the complete return to political unity, without which no State or Government will ever be wisely constituted."[85]

Christianity also has a second problem for Rousseau: unworldliness. For the Christian (at least according to Rousseau), the world that we inhabit is not the one to which we principally belong. While we are in it, we are not truly of it. Rousseau, we know, was a reader of Augustine, and here he may have had in mind his predecessor's famous phrase: "We are but travelers on a journey without as yet a fixed abode; we are on our way, not yet in our native land; we are in a state of longing, but not yet of enjoyment."[86] The problem is that pilgrims make poor citizens. No inhabitant of an ethereal "Spiritual Kingdom" can identify fully with the needs of her real one. To even speak of a "Christian Republic," he writes, is a mistake: "Each of these

[84] *SC*, 4.8.8.

[85] *SC*, 4.8.13.

[86] Augustine, "Sermon 130," in *The Works of Saint Augustine: Sermons 94A-150*, ed. John E. Rotelle, trans. Edmund Hill (Hyde Park: New City Press, 1992).

two terms excludes the other."[87] Rousseau is thus attracted to the pre-Christian, pagan religions that make no distinction between the theological and the political. Citizens in such regimes, which Rousseau refers to using the term "theocracy," are taught that "to serve the State is to serve its tutelary God."[88] Yet Rousseau ultimately rejects this kind of religion, too. While it instills in citizens intense loyalty and motivation, it also leads to overflows of passion, turning a people "bloodthirsty and intolerant."[89] His compromise is more moderate (though still mandatory) civil religion with "sociability"—that is, altruism, sacrifice, and self-transcendence—as its aim.[90]

For religion to cultivate this kind of self-transcendence, however, it must not only be merged with politics, but also tightly controlled and standardized, made "uniform for the sake of good order."[91] The heartfelt belief of all participants is less important than their public participation in shared ritual practice. Religious involvement is a signal for civic commitment: "The Sovereign may banish from the State anyone who does not believe [the articles of civic faith]...not as impious but unsociable, as incapable of sincerely loving the laws, justice, and if need be of sacrificing his life to his duty."[92] The key is ensuring an expressed unity of needs and passions. Bearing in mind Douglas' description of the human tendency to mirror mind and world, Rousseau's thought is that by unifying the polity at a public, macro-level, it will be unified at a private, micro-level as well. When such unity is achieved, we will identify first and

[87] *SC*, 4.8.28.

[88] *SC*, 4.8.18.

[89] *SC*, 4.8.19.

[90] *SC*, 4.8.32.

[91] *E*, 296.

[92] *SC*, 4.8.32.

foremost as members of a common self. However putatively moderate this civil religion may be, therefore, he still insists on absolute public loyalty: "If anyone, after having publically acknowledged these same dogmas, behaves as if he did not believe them, let him be punished with death."[93] Rousseau thus reverses the Christian separation of politics and religion. He brings the Kingdom of God back down to earth. And in this way—through homogeneity, coercion, and tight regulation—he believes that a common self will be created, the experience of dependency diminished, and the individual's needs aligned with those of the polity.

SECURING SOLIDARITY 2: AESTHETICIZING POLITICS

Even if human needs can be successfully united, the way that they are conceptualized and fulfilled remains problematic. Our greatest need in society is esteem. And in our race to acquire it, we frequently become selfish, antagonistic, and domineering. With Emile, Rousseau's response is to isolate him from others, thereby preventing him from acquiring a taste for social judgment and feeling dependent. With the citizen, however, isolation is not an option. Citizens must not only refrain from domination; they must be inspired to make concrete sacrifices for their polity. Rousseau's second dilemma is thus how to retain the passion for esteem, but direct it away from pathological and toward beneficial ends. Put another way, he must find a means to combine sociability with the experience of non-dependence. His answer is to aestheticize politics.[94]

[93] *SC*, 4.8.32.

[94] I refer here to Rousseau's strategy as "aestheticizing" rather than "ritualizing" politics, as has sometimes been suggested. I do so because although ritual is an important *means* for Rousseau of making political participation desirable, it is not his only one. Aestheticiziation thus helps to capture Rousseau's broader end: to make politics beautiful and pleasurable.

Rousseau's first aim in aestheticizing politics is to engender self-transcendence. To this end, he seeks to make civic participation desirable. If citizens are constantly involved in public life and associate this involvement with pleasure, he reasons, they will likely look fondly on their polity and fellows and be motivated to sacrifice for them. Perhaps surprisingly, Rousseau's clearest description of his reasoning can be found in his epistolary novel, *Julie*. In a discussion about how to make servants more loyal and productive, he suggests that their masters fill their time with festivals and competitions. Absent such diversions, they will associate their household with nothing more than work and drudgery. But if they "derive all their pleasures from their masters," they will perceive the household as a source of desire.[95] The same logic underlies Rousseau's proposal to introduce games and ceremonies into the polity. In ancient societies, he writes, such spectacles "kept the Citizens frequently assembled," "increased their pride and self-esteem," "stirred their hearts," and thus "strongly attached them to the fatherland with which they were kept constantly occupied."[96] Like a household's Sunday diversions, a polity's public events lead citizens to mentally link political life with enjoyment, and so increase their motivation to sacrifice.

At the same time that it encourages self-transcendence, aestheticizing politics also diminishes feelings of dependence on other people, for two reasons. To begin with, if participation in civic affairs is pleasurable, citizens will come to more deeply identify with their polity's laws and institutions. They will increasingly see them as reflections of their own will. Here again Rousseau's description in *Julie* offers an instructive parallel. The purpose of games

[95] *J*, 373.

[96] *GP*, 2.7.

and festivals for servants, he writes, is in order that they see the household "as their own."[97] When servants associate enjoyment with their household, they reassess the purpose of their labor. No longer do they see it as merely a service to their human master. They understand it instead as contributing to a greater, depersonalized, and collective end of which they are a part: the household itself. So too in the polity. "No constitution will ever be good and solid" Rousseau writes in *Government of Poland*, "unless the law rules in the citizens' hearts."[98] To the extent that citizens love and take pleasure in their state, they will see its constraints as reflecting their own will, not the arbitrary will of others. "Every Pole," he concludes, must "be made to say in his inmost heart: "*Ubi patria, ibi bene* [where there is my country, there is good]."[99]

A second way that aestheticizing politics reduces our felt dependence has to do with the relationship between ritual, esteem, and the social imagination. Anthropologist Victor Turner, in his famous work on the ritual process, argues that among ritual's most important functions is to mentally flatten differences between participants, thereby restoring a feeling of primordial equality.[100] For a certain period as the ritual unfolds, participants forget their ordinary social status, organizing themselves instead along new, more egalitarian lines. Here, for example, is how he describes the circumcision ceremony among the Ndembu in Zambia:

> No longer were they grandsons, sons, nephews, but simply anonymous novices, confronting the general category of initiated elders. Social structure, in brief, was

[97] *J*, 374.

[98] *GP*, 1.6.

[99] *GP*, 3.8.

[100] Turner's well-known term for this stage of the ritual process is "liminality." Ritual can of course also be deployed to solidify radically inegalitarian social relations, as for example that between a king and his subjects. See for example Clifford Geertz's *Negara: The Theatre State in Nineteenth-Century Bali* (Princeton: Princeton University Press, 1980), especially 98-136. Turner's point is that ritual has the *ability* to temporarily veil our social distinctions, not that it *always* does so.

> simplified and homogenized. When control was relaxed the novices looked upon each other as equals, each as an integral person rather than a social *persona* segmentalized into a series and set of structural roles and statuses.[101]

Like Turner, Rousseau reasons that ritual can foster a sense of equality. By forming pockets in time and space where social differences cease to make a difference, rituals reduce the feelings of jealousy that lead to competition for esteem, domination, and pathology. Through pleasurable public diversions, members of the polity come to pay less attention to their standing relative to one another and more to their equal position relative to the polity as a whole. Thus just as the tutor calms Emile's passion for esteem by contracting his imagination and naturalizing his social position, so too political ritual calms the citizen's craving for esteem by giving her a sense of satisfaction with her status in society. Here is how Rousseau explains the function of ritual in his "Letter to d'Alembert":

> It does not suffice that the People have bread and live in their stations. They must life in them pleasantly, in order that they fulfill their duties better, that they torment themselves less over changing their stations, that public order be better established. Good morals depend more than is thought on each man's being satisfied. Deceit and the spirit of intrigue come from uneasiness and discontentment; everything goes badly when one aspires to the position of another. One must like his trade to do it well. The disposition of the State is only good and solid when, each feeling in his place, the private forces are united and co-operate for the public good instead of wasting themselves one against the other as they do in every badly constituted State.[102]

Public ritual, by contracting our imagination and leveling our status vis-à-vis our fellows, helps to channel dependence on esteem away from pathological and toward socially salutary ends. In Turner's words, it creates a "milieu...in which a society's members cannot see any conflict between themselves as individuals and society."[103]

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[101] Turner [1974] 1996, *op. cit*., 201.

[102] *LD*, 344.

[103] Turner [1974] 1996, 55-6.

In this way, political life acquires an aesthetic hue. We come to participate in public not out of compulsion or abstract moral duty, but from love. While we remain in some sense dependent on external judgment, such dependence is on an abstract, de-personalized sense of the polity as a whole—our common self—not other people as individuals. We do not feel beholden to arbitrary human will. We respond to our shortcomings not by dominating others, but by redoubling our efforts to serve the polity's needs. And in this way, we come to desire both the good of the state and that of our fellow citizens.

SECURING SOLIDARITY 3: NATURALIZING THE LAWS

Having unified our needs and channeled our passions, Rousseau must still confront a final dilemma. Laws, as human creations, are also records of human will. A citizen may therefore come to suspect that her polity's laws do not reflect its overall interest but rather that of a privileged few. If she does, she will see herself as subject to arbitrary will. She will feel dependent. And in addition to dulling her civic loyalty and motivation, such dependence may entice her to separate from the polity's common self and pursue her needs at its expense. Rousseau's aim, therefore, is to ensure that citizens believe that their polity's institutions reflect something more than mere human will. To do so, he naturalizes the laws.

As with his approach to contracting Emile's imagination, Rousseau's main tactic for naturalizing the laws is to reintroduce the experience of natural necessity into collective life. He explains his purpose through a mathematical metaphor: "Putting the law above man is a problem in politics which I liken to that of squaring the circle in geometry."[104] If citizens understand their laws and institutions to have the same quality as mathematical axioms, Rousseau reasons, their

[104] *GP*, 1.5.

injunctions will cease to appear as arbitrary constraints. They will instead be seen as reflecting a higher form of rationality insulated from the whims of human artifice. And like the laws of nature, they will be accepted as necessary. Rousseau of course recognizes that state institutions are in reality contingent and created. "The constitution of man is the work of nature," he writes, "that of the State is a work of art."[105] But if the state is an artwork, a citizen should forget her creative role. She should regard its laws as having the same eternality and necessity as natural laws. So conceived, they will not appear to her as reflections of human will. And she will not feel dependent on other people.

Rousseau suggests two means for naturalizing the laws: emphasizing their endurance, and invoking religion. "Why," he asks "are ancient laws accorded so much respect?" His answer is revealing: "People must believe that nothing but the excellence of the ancient wills could have preserved them for so long....That is why the laws, far from growing weaker, constantly acquire new force in every well-constituted state."[106] We find an echo of Rousseau's reasoning in James Madison's argument against Thomas Jefferson on the question of changing the United States' constitution. Jefferson had famously argued that "each generation" should have the opportunity to revise the document "every nineteen or twenty years," thereby allowing for "periodical repairs."[107] Madison disagreed. To do so would deprive the constitution of the "veneration which time bestows on everything, and without which even the wisest and freest governments would not possess the requisite stability."[108] Rousseau similarly reasons that absent a deeper

[105] *SC*, 3.11.2.

[106] *SC*, 3.11.5.

[107] "Thomas Jefferson to Samuel Kercheval," in *The Writings of Thomas Jefferson*, 20 Vols. (Washington, D.C.: The Thomas Jefferson Memorial Association of the United States, [1816] 1905), 15:42.

[108] James Madison, "Federalist No. 49," in *The Federalist*, ed. Terence Ball (Cambridge: Cambridge University Press, [1788] 2005), 246.

basis for legal obedience, people may be tempted to deviate from laws that do not reflect their individual interests. "As soon as an interest causes a promise," he writes in *Emile*, "a greater interest can cause the violation of the promise."[109]

Aside from their longevity, laws, for Rousseau, can be naturalized in a second way: by connection to religion. Even the state's ancient laws remain, in the eyes of citizens, human laws. A risk thus remains that laws, no matter how widely respected, will be violated by a citizen when they conflict with her personal interest. The problem is aptly described by the sociologist Peter Berger. "Institutions," he writes, "are always threatened not only by the ravages of time, but by those of conflict and discrepancies between the groups whose activities they are intended to regulate."[110] The solution societies have discovered, Berger argues, is to remove the laws' constructed character, to root their origins and legitimacy in the divine: "In terms of the cosmic legitimations...the institutions are magically lifted above these human, historical contingencies. They become inevitable, because they are taken for granted not only by men but by the gods."[111]

But to take Berger's advice without modification would pose a problem for Rousseau. A polity's laws, as I discuss at greater length below, are supposed to reflect our free will. How, then, is it possible to see them as both *ours*—that is, the product of our agency, and thus as contingent and potentially malleable—and *necessary*—that is, part of the divine order and immutable? Or to use Rousseau's language, how can the "circle be squared," and the laws be at once freely chosen and "put above man"? Rousseau, aware of this potential problem, settles on an intermediate solution. All laws must be put to the decision of the people. At the same time, the person who introduces such laws to the democratic assembly—a figure he refers to as the

[109] *E*, 101.

[110] Berger 1969, *op. cit.*, 37.

[111] Berger 1969, 37.

"lawgiver"—can argue that they are of divine origin. He can present them as bestowed by God or the gods. He cannot, to be sure, rationally "convince" the people of this; unlike mathematical proofs, the benefit of laws cannot be logically demonstrated. He can, however, attempt to "persuade" the people. He can appeal, not to human reason, but to a higher order of reason, a "sublime reason, which rises beyond the reach of vulgar men."[112] Rousseau on this point cites Machiavelli who, in his *Discourses on Livy*, had argued (in Rousseau's paraphrase) that "there has never been in any country a lawgiver who has not invoked the deity; for otherwise the laws would not have been accepted."[113]

So naturalized, the laws acquire a nimbus of deeper authority. And we cease to experience our obedience to them as dependence on human will.

HONORING THE INDIVIDUAL 1: DEFENDING FREE WILL

By fusing ethics and politics, regulating religion, aestheticizing political life, and naturalizing the laws, Rousseau appears to have accomplished his goal. As reflections of our common self, the polity's institutions tame and channel our dependence on esteem, weaken our desire to dominate, and inspire us to self-sacrifice. They secure our solidarity. Yet solidarity alone is not sufficient for Rousseau. In addition to securing solidarity and relieving us of the experience of dependence, the polity, he argues, must do something else: respect our moral freedom. Though a number of interpreters have questioned Rousseau's belief in free will, I believe that he was not only committed to moral freedom, but understood it to be definitive of

[112] *SC*, 2.7.11 and note.

[113] *SC*, 2.7.11 and note.

one's status as a human being.[114] It is what he understands to be the central part of honoring the individual.

Rousseau's commitment to free will becomes clear from his attacks on one of its best-known opponents: Thomas Hobbes. Hobbes was a sharp and thoroughgoing opponent of free will, writing in *Leviathan* that those who use the concept are speaking "words...without meaning; that is to say, Absurd."[115] In his exchange with the Arminian Bishop John Bramhall he also makes plain his materialism, ridiculing his opponent's view that human will has a "moral" or metaphysical basis: "What it is to determine a thing morally, no man living understands....Moral motion is a mere word, without any imagination of the correspondent to it."[116] As Robin Douglass has shown, although Rousseau most likely did not read *Leviathan*, he was exposed to

[114] The status of moral free will in Rousseau's thought is the subject of controversy among his interpreters. Those who have questioned its role fall into two camps. One classic position is that he was an opponent of free will. By this view, originally championed by Leo Strauss and shared by Marc Plattner, Roger Masters, Daniel Cullen, Jonathan Marks, and John Duncan, occasions where Rousseau appears to insist on the existence of free will should be understood as tactical or ironic rather than genuine. Rousseau, this thinking goes, affirms free will rhetorically while simultaneously undermining it philosophically. He aims for his real view to reach clever readers while diverting superficial (and potentially hostile) ones. Strauss [1953] 1965, 265; Plattner 1979, 43-6; Masters, *The Political Philosophy of Rousseau* (Princeton: Princeton University Press, 1968), 69; Cullen, *Freedom in Rousseau's Political Philosophy* (DeKalb: Northern Illinois University Press, 1993), 38; Marks, "Who Lost Nature? Rousseau and Rousseauism," *Polity*, Vol. 34 (4), July 2002, p. 488; Duncan, "Perfectibility, Chance, and Desire Multiplication," in *Rousseau and Desire* (Toronto: University of Toronto Press, 2009), 17-21. A second, more recent position, posits that while Rousseau accepts free will in some works, like the *Second Discourse* and *Emile*, he rejects it in the *Social Contract*. Victor Gourevitch, Matthew Simpson and Lee MacLean have each offered versions of this thesis, arguing that it reveals not so much Rousseau's inconsistency as his realism. It attests to his awareness that realizing some human goods, like equality and psychological self-sufficiency, must come at the expense of others, like moral freedom. Gourevitch, "Introduction," in *The Social Contract and Other Later Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, [1762] 2010), x; Simpson, *Rousseau's Theory of Freedom* (New York: Continuum, 2006), ix; MacLean *The Free Animal: Rousseau on Free Will and Human Nature* (Toronto: University of Toronto Press, 2013), 152. Against the first group of skeptics, I argue that Rousseau was deeply committed to the reality, and not just the rhetorical utility, of free will. Against the second group, I argue that Rousseau did not see moral freedom as one possible way of being among others, but argued consistently for its centrality in all arenas of human existence, including politics. Moreover, Rousseau himself insisted on the theoretical unity of his works. See "The Confessions," in *The Collected Writings of Rousseau*, 13 vols., ed. Christopher Kelly and Roger D. Masters (Hanover: University Press of New England, [1750-1] 1990-2010), 5:342.

[115] Hobbes [1651] 1996, 5.5.

[116] "The Elements of Law," in Thomas Hobbes and John Bramhall, *Hobbes and Bramhall on Liberty and Necessity*, ed. Vere Chappell (Cambridge: Cambridge University Press, [1640] 1999), 93.

Hobbes' thinking through the French translation of Hobbes's earlier work *De Cive*, as well his reception in eighteenth-century France.[117] During the period Hobbes was taken to task for his materialism by a number of prominent thinkers, including Nicolas Malebranche, Gottfried Leibniz, Samuel Clarke, Samuel Pufendorf, and Jeans-Jacques Burlamaqui.[118]

Burlamaqui's critique of Hobbes was particularly important for shaping Rousseau's thinking, specifically regarding what is required for the will to be free. Hobbes, in his *Elements of Law*, famously reduces human will to the passions, referring to it as the "last appetite in deliberation."[119] The passions themselves are ultimately the product of external stimuli. Thus all our thoughts and actions, for Hobbes, can be traced in the last analysis to the swirl of forces in which we happen to be enmeshed. This would make genuine moral responsibility impossible: as mere matter in motion, our decisions fully determined by our circumstances, we could never be blamed for failing to do the right thing. And this would significantly deflate the meaning of freedom. In Hobbes' words, "liberty" is nothing more than the "absence of external impediments"; any person should be considered free as long as he is physically capable of acting on his passions.[120] David Hume, a fellow traveler, would later summarize this position with a dramatic flourish: "Liberty is universally allowed to belong to everyone who is not a prisoner and in chains."[121] Burlamaqui, seeking to avoid this conclusion, saw that restoring moral responsibility, and thus freedom, would require providing an alternative to Hobbes' psychology.

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[117] Robin Douglass, *Rousseau and Hobbes: Nature, Free Will, and the Passions* (Oxford: Oxford University Press, 2015), 3.

[118] Douglass 2015, 60.

[119] Hobbes [1640] 1999, 91.

[120] Hobbes [1640] 1999, 94.

[121] David Hume, *An Enquiry Concerning Human Understanding*, ed. Stephen Buckle (Cambridge: Cambridge University Press, [1748] 2007), 85.

He thus divides human actions into two types, "physical" and "spiritual." While the former are governed by natural causes, the latter reflect our moral freedom.[122] In an important passage in the *Second Discourse*, Rousseau affirms the human being as a "free agent" using language similar to Burlamaqui's, while in the same breath attacking a position mirroring that of Hobbes (without referring to him by name):

> Nature commands every animal, and the Beast obeys. Man experiences the same impression, but he recognizes himself free to acquiesce or to resist; and it is mainly in the consciousness of this freedom that the spirituality of his soul exhibits itself: for Physics in a way explains the mechanism of the sense and the formation of ideas; but in the power of willing, or rather of choosing, and in the sentiment of this power, are found purely spiritual acts about which nothing is explained by the Laws of Mechanics.[123]

Unlike animals, "ingenious machines to which nature has given senses in order to wind itself up," human beings are not merely mechanical. Split between physical and metaphysical sides, their choices reflect not "instinct," but "act[s] of freedom."[124] "Modern philosophy," Rousseau writes in a sentence that seems aimed straight at Hobbes' critique of Bramhall, "wants to explain all moral effect through physical causes; perhaps, on the contrary, there are more physical effects which depend on moral causes."[125]

The most important—and controversial—piece of evidence for Rousseau's views on free will is his "Profession of Faith of the Savoyard Vicar," in *Emile*.[126] "Vicar," as I will refer to it from here onward, comes near the center of the novel, a time of the protagonist's maturity.

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[122] See for example Jeans-Jacques Burlamaqui, *The Principles of Natural Law*, trans. Nugent (Dublin: Thomas V. Morris, [1747] 1838), 3.

[123] *SD*, 141.

[124] *SD*, 140.

[125] This unpublished sentence was originally intended by Rousseau for use in *Emile*. *Emile*, in *Oeuvres complètes*, 851.

[126] *E*, 266-94.

Though it is staged as a lesson given to Emile by a "poor Savoyard vicar," it is in content a philosophical treatise on morality and religion. And its upshot, at least on the surface, is a strong defense of metaphysical dualism and moral freedom. After *Emile*'s publication, the Vicar text was an immediate source of controversy, as well as uncertainty. Given that the rest of the novel seemed to be grounded in materialism, readers were split as to whether to take Rousseau at his word.[127] Rousseau, for his part, unswervingly and vehemently insisted that the Vicar's views were his own.[128] This much is clear: the Vicar's lessons, taken as a whole, represent a powerful argument against materialism and skepticism. And they offer a firm affirmation of moral free will.

The Vicar's first lesson is that the human subject, the "I," has both epistemic and moral spontaneity. Stated less technically, people as thinkers are more than the sum of their sensations, and as agents are capable of acting on their own power. In both senses, Rousseau's departure from Hobbes is plain. On the on hand, Rousseau rejects Hobbes' theory of knowledge. Human beings are not merely "sensing" creatures, "passive" recipients of data about their world. They are "active and intelligent" beings, who use their faculty of "judging" to impose conceptual order on the world around them.[129] On the other hand, he rejects Hobbes' theory of agency. Unlike

[127] No other piece of Rousseau's writing treats human freedom with as much openness and detail. And no other work has come in for as much debate about his true meaning and intentions. On one side were those who saw Rousseau as a genuine supporter of metaphysical free will. This camp included those who banned his work in Paris for advocating for "natural religion" and thus implicitly criticizing Christianity. It also included Kant, for whom the text was nothing short of revelatory, and, as I will explore in greater detail in the chapter to follow, served as a central inspiration for his critical philosophy. On the other side were those who questioned Rousseau's sincerity. In Rousseau's time this included Voltaire and Hume, both of whom read their colleague as a materialist. Among more recent commentators, Allan Bloom and Roger Masters have argued, in line with Strauss, that the Vicar's thinking does not reflect Rousseau's own views. It serves instead, they suggest, as a kind of ruse for unsympathetic readers, or an ironic thought experiment. Allan Bloom, "Introduction," in *E*, 20; Masters 1968, 74.

[128] In his "Letter to Christophe de Beaumont," for example, he dismisses the idea that the Vicar is a "chimerical or assumed character." The passage, he says, is intended to "combat modern materialism," and comprises nothing less than "the best and most useful Writing in the century during which I published it." *LB*, 75, 46-7.

[129] *E*, 270-1.

the actions of objects and animals, human actions cannot be explained as "communicated motion," the mere byproduct of material causes and natural laws. They are the outcome, instead, of "spontaneous or voluntary" motion arising from within the agent.[130] At the same time, Rousseau here makes an important distinction. The mere fact that an action arises within an agent does not thereby grant that action genuine spontaneity; something more is required. He uses the example of a mechanical watch. A watch, once wound, seems to operate by its own power. Thus to an observer unfamiliar with watches, it would appear that the watch is able to generate its own motive force. Yet such motion, clearly, is not genuinely spontaneous. As Rousseau puts it, "if nothing external to the spring acted on [the watch], it would not strain to straighten itself out and would not pull the chain."[131]

The Vicar's second lesson is to identify what genuine spontaneity entails: a non-physical capacity to be an uncaused cause. Such a causal force cannot, by definition, be material in nature. For if it were, it would obey the natural laws applicable to material objects. It would only communicate, not originate, motion. Rousseau does not speculate about the nature of such a force, nor about how it might operate in the world.[132] But he insists both on its immateriality and its presence within the human being qua agent, the "I." As he writes in his "Letter to Beaumont," in reference to the Vicar text, "Man is not a simple being. He is composed of two

[130] *E*, 272.

[131] *E*, 272.

[132] *E*, 274. Rousseau often expresses his disdain for metaphysical investigations, though these pronouncements are typically made in just those places where he discusses free will. Our *experience* of moral freedom is more important, in his view, than its philosophical justification. See for example *J*, 561-2, *E*, 275, 280-1, 294, his "Letter to Voltaire," §30, 37, and his early "Fragment on Freedom," in *Collected Writings*, 4:12.

substances."[133] And as he writes in the text itself, "No material being is active by itself, and I am."[134]

HONORING THE INDIVIDUAL 2: POLITICIZING FREE WILL

For Rousseau, free will is critical not only for assigning individual moral responsibility. It also has a central place for political order, defining how laws and institutions acquire their legitimacy. It is central to his understanding of how polities honor the individual.

To begin with, Rousseau emphasizes that life in the civil state makes moral freedom possible in the first place, "endowing [a person's] actions with the morality they previously lacked."[135] "Duty" is a concept that only earns meaning in society, as we are confronted with opportunities to either sacrifice for others or serve our own interests. Thus despite Rousseau's seeming valorization of humanity's "natural" condition, he applauds our transition to the civil state. "One might add to the credit of the civil state moral freedom," Rousseau writes in the

[133] *LB*, 28.

[134] *E*, 280. Conceiving of the human "I" as immaterial, morally spontaneous, and capable of uncaused causation has sweeping implications for Rousseau's moral psychology. In particular, it transforms the relationship between human agency and the affective dimensions of our psyche, that is, our passions. In other places, Rousseau assigns the passions primacy for determining our morality. "One has a hold on the passions," he writes elsewhere in *Emile*, "only by means of the passions." *E*, 327. By this view, a person whose passions are in balance has no reason to harm or dominate others. She is what Rousseau calls "good." Yet such a view, on its own, would be incompatible with both moral responsibility and spontaneity. The passions answer directly to human needs, both material and social. Needs themselves rise and fall in response to external stimuli. This suggests a conception of the "I" very close to the one proposed by Hobbes: a bundle of warring passions determined by its external environment. And because the "I," by such a view, is nothing more than an input-output device—a machine whose actions are governed by its environment—the human will itself becomes mechanistic and determined. From this perspective, whether or not we are "good" would be beyond our power. What Rousseau's assertion of moral spontaneity does, therefore, is effectively rewire our moral psychology. He grants the human being control over her moral status. "My will," he writes, "is independent of my senses; I consent or resist; I succumb or a conquer; and I sense perfectly within myself when I do what I wanted to do or when all I am doing is giving way to my passions." *E*, 280.

[135] *SC*, 1.8.1. This is not to say that Rousseau believes that we can only have free will in the context of political life. What Rousseau means by the "civil state" is what we might refer to as *social* life. It is life in society, not politics, that enables free will.

Social Contract, "which alone makes man truly master of himself; for the impulsion of mere appetite is slavery, and obedience to the law one has prescribed to oneself is freedom."[136]

This reference to a self-prescribed law points to the second and even more critical role of free will in Rousseau's political theory: as a criterion for political legitimacy. Here again his departure from Hobbes is revealing. For Hobbes, as long as a person is not literally "in chains," she should be considered "free." Translated into politics, this view of freedom naturally lends itself to his infamous equation of legitimacy and power. Put simply, for Hobbes *any* social compact is legitimate, even if oppressive, and even if achieved through usurpation or conquest, because under such conditions we would still remain (by his definition) "free."[137] Rousseau strongly rejects this line of thinking, arguing that a regime can never become legitimate through power alone. The so-called "right of conquest," he writes in the *Second Discourse*, "is not a Right" and "could not have served as the foundation for any other Right." It is "nothing but violence."[138]

The question, then, is on what basis Rousseau rejects the equation of might with right. In the *Social Contract*, he reveals the answer: free will. The mere assertion of might does not respect our moral freedom because it gives us no choice whether to dissent or accede. He argues this point by asserting, against Hobbes, that will is a metaphysical, not a material quality: "Force is a physical power; I fail to see what morality can result from its effects. To yield to force is an act of necessity; at most it is an act of prudence. In what sense can it become a duty?"[139]

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[136] *SC*, 1.8.3.

[137] Hobbes [1651] 1996, "Review and Conclusion." See also Hobbes [1642] 2007, 14.12.

[138] *SD*, 174-5.

[139] *SC*, 1.3.1.

The political role that Rousseau assigns to free will also surfaces in his rejection of another important Hobbesian position: the ability of an individual to fully alienate her will. For Hobbes, "will" is nothing more than a word we use to describe the manifestation of our passions; it does not correspond to any kind of essential human quality. He thus holds that a person is able to entirely transfer her will to another person or corporate entity. In *De Cive*, for example, he argues that contracts or promises "are signs of will, that is...signs of the last act of deliberation by which the liberty not to perform is lost; consequently they are obligatory."[140] Such alienation is central to Hobbes' political project. For if a person is able to completely transfer her will to the sovereign, the sovereign can rightfully claim to speak and act on her behalf. It can determine, more definitively then she can, her judgment and interests. And it can justify having near-absolute power.[141]

For Rousseau, by contrast, "will" is not a mere signifier, but an actually existing capacity. Accordingly, a person is incapable of alienating her will at all. Indeed to even attempt to do so would mean abandoning her deepest attribute as a human being. "To renounce one's freedom," Rousseau writes in the *Social Contract*, "is to renounce one's quality as a man....To deprive one's will of all freedom is to deprive one's actions of all morality."[142] If Rousseau is not fully explicit that the "freedom" he refers to here in connection with "morality" is free will, he makes this plain in *Emile*. (Both texts were published in 1762, and were likely written at the same

[140] Hobbes [1642] 2007, 2.10. Rousseau, in this respect, was not only deviating from Hobbes. All of his predecessors in the natural law tradition held that it was possible to alienate one's will. See Douglass 2015, 121.

[141] Hobbes' sovereign is limited in only one area: its power over life and death. Though the sovereign can order a citizen to her death, that citizen can rightfully refuse the order and attempt to preserve her life. See for example Hobbes [1642] 2007, 2.18: "No one is obligated by any *agreement* he may have made not to resist someone who is threatening him with death, wounds, or bodily harm." Rousseau, by contrast, completely rejects the right to resist sovereign authority. See for example *SC* 2.5.2. His reason for doing so, as I note in concluding this chapter, is his view that as members of the polity our "will" is no longer genuinely our own.

[142] *SC,* 1.4.6.

time.) Toward the end of the novel, Rousseau offers a kind of synoptic preview of his argument he will make in *Social Contract*. And in a passage that almost exactly mirrors the one cited above, he connects his rejection of self-alienation directly to his belief in free will, morality, and the "I": "We shall examine [in *Social Contract*] whether a man can legitimately alienate himself to another without restriction...that is to say, whether he can renounce his person, his life, his reason, his *I*, and all morality in his actions."[143]

THE PROBLEM OF DEMOCRATIC SOLIDARITY AND THE GENERAL WILL

Rousseau firmly and consistently affirms our faculty for moral freedom. He insists, moreover, that it should serve as a normative standard for political legitimacy. It is his primary way of honoring the individual. At the same time, the institutions that Rousseau proposes for securing solidarity appear to greatly restrict our moral freedom. While civil religion may unify our needs, its practices and precepts are forcibly imposed on citizens. While merging ethics and politics may yield a Sparta-like unity, it leaves no room for moral complexity. Civic rituals and deified laws mask human will behind the polity's institutions; yet as with Emile, whose world and imagination is secretly curated by his tutor, the citizen feels free only because the state actively deceives his intellect and manipulates his emotions.

Rousseau's challenge is thus to show that his program for securing solidarity, despite appearances, actually respects our moral freedom and honors the individual. His task, in short, is to make our total dependence on the state *legitimate*, something he states at the very beginning of the first book of the *Social Contract*: "Man is born free, and everywhere he is in chains. One believes himself the others' master, and yet is more a slave than they. How did this change come

[143] *E*, 460.

about? I do not know. What can make it legitimate? I believe I can solve this question."[144] I refer to this dilemma—how to reconcile securing solidarity with honoring the individual and her free will in political life—as the *problem of democratic solidarity*. This is Rousseau's version of the puzzle of liberal solidarity. His answer is the general will.

Rousseau frames the puzzle as a tension between law and individual freedom. A polity's institutions, including those tasked with securing solidarity, emerge from its laws. Thus legitimizing those institutions requires legitimizing our obedience to the laws. He defines the problem this way:

> To find a form of association that will defend and protect the person and goods of each associate with the full common force, and by means of which each, uniting with all, nevertheless obeys only himself and remains as free as before.[145]

Every polity relies on laws, backed by coercive force, to preserve order. Laws are created by people. In this sense, each law expresses the will of the person or persons who created it. Consequently, a person who lives under a law that she herself created would be obeying only her own will. Conversely, a person who lives under a law that she did not create, and to which she does not assent, would not be obeying her own free will. On the surface, democratic procedure ensures our authorship of the laws: If all citizens have a part in making the laws that they obey, then those laws will be seen as authentic expressions of each citizen's agency. But this answer runs into a difficulty. The free will of every person would be respected in only circumstances where every citizen agrees to every law, that is, in conditions of unanimity. Where laws are approved by a mere majority, some citizens will find themselves compelled to follow laws to

[144] *SC*, 1.1.1.

[145] *SC*, 1.6.4.

which they themselves have not agreed. In Rousseau's terms, each citizen would no longer be obeying "only himself"; he would not be "as free as before."[146]

Rousseau must therefore find a way to say that in spite of appearances, every law *does*, in fact, reflect the free will of every voter, including those in the voting minority. On face this sounds absurd: How can a person be said to have freely willed what she consciously and explicitly willed against? Rousseau's solution is to split free will in two. While a person as an individual may not have willed a particular law, it could be said that she did so, in some sense, as a citizen. Rousseau refers to this quality of will qua citizen as the "general will":

> The Citizen *consents to all the laws*, even to those passed in spite of him, and even to those that punish him when he dares to violate any one of them....When the opinion contrary to my own prevails, it proves nothing more than that I made a mistake and that what I took to be the general will *was not*. If my particular opinion had prevailed, I would have *done* something other than what I had *willed*.[147]

In so far as a person "wills the general will," Rousseau argues, she does, in fact, consent to every law of the state, including those that she votes against.

Interpretative Approaches to the General Will

Rousseau's solution raises questions of its own, however. In what sense can I will freely as both an individual and as a citizen? How can I be said to have *willed* the opposite of how I intentionally and consciously *acted*? What, in short, does the general will mean? Rousseau's

[146] One way to solve this puzzle would be to lower the bar for legal legitimacy, relaxing the requirement that political institutions must always, or ever, honor our free will. As I show in the next chapter, this is the path that Kant takes, relocating the site for the exercise of our free will from the political sphere to an autonomous realm of ethical life. Rousseau, however, insists that individual's free will is a quality that must be respected in *all* aspects of existence. To affirm a political vision that fails to respect moral freedom, in his view, would be to deny something essential about our core quality as human beings. A second way of solving this puzzle would be to double-down on the requirement that laws be made only by unanimous consent. As Rousseau recognizes, however, such unanimity is unrealistic even in a highly unified state. In practical terms, it would make political order impossible.

[147] *SC*, 4.2.8, emphasis mine.

readers have offered three approaches. The first of these we might call *hypothetical*, the second *procedural*, and the third *substantive*.

To begin with, we might understand Rousseau's argument for the general will in a *hypothetical* sense.[148] By this view, when Rousseau argues that every citizen always wills the general will, he does not mean this literally. Instead, the phrase refers to a kind of institutional learning process. When I cast my vote for one side, and the polity's decision comes down on the other, I am now prompted to reevaluate my view of the general will. I see that had I been better informed as to what the general will was, I would have voted—that is, willed—differently. According to this reading, the "citizen" within such a dissenting person is a figure of speech: it is an image representing her better, more publically-minded self. The "general will" of such a dissenting citizen is equally hypothetical: it is what she *would have willed* had she been properly informed. And her "consent" to the law is likewise assumed: it is presupposed by her desire to will what is best for the polity.

A second reading frames Rousseau's argument as referring to a certain kind of democratic *procedure*.[149] According to this interpretation, Rousseau does not believe that every law must actually reflect the free will of every citizen. He only insists on this standard for the act that founds the social contract. And as part of this act, each person can agree that in future votes she will accede to the will of the majority, even if she is in the minority. In this approach,

[148] For a description of this position (from an opposing perspective), see Cohen 2010, 66-8.

[149] The procedural reading is likely the dominant approach to the general will in contemporary Rousseau scholarship. For classic examples, see Strauss [1953] 1965, 285-90 and Masters 1968, 327-8. More recent statements of the procedural reading can be found in Melzer 1990, 135; Simpson 2006, 29, 42; Douglass 2015, 130-1; James 2013, 94-5; Gopal Sreenivasan, "What is the General Will?" *Philosophical Review* 109 (2000), 574; John T. Scott, "Politics as an Imitation of the Divine in Rousseau's *Social Contract*," *Polity* 26 (1994), 490-1; and Richard Boyd, "Justice, Beneficence, and Boundaries: Rousseau and the Paradox of Generality," in in *The General Will: The Evolution of a Concept*, ed. James Farr and David Lay Williams (Cambridge: Cambridge University Press, 2015), 247-69; cf. Christopher Bertram, "Rousseau's Legacy in Two Conceptions of the General Will: Democratic and Transcendent," *Review of Politics* 74 (2012), 405.

therefore, the "general will" refers to our commitment to majoritarian procedure. When a person votes, her general will as a citizen is not for or against the particular law under discussion. It is to abide by the rule of the majority, whatever the outcome.[150]

A final interpretation understands the general will to be a tool for arriving at one or more pre-existing *substantive values*.[151] By this reading, Rousseau believes that there are certain goods, like justice and equality, that exist prior to politics and derive their normativity apart from human will. Like Platonic forms, they have an independent, even metaphysical quality. The purpose of the general will is thus to provide an epistemic mechanism to bring the polity's laws into line with these values. By the same token, a citizen's "general will," refers to her deeper, "truer" will to live according to norms that are universal and timeless; her vote on a given law reflects her attempt to figure out what they are.

All three of these approaches encounter significant hurdles, however: They neither match Rousseau's language, nor adequately solve the problem of democratic solidarity as he defines it.

Against the hypothetical reading, Rousseau is clear that the general will refers to something actually existing, not a figure of speech. Consider the previously quoted passage where he justifies majoritarian voting. Rousseau's language here is plain: there is nothing hypothetical about our willing the general will or metaphorical about our identity as citizens. A

[150] It is true that Rousseau distinguishes between the procedural requirements in the initial act of contract and those entailed in subsequent acts of voting: "If there were no prior convention," he writes, "then, unless the election were unanimous, why would the minority be obligated to submit to the choice of the majority...? The law of majority rule is itself something established by convention, and presupposes unanimity at least once." *SC*, 1.5.2. *Pace* a number of interpreters, Rousseau does not suggest by this passage that citizens can bind their future wills by their initial act of democratic procedure itself. As a I argue below, this would violate Rousseau's prohibition on alienating one's will, and so be impossible. The power of this initial act is instead to transform the will of those assembled, from atomized persons into a collective "Person" with a single, general will. The full meaning of this argument will become clear from what follows.

[151] Versions of the substantive reading are offered by Joshua Cohen, Frederick Neuhouser, and David Lay Williams. Cohen 2010, 77-8; Neuhouser, "Freedom, Dependence, and the General Will," *Philosophical Review* 102 (1993), 388; Williams, "The Substantive Elements of Rousseau's General Will," in *The General Will: The Evolution of a Concept*, *op. cit.*, 219-47.

citizen *does consent*, Rousseau writes, to laws that follow the general will, whether or not she in fact voted for them. And the general will *is willed* by a person, he insists, whether or not this person actually conceived of it correctly. The hypothetical reading also falls short for a second reason: it fails to adequately account for our free will. Understood hypothetically, what it means for a member of the voting minority "to will the general will as a citizen" is for her to see herself *as if* she had willed according to how the vote was ultimately decided. But understood like this, it cannot be said of such a person that she actually *did* will in this way. And if it is the case that she did not actually will a particular law, it likewise cannot be said that this law reflects her actually-existing free will. It only reflects a fictitious entity: her hypothetical or "as if" free will.

The procedural interpretation, too, is difficult to square with Rousseau's language and purpose. He is explicit throughout the *Social Contract* that the general will applies to specific acts of legislation, not merely to democratic procedure. In the passage quoted above, Rousseau proposes the following scenario: Suppose that I, the citizen of a polity, vote in favor of a law that I think reflects the polity's general will. Suppose, further, that the vote goes against me, and a majority opposes the proposed law. This shows, Rousseau writes, that I was mistaken: the law that I supported does not actually reflect the polity's general will. Here is his phrasing: "What I took to be the general will was not." It cannot be that the general will, here, refers to the citizen's commitment to majoritarian procedure. For if that was the case, our citizen would have been aware of this all along. She would not have mistaken the general will for something else. There is another, even more important flaw with the procedural reading, however: By Rousseau's own standards, it would be inadequate to honor our moral free will. Free will for Rousseau is spontaneous and synchronic, bound to a moment in time and to the willing agent. Thus against Hobbes, he rejects that the idea of alienating one's will as impossible, even farcical.

"It is absurd for the will to shackle itself for the future," Rousseau insists.[152] But to commit to a voting procedure would mandate just that. It would require that an agent do the one thing that Rousseau repeatedly argues that she cannot: alienate her free will—in this case, to always and forever abide by a certain decision-making process.

The substantive reading also falls short, for two reasons. First, it misapprehends what the general will wills. It is true that for Rousseau, the general will must will some substantive content. It is also true that this content is not indeterminate; it has a concrete relationship to the polity and its citizens. But even if the general will's content is not open-ended, Rousseau never argues that it must contain specific goods like justice and equality.[153] He instead argues that it expresses the good of the polity in a general sense, which he often refers to as its "interest." In an early version of the *Social Contract* known as the "Geneva Manuscript," for example, he explains that "That which generalizes the public will is not the quantity of voters, but the common interest which unites them."[154] Likewise in the final version of the text, he equates "will" and "interest" in a passage contrasting one's identity qua human being with one's identity qua citizen: "Each individual citizen may, as a man, have a particular will contrary to or different

[152] *SC*, 2.1.3.

[153] David Lay Williams argues, to the contrary, that Rousseau does see the general will as bound up in substantive conceptions of justice, goodness, and equality. Williams convincingly shows that Rousseau was deeply concerned about justice. And he points out a number of places where Rousseau *associates* the general will with justice, as for example where he writes in his early *Discourse on Political Economy* that "the most general will is also the most just," and "one need only be just in order to be sure of following the general will." These examples do not demonstrate that the general will *embodies* justice, however. They show only that justice is a quality that (a) has an elective affinity with the general will, so that realizing the latter often helps to realize the former; and (b) reflects a trait of character useful for ensuring that one successfully wills the general will and not her own private will. The same can be said for Rousseau's treatment of goodness and equality. Rousseau writes in *Emile* that the general will "always tends to equality." What he means by this is not that the general will itself *wills* equality, but that in a society successfully unified under a general will, relations of equality will likely manifest. Williams 2015, 226-33.

[154] "Première version du Contrat social," in *The Political Writings of Jean Jacques Rousseau*, Vol. 1, ed. C. E. Vaughan (Cambridge: Cambridge University Press, 1915), 472. For a similar passage in the final version, see *SC*, 2.4.7.

from the general will he has as a citizen. His particular interest may speak to him quite differently from the common interest."[155] Second, and more importantly, the substantive reading fails to explain Rousseau's absolute fidelity to the democratic process. Laws, he insists, are legitimate only when voted on by an assembly of *all* the polity's citizens.[156] But if the general will is nothing more than an epistemic mechanism, this requirement would be nonsensical. Even if Rousseau thinks that democratic procedure is the best practical means for arriving at substantive values, it could presumably do so even in an assembly missing one or several citizens.[157] It must be the case, therefore, that what matters is not only the *content* of the general will, but also its *form*. For every vote, an actual act of will is required from every citizen of the polity.

Thus neither a hypothetical nor procedural nor substantive approach to the general will can be sustained. But this only deepens the puzzle. For now we must read Rousseau as saying something far more radical—and mysterious—than we had previously thought: That the general will is not hypothetical but real. It is not merely a convenient way to describe how laws acquire their legitimacy, but an authentic expression of the moral free will of each and every citizen. When a person is said to will the general will qua her identity as a citizen, Rousseau means that she actually wills it, for every vote, then and there. It cannot be said that she is a mere cog in an epistemic mechanism, or that she committed at an earlier point in time to a voting procedure, or that she can be treated "as if" she voiced her approval. Even if she consciously and explicitly opposes a given law, she really does will it, in a moral and metaphysical sense.

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[155] *SC*, 1.7.7.

[156] *SC*, 3.12.1.

[157] Rousseau never explains the general will as a device for arriving at the best outcomes for the polity, along the lines of more recent theories of epistemic democracy.

Such an idea may seem unfamiliar, but it becomes more explicable when we examine its intellectual provenance. By his own account in his *Confessions*, Rousseau as a young man read many of the great theologians of the seventeenth century. Among them was arguably the most important French philosopher between Descartes and Rousseau himself: Nicolas Malebranche.[158]

MALEBRANCHE ON WILL AND FREEDOM

Rousseau's political theory, I believe, should be understood as especially indebted to two of Malebranche's core ideas: "occasionalism," a theory about the relationship between divine and human agency; and the "general will of God," an answer to the so-called "problem of evil." It is by appropriating these concepts for politics that Rousseau is able to develop an answer to the problem of democratic solidarity.[159]

Occasionalism is the idea that human beings are only the apparent or "occasional" causes of their actions; God Himself is always the sole true or "efficient" cause. When we refer to one object as the efficient cause of second object, what we mean is that the first object is responsible for either creating or moving the second object. In an everyday sense, for example, we would

[158] *Collected Writings*, 5:199.

[159] Others, beginning with Schmitt, have previously argued for Rousseau's debt to theology. Foremost among them is Patrick Riley, whose meticulous and beautiful study of the "general will" traces how the idea comes to Rousseau from its origins in Pauline Christianity through Augustine, Pascal, Malebranche and Montesquieu. There is no question that this work will remain the classic statement of concept's history, and I make no attempt to retrace that history here. At the same time, my understanding of how and why Rousseau uses the "general will" is importantly different than Riley's. Riley interprets Rousseau as having a single, albeit problematically consistent, concept of freedom. In his view, therefore, the "general will" functions in large part to smooth over these inconsistencies. In my reading, by contrast, Rousseau has two concepts of freedom: psychological non-dependence and metaphysical free will. The "general will," I believe, solves a problem internal to one of them: how to honor our free will in light of the realities of life in political society. Moreover, while Riley discusses Malebranche's occasionalism, he does not demonstrate its impact on Rousseau's thought, focusing more on the concept of "generality" [*généralité*]. He argues that the main purpose in appropriating the concept of the "general will" is to craft a middle position between chauvinistic particularity and cosmopolitan universalism. Patrick Riley, *The General Will Before Rousseau* (Princeton: Princeton University Press, 1986), xii, 99-137. While I agree that this is among the principal aims of Rousseau's theoretical project, I do not believe that it is the primary function of the general will. For a more recent collection of essays on the concept that takes Riley's work as its point of departure, see *The General Will: The Evolution of a Concept*, *op. cit.*

understand the efficient cause of a batted baseball to be a batter. This is where the occasionalist philosopher would disagree. According to Malebranche, our everyday sense of causation is mistaken. The efficient cause of the batted baseball is not the batter, but God. The batter's causal efficacy is only superficial. Thus put less technically, what occasionalism means is that every time a person acts, her action is only effective because God wills that it be so. Without divine intervention, human beings would be incapable of producing change in the world.[160]

In our present intellectual context, one in which received questions of religious philosophy are often thought to have less urgency, such a theory may seem strange or oddly conceived. In fact, it is rooted in a deep theological concern. Almost all monotheists would affirm as a core tenet a belief in God's all-powerful nature, or omnipotence. Thus for the occasionalist, the problem with our everyday sense of causation is that it is impious: It denies God some aspect of His omnipotence. It would suggest that things are created and events transpire in the universe without the intercession of divine will.[161] In this way, occasionalism resolves a theological worry about God's omnipotence by appealing to a distinction between appearance and reality. God is in fact responsible for every relation of cause and effect in the world. We only fail to see this because His agency is hidden.

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[160] Occasionalism also posits a theory of will and perception. Among the puzzles of early modern theology was the relationship between mind and body. Because it was thought that mind and body are distinct substances (one immaterial, the other material), it should be impossible for one to affect the other. Thus in the same way that occasionalism regards God as responsible for efficient causation, it also regards the deity as responsible as enabling our cognition by constantly upholding the connection between mind and body.

[161] In *The Search After Truth*, Malebranche expresses this idea through a political metaphor, comparing a universe with multiple independently-causal agents to a feudal world divided between multiple fiefdoms: "The idea of a sovereign power is the idea of a sovereign divinity, and the idea of a subordinate power is the idea of a lower divinity....We therefore admit something divine in all the bodies around us when we posit forms, faculties, qualities, virtues, or real beings capable of producing certain effects through the force of their nature; and thus we insensibly adopt the opinion of the pagans." *The Search after Truth*, ed. Thomas M. Lennon and Paul J. Olscamp, trans. Thomas M. Lennon (Cambridge: Cambridge University Press, [1674-5] 1997), 6.2.3, p. 446.

Even as occasionalism solves one theological problem, however, it raises another: it appears to deny human beings moral responsibility. For if every one of a person's actions is in a deep sense caused not by her but by God, how can she be held responsible for the good or bad that she does? Even more troubling for a theologian, it would suggest that God, who punishes evil, causes people to suffer for crimes they had no choice but to commit. It thus risks saving one of God's attribute's, omnipotence, by sacrificing another: omnibenevolence, the divine quality of being entirely just.[162] This, therefore, is Malebranche's dilemma: Is it possible to affirm that God is the efficient cause of all human actions, while preserving individual free will? How can we simultaneously see the divine hand behind all things and see ourselves as morally responsible for our actions?

Malebranche's answer hinges on a distinction between two different activities in the soul: one, which he refers to as our "will" [*volonté*] and ascribes to God; and another, which he terms our "freedom" [*liberté*] and ascribes to the human being. By arguing that our will is really identical to God's, Malebranche guarantees God's power; by attributing to us an ability to deviate from this will—to "withhold our consent" in particular cases—he rescues human freedom.[163]

Will is a component of our agency; it is what allows us to precipitate an action in the world. But, in an assertion that may seem counter-intuitive to present-day readers, Malebranche insists that human "will" does not originate in the human being at all. What we refer to as our

[162] As Malebranche writes in his *Reflections on Physical Premotion* [*Réflexions sur la Prémotion Physique*], "If freedom is rejected, God is made the author of sin, someone unjust and cruel; in a word, this heresy overturns all religion and morality." Cited in *Oeuvres complètes de Malebranche*, 20 vols., dir. André Robinet (Paris: J. Vrin, 1958-67), 16:27-8.

[163] Malebranche's resolution is both complex and worthy of detailed study in its own right. I reproduce here only those parts germane for understanding its influence on Rousseau. For a more detailed but still very readable account of Malebranche on moral free will, see Elmar J. Kremer, "Malebranche on Human Freedom," in *The Cambridge Companion to Malebranche*, ed. Steven Nadler (Cambridge: Cambridge University Press, 2000), 190-219.

will is actually God's will. While the will's proximate location is within our body, it cannot be directly ascribed to us. We are merely its conduit or channel. Said differently, for Malebranche, the soul only "wills" at all in so far as the deity Himself wills.[164] And, critically, because it is really the deity's will, and the deity is always good, the soul's will also always wills what is good. This allows Malebranche to define the will as "the impression or natural impulse that carries us toward general and undetermined good [*vers le bien indéterminé et en general*]."[165] This novel concept of will in hand, Malebranche is able to resolve the first horn of his dilemma. There is no independent human faculty of will, and so no limitation on God's power. Because God acts through us, we sometimes mistakenly believe that our actions stem from our own, independent will. In fact, all of our actions are caused—that is, willed—by God.

To this argument Malebranche adds an important caveat: although the deity always wills what is good, it only does so in general terms. He refers to this property of divine will as the "general will" [*volonté générale*].[166] Malebranche insists on the generality of God's will in order to deflect another theological worry, the so-called problem of evil: How can our belief in God's goodness and omnipotence be reconciled with the reality that the wicked prosper, the righteous suffer, and the morally innocent, like young children, endure a litany of hardships, including starvation, disease, and early death?[167] Malebranche answers this challenge by adding to the

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[164] Malebranche argues that the power of will is "certainly the effect of the Creator's [own] will" and thus it is merely "the action of God" within the soul. Malebranche, *Oeuvres complètes*, 16:46-7.

[165] Malebranche [1674-5] 1997, 1.1.2, p. 5.

[166] Nicolas Malebrache, *Nature and Grace*, trans. Patrick Riley (Oxford: Oxford University Press, [1680] 1992), especially 195-216.

[167] During Rousseau's time, the 1755 Lisbon Earthquake in particular made the question of reconciling divine justice with divine power impossible to ignore. The earthquake, along with the accompanying tsunami and fires, took the lives of tens of thousands of people in Portugal and along the Atlantic coast. The European intelligentsia of the time were deeply affected by the event, and many of the Continent's most prominent intellectuals pondered the earthquake's theological and philosophical ramifications, including Voltaire, Rousseau, and Kant. Though Malebranche, who died in 1715, was not among them, his theological position was often cited in the ensuing

deity's attribute of omnipotence an additional attribute of simplicity.[168] It is undoubtedly true, he contends, that God *could*, in principle, intervene in every crevice of nature and every corner of human affairs—punish every sinner, reward every saint, halt every natural disaster. But to do this would be to offend God's simple nature, the deity's predilection for intervening in the world in ways that are general, consistent, and regular, like natural laws.[169] Thus while events may transpire that constitute genuine human evils—wars, famines, and earthquakes—these events reflect something necessary about the deity's nature—its simplicity—and something essential about the deity's will: its generality.[170]

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debates. For a study of the earthquake's effect on Enlightenment philosophy and theology see Mark Molesky's *This Gulf of Fire: The Destruction of Lisbon, or Apocalypse in the Age of Science and Reason* (New York: Random House, 2015).

[168] "Nature," Malebranche writes, "is nothing other than the general laws which God has established in order to construct or to preserve his work by the simplest means, by an action [that is] always uniform, constant, perfectly worthy of an infinite wisdom and of a universal cause." [1680] 1992, 196. As Riley documents, a number of early modern philosophers and theologians rejected this solution, arguing, in effect, that divine simplicity need not entail generality of divine will. Riley 1986, 46-50.

[169] Malebranche [1680] 1992, see for example 117.

[170] Broadly speaking, there are three possible responses to the problem of evil: deny God's omnipotence; deny God's benevolence; or attempt to reconcile them. The first position is most closely associated with Gnosticism. Very briefly, a Gnostic believes that the god who is the object of worship by monotheists is different from the god who created the universe and governs its daily operation. While the first god is good and just, the second is wicked. The presence of evil in the world, therefore, can be explained by the machinations of this latter, malicious divine being. See Hans Jonas, *The Gnostic Religion* (Boston: Beacon Press, [1958] 2001) and Elaine Pagels, *The Gnostic Gospels* (New York: Vintage Books 1979). A second position, denying that God is perfectly just, was in Rousseau's time most prominently adopted by Voltaire. In his *Poem on the Lisbon Disaster*, he argues that the earthquake serves as an unassailable argument against divine justice and compassion. While God may not be malicious, He is by this view clearly indifferent to human affairs. "Poem on the Lisbon Disaster," in *The Portable Voltaire* (New York: Penguin Books, [1756] 1977). A third position is what is known as theodicy. Theodicies refuse to abandon either of God's attributes. Instead, they attempt to vindicate both divine power and goodness even in light of the existence of evil. Theodicies, in turn, come in at least two kinds. According to the first, all evil is merely apparent evil. When seen from a different vantage, such evil can be reinterpreted as good, being necessary for some greater divine purpose. By this view, associated most prominently with Hegel's thought, the bloodshed of history can ultimately be justified. For example, according to Hegel the French Revolution made human beings aware that they could organize their affairs in terms of ideas, like freedom, rather than the vicissitudes of nature. Thus the Revolution's violence—impossible to defend at the time—was ultimately vindicated by its larger role in history. *The Philosophy of History*, trans. J. Sibree (New York: Dover Publications, 1956), 438-57. Malebranche's theodicy is of a second kind. Instead of regarding all evil as a construct of human perception, he accepts its reality. In other words, the world, in his view, does contain *real* evil, and not only its appearance.

So far, Malebranche has been able to resolve two major theological concerns. By equating human will with divine will, he can affirm divine omnipotence. By ascribing to God a simple nature and "general will," he can answer the problem of evil. Yet Malebranche still remains confronted by the second horn of his original dilemma: If we believe that human will is not "efficient," but "occasional," how can it be free? If all our actions are willed by God, in what sense can we be ascribed moral responsibility?

Malebranche's answer is to redefine human freedom. While a person is not free to *will* anything other than what is good *in general*, she is free to *do* what is good or bad *in particular*:

> This power of loving or not loving particular goods...is what I call *freedom* [*liberté*]. So...this expression, *our will is free*, means that the natural movement of the soul toward the good in general is not invincible with regard to the good in particular.[171]

Human will, according to Malebranche, cannot but pursue the good in general. Its orientation is in this respect is constant. With regard to particular objects, however, human action is free. While we always will the good, we can act in discrete ways that are not good. In Malebranche's terms, our motivation toward a particular good is "not invincible." We are capable of modifying it.

The reason why this answer rescues human moral responsibility is because freedom, unlike will, is a power within us that is genuinely our own:

> There are in the soul two different powers or activities. The first is properly only the action of God...[who] continually...moves [the soul] toward the good in general. But the second...which is the essence of freedom, is...very different from the first. It consists in a true power, not to produce, by its own efficacy, new modifications in itself, that is, new interesting perceptions or new movements in the will, but...a true power of the soul to suspend or to give its consent to the motives that follow naturally upon interesting perceptions.[172]

[171] Malebranche [1680] 1992, 170.

[172] Malebranche *Oeuvres complètes*, *op. cit.*, 16:46-7.

According to Malebranche, every human being has two basic faculties, will and freedom. The will, being identical to God's, always wills what is good in general. Our emotional motives, however, are linked not to the good in general, but to manifestations of the good in particular. Thus when confronted with the choice of whether to take a discrete action, we either have a motive—that is, a desire—to do so or not. When we do have such a motive, our next step is to evaluate whether our motive to take this action corresponds to God's will for the good in general. Based on our judgment, we can then either consent or not consent to our motive to act. Such consent to a motive makes us morally responsible, according to Malebranche, because we can be justly blamed for either consenting to a motive that does not reflect the good in general, or not consenting to a motive that does reflect the good in general. Our consent or non-consent to a motive does not detract from divine omnipotence, he claims, in so far as the decision to consent is a purely internal, passive mental motion, what he calls a "*repos.*"[173]

By means of illustration, consider a person who has a motive to do something, like donate to a charity. Malebranche takes it as a given that this person has a general will for the good. Such a person must now ask herself whether the charitable cause is a particular manifestation of the good that she wills generally. Let's say that this person concludes that it is. She is then confronted with a decision: Should she give money or not? In Malebranche's terms, her decision looks like this: On the one hand, she can consent to her motive to donate, thereby following what she understands to be God's general will. Alternatively, she can withdraw her consent to that motive and not donate. In so far as her will is actually God's general will in

[173] Malebranche *Oeuvres complètes*, *op. cit.*, 16:40, 16:43. Strictly speaking, for Malebranche, our freedom does not "cause" anything; it merely consents or does not consent to God's will, which is the true cause.

either case, the deity retains its omnipotence. And in so far as it is up to her to consent to her motive for this particular action, she is "free."[174]

ROUSSEAU'S POLITICAL THEOLOGY

Whether Malebranche's proposal works as a theological argument is an open question. Many commentators, beginning in his time and extending to our own, have expressed their doubts.[175] Whatever the case, returning a verdict on Malebranche is not my task here. And indeed for Rousseau himself, as I will now show, what mattered less was the efficacy of his predecessor's philosophy for tackling a religious quandary than its utility for resolving a political one: how to legitimize his prooposed institutions for securing solidarity in light of humanity's moral freedom. In other words, Rousseau looked to Malebranche's theology to solve the problem of democratic solidarity.

Recall the core of the problem. How can a law be understood to reflect the free will of every citizen, including those who voted against its ratification? To answer this question, Rousseau insists on something paradoxical: "The Citizen consents to all the laws, even to those passed in spite of him." To justify this statement, he adds a further idea: when a person wills as a citizen, she wills not her own will, but something called the "general will." Thus when a citizen votes against a given law, she can, counter-intuitively, be understood to have nonetheless freely willed that law in so far as she willed the general will. In this way, Rousseau appears to be saying something remarkable: that even when a person *intends and acts* to oppose a given law,

[174] Conversely, were this person to judge that the charity is *not* a particular manifestation of the good she wills generally (e.g., that it is a disreputable charity), her decision would look like this: If she consented to her motive to donate, she would *not* be following God's general will; if she withheld her consent, she would be.

[175] See for example Kremer 2000, especially 210-4.

she can nonetheless be said to have *willed* it. And her will, here, is real, in both a moral and metaphysical sense.

Confronted only by text of the *Social Contract*, this idea seems either astonishing or mystifying. In light of our reading of Malebranche, however, it becomes possible to understand how he could have arrived at such a view. Rousseau, in brief, resolves the problem of democratic solidarity by transposing the theologian's distinction between "will" and "freedom" into political life. I call this Rousseau's political theology.

The transposition itself is based on three critical parallels, the first being an analogy between occasionalism and the act of voting. Malebranche develops occasionalism to deal with a theological problem: How can we be understood to possess free will if God is the true cause of all our actions? Rousseau asks a similar question: How can we be understood to possess free will if we must acquiesce to laws that we did not will? Both questions stem from a common concern over how moral freedom is possible under conditions where we appear to have none. Malebranche answers his question by changing the meaning of free will: While every human being has a will within herself, that will is not her own, but God's. With Malebranche as inspiration, Rousseau, I believe, also answers his question by changing the meaning of free will. The will of Rousseau's citizen, like Malebranche's human being, is not her own. Instead, it is actually the will of her state. Just as the authentic will of every human being, for the occasionalist, is actually God's general will, so too for Rousseau the authentic will of every citizen is what he calls "the general will."

This leads to a second important parallel: Just as God's will, according to Malebranche, is general, so too, for Rousseau, is the will of the sovereign. God's will is general, for Malebranche, because of an aspect of His nature: simplicity. The deity, rather than giving the

world a miraculous, ad hoc structure, instead constantly chooses to uphold natural laws. Rousseau likewise asserts that the sovereign could, in principle, annul the laws of the state at any time. The essence of the state is not its laws, he asserts, but "legislative power," and "everything [the sovereign] has once declared it wills it continues to will, unless it revokes it."[176] But like the occasionalist God, Rousseau's sovereign is also, in his words, "simple and single."[177] Thus if the occasionalist deity, as a manifestation of its simplicity, acts almost entirely by means of natural laws, Rousseau's sovereign, also simple, acts only by means of human laws. Like Malebranche's deity, Rousseau's sovereign is "constantly confirming" its laws.[178] And just as natural laws are manifestations of God's general will, so too the laws of the sovereign are, in Rousseau's words, "nothing but authentic acts of the [state's] general will."[179]

Finally, Rousseau shares with Malebranche a view about the content of the general will: that the general will always wills the good. For Malebranche, it is axiomatic that the deity's will is all-good. And because our individual will is actually the deity's, our general will, too, is directed toward goodness. Rousseau arrives at the goodness of the citizen's will through a similar series of steps. As citizens, we will the general will of the state. The general will of the state, in turn, is directed toward the good. In the context of his political theory, however, "the good" refers not to the interest of humanity as a whole, but the interest of a particular state.[180]

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[176] *SC*, 3.11.4.

[177] *SC*, 3.13.5.

[178] *SC*, 3.11.4.

[179] *SC*, 3.12.1.

[180] See my above discussion of the "general will" as referring to the "general interest." It should be noted that there is an apparent disanalogy here: Where Malebranche understands God's general will as applying *universally*, that is, to all humankind, Rousseau understand the general will to apply *particularly*, that is, only within a given state and people. Even so, this disanalogy is not in itself a problem. It simply suggests that for Rousseau, although the state is modeled on the one God, political life as a whole is "pagan" rather than "monotheistic": Each of us are members of states, each of which are understood to be akin to a universe governed by a single divine being.

Thus our will as citizens, too, is directed toward the general interest of the state: "The people always wills the good."[181] This allows Rousseau to conclude the following: "The general will is always upright [*droit*] and always tends to the public utility."[182]

With these three theological parallels in hand, it is now possible to demystify Rousseau's response to the problem of democratic solidarity, and, by extension, the puzzle of liberal solidarity. As human beings, Malebranche argues, our will is not really our own, but God's. As citizens, Rousseau suggests in parallel, our will is not really our own, but the state's. As human beings, for Malebranche, we always and invariably will God's general will, even if we are neither conscious of it nor act on it. Likewise as citizens, for Rousseau, we always and invariably will the sovereign's general will, even if we are neither conscious of it nor act on it. What salvages our free will, according to Malebranche, is our ability to withdraw our consent to follow God's general will in particular cases. So too with Rousseau's citizen. While a citizen is never capable of willing anything but the state's general will, she can, when confronted by a particular vote, withdraw her consent to act on it. In other words, she can *vote* differently than how she *wills*. As Rousseau writes from the perspective of the losing voter, "If my particular opinion had prevailed, I would have *done* something other than what I had *willed*."[183]

At this point, we might ask why someone would ever fail to vote according to the general will. If every citizen always wills the general will, why would she withdraw her consent to act on it in particular cases? Consulting the parallel with Malebranche yields two reasons, one epistemic, the other dispositional.

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[181] *SC*, 2.6.10.

[182] *SC*, 2.3.1.

[183] *SC*, 4.2.8.

On the one hand, Malebranche explains that a person may misapprehend whether an action actually reflects God's general will to the good. Rousseau describes why citizens sometimes fail to vote according to the general will in very similar terms. A citizen may think that a law will be good for her state when it will in fact be bad, or the reverse: "The people always wills the good, but by itself does not always see it"; "The general will is always upright, but the judgment that guides it is not always enlightened."[184]

On the other hand, Malebranche argues that a person may decline to act on God's general will because of a failure of motivation. It is not enough that we will and know the good; we must also have a *motive* for it. Indeed he refers to our freedom as our "power of loving or not loving particular goods."[185] For Rousseau, too, desire and motivation plays a pivotal role in our decision-making. "The citizen who is concerned" about the state, Rousseau writes in *Julie*, "should not foolishly exhort us with *Be good*; but make us love the estate that helps us do so."[186] If a person does not begin with a desire for the general good of the state, she will never be motivated to discover it; as with Malebranche, such desire is a prerequisite for epistemic judgment. Only when we love the state and desire its good will we say to ourselves, before voting, "it is advantageous to the State" rather than "it is advantageous to this man or to this party that this or that opinion pass."[187]

In sum, this is Rousseau's solution to the problem of democratic solidarity. By following Malebranche and bifurcating free will into two parts—freedom and will—he can argue that we honor it even in collective life. As citizens we always will the general will of the state, even

[184] *SC*, 2.6.10, 2.3.1.

[185] Malebranche [1680] 1992, 170.

[186] *J*, 14.

[187] *SC*, 4.1.6.

when in the voting minority. But because we also have the ability to withdraw our consent from it in evaluating particular laws, we can be considered free. When we do the latter, we realize that our *conscious choice* reflected our particular interest, not the general interest. But our real *will*, all along, was the general will of the state. And this legitimizes all of the state's laws and institutions, even those that secure solidarity through deception, constraint, and outright coercion.

When Metaphor Becomes Myth: Democracy and the Puzzle of Liberal Solidarity

"He would do good to others must do it in Minute Particulars; General Good is the plea of the Hypocrite and Scoundrel."
-*William Blake*, Jerusalem[188]

"However highly [the sovereign] is enthroned over subject and state, his status is confined to the world of creation; he is the lord of creatures, but he remains a creature."
-*Walter Benjamin*, The Origin of German Tragic Drama[189]

"No thought is greater or more important than that of our 'I'."
-*Immanuel Kant,* Lectures on Anthropology[190]

I structured this chapter around two questions: What task is the general will meant to perform in Rousseau's political theory? And is it up to the challenge?

To answer the first, I began by examining Rousseau's social psychology and practical program to secure solidarity. To provide for our normative commitment and psychological motivation, Rousseau proposes a number of institutional measures: Creating a "common self"

[188] William Blake, "Jerusalem," in *The Complete Poetry & Prose of William Blake*, ed. David V. Erdman and Harold Bloom (New York: Random House, [1804-20] 1988), Ch. 3, Plate 55, 60-1.

[189] Walter Benjamin, *The Origin of German Tragic Drama*, trans. John Osborne (London: Verso, [1963] 2009), 85.

[190] Immanuel Kant, *Lectures on Anthropology*, ed. Allen W. Wood and Robert B. Louden, trans. Robert R. Clewis, Robert B. Louden, G. Felicitas Munzel, and Allen W. Wood (Cambridge; Cambridge University Press, [1772-1789] 2012), 263. Hereafter "*LA*."

out of the citizenry by fusing ethics and politics and mandating civil religion; aestheticizing civic life; and naturalizing the laws. By diminishing our feelings of dependence and stirring us to self-transcendence, these measures combat social pathologies like domination and yield a robust feeling of unity. But by relying on coercion and manipulation, they seem to violate Rousseau's dedication to honoring the individual, and in particular, to respecting her moral free will. This raises what I called the problem of democratic solidarity: How can it be said that a citizen consents to all of her polity's laws, even those that restrict her freedom, and even those that she herself opposed? Rousseau's answer is the general will. After analyzing and rejecting three approaches to the general will, I offered my own, what I called Rousseau's political theology. Rousseau, I argued, preserves free will in collective life by secularizing the religious philosophy of Nicholas Malebranche. Malebranche, in order to reconcile divine omnipotence with individual moral responsibility, divides free will into two components: "freedom," which is our own and particular, and "will," which is God's and general. Rousseau applies this division to political order. Though our general will as citizens is always for the good of the state, we can withdraw our consent to act on it in discrete cases, as in voting on laws. We can thus be said to have willed even those laws that we consciously voted against. And the coercive institutions that Rousseau counsels for securing solidarity can be rationally reconciled with honoring the individual and her moral freedom.

The function and meaning that Rousseau assigns to the general will, then, should be clear. But the second question still remains: Is it up to the task? Does the general will offer an adequate solution to the puzzle of liberal solidarity? Is it truly capable of both securing solidarity and honoring the individual? And does it answer Schmitt's challenge? Has Rousseau found a

fully rational way to ensure our normative commitment in a secular age? Is he able to realize solidarity through secularization? In short: Does his political theology work?

Rousseau, as we have now seen, insists that the general will of the citizen is neither a figure of speech nor a mere component of democratic procedure. It is real, unwavering, applicable to every law and having the same moral and metaphysical qualities as our individual free will. Yet Rousseau's argument, here, is based on one critical supposition: That there is a truthful analogue between Malebranche's theology and his own political theory. He must claim, in other words, that his political theology holds up, that the concept of the general will can be reapplied from religion to politics without loss of meaning. But for such an idea to earn plausibility, Rousseau must extend his theological metaphor one further degree. If divine general will has its source in God, the general will of the citizen, too, must have a wellspring. Rousseau has a number of terms to describe this analogue to the deity, including "state," "city," "republic," "sovereign," "power," and, as we have seen, the "common self." But perhaps the most evocative is itself a metaphor: the "body politic."

For Rousseau, the body politic is the site where the general will is determined by the people and set into motion via the laws. Even so, he has no illusions that it, like the deity, is either necessary or eternal. Like other human institutions it is a construct, something that we fashion at a certain time and place. Here is one way that he describes its formation:

> Each of us puts his person and his full power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole.[191]

There is a long tradition in the history of political thought of anthropomorphizing the citizenry in its collective capacity. According to one view, therefore, the words "body" and "will" in this

[191] *SC*, 1.6.9, cf. *E*, 460.

passage would capture ideas, not real phenomena. Like Hobbes and his famous image of the state as "Leviathan," Rousseau, by this interpretation, is operating purely in the realm of metaphor.[192] Just as a person has a body, the polity has a "body"; just as a person has a will, the polity has a "will," and so on. The problem with such a view is that Rousseau, plainly, does *not* regard the state's will, the general will, as purely metaphorical. Just as the occasionalist God has a real general will, so too the state has a real general will. Just as Malebranche's human being actually wills God's general will, so too Rousseau's citizen actually wills the state's general will.

And this puts Rousseau in a bind. On the one hand, Rousseau could agree that the "body politic" is in fact nothing more than a metaphor.[193] By this reading, it is akin to what Benedict Anderson famously called an "imagined community," a shared but entirely fictional sense of common identity and destiny.[194] Yet to read Rousseau this way implies the unthinkable. It would suggest that a metaphor, even if little more than an image, can be ascribed a tangible, non-metaphorical capacity: the ability to generate an actually existing general will. It would propose that the "body politic," despite being nothing more than a mental construct, is the source of a faculty that is not a mental construct: our moral free will. Put simply, it would imply that a figure of speech can produce a real entity.

On the other hand, Rousseau could be construed as arguing that the "body politic" is a real, actually existing object. Not merely a metaphor shared by a certain community of people, it would instead be an autonomous collective agent that exists over and above its members. Such a

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[192] Hobbes' predecessors in using the metaphor of the "body politic" included John of Salisbury and Thomas Aquinas. See Shklar 1969, 198.

[193] In places, Rousseau seems to come close to saying something like this. In *Emile*, for example, he writes that in "good social institutions," each individual "believes himself no longer one but a part of the unity and no longer feels except within the whole." Here, Rousseau's language is indeed in a figurative key. Rather than *being* part of a larger whole, a citizen "*believes*" or "*feels*" herself to be so. *E*, 40.

[194] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, *op. cit.*

reading, it is true, would give the general will a plausible origin. If the sovereign actually exists, it can, by extension, be said that it actually wills. It would not only be *like* a body; it would actually *be* a (non-physical) body, one whose will manifests within all its citizens. Its citizens, likewise, would be in a real and not figurative sense its (non-physical) "limbs." Rousseau's phrasing sometimes lends credence to this interpretation, as in the places where he refers to the body politic as a "moral and collective body" or "moral person."[195] Yet to understand the body politic this way presents serious problems of its own. For the limits of this theological analogue are plain, as we can see by returning to the origins of the "body politic" metaphor. The divine being, or, in Pauline Christianity, the "body of Christ," is understood to have an independent and eternal existence.[196] This presumably would be the case regardless of whether human beings elect to become its "members." Thus to say that the "body politic" has an actual, autonomous existence akin to the "body of Christ" would imply something remarkable. It would suggest that human beings have the ability, using only their mental faculties, to construct a collective agent that is not only imagined, but real.[197] It would mean that as a species, we have a kind of metaphysical creativity, an ability to manipulate not only our own physical world, but a non-physical "moral" one as well. If true, this would move Rousseau closer to a kind of mysticism.

[195] *SC*, 1.6.10 and 2.4.1, respectively.

[196] In a well-known passage from First Corinthians, for example, Paul portrays the members of the church as being a single "body," which, despite having many "members," is in fact "one": "Now you are the body of Christ and individually members of it." I Corinthians, in *The Harper Collins Study Bible*, ed. Harold W. Attridge (San Francisco: HarperSanFrancisco, 2006), 12-27.

[197] The "body politic" is by Rousseau's own admission a human construct, an entity generated in a particular time and place. Moreover, it can decline and "die," a point he emphasizes in a section of the *Social Contract* entitled "The Death of the Body Politic." *SC*, 3.11.

But such an idea is both highly implausible and impossible to justify. And it certainly cannot provide the basis for liberal-democratic solidarity in a secular age.[198]

This leaves us with only one conclusion: the failure of Rousseau's political theology. The problem, it should now be clear, is the theological metaphor itself. Rousseau set out to draw from Malebranche's thought for purposes of *analogy*. He thought that the general will's ability to solve a problem in theology could be repurposed to solve a problem in political theory. What he ended up with instead was a *logical dependency*. In order for the general will to answer Schmitt's challenge and solve the puzzle of liberal solidarity, it must be a fully secularized concept. It must provide a rationally-justifiable basis for commitment and motivation. Yet in order for it to practically solve the problem of democratic solidarity, it should now be clear, the general must retain a *religious remainder*: a real, metaphysical will—what for Malebranche was the will of God—that flows through all members of the polity. And the need for this remainder ultimately disqualifies and dooms Rousseau's general will. It turns it into a myth. According to Malebranche, the general will is an actual attribute of an actually existing God willed by actually existing people. Whatever Rousseau's philosophical intentions, the general will cannot but be a metaphorical attribute of a metaphorical body politic willed by a category of person that is itself a mental construct: citizen. All of these elements remain figments of our imagination. That this imagination is collective does nothing to enhance its reality.

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[198] At the same time, construing Rousseau's theory in this way helps to explain why he endows the sovereign with even greater power than does Hobbes. As noted earlier (note 141) the citizen of a Hobbesian state who is ordered by the sovereign to give his own life may rightfully disobey the sovereign's order. For Rousseau, by contrast, the citizen has no such right. The sovereign not only rules him by virtue of *de facto* power, but *de jure* moral authority. Such an idea becomes explicable if we conceive of the "general will" of the sovereign as really our own in a metaphysical and moral sense. In such a case, disregarding its order would be not only illegitimate, but incoherent. It would be like a person's hand refusing to move on the order of his brain: "If the State or the City is only a moral person whose life consists in the union of its members, and if the most important of its cares is the care for its self-preservation, then it has to have some universal and coercive force to move and arrange each part in the manner most conformable to the whole. Just as nature gives each man absolute power over his members, the social pact gives the body politic absolute power over all its members, and it is this same power which, directed by the general will, bears, as I have said, the name of sovereignty." *SC*, 2.4.1.

I began this chapter by noting the controversy and ambiguity surrounding the reception of Rousseau's general will. Is it an indispensable concept for realizing liberal solidarity in a secular age and a rational response to Schmitt's challenge? Or is it a dangerous fiction, a rhetorical device useful for enterprising tyrants and dictators? This question is an urgent one, not only because of the centrality of the general will in the history of political thought, but also because of the growing number of contemporary scholars in democratic theory who look to Rousseau's philosophy for inspiration.

We are now in a position to offer an answer. Consider Rousseau's infamous description of how the state can justifiably exercise its coercive authority:

> For the social contract not to be an empty formula, it tacitly includes the following engagement which alone can give force to the rest, that whoever refuses to obey the general will shall be constrained to do so by the entire body: which means nothing other than that he shall be forced to be free.[199]

No small measure of ink has been spilled and hands wrung at this passage. Some theorists, Jacob Talmon foremost among them, have regarded it as embodying the "totalitarian" dimension of Rousseau's democratic theory.[200] Other more recent scholars have interpreted it more mildly as speaking to our freedom from arbitrary authority.[201]

In light of Rousseau's political theology, I believe that it is possible to read this passage a third way. Malebranche's response to the problem of evil is to admit its reality while insisting on God's goodness. Because God wills generally through natural laws, the world will contain

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[199] *SC*, I.7.8.

[200] Talmon 1970, 38-49.

[201] By this view, the general will refers to our commitment to abide by the majoritarian outcome of the democratic process (what I have referred to as the "procedural" interpretation). Consequently when we are forced to follow our polity's laws, we are doing nothing more than obeying ourselves in so far as we freely consented, in the original act of contract, to obey even future laws that we will oppose. Our "freedom" derives from the fact that we are not subject to arbitrary authority; and so being coerced into obedience has the effect of making us realize that we are, in fact, "free." See for example James 2013, 94-5.

particular instantiations of evil. So too with Rousseau's state. Because the state wills generally through human laws, the polity will on occasion make laws that go against the interests of individual citizens. To these citizens, such laws will appear "evil," and they may be tempted to violate them. But when a citizen does so, her action is akin to rebelling against God's will. At the point at which she openly and consistently disobeys the general will, the general will plainly cannot be ascribed to her. And given that half of what it means to have free will as a citizen, in Rousseau's system, is to will the general will, she cannot be said to be free, either. The state's task, therefore, is to rejoin the two halves of her free will that have been torn apart. Like God's punishment of Job, designed to make him recognize the divine hand in all things, the state's aim in punishing its citizen is for her to recognize its general will as her own.

If the general will could be seen as reflecting our genuine moral freedom, these illiberal tactics for solidarity could, perhaps, be justified. Forcing our freedom could be defended. The body politic, taking the place of the divine being, could rightly coerce us back to its will. Our free will as individuals could be joined with intense social unity. Our "chains" could be made "legitimate." Rousseau would have both secured solidarity and honored the individual. He would have answered Schmitt's challenge through a novel form of democratic solidarity. But if the body politic is not a real agent, it cannot have a real will. Citizens, in turn, cannot be said to share in its general will. Rousseau's tactics for securing solidarity, justified by the general will, become little more than tools for repression and coercion. And the putative non-dependence that citizens earn as members of the body politic ends up being exactly the opposite: a form of complete dependence. *Pace* Talmon, Rousseau's citizens are not participants in a "total state," Schmittian or otherwise. But they do find themselves in the position of Emile to his master: believing themselves to be independent, but in actuality fettered to the greatest possible degree.

In the "Profession of Faith of the Savoyard Vicar" in *Emile*, Rousseau had painted a noble image of the self, one unbound by the passions, transcendent of the senses, and capable of moral freedom. He had proposed a vision of the human subject, the "I," as not only apparently free, but absolutely spontaneous. The "I" we find at end of *Social Contract* is of a very different kind. In Rousseau's own words, it has been "denatured," deprived of its "absolute existence" and given one that is "relative." It has been "transport[ed]" out of itself and "into the common unity."[202] Now we are in a position to see the consequences. What Rousseau leaves us with, in the end, is neither a heavenly city nor an earthly paradise. It is a society of human beings, in flesh and blood, forced to imagine that slavery is freedom, the state is the deity, and their sense of self is not their own. If they retain their honor as individuals in principle, they live in a society that wholly stifles it in practice. The moral will of each citizen remains as absolute as it always was. But this is something that Rousseau's state not only fails to respect, but actively undermines through its fiction of collective agency. Rousseau's political theology, designed to rationally integrate our freedom into life with others, ultimately founders in unreason. His central metaphor is revealed to be a myth. And the place of the general will in our vocabulary for conceptualizing liberal solidarity in a secular age should, I think, be reconsidered.

Kant, who was deeply affected by Rousseau's thought, by *Emile* in particular, and by the "Vicar" passage most of all, was disturbed by these conclusions. He questioned how free will, given such a beautiful and passionate defense in many of Rousseau's writings, could have undergone such a grotesque transformation in his ideal state. He wondered how the "I," the source for Rousseau of our judgment, morality and humanity, could have been politically warped beyond all recognition. And he interrogated how the divine being, for him identical with morality, could have been repurposed, even analogically, into an instrument for canceling

[202] *E*, 40.

religious freedom and eradicating ethical life. It is Kant's answers to these questions, and his own response to the puzzle of liberal solidarity, that I take up now.

CHAPTER THREE

The Kernel of Unreason at the Heart of Enlightenment: Kant, Spontaneity, and Ethical Solidarity

"The idea of the modern constitutional state triumphed together with deism, a theology and metaphysics that banished the miracle from the world....The rationalism of the Enlightenment rejected the exception in every form."

-*Carl Schmitt*, Political Theology[1]

"*Miracles cannot be assumed* except in the greatest emergency. But the greatest emergency is that where we must suspend the use of our reason itself....*The condition under which it is allowed to assume miracles is this: the course of nature does not coincide with moral laws."*

-*Immanuel Kant,* Lectures on Metaphysics[2]

"The new always appears in the guise of a miracle."

-*Hannah Arendt*, The Human Condition[3]

KANT, SPONTANEITY, AND SCHMITT'S CHALLENGE

"Enlightenment," declares Kant, in his famous essay on the concept's meaning, "is man's emergence from his self-incurred immaturity."[4] To overcome this immaturity, he continues, "all that is needed is freedom....freedom to make public use of one's reason in all matters."[5] Kant, perhaps more than any other thinker, is associated with both the project of Enlightenment and the primacy of reason. His name is synonymous with the idea that human knowledge should be

[1] Schmitt [1934] 2005, 36-7.

[2] Immanuel Kant, *Lectures on Metaphysics*, *op. cit.*, 28:218-9, p. 40, emphasis in original. Hereafter "*LM*." For this and all other of Kant's published works (aside from the *Critique of Pure Reason*, as noted below), I include, where possible, the page number both in the German Academy of Sciences edition of Kant's collected works, as well as the page number in its Cambridge University Press translation.

[3] Arendt [1958] 1974, 178.

[4] Immanuel Kant, "An Answer to the Question: 'What is Enlightenment?'" in *Kant: Political Writings*, ed. H. S. Reiss, trans. H. B. Nisbet (Cambridge: Cambridge University Press, [1784] 2008), 54.

[5] "What is Enlightenment?" 55.

grounded in what is rationally explicable and human morality in what is rationally justifiable. Yet there is another, crucial, but camouflaged side to Kant's philosophy, one to which he hints in concluding his essay. With the flowering of freedom, governments will come to recognize that the individual has a basic "dignity," that he is "more than a machine."[6] In this work Kant does not more than intimate as to the nature of this mysterious quality that lifts the human being above the mechanism of nature. In other moments he is less guarded. And what we find in examining these moments is startling. Elevating us above lifeless matter is a quality of the self's agency that not only resists description, but is in principle impossible to grasp or explain. In different places, and with somewhat different emphases, Kant refers to this quality as our "personality" or, more technically, as the "I." His preferred term, however, refers to our capacity to make moral choices unbound by the deterministic laws of nature: "spontaneity."[7]

While political theorists today are likely to associate Kant with liberalism, autonomy, and individual rights, his concept of spontaneity may have had a greater cumulative effect on modern philosophy and social thought. For the German Idealists, it heralded the destruction of classical metaphysics and a new kind of philosophy of subjectivity. Fichte, for example, saw "absolute spontaneity" as "what is contained first and foremost in the concept of freedom."[8] The idea of

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[6] Kant [1784] 2008, 60.

[7] The terms "personality," "spontaneity," and "I" all refer to different components of Kant's theory of moral agency, though they all share this quality of resisting thoroughgoing rational explanation. I here use "spontaneity" as a shorthand for what Kant himself refers to more technically as "*absolute* spontaneity." I discuss the difference between these terms, as well as this distinction within the concept of spontaneity, in detail further on. Absolute spontaneity, in turn, is for Kant involved with both how we attain knowledge about the world ("epistemic spontaneity") and how we act as moral agents within it ("practical spontaneity"). My focus in this chapter is on the latter. For a discussion of epistemic spontaneity in Kant, see Henry Allison, *Idealism and Freedom: Essays on Kant's Theoretical and Practical Philosophy* (Cambridge: Cambridge University Press, 1996), especially 92-103.

[8] J. G. Fichte, *Foundations of Natural Right*, *op. cit.*, 9. For Fichte, "absolute spontaneity" is the defining feature of the human being's agency, both moral and epistemic. In addition to Fichte, the idea of freedom as spontaneity played a central role in German Idealism more generally. Schelling, for example, conceived of his central task as a critique of spontaneity and a re-grounding of human freedom. And for Hegel, it is the untenable assertion of spontaneity that dooms prior conceptions of unmediated subjectivity, the "pure 'I.'" See for example F. W. J.

spontaneity was also central for the development of existentialism. Kierkegaard defines the self by its ability to "choose absolutely," its "first movement" of freedom, while Sartre critiques Kant's "contradictory" concept of spontaneity before offering his alternative.[9] In one of the twentieth-century's most dramatic philosophical confrontations, the concept of spontaneity took center stage. As Heidegger debated Cassirer, their clash centered around the meaning and possibility of human spontaneity.[10] And in contemporary political theory, Kantian spontaneity plays a key role—whether acknowledged or not—in undergirding ideas of dignity and human rights. While all acknowledge dignity's origins in Judaism and Christianity, philosophers and legal scholars are more likely to trace their own usage of the idea to Kant.[11]

Schelling, *Idealism and the Endgame of Theory: Three Essays by F. W. J. Schelling*, trans. and ed. by Thomas Pfau (Albany: State University of New York Press, [1797-1810] 1994), 130. G. W. F. Hegel, *The Science of Logic*, trans. and ed. George Di Giovanni (Cambridge: Cambridge University Press, 2010), 54.

[9] Søren Kierkegaard, *Either/Or: A Fragment of Life*, ed. Victor Eremita, trans. Alastair Hannay (New York: Penguin Books [1843] 1992), 508, 516-7. Jean-Paul Sartre, *Being and Nothingness*, trans. Hazel E. Barnes (New York" Washington Square Press, [1943] 1992), 210.

[10] See Peter E. Gordon, *Continental Divide: Heidegger, Cassirer, Davos* (Cambridge: Harvard University Press, 2012).

[11] Michael Rosen definitively demonstrates the inadequacy of contemporary attempts to equate Kantian dignity with voluntarism and autonomy (as for example by Christine Korsgaard). He stresses instead the philosopher's more "Platonic" conception of the individual as bearing a "transcendental kernel" of moral value. He defines dignity in this way: As a duty to respect the humanity of others stemming from a duty of self-respect for our own humanity. *Dignity: Its History and Meaning* (Cambridge: Harvard University Press, 2012), especially 19-30, 142-60, cf. Christine Korsgaard, *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), 124. For another recent work on dignity, see George Kateb, *Human Dignity* (Cambridge: Harvard University Press, 2011), 3. For the connection between human rights and dignity, see Samuel Moyn: "The phrase [human rights] implies an agenda for improving the world, and bringing about a new one in which the dignity of each individual will enjoy secure international protection." *The Last Utopia: Human Rights in History* (Cambridge: Harvard University Press, 2010), 1. By employing dignity for contemporary political questions and problems, thinkers are operating on an implicit assumption: That in its Kantian form, the concept has been dispossessed of any unwanted religious baggage. They trust that in appealing to its normative force—today a highly potent one—they are expressing the human being's basic value in a way untethered to metaphysics, theology, or some concept of the deity. They take for granted that it is compatible with naturalism and the epistemological claims of modern science. They believe, in short, that Kant, the great rationalist, has done the hard work of secularization for them. Yet when Kant refers to the "dignity of human nature" or the "dignity of a human being," what he really has in mind is our spontaneity. And Kantian spontaneity, as I will show in what follows, is neither materialist, nor secular, nor fully rational, but something much more complex and far more mysterious.

Despite its profound influence, however, spontaneity has received scant attention in studies of Kant's political thought. This chapter aims to rectify this oversight. I argue that Kant's social and political theory is centered around the idea of spontaneity. I show that among his aims in developing the concept was to solve the puzzle of liberal solidarity and answer Schmitt's challenge. And I demonstrate that Kant does this by relocating the site for human commitment away from politics and into moral life, developing a new theory of solidarity that he calls the "ethical community."

As I noted in the introduction, approaches to securing liberal solidarity in a secular age have taken two main forms. One ideology-based subset, including Rawlsian value consensus and constitutional patriotism, is rational and political. That is, it posits that we can arrive at solidarity through reason alone by sourcing our normative commitment and psychological motivation in shared political principles. A second, identity-based subset, including liberal nationalism and multiculturalism, is non-rational and pre-political. It founds our solidarity on primordial forms of identity that precede our entry into politics and transcend fully rational justification. Both of these forms of solidarity, I have argued, harbor pathologies: models based on ideology honor the individual, but offer bonds so thin as to undermine our commitment and motivation; models based on identity produce strong forms of commitment and motivation, but often yield forms of exclusion, jingoism, and outright racism that fail to honor the individual.

The appeal of Kantian ethical community, therefore, is that it promises to provide the best of both worlds: a form of solidarity that is *pre-political* yet still *rational*. And what allows it to do this, I will argue, is the concept of spontaneity. Through spontaneity, Kant can locate the sources of our commitment to others in our everyday moral bonds, providing for thicker ties than those formed via abstract political commitments. And he can articulate a fully rational theory of

moral motivation, thereby circumventing the non-rationalism and its dangers. Kantian ethical community thus offers an tempting solution to the puzzle of liberal solidarity. It promises to both secure solidarity and honor the individual. And it holds out hope of answering Schmitt's challenge through reason alone, of filling liberalism's solidarity deficit without culling from the non-rational psyche.

In this way, Kant's ethical community also provides an alternative to Rousseau's theory of democratic solidarity based on the general will. Yet the fact that it does so is far from coincidental. For as I show in this chapter, Kant developed the idea of ethical solidarity specifically in response to Rousseau's political theory. As a young scholar Kant was infatuated with his older peer.[12] Inspired by Rousseau's defense of free will in *Emile*, he turned away from abstract metaphysics, vowing to write a work of political theory that would "honor human beings" and "establish the rights of humanity."[13] But over the following decade, Kant famously

[12] The idea that Kant's thinking was influenced by Rousseau is almost a truism in the history of philosophy. Indeed it is attested to not only by written sources, but a number of popular anecdotes, including that Rousseau's portrait was the only one to hang in Kant's study, and that the sole time Kant failed to take his daily afternoon walk was the day he received his copy of *Emile.* A number of scholars have examined their intellectual relationship and attempted to pinpoint the precise nature of Kant's philosophical debt. For classic analyses, see Klaus Reich, "Rousseau and Kant," *Graduate Faculty Philosophy Journal*, 23.2 [1930] 2002, 35-54, trans. Kurt Mosser; Joseph Schmucker, *Die Ursprünge der Ethik Kants in seinen vorkritischen Schriften und Reflexionen* (Meisenheim am Glam: Anton Hain, 1961); Ernst Cassirer, *Rousseau, Kant, and Goethe*, *op. cit*. For more recent studies, see Frederick Beiser, *Enlightenment, Revolution, and Romanticism: The Genesis of Modern German Political Thought, 1790-1800* (Cambridge: Harvard University Press, 1992), 29-35; David James, *Rousseau and German Idealism: Freedom, Dependence and Necessity*, *op. cit.*; and Richard Velkley, *Freedom and the End of Reason: On the Moral Foundation of Kant's Critical Philosophy* (Chicago: The University of Chicago Press, [1989] 2014). For a reading of Kant's reaction to Rousseau that takes seriously the role of theological questions and problems, see Mark Lilla, "Kant's Theological-Political Revolution," *The Review of Metaphysics*, 52.2 (Dec. 1998), 397-434. In spite of this scholarly focus, the influence of Rousseau's philosophy on the development of Kant's *political* thinking has received surprisingly little attention. Both thinkers, to be sure, were social contract theorists. Many have also noted that Kant's theory of moral autonomy was clearly influenced by Rousseau's account of sovereign legislation, as for example Lewis White Beck. *A Commentary on Kant's Critique of Practical Reason* (Chicago: The University of Chicago Press, 1963) 199-200. See also Patrick Riley, *Kant's Political Philosophy* (Totowa: Rowman and Littlefield, 1983), 19-21. But none, to my knowledge, have argued what I do here: That a key inspiration for some of the main features of Kant's critical philosophical project, extending not only to his political theory, but also to elements of his moral, psychological, epistemological, and, especially, social and religious thought, derives from his penetrating engagement with, and ultimate departure from, Rousseau's thinking on the question of *solidarity*.

[13] Immanuel Kant, "Remarks in the *Observations on the Feeling of the Beautiful and Sublime*," in *Observations on the Feeling of the Beautiful and the Sublime and Other writings*, ed. Patrick Frierson and Paul Guyer, trans.

fell "silent," eschewing companionship and publishing almost nothing.[14] And when he finally reemerged, the result was not a political treatise but a work of epistemology, the *Critique of Pure Reason* or "first *Critique*."[15] Even so, a close investigation of his lecture transcriptions and unpublished writings from this period reveals that he remained critically engaged with both Rousseau, political theory, and questions of solidarity.[16] As he carefully processed his predecessor's philosophy, he came to recognize its limits and dangers. Rousseau's program for commitment and motivation, predicated on the "general will," claims to reconcile honoring the individual with securing solidarity. In practice, it relies on a myth of collective agency that wholly undermines our free will. Recognizing this problem, Kant looked for a way to guard against all forms of metaphysical speculation. He sought to prevent our free will from being reimagined as the property of an imagined entity like the "body politic." To do so, he argued that the human being has an "absolute spontaneity," an irreducible, unanalyzable, and inalienable kernel of epistemic and moral agency. Hidden beneath his outwardly dry academic

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Matthew Cooley, Patrick Frierson, Paul Guyer, and Thomas Hilgers, (Cambridge: Cambridge University Press, [1764-5] 2011), 20:44-5, p. 96. Hereafter "*RBS*."

[14] From the appearance of his inaugural dissertation at the University of Königsberg in 1770 until the publication of the *Critique of Pure Reason* in 1781, Kant went into seclusion. While he continued to lecture (very frequently, and on a remarkable range of subjects), his only publications were a review of a work on anatomy and a short essay *On the Different Races of Man*. As a result, this period of Kant's career is often referred to as his "silent decade."

[15] The *Critique of Pure Reason* is the first of three *Critiques* that Kant would eventually publish, the latter two being the *Critique of Practical Reason* and the *Critique of the Power of Judgment*. This has led to the shorthand "first *Critique*."

[16] Despite the importance of the "silent decade" for Kant's intellectual development (as the period during which he developed and wrote his first *Critique*) it has long been neglected by scholars. One recent exception is Susan Shell, who argues that a key turning point in Kant's transition from his "pre-critical" to "critical" thinking was his reading of Pietro Verri's *Del piacere e del dolere*. It was under Verri's influence, she argues, that Kant finally abandoned Rousseau's intuitivist understanding of free will and his conception of "nature" as a normative ideal. Shell, I believe, is absolutely right to focus on Kant's anthropology lectures as a window into his critical philosophy. But as I argue below, a Kant's turn away from nature and moral intuition can be better understood not by looking at Verri (who Kant refers to only once in his lectures) but Rousseau himself, whose thought Kant dwells on explicitly and at great length. *Kant and the Limits of Autonomy* (Cambridge: Harvard University Press, 2009), 10-11, 33-119. For other recent studies of Kant's anthropology lectures in light of his engagement with Rousseau's ideas, see John Zammito, *Kant, Herder, and the Birth of Anthropology* (Chicago: The University of Chicago Press, 2002), 91-119; and Manfred Keuhn, *Kant: A Biography* (Cambridge: Cambridge University Press, 2001), 188-237.

epistemology, therefore, is in fact a deeply political agenda: to secure solidarity while honoring the rights of the individual *qua* individual.[17] Kant's aim, in other words, is to give what we now call "liberal" solidarity its deep foundations.[18]

There is an irony to Kant's invocation of spontaneity, however, one that threatens his entire project for ethical solidarity. Rousseau's program for solidarity foundered on an untenable analogy between the general will of God and that of the citizen. It revealed itself to have a religious remainder, an inescapable logical dependency on Malebranche's occasionalist concept of the deity. It failed as political theory, in short, because it failed as political theology. Unlike Rousseau, who never defines or defends the general will, Kant goes to great lengths to justify the possibility of our spontaneity philosophically.[19] In his first *Critique*, as in all of his published

[17] By his own account, Kant wrote his first *Critique* using a self-consciously "dry" and "scholastic" method so as to avoid its rhetoric being exploited for "popular" and "practical" ends about which he would have disapproved. Notably, however, Kant never implies that the work actually lacks such a practical end. See Immanuel Kant, *Notes and Fragments*, ed. Paul Guyer, trans. Curtis Bowman, Paul Guyer, and Frederick Rauscher (Cambridge: Cambridge University Press, 2005), §5031, p. 206 and §5040, p. 207. Hereafter "*NF*." When citing Kant's unpublished notes, I provide both the number of the note as rendered in his *Gesammelte Schriften* and its page number in the Cambridge University Press English translation, where applicable. Cf. Immanuel Kant, *Critique of Pure Reason*, trans. and ed. Paul Guyer and Allen W. Wood (Cambridge: Cambridge University Press [1781 and 1787] 2005), Axvii-xix, pp. 103-4. Hereafter "*CPR*." Kant published two editions of the first *Critique*. I follow common scholarly usage in providing citations to both editions, using the letter "A" for the 1781 original publication and "B" for the revised version from 1787. I also include the page number for the Cambridge English translation.

[18] The term "liberal" did not come into common usage until the early nineteenth century. Thus when employed to describe German thought during Kant's period and shortly thereafter, it is meant to distinguish certain thinkers along two principal axes: the proper purpose of the state; and the ultimate end of society. On the one hand, whereas romantics and conservatives conceived of the state's aim as to advance popular welfare or happiness, liberals believed that the state existed above all to secure the *rights* of its citizens. As a result, liberal thinkers—including not only Kant, but Schiller, von Humboldt, Forster, and Jacobi—often advocated for a smaller state that was negative in its aims and orientation. On the other hand, liberal thinkers believed that any given society was no more than the aggregate of its individual members, rejecting the romantic idea that communities have a moral or metaphysical status greater than the sum of its parts. A society's primary function, therefore, was not to achieve transpersonal ends such as national greatness, but to allow for the free self-realization of its individual members. One term that *was* used during this period was "republicanism," a doctrine distinct from liberalism which argued in favor of the active participation of citizens in government. While it was often allied with liberalism, as it was for Kant, this was by no means always the case, and thinkers like Jacobi and Humboldt actually suggested that liberal values were better defended by monarchy. For more on these terms and their distinctions in historical context see Beiser 1992, 15-19.

[19] Even casual readers of the first *Critique* are familiar with Kant's move to locate the source of human freedom in an unknowable "noumenal" realm, one ungoverned by the apparent causal determinism of the "phenomenal"

writings from his so-called "critical" period, he is careful to frame his methods and motivations in negative terms.[20] He does not speculate about what spontaneity would actually entail. But in his notes, lectures, and pre-critical essays he is less metaphysically cautious.[21] And from these writings, it is clear that Kant, like Rousseau, develops his program for solidarity through a secularization. By comparing human agency to its divine counterpart, Kant is able to imagine what it means for a person to act morally in a universe seemingly governed by immutable natural laws. When we choose to follow the moral law instead of our instincts, he suggests, our choice is akin to an act of divine will. It is a rupture in an otherwise deterministic universe, sending out ripple effects into physical reality in a way incompatible with material determinism. Put another way, an act of spontaneous human agency is like a miracle. And the source of that agency—the human subject, or "I"—is like the deity.[22] I refer to this as Kant's political theology.

Some readers may consider assigning the label "political theology" to Kant as too bold given its associations with Schmitt and his anti-liberalism, so let me stress again what I mean by the term. As noted in the introduction, the approach to solidarity via secularization has three

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realm of nature. I discuss Kant's meaning and motivations behind this idea at much greater length below. *CPR*, A536-41/B564-69, pp. 534-7.

[20] There is a case to be made that Kant is more aggressive in asserting the real existence of spontaneity, and not only its practical possibility, in his second *Critique*, the *Critique of Practical Reason*. On this point, see Allison 1996, xix and 141 and Paul Guyer, *Kant and the Experience of Freedom: Essays on Aesthetics and Morality* (Cambridge: Cambridge University Press, 1993), 29. Cf. Immanuel Kant, *Critique of Practical Reason*, trans. and ed. Mary Gregor (Cambridge: Cambridge University Press, [1788] 2010), e.g. 5:3, p. 3 and 5:73, p. 63. Hereafter "*PR*."

[21] Karl Ameriks has noted that Kant does seem to believe that he could actually "prove" our absolute spontaneity in his unpublished writings. *Kant's Theory of Mind* (Oxford: Oxford University Press, [1982] 2000), 194-6.

[22] This chapter does not address the philosophical question of whether free will and determinism are reconcilable. Even so, it does lend strong circumstantial support to one side of this debate as it manifests in Kant scholarship: That Kant, if not an incompatibilist, was at the very least an "anti-determinist." In this sense it rejects the view, associated with scholars like Patricia Kitcher, that Kant's moral theory can be read naturalistically, and favors the more metaphysically-inflected readings of Michael Rosen, Henry Allison, and Allen Wood. Patricia Kitcher, *Kant's Transcendental Psychology* (Oxford: Oxford University Press, 1990); Michael Rosen, "Kant's Anti-Determinism," *Proceedings of the Aristotelian Society*, 89 (1988-1989), 125-141; Henry Allison, *Kant's Theory of Freedom* (Cambridge: Cambridge University Press, 1990); Allen Wood, "Kant's Compatibilism," in *Self and Nature in Kant's Philosophy*, ed. Allen Wood (Ithaca: Cornell University Press, 1984), 73-101.

layers: *derivation*, *analogy*, and *logical dependency*. It is the second layer, analogy, that is most often connected with political theology. Yet seeking out an analogue to religion or theology in order to solve a problem in political theory does not imply that this must be *Schmitt's* version of it.[23] As we have already seen in Rousseau, one can analogize other attributes of God, sourced from other theologies, to profane human affairs. Kant's concept of spontaneity does exactly this. Consequently, it contains all of the features of a political theology as we have defined it: It is based on an *analogue* to the deity; it creates this analogue in order to harness the *problem-solving ability* of a theological concept for a problem in human life; and the aim that it adopts is *political*: to solve the puzzle of liberal solidarity and answer Schmitt's challenge.

At the same time, the idea that Kant's rationalist moral theory carries *any* debt to theology may seem outlandish. It may also displease certain modern readers who look to his thought as a basis for secular morality. Thus I should be clear at the outset what I am *not* arguing. Kant, certainly, did not believe human beings must be theists to be moral. Among the stated purposes of his ethics is to allow for morality to subsist on its own resources. We should be able to discern what is right and act on it through reason alone. We should not need to make dangerous and logically indefensible appeals to divine authority. Indeed he stresses that to identify the good with the vicissitudes of divine will is to turn God into a "tyrant." It is to make moral laws arbitrary, and our obedience to them that of slaves to a master.[24] And the whole point

[23] Schmitt's version being between the inexplicable miracles performed by a nominalist deity and the sovereign's ability to decide on an exception to the law.

[24] Kant consistently and adamantly rejects divine voluntarism as a basis for moral duty. Were it the case that we were bound to obey moral directives merely because of their source in the deity's will, Kant argues, they would lose their distinctly moral character. They would be akin to the arbitrary statutes of a human ruler, and we would uphold them only because of our fear of being punished. In this sense, Kant takes a position on the so-called Euthyphro dilemma strongly in favor of God commanding what is morally good, rather than something being morally good as a result of God's command. See for example *Religion within the Boundaries of Mere Reason*, trans. and ed. Allen Wood and George Di Giovanni (Cambridge: Cambridge University Press, [1793] 2004), 6:99-100, pp. 109-10.

of turning to Kant in this dissertation, of course, is that he promises an answer to Schmitt's challenge that is appropriate for a *secular* age. Kant, to be sure, had other reasons for supporting theism.[25] But whatever the merit of these reasons, I am here making a different claim: that in crafting his moral system, Kant looked for inspiration to a certain model of how the deity interacts with creation. He looked to theology as a source for *analogy*, not authority.

Simply to note that Kant pursues solidarity through secularization does not, of course, automatically invalidate his thought. But as with Rousseau, it should raise our suspicions. Any philosophical concept based on a secularization of a theological one should be treated with skepticism and care.

My aim in this chapter, therefore, is to evaluate Kant's program for ethical solidarity in light of his political theology. Kant, I demonstrate below, offers a promising new way to reconcile honoring the individual with securing solidarity in a secular age, a form of ethical community rooted rational motivation and pre-political moral commitment. Yet his theory of solidarity, like Rousseau's, is ultimately undermined by its surreptitious logical dependency on theology. Overcoming social pathology, for Kant, requires transforming the texture of our spontaneity, transfiguring humanity's propensity for manipulating and dominating others—our "radical evil"—into one for morality: "holiness." But in the end, Kant can neither describe how this process works rationally nor give us reason for expecting its success. Thus unlike our spontaneity itself, whose possibility can be rationally defended, the practical basis for ethical solidarity transgresses Kant's self-imposed philosophical limits. In depicting how we can

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Hereafter "*RMR*." Cf. Immanuel Kant, *Lectures on Ethics*, ed. Peter Heath and J. B. Schneewind, trans. Peter Heath (Cambridge: Cambridge University Press, 1997), 27:545-46, pp. 302-3. Hereafter "*LE*."

[25] For an analysis of one of these reasons—based on the psychological need for the human being to believe that morality, even if performed for its own internal reasons, nonetheless helps to realize the "highest good" in the external world—see Allen Wood, *Kant's Moral Religion* (Ithaca: Cornell University Press, 1970), especially 154-176. I examine a second reason in the concluding section of this chapter.

answer Schmitt's challenge, he surreptitiously dips back into holy mysteries. Rather than avoiding the irrationalism of Rousseau's political theology, he merely shifts its locus from the state's general will to the self's moral will. He, too, leaves behind a religious remainder. And by doing so, he fails to provide a viable answer to the puzzle of liberal solidarity and Schmitt's challenge.

The chapter is divided into three parts. In the first, I trace how Kant came to reimagine our moral agency as spontaneity. As a young scholar, Kant shared Rousseau's diagnosis of the threats to solidarity, his passion for diminishing dependence, and much of his political theory. But over time, he came to believe that the social compact's proposed reconciliation of thick solidarity and moral freedom failed to respect the latter. He identifies the root of the problem in an aspect of Rousseau's moral psychology. For Rousseau, moral obligations receive both their content and motivation from the passions; our will is "free" because we are able to choose among them. For Kant, giving the passions primacy undermines our free will. Arbitrarily beholden to our present emotional state, we have little more than the freedom of "turnspit": while our actions might appear spontaneous, they are in fact governed by forces beyond our control.

Kant responds, as I show in chapter's second part, by constructing his political theology of spontaneity and distinguishing between *Willkür*, our capacity—rooted in "absolute spontaneity"—to choose whether to follow the moral law unconstrained by our passions, and *Wille*, our agency when we do choose to follow moral law, that is, when we act according to reason or "autonomously.[26] With this concept of spontaneity in hand, Kant can shield the human subject from philosophical schemes, like Rousseau's, that would reimagine her will as being part

[26] Kant's clearest discussion of these two terms can be found in his late work *The Metaphysics of Morals*, *op. cit.*, 6:213-214, pp. 13-14. Hereafter "*MM*." I examine the distinction between *Willkür* and *Wille*, and the role of this distinction in the development of Kant's social, political, and moral ideas, in detail below.

of a mythical collective agent. Yet deprived of Rousseau's moral psychology, he must find alterative means for securing solidarity.

In the final part of the chapter, therefore, I turn to Kant's own program for securing solidarity. For Rousseau, human beings are naturally "good"; interpersonal domination only arises in society, as we become dependent on social needs like esteem. According to Kant, however, such a diagnosis robs us of our freedom, suggesting that our choice between right and wrong is mechanically determined by the passions. Social pathology must originate not in dependence alone but "radical evil," our propensity to freely adopt non-moral maxims. And its product is not an artificially unjust society, but an "unsocial sociability," a natural outgrowth of the misuse of our spontaneity. To overcome it, Kant reconceives of the relationship between solidarity and political order. Rousseau had merged solidarity and legitimacy in the state's "common self." Kant splits these in two. The state's authority is justified not via will, which as spontaneity can be neither politicized nor generalized, but because it offers an environment for the cultivation of moral freedom. In this capacity, it can help to transform a society of radically evil persons—what Kant calls a "nation of devils"—into members of an ethical community. Such a form of solidarity, centered around the deity as its normative archetype, is characterized by normative commitment, motivation to self-sacrifice, and equality. And it realizes these traits rationally and pre-politically, without relying on the coercive methods advocated for by Rousseau.

In the processes of appraising Kant's utility for contemporary theorists of solidarity, this chapter also sets out to resolve several interpretive problems in his thought. To begin with, I shed light on two intertwined issues that have long puzzled Kant scholars: his relationship to Rousseau, and his so-called "silent decade" of the 1770s. Through a close study of his pre-

critical writings, unpublished notes and lectures transcriptions, I show that Kant, far from abandoning the social questions raised by Rousseau in favor of abstract philosophical ones, actually came to realize that the two were inexorably linked. He saw that responding to dependence and its threats to solidarity while safeguarding the individual from Rousseau's metaphysics of the general will required not only a new moral psychology, but a new epistemology. This historical analysis in turn suggests a new way of understanding this work of epistemology itself, *The Critique of Pure Reason*. When interpreted in the context of Kant's political commitments and appropriation of theology, I argue, the first *Critique*—perhaps the central text of modern philosophy—should be read not only as a political work, but a political-theological one.[27] It translates—into the language of philosophy, and in the service of politics—insights drawn analogically from religion. Finally, this chapter suggests a new way of understanding Kant's thinking about politics more generally. Kant never wrote a comprehensive political treatise, and so scholars have long sought to reconstruct the "political philosophy that Kant never wrote." Beginning with Hannah Arendt, many readers have located this in his mature work of aesthetic theory, the *Critique of the Power of Judgment*. There is no question that *Judgment* plays a role in Kant's political thinking. But having demonstrated his debt to theology and abiding concern with solidarity, I argue the more central text for Kant's politics is not *Judgment*, but *Religion within the Boundaries of Mere Reason*. It is in this later text, largely

[27] A handful of previous scholars, Onora O'Neill foremost among them, have suggested that the *Critique of Pure Reason* has a political purpose. O'Neill bases her argument on what she calls the "deep structure" of the first *Critique*, that is, its prevalence of political and judicial metaphors. She notes that reason, because it is public, universally accessible, and subjects itself to criticism, reflects an inherently non-violent way for conceptualizing and resolving disputes among people. *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989), 4-27, cf. *CPR*, A738/B766, p. 643. While I agree with O'Neill's analysis, my argument here is a different one: That there is a politics not only to Kant's elevation of "reason," but to its motive force, our spontaneity; and that to arrive at this concept of spontaneity, Kant draws from an analogue in theology. For another view of the politics behind Kant's epistemology, see Hans Saner, *Kant's Political Philosophy*, trans. E. B. Ashton (Chicago: The University of Chicago Press, 1974).

neglected by political theorists, that Kant finally offers his fully-realized vision for diminishing dependence, honoring the individual, and securing solidarity.[28]

Kant, I conclude, was not content to leave a few heroically moral individuals to fend for themselves in a ruthless "nation of devils," as some of his prominent readers have argued. Neither an abstract moralist nor an embryonic neo-liberal, he was instead a thoughtful social theorist, aware of the damage caused by everyday relations of dependence and dedicated to the realization of solidarity.[29] Yet his own design for liberal solidarity is ultimately undermined by its most innovative element. Kant argues that over the course of history, our unsocial sociability will ultimately flower in an ethical community. Our rational faculties, developed to serve our

[28] Arendt argues for the political importance of *Judgment* in her *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Chicago: The University of Chicago Press, [1982] 1992), especially p. 13 and 30. Arendt was neither the first nor last thinker to regard judgment as the key to Kant's thinking. In addition to Goethe, Schelling, and Hegel during or shortly after Kant's time, more recent scholars, including Ernst Cassirer, Leonard Krieger, Yirmiahu Yovel, and Patrick Riley have made similar claims. Ernst Cassirer, *Kant's Life and Thought*, trans. James Haden (New Haven: Yale University Press, [1921] 1981); Leonard Krieger, *The German Idea of Freedom* (Chicago: The University of Chicago Press, 1973); Yirmiyahu Yovel, *Kant and the Philosophy of History* (Princeton: Princeton University Press, 1989); Riley 1983, 63. Arendt's Kant lectures, while fascinating and insightful, ultimately offer a clearer window into her own thinking than that of their professed subject. In addition to disputing *Judgment*'s centrality of Kant's political thought, I contest a number of Arendt's other assertions going forward, including that (i) Kant did not take his own political writings seriously (7-8, 22); (ii) his theory of history is "not central to his philosophy" (8); (iii) he only "awakened from his political slumber" with the American and French Revolutions (16-17); and (iv) he had no expectation of a "moral conversation" for humanity (20). For a critique of Arendt's reading of Kant, see Patrick Riley's essay "Hannah Arendt on Kant, Truth, and Politics," in *Kant's Political Philosophy*, ed. Howard Lloyd Williams (Chicago: The University of Chicago Press, 1992), 305-23.

[29] To give two examples of this line of criticism: Terry Eagleton offers a Marxist critique of Kant's theory of ethical community, wherein its uncoerced consensus veils the fact that the moral law itself is empty of any real content. This purportedly allows for the propagation of a market logic in which people are regarded as abstract and interchangeable, akin to commodities themselves. And the result is that Kant creates the illusion of a genuine solidarity to mask the fact that, in reality, every person interacts with another only on the basis of market exchange. Thus the main problem with Kantian solidarity for Eagleton is that it effaces the particularities of individual people. *The Ideology of the Aesthetic* (Oxford: Blackwell Publishers, 1990), 83-4, 97-8. Eagleton's critique is a new rendition, in a materialist key, of Hegel's old charge that Kant's moral theory amounts to little more than an "empty formalism," a charge also taken up more recently by Lawrence Blum and Victor Seidler. G. W. F. Hegel, *Elements of the Philosophy of Right*, *op. cit.*, §135n, p. 162; Lawrence Blum, *Friendship, Altruism, and Morality* (Boston: Routledge & Kegan Paul, 1980); Victor Seidler, *Kant, Respect, and Injustice: The Limits of Liberal Moral Theory* (Boston: Routledge & Kegan Paul, 1986). For responses to this charge, see Barbara Herman, "Mutual Aid and Respect for Persons," *Ethics* 94 (1984), 577-602 and O'Neill 1989, 145-64, 206-18. A second and related criticism, leveled by David James among others, is that Kant's moral theory, by creating such a stark separation between ethics and politics, essentially surrenders the social sphere to interpersonal domination. James 2013, 77-90. While there is no question that Kant is both a moral rationalist and a strong proponent of dividing ethics from politics, I argue below that both of these aspects of his philosophy reflect precisely his profound concern for ameliorating domination, not his acceptance of it.

own instrumental interests, will be put toward moral ends. But by predicating the essence of human freedom on a political theology, he ends up dipping us back into unjustifiable metaphysics. His ethical program for solidarity, built around a mysterious transformation of our spontaneity, becomes untenable. His secular theodicy becomes unjustifiable. And his theory of moral freedom, designed to insulate the essence of the human being from metaphysical speculation, results instead in a new mythology of the self, a kernel of unreason at the heart of Enlightenment.

DEPENDENCE, EQUALITY, AND ROUSSEAU'S HIDDEN LAW

Kant's concern for solidarity, his dedication to honoring the individual and her freedom, and his inchoate political theory all stem from his early engagement with Rousseau's thought. In this section and the two to follow, I uncover the politics behind Kant's later turn to theology, as well as the *Critique of Pure Reason*, by tracing his debt to and ultimate departure from his predecessor.

The most important window into Rousseau's influence is a series of notes penned by Kant on his early essay on aesthetics, *Observations on the Feeling of the Beautiful and the Sublime*. These notes, commonly referred to as the *Remarks*, bear no relation to Kant's own text, offering instead his thoughts about Rousseau's most important works.[30] Superficially, the

[30] The *Remarks*, as they are often called, were written by Kant in 1764-65 in his own interleaved copy of the *Observations*. They are not a systematic piece of writing, and I do not read them as such. Yet despite their scattered and fragmentary nature, Kant repeatedly returned to work on them, as evidenced by his frequent corrections, additions, and annotations. Given that Kant self-consciously refrained in his published work from citing where he had derived his ideas, the *Remarks* offer a uniquely candid window into the development of Kant's thought, and into his reading of Rousseau in particular. It is surprising, therefore, that they have received such scant attention in Kant scholarship. For exceptions, see Schmucker 1961, Zammito 2002, Shell 2009, and Richard Velkley, "Transcending nature, unifying reason: on Kant's debt to Rousseau," in *Kant on Moral Autonomy*, ed. Oliver Sensen (Cambridge: Cambridge University Press, 2013). See also the recent collection of essays *Kant's Observations and Remarks: A Critical Guide*, ed. Susan Shell and Richard Velkley (Cambridge: Cambridge University Press, 2014). Kant notes his reluctance to name his sources of intellectual influences in a note from the mid-1770s: "I have not cited anyone

Remarks paint a portrait of Kant very different from the one that emerges from his mature philosophy. Yet they also point to important continuities. They reveal that Kant acquired from his colleague a passion for equality and a profound aversion to human dependence. They show that he was deeply moved by Rousseau's depiction of our felt experience of moral obligation, what he called the "hidden law." And they demonstrate that it was Rousseau, above all, who precipitated Kant's turn from abstract metaphysics to politics. "I myself am a researcher by inclination," Kant writes in the *Remarks*. "There was a time when I believed this alone could constitute the honor of humankind, and I despised the rabble who knows nothing. Rousseau has set me right. This blinding prejudice vanishes, I learn to honor human beings, and I would feel by far less useful than the common laborer if I did not believe that this consideration could impart a value to all others in order to establish the rights of humanity."[31]

Like Rousseau, Kant in the *Remarks* stresses the natural "goodness" of the human being. Social pathology is not innate but the result of our departure from "nature," defined, as it is by Rousseau, as an abstract condition of psychological harmony between our needs and ability to realize them: "The human being who has no other desires...than are necessary is called the human being of nature."[32] In such a state one can be "satisfied by little," and thus "good without virtue."[33] What robs us of our goodness is the appearance of a gap between desire and fulfillment, engendered by our entry into society and concomitant dependence on new needs. On the one hand, civilizations produce "social opulence" or "luxury," expanding our physical needs

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from reading who I have learned something. I have found it good to omit everything foreign and to follow my own ideas." *NF*, §5019, p. 206.

[31] *RBS*, 20:44, p. 96.

[32] *RBS*, 20:6, p. 69.

[33] *RBS*, 20:6, p. 69, 20:11, p. 73.

by creating new forms of pleasure.[34] As we accustom ourselves to art, fine food, and comfortable conditions, we come to relate to them not merely as indulgences but as necessities.[35] And this leads to avarice, competition, and anti-social behavior as we pursue them even at others' expense.[36] On the other hand, socialization gives rise to dependence on esteem. Human beings, Kant argues, have an innately egalitarian ethos, a "desire for equality."[37] But in society this desire is constantly stymied. People are evaluated on the basis of their perceived abilities.[38] With esteem a scarce resource, competition arises for forms of public recognition. And as the struggle intensifies, people attempt not only to better but actively undermine their fellows. Thus despite originating in a "drive for equality," the "drive for honor" results not in egalitarianism, but dependence and its stepchildren: exploitation, abuse, and domination.[39]

This social dynamic galvanizes Kant to adopt Rousseau's concern for diminishing dependence. For an individual dependent on another, life is characterized by loss of control, misery, and low self-esteem. "The human being who is dependent in this way," Kant writes, "is no longer a human being; he has lost this rank, he is nothing except another human being's

[34] *RBS*, 20:11, p. 77. Kant's use of the term "luxury" is here connected directly to Rousseau's usage, especially in his *Discourse on the Sciences and Arts* or *First Discourse*. In *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, [1750] 2010), 18-20. See also *Discourse on the Origin and Foundations of Inequality Among Men* or *Second Discourse*, *op. cit.*, 200-1.

[35] *RBS*, 20:77-8, pp. 117-8. See also Kant's work from the same period "Essay on the Maladies of the Head," in *Observations on the Feeling of the Beautiful and the Sublime and Other writings*, ed. Patrick Frierson and Paul Guyer, trans. Holly Wilson (Cambridge: Cambridge University Press, [1764] 2011), 2:269, pp. 214-5.

[36] *RBS*, 20:88, p. 125, 20:91-96, pp. 128-30, 20:163-5, pp. 178-9.

[37] *RBS*, 20:55, p. 102.

[38] As Kant puts it in a later note, "The human being does not play for himself alone. He would neither seek to hit billiard balls artfully nor toss bowling balls nor play *bilboquet* or *solitair*. If he does any of this he does it only in order subsequently to show his skill to others." *NF*, §987, p. 519.

[39] *RBS*, 20:165, p. 180.

belonging."[40] To live under another's thumb is to live as object, a mere instrument of another's will. It is to be stripped of one's sense of worth and equality. And the same applies to dependence on social evaluation. To gauge one's own value by the "opinions of others," Kant argues, constitutes a form of "voluntary slavery" just as bad or worse than outright domination.[41] "The ill of oppression," he concludes, "is not nearly so great as that the minds of the oppressed become abject and value themselves lowly. A peasant is a much viler human being and has cruder vices than a savage who lacks everything, and just the same [holds for] a common worker."[42]

Though inspired by the charge to diminish dependence, Kant was even more affected by what he called Rousseau's "hidden law," his theory of moral free will. He introduces the "hidden law" in a passage discussing the problem of evil. Like many thinkers in the eighteenth century, Kant was occupied with the question of how the deity's purported goodness could be reconciled with the death of innocents.[43] In the *Remarks*, Kant comes out strongly in favor of theodicy, insisting that human suffering offers no evidence against divine benevolence. Evils arise, he argues in a way similar to Malebranche, because God has arranged the universe according to general laws, both natural and moral. Kant credits the discovery of the laws of nature to Newton, who "saw for the very first time order and regularity combined with great

[40] *RBS*, 20:94, p. 130, cf. Jean-Jacques Rousseau, *Emile* or *On Education*, *op. cit.*,18.

[41] *RBS*, 20:164, p. 179.

[42] *RBS*, 20:102, p. 135.

[43] Kant's immediate point of reference is the 1755 Lisbon Earthquake, which left tens of thousands of dead in Portugal and along the Atlantic coast and triggered an outpouring of theological reflection. I discuss the earthquake, as well theological and philosophical responses to the so-called "problem of evil," in much greater detail in the previous chapter. See in particular chapter two, notes 167 and 170.

simplicity."[44] Newton's natural laws explain the evils of nature because of their generality. While nature as a whole unfolds for the good of humanity, in particular cases, as with natural disasters, it may harm human lives and interests.[45] The discovery of another set of laws, those of morality, he credits to Rousseau: "Rousseau discovered for the very first time beneath the manifold forms adopted by the human being the deeply hidden nature of the same and the hidden law, according to which providence is justified by his observations."[46] Rousseau explains human evils by discerning in humanity a faculty of moral freedom. When confronted with moral choices, he suggests, we are guided by a "hidden law." We know what is morally right and have the impetus to do it. Human ills arise only when we fail to act on our inborn propensity to the good. What Rousseau reveals to Kant, therefore, is that the deity is neither malevolent nor uncaring. The fault lies with us for deviating from natural morality. "Nothing wants to harmonize with the human being who has stepped out of the order of nature," Kant writes of the person who rebels against providence. "After Newton and Rousseau, God is justified."[47]

Rousseau's "hidden law" shapes Kant's early understanding of free will: as the freedom to choose, not between reason and inclination, but *between* our inclinations, either to duty or selfishness. What Rousseau discovered is that we carry within ourselves both an intuitive knowledge of what the good is and a natural predilection to do it. Consider, for example, how Kant describes what is unique about human moral freedom in his early work "Attempt to

[44] *RBS*, 20:58, p. 104.

[45] In this sense, Kant's perspective on theodicy is close to that of Malebranche. As explained in the previous chapter, Malebranche explains the existence of evil in the world by positing the deity's predilection, based on its simplicity, to act in the world in a general way, as through natural laws.

[46] *RBS*, 20:58-9, p. 105.

[47] *RBS*, 20:57-9, pp. 104-5.

Introduce the Concept of Negative Magnitudes into Philosophy," written around the same time as the *Remarks*:

> An animal...does not practice any virtue. But this omission is not a vice, for the animal has not contravened any inner law. It was not driven by inner moral feeling [*inneres moralisches Gefühl*] to a good action....By contrast, imagine a human being who fails to help someone whom he sees in distress and whom he could easily help. There is a positive law to be found in the heart of every human being, and it is a law which is present in this man's heart as well; it commands that we love our neighbor.[48]

Like Rousseau, Kant here draws a distinction between "goodness," a morally neutral state of psychological harmony between desire and satisfaction, and "virtue," a morally positive ability to subdue one's desires and freely do one's duty.[49] And, also like his predecessor, he understands virtue to be a product not of a choice between duty and emotion, but *among* the emotions. "The drives of human nature, which are called passions when they are of a high degree" he writes in his contemporaneous "Essay on the Maladies of the Head," "are the moving forces of the will." Thus if "a passion is especially powerful, the capacity of the understanding is of little help against it."[50] We are epistemically guided by a "moral feeling" and motivationally driven by a sense of "categorical necessity."[51] What it means to will freely is to choose our altruistic feeling—provided by the hidden law—over our self-serving one. "All virtue," Kant observes in *Remarks*, "is grounded in ideal feeling."[52]

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[48] Immanuel Kant, "Attempt to Introduce the Concept of Negative Magnitudes into Philosophy," in *Immanuel Kant: Theoretical Philosophy, 1755-1770*, ed. and trans. David Walford with Ralf Meerbote (Cambridge: Cambridge University Press, [1763] 1992), 2:183, pp. 221-2. "Magnitudes" was written in 1763, one year before the *Remarks* and one year after the publication of both *Emile* and the *Social Contract* in 1762.

[49] As Kant puts it, "There is a great difference between overcoming one's inclinations and eradicating them." *RBS*, 20:24, p. 82.

[50] "Essay on the Maladies of the Head," 2:261, p. 207, cf. *RBS*, 20:49-50, p. 99.

[51] *RBS*, 20:155, p. 172.

[52] *RBS*, 20:151, p. 169.

Having adopted Rousseau's ideas diminishing dependence and free will, Kant also follows him in seeking to reconcile these two values in a properly constituted political state. "There is unity in the *sovereign* state but not equality," he writes, "[but] if the latter is combined with unity, then it constitutes the perfect *republic*."[53] Kant follows Rousseau's turn to politics because he shares his view of human moral development. While the "natural" human being may be non-dependent, she also lacks the capacity for moral freedom, something that only arises through exposure to others in society. The experience of non-dependence must therefore be reproduced in a "state of renewed nature," a polity that both secures solidarity and honors individual free will.[54] "The only naturally necessary good of a human being in relation to the will of others," Kant writes, "is equality (freedom) and, with respect to the whole, unity." To explain this dual motion, he again invokes Newton, comparing the public effect of morality's "hidden law" to the law of gravity: "Analogy: Repulsion, through which the body fills its own space just as everyone [fills] his own. Attraction, through which all parts combine into one."[55] Yet joining moral freedom with non-dependence raises the conundrum we saw in Rousseau: the problem of democratic solidarity. When a person wills in isolation, she by definition obeys only herself.[56] In society, however, a she may find that her will collides with those of others, leading to the potential for contradiction and unfreedom.

To reconcile free will with collective decision-making, Kant thus draws from Rousseau's most important concept: the general will [*volonté générale*], which he translates into German as

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[53] *RBS*, 20:166, p. 181.

[54] "The human being in his perfection is not in the state of simplicity," Kant writes, "nor in the state of opulence, but in the return from the latter state to the former." *RBS*, 20:153, p. 170.

[55] *RBS*, 20:165, p. 180.

[56] "In so far as something depends entirely on the will of a [single] subject, it is impossible that it [the will of the subject] contradicts itself." *RBS*, 20: 161, p. 177.

allgemeine Wille. Like his predecessor, he constructs an analogy between divine will and the general will of society: "The divine will would contradict itself if it willed there to be human beings whose will was opposed to its own will. The will of human beings would contradict itself if they willed something that they would abhor according to their general will."[57] Also like Rousseau, Kant divides freedom (*liberté*) from will (*volonté*). While human beings retain their faculty of freedom (what Kant renders as *Willkür*) as individuals, they surrender the content of their will (which he translates as *Wille*) to the body politic. "This faculty of choice [*Willkür*]," he writes, "contains either the merely individual will [*Wille*]...or the human being considers himself at the same time in *consensu* [agreement] with the general will [*allgemeine Wille*]."[58] And as with Rousseau, the replacement of individual will with the general will transforms the normative texture of political order. Because we express our freedom (*volonté* or *Willkür*) via the general will (*volonté générale* or *allgemeine Wille*), a violation of society's laws becomes not only juridically impermissible, but morally wrong: "An action that contradicts itself, when considered from the perspective of the general will...is externally morally impossible."[59]

The legal legitimacy conferred by the general will even enables Kant to entertain aspects of Rousseau's manipulative and coercive program for securing solidarity. He follows Rousseau, for example, in stressing that not being dependent on another is a matter of felt experience, not objective status. "Illusion is sometimes better than truth" and "truth has no value in itself," Kant observes, in a passage in which he lauds the "education of Rousseau" as "the only means to help

[57] *RBS*, 20:161, p. 177.

[58] *RBS*, 20:146, p. 165.

[59] *RBS*, 20:161, p. 177.

civil society flourish again."[60] Consequently "censors should be instituted" in order to combat "opulence" and its attending pathologies: "need, oppression, and contempt of the classes."[61] Kant at this stage also shares Rousseau's view that religion must be closely regulated and enforced. "Merely natural religion" is insufficient for man in society, he writes, and "a civilized human being without any religion is much more dangerous."[62] Thus "civil religion and also religious coercion...finally becomes necessary."[63] He lauds Sparta for its freedom and dismisses the practical possibility of universal obligation.[64] "The universal love of mankind has something high and noble in it," he writes, "but in a human being it is chimerical."[65] And he speaks approvingly of "warlike states," connecting their "virtue" with their homogeneity: "Unity in society is not possible among many."[66]

THE "OCCULT" GENERAL WILL

"I must read Rousseau for so long that the beauty of [his] expressions no longer disturbs [me]," Kant wrote in the *Remarks* in 1764-5, "and only then can I finally examine him with reason."[67] In the end, he did not need to read for long at all. In *Dreams of a Spirit-Seer Elucidated by Dreams of Metaphysics*, published less than two years later in 1766, Kant shows

[60] *RBS*, 20:168, p. 182, 20:175, p. 187. In a later lecture on anthropology, again reproduces the Rousseauian idea that equality is a matter subjective perception rather than objective status. Immanuel Kant, *Lectures on Anthropology*, *op. cit.*, 25:609, pp. 158-9. Hereafter "*LA*."

[61] *RBS*, 20:175, p. 187.

[62] *RBS*, 20:57, p. 103.

[63] *RBS*, 20:32, p. 88.

[64] *RBS*, 20:163-4, p. 179.

[65] *RBS*, 20:25, p. 83.

[66] *RBS*, 20:98, p. 132.

[67] *RBS*, 20:30, p. 86.

that he has successfully cut through Rousseau's rhetorical sheen, offering a rational—and highly critical—assessment of his democratic program for solidarity. Authored anonymously, *Dreams* is superficially an attack on the Swedish theologian Emanuel Swedenborg, a "spirit-seer" who claimed both the power of prophecy and insight into the heavenly "mysteries."[68] Yet Kant's larger aim is to demolish not only Swedenborg, but all unjustified metaphysical speculation. And his special target is the general will. While the political designs of a philosopher like Rousseau may seem more plausible than the theological speculations of a mystic like Swedenborg, in reality his "dreams of metaphysics" have no greater basis than those of the "spirit-seer." They are equally fantastical, unverifiable, and, in this way, injurious to human reason and morality. *Dreams* thus represents a kind of "Rousseau contra Rousseau." By mobilizing Rousseau's own skeptical epistemology against his metaphysically-indebted theory of democratic solidarity, Kant undermines the general will, referring to it derisively as a "fragment of occult philosophy."[69] He concludes by adopting Rousseau's own stress on "moral feeling."

Though *Dreams* does not refer to Rousseau by name, a close comparison with the language of the *Remarks* reveals that he is among its principal targets. Kant's broader purpose is to show that all metaphysical philosophy, in spite of its academic pretensions, has no firmer grounding than the most speculative theology. "What philosopher," he asks in the essay's preface, "has not, on some occasion or other, created the impression of the utmost imaginable

[68] Immanuel Kant, "Dreams of a Spirit-Seer Elucidated by Dreams of Metaphysics," in *Immanuel Kant: Theoretical Philosophy, 1755-1770*, ed. and trans. David Walford with Ralf Meerbote (Cambridge: Cambridge University Press, [1766] 1992), 2:348, p. 336. Hereafter "*DSS*."

[69] His concept of the "general will" aside, Rousseau was usually reluctant to hypothesize about metaphysical objects, like the "incomprehensible idea of the action of our soul on our body and the idea of the action of God on all beings." He expresses his skepticism this way: "Since we are limited by our faculties to things which can be sensed, we provide almost no hold for abstrat notions of philosophy and purely intellectual ideas." *Emile*, 255-6.

foolishness?"[70] To lay bare this "foolishness," his rhetorical strategy is to divide the text into two parts, juxtaposing apparently reasonable metaphysical ideas with Swedenborg's outlandish mysticism. His rendering of the "general will" is situated in the first, philosophical part, which he mockingly calls "dogmatic."

Kant begins by reproducing his Rousseau-inspired psychology from the *Remarks*, one centered around dependence and the "hidden law" of morality. Human beings, he writes, are driven in part by the "force of egoism," relating to others as "mere means" and concerned solely with the "advancement of self-interest."[71] The main factor pathologizing our egoism is interpersonal dependence brought on by our hunger for esteem. Propelled by a "misguided conception of honor," human beings become "universally dependent on the judgment of others."[72] What ultimately tempers our egoism and permits us to live with others is a "force of altruism," a "moral feeling" by which "the heart is driven or drawn out of itself toward others."[73] In the *Remarks*, Kant had referred to Rousseau as the "Newton of the moral world," arguing that his "hidden law" of morality, like the law of gravity, vindicates the world's ultimate goodness.[74] In *Dreams*, Kant reproduces this analogy, referring to the "strong law of obligation and the weaker law of benevolence."[75] "Newton called the certain law governing the tendencies inherent in all particles of matter to draw close to each the *gravitation* of matter," he writes. We can

[70] *DSS*, 2:317, p. 305.

[71] *DSS*, 2:334, p. 321.

[72] *DSS*, 2:334, p. 321.

[73] *DSS*, 2:334, p. 321.

[74] *RBS*, 20:58-9, pp. 104-5.

[75] *DSS*, 2:335, p. 322.

likewise "represent the phenomenon of the moral impulses in thinking natures...as the effect of a genuinely active force."[76]

While human beings as individuals are driven by altruistic feeling, what draws them into a "moral unity" is the "general will." Rousseau, borrowing from Malebranche, had conceived of the "general will" as the possession of a transpersonal metaphysical agent. By turning the "will" [*volonté* or *Wille*] of citizens into a quality shared with a collective "body politic," while simultaneously permitting human beings to retain their "freedom" [*liberté* or *Willkür*] as individuals, Rousseau had sought to reconcile securing solidarity with honoring the individual and so answer the puzzle of liberal solidarity. Every citizen "wills the general will," even without her conscious awareness; but because she can deviate from it in particular cases, as for example by voting against a given law, she remains "free."[77] Kant recapitulates this idea in *Dreams*. "An alien will [*Wille*]," he writes, "is operative within ourselves," forcing us to "regulate [ourselves] in accordance with the free choice [*Willkür*] of another, although this often happens...in strong opposition to our selfish inclination."[78] As we attempt to align our own interests with those of others, we "recognize that, in our most secret motives, we are dependent upon the rule of the general will [*allgemeinen Willens*]"; we "sense within ourselves a constraining of our will to harmonize with the general will."[79] The role of the general will, therefore, is to effect a "unity" that is "consonant with the moral quality of free choice [*freien Willkür*]." Rousseau had emphasized that our subjective *experience* of non-dependence requires

[76] *DSS*, 2:335, pp. 322-3.

[77] I discuss this idea in detail in the previous chapter.

[78] *DSS*, 2:334, p. 322.

[79] *DSS*, 2:335, p. 322.

a total dependence *in fact* on the state's "common self." Kant reiterates this idea as well, referring to our "sensed dependency of the private will on the general will."[80]

Although Kant presents Rousseau's "general will" sympathetically in *Dreams*, even noting that it would be a "fine thing" if it could be proven, he devotes the rest of his essay to undermining its metaphysical foundations. The distinctive "malady" of a "spirit-seer" like Swedenborg, he observes, is that he "places mere objects of his own imagination outside himself, taking them to be things which are actually present before him."[81] This allows him to fabulate an entire "spirit-world" populated by "spirit-beings," despite it having no basis in verifiable experience and containing "not a single drop of reason."[82] The same can be said for Rousseau's general will. "The philosophy with which we have prefaced the work," Kant notes, in reference to the general will, "was no less a fairy-story from the *cloud-cuckoo-land* of metaphysics."[83] Though the *Social Contract* is ostensibly designed for the world of experience, what it in fact describes is a metaphysical "spirit-republic" based purely on speculation.[84] Such "dreams," both metaphysical and theological, arise out of wishful thinking, a yearning for certainty about things like social solidarity, divine benevolence, and life after death for which no proof is possible. Consequently, they "only have significant weight when placed on the scale-pan of hope"; on the "scale-pan of speculation," they "weigh no more than empty air."[85] And the fact that

[80] *DSS*, 2:335, p. 323.

[81] *DSS*, 2:346, p. 333.

[82] *DSS*, 2:360, p. 346.

[83] *DSS*, 2:356, p. 343.

[84] *DSS*, 2:336, p. 324n.

[85] *DSS*, 2:350, p. 337.

"absurdities" of this kind "have found acceptance even among rational people" does nothing to enhance their veracity.[86]

In the process of criticizing the general will, Kant also takes aim at the commonplace philosophical understanding of human free will in general. Earlier in the work, he had mooted the popular Cartesian idea that the human soul—what he also refers to as the "I"—is divided into two aspects, one bodily and material, the other incorporeal and "spiritual." Because all material things are "dependent and constrained," moral choice must be rooted in this latter, immaterial element. It must be based on a "principle of life," an "inner capacity to determine itself by choice [*nach Willkür*]."[87] By the end of the essay, Kant has determined that this theory, too, is unjustifiable. "The principle of life" or "spirit-nature," he writes, "can never be positively thought, for, in the entire range of sensations, there are no *data* for such positive thought."[88] Like Newton, who theorized gravity but "feigned no hypotheses" about its ultimate nature, a philosopher must resist speculating about the ultimate source of our free will: "If one arrives at relations which are fundamental, then the business of philosophy is at an end."[89] Thus "it is impossible for reason ever to understand how something can be a cause, or have a force."[90]

Kant concludes *Dreams* by counseling epistemological skepticism, metaphysical agnosticism, and pragmatic morality. Not only must one remain "completely ignorant" about the proposed "community of spirits"; "no knowledge" is possible even about the forces that enable

[86] *DSS*, 2:357, p. 343.

[87] *DSS*, 2:327, p. 315n.

[88] *DSS*, 2:351-2, p. 339.

[89] *DSS*, 2:370, p. 356.

[90] *DSS*, 2:370, p. 356.

human moral freedom.[91] "All judgments" about the "way in which my soul moves my body...can never be anything more than fictions."[92] Or as he puts it more poetically, in a lecture on anthropology delivered around the same time, "the transcendent giving of wings to our imagination must be held in limits."[93] With the general will rendered implausible and certitude about our moral freedom rendered impossible, Kant ends his essay by falling back on Rousseau's simpler psychology of moral feeling and the "inner law." A "rational understanding" of our free will is not only unattainable but "superfluous and unnecessary." We do not need it in order to "have a motive for leading a virtuous life."[94] Instead, the "heart of man contain[s] within itself immediate moral prescriptions" sufficient to both know and do our duty. We need only look within ourselves, to our conscience and felt experience of moral obligation. Kant closes with Voltaire's advice to Candide: "Let us attend to our happiness, and go into the garden and work!"[95]

Two years after the publication of *Dreams*, in May of 1768, Kant penned a letter to his student and friend Johann Gottfried Herder. Its purpose was to tell of the imminent arrival of his "Metaphysics of Morals," that is, his political theory. "At present my vision is directed chiefly at recognizing the authentic determination and the limits of human capacities and inclinations," Kant writes, adding that "I believe that I have succeeded in it as far as morals is concerned." And with this foundation, he continues, "I am now working on a metaphysics of morals," a work

[91] *DSS*, 2:321, p. 309.

[92] *DSS*, 2:371, p. 357.

[93] *LA*, 25:510-1, p. 79.

[94] *DSS*, 2:372, p. 358.

[95] *DSS*, 2:373, p. 359.

whose "fruitful principles" might at last give his moral epistemology some "utility."[96] In fact, his *Metaphysics of Morals* would not appear until 1797. During this nearly thirty year hiatus, Kant developed his entire critical philosophy, publishing his most important works on epistemology, ethics, aesthetics, and religion. Aside from a few short essays, however, he produced nothing on politics.[97] For this reason, a number of scholars have interpreted his political interest as a passing phase, a youthful passion casually revisited in old age.[98] Yet as I show in the rest of this chapter, this was far from the case. Kant never lost his passion for reducing dependence, increasing equality, and securing solidarity. And his intervening works were anything but apolitical. What inspired his detour instead was a realization: that our solidarity could not subsist on the "inner law" alone. It needed a new foundation—one different than the "occult" general will, to be sure, but also more firmly grounded than moral feeling. To build it, Kant would famously turn to reason.

DIMINISHING DEPENDENCE: TURNSPIT FREEDOM AND THE TURN TO REASON

From the appearance of *Dreams* in 1766 until his first *Critique* in 1781, Kant went into seclusion and published almost nothing. But his thinking from the intervening period—including notes, fragments, and lecture transcriptions—testifies to his ongoing engagement with

[96] Immanuel Kant, "To Johann Gottfried Herder, May 9, 1768," in *Correspondence*, trans. and ed. Arnulf Zweig (Cambridge: Cambridge University Press, [1768] 1999), 10:74, pp. 94-5. Kant had also indicated his interest in penning a "metaphysical foundations of practical philosophy," in a letter to Johann Heinrich Lambert from three years earlier. "To Johann Heinrich Lambert," in *Correspondence*, 10:56, p. 82.

[97] The most famous of these include "Idea for a Universal History with a Cosmopolitan Purpose," "On the Common Saying: 'This May be True in Theory, But it Does not Apply in Practice," and "Perpetual Peace: A Philosophical Sketch."

[98] Most prominent among those pressing a non-political Kant are Hannah Arendt, Reinhold Aris, and Hans Saner. Arendt [1982] 1992, 7; Reinhold Aris, *History of Political Thought in Germany, 1789-1815* (London: Frank Cass, [1936] 1965), 73; Saner 1974, 3, 315-6. For an opposing view, see Beiser 1992, 8, 27-44. While Beiser is correct to see Kant as having political aims in developing his critical philosophy, I believe that he greatly overstates his case, coming so far as to effectively equate Kant with Schmitt: "The most decisive discovery of Kant's intellectual career was indeed the primacy of the political." Beiser 1992, 27.

political questions. And his concern, above all, was to find a new moral psychology suitable for solving the puzzle of liberal solidarity. Rousseau's hidden law may offer an attractive ethical pragmatism; but by sourcing our morality in indeterminate feeling, it reasserts our enslavement to forces external to our agency. While it avoids the mysticism of the general will, it fails to safeguard the self from dependence. In this way it undermines our freedom *and* solidarity, engendering forms of coercion just as great as those permitted by the general will. Kant's response is to reground free will in reason. If reason can supply the appropriate targets of our commitment, the content of our ethical principles, and our motivation to act on these principles, he surmises, then we will diminish dependence, honor the individual, and secure solidarity in a single stroke. We will be bound neither by the general will's arbitrary injunctions nor our own unstable passions.[99]

Kant turns to reason because of two dangers he perceives in Rousseau's understanding of free will. First, surrendering the substance of our obligations to feeling allows individuals to be exploited as instruments for immoral ends. Rousseau argues that moral freedom means choosing one's will for altruism over one's will for selfishness; yet he leaves the *content* of our altruistic will largely unspecified.[100] Consequently there is nothing to stop an enterprising person or state

[99] In arguing that Kant turned to reason primarily as a reaction to social and political problems generated by Rousseau's moral psychology, I here depart from a number of prominent scholars who have traced it instead to his attempt to resolve a problem in theology. According to Jerome Schneewind, for example, Kant's ultimate aim in crafting his moral philosophy was to reconcile two competing theological movements prominent in the seventeenth and eighteenth centuries: voluntarism, where the deity's will is itself the source of morality; and rationalism, which insists that God is constrained (or identified with) what is morally good. Though I agree that Kant's thinking is strongly guided by theological problems, I do not believe that this particular problem inspired Kant's embrace of moral rationalism, as his unpublished notes and lecture transcriptions attest. Nor do I agree that Kant sought any kind of reconciliation with voluntarism. Far from it: As I have already indicated previously (see note 23), Kant repeatedly and forcefully rejected any equation of what is moral with the arbitrary (and thus not rationally accessible) will of God. Schneewind 1998, 512, 521.

[100] In places, Rousseau seems to fill the content of our moral will via by positing a kind of Platonic union of the morally good with the aesthetically beautiful. As he writes in *Julie*: "A favorable instinct inclines me toward the good," he writes, adding that "a heart imbued with...sublime truths resists the petty passions of men." *Julie or the*

from commandeering our altruistic will, redefining good and evil according to its own morally dubious priorities. Indeed this is precisely Rousseau's own aim with the social compact, where the altruistic will of citizens, reborn as the "general will," is directed solely toward the interest of the body politic. For Kant the dangers of such a scheme are plain. With the state as sole moral arbiter, "wickedness" is reconceived—in Rousseau's own words—as "basically only an opposition of the private will to the public will."[101] Whatever is in the state's interest becomes a matter not only of civic duty, but moral obligation. As with Schmitt, the primacy of the political eliminates ethical universality. Citizens can be tasked with the necessities of the state—from coercing religious worship among the polity's "friends" to ostracizing and killing its "enemies"—with no moral right to deviate. In this way they become, in Kant's later phrase, nothing more than "mere means."[102] No longer responsible for the content of their own will, they serve as cogs for a political apparatus that takes no interest in their needs or obligations as individuals. For Kant, outsourcing our sense of right and wrong in this way wholly undermines our humanity. By depriving us of our moral responsibility, it fails to honor the individual. "Nothing is more opposed to freedom," he declares in a note from the early 1770s, "than that the human being have a foreign author."[103]

Second, Rousseau's stress on feeling as the source of our moral motivation risks precisely those forms of political and interpersonal dependence that he had sought to eliminate. Even if, as

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New Heloise, *op. cit.*, 295. But as Rousseau's efforts to aestheticize politics attest, what we deem beautiful, even in the ideal, is necessarily indeterminate.

[101] "Political Fragments," in *Social Contract, Discourse on the Virtue Most Necessary for a Hero, Political Fragments, and Geneva Manuscript (The Collected Writings of Rousseau, Volume IV)*, ed. Roger D. Masters and Christopher Kelly, trans. Judith R. Bush, Roger D. Masters and Christopher Kelly (Hanover: University Press of New England, 1994), p. 23.

[102] See for example Kant [1797] 2000, 6:450, p. 199.

[103] *NF*, §1021, p. 409.

Rousseau argues, we are able to choose among our inclinations, we cannot choose *which* inclinations we happen to have. We can thus easily find ourselves overwhelmed by one of them, dependent, for example, on our desire for another's love or esteem. "[One] who has passion," Kant notes in one of his lectures on anthropology from the mid-1770s, "can be ruled by means of it by the one toward whom it is directed." Moreover, such a condition of dependence will almost certainly produce social inequalities. "Passion," Kant observes tersely, "is a means of ruling the other."[104] Individuals skilled at engineering others' emotions will have sway, while those vulnerable to manipulation will find themselves coerced. In a later lecture, he will put this even more starkly. One beholden to the passions alone, he argues, "is a slave and must direct oneself according to the inclinations of others."[105]

Kant's most famous phrase for describing this kind of invisible psychological dependence is "freedom of the turnspit."[106] A turnspit is a machine used for rotating meat. To one observing its operation, a turnspit would appear to be moving freely on its own, driven by forces contained within itself. In fact, its motion is merely derivative, powered by an unseen force (usually an animal or person). So too Rousseau's human being. A person driven solely by her emotions may appear to be free, but she is in truth entirely dependent her emotions. Her emotions, in turn, arise as she interacts with her external social and physical environment, that is, with forces over which she has no control. Thus while a Rousseauian self may superficially seem to command her actions, her decisions in fact dependent fully on external forces. She

[104] *LA*, 25:613, p. 161.

[105] *LA*, 25:1354, p. 455.

[106] Kant uses this metaphor throughout his published and unpublished work to refer to any moral-psychological theory that (in his view) gives the human being only the appearance, but not reality, of free will. See for example *LM*, 28:267, p. 80; *NF*, §6077, p. 330. Aside from Rousseau, Kant's most frequent target for this line of criticism is Leibniz. See for example *PR*, 5:97, pp. 81-2.

could not have decided otherwise than how she did. Her freedom is no greater than that of a turnspit.

Kant's response to both of these dangers is to redefine free will, empowering reason in those places where Rousseau had stressed conscience and emotion. "*Arbitrium*," he writes in a note from the late 1760s, using the Latin for "freedom," "is not inclination, but is rather the choice between inclination or reason."[107] Thus when we exercise our moral freedom, our alternatives are not, as they are in Rousseau, altruistic or selfish inclination, but inclination or *reason*. A genuinely free action is when we choose the latter.

This turn to reason completely transforms Kant's moral psychology, affecting the source of both the content of our duties and our motivation to act on them.

To begin with, reason, not a "hidden law," becomes responsible for informing us of our obligations. To follow one's conscience, Kant argues in a lecture on anthropology from the period, is to act merely "in accordance with sensation." "Conduct of thought," by contrast, entails "acting in accordance with principles" determined by reason.[108] Likewise, in a note from the same time he appears to target Rousseau directly. In the *Social Contract*, human agency had been split between "freedom" [*liberté* or *Willkür*] and "will" [*volonté* or *Wille*], with the former retained by the citizen as her own possession and the latter provided to her by the body politic's general will. Kant entirely rejects this idea: "Freedom" he writes, "cannot be divided. The

[107] *NF*, §4222, p. 120. Kant's shift from a theory of free will centered around conscience and inclination to one rooted in reason comes to light in a series of unpublished notes stretching from shortly after the publication of *Dreams*, in the late 1760s, into the mid-1770s. These notes reveal that Kant, following his own call to "examine Rousseau with reason," was carefully digesting the moral and political implications of his predecessor's moral psychology. See in particular *NF*, §3855-60, pp. 88-90, §3865-8, pp. 90-1, §3870, p. 91, §3872, p. 91, §4333, p. 127, and §4541, p. 144.

[108] *LA*, 25:649, p. 193.

human being is either entirely free or not free at all, since he can either act from an independent principle or is dependent on conditions."[109]

At the same time, reason also becomes for Kant a source of motivation, capable of stirring us to act on our obligations by its own power. As he argues in a fragment from around 1770, the expression "the human will is free" means that "reason determines itself...with respect to the will."[110] Were reason not to have such a capacity, all of our actions, including moral actions, would dependent on the chance state of our emotions. They would be beholden to the influence of other people and social structures, "determinate in accordance with the laws of efficient causes," and thus "externally necessary."[111] Like the oscillations of a turnspit, they would have the appearance, but not the reality, of freedom.

With these two shifts, Kant appears to have accomplished his goal. By rewiring our moral psychology around reason, he can diminish our dependence. He can surmount the problems associated with Rousseauian feeling without slipping back into unjustifiable metaphysics. Derivable from rational principles, our moral obligations become universal, consistent, and intrinsically knowable. They originate not in a morally dangerous political force like the general will, but inside the self. With reason capable of galvanizing us to act, we need not depend on the fickle state of our emotions. We can rely on its intrinsic motivational power. In this way, Kant can respond to the political dangers contained in Rousseau's hidden law. "Freedom," he remarks succinctly in a note from the late 1760s, "is a faculty for subordinating all voluntary actions to motives of reason."[112]

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[109] *NF*, §4229, p. 123.

[110] *NF*, §4333, p. 127, cf. §3865, p. 90.

[111] *NF*, §4333, p. 127.

[112] *NF*, §3865, p. 90.

REASON'S STATE OF EMERGENCY

As Kant would soon discover, however, using reason as a basis for morality gives rise to a serious conundrum of its own. In his revised theory, a person exercises her free will, or *Wille*, when she uses her faculty of choice, or *Willkür*, to select reason over inclination; but what determines *Willkür*'s own choice cannot be explained rationally without undermining her moral freedom. At the risk of striking some readers as too bold, I refer to this apparent paradox, borrowing from Schmitt's phrase, as *reason's state of emergency*.[113] The Schmittian language is helpful, I believe, because it helps to reveal a crucial but often overlooked aspect of Kant's philosophical strategy: That to resolve the crisis within reason, Kant, like Schmitt, turns to something beyond reason. He appeals to a mysterious human capacity that he calls "spontaneity." And it was to explain the meaning of our spontaneity, I argue, that Kant would ultimately draw analogically from religion and produce a political theology.

The problem created by Kant's turn to reason comes to light through the following example. Imagine a person who, given the opportunity to steal a desired object, decides not to do so. Imagine further that she arrived at her decision neither out of concern for being caught, nor because she intuitively felt that stealing was wrong, but instead because she consulted moral principles arrived at through reason. According to Kant, her decision-making process looked like this: She could have taken the object, thereby choosing to realize her selfish inclination. Had she done so, she would have used her faculty of choice (*Willkür*) to decide against reason. She would have been morally unfree. What she did instead was use her *Willkür* to refrain from taking the object, motivated by a moral injunction ("do not steal") that she determined rationally. In this way, she acted in accord with reason. She had moral freedom (*Wille*). But as this

[113] As with the concept of political theology, some readers may find the comparison here between Kant and Schmitt unduly provocative. Yet I think the parallel is instructive enough to risk this reaction, as I hope will become clear below.

example illustrates, conceiving of free will in this way raises a question. For Kant, a person has moral freedom (*Wille*) when she chooses (using her *Willkür*) to act according to reason rather than inclination. Yet what, in turn, determined *this* choice? *Why* did she use her faculty of choice (*Willkür*) to pick reason rather than inclination, moral freedom (*Wille*) rather than unfreedom? Or, imagine that the example is reversed, and she did pilfer the object. What governed her choice to favor inclination over reason, to steal rather than not steal?

An intuitive answer would be that this choice could itself be rationally explained. By this view, every time a person makes a decision to act either with or against rational principles using her faculty of choice (*Willkür*), we as observers could (at least in principle) develop a story that accounts for this decision. By evaluating certain parts of her biology, life history, and emotional development, we could identify what factors induced her to decide one way or the other. One advantage of this approach is that it accords with a common psychological assumption: that when a person makes a moral decision, she does so for a reason. It seems obvious that were there no confounding social, economic, or dispositional factors, a person faced with the choice between moral freedom or unfreedom—reason or inclination—would opt for freedom every time. As Kant puts it in a note, "if everything were determined by reason, then everything would be necessary but also good."[114] Thus in the above example, this person may have decided not to steal because she received an effective moral education or was especially clear-headed. Or, if she did choose to steal, she may have done so because she was desperately poor or raised with anti-social values.

This answer encounters a fatal problem, however: by rendering our faculty of choice (*Willkür*) fully explicable, it effectively undermines our moral freedom (*Wille*). Kant had turned to reason because of a flaw in Rousseauian free will. If the content of our moral will and our

[114] *NF*, §5611, p. 252.

motivation to act on it are determined by our emotions, and our emotions are determined by natural and social forces external to our psychology, then our moral actions, too, must be fully determined. We could not have decided otherwise, and so are not fully free. Like a turnspit, our movements are dictated by alien forces. Yet according to the approach outlined above, Kant is now at risk of saying much the same thing, only in a slightly more sophisticated way. This person who is tempted to steal would consider herself "free" because she refrains from stealing. She chooses reason instead of inclination. But if that decision can be explained away—by her genetics, family background, and events of her past—she is stripped of her freedom in an a more fundamental sense. The decision, and indeed her faculty of choice (*Willkür*) itself, ceases to be truly *hers*. It is instead a foreign product, entirely determined by the circumstances in which she has been enmeshed. Or as Kant observes, in a note from the late 1760s, "I can say: at this moment I am free and unconstrained to do what I prefer," yet if "it is unavoidably necessary that I act thus," this is not true freedom, but a "law of self-activity, which makes the opposite impossible."[115]

As Kant would recognize, however, the problem runs even deeper than this, touching not only the structure of moral agency but the integrity of reason itself. A basic tenet of empirical inquiry is what is known as the principle of sufficient reason.[116] According to this principle,

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[115] *NF*, §3856, p. 89.

[116] The modern formulation of the principle of sufficient reason can be traced to Leibniz. See for example *Théodicée*, ed. Austin Farrer, trans. E. M. Huggard (La Salle, Illinois: Open Court, [1710] 2005), §349, §411, §418-9; "Principles of Nature and Grace, Based on Reason," in *Philosophical Essays*, ed. and trans. Roger Ariew and Daniel Garber (Indianapolis: Hackett Publishing Company, [1714] 1989), §10, p. 210-11; and "The Principles of Philosophy, or, the Monadology," in *Discourse on Metaphysis and Other Essays*, ed. and trans. Roger Ariew and Daniel Garber (Indianapolis: Hackett Publishing Company, [1714] 1991), §§32-39, pp. 72-3. Earlier versions of the principle can be found in the Pre-Socratic philosophers, including Anaximander, Parmenides and Archimedes; in both Plato and Aristotle; and in Cicero, Avicenna, Aquinas, and Spinoza. The principle was adopted and developed by Christian Wolff, the most important German philosopher prior to Kant. "Rational Thoughts on God, the World and the Soul of Human Beings," in *Kant's Critique of Pure Reason: Background Source Materials* (Cambridge: Cambridge University Press, [1720] 2009), 7-53. And it was famously challenged by Hume, who argued that because it is logically possible to conceive of cause and effect as existing without the other, there is no necessary

every observable phenomenon in the universe can be traced to another observable phenomenon. It has a cause that we can identify. The reason why this is important is that it permits us to understand our world rationally. If we can assume regularity in relations of cause and effect, we can discern in the universe laws that govern these relations. In this way, the principle of sufficient reason orders our experience of nature. Under the aegis of natural laws, events and objects become predictable, consistent, and knowable. They lose their air of mystery. Although we may not be able to immediately identify the cause behind a particular phenomenon, we can rest assured that it ultimately has one. Given sufficient time and effort, we will be able to uncover it. Or as Max Weber famously puts the idea in his "Science as a Vocation," "Principally there are no mysterious incalculable forces that come into play, but rather one can, in principle, master all things by calculation."[117]

At the same time, just as important as what the principle of sufficient reason explains is what it disallows. If every observable effect has an explicable, physical cause, we are forbidden from positing the existence of objects or events that cannot be explained physically. All objects and events of the world—everything that we can see, touch, hear, smell, or taste—are the result of happenings *in* the world. Anything that exists can be traced back to a source that is in principle identifiable through our senses. It can be rendered empirically. In this way, the universe becomes a kind of closed, materialist system. Banished are all manner of "occult" metaphysical explanations that Kant had pilloried in *Dreams*, including not only Rousseau's general will, but also the notion of the human as a "spirit-being" animated by a "principle of

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conceptual relation between the two. *Treatise of Human Nature*, ed. David Fate Norton and Mary J. Norton (Oxford: Oxford University Press, [1739-40] 2001), 1.3.3, pp. 124-37.

[117] Weber [1917] 1958, 139.

life."[118] "One need no longer have recourse to magical means in order to master or implore the spirits," Weber continues in his essay. "Technical means and calculations perform the service."[119] Or as Kant himself would observe, in a note from the early 1770s, "the *principium rationis* [principle of sufficient reason] is a rule of healthy reason....The boundaries of the sensible world are...the boundaries of its use."[120]

But to simultaneously affirm both free will and the principle of sufficient reason presents Kant with a serious dilemma. On the one hand, he wants to argue that every effect has a cause. He wants to say that every phenomenon in the universe can, in principle, be explained rationally. On the other hand, he wants to affirm rational moral freedom. He wants to say that a human being, capable of employing her faculty of choice (*Willkür*) to decide between reason and inclination, moral freedom (*Wille*) and unfreedom, can make this decision with absolute independence. Yet to do so, it should now be clear, requires rendering this choice not only outwardly unconstrained, but genuinely *beyond comprehension*. Not only must we be unable to determine in its outcome in practice. We must be unable to do so *in principle*. Or as Kant observes in a fragment, "Freedom, in so far as it is a concept of reason, is inexplicable."[121] Our basic faculty of moral choice (*Willkür*) must be rendered wholly inaccessible to observation. Unlike animals, whose actions have the same "external necessitation" as "machines," in human beings "the chain of determining causes is in every case cut off."[122]

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[118] *DSS*, 2:351-2, p. 339.

[119] Weber [1917] 1958, 139.

[120] *NF*, §4012, p. 112.

[121] *NF*, §5440, p. 231.

[122] *NF*, §3855, p. 88.

And this puts Kant—and reason itself—into a bind. He can choose the integrity of rational explanation at the cost of human freedom. Or he can choose rational human freedom at the cost of empiricism. What he faces, in short, is a state of emergency within reason itself. As he puts it bluntly in a note, "freedom under natural laws is impossible."[123] He can defend reason only by undermining reason.

Kant chooses freedom. And in a lecture on metaphysics, delivered in the heart of his decade-long silence, he reveals why. "The main point," he declares, "is always morality: this is holy and unassailable, what we must protect, and this is also the ground and the purpose of all our speculations and investigations."[124] Kant's language here is moral, but his motivation is also political. According to Rousseau, a human being who has been made systematically dependent suffers a permanent injury to her freedom. Because free will is bound to our emotions, and our emotions can be manipulated by outside forces, we can, in effect, be deprived of our capacity for moral choice. Political bondage can make us irreversibly unfree. "Once peoples are accustomed to Masters," he writes in his *Second Discourse*, "they can no longer do without them."[125] For Kant, such a conclusion calcifies our dependence. It effectively justifies paternalism and oppression, including the high-handed forms of solidarity proposed in the *Social Contract*. Thus "one must not always infer that a former slave would misuse [his freedom]," Kant insists in a lecture on anthropology from the mid-1770s. "Everything good is also possible through freedom."[126]

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[123] *NF*, §7065, p. 459.

[124] *LM*, 28:301, p. 106.

[125] Rousseau, "Discourse on the Origin and Foundations of Inequality Among Men *or* Second Discourse," *op. cit.*, 115.

[126] *LA*, 25:582, pp. 135-6. Or as he declares in a note from the same period: "The moral law says: They should withstand it; consequently they must be able to." *NF*, §5434, p. 231.

But by choosing freedom, Kant must still face his key unanswered question: If our choice for or against reason cannot be explained by reason, how can it be explained? If the source of our faculty of choice (*Willkür*) is not to be found in ordinary relations of cause and effect, where can it be found? How can reason's state of emergency be resolved? Or as Kant poses the problem, in a note from the same period: "The greatest difficulty is here: how can a subjectively unconditioned power of choice [*Willkür*] be conceived....in accordance with the nexus of efficient or determining causes?"[127]

Kant's answer is to posit a new power within the self: "spontaneity" (*Selbstthätigkeit* in German or *spontaneitas* in Latin). Spontaneity, in his definition, is a "self-activity from an inner principle" occurring "without an outer determination." It is rooted not in the forces of the physical world, but in "independence...from the necessitation of stimuli."[128] In this way, it holds the possibility of ending reason's state of emergency. It promises to animate our faculty of choice (*Willkür*) while remaining insulated from the principle of sufficient reason. And it ensures our deep freedom from all interpersonal dependence. When "nature is subordinated to freedom in accordance with its essence" of spontaneity, Kant writes, "freedom is...lord over everything."[129]

Yet what, in turn, is "spontaneity"? How does it work, and what does it entail? Here the parallel to Schmitt—unexpected as it may seem—becomes instructive. As I noted in the introduction, in Schmitt's thought a "state of emergency" refers to a condition where the laws of a liberal polity must be suspended in response to an urgent existential threat. For Schmitt, the fact that actions of this kind are necessary reveals the fundamental inadequacy of liberal legal

[127] *NF*, §3860, p. 90.

[128] *LM*, 28:267, p. 80.

[129] *NF*, §6912, p. 450.

and political theory, and in particular, its concept of sovereignty: To both declare a state of emergency and to act within it requires that the sovereign be located not in the laws or "the people" but in a source of plenary power external to the legal order itself. Thus when the sovereign acts, his decision cannot be sourced to any standard of law or reason. It is an "exception," an interruption of liberalism's otherwise self-regulating juridical system—as closed, autonomous, and rational as the Newtonian laws of nature. In Schmitt's political theology, therefore, this "exception" is akin to a divine "miracle" that ruptures nature and transcends reason. And the source of this miraculous decision—the sovereign—is akin to the deity itself.

Kant, I will now show, arrives at the meaning of spontaneity, and so his resolution to reason's "state of emergency," in an essentially similar way. Throughout his unpublished notes, Kant refers to spontaneity as a "riddle" or "paradox."[130] He seems to disavow knowledge of its true meaning. But in the same lecture in which he had termed morality "holy" and "unassailable," in a discussion about another kind of emergency, he hints at what he really has in mind. A "miracle," he writes, is an act of serendipitous divine intervention. It constitutes "an event in the world that does not happen according to the order of nature."[131] It thus represents an "interruption of nature" and a disruption of the world's "universal rules"—that is, a violation of the principle of sufficient reason.[132] Yet he insists that this does not render miracles impossible. If the stakes are high enough, an exception can be made. "Miracles cannot be assumed," he notes, "except in the greatest emergency." But the "greatest emergency," he continues, "is where

[130] See for example *NF*, §5121, p. 216, §6859, p. 442.

[131] *LM*, 28:217, p. 38.

[132] *LM*, 28:218, p. 39.

we must suspend the use of our reason itself." And that "condition" of emergency is this: "that the course of nature does not coincide with moral laws."[133]

KANT'S POLITICAL THEOLOGY 1: SPONTANEITY

To diminish dependence, Kant turns to reason. To defend reason's place in morality, he turns to our faculty of choice (*Willkür*). To guard our faculty of choice against determinism, he turns to spontaneity. And to understand the meaning of our spontaneity, I will now argue, he turns to theology. By analogizing human spontaneity to divine spontaneity, and the subjective basis of our spontaneity (the "I") to the deity itself, Kant believes that he can find an unassailable ground for our free will and safeguard us from all dependence. He can furnish his anticipated theory of ethical solidarity with its needed foundation. He can solve the puzzle of liberal solidarity, both securing solidarity and honoring the individual. And he can answer Schmitt's challenge, providing a purely rational basis for our normative commitment and psychological motivation. In his own words, he can live up to his Rousseau-inspired pledge to "honor human beings" and "establish the rights of humanity." Kant's strategy for doing so is through a secularization: He looks to religion as a source for *analogy*; seeks to marshal a theological concept's *problem-solving ability* for human affairs; and identifies this problem with a *political* question—that is, with the puzzle of liberal solidarity. I thus refer to this as Kant's political theology. I examine spontaneity in this section, turning to the "I" in the one to follow.

Kant's relationship to religion is controversial. That he was raised in a deeply devout Protestant milieu is well-known, and some have speculated that his parents' pietism, with its

[133] *LM*, 28:218-9, pp. 39-40.

focus on the inner life, helped to inspire his later stress on moral intention.[134] Less recognized and discussed than the facts of his biography, however, are the explicitly religious themes of his philosophical writings themselves.[135] This was especially true of his more youthful essays, which, in addition to addressing natural history, centered around questions of metaphysics and theology. But his focus on religion continued throughout his life. And, as evidenced by his notes, unpublished lectures, and Latin *Habilitationsschrift*, it was never greater than during the late 1760s and 1770s. This implies something remarkable: At the very time that Kant was turning to reason he was also rediscovering religion. Even as he was repudiating Rousseau's political program for solidarity and preparing the rationalist epistemology of the *Critique of Pure Reason*, he was renewing his interest in theological questions and problems.

One problem stood out in particular: the meaning and possibility of divine intervention in nature, that is, of miracles. While Kant discusses miracles in a number of places in his pre-

[134] Put briefly, Pietism was a form of Lutheranism that emerged in the late seventeenth and early eighteenth centuries emphasizing good works and practical moral engagement with the world rather than mystical experience or ascetic withdrawal. It also combined a stress on original sin with a belief in the possibility of moral improvement through repentance and divine grace. There is little question that Kant was socially and pedagogically immersed in Pietism from a young age. Not only was it the faith of his parents; Kant also attended a rigidly Pietistic school, the Collegium Fridericianum, until he was sixteen; his intellectual home, the University of Königsberg, was known as a center of Pietistic theology; and one of its faculty members, the Pietist Martin Knutsen, was among the few thinkers cited by Kant throughout the entirety of his career. For more on Pietism's influence on Kant, see Theodore M. Greene, "The Historical Context and Religious Significance of Kant's *Religion*," in *Religion Within the Limits of Reason Alone*, ed. and trans. Theodore M. Greene and Hoyt H. Hudson (New York: Harper & Row, [1934] 1960); Lewis White Beck, *Early German Philosophy: Kant and his Predecessors* (Cambridge: Belknap Press of Harvard University Press, 1969), especially 156-59; and Michael Despland, *Kant on History and Religion* (Montreal: McGill-Queen's University Press, 1973). For an overview of German Pietism more generally, see Lawrence Dickey, *Hegel: Religion, Economics, and the Politics of Spirit, 1770-1807* (Cambridge: Cambridge University Press, 1987), 33-138.

[135] Although this field has been historically neglected, there have been studies of Kant's religious philosophy, and indeed the area has seen some increased attention in the last two decades. For a classic treatment, see James Collins, *The Emergence of a Philosophy of Religion* (New Haven: Yale University Press, 1967), 89-211; and Allen Wood's interpretive essays, *Kant's Moral Religion*, *op. cit.*, and *Kant's Rational Theology* (Ithaca: Cornell University Press, 1978). For more recent works, see Onora O'Neill, *Kant on Reason and Religion (The Tanner Lectures on Human Values*), ed. Grethe B. Patterson (Salt Lake City: University of Utah Press, 1997), 269-308; and James DiCenso, *Kant, Religion, and Politics* (Cambridge: Cambridge University Press, 2011). For a brief overview, see Roger J. Sullivan, *Immanuel Kant's Moral Theory* (Cambridge: Cambridge University Press, 1989), 212-232 and 261-272. For a study of Kant's pre-critical approach to God and theology, see Regina Dell'Oro, *From Existence to the Ideal: Continuity and Development in Kant's Theology* (New York: Peter Lang, 1994).

critical writings, he treats them most extensively in his lectures on metaphysics.[136] Transcriptions of these lectures exist from every decade of Kant's philosophical activity, with the earliest made sometime between 1762-64 by Herder, then still Kant's student at the University of Königsberg. This version, delivered at the height of his Rousseau-enthusiasm and its attending metaphysical-agnosticism, tellingly contains no reference to miracles. But by the middle of the 1770s, just as Kant was developing his new, reason-centered moral psychology, metaphysics was clearly back on the agenda: a lecture from that period discusses divine intervention in great detail. Kant here offers an entire typography of miracles, distinguishing, for instance, between both the substance of the event (magical or natural) and its causal moment ("pre-established" at the moment of creation, or decided upon by the deity at a later "occasion" in history).[137] His main concern, however, is with the idea of a miracle itself. What are miracles, and why might we need to posit their existence?

Kant's answer, not surprisingly, is a moral one: that the "course of nature does not coincide with moral laws."[138] Though he does not elaborate upon this argument here, he treats it in much greater detail in a work written a few years earlier, *The Only Possible Argument in*

[136] These lectures, which he delivered a number of times in the 1760s, and then every year from his appointment as full professor 1770 until 1796, used as a textbook Alexander Gottlieb Baumgarten's *Metaphysics*. Yet despite following the general outline of Baumgarten's work, they plainly reflect Kant's own voice and thinking. Where Kant's religious philosophy in general has received relatively sparse treatment, his treatment of miracles has received next to none. And the attention that it has received has focused almost exclusively on *Religion within the Boundaries of Mere Reason* while ignoring his pre-critical writings and lectures on metaphysics. See for example, A. T. Nyuen, "Kant on Miracles," *History of Philosophy Quarterly*, 19.3 (July 2002), 309-323.

[137] Kant creates two divisions among miracles: "formal" versus "material" and "pre-established" versus "occasional." A material miracle is one in which "the cause of the event is not natural," meaning that the physical process by which the miracle unfolds is not made up of the "material" of ordinary nature, but some kind of distinct, extra-natural substance. A formal miracle, by contrast, is one that makes use of the materials of nature, but precipitates an event which transpires in a way distinct from how we would expect nature to behave. Among formal miracles, Kant further divides between "pre-established" miracles, which were programmed into the laws of nature by God at creation, and "occasional" miracles which were not pre-programmed and so constitute genuine interruptions of natural laws. See *LM*, 28:217-218, pp. 38-9, cf. *LM*, 29:870, p. 240.

[138] *LM*, 28:219, p. 40.

Support of a Demonstration of the Existence of God. The divine being, Kant argues, organizes the world according to a system of fixed laws that we refer to as "nature." Because nature was created by God, and God only wills the good, nature itself must also be entirely good. Even so, nature itself is not an independent source of value. It is good only because it serves as a "kind of means" for God to realize the best "end" of human affairs.[139] This end, Kant makes clear in his metaphysics lecture, is a form of ethical community, one defined by universal obedience to moral laws.[140] Permitted to unfold without interference, nature would properly fulfill its function as an instrument of divine will. Its "course" would "coincide with moral laws."[141] Occasionally, however, a problem arises, and nature is not permitted to unfold as intended. On account of the "indeterminacy" of human behavior, it becomes possible that natural laws will no longer create the "conditions" for ethical community. In such a case, the "course of nature" will run "contrary to the will of God."[142] It will contain one or more "imperfections."[143] And this "emergency" situation, as Kant refers to it, justifies the deity intervening in the world in order to realign nature

[139] Immanuel Kant, "The Only Possible Argument in Support of a Demonstration of the Existence of God," in *Immanuel Kant: Theoretical Philosophy, 1755-1770*, ed. and trans. David Walford with Ralf Meerbote (Cambridge: Cambridge University Press, [1763] 1992), 2:109, p. 151. See the discussion in the surrounding pages, 2:103-12, pp. 146-55.

[140] Kant also refers to this aim as a kind of hypostatic merger of human and divine: "The highest morality is a union with the highest being. Now when a case is of the sort that cannot be cognized through the natural order, but it refers to the end of morality, in this case it is allowed to assume miracles." *LM*, 28:219, p. 40.

[141] *LM*, 28:219, p. 40.

[142] "Only Possible Argument," 2:110, p. 152.

[143] "Only Possible Argument," 2:112, p. 154. In another indication of Kant's self-understanding as a kind of "Newton of the moral world," as well as his deep admiration for the scientist, his view on miracles here seems to parallel Newton's understanding of God's intervention in the cosmos. According to Newton, although the solar system mostly operates in a stable and elegant fashion based on (divinely established) natural laws, it nonetheless contains slight irregularities in its natural dynamics that create the need for periodic "corrections" by God. See Isaac Newton, *Opticks* (Mineola, New York: Dover Publications [1750] 1979), 402.

with its original moral purpose. As Kant puts it succinctly: "Miracles are possible in order to complement this imperfection."[144]

"Miracles" for Kant are thus defined as "events which interrupt the order of nature."[145] If nature is a system defined by deterministic, law-like relations, a miracle is a rupture in this system. It is an "exception," made by God for the sake of a crisis in morality, to the "rules and propositions" about the universe. It is an event that directly contradicts how we would normally understand the world "though experience," that is, empirically.[146] Kant's favorite example of a miracle is God's parting of the water for Moses and the Israelites. Shortly after their flight from Egypt, the Israelites find themselves trapped between Pharaoh's army and the Sea of Reeds. In response to widespread panic, Moses enjoins his people to expect divine salvation, and God commands him to stretch his arms over the water. Where one would not normally expect anything to come of such a motion, in this case God intervenes in nature, "moving the sea with a strong east wind all night." By this means, according to the Exodus narrative, the "water split" and "Israel came in the midst of the sea on dry land."[147] Such an event, for Kant, exemplifies a miracle. Water frozen vertically—like a "wall," in the biblical description—violates our understanding about how nature works. And a sea responding to a gesture—in this case a man raising his arms—violates our understanding of how nature responds to human entreaties.

Yet for Kant, the possibility of miracles does not merely imply that "exceptions" must occasionally be made to the laws of nature, but something far more radical: that "exceptions" must be made to reason itself. To approach the world rationally, he notes, "demands that we

[144] *LM*, 28:219, p. 40.

[145] *LM*, 28:220, p. 41.

[146] *LM*, 28:220, p. 41.

[147] Exodus 14:21-2.

think [that] there is a nature."[148] We must believe that there exists "a principle of the world, where the determinations of the world issue according to universal rules."[149] In this sense, the perception of "order" in nature is "the single condition of the use of reason."[150] It is the foundation of rational cognition itself: the principle of sufficient reason. But a miracle, by outwardly transgressing the rules of nature, explodes this perception of order. Ungoverned by the ordinary laws of cause and effect, a miracle has a cause that, though itself capable of affecting physical objects, is not itself affected by any other physical object. In this way, it renders untenable the idea of a world universally governed by constant and knowable laws. It makes it impossible to perceive the universe as a fully closed, consistent, and rational system. And by carving out an exception to the principle of sufficient reason, it requires that we "suspend the use of our reason itself."[151]

It is in exactly this theological language of miracles that Kant describes the basis of human moral freedom. If a person's faculty of moral choice (*Willkür*) is to be genuinely free, he argues, she must be capable of choosing for or against reason with total independence from physical relations of cause and effect. She must be permitted to initiate a change in the world's material structure without itself being affected by that structure. She must have the power to act, not in the way that we would predict empirically—as a "link in a larger chain" of causality—but with a "new beginning," an "absolutely first action."[152] Like a stone tossed into still water, a person's decision should ripple outward into the world, initiating a new series of causes and

[148] *LM*, 28:218, p. 39.

[149] *LM*, 28:218, p. 39.

[150] *LM*, 28:218, p. 39.

[151] *LM*, 28:219, p. 40.

[152] *NF*, §5220, p. 221; §5619, p. 255.

effects where one did not exist before. Her decision should be able to violate the principle of sufficient reason and breach the "natural necessity" of our deterministic universe. It should, in short, be like a miracle, akin to the "exception" of Schmitt's sovereign. Consider, for example, how Kant conceptualizes humanity's faculty of choice (*Willkür*) in a fragment from the late 1760s:

> A substance that is not externally determined to produce something that previously did not exist acts freely, and this freedom is opposed to internal or external natural necessity. It acts from the free power of choice (*Willkür*) insofar as the causality of the action lies in its preference.[153]

In a series of notes from the late 1760s and early 1770s, Kant makes the theological comparison explicit. The "difficulty" involved in comprehending the idea of a genuinely counter-causal event, he writes, applies to both the "necessary being," referring to the deity, and "contingent beings," referring to people.[154] It applies, in other words, equally to God's interventions in nature and human beings' moral choices. In his lecture on metaphysics, Kant defines a miracle as "an event in the world that does not happen according to the order of nature."[155] By this definition, a decision made using our faculty of choice (*Willkür*) has the same relation to nature as a miracle. In effect, it *is* a miracle. As he puts it in a later fragment, "Freedom is the independence of causality from the conditions of space and time."[156]

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[153] *NF*, §3857, p. 89.

[154] *NF*, §3857, p. 89, cf. §3859, p. 89, and §4219, p. 120. In one of these notes, Kant explicitly compares human and divine *Willkür*: While the two are different in the sense that God never fails to chose *Wille* over maxims based on inclination, they are the same in that they entail an ability to act independently of the laws of nature. *NF*, §4226, p. 121, cf. §4337, p. 128 and §4619, p. 147. For a later version of this, see *NF*, §6078, p. 330. I discuss this contrast between divine and human spontaneity in greater detail below.

[155] *LM*, 28:217, p. 38, cf. *LM*, 28:667, p. 369.

[156] *NF*, §5608, p. 250. Here we can anticipate an argument that I will make later in this chapter: That Kant's reliance on the idea of a miracle is not limited to its *analogical* and *problem-solving ability*, but ends up being a *logical dependency*. For it is not only that a human being's spontaneous act of freedom is *like* a miracle; in a significant sense it *is* a miracle.

In his works on religion, Kant refers to the divine attribute capable of performing miracles as "absolute spontaneity"; he refers to the human attribute capable of performing moral actions using the very same term.[157] "The soul," he remarks in his lecture on metaphysics, "is a being which acts in an absolutely spontaneous way."[158] Kant, it should be said, was hardly the first to invoke "spontaneity" as the basis of human freedom. Many of his philosophical predecessors, including Gottfried Leibniz, Christian Wolff, and Alexander Baumgarten, had all described human beings as "spontaneous," arguing, for example, that the soul has a "force" or "intrinsic principle" that makes it capable of "determining itself to action."[159] What made Kant's argument original was his affixing of the modifier "absolute." *Absolute* spontaneity—the ability to uproot the causal order of the universe, to make exceptions to natural laws, and, indeed, to suspend reason itself—was an attribute hitherto reserved to the deity. It reflected *the* foundational power over nature, one that thinkers as opposed to one another as Leibniz and Malebranche could both agree belonged only to the divine. As Malebranche wrote, for example, "There is only one true cause because there is only one true God."[160]

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[157] For Kant's attribution of "absolute spontaneity" to God, see for example his "Lectures on the Philosophical Doctrine of Religion," in *Religion and Rational Theology*, trans. and ed. Allen W. Wood and George di Giovanni (Cambridge: Cambridge University Press, [1817] 1996), 28:1067, p. 402. Hereafter "*LPR*." For his attribution of "absolute spontaneity" to the human being, see for example *PR*, 5:99, p. 83; *RMR*, 6:24, p. 49; and *NF*, §6077, p. 330.

[158] *LM*, §28:267, p. 80.

[159] By the time Kant entered the academy, "spontaneity" had become a commonplace term to describe human freedom, and was employed in one form or another by all of the German thinkers who had the greatest influence on Kant's philosophical development. According to Leibniz, for example, every "monad" or constituent element of the universe, has spontaneity. What enables human freedom is the combination of this intrinsic spontaneity with the self's intelligence. For Christian Wolff, Leibniz' student, spontaneity was identified with *Willkür*, an "intrinsic principle" within the soul capable of "determining itself to action." And for Alexander Baumgarten, author of the textbook on metaphysics that Kant assigned to his students, spontaneity is a kind of "force" within the self that animates all our faculties. See Leibniz [1714] 1991, §32, p. 35; Wolff, *Vernünfftige Gedancken von Gott, der Welt, und der Seele des Menschen, auch allen Dingen überhaupt* (Halle: Renger, 1719), 702; Baumgarten, *Metaphysica* (Halle: Hemmerde, 1757), 176-7. For more on the concept of spontaneity in Kant's intellectual milieu, as well as its pre-history, see Marco Sgarbi, *Kant on Spontaneity* (New York: Continuum, 2012), 19-27.

[160] Malebranche [1674-5] 1997, 448.

What prompted Kant's radical theological borrowing was an analogical insight: that the state of emergency in God's moral unfolding of history parallels the state of emergency in humanity's rational moral agency. Just as God, for the sake of freedom, must sometimes miraculously interrupt the course of nature, so too man. "Freedom," he writes in a note from 1769, is that "which is not connected to what has preceded by means of a natural link."[161] Just as the divine being, for the sake of morality, must sometimes authorize exceptions to the principle of sufficient reason, so too the human being. "The principle of sufficient reason," he observes in a fragment from around the same period, "is the *principium* of the order in the course of nature....If there is only mere nature, then the series of connected things is continuous. But if there is freedom, then it is interrupted."[162] And just as God's means for upholding moral laws—a miracle—originates from the divine "power of choice" (der *Willkür des obersten Urhebers*), so too the human being's means for upholding moral laws—a free choice in favor of rational agency (*Wille*)—must originate from her power of choice (*Willkür*).[163] She must be able to choose freedom instead of unfreedom, reason instead of inclination, without that choice being determined by her antecedent physical and psychological state. Anything less than such "absolute spontaneity," would fail to guarantee free will. It would be a spontaneity that Kant describes as "*secundum quid*," that is, "qualified" or derivative. It would offer a freedom no greater than that of the "turnspit."

This, therefore, is the effect of Kant's political theology of spontaneity: To preclude our dependence on other people, structures, and forces, to insulate our agency from capricious inclinations and politicized moral values, and, in this way, to safeguard our freedom. Its aim, in

[161] *NF*, §4033, p. 113.

[162] *NF*, §5220, p. 221.

[163] The reference to divine *Willkür* is from "Only Possible Argument," 2:106, p. 148.

short, is to honor the individual and diminish dependence. To do this, human spontaneity must be reimagined as divine spontaneity. And the effect of this spontaneity—a genuinely undetermined faculty of moral choice (*Willkür*)—must be reimagined as a miracle.

KANT'S POLITICAL THEOLOGY 2: THE "I"

For Kant's political theology to succeed, however, he must extend his human-divine comparison one step further. That a divine being who created nature should have the power to alter it at will is not remarkable. That a human being who is herself a product of nature should have such a power certainly is. Every person comes into being at a discrete time and place; she acts according to her body's strengths and frailties; and she ultimately passes away. She arrives at every moral decision tethered to her contingent, worldly milieu, including her language, culture, environment, socialization, and biology. She is, in Heidegger's famous phrase, always already in the world. By what means, then, can she overleap her circumstances and overcome her creaturely nature? How can she acquire the deity's absolute causal power?

This leads Kant to the following conclusion: if our *Willkür* is like a miracle, and our spontaneity is like divine spontaneity, then the attributes of our personality grounding these capacities must mirror those of the deity itself. The theological analogue must encompass not only the ground of our moral action, but the basis of our personhood. Put simply, for the human being to *act* like the divine being she must also in an important sense *be* like the divine being. To make this comparison, Kant draws from our most central existential marker: the "I." "The question of whether freedom is possible," he writes in a note from the late 1760s, "is identical with the question of whether the human being is a true person and whether the 'I' is possible."[164]

[164] *NF*, §4225, p. 121.

That Kant derives his conception of the "I" through an analogue with the deity becomes clear in a number of places, foremost among them in his lectures from the 1770s on anthropology and metaphysics. In the part of these lectures entitled "Psychology," Kant often includes a list of core "concepts" that he ascribes to the "I." While these lists vary slightly in order and terminology, they all share four attributes: "substantiality," "simplicity," "immutability" (or "immateriality") and "spontaneity."[165] It is exactly these four attributes that Kant elsewhere ascribes to the divine being. In his *Only Possible Argument in Support of a Demonstration of the Existence of God* from a decade earlier, for example, he describes God as "necessary," "simple in substance," "immutable in constitution," and having the "power of choice [*Willkür*]," rooted in spontaneity, vis-a-vis the natural world.[166] The parallel is even starker in his lectures on religion. In a list whose style precisely mirrors those in his lecture-sections on psychology, he reproduces for the deity the attributes he had ascribed to the "I" in almost verbatim language and order: "substantiality," "simplicity," "immutability," and, a little further on in the same discussion, "absolute spontaneity."[167] According to Kant, each of the first three attributes plays a critical role in enabling absolute spontaneity for both God and human beings.

For an agent to have substance, for Kant, implies that she (or he, or It) can be an independent source of activity in the world.[168] The actions that she undertakes are not merely

[165] See for example *LA*, 25:10-13, pp. 17-19, 25:244-46, pp. 32-3, and 25:473-6, pp. 50-3; *LM*, 28:225-6, pp. 45-6 and 28:265-88, pp.78-96.

[166] "Only Possible Argument," 2:89, p. 133 and 2:101, p. 145.

[167] *LPR*, 28:1037-9, pp. 378-80 and 28:1067, p. 402. Kant here adds to God's attributes "unity," a quality that in his "I" lists he groups together with "simplicity."

[168] A substantial agent is one that is an ontological "thing-in-itself," having a reality apart from any "accidental" aspects of her (or his, or Its) nature. Thus although the deity may craft the universe in a certain way—setting the gravitational constant at one magnitude rather than another—this on its own says nothing essential about the divine

derivative of another thing or person, but refer in some way to her own nature. Thus the divine being's "substantiality," he argues, entails "existing merely for itself, without being the determination of another thing." So too the human being: "The I expresses not only the substance, but rather also the substantial itself."[169] Elsewhere he puts this in the terms of formal grammar. While some things can be made into predicates—that is, into parts of a sentence that modify the subject—both God and the "I" are "absolute subjects."[170] They "cannot at all be a predicate of another thing."[171] "I cannot say: another being is the I," Kant writes, adding "I can only say: I am, I think, I act."[172]

The attribute of "simplicity" is a necessary corollary of substantiality. Generally speaking, to ascribe an action to an agent requires that agent to have real substance; but to ascribe an action to a single, particular agent requires that that agent is simple, that she is one unified thing rather than a number of distinct things. As Kant puts it with regard to God, "Whenever a reality is distributed among several things, the whole reality cannot be in each of them."[173] And as he says about persons: "A many can indeed not say: I; this is thus the strictest singular."[174]

Finally, in order for an agent to act contrary to natural laws, her agency must be "immutable," that is, impervious to the effects of these laws. She must transcend "nature" itself,

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being. Likewise, though a person may be of a certain height, with certain color eyes and hair, these external features say nothing about her "I."

[169] *LM*, 28:226, p. 46.

[170] *LM*, 28:226, p. 45.

[171] *LM*, 28:226, p. 45.

[172] *LM*, 28:266, p. 79.

[173] *LPR*, 28:1038, p. 378.

[174] *LM*, 28:226, p. 46.

existing in a immaterial and de-temporalized realm. Were the source of her agency to be a part of nature, her actions would be governed by its deterministic rules. In his metaphysics lecture, Kant arrives at the immateriality of the "I" through an explicit comparison to the deity: In the same way that "one says that God is in a church" without being confined to it, so too one says that the "I" operates through the body without strictly residing in it.[175] Elsewhere in his notes and writings, too, Kant frequently speaks of divine and human immutability in the same breath. He argues at one point, for example, that no uncaused "motion" can be generated in the world either through a "miracle" (from God) or through a "spiritual being" (referring to a person).[176] As he puts it in a fragment, "Immateriality lies in the concept of the I."[177] And as he notes even more directly: "I am: a proposition that is not empirical."[178]

Taken together, the attributes of substantiality, simplicity, and immutability borrowed from the deity provide a source for the human being's absolute spontaneity. They fill-in Kant's portrait of the "I." And in this way, they justify his new model of moral free will. In the same way that the divine being, on account of its attributes, can be said to be a source of agency unbound by mechanistic natural laws, likewise the human being. "The I," Kant declares in his metaphysics lecture, "proves that I myself act....To the extent that I act from an inner principle of

[175] *LM*, 28:282, p. 92. Kant makes a similar comparison in his "Inaugural Dissertation," noting that the soul has no definite location in the body, and we only attribute it as having such a location when the body acts in some way. "On the form and principles of the sensible and the intelligible world [Inaugural dissertation]" in *Immanuel Kant: Theoretical Philosophy, 1755-1770*, ed. and trans. David Walford with Ralf Meerbote (Cambridge: Cambridge University Press, [1770] 1992), 2:419, p. 415.

[176] *NF*, §5662, p. 290. Kant also refers to the human being as a "spiritual being" in a number of other places, as for example *LM*, 28:226, p. 46.

[177] *LM*, 28:273, p. 84.

[178] *NF*, §5964, p. 317.

activity according to the power of free choice [*Willkür*], without an outer determination; only then do I have absolute spontaneity."[179]

With his turn to reason and political theology, Kant appears to have accomplished his goal. The "I," insulated from deterministic causation and capable of moral freedom, provides his long-envisioned theory of solidarity with its deep philosophical substructure. That we can act rationally safeguards us against dependence, both personal and political. That we can direct our faculty of choice (*Willkür*) to favor reason over inclination ensures our liberation from fickle passions, unpredictable circumstances, and dubious moral values. That we can make decisions with a miraculous, "absolute" spontaneity resolves reason's state of emergency, permitting "exceptions" to natural causality for the sake of freedom. And that the most essential core of our personhood—the "I"—is real, simple, and immutable provides a source for our spontaneity. It offers a locus for our freedom that can neither be "generalized" in the manner of Rousseau's social compact, nor destroyed, its temporary dependence turned into a permanent slavery.

For this reason, the "I" becomes for Kant the single most important aspect of humanity. By providing a source for our absolute spontaneity, it invests human personality with a nimbus of the divine. By elevating us above nature and ensuring our moral freedom, it confers on the human being an ineradicable source of dignity and value. It promises a morally defensible ground upon which to finally "establish the rights of humanity" and "honor human beings." It holds out hope of giving human solidarity a new and unshakeable foundation, one grounded in respect for our God-like capacity to give birth to an absolutely new beginning in the world. "This expression 'I,'" he declares in a lecture on anthropology, "is not only the most excellent

[179] *LM*, 28:268-9, p. 81.

thing in human nature, but it constitutes the entire dignity of the human being."[180] Or even more succinctly: "No thought is greater or more important than that of our I."[181]

Yet even as Kant's political theology resolves a problem in solidarity, it raises another in philosophy. In *Dreams*, Kant had insisted on a restrained epistemological skepticism. Though the existence of something like the "general will" might be useful for achieving solidarity, he had argued, it is ultimately just as fantastical as the visions of a spirit-seer. He had been equally dismissive about another idea: that the human soul is a "spirit-being" endowed with an "inner capacity to determine itself voluntarily [*nach Willkür*]."[182] This notion, he wrote, was "deformed" and "foolish," amounting to little more than a "philosophical figment of [the] imagination."[183] Kant's language here accords with his reputation, concisely summarized by the historian George Armstrong Kelly, that "the philosopher of Königsberg never drew an anti-intellectual breath."[184] But with his political theology, Kant, it should now be clear, is in danger of inhaling something toxic. By groundlessly positing the existence of a quasi-divine "I" capable of intervening miraculously in nature, he comes perilously close to believing in one of his own fantasies. He risks dipping back into the metaphysical speculation he had dismissed in *Dreams*. He threatens to revive for modernity one of humanity's most ancient myths: that mere mortals can assume the attributes of divine beings—that man, in short, can be like God.

To avoid such a flight into the irrational, Kant's only path forward lies in rethinking the nature and limits of reason itself. It is not sufficient that a person dogmatically conceive of

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[180] *LA*, 25:757, p. 264, cf. *NF*, §7305, p. 476.

[181] *LA*, 25:735, p. 263.

[182] *DSS*, 2:327, p. 315n.

[183] *DSS*, 2:359, p. 346.

[184] George Armstrong Kelly, "Rousseau, Kant, and History," *Journal of the History of Ideas*, 29.3 (July – Sept. 1968), 364.

herself as an immaterial "I" capable of absolute spontaneity. She must be able to do so *justifiably*. Her faculty for morally *choosing* reason (*Willkür*) must be made compatible with her faculty for *understanding* the world through reason. Put another way, Kant's task is not only to resolve reason's state of emergency, the conflict between rational knowledge and rational moral agency; it is to do so without recourse to an indefensible metaphysics of the self. In a note from the late 1770s, he describes how he will undertake this task using a metaphor: "In this darkness [of metaphysical inquiry], the critique of reason lights a torch." In concluding this note, however, his metaphor tellingly shifts. In undertaking such a critique, Kant suggests, the philosopher's implement is akin less to the truth-seeking lamp of Diogenes than something more outwardly political: the juridical apparatus of the state. "Metaphysics," he writes, is "the police force of our reason with regard to the public security of morals and religion."[185] To lay the foundation for his theory of ethical solidarity, Kant turns to a political theology. And to justify his political theology, I will now argue, he turns to philosophy.

HONORING THE INDIVIDUAL: THE POLITICS OF PURE REASON

The fruit of Kant's silent, decade-long labor of the 1770s was his *Critique of Pure Reason*, commonly known as the *First Critique*. First published in 1781, one of the core aims of the work is to show how it is possible to simultaneously affirm a rational outlook on the world (as defined by the principle of sufficient reason) and a rational basis for moral agency (what Kant calls "practical reason").[186] To effect this reconciliation, Kant defends two claims: that a person can rightfully see herself as acting with "absolute spontaneity," what he alternatively calls

[185] *NF*, §5112, p. 214.

[186] Kant of course has many other important aims in the book as well, including especially his defense of the methods of Newtonian science and natural causal explanation. I omit discussing them here in order to focus on those issues directly relevant to his thinking about spontaneity and solidarity.

"transcendental freedom"; and that the source of her spontaneity is a "transcendental object," what he refers to more simply as the "I." In the brief "History of Pure Reason" with which he concludes the text, Kant describes his motivation in strictly intellectual terms. His own "critical" method, he argues, represents a way of finally solving the conflicts between the great philosophical schools: materialism and idealism, empiricism and rationalism, skepticism and dogmatism.[187] For the most part, interpreters have taken Kant at his word. They have characterized the *First Critique* as epitomizing apolitical philosophy and its author the "apolitical German philosopher."[188] Yet in light of the preceding, it should be plain that the author had less-than-pure motivations, and the work is less-than-pure philosophy. Kant's real aim, I believe, is to vindicate through reason the theory of agency he borrowed from religion. It is to substantiate his political theology, ensure that we will honor the individual, and in this way, prepare the ground for his anticipated theory of ethical solidarity. This is the subterranean purpose of his *First Critique*, the politics of pure reason.

The *First Critique* is an enormously complex work, but the heart of Kant's defense of spontaneity can be found in a chapter of the book known as the "Antinomy of Pure Reason," a series of four staged arguments between two apparently reasonable propositions. In the third of these, Kant presents a conflict between two views about nature, determinism, and causality. Both sides in the debate acknowledge that nature is by appearances deterministic, seemingly governed by immutable relations of cause and effect. Where they disagree is whether, in spite of this appearance, it is nonetheless necessary to appeal to a kind of causality that is not determined

[187] *CPR*, A852-5/B880-3, pp. 702-4.

[188] I borrow this term from Beiser, who sets out to debunk what he calls the "myth of the apolitical German." Beiser traces the depoliticized view of German philosophy to Madame de Staël, who argued toward the end of the eighteenth century that the German intellectuals of her age "join the greatest boldness in thought to the most obedient character." Cited in Beiser 1992, 7.

in this way. This causality is "absolute spontaneity," the "power [*Vermögen*] of beginning a state from itself [*von selbst*]."[189] One side, the "thesis," argues that positing spontaneity is necessary, while the other, the "antithesis," argues that it is not. Each position proceeds by attempting to demonstrate that the other is logically impossible.

According to the thesis, a world without spontaneity cannot be rationally defended. In such a universe, the only kind of causality that exists accords with the laws of nature. Every effect follows its cause mechanistically as an unbroken chain; all things that take place in time and space can be said to have been caused by something else in time and space. The advantage of this view is that it corresponds with the empirical picture experience of nature. It matches the key assumption of modern science: that the world is orderly, rule-governed, and so capable of being understood rationally. It also encounters a serious problem. While every event can be said to have a cause or "beginning," that beginning is only "subordinate."[190] Indebted to the cause before it, it only appears *as* a beginning when we isolate it from the causal series of which it is a part. Most of the time, this kind of subordinate causation would be unproblematic. But if *all* beginnings are subordinate in this way, a contradiction arises: As we trace the mechanistic chain of causes and effects backward, we never reach a first cause. There is no original beginning that sets the entire chain of causation in motion in the first place. And given that according to the principle of sufficient reason "nothing happens without a cause," this is logically impossible.[191] The thesis thus concludes that there must exist a beginning that is not "subordinate" but genuinely "first." In spite of outward appearances, the universe must harbor the capacity to set

[189] *CPR*, A533/B561, p. 533.

[190] *CPR*, A446/B474, p. 484.

[191] *CPR*, A466/B474, p. 484.

into motion a new chain of events, one without prior cause or precedent. This capacity is "absolute casual spontaneity."[192]

The antithesis, by contrast, denies the logic of absolute spontaneity. By its view, everything that transpires in the universe can, in fact, be explained merely by means of mechanistic relations of cause and effect. There is no need to appeal to an unconditioned causality. As with his presentation of the thesis, Kant frames the argument by first analyzing and then refuting its opposite. The existence of "absolute spontaneity," the antithesis acknowledges, has certain advantages. Not only does it resolve a logical problem with causation, explaining how the chain of causes and effects could be initiated in the first place. It also permits a "freedom from the laws of nature"—what Kant tellingly describes, in politicized language that recalls his Rousseau-inspired commitment to diminishing dependence, as "liberation from coercion."[193] But the thesis, too, runs up against a grave difficulty. To understand the world rationally, we must believe that nature itself has a rational structure. We must conceive of our experience as having a "lawful unity," an organized arrangement of causes and effects.[194] We must, in short, be able to affirm something like the principle of sufficient reason. But if the thesis is correct, then affirming this principle is impossible. "Absolute spontaneity," by definition, is not something that can be rendered in terms of empirical experience. For a beginning to be truly "first" rather than merely "subordinate," it cannot, in principle, be a predicable and observable part of the world. Spontaneity therefore violates the conditions that enable our orderly experience of the universe. It reflects what Kant calls "lawlessness," a

[192] *CPR*, A466/B474, p. 484.

[193] *CPR*, A447/B475, p. 484.

[194] Kant argues for this unity of our experience, what he calls the "transcendental unity of apperception," earlier in the work. *CPR*, A95-110/B129-69.

"break" from the "guidance of those rules by which alone a thoroughly connected experience is possible."[195]

The third antinomy does not definitely prove absolute spontaneity, something that Kant himself believes to be impossible.[196] What it does instead is carve out a space in which we might justifiably presume its role in human agency. Kant effects this by framing the arguments of the thesis and antithesis in subtly different ways. Whereas the thesis claims that determinism *itself* is self-contradictory, the antithesis contends that absolute spontaneity contradicts our *experience* of the world.[197] This allows Kant to affirm both the thesis and antithesis simultaneously. It is true that the universe as it appears to us is deterministic; nonetheless, it may be the case that there is more to it than meets the eye. While absolute spontaneity cannot be vindicated in the reality we access via our senses (the "phenomenal" world), it may yet exist in the deeper substratum of reality from which our sensual experience derives (the "noumenal" world). At the very least, the possibility that such spontaneity is real cannot be conclusively denied. Thus when we see a person act, it is possible to understand her act in two ways: As caused by mechanistic rules of nature over which she had no control; or as caused by her "freedom," that is, her absolutely spontaneous faculty of choice (*Willkür*). Both interpretations of her agency are plausible. Her will may be morally free.[198]

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[195] *CPR*, A447/B475, p. 487.

[196] Kant describes proving spontaneity as a "problem permitting of no solution" and spontaneity itself as "hiding itself from us." *CPR*, A482/B510, p. 506.

[197] "Transcendental freedom...is a combination between the successive states of effective causes in accordance with which no unity of experience is possible, which thus cannot be encountered in any experience, and hence is an empty thought-entity." *CPR*, A447/B475, p. 485.

[198] *CPR*, A531-67/B560-95. As Kant puts the idea further on: "In the judgment of free actions, in regard to their causality, we can get only as far as the intelligible cause, but we cannot get beyond it; we can know that actions could be free, i.e., that they could be determined independently of sensibility, and in that way that they could be the sensibly unconditioned condition of appearances. But why the intelligible character gives us exactly these appearances and this empirical character under the circumstances before us, to answer this surpasses every faculty of

Two problems remain, however. First, demonstrating that something is hypothetically possible is one thing; giving us good reason to think of ourselves as acting as if it exists is another. It is undoubtedly true that many objects about which we have no experience *could* exist. But that is a far cry from saying that we ought to conceive of our actions *as if they do exist*, something Kant himself had made clear in *Dreams*. What gives as a special right to think of ourselves, practically, as having spontaneity? What differentiates it from mere myth, mysticism, or indeed the fantastical "spirit-visions" fantasized by Swedenborg? Second, the kind of spontaneity implied by the third antinomy's thesis is cosmological, not moral. The causal force it describes is needed to "make comprehensible the origin of the world," not the origin of morality.[199] Thus how can we be justified in transposing it, even hypothetically, to human beings? By what license can we think of its divine power as effective within mortal persons?

To answer these questions, Kant offers a modified version of the argument that he developed to vindicate the possibility of miracles: Because absolute spontaneity is a necessary prerequisite for humanity's moral freedom, it can, as a matter of practice, be rationally assumed even though reason alone (as evidenced by the inconclusive result of the third antinomy) would only entitle us to be agnostic about its existence.[200] In his lectures on metaphysics, Kant had defended divine miracles using the Schmitt-like rhetoric of moral "emergency." Because miracles "interrupt" the order of nature and "suspend" the use of our reason, they can only be permitted in circumstances where the natural unfolding of the physical world failed to "coincide

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our reason, indeed it surpasses the authority of our reason even to ask it....Yet the problem which we had to solve does not obligate us to answer these questions, for it was only this: Do freedom and natural necessity in one and the same action contradict one another?" *CPR*, A557/B585, p. 545.

[199] *CPR*, A448/B476, p. 486.

[200] "In regard to its practical use," Kant writes, referring to ethics, "reason still has the right to assume something which it would in no way be warranted in presupposing in the field of mere speculation without sufficient grounds of proof." *CPR*, A776/B804, p. 662.

with moral laws."[201] They "cannot be assumed except in the greatest emergency."[202] In the *First Critique*, he defends human spontaneity using very similar language and reasoning. To grant to humanity the ability to engender a "first beginning," he argues, would normally be unjustifiable. But although humanity's causal spontaneity can neither be proven nor disproven, there is nonetheless an "advantage" for the one who argues in its favor.[203] "Freedom in the practical sense," he writes, referring to rational morality (*Wille*), requires that our "power of choice" (*Willkür*) be free "from necessitation by impulses of sensibility."[204] It must, in other words, be set apart from nature. It must contain "another causality," one that can, like a miracle, "begin a series of occurrences entirely from itself."[205]

Thus despite being necessarily beyond proof, spontaneity, unique among the objects of our metaphysical imagination, has a special claim on our belief. Aside from being a necessary explanans for the cosmological origin of causality, it is also a "practically necessary presupposition."[206] It is an indispensable part of our moral agency. While Kant offers only a schematic version of this argument in the first *Critique*, he presents it in far more rigor and detail in his subsequent works of moral philosophy. To act morally, for Kant, is to act according to reason. For a person to regard herself as a moral agent, therefore, she must base her conduct on and be motivated by principles derived from reason. Moreover, she must think of herself as undetermined by factors extraneous to her rational agency, including her interests and desires. In

[201] *LM*, 28:219, p. 40.

[202] *LM*, 28:218, p. 40.

[203] *CPR*, A777/B805, p. 662.

[204] *CPR*, A534/B562, p. 533.

[205] *CPR*, A446/B474, p. 484; A534/562, p. 534.

[206] *CPR*, A777/B805, p. 662.

Kant's technical language, she must conceive of her faculty for choosing between inclination and morality (*Willkür*) as being wholly independent from the causal forces of nature, unbound by her prior biological, social, and psychological makeup.[207] What this means is that seeing ourselves as spontaneous is a precondition of rational agency itself. It is necessary for our moral phenomenology.[208] To be sure, the fact that we must *think* of ourselves as spontaneous does not prove that we truly *are*. But given the space for doubt about determinism opened by the third antinomy, it does entitle us to that assumption. And so just as with his justification of miracles, Kant in the *First Critique* couches his justification of moral freedom in the language of crisis. With regard to absolute spontaneity, he writes, one is "free to use, as it were in an emergency," a kind of reasoning unwarranted by the inconclusive result of the third antinomy.[209] "Reason" itself "creates the idea of a spontaneity," even without being able to demonstrate its reality.[210] It has a "legitimacy" which "need not be proved."[211]

Kant supports his conception of the "I" in the *First Critique* using a similar line of reasoning. While he defends our ability to practically assume its possibility, he condemns those who dogmatically assert its reality. To the latter end, he devotes an entire chapter, "The

[207] Kant certainly grants that desires often *do* play a role in directing one's actions. But he emphasizes that they cannot be *sufficient* for doing so. At the end of the day, every moral act contains a moment of spontaneous agency. Kant illustrates this through the example of one's decision to sit up from a chair. Although the thought of sitting up may come to a person from inclination or desire, the decision itself, and any actions taken to fulfill it, must be thought of as absolutely spontaneous: "This decision and deed do not lie within the succession of merely natural effects and are not a mere continuation of them; rather, the determining natural causes of that series entirely cease in regard to this event." *CPR*, A451/B479, p. 488.

[208] Kant offers versions of this argument in a number of places in his mature moral philosophy. See especially the *Groundwork of the Metaphysics* and the ed. and trans. Mary Gregor and Jens Timmermann (Cambridge: Cambridge University Press, [1785] 2012), 4:452, p. 61; and *PR*, 5:71-106, pp. 62-89.

[209] *CPR*, A777/B805, p. 662. A few pages later, Kant again uses this language of crisis, referring to this kind of non-proof "proof" as an "emergency aid." *CPR*, A790/B818, p. 669.

[210] *CPR*, A533/B561, p. 533.

[211] *CPR*, A776/B804, p. 662.

Paralogisms of Pure Reason," to carefully debunking arguments that have been offered in support of the "I"'s supposed attributes: "substantiality," "simplicity," and "immateriality."[212] These of course are the very same attributes he had himself assigned to the "I" in his lectures on metaphysics and anthropology. But having moved from political theology to philosophy, he recognizes that they cannot be posited without evidence. Their so-called "proofs," based on "paralogic" or fallacious reasoning, fall apart. No certain knowledge about the "I"'s actuality or features is possible.[213] In Thomas Nagel's later phrase, the "I" has no place in an "objective view of the world."[214] In a purely naturalized universe, there is no warrant to assume its existence. Human thoughts and actions can just as easily be explained as a set of "contextually dependent cognitive states"; and the mind itself can be reduced, in Hume's famous words, to nothing more than a "heap or collection of different perceptions."[215]

But as with spontaneity, Kant finds a way of vindicating the "I" and its attributes, too. Once the prospect of absolute spontaneity is granted to human beings, he argues, such spontaneity must also have a wellspring. Its power to engender a first beginning must have a source. This source, in turn, cannot be part of the world of appearances. For if it were so, its actions would be governed by the mechanistic laws that govern nature. Determined by contingent temporal and material powers, they would be stripped of their sui generis causal force. What must be posited, therefore, is "something different from all appearances," an

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[212] *CPR*, A341-405/B399-432, pp. 411-58.

[213] As further evidence of his use of a theological analogue for conceptualizing the "I," Kant, in his *Critique of the Power of Judgment*, directly compares our inability to theoretically prove the existence of the soul to our inability to theoretically prove the existence of God: "For human reason any theoretical proof of the existence of the original being as a divinity or of the soul as an immortal spirit is absolutely impossible from a theoretical point of view." *Critique of the Power of Judgment*, ed. Paul Guyer, trans. Paul Guyer and Eric Matthews (Cambridge: Cambridge University Press, [1790] 2000), 5:466, p. 330. Hereafter "*CJ*."

[214] Thomas Nagel, *The View from Nowhere* (Oxford: Oxford University Press, 1986), 54-66.

[215] Hume [1739-40] 2000, 1.4.2, p. 137.

"intelligible object with which this contingency would stop."[216] This is the "I," what Kant also refers to as the "transcendental object."[217] Thus unlike in his pre-critical lectures on metaphysics and anthropology, where the "I"'s real existence and attributes are listed without qualification, in the *First Critique* Kant stresses his epistemic modesty.[218] Like spontaneity, the "I" is a "mere thought-entity."[219] "To the question, 'What kind of constitution does a transcendental object have?' he writes, "one cannot indeed give an answer saying what it is."[220] About its essence "one knows nothing."[221] Even so, its existence and attributes *can* be assumed in thought—not for the sake of theoretical knowledge, but for the sake of *action*. It is something that a person is allowed to "admit" in order to offer a practical account of human agency as spontaneity. "One would still be warranted in applying these concepts," Kant concludes, referring to "substantiality," "simplicity," and "immutability," "in regard to their practical use...according to their analogical significance in the theoretical use."[222]

With his dual defense of spontaneity and the "I," Kant's revised moral psychology nears completion. What began with a political aim—realizing the Rousseauian value of diminishing dependence and securing solidarity better than Rousseau himself—and proceeded via a turn to reason and an analogue to theology, concludes, in the *First Critique*, with a firm foundation in philosophy. Whether human beings really have a deep causal power over nature cannot be

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[216] *CPR*, A566/B594, p. 550.

[217] *CPR*, A565/B593, p. 550, cf. A478/B506, p. 504.

[218] Kant's shift is also reflected in his later lectures on metaphysics, which from the 1780s onward no longer dogmatically posit the "I" attributes, but instead use language much closer to that of the first *Critique*. See for example *LM*, 29:875-920, pp. 245-83.

[219] *CPR*, A566/B594, p. 550.

[220] *CPR*, A478/B506, p. 504n.

[221] *CPR*, A565/B593, p. 550.

[222] *CPR*, B431-2, pp. 457-8.

conclusively known. But it also cannot be conclusively denied. And in making rational moral choices, we do not have the luxury of indecision. We cannot but think of ourselves *as if* we are an "I" endowed with absolute spontaneity. These become for us not the topics of idle conversation but "practically necessary presuppositions." They are inseparable from our moral freedom. And so given the indeterminate result of the third antinomy, we can rightfully assume them. We can turn them into the basis for thinking not only about our ethical lives, but also, as we will soon see, our laws, culture, and solidarity with others.

This, therefore, is the politics of pure reason: To furnish our freedom with a rational foundation, to bring Kant's political theology into the realm of respectable philosophy, and in this way, to honor the individual. Via the first *Critique*, Kant finally has the bedrock base upon which to build up the "rights of humanity." He has the philosophical apparatus to assemble a society characterized by genuine freedom, solidarity, and equality. At its center is a unique, quasi-divine capacity: *Willkür*, our faculty for moral choice rooted in absolute spontaneity. And at its core is a new vision of the human being, a transcendental kernel of action, a source for our freedom: the "I." In Francis Bacon's words, chosen by Kant to provide the book's epigraph, readers should not see the project as intended for either "pleasure" or any particular "sect." They must understand it as building "the foundation of human utility and dignity."[223]

Yet even as he normatively honors the individual, Kant's primary political task—to diminish dependence and secure solidarity—remains incomplete. In the abstract, his new psychology guarantees our non-dependence. With the source of our agency insulated from natural determinism, we should always theoretically refrain from exploiting, abusing, or dominating others. But the real world of human affairs is another matter. Societies in practice are characterized not by commitment and self-sacrifice, but dependence and its pathological

[223] *CPR*, Bii, p. 91.

byproducts: jealousy, competition, and aggression. Indeed so common is anti-social behavior that its dispositional sources—including hypocrisy, snobbery, betrayal, misanthropy, and cruelty—have been famously dubbed "ordinary vices."[224] Put plainly, moral indifference or outright evil is the norm. Goodness is the exception.

But if that is the case, of what use is our moral freedom? If we always *can* diminish dependence, we *do* we so often let it fester? If doing what is right always lies within our grasp, how can we explain the prevalence of wrong? To respond to these challenges, Kant develops a new diagnosis of what undermines solidarity to fit his revised moral psychology. The threats to solidarity, he argues *pace* Rousseau, are caused not by humanity's departure from happy isolation, but its "unsocial sociability." And their origin lies not in a fall from a state of natural goodness, but just the opposite, a rotten seed embedded in the very ground of human freedom: "radical evil."

THE THREATS TO SOLIDARITY: RADICAL EVIL AND UNSOCIAL SOCIABILITY

Kant's most extensive treatment of evil is in his late work *Religion within the Boundaries of Mere Reason*. Superficially, the book's purpose is to theorize how a person can justifiably believe in God and what form her worship should take. For the most part this is how interpreters have treated the text. At their most charitable, they have read it as an ethical and religious tract, one of interest primarily for exemplifying rationalist Enlightenment theology.[225] At their least,

[224] Judith Shklar, *Ordinary Vices*, *op. cit.*

[225] As Karl Barth writes, for example, "Nobody from China to Peru brought into the open the theological viewpoint, thought and intent of the eighteenth century with so much determination, in such concrete and logical terms with so unemotional a clarity (in contrast to Rousseau) and with such an unfreemasonly candour (in contrast to Lessing) as [Kant] did." *Protestant Theology in the Nineteenth Century*, trans. Brian Cozens and John Bowden (Grand Rapids: William B. Eerdmans Publishing Company [1947 and 1952] 2001), 253. For those who see *Religion* as logically consistent with, or mandated by, Kant's moral philosophy, see Ronald M. Green, *Religious Reason: The Rational and Moral Basis of Religious Belief* (New York: Oxford University Press, 1978); Ann L.

they have dismissed it as a work of unphilosophical apologetics, a concession to orthodox Christianity borne out of Kant's pietist upbringing.[226] Yet on a deeper level, the book is less about religion than solidarity—how it is undermined in modernity, and how it might be restored. The radical evil of human beings is certainly a moral problem. But for Kant it is a moral problem with highly political implications. In so far as it corrupts our psychology, tempting us to prioritize our own needs and desires over those of others, it also produces an unsocial sociability. It frays our solidarity, leading to precisely those societal ills that Rousseau had associated with dependence, including antagonism, domination, and inequality.

With this in mind, in the remainder of this chapter I offer an original interpretation of the purpose and meaning of this text. *Religion*, I argue, is a work not only about the conditions that make possible rational faith. It is about the conditions that make possible rational ethical community. And its aim is not only to sketch out a remedy for overcoming individual moral evil. It is to give a new diagnosis of the threats to solidarity on the way to a new vision of how to diminish dependence and arrive at a form of pre-political solidarity. Put another way, *Religion*, I believe, is the heart of Kant's long-anticipated political theory. It is his direct response to

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Loades, *Kant and Job's Comforters* (Newcastle upon Tyne: Avero Publications, 1985); Adina Davidovich, *Religion as a Province of Meaning: The Kantian Foundations of Modern Theology* (Minneapolis: Fortress Press, 1993); John E. Hare, *The Moral Gap: Kantian Ethics, Human Limits, and Divine Assistance* (New York: Oxford University Press, 1996); and Stephen R. Palmquist, *Kant's Critical Religion* (Aldershot: Ashgate Publishing, 2000). For a book that brings together *Religion*'s defenders and critics in a kind of "trial by philosophy," and ultimately vindicates it, see Chris L. Firestone and Nathan Jacobs, eds., *In Defense of Kant's* Religion (Bloomington: Indiana University Press, 2008).

[226] See for example Vincent A. McCarthy, *Quest for a Philosophical Jesus: Christianity and Philosophy in Rousseau, Kant, Hegel, and Schelling* (Macon, Ga.: Mercer University Press, 1986), 69 and 74-80; Gordon E. Michalson, Jr., *Fallen Freedom: Kant on Radical Evil and Moral Regeneration* (Cambridge: Cambridge University Press, 1990), 1-10; Philip Quinn, "Saving Faith from Kant's Remarkable Antinomy," *Faith and Philosophy* 7.4 (1990); Nicholas P. Wolterstoff, "Conundrums in Kant's Rational Religion," in *Kant's Philosophy of Religion Reconsidered*, ed. Philip J. Rossi and Michael W. Wreen (Bloomington: Indiana University Press, 1991), 44. For a nuanced position that acknowledges the apologetic quality of Kant's language while denying that this was his primary intention, see George di Giovanni, *Freedom and Religion in Kant and his Immediate Successors* (Cambridge: Cambridge University Press, 2005), especially 152-204. Richard Bernstein, in his study of the concept of radical evil, has similarly proposed intermediate position, arguing for Kant as supporting the concept on both philosophical *and* religious grounds. *Radical Evil: A Philosophical Interrogation* (Malden: Polity, 2002), 19-35.

Rousseau's political program, his way of diminishing dependence without the coercive techniques of the social compact and the metaphysical fiction of the general will. It reveals his strategy for securing solidarity and honoring the individual through reason alone. And it outlines his program for how to answer Schmitt's challenge and resolve the puzzle of liberal solidarity for a secular age.

Radical evil and unsocial sociability rank among Kant's most philosophically controversial concepts. On the one hand, a host of readers, including Schiller, Goethe, and Karl Barth, saw the idea of radical evil as a "stain" on Kant's moral thought, a philosophically inconsistent concession made so that, in Goethe's phrase, "Christians too might be attracted to kiss his hem."[227] On the other hand, some more recent interpreters, like Allen Wood, have tried to collapse the distance between Kantian "unsocial sociability" and Rousseauian *amour propre*, regarding them as "one and the same doctrine."[228] Finally, the relationship between radical evil and unsocial sociability has also been the subject of debate. A number of commentators have argued, for example, that radical evil is not a deep feature of human psychology at all but rather the historically contingent consequence of the unsocial sociability of modern market societies.[229]

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[227] Goethe makes this remark in a letter to Herder from 1793. *Goethes Briefe* (Hamburg: Christian Wegner, [1793] 1964), 2:166. Schiller, for his part, described Kant's *Religion* as "scandalous." Cited in Emil Fackenheim, "Kant and Radical Evil," *University of Toronto Quarterly*, 23 (1954), p. 340. Barth is somewhat less harsh than his predecessors, though no less surprised: "One certainly does not expect, having a knowledge of Kant' ethics from his earlier writings...to be met here [in *Religion*] immediately on the doorstep with a detailed doctrine of the problem of evil....It is in fact the last thing one would expect." *Protestant Thought: From Rousseau to Ritschl*, trans. Brian Cozens (New York: Simon and Schuster, 1969), 178.

[228] Allen Wood, *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), 291.

[229] Sharon Anderson-Gold, for example, has defended the idea that radical evil is grounded in Kant's anthropology. "God and Community: An Inquiry into the Religious Implications of the Highest Good," in *Kant's Philosophy of Religion Reconsidered*; *Unnecessary Evil: History and Moral Progress in the Philosophy of Immanuel Kant* (Albany: State University of New York Press, 2001). See also Holly Wilson, *Kant's Pragmatic Anthropology: Its Origin, Meaning, and Critical Significance* (Albany: State University of New York Press, 2006). Wood, likewise, argues that "the doctrine of radical evil is anthropological, not theological, in both its ground and its content." Wood 1999, 291, cf. Wood's "Unsocial Sociability: The Anthropological Basis of Kantian Ethics," *Philosophical Topics* 19.1 (Spring 1991), 325-51. For a more recent statement of this position, see James 2013, 53. A few scholars have taken the opposite position, arguing that radical evil precedes our membership in society and is

By this view, radical evil not as the *cause* of unsocial sociability, but its *product*. It would thus be an aspect of empirical psychology. And it would be potentially eradicable if the right sociological conditions could obtain.

In light of what I have shown of Kant's intellectual trajectory, I will now contest each of these ideas. Radical evil, far from a sycophantic compromise with Christianity, follows logically from Kant's novel moral psychology. Unsocial sociability, in turn, offers a description of society's ills consistent with this psychology. And the former is a cause, not a consequence, of the latter. It is a way of explaining the persistence of evil in spite of (and indeed because of) humanity's moral freedom. Put another way, I believe that radical evil, for Kant, is rooted in our spontaneity itself; and because it is a transcendental quality, it cannot be eradicated via a change in empirical or sociological conditions. As I argue below, it can only be eliminated through an intervention that is equally transcendental in nature.

Kant is forced to develop a new account of the threats to solidarity because of a flaw he sees in Rousseau's model: its failure to account for genuine human freedom. Early in his career, Kant, as evidenced by the *Remarks*, had echoed his predecessor's explanation of anti-social behavior. Human beings for Rousseau are naturally "good." If their needs are properly met, they will not do the kinds of things, like dominating others, that we refer to as "evil." This description was unproblematic for Kant as long as he held Rousseau's moral psychology of innate conscience, the "hidden law."[230] But in his new understanding of moral freedom as

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built into the human being by nature. See for example Jeanine M. Grenberg, "Social Dimensions of Kant's Conception of Radical Evil," in *Kant's Anatomy of Evil*, ed. Sharon Anderson-Gold and Pablo Muchnik (Cambridge: Cambridge University Press, 2010); and Stephen R. Grimm, "Kant's Argument for Radical Evil," *European Journal of Philosophy*, 10.2 (2002), 160-77. Wood responds to some of their arguments in his "Kant and the Intelligibility of Evil," in *Kant's Anatomy of Evil*, 144n.

[230] In the *Remarks*, Kant is very explicit about his belief (at this stage of his career) in the natural goodness of human beings. He writes, for example, that "There is no immediate inclination at all to morally evil actions, but certainly an immediate one to good actions," and further on refers to humanity's "natural morality." *RBS*, 78, 80.

Willkür, where we choose between reason and inclination with absolute spontaneity, this explanation of the origins of evil does not make room for our free will. It implies that human beings are like natural phenomena, fated to either dominate or not dominate others based on a arbitrary balance between their needs and ability to fulfill them. If the "ground" by which we chose right or wrong could be traced to "merely a natural impulse," Kant writes in *Religion*, citing Rousseau, "the entre exercise of freedom could be traced back to a determination through natural causes—and this would contradict freedom."[231] Such a view would render "evil" as nothing more than the deterministic byproduct of social and biological alchemy. To invoke Kant's earlier metaphor, it would leave us no freer than turnspits.[232]

For Kant, therefore, it must be the case that evil is not determined but chosen. It must be the result, not of the "sensuous nature of the human being," but the "free power of choice [*Willkür*]."[233] It must be something that people not only find themselves doing, but *will* to do, a "deed [*Actus*] of freedom."[234] This is not to say that material and emotional factors have no impact on our ability to choose rightly.[235] Nor is it to deny that under limited circumstances, like

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[231] *RMR*, 6:21, p. 47.

[232] Kant's unpublished notes and fragments from the late 1760s and 1770s testify to his gradual transition away from Rousseau's view of humanity's natural goodness and towards his mature position of radical evil. See for example *NF*, §3856, p. 89; §5541, p. 416-7; and §6906, p. 448. See also his extended discussion of and engagement with Rousseau's conception of human nature in one of his anthropology lectures from the 1770s, in which Kant concludes by explicitly rejecting his predecessor's psychology: "One is always accustomed to asking, where does evil come from?" Kant writes, referring to Rousseau. "But one ought rather to ask, where does the good come from? The beginning is made with evil out of freedom." *LA*, 25:694, p. 227.

[233] *RMR*, 6:34-5, p. 57-8.

[234] *RMR*, 6:21, p. 46.

[235] In his late *Metaphysics of Morals*, Kant distinguishes between duties of "respect" and "love." Whereas the former are predominantly negative and narrowly circumscribed in character (what Kant calls "perfect obligations"), requiring that we refrain from harming others, the latter are positive and potentially infinite ("imperfect obligations"). See especially *MM*, 6:448-74, pp. 198-218. While Kant insists that duties of respect are derivable and motivated by reason alone, there is a case to be made that he makes room for the role of affect and emotion in how human beings determine the scope of their duties of love. For an argument along these lines, see Guyer 1993, 389-90.

infancy and insanity, moral freedom can be completely impossible.[236] But it is to insist that at the end of the day, any normal human being, when confronted with a moral decision, is capable of making this decision with real freedom. Regardless of her prior physical or emotional state, no matter the push and pull of her inclinations, she can choose to act autonomously, according to principles determined by reason (*Wille*). Her decision can be imputed, not to her life history, context, or haphazard desires, but to *her*. It can be traced to her essential faculty of choice (*Willkür*), and, beyond that, to her most basic existential property: the "I." "Every evil action must be so considered," Kant writes, "as if the human being had fallen into it directly from the state of innocence. For whatever his previous behavior may have been, whatever the natural causes influencing him, whether they are inside or outside them, his action is yet free and not determined through any of these causes; hence the action can and must always be judged as an *original* exercise of his power of choice [*Willkür*]."[237]

But here Kant must deal with a problem: If we choose between good and evil with absolute spontaneity, why do we so often choose evil? If our ability to act morally is wholly undetermined by our self-serving interests, desires, and inclinations, why do we usually let them prevail over reason? Why, in short, is immorality so common and morality so rare?

Kant's answer is the "radical evil" of humanity. Our predilection for selfishness, aggression, and domination, he argues, stems not from our sensuality, but just the opposite: our spontaneity. Contra Rousseau, it is a result not of our transition from "natural" to civilized life, but of a flaw in our deep-seated capacity to make moral decisions undetermined by the laws of nature. What makes human evil "radical," in short, is that it is contained within our very faculty of moral choice—our *Willkür*—itself. In Kant's technical language, it is the "propensity of the

[236] See for example *LM*, 28:255, p. 70, cf. Allison 1990, 59.

[237] *RMR*, 6:41, pp. 62-3.

power of choice [*Willkür*] to maxims that subordinate the incentives of the moral law to others (not moral ones)."[238] Or as he puts it more poetically, "the mind's attitude is...corrupted at its root."[239]

Here, as always, Kant is careful with his choice of words. He distinguishes a "propensity," which inclines a person to decide a certain way, from a "predisposition," which entirely determines her decision.[240] Were it the case that *Willkür* was *predisposed* to choose evil, it would not be genuinely free. Always preferring non-moral maxims to moral ones, it would be deprived of absolute spontaneity. At the same time, were *Willkür* merely *neutral* between good and evil the result would be equally problematic. It would fail to account for social reality, the "multitude of woeful examples of human deeds," the fact that our world is suffused by dependence, indifference and depravity.[241] "That human beings are by nature evil," Kant writes in a note from the mid-1770s, is clear "from the fact that, when united in a political body, they are always violent, selfish, and quarrelsome."[242] It must be the case, therefore, that individual persons, while always capable of choosing morality, most often prioritize non-moral incentives. Given the choice between obligation and interest, they tend to choose the latter. In Kant's words, their faculty of choice (*Willkür*), and so their spontaneity, must have a *propensity* for evil. As with his description of our faculty of spontaneity itself, with radical evil, too, Kant is careful to stress our epistemic limits. *Why* human beings have this propensity for evil cannot be

[238] *RMR*, 6:30, p. 54. It must be stressed that for Kant, "radical evil" does not imply, as is sometimes thought, that we have a propensity to choose specifically *self-interested* maxims over moral ones. While the non-moral maxims that we prioritize may take the form of those that advance our material interest, they may also be self-abnegating, and involve highly altruistic (albeit morally mistaken) maxims and motivations.

[239] *RMR*, 6:30, p. 54.

[240] *RMR*, 6:32, p. 56.

[241] *RMR*, 6:32-3, p. 56.

[242] *NF*, §6906, p. 448.

understood. Though it must be "imputed to us," it nonetheless "remains inexplicable to us."[243] "The absolutely *first* beginning of all evil," Kant concludes, in language reminiscent of the third antinomy, "is represented as incomprehensible to us."[244]

Radical evil is thus not only consistent with Kant's philosophy. It is a logical extension of his revised moral psychology centered around *Willkür*. It flows naturally from his new conception of the human being as an immaterial "I" capable of absolute spontaneity. And with the idea in hand, Kant can simultaneously avoid Rousseau's psychological determinism and account for the threats to solidarity. He can harmonize his philosophically-derived concept of moral freedom with the manifest dependence and unfreedom of actual human societies. He can, in brief, explain the prevalence of evil while retaining the possibility of good.

At the same time, the most important task radical evil performs for Kant is not moral but political. After all, his original impetus for revising Rousseau's moral psychology was to find a theory of solidarity that would not only diminish dependence, but also honor the individual; a theory that would secure solidarity while shielding human beings from exploitation at the hand of the state and its "general will" and domination at the hand of other people. Put another way, Kant's intellectual trajectory, beginning with the *Remarks*, extending through *Dreams* and his decade-long silence, and concluding in the *First Critique*, was in no small part directed toward addressing the puzzle of liberal solidarity. Thus by offering an explanation for society's ills that fits with our free will, radical evil reconnects Kant back to this initial purpose. It shows how dependence can be either diminished or enabled by our absolute moral freedom. And in this way, it lays a bridge between his novel moral philosophy and his long-envisioned theory of

[243] *RMR*, 6:21, p. 46 and 6:43, p. 64.

[244] *RMR*, 6:44, p. 65.

solidarity. At the other side of this bridge is another concept, perhaps the most important in Kant's mature social philosophy: "unsocial sociability" [*ungesellige Geselligkeit*].

While radical evil, for Kant, diagnoses the psychological *causes* of what undermines solidarity, unsocial sociability *describes* its real-world dynamics and normative implications. In on other words, *unsocial sociability is the empirical result of humanity's transcendental radical evil*. He coins the term in his *Idea for a Universal History with a Cosmopolitan Purpose*, defining it as the "tendency [of human beings] to come together in society, coupled...with a continual resistance which constantly threatens to break this society up."[245] Though he does not use the words "radical evil" in this essay, he does note that unsocial sociability—also a "propensity"—is "rooted in human nature."[246] And he explicitly frames the work as connecting his moral philosophy and social theory. The aim of *Universal History*, he writes, is to examine the "will's manifestations in the world of phenomena," to consider the "free exercise of the human will on a large scale."[247] That is, its purpose, and the purpose of the concept of unsocial sociability, is to assess the social ramifications of our radically-evil *Willkür*.[248]

The way that Kant describes unsocial sociability in *Universal History* is continuous with his political priorities in the *Remarks*, and in particular, his Rousseau-inspired concern for diminishing dependence. Now, however, an important difference emerges between the two theorists. For Rousseau, nothing is inevitable about interpersonal dependence. It comes into being neither because it reflects inescapable feature of our sociability, nor because it is ingrained

[245] "Idea for a Universal History with a Cosmopolitan Purpose," in *Kant: Political Writings*, ed. H. S. Reiss, trans. H. B. Nisbet (Cambridge: Cambridge University Press, [1784] 2008), 44. Hereafter *"UH*."

[246] *UH*, 44.

[247] *UH*, 41.

[248] Although *Religion* was written and published several years after *Universal History*, Kant, as evidenced from his lectures and notes from the 1770s, already had a concept of the human beings as by nature evil by the time he penned the latter—indeed by the time he wrote his first *Critique*. See note 232 above.

in human nature, but rather because of contingent features of civilization. Thus when individuals are properly educated—as with Emile—or societies are properly organized—as by the general will—dependence can be minimized or eliminated. For Kant, by contrast, our radical evil *necessarily* leads us to try make others dependent on our will. Once in society, a person is invariably driven to acquire "honor, power, or property." He cannot but seek "status among his fellows" in order to secure for himself a position of higher standing relative to others.[249]

In *Universal History*, therefore, Kant describes a social dynamic similarly destructive to solidarity as that catalogued in the *Remarks*, but updated for his novel moral psychology. While an individual "cannot bear" other people, dependent as he is on their evaluation, he also "cannot bear to leave" them.[250] Because esteem is as inherently pressing as any biological need, his craving for social standing is both miserable and insatiable. And to achieve such standing, he debases himself. He is willing to adopt all of the most lowly traits of character, including "ambition," "tyranny," and "greed." Not surprisingly, such vices, when scaled up, create societies marked by jealousy, competition, and "continual antagonism."[251] "The human being," Kant writes a few years later, destroys the possibility of his own happiness "by means of plagues that he invents for himself." The "oppression of domination" and the "barbarism of war" come not from a distortion of any putatively "natural" condition. They come from the "nature inside us."[252] They are the inescapable products of our radical evil.

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[249] *UH*, 44. In his lectures on anthropology as well, Kant rejects Rousseau's view that we are inherently independent and argues instead that we naturally seek out companionship with others on account of our needs. See for example *LA*, 25:1416, p. 499.

[250] *UH*, 44.

[251] *UH*, 45.

[252] *CJ*, 5:430, p. 298.

THE IDEAL OF HOLINESS

Even as unsocial sociability offers Kant an account of the threats to solidarity to match his moral philosophy, however, it also gives rise to a problem. If social pathology has such deep roots in our moral psychology, how can it be overcome? If our *Willkür* is irrevocably and "radically" inclined toward evil, how can it be changed? By what means can our spontaneity's propensity for immorality and unfreedom be replaced with a propensity for morality and freedom? By what method can we ever diminish dependence? Or stated politically: Given our starting point in radical evil, in what way can we craft a society characterized not by jealousy, competition and domination, but normative commitment and the motivation to sacrifice? Is it possible for Kantian human beings to secure a real solidarity? And if so, how? Kant's answer is an ideal of moral conduct designed to uproot our social pathology: "holiness." Holiness offers a model for how our spontaneity might be purified of evil that Kant develops, once again, by turning to theology and an image of the divine being. In brief: If for Kant moral agency entails *acting* like God, securing solidarity requires *becoming* like God.

Kant develops the ideal of holiness in order to overcome the destructive ramifications of radical evil for solidarity. Considered as individuals, people are always theoretically capable of choosing morality. Despite their propensity to dominate others, they can elect not to do so. Considered as members of humanity as a whole, however, the situation is more complicated. Although the behaviors of particular people cannot "be determined in advance," Kant writes in *Universal History*, the "annual statistics" for social phenomena "prove that they are just as subject to constant natural laws as are the changes in the weather."[253] Thus on a sufficiently large scale, human actions will become predictable. Though spontaneous within each person, they cease to appear spontaneous in the aggregate. When iterated to a sufficient degree, they will

[253] *UH*, 41.

reflect not our freedom, but our propensities. And given that our chief moral propensity is for evil, our societies, seemingly, will necessarily assume an evil form. They will be perpetually marred by interpersonal dependence, selfishness, antagonism, and domination. And this creates a challenge for Kant. The whole rationale behind his turn to reason and political theology, after all, was to safeguard the self from these very social ills. It was to guarantee our non-dependence. But with his concept of radical evil leading to unsocial sociability, he not only offers a description of these pathologies. He risks cementing them. He appears to plant the seed of evil so far within our psyche as to make it an ineradicable part life in society. Far from eliminating our dependence, he threatens to make it *permanent*.

Thus to reform our moral psychology and re-lay the foundations of our solidarity, Kant turns back to a familiar resource: theology. In theorizing the structure of our moral agency, Kant had drawn from an analogy with the deity. Humanity's faculty of moral choice (*Willkür*) is just like God's faculty of moral choice. In the same way that the deity, by virtue of its absolute spontaneity, can miraculously interrupt the rational order of nature for the sake of morality, so too can human beings. Yet a crucial distinction remains. Humanity's absolute spontaneity is defined by "radical evil"; God's absolute spontaneity is defined by "purity of the will."[254] Humanity's *Willkür* often chooses inclination and immorality; God's *Willkür* always chooses reason and *Wille*. Put in practical terms: Whereas human beings usually decide in favor of wrong, God invariably decides in favor of right. Although the divine being in principle *can* choose evil, in practice it always *does* choose good. As Kant puts this idea in a late lecture on

[254] *LE*, 29:604, p. 299.

rational theology, "In God it is not due to the necessity of his nature that he can decide only as he does, but rather...in conformity with his highest understanding."[255]

In light of this distinction, Kant now extends his political theology one further degree. The divine being, he argues, offers not only an analogical model for the structure of human agency, but a tangible ideal for our ethical conduct. In other words, how the deity makes moral choices—consistently in favor of reason and *Wille*, consistently against inclination and immorality—should guide how we ourselves should make moral choices. Its spontaneity should set an example for our own spontaneity.

In *Religion* and elsewhere, Kant's term for this ideal of spontaneity, both divine and human, is "holiness." "It is our universal human duty," he writes, "to elevate ourselves to this ideal of moral perfection, i.e. to the prototype of moral disposition in its entire purity...to the ideal of holiness."[256] Kant readily admits that actually achieving such a lofty state is impossible. No mere mortal can ever reach God's purity of spontaneity. Nonetheless, holiness should serve for humanity as a standard, an end toward which we should direct ourselves. And the deity itself should serve as our moral archetype, the "standard measure of our life conduct."[257] It should

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[255] *LPR*, 28:1068, p. 403, cf. *RMR*, 6:65, p. 83n and *NF*, §7092, p. 460 In positing this concept of the deity, Kant is trying to thread a needle between two kinds of heresies: One, which would deny God's power to have genuine freedom of action (omnipotence); the other, which would deny God the attribute of always acting according to the good (omnibenevolence). The context of the quote, in which Kant explains this idea in order to dismiss alternative theologies, like deism, that would deny to God an operative faculty of will, is instructive: "One might raise the objection that God cannot decide otherwise than he does, and so he does not act freely but from the necessity of his nature. The human being, however, can always decide something else, e.g. a human being, instead of being benevolent in this case, could also not be that. But it is precisely this which is a lack of freedom in the human being, since he does *not always* act according to his reason; but in God it is not due to the necessity of his nature that he can only decide as he does, but rather it is true freedom in God that he decides only what is conformity with his highest understanding." Likewise, in *Religion* Kant explicitly contrasts his concept of holiness with the idea of the deity as a "despotic" being who determines the moral law "arbitrarily," that is, via its will alone. *RMR*, 6:141, p. 143.

[256] *RMR*, 6:61, p. 80. See also Kant's second *Critique*, in which he defines holiness as "the complete conformity of dispositions with the moral law." *PR*, 5:122, p. 102.

[257] *RMR*, 6:119, p. 126. Kant is even more explicit in conceiving of holiness as a divine ideal in his lectures on ethics: "God alone is holy, and man can never be so, but the ideal is good. The understanding often has to contend

offer a vision for what our spontaneity should look like so that it will make the right choices. Or as he puts it even more directly: "Holiness is above all the goal for which the human being should strive."[258]

This concept of "holiness" in hand, the core of Kant's inquiry shifts. The problem of overcoming the threats to solidarity—dependence, esteem-seeking, and domination—is transposed back from the key of philosophy to that of theology. If vanquishing radical evil means becoming like the divine being, humanity's moral and political progress must now be understood in religious terms. Securing solidarity requires refining individual spontaneity so that it matches divine spontaneity. Thus Kant's tactic for answering the puzzle of liberal solidarity and responding to Schmitt's challenge is no longer analogical—i.e., a political theology—but developmental: If human freedom is already *akin* to divine freedom, in what way might the two be made, as far as possible, the *same*? How can individuals be reformed so that they choose in favor of morality not only sometimes, but all the time? By what method can the texture of our spontaneity be transformed? By what means can our radical evil be uprooted and the ground of our *Willkür* sowed instead with holiness? How, in short, can human beings be made more like God?[259]

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with the inclinations. We cannot prevent them, but we can prevent them from determining the will. Holiness is purity of the will, even in thought." *LE*, 29:604, p. 299.

[258] *RMR*, 6:159, p. 157, citing the Gospel of Matthew: "Be ye therefore perfect, even as your Father which is in heaven is perfect." Cited *RMR*, editors' note 145, p. 217.

[259] A number of commentators have been skeptical of the very idea of a Kantian program for the moral education and progress of the individual. Friedrich Herbart, who took over the chair at the University of Königsberg previously occupied by Kant, was an early and harsh critic of the idea: "How did Kant imagine moral education? As an effect of transcendental freedom? Impossible, for the concept of the latter comes to an end, as soon as one thinks it is not entirely free from every causal nexus. Transcendental freedom does what it does by itself; one cannot hinder it through anything, one cannot help it through anything. *It* discovers maxims; what the teacher says to it is immaterial." Cited in Robert B. Louden, *Kant's Impure Ethics: From Rational Beings to Human Beings* (Oxford: Oxford University Press, 2000), 19. See also Louden's discussion of this problem, pp. 19-22 and 42.

To effect this psychological transformation and so secure solidarity, Kant composes a program for uprooting radical evil and working toward holiness in three movements: *political order*, *cultural progress*, and *ethical community*.

On account of humanity's radical evil and attending unsocial sociability, Kant argues, every polity begins as a "nation of devils." We deceive, manipulate, and dominate one another. Yet these anti-social behaviors have a dual face. The very same faculty with which we advance our selfish interests—reason—is also the means by which we can discern and bind ourselves to the moral law. Thus as culture progresses and we grow our capacity for instrumental reason, we simultaneously develop our capacity for practical reason (*Wille*). And as our aptitude for rational morality grows, we have the opportunity to bring into being a form of rational, pre-political solidarity centered around the divine being and directed toward the cultivation of virtue: the "ethical community." As participants in a public moral culture, our choices become purified, tending not toward avarice and deception, but normative commitment and the motivation to sacrifice. Our personal relations become by a diminished sense of dependence. And our solidarity finally assumes the form that Kant had sought since his youth, when, fired by Rousseau's rhetoric, he had first promised to "honor human beings" and "establish the rights of humanity": a society of equals. Thus paradoxically, radical evil for Kant actually contains the seeds of its own destruction. The unsocial sociability that grows out of the corrupt ground of human spontaneity ultimately chokes off that very propensity, planting holiness in its place.[260]

[260] Throughout his anthropology lectures, Kant refers to a kind of secular theodicy: Evil "is the source of the development of good in humanity"; "The root of the good lies in evil, since evil is the cause of the development of talents, through which everything good afterwards arose." *LA*, 25:682, p. 217; 25:697, p. 230.

SECURING SOLIDARITY 1: POLITICAL ORDER

Kant coins the phrase "nation of devils" in his essay *Perpetual Peace: A Philosophical Sketch* as a way of rhetorically encapsulating his novel theory about the purpose and dispositional demands of politics. The task of "setting up a state," he emphasizes against proponents of civic virtue like Montesquieu, "does not involve the moral improvement of man."[261] On the contrary, it assumes nothing more than that we will naturally attend to our own welfare. And given that chief among our "self-seeking inclinations" is the drive for survival, we will conclude that it is in our rational interest to deprive ourselves of the ability to employ violence—on the condition, of course, that our fellow citizens reciprocate.[262] Keen for aggrandizement and domination, but equally fearful of the "hostile attitudes" of others, members of a polity will "submit to coercive laws." And so without presuming any change in citizens' "internal moral attitudes," "a condition of peace" can be achieved "within which laws can be enforced."[263] Stabilizing society is possible even assuming a populace wholly corrupted in their spontaneity, consistently choosing inclination over reason, non-morality over morality, dependence over freedom. In this sense, Kant here offers a philosophical foundation for James Madison's famous words from *Federalist* 51 penned a few years earlier: "Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place."[264] Put in the terms of Kant's moral philosophy, a "nation of devils" is

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[261] "Perpetual Peace: A Philosophical Sketch," *op. cit.*, pp. 112-3. Hereafter "*PP*."

[262] *PP*, 112.

[263] *PP*, 113. Kant also makes a similar argument in his essay "The Contest of the Faculties," in *Kant: Political Writings*, ed. H. S. Reiss, trans. H. B. Nisbet (Cambridge: Cambridge University Press, [1795] 2008).

[264] James Madison, "The Federalist No. 51," in *The Federalist*, *op. cit.*, 252.

"society of radically evil persons."[265] And Kantian political order, like its American counterpart, assumes demons, not angels, of men.

On face, Kant's deflationary account civic virtue might seem like a surrender to solidarity's threats. In fact exactly the opposite is the case. "Rousseau was not so mistaken in giving preference to the savage," he writes in *Universal History*, but only "if we omit the last step."[266] Rousseau, in other words, was right to criticize interpersonal dependence, the hypocrisy of a civilization filled "to excess by all sorts of social niceties and refinements." Where he was wrong was in his "last step," in his belief that non-dependence could be realized and solidarity secured merely via the "power" and "violent schemes" of the state.[267] Through politics, Kant argues, one is "constrained to become a good citizen...not a morally good human being."[268] Indeed for reasons we have now seen, Kant is normatively disbarred from assigning these roles to the state. While for Rousseau moral freedom is a faculty capable of being held equally by persons (as free will) and politics (as the general will), for Kant moral freedom, with its source in the "I"'s absolute spontaneity, can only be the property of individuals. Thus no law of the state, however effective it might be at achieving diminishing dependence, however much we identify with its aims, can ever be said to directly reflect our free will.[269] And so forbidden as violations of our spontaneity are all of Rousseau's most ambitious and invasive tactics for solidarity, including regulating religion, aestheticizing civic life, and naturalizing the laws. And the idea of a general will built around a national "common self," dismissed by Kant as a figment of

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[265] *LE*, 27:317, p. 103.

[266] *UH*, 49. I here make use of Ernst Cassirer's translation. Cassirer [1945] 1963, 23-4.

[267] *UH*, 49.

[268] *PP*, 112, translation modified.

[269] The exception perhaps being if there was genuine unanimity in the formation and ratification of a law.

metaphysical imagination in *Dreams*, also becomes for him a source of profound repugnance. It is a disfigurement of our "I."[270]

For Kant, therefore, the best a legal system can do is *respect* our moral freedom, maximally enlarging the domain within which we can exercise our spontaneity while respecting the spontaneity of others. Rather than a new set of political institutions, what is required for non-dependence is an "inner reworking of every commonwealth." What is needed, in other words, is a program for diminishing dependence and securing solidarity that simultaneously respects our moral freedom as individuals.[271] Thus the solution to the puzzle of liberal solidarity that Rousseau sought to find via the general will and by collapsing state and society into a common self, Kant seeks to obtain through a new theory of politics and culture.[272]

While politics *itself* cannot attenuate our radical evil and bring about moral improvement, Kant insists, it can serve as an *instrument* to that end. As he writes in his essay *On the Common Saying: 'This May be True in Theory, But it Does not Apply in Practice'*, the aim of the state is not merely to provide for stability and happiness, as it is in Hobbes, but to realize moral freedom.[273] The clearest means by which it does this is by creating a sphere of life drained from the threat of violence. Political order can liberate us from fear, freeing up our cognitive faculties

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[270] "There exists an enthusiasm of patriotism," Kant remarks in a lecture on anthropology citing Rousseau, "where one takes an ideal of the perfect connection of civil society." Such enthusiasm, he continues, invoking the specter of religious fanaticism, produces "great excesses"; it "sacrifices both friendship and natural connection." *LA*, 25:530, p. 95.

[271] It is true, as Kant himself readily admits, that the "peace" of the nation of devils is no more than a physical peace; it provides protection from bodily coercion, not interpersonal dependence. In this sense, it offers a far less ambitious political program than Rousseau, for whom overcoming domination and achieving solidarity are straightforwardly political tasks.

[272] In a note from the mid 1770s, Kant explicitly ties political legitimacy to respect for our faculty of moral choice *Willkür*. *NF*, §7092, p. 460.

[273] "On the Common Saying: 'This May Be True in Theory, But it Does not Apply in Practice," in *Kant: Political Writings*, ed. H. S. Reiss, trans. H. B. Nisbet (Cambridge: Cambridge University Press, [1793] 2008), 73-87. Or as he puts it in a lecture on anthropology, "the human being is not made to be a landlord, but rather a member of the universal." *LA*, 25:1198, p. 329.

for other ends, including moral ones. "In the end," Judith Shklar explains of Kant, "the purpose of politics is to serve our capacity, minuscule though it be, for putting together a better set of dispositions than we have done so far....Kant's purpose was to get vice-ridden men out of their Machiavellian world."[274] Kant himself, in an unpublished note, succinctly puts this idea in terms of a rhetorical question: "I should be just toward others; but who protects my right for me?"[275] The unspoken answer is the state, whose monopoly on legitimate violence creates the practical conditions where one can commit to and sacrifice for others without making oneself vulnerable to physical coercion. As he writes in *Perpetual Peace*, through public justice and coercive law "a great step is taken *toward* morality (although this is still not the same as a moral step)."[276] Or as he puts it in *Religion*, "without the foundation of a political community, [the ethical community] could never be brought into existence by human beings."[277]

SECURING SOLIDARITY 2: CULTURAL PROGRESS

But as Kant is keenly aware, physical coercion is only half the story; juridical order alone does nothing to address the informal forms of dependence, domination, and inequality wrought by radical evil.[278] It neither answers the puzzle of liberal solidarity nor responds to Schmitt's

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[274] Shklar 1984, 234.

[275] In this sense Kant, despite his explicit departure from Hobbes, actually echoes the Hobbesian idea that moral behaviors, like keeping promises, can only be realistically expected in circumstances in which people are liberated from the fear of arbitrary violence. As Hobbes writes, "For he that should...perform all he promises, in such time, and place, where no man else should do so, should but make himself a prey to others, and procure his own certain ruin." *Leviathan*, *op. cit.*, 15.79, p. 110.

[276] *PP*, 121n.

[277] *RMR*, 6:94, p. 106.

[278] In his *Metaphysics of Morals*, Kant explicitly distinguishes between this formal or legal equality and a deeper equality in social life. Manual laborers who are fully dependent on the direction of others, he suggests, have the former but not the latter: "This upon the will of others and this inequality is, however, in no way opposed to their freedom and equality *as human beings*, who together make up a people; on the contrary, it is only in conformity

challenge. Thus if the "greatest social union and the most perfect state of society must occur without [juridical] constraint," how might such union be achieved?[279]

Kant's answer centers around a novel account of human cognitive and moral development, one rooted, paradoxically, in the very fruits of our unsocial sociability: "culture."[280] Like nature, culture is a term that today is so layered with conceptual and ideological sediment as to be rendered almost useless. For Kant, however, it has a clear and precise meaning, one that he explains in his mature work of aesthetic theory, *The Critique of the Power of Judgment*: "The production in a rational being of an aptitude for any ends whatever of his own choosing, consequently the aptitude of a being in his freedom, is culture."[281] Culture, as Kant notes here, is not an objective feature of social reality. It captures neither "high" social artifacts, as in Matthew Arnold, nor the "complex whole" of a society, as in E.B. Tylor, nor a people's inter-dialogical "scripts," as in Clifford Geertz.[282] It is instead defined subjectively, by its developmental impact on the self's rational powers. Put another way, what makes something a part of culture for Kant is whether it contributes toward a person's ability to act purposively in the world, to self-consciously set ends for herself through reason. It can be applied to any part of her social reality that enlarges her agential capacity.

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with the conditions of freedom and equality that this people can become a state and enter into a civil constitution." *MM*, 6:314-5, p. 92.

[279] *LA*, 25:701, p. 233.

[280] Kant is explicit in his "Conjectures on the Beginning of Human History" that he sees his account of culture as an alternative and response to Rousseau's political theory. In *Kant: Political Writings*, ed. H. S. Reiss, trans. H. B. Nisbet (Cambridge: Cambridge University Press, [1786] 2008), 227-8.

[281] *CJ*, 5:431, p. 299.

[282] Matthew Arnold, "Culture and Anarchy," in *Culture and Anarchy and Other Writings*, ed. Stefan Collini (Cambridge: Cambridge University Press, [1869] 1999); E. B. Tylor, *Primitive Culture: Researches into the Development of Mythology, Philosophy, Religion, Art, and Custom*, 2 vols. (Cambridge: Cambridge University Press, [1871] 2010); Geertz 1973. These of course are only a few prominent definitions of the perennially fraught term.

Kant refers to this function of culture as "promoting the will [*den Willen*]" and links it to the dynamics of unsocial sociability.[283] In isolation, he notes, we tend to act mechanically. Like Rousseau's "natural" human being, we are able to satisfy our needs without forethought or calculation. Thrust into the company of others, however, our instincts quickly become insufficient. While our basic drive to satisfy our needs does not change in society, our ability to do so is drastically impeded, for at least two reasons. On the one hand, securing our own needs now involves navigating society's complex web of interpersonal and institutional relations. With resources scarce and out of one's immediate grasp, acquiring them entails hard work, careful planning, and an awareness of the needs and interests of others. On the other hand, our needs themselves have multiplied exponentially, growing to include not only new material objects—"luxuries," in Kant's terminology—but intangible commodities like honor and esteem. Acquiring these more interactional goods requires that we develop a social sense, the ability to tactically ascertain the tastes, judgments, and prejudices of others.

Taken together, these two sources of dependence are for Kant the most important products of culture. Sharing a world with others rouses our vanity; it produces an "insatiable host of inclinations"; and it compels us to compete, lie, and otherwise resist other wills in the hopeless task of fulfilling our own.[284] But while this dependence and resistance spawns deep "dissatisfaction" and "splendid misery," it is also edifying.[285] Precisely because of the *opposition* it generates to realizing our will, unsocial sociability engenders a kind of *Bildung*. It forces us, painfully, to "overcome [our] indolence," refine our abilities, and "awaken all [our]

[283] *CJ*, 5:432, p. 299. In the first edition of *Judgment*, the word "freedom" (*Freiheit*) is used instead of "will" (*den Willen*).

[284] *CJ*, 5:433, p. 300.

[285] *CJ*, 5:432, p. 299.

powers."[286] And foremost among these powers is the most central feature of our conscious agency, the very faculty that permits us to set moral ends for ourselves in the world: reason.

Kant outlines two ways through which culture, by "promoting the will," contributes to the development of our capacity for rational morality, that is, practical reason or *Wille*. To begin with, he argues that improving our ability to think in terms of pragmatic and self-interested ends simultaneously improves our ability to think in terms of moral ends. The moral and non-moral cognitive processes by which we function as purposive and rational agents are linked. While one form of reason is instrumental and the other moral, both grow out of the same essential faculty: our capacity for navigating the world rationally. Thus despite entering life with only an embryonic moral sense—a "primitive natural capacity for moral discrimination"—through culture we become increasingly able to form "definite practical principles." We expand our capacity for rational action.[287]

Culture also enhances our ability to act according to reason by disciplining us to resist our sensual instincts and inclinations. Realizing one's long term desires in society frequently entails suppressing one's immediate desires. To successfully compete with others for wealth and status, a person must learn to delay gratifications, put off pleasures, and withstand privations. But while it is true that we learn these traits for the sake of realizing the aims of our instrumental reason—interest, esteem, and satisfaction—our self-discipline, once developed, can readily be reapplied to our practical reason (*Wille*). It can liberate us from worldliness, "reduce the tyranny of the sensible tendencies." And in this way, it can prepare us "for a sovereignty in which reason

[286] *UH*, 44.

[287] *UH*, 44-5. See also *LA* 25:1423, p. 504 and "Theory and Practice," 91.

alone shall have power."[288] Like a ploughshare beaten from a sword, our freedom from short-term sensual ends, developed for the sake of realizing our long-term sensual ends, can be repurposed for the sake of moral ends. "The evil that is visited upon us...by the intolerant selfishness of human beings," Kant writes, "at the same time calls forth, strengths, and steels the power of the soul not to be subjected to those, and thus allows us to feel an aptitude for higher ends, which lies hidden in us."[289] For Kant, therefore, the role culture plays in cultivating our practical reason justifies our long years of dependence, misery, and exploitation. It redeems our unsocial sociability.

Securing Solidarity 3: The Ethical Community

Yet humanity's redemption remains incomplete—the puzzle of liberal solidarity left open, and Schmitt's challenge unanswered—without one further step: the establishment of a form of rational, moral, and pre-political solidarity that Kant calls the "ethical community." He describes its function and the steps leading to its formation in the third part of *Religion*, "The victory of the good principle over the evil principle, and the founding of a kingdom of God on earth."[290] As both the chapter's title and the content of its introductory section make clear, the ethical community's purpose is to apply the fruits of our cultural development to surmounting the primary obstacle to securing solidarity: radical evil. Economic and social forces discipline us and expand our rational powers. They enhance our capacity to be moral agents. But although unsocial sociability strengthens our practical reason—our ability to conceptualize and act from the moral law (*Wille*)—it has no effect on our faculty for moral choice (*Willkür*). It does not

[288] *CJ*, 5:433, p. 301.

[289] *CJ*, 5:433-4, p. 301.

[290] *RMR*, 6:93-147, pp. 105-47.

transform our corrupt *spontaneity*. The ethical community is thus designed to achieve for Kant what passive cultural development alone could not.[291] By culling from our newly-enhanced rational faculties, we take the deliberate, self-conscious step of "setting up...a society in accordance with, and for the sake of, the laws of virtue."[292] Such a society gives us hope of achieving "freedom from the dominion of evil."[293] By "promot[ing] the good in the human being," it moves us closer to God's untainted *Willkür*—that is, to "holiness."[294] It finally gives us hope of both securing solidarity and honoring the individual through reason alone.

And as Kant's language here reveals, this attempt to transform our psychology via the ethical community has a broader political end: to diminish dependence and cultivate equality in interpersonal life without the invasive tactics of Rousseau's social compact. Indeed, I believe that Kant's entire account of the ethical community in *Religion* should be understood as a direct response to Rousseau's politicized program for securing solidarity.

To begin with, he introduces the concept by stressing his anti-Rousseauian diagnosis of the threats to solidarity. "Envy, addiction to power, [and] avarice" originate not because we have departed from a natural moral equilibrium, but from our radical evil. While one can "easily *convince himself* that [the causes of evil] do not come his way from his own raw nature so far as he exists in isolation," he writes in oblique reference to his predecessor, this idea of an

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[291] Kant argues that the defeat and transformation of our radical evil "is not to be expected from an external revolution," which yields "turbulence and violence," but rather the "pure religion of reason, as a revelation (though not an empirical one) permanently taking place within all human beings." *RMR*, 6:122, p. 128.

[292] *RMR*, 6:94, p. 106. Kant emphasizes that joining an ethical community is (and indeed must be) entirely voluntary. He also notes that we are only in a position to do so after we have sufficiently developed our rational faculties: "Without these asocial qualities....all human talents would remain hidden for ever in a dormant state....The end for which they were created, their rational nature, would be an unfilled void." *UH*, 45.

[293] *RMR*, 6:93, p. 105.

[294] *RMR*, 6:94, pp. 105-6. Kant argues that the "highest moral good will" cannot be achieved "solely through the striving of one individual person for his own moral perfection" but "requires rather a union of such persons into a whole toward that very end." *RMR*, 6:97-8, PP. 108-9.

"originally good predisposition" is mistaken.[295] Although exposure to others offers an outlet for our "malignant inclinations," the human being is not corrupted by society; she is always and already "exposed to the assaults of the evil principle."[296]

Moreover, Kant is adamant that the ethical community, although a "union" like Rousseau's body politic, is a *pre-political and rational moral fellowship*, not a juridical state. Unlike the social compact, the basis for our normative commitment to and psychological motivation toward one another is not affect and emotion, but reason. And also unlike the social compact, our solidarity is produced and sustained apart from political coercion.[297] Thus against Rousseau's call to compel public worship, collapse the distinction between ethics and politics, and enhance tribal loyalties, Kant insists on freedom of conscience, the separation of value spheres, and moral universality.[298] While "every political community may indeed wish to have available a dominion over minds as well as bodies," he notes, to do so would "not only achieve the very opposite of ethical ends, but also undermine [its] political ends."[299] In addition to violating our moral spontaneity, it would stymie the political utility of that spontaneity, our freedom from dependence on foreign wills and fickle passions.

But despite characterizing the ethical community as pre-political form of solidarity, Kant describes its form and functions via an analogy to the state: Just as a body politic must be "subjected to public legislation," the ethical community, too, must be subjected to public

[295] *RMR*, 6:93, p. 105.

[296] *RMR*, 6:93, p. 105.

[297] Indeed political order and the ethical community mutually define one another in terms of the separation between violent external compulsion on the one hand and non-violent inner compulsion on the other: "A *juridico-civil* (political) *state* is the relation of human beings to each other inasmuch as they stand jointly under *public juridical laws* (which are all coercive laws). An *ethico-civil* state is one in which they are united under laws without being coerced, i.e. under *laws of virtue* alone." *RMR*, 6:95, p. 106.

[298] *RMR*, 6:134, p. 136-7n.

[299] *RMR*, 6:96, p. 107.

legislation. Just as a state must be bound by common juridical laws, the ethical community must also be bound by common moral laws. The function of this analogy, for Kant, is to bring out the ethical community's unique contribution to solidarity: as the site for our public moral culture. Over and above the individual, it serves as both an incubator for our shared values and a palpable representation of a rational moral ideal. In Kant's language from *Judgment*, it gives our moral maxims, arrived at privately and independently, a "universal communicability."[300]

These values and the tangible model of normative commitment that they envisage are meant, in turn, to galvanize a process of individual moral conversion, what Kant elsewhere calls a "crossing-over [*Übergang*]" and "revolution in the disposition of the human being [*Revolution in der Gesinnung*]."[301] Every Kantian individual is capable of acting morally. Endowed with absolute spontaneity, she can always use her faculty of choice (*Willkür*) to favor practical reason (*Wille*) over inclination. She can strive to diminish dependence in her relations with others. Even so, as a solitary moral agent she faces a grueling challenge. Marooned in a sea of unsocial sociability, her will innately inclined toward evil, she must constantly overcome both her surroundings and psychological propensities in order to follow the moral law. Thus for those struggling against odds to lead moral lives, the ethical community is meant to be at once consoling and fortifying. It presents in a public, transparent, and mutually-accessible form the moral injunctions that we deduce internally using our own rational faculties. And in so exteriorizing and unifying our moral will, Kant suggests, it helps to initiate a process of inner transformation, one that begins in radical evil, secures solidarity, and concludes, at its hypothetical limit, in holiness. As he notes using a martial metaphor, the ethical community permits "morally legislative reason" to "unfurl a banner of virtue as rallying point for all those

[300] *CJ*, 5:211-9, pp. 96-104.

[301] *RMR*, 6:47, p. 68.

who love the good, that they may congregate under it and thus at the very start gain the upper hand over evil and its untiring attacks."[302]

To describe how this process works, Kant extends his political analogy one step further: If a political community bound by juridical laws must have a lawgiver, so too must an ethical community bound by moral laws. Yet whereas the state should ideally receive its laws from "the mass of people joining in a union," the ethical community's laws—rooted in reason rather than human will, universal rather than particular, moral rather than juridical—cannot have a comparably democratic origin.[303] Its public legislation must instead originate from a lawgiver whose authority is divorced from coercive power and whose will is insulated from all arbitrariness. This lawgiver, for Kant, is God. "An ethical community," he writes, "is conceivable only as a people under divine commands, i.e. as a *people of God*."[304] As Kant himself is quick to note, this does not mean that moral laws are binding *because* they are divine

[302] *RMR*, 6:94, p. 106.

[303] Kant gives two reasons for this. On the one hand, juridical laws are distinguished from moral ones by their purpose and content. A given people makes political laws to serve its own interests. The laws they create are thus directed not at the "morality" of actions, but their "legality." They are aimed at enhancing the practical utility of the state, not facilitating the inner virtue of its inhabitants. And because such laws originate in human will, they are contingent and particular, reforming with time depending on the changing circumstances of the state and the whims of its people. Thus moral laws, originating in reason, constant in nature, and universal in scope, must have a source other than the vicissitudes of popular will. On the other hand, juridical laws are distinguished from moral laws by how we assess adherence to their injunctions. Whether a political law was violated can be judged by the actions of an agent: did she commit a crime or not? Whether a moral law was violated, by contrast, cannot be determined via the evaluation of a person's deeds alone. For even if a person's actions may seem virtuous, her motivations for performing those actions may be interested and pragmatic rather than truly moral.

[304] In practical and empirical terms, Kant sees churches and other faith communities, when appropriately structured, as the real-world instantiations of the ethical community. In this he distinguishes between "religion," which is single, ideal, and receives its moral injunctions from reason, and "faiths," which are plural, concrete, and receive their moral injunctions from some combination of revelation and reason. In so far as the doctrine of any given faith tradition overlaps with rational moral duties, Kant argues, it is a religion; in this sense, all faith traditions at least potentially converge in rational religion. He projects that over the course of history faiths will gradually shed their superfluous doctrines and sensual-ritualistic elements until (at least theoretically) only their rational moral core will remain. *RMR*, 6:100-24, pp. 111-29.

commands.[305] God's role is social and pedagogical, not moral. The Kantian deity, less the jealous God of Exodus than the Platonic form of the Good, provides a kind of locus around which the ethical community orients itself. It serves to encapsulate, in a single concept, that archetype of a morally-pure spontaneity towards which each of its members are duty-bound to strive.[306] Like Rousseau's "common self," it accords with Mary Douglas' insight that human beings seek to align their inner and outer lives, the moral world within and the moral world without.[307] And in this way, it unifies an otherwise scattered flock of beautiful souls around an even more beautiful ideal: divine holiness.[308]

At the same time, the purpose of this socio-religious transformation for Kant is not merely aesthetic and moral, but pragmatic and political: to diminish dependence. Though he

[305] *RMR*, 6:98-9, pp. 109-10. At the same time, Kant quickly adds an important caveat. No human being, he insists, needs to believe in a divine being in order to either discern the good or act on it. While one might intuitively understand a divine command as binding because it issues from divine decision, this is not the case. Moral laws are binding on their own authority. They derive their power from reason, not from the "will of [a] superior."

[306] Kant's understanding of the historical role of Jesus is based on this idea of moral exemplarity. Jesus, he argues, embodied the victory of the "good principle" over the "evil principle," that is, the successful transformation of one's will from "radical evil" to "holiness." *RMR*, 6:80-84, pp. 95-8. Kant is also explicit about God's exemplarily function in an unpublished note from the middle of the 1770s, suggesting that he had thought through the deity's role for realizing solidarity even before writing his first *Critique*: "God is not the author of the moral law through his will, rather the divine will is the moral law, namely the archetype of the most perfect will and also the *principium* of all conditions for determining our wills in unison with his will, consequently all conditions of a necessary consensus." *NF*, §7092, p. 460.

[307] Douglas [1966] 1980), 36. I discuss Douglas' theory at greater length in the previous chapter in the context of Rousseau's aestheticization of politics. Kant almost makes explicit his analogue between the structure of human and divine will (what I have dubbed his "political theology") referring to our spontaneity as having a "divine origin": "There is one thing in our soul which, if we duly fix our eye on it, we cannot cease viewing with the highest wonder, and for which admiration is legitimate and uplifting as well. And that is the original moral predisposition in us....Every human being who has been instructed in the holiness that lies in the idea of duty, even one of the most ordinary ability, must feel the force of this question deeply within himself....The very incomprehensibility of this predisposition, proclaiming as it does a divine origin, must have an effect on the mind, even to the point of exaltation, and must strengthen it fro the sacrifices which respect for duty may perhaps impose upon it. Often to arouse this feeling of the sublimity of our moral vocation is especially praiseworthy as a means of awakening moral dispositions, since it directly counters the innate propensity to pervert the incentives in the maxims of our power of choice." *RMR*, 6:49-50, pp. 69-70.

[308] There is of course an irony to this: Kant, who had used an analogy with God to conceptualize moral agency in the service of political solidarity, now uses an analogy with politics to conceptualize the role of the divine in moral community.

merely alludes to this in *Religion*, he describes it in far greater detail in an earlier lecture on anthropology. Even more explicitly than with his description of the ethical community, he frames his account via an analysis and critique of Rousseau. Contrary to popular perception, Kant notes, Rousseau did not advocate a return to "savagery."[309] What he sought instead was to combine the "advantages of nature"—our non-dependence on others—with "positive virtue": our moral free will. And his aim in doing this was neither purely ethical nor nakedly pragmatic, but social. It was to realize what Kant deems the "perfect civil state": a "society of equal beings."[310] Rousseau's error, therefore, was not his ideal of non-dependence. It was his coercive and political program for execution. Diminishing dependence and realizing everyday social equality requires adherence to "complete rules" of *both* "justice" *and* "morality."[311] In Kant's later language, it requires not Rousseau's unitary polity where ethics and politics have become one and the same, but ethical and political communities operating synchronically. And the appropriate "constraint" for reducing dependence is not legal, but moral.

By moral constraint, Kant here actually refers to two separate stages in our ethical development which, taken chronologically, ultimately yield a society characterized by equality. In the first of these, our adherence to ethical norms is pragmatic, superficial, and performative. Having created a public moral culture of the kind described in *Religion*—in which the values we have derived through reason have become externalized—we now look to these values as a source of esteem and reflective evaluation, thereby transforming our social texture. Though Kant is terse here about what this psychological process looks like in practice, a fuller account can be

[309] *LA*, 25:689, p. 223.

[310] *LA*, 25:690, p. 224.

[311] *LA*, 25:690-1, p. 224.

found in the sociologist George Meade's idea of the "generalized other."[312] The "generalized other" is a kind of mental projection, fabricated by every individual, of her society's attitudes. As this psychological embodiment of the community "enters as a determining factor into the individual's thinking," Meade suggests, it shapes her habits, personality, and moral disposition. It allows the group as a whole to "exercise control over the conduct of its individual members."[313] Thus when an individual's "generalized other" is characterized by vice, the society as a whole will be immoral; when it is characterized by decency, the society as a whole will be moral—at least outwardly. Kant himself describes the phenomenon this way: "Every human being fearing the moral judgment of the other will thereby be necessitated to perform actions of uprightness and of the pure moral life."[314] This is certainly a far cry from moral sainthood. But it is also a great improvement on unsocial sociability. Rather than competing with our fellows for wealth, power and status, we will instead seek to outdo them in virtue. "Everyone would consider it to be an honor that he is regarded as an upright man by everyone," Kant suggests, "and not that he would ride in a carriage." And "the result of this," he concludes, "would be that no individual would associate with such [a person] who did not live morally...and would shun his company."[315]

But despite beginning as merely an "external constraint," Kant insists that this kind of moral culture will eventually lead to a second stage of moral development: the "constraint of

[312] Meade's discussion of the "generalized other" can be found in the collection of his lecture transcriptions and notes, systemized and published in the volume *Mind, Self, & Society from the Standpoint of a Social Behaviorist*. Meade [1934] 1967, especially 152-63.

[313] Meade [1934] 1967, 155.

[314] *LA*, 25:692, p. 226.

[315] *LA*, 25:693, p. 226.

one's conscience."[316] At such a time, we will not look to the opinions of others for normative guidance. Rather than seeking the approval of a generalized other, each of us will serve as our own moral jury through the court of reason, with "conscience" presiding as "our supreme judge."[317] And when we do, Kant declares, the result will be an ideal ethical community, a human fellowship drained of dependence, the perfect society of equals—what he here calls the "Kingdom of God on earth." But while he insists that the arrival of such a kingdom "cannot be achieved without religion," it also does not depend on whether "heaven or hell exist." "Human beings," he concludes, "can make heaven or hell where they are."[318] Moral commitment, equality, non-dependence, and solidarity are always within our grasp. They depend on nothing more than a "change of heart," an uncoerced, spontaneous decision against selfishness and in favor of morality.[319] Or as Kant puts it in *Religion*: "Equality springs from true freedom, yet without anarchy, for each indeed obeys the law...which he has prescribed for himself."[320] In this way, a nation of devils becomes a ethical community. A band of radically evil people becomes a holy fellowship. And humanity as a whole is redeemed, its self-aggrandizing atomism transformed—rationally and pre-politically—into a new kind of solidarity: a society of equals.

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[316] *LA*, 25:693, p. 226.

[317] *LA*, 25:693, p. 227.

[318] *LA*, 25:695, pp. 228-9.

[319] *RMR*, 6:47, p. 68. Here Kant makes reference to Colossians 3:9-10, as well as Ephesians 4:22 and 24, John 3:5, and Genesis 1:2.

[320] *RMR*, 6:122, p. 127.

THE KERNEL OF UNREASON AT THE HEART OF ENLIGHTENMENT: ETHICAL COMMUNITY AND THE PUZZLE OF LIBERAL SOLIDARITY

"Every religion states in its own way that human society can only open onto itself by being held in an opening it did not create. Philosophy says the same thing, but religion said it first, albeit in terms that philosophy cannot accept."
-Claude Lefort, "The Permanence of the Theologico-Political?"[321]

"The entire context of ethics can no more be absorbed into the concept of morality held by Kant, the Enlightenment, and the Kantians than the context of metaphysics fits into what they call experience. With a new concept of knowledge, therefore, not only the concept of experience but also that of freedom will undergo a decisive transformation."
-Walter Benjamin, "The Coming Philosophy"[322]

"Spontaneity" is among the most important concepts in modern social and political thought. It helped to shape German Idealism and existentialism; open a fissure in twentieth-century Continental philosophy; and give birth to the most powerful secular language that we have today for thinking about human rights and the moral worth of the individual: human dignity. As I have argued here, it is also a concept that underlies Kant's answer to the puzzle of liberal solidarity and Schmitt's challenge: the ethical community. Rooted in spontaneity, the ethical community provides Kant with a means for both securing solidarity and honoring the individual. It permits him to do so pre-politically, avoiding the dangers of both politicizing national identity and embracing the Schmittean antagonism between domestic "friends" and foreign "enemies." And it allows him to do so through on purely rational grounds, giving our normative commitments to others and our psychological motivation to act on those commitments a foundation in reason alone. Even so, spontaneity is a concept whose origins, meaning, and

[321] Lefort 2006, 157.

[322] Walter Benjamin, "The Coming Philosophy," in *Walter Benjamin: Selected Writings, Vol. 1, 1913-1926*, ed. Marcus Bullock and Michael W. Jennings, trans. Mark Ritter (Cambridge: Harvard University Press, [1918] 2004), 105.

ultimate coherence in Kant's philosophy have never been adequately investigated. Filling this lacuna was my aim in this chapter.

In the first part, I uncovered spontaneity's function and meaning for Kant via a close study of his pre-critical writings, unpublished notes, and lecture transcriptions. Against those who read the philosopher as a quietist about politics or an apologist for power inequities, I demonstrated that one of Kant's main reasons for invoking spontaneity was highly political: to diminish dependence and secure solidarity. In this his chief inspiration and principal foil was Rousseau. Although the intellectual connection between the two thinkers has long been known, I here revealed for the first time that their split can be traced to a question about solidarity. Kant was deeply moved by his predecessor's valorization of free will and human equality. But he soon realized that Rousseau's emotion-driven psychology—centered around conscience's "hidden law"—and metaphysically-gratuitous political theory—centered around the state's "general will"—grants us a "freedom" that is as slavish and illusory as that of a "turnspit." It fails to either diminish dependence or honor the individual.

Kant's response, I showed in the chapter's second part, was to develop a new moral psychology centered around reason. When we use our faculty of moral choice (*Willkür*) to decide in favor of rational over non-rational maxims, he argues, we can be said to act with genuine freedom, that is, practical reason (*Wille*). Yet this novel psychology gives rise to a problem of its own, a kind of state of emergency within reason itself. Apprehending the world rationally demands that we can, in principle, explain all objects of our experience; yet if a person's choices are fully explicable, she loses her freedom in an actual sense. Kant's answer, I showed, was to innovate a political theology. By drawing an analogy between divine and human agency, he attempted to harness the problem-solving ability of a theological concept and

repurpose it for human affairs. Humanity's moral agency is akin to the deity's faculty for performing miracles, its "absolute spontaneity"; and the essence of the human being—the "I"—is akin to the deity itself. Kant's *Critique of Pure Reason*, I argued, can thus be read as a way of rationally translating and justifying his political theology. It secularizes into philosophy the insights he gleaned from religion during his "silent decade."

In the final part of the chapter, I examined how spontaneity affected Kant's mature thinking about the threats to solidarity and the means for combating them. While for Rousseau interpersonal dependence only arises because of an imbalance within the self between needs and their fulfillment, for Kant this mechanistic portrait fails to account for our absolute moral freedom. Threats to solidarity must therefore stem not from unmet needs, but from a perversion in our spontaneity itself: radical evil. And with our faculty for moral choice (*Willkür*) inclining toward selfishness rather other-regarding reason, the result is a collective dynamic characterized by egoism and competition: unsocial sociability. To imagine how it might be overcome, Kant, I demonstrated, again draws on religion: Just as the divine being is "holy," its *Willkür* always choosing moral over non-moral maxims, so too the human being should be holy, her spontaneity purified of radical evil.

I concluded by outlining Kant's three-part program for realizing this ideal of holiness and so securing solidarity. On account of their mutual self-interest, even morally infantile human beings are capable of forming a stable political community. But despite its origins in radical evil, such a "nation of devils" has an instrumental moral value: By reducing fear of arbitrary violence, it emboldens individuals to act altruistically. And by allowing culture to flourish, it enlarges not only our instrumental reason, but the basis for moral agency: our practical reason. Using our newly-expanded moral faculties, we can begin work on an ethical community to

complement our political one. As the palpable instantiation of the norms we generate via reason, the ethical community gives rise to a public moral culture, replacing our competition for wealth and power with one for virtue and self-sacrifice. The result is both personal and political: the diminution of dependence and the realization of equality. With its roots in spontaneity, therefore, Kant's ethical community promises to both secure solidarity and honor the individual pre-politically and through reason alone. It provides him with an answer to Schmitt's challenge and a solution to the puzzle of liberal solidarity in a secular age.

Religion is thus the heart of Kant's mature political theory. Penned almost three decades after he first imbibed Rousseau's egalitarian ideals, it offers, at long last, his own fully-realized vision of non-dependence, equality, and solidarity. And the heart of *Religion* itself is a move not only in philosophy but theology: the reversal of Rousseau's political theology. To create a common self out of the members of the polity, Rousseau had secularized a concept of the deity, rendering the "body politic" as a kind of earthly god embodying our moral and political unity. His reason for doing so was based on the idea, expressed in the *Confessions*, that "everything is radically dependent on politics."[323] Kant, it should now be clear, takes exactly the opposite approach. Though politics might be instrumentally valuable for moral life, it cannot, in itself, provide for a solidarity that simultaneously honors the individual. No person's spontaneity can survive the denaturing power of the general will. Thus in place of a political solidarity he constructs an ethical community. In place of an aestheticized politics he proposes a rationalized morality. And in place of Rousseau's quasi-divine "body politic," he offers not another theological metaphor—an adumbrated secular analogue of a divine attribute or two—but the real thing, the very embodiment of holiness: the deity itself.

[323] Jean-Jacques Rousseau, "The Confessions," *op. cit.*, 9:2.

Yet even after Kant's long years of laboring at the puzzle of liberal solidarity, his argument is still missing one crucial piece. For, if it is to fulfill its function, the ethical community must not only cultivate a public moral fellowship. It must initiate a deep transformation within the human being. It must uproot our radically-evil *Willkür*, reseeding our spontaneity so that it has a propensity for moral rather than non-moral maxims.

But in this task it encounters a problem: By Kant's own philosophical criteria, no change in our external ethical culture should, *prima facie*, be capable of precipitating such an existential transformation. Originating as it does in the "transcendental" or "noumenal" realm, our spontaneity should be insulated from *any* influence from merely empirical phenomena, including moral deeds and sentiments. The same should be true, by extension, of spontaneity's source: the "transcendental object" or "I." Indeed it was precisely in search of this quality—psychological immunity from the objects of sense experience, like domineering individuals and manipulative polities—that inspired Kant's turn to theology in in the first place. Like a miracle, our moral spontaneity intervenes *in* nature but is not *of* nature; like God, our "I" *affects* the physical world without *being affected* by it. Among the attributes that it shares with the divine being, after all, is "immutability." Thus our transcendental kernel, and the texture of its spontaneity, should not be amenable to conversion, moral or otherwise. And no "revolution" or "crossing over" in the human being's disposition should be possible, even within a community of saints.

Thus to surmount this problem, Kant, in *Religion*, looks beyond humanity, to a source for morality unbound by the restrictions of reason and philosophy: "the goodness of God." "Since by himself the human being cannot realize the idea of the supreme good inseparably bound up with the pure moral disposition," he writes, referring to holiness, "he finds himself driven to believe in the cooperation or the management of a moral ruler of the world, through which this

end is possible."[324] This idea is at the heart of Kant's rational justification for theism—the "religion" contained within the "boundaries of mere reason."[325] Human beings have an innate sense of duty. They are capable of ascertaining what the moral law is and acting on its intrinsic motivational force. At the same time, they are also radically evil. They have a propensity to choose non-moral maxims over moral ones. While these two ideas are logically compatible, Kant notes, phenomenologically they result in a contradiction: Although every person is duty-bound to think of herself as always capable of making the right moral choices, she cannot fathom how this is possible on her own. While she must believe that she can overcome her radical evil, the part of her responsible for that evil—her spontaneity—resides in a realm beyond the reach of her worldly agency. It seems beyond her ability to change. She is thus morally "driven" to posit the existence of a being whose power to alter reality extends not only to sensual world, but the noumenal realm. She is forced to imagine a being capable of manipulating even transcendental objects, including her "I" and its radically-evil spontaneity. She is compelled, in short, to believe in God. "This idea of a moral ruler of the world," Kant concludes, "is a task for our practical reason."[326]

On face, Kant's argument here seems to resemble his earlier defense of moral spontaneity. In the first *Critique*, Kant had justified the possibility of absolute spontaneity by appealing to the logical need for an uncaused cause. In his subsequent *Critique of Practical*

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[324] *RMR*, 6:139, p. 141.

[325] Kant, in his second *Critique*, has another justification for theism based on the idea of the "highest good." In brief: Although we are obligated to do what is morally right for its own sake, without consideration of the real-world consequences, Kant believes that it is rationally impossible that we can do so without believing that the morally virtuous will ultimately be rewarded with happiness and the morally vicious punished with misery. As such a just end-state cannot be guaranteed by human means alone, and not in the world we currently inhabit, reason appears to demand something impossible of us. Thus this "antinomy of practical reason," as he refers to it, can only be resolved by positing the continued life of the soul after death (immortality) and the existence of an omniscient, omnipotent, and omnipresent being (God). See *PR*, 5:113-32, pp. 95-110.

[326] *RMR*, 6:139, p. 141.

Reason, he had transposed this cosmological deduction into ethical life. While human beings can never definitively *prove* that they make moral decisions with real spontaneity, they cannot but think of themselves *as if* they do. Spontaneity is thus an indispensible practical condition of our moral agency. It is the only way that we can think of ourselves as having the freedom to decide—via our faculty of choice (*Willkür*)—between inclination and practical reason (*Wille*).[327] Kant's claim in *Religion* is superficially similar: That belief in God, while not rationally demonstrable, is practically necessary for our self-perception as free moral agents. We have a constant duty to act morally. We should always use our *Willkür* to choose *Wille*. Doing so, however, would require that the source of our *Willkür*, our spontaneity, have the same purity as God's *Willkür*. It would require that we be holy. But because of our radical evil, we have a propensity for choosing non-moral maxims instead of moral ones. This means that on our own we can never be holy. Without some kind of transcendental intervention, we can never fulfill our duty. We are thus compelled to believe in a being capable of making such an intervention, of transfiguring our corrupted spontaneity into holiness. In this way, God, like spontaneity itself, becomes a practical condition of our moral agency.

When examined more closely, however, there is a crucial difference between the logic underlying Kant's defense of moral spontaneity and his defense of rational faith. And in this difference, I believe, we find two serious problems for his philosophy, each of which fatally undermines ethical community as a basis for liberal solidarity in a secular age.

First, there is a contradiction between the idea of the human being as absolutely spontaneous and a person's practical need as a moral agent for divine intervention. Spontaneity in its most basic sense means that all of my actions can be imputed to me. Because I am spontaneous, I can be understood as responsible for my choices. What this means, in turn, is

[327] See *PR*, especially 5:42-57, pp. 37-50.

spontaneity forms the very basis of my self and dignity. It is the part of who I am that is most truly *me*. Indeed it is this connection between absolute moral spontaneity and our deepest personhood that inspires Kant to wax about our "superiority over nature" and the "sublimity of our spiritual capacity," to stand in awe at the "starry heavens above me and the moral law within me."[328] Yet the potential for God's intercession divests me of this superiority and spiritual capacity. It robs me of my self-respect. For without a genuinely absolute spontaneity, it is no longer possible to impugn every moral choice to my will. No doubt, it might be that for such and such a choice I really was the responsibility agent. Perhaps God withheld His grace. But even the *possibility* that the deity intervened in my spontaneity strips me of responsibility. It suggests that it is equally likely that this action was not caused by me at all, but God. It deprives me of freedom in a deep sense. Kant, therefore, appears to be abandoning individual human beings to the very moral fatalism that he had worked so hard to avoid. In place of the distant first mover of Newton, he seems to imagine a personalistic divine being who hovers over His creation, actively—and inexplicably—transfiguring the wills of His children. And so despite his long intellectual journey—from his critique of Rousseau, through his political theology, and efforts in the first *Critique*—he appears to have returned to square one.

Kant himself comes within a hairsbreadth of admitting this. While God "must have a means of compensating, from the fullness of His own holiness, for the human being's inadequacy with respect to it," he writes in *Religion*, this nonetheless "goes against the spontaneity...according to which the required goodness must stem from a human being himself, not from someone else, if it is to be imputable to him."[329] Insisting on divine intervention to save us from radical evil, in other words, directly violates our absolute moral spontaneity. One cannot

[328] *CJ*, 5:262, p. 145; *PR*, 5:161, p. 129.

[329] *RMR*, 6:143, p. 144, cf., *LPR*, 28:1106-7, pp. 433-4.

first reimagine human freedom as *akin* to a miracle only to then rely on something *actually* miraculous: God's grace. In a word: Kant's defense of moral progress, and his defense of theism with it, is incompatible with his understanding of free will. The two cannot be asserted together.

And so here, at the center of his moral philosophy—at the very pivot point between human vice and virtue, pathology and solidarity—Kant retreats into the esoteric. Rather than attempting to resolve this contradiction and risk losing either God, free will, or moral progress, he appeals to Christianity's language of the *mysterium fidei*. Our "very freedom," he writes, "when applied to the final object of practical reason"— holiness—"is alone what inevitably leads us to sacred mysteries."[330] Nietzsche, famously, referred to Kant as an "underhanded Christian," a philosopher who gave theologians "a secret path to scientific respectability."[331] While this may be an overstatement, this much is clear: Unwilling to admit the illogic of his reasoning outright, Kant, the great rationalist, is here pushed into speaking the language of the mystic. Ironically, the young man who sneered at Swedenborg's spiritualist "absurdities" and mocked Rousseau's "occult" general will finds himself, at the end of his career, insisting on divine "*mysterium*" and the "union of corporeal beings into a cosmic whole."[332]

Like Rousseau, Kant sought to realize solidarity through secularization. He looked to theology as an *analogical* resource. He saw in the idea of God's absolute spontaneity an idea whose *problem-solving ability* in theology—how to explain the existence and meaning of miracles—could be repurposed to solve a similar problem in politics. Yet by insisting on the necessity of divine intervention, Kant has moved from analogy and political theology to

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[330] *RMR*, 6:138, pp. 140-1.

[331] Friedrich Nietzsche, "The Twilight of the Idols," in *The Portable Nietzsche*, ed. and trans. Walter Kaufmann (New York: Penguin Books, [1888] 1982), 484; [1887] 2000), 3.25, p. 592.

[332] *RMR*, 6:138-9, p 141n. As further evidence of the irony, Kant invokes here precisely the same gravitational metaphor here that he had used approvingly in *Remarks* and dismissively in *Dreams*. He also refers again to Newton.

something much more problematic: a *logical dependency*. Human spontaneity, Kant argues, is like divine spontaneity, but not exactly like it. Yet it *should* be exactly like it. And only God can make it so. Just as in Rousseau, therefore, what we find is that Kant's theory of solidarity through secularization fails to fully secularize. It leaves behind a religious remainder. A gap emerges between spontaneity's nature as a divine quality and its nature as a human one that can only be filled by the deity. And even if Kant himself tries to avoid this problem by fleeing back to the sanctuary of the church, it is there for all to see.

This leads to the second, and in some ways even graver problem with Kant's reliance on divine intervention: its impact on his proposed model for ethical solidarity. For Kant, securing solidarity depends on a narrative of moral progress. Competition, dependence, and mutual antipathy arise from our unsocial sociability. Unsocial sociability, in turn, is a product of our radical evil. Yet Kant, as we have seen, here adds a counter-intuitive twist. Although radical evil is the root cause of what undermines solidarity, it is also, startlingly, its panacea. Over the course of history, the misery and domination it spawns will give birth to the institutional structures, cultural practices, and moral norms that will finally wrench evil from our personality. Juridical coercion, economic inequality, and social desolation: All contribute to the growth of our rational faculties and the flowering of moral commitment and psychological motivation. And this suggests something remarkable: That the violence of history can be redeemed. Even if unsocial sociability means centuries of suffering, it is, for Kant, ultimately defensible. It is vindicated by its role in "improving the human being radically" and "making a new man out of him."[333]

But in light of our reading of *Religion*, this kind of moral hope can no longer be justified. For if we cannot square absolute freedom with divine intervention, or the transcendental nature

[333] *RMR*, 6:121, p. 127.

of moral will with humanity's creaturely nature, then we have no grounds for believing that the essence of human moral choice (*Willkür*) can change. We have no warrant for thinking that our propensity for non-moral maxims will be replaced a propensity for moral ones. We have no rational basis, in short, for presuming that our radical evil can be overcome—whether by politics, culture, or ethical community. We have only divine mysteries and a foundationless faith. Thus with his concept of moral spontaneity mired in contradiction, Kant's secular theodicy becomes indefensible. His theory of ethical solidarity becomes untenable and unrealizable. And the third of his famous questions—"For what may I hope?"—cannot, in good conscience, be answered optimistically—that is, with moral "holiness."[334] Of this, even Kant himself seems ultimately resigned. "To found a moral people of God," he concludes, "is a work whose execution cannot be hoped for from human beings, but only from God himself."[335]

Indeed as the subsequent centuries attest, the aporias of Kantian spontaneity and ethical solidarity have been borne out not only by philosophy, but by history. "Culture," in Kant's system, was supposed to play an contributory role in our moral development. As humanity's power over its external environment grows, its moral will-power was meant to grow with it. Yet the steady expansion of instrumental reason has plainly led not to a flowering of ethical life, but just the opposite: a moral winter, a deepening and calcifying of dependence and its byproducts. To be sure, liberal-democratic societies reduce overt relations of dependence; unlike the *Ancien Régime*, they contain neither titular lords nor groveling serfs. But beneath the surface of everyday social and economic life relations of mastery and servitude abound, both formal and informal, structural and interpersonal.

[334] The other two questions are "What can I know?" and "What should I do?" *CPR*, A805/B833, p. 677.

[335] *RMR*, 6:100, p. 111.

And this observation brings us, at last, to what is perhaps the deepest irony in Kant's theory of history. For not only has the enlargement of instrumental reason failed to precipitate a concomitant growth in practical reason. It has undermined the very kernel of spontaneous moral personhood which our reason was meant to serve. As we extend our agency outward, we realize that not only inert matter, but human beings, are open to subjugation and manipulation. We increasingly find it within our power re-render people as objects—not only in thought, but fact. And as we perfect our mastery over other persons and outer nature, we simultaneously undermine our own being and inner nature. Under our ever-expanding rational gaze, we begin to see our own self, too, as an object to be conquered, violated, and rebuilt in our own preferred image. We turn our new powers against ourselves. And with them, we crush not only our spontaneity, but our "I" itself. In Adorno and Horkheimer's words—directed at Enlightenment, and at Kant in particular: "The human being's mastery of itself, on which the self is founded, practically always involves the annihilation of the subject in whose service that mastery is maintained."[336] We have reimagined ourselves as gods, just as Kant intended; but in our self-deification, we more closely resemble the ferocious pagan pantheon than the holy divinity of ethical monotheism.

Nowhere has the promise of instrumental reason been more consistently broken than in the political sphere, and especially in its chief instrument, the state. For Kant, juridical order is limited, a means to an end—what we would now call liberal. While it creates the framework for ethical development, it directly shapes neither our moral choices nor dispositions. Yet in politics as in culture, the novel powers created by humanity's ever-expanding control over nature have often proven too tempting to resist. With the state's bureaucratic and technological apparatus at

[336] Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment: Philosophical Fragments*, ed. Gunzelin Schmid Noerr, trans. Edmund Jephcott (Stanford: Stanford University Press, [1947] 2002), 43.

our disposal, we break through liberalism's careful constraints, spilling our will into every crevice of ethical life. And the result, at its limit, has been precisely the opposite of what Kant intended: In place of ethical community, homogeneity and conformity; in place of non-dependence, enslavement; and in place of moral constraints on the will, a domination more penetrating and all-encompassing than anything either Rousseau, Kant, or even Hobbes could have ever imagined—a "total domination": totalitarianism.[337]

It may come as no surprise, then, that Hannah Arendt, the phenomenon's most famous diagnostician, describes its dynamics precisely by repurposing Kant's moral terminology. What the Nazis perpetrated, she argues, was "radical evil."[338] And their aim, in society at large but especially in Auschwitz, was to destroy the essence of human personality: "spontaneity." "The camps," she writes, "are meant not only to exterminate people and degrade human beings, but also serve the ghastly experiment of eliminating, under scientifically controlled conditions, spontaneity itself as an expression of human behavior and of transforming the human personality into a mere thing."[339] While under "normal circumstances," she adds, such spontaneity "can never be entirely eliminated insofar as it is connected with human freedom," under the Nazis' sinister designs it can be effectively eradicated.[340] If it survives in theory, it can be made to disappear in practice. Thus perhaps the greatest irony of Kantian history is this: radical evil, far

[337] In his late work "The Contest of the Faculties," Kant explains the state's duty to respect the dignity of its citizens, and in doing so, anticipates the violations precipitated by totalitarian politics: "Man in turn is a mere trifle in relation to the omnipotence of nature, or rather to its inaccessible highest cause. But if the rulers of man's own species regard him as such and treat him accordingly, either by burdening him like a beast and using him as a mere instrument of their ends, or by setting him up to fight in their disputes and slaughter his fellows, it is not just a trifle but a reversal of the *ultimate purpose* of creation." "Contest of the Faculties," 185, emphasis in original.

[338] Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, [1951] 1994), 443.

[339] Arendt [1951] 1994, 438, cf. 245, 437, and 455-6. In spite of her use of Kantian terminology, Arendt's understanding of both radical evil and spontaneity depart in important ways from Kant's original usage. See Bernstein 2002, 205-24 and Dana Villa, *Arendt and Heidegger: The Fate of the Political* (Princeton: Princeton University Press, 1995), 61-7.

[340] Arendt [1951] 1994, 438.

from sowing the seeds of its own destruction, only grows in strength and scope. It metastasizes from unsocial sociability into something far more sinister. And in doing so, it strangles the very spontaneity it was tasked with purifying.

Arendt's insight here should, I think, serve as a lesson not only for the purposes of the present critique, but for the designs of philosophy more generally. Plainly, the problem with Kant's theory of ethical solidarity runs deeper than a logical contradiction within radical evil. It is contained within the idea of spontaneity itself. And its source can be traced to the very process by which it came to be—that is, through a secularization. Spontaneity is a theological concept doing work as a moral and political one. It was appropriated by Kant to fully insulate human beings from dependence. It was meant to insure that our freedom, like divine freedom, could be possible at all times and in all places. To even begin to act as moral agents, he insists, we need to first see ourselves as transcendental beings, existing outside of time and space. In Hans Blumenberg's words, we are required to follow "reason's interpretation of itself as the faculty of an absolute beginning"; in Kant's, to "find in our own minds a superiority over nature."[341] We must, in short, see ourselves as gods. Yet what subsequent human history has made clear is that as human beings, we are not bundles of transcendental agency. We are not gods, nor devils, nor saints. We are creatures in flesh and blood. And our solidarity can *never* be guaranteed by an abstract concept or category. Its existence is secured not by the philosopher's pen, but the hard, daily labors of individual human beings practicing respect and self-sacrifice, one moral act at a time. Philosophical ideals may guide these labors; they cannot ensure their success.

Thus not only is the most important legacy of the Enlightenment—the intrinsic value and dignity of the individual—predicated on a theological appropriation, a reinvention of the self in

[341] Hans Blumenberg, *The Legitimacy of the Modern Age*, *op. cit.*, 145; *CJ*, 5:261, p. 145, translation modified.

the image of God. That appropriation itself fails to fully secularize. Caught in a logical dependency, it leaves behind a religious remainder. And the story of moral progress upon which it is predicated is ultimately revealed to be a fiction, unfolding not in nature but sacred history. The implications of this conclusion are clear: As long as we remain bound by Kantian moral categories, a real solidarity remains out of reach. The conditions of its possibility in Kant's philosophy are incompatible with his concept of personhood, retaining, as it does, a trace of its theological origins—a residue of divine mystery. Absolute moral spontaneity might theoretically free us from dependence. But it cannot provide the practical basis for solidarity in a secular age. At the end of the day, Kant leaves us not with a rational answer to Schmitt's challenge and a complete solution to the puzzle of liberal solidarity but a new mythology of the self. And our spontaneous "I" is less a firm ground for honoring the individual than a fable, a kernel of unreason at the heart of Enlightenment.

Jürgen Habermas, equally sensitive to everyday forms of dependence as Adorno and Horkheimer, and just as committed to thwarting totalitarianism as Arendt, was nonetheless unwilling to abandon the promise of Enlightenment. But he realized that salvaging solidarity for modernity meant not just moving beyond Kant's moral theory. It meant moving beyond its debt to theology. After all, in an age in which a dwindling number believe in a God who performs miracles, how likely is it that they will accept a human being who can? Yet he also recognized the bleakness of the alternative. For he had seen what it means when people look within and see not divine spontaneity, but a Nietzschean bundle of desires. And he had witnessed what happens when they turn their gaze back outward and see not dignified "I"s worthy of love and respect, but adversaries in the tooth and claw of Darwinian competition. He thus sought not to break radically with modernity, but to cast Kant's design for a rational and pre-political ethical

community in a new mold, one that would be defensible in a secular age. Instead of an untenable transcendental idealism, he offers a "linguistic Kantianism."[342] Instead of an atomized practical reason, he offers a dialogical reason-giving. And instead of appropriating an attribute of a distant deity, he secularizes into our solidarity the most potent—and enigmatic—quality of our earthly religious experience: the "aura" of the sacred.

[342] Jürgen Habermas, *Truth and Justification*, trans. B. Fultner (Cambridge, MA: MIT Press, [1999] 2003), 7.

CHAPTER FOUR

The Ethics of the Aura:
Habermas, the Linguistification of the Sacred, and Discursive Solidarity

"Ideas, which in theology have become matter of course and inert, may become alive and drastically innovative when transferred...into the alien soil of aesthetics."
-M. H. Abrams, The Mirror and the Lamp[1]

"One senses very quickly the untruth of bonds that are required only so that they produce a result—even if it be good—without the bonds' being experienced by people as something substantial in themselves."
-Theodor Adorno, "Education after Auschwitz"[2]

"Society never stops creating new sacred things."
-Émile Durkheim, The Elementary Forms of Religious Life[3]

HABERMAS, THE LINGUISTIFICATION OF THE SACRED, AND SCHMITT'S CHALLENGE

The retreat of religion, according to Max Weber's classic analysis, shatters social and political solidarity. Scientistic disenchantment of the world leads to a fractured modernity, one in which equally groundless sources of value—often peddled by charismatic leaders—compete for the loyalties of a nihilistic populace.[4] For much of the twentieth century, the theoretical kernel of Weber's narrative prevailed, buttressed by sociological studies by David Martin and Peter Berger.[5] But in recent decades the Weberian account has run into resistance. Some have

[1] Abrams [1953] 1971, 147.

[2] Theodor Adorno, "Education after Auschwitz," in *Can One Live After Auschwitz? A Philosophical Reader*, ed. Rolf Tiedemann (Stanford: Stanford University Press, [1966] 2003), 23.

[3] Émile Durkheim, *The Elementary Forms of Religious Life*, trans. Karen E. Fields (New York: Free Press, [1912], 1995), 215. Hereafter "*EF*."

[4] Weber [1917] 1958, 153.

[5] Martin 1978, Berger 1969, cf. Bruce 2002, and *Religion and the Political Imagination*, ed. Ira Katznelson and Gareth Stedman Jones (Cambridge: Cambridge University Press, 2010).

complicated its descriptive claims, arguing that religiosity, even in parts of the West, is changing shape or on the rise.[6] Others have contested the normative premises underlying Weber's argument, contending that disenchantment need not precipitate a decline in moral commitment and motivation. Other, "post-secular" resources for ethical life will emerge.[7] A final group, though uneasy with traditional belief and theology, nonetheless argue for religion's ongoing social and psychological significance. Ronald Dworkin, for instance, has suggested that we practice a "religion without God," rejecting the deity but affirming moral objectivity and the sublimity of nature.[8] Herbert Dreyfus and Sean Kelly, by contrast, have proposed a new polytheism and a re-enchantment of the world.[9]

These approaches, in spite of their differences, grapple with a common puzzle: Does religion provide something indispensible for the ethical life and solidarity of political communities? And if so, what?

To even begin to tackle this question requires proceeding with care and nuance. For "religion," of course, has no single meaning. And religions in the plural are hardly homogenous or unitary. They manifest through a number of strata (experiential, institutional, ideological, practical); they encompass many domains of action and meaning (individual, ethical, social, political, economic); and they come in many different forms (monotheistic or polytheistic, universalistic or particularistic, ritualized or abstract). I will make no attempt at a full typology here. For the purpose of answering Schmitt's challenge, however, I do believe that one axis for analyzing religions is especially important: reason and non-reason. All religions in practice

[6] Casanova 1994, Taylor 2007.

[7] de Vries and Sullivan 2006. See also Alain de Botton, *Religion for Atheists* (New York: Vintage Books, 2012).

[8] Ronald Dworkin, *Religion without God* (Cambridge: Harvard University Press, 2013).

[9] Hubert Dreyfus and Sean Dorrance Kelly, *All Things Shining* (New York: Free Press, 2011).

contain both rational and non-rational elements. Theologies, law codes, and ritualistic formulae all represent efforts at rationalizing and giving order to spiritual life. But religious *experience* and *practice* almost always contain aspects that transcend reason: a feeling of mystical communion, a sense for the numinous, a reaction of awe when confronted by a sacred object, person, or idea. It was something in this non-rational aspect of religion that Weber, like Schmitt, thought was crucial for sustaining solidarity. And it was this non-rational aspect that he also believed was most threatened by the rise of the scientific worldview.

In this chapter, I examine the role that religion's non-rational features play for securing solidarity. And I do so through a thinker whose own approach to religion is both cautious and nuanced: Jürgen Habermas. Habermas is the most chronologically recent of the three major philosophers I treat in this dissertation, after Rousseau and Kant, who attempt answer the puzzle of liberal solidarity by means of secularization. In this sense he is also the last in the tradition of European political thought I have traced who seeks to respond to Schmitt's challenge through reason alone. Like his predecessors, he strives to find purely rational grounds for our moral commitment and motivation. But he also builds on their thought. Like Kant, Habermas recognizes the danger and illegitimacy of metaphysical fictions like Rousseau's general will. He utterly rejects Rousseau's tactics for securing solidarity, regarding them as coercive, dangerous and proto-totalitarian. And he agrees with Kant that in so far as we have a pre-political form of solidarity, it should be rational and ethical, with norms that are public and "universally communicable" to all.[10] Yet Habermas ultimately reject's Kant's program for liberal solidarity, too. The idea of an ethical community is a deeply appealing one. But to conceive of the human being, as Kant does, as a transcendental "I" bearing a quasi-divine spontaneity is not only philosophically dubious. In a secular age it is practically untenable. Whether or not spontaneity

[10] Immanuel Kant, *Critique of the Power of Judgment*, *op. cit.*, 5:211-9, pp. 96-104.

is ultimately defensible in the abstract (and I have argued that it is not), in world in which all metaphysical ideas have been called into question, it cannot provide a realistic basis for our commitment and motivation for other people. Other ways must be sought to honor the individual and secure solidarity.

To find a similarly pre-political but still practicable alternative to Kant's ethical community, therefore, Habermas posits a *discursive* solidarity, that is, a solidarity built out of our everyday practices of language and communication.[11] On one level, the idea behind discursive solidarity is relatively straightforward. Language, Habermas argues, is not only useful for communicating information. It also binds us to one another, knitting us together in a normative texture. By creating a space for peaceful dialogue between people, it helps to drain our interpersonal relations of antagonism and outright violence. And by giving us a rational means for deliberating about our values and interests, it allows us to participate in fashioning our social and moral norms. But on another level, discursive solidarity has features that are far more radical and mysterious. For when I see myself as personally involved in creating my society's norms, Habermas argues, I will not only regard myself as morally *committed* to follow those norms. I will also be practically *motivated* to act on this commitment. Something in *language itself* will spur me to transcend my narrow interests, overcome my egoism, diminish dependence, and do what I have agreed is right. It will do so even when it requires sacrifice. It will draw from reason alone, requiring nothing from my non-rational psyche. And, critically, it will lead to precisely those behaviors necessary for both honoring the individual and securing solidarity.

Habermas thus shares both Rousseau and Kant's aims. But as will become clear, his methodology is importantly different from theirs. For although he seeks to realize a fully

[11] In addition to this pre-political theory of solidarity, Habermas, as discussed in the introduction, also has a theory of solidarity operating at the political level: "constitutional patriotism."

rational solidarity through secularization, he does not, strictly speaking, construct a *political theology*.[12] To solve the puzzle of liberal solidarity and answer Schmitt's challenge, both Rousseau and Kant looked to theological models of how God wills and interacts with His creation. Seeing parallels between certain dilemmas of religion and those of solidarity, they sought, via analogy, to marshal the problem-solving ability of theological concepts, transposing them from the sacred realm to that of profane politics and morality. Habermas, by contrast, does not draw from theology and does not proceed via analogy. Instead of secularizing religious *ideas*, he secularizes aspects of religious *experience*. Rather than looking to the abstract systems of theologians, he directs himself to the concrete phenomenology of the faithful. And instead of situating the products of secularization in a new political theory of democratic legitimacy or a new philosophy of moral agency, he places them back into our everyday discursive relations with other people. What Habermas secularizes from religion, in other words, is not simply a concept. It is a ethical facet of religious *life*. Habermas, for reasons I explain below, finds this facet in what he calls the "aura of the sacred." And so he refers to his method for realizing solidarity through secularization as the "linguistification of the sacred" [*die Versprachlichung des Sakralen*].

But despite eschewing political theology, Habermas' secularization theory, I argue, still contains a *religious remainder* fatal to discursive solidarity. Linguistification gets us part of the way to solidarity: As we engage in a constant discursive renegotiation of our norms and believes, we establish a basic layer of interpersonal respect. We come to tolerate one another and develop some amount of moral resistance to using force. At the end of the day, however, this layer of sociality proves to be thin, superficial, and brittle. It does not contain the deeper kinds of

[12] Indeed Habermas, who is a major opponent of Schmitt, would not only reject any link between his thought and political theology, but likely take offense at the association.

normative commitment that Habermas seeks. And it does not inspire us to sacrifice for others when those norms fail to match our interests. Those forms of self-transcendence, I show, remain bound to *aesthetic* features of everyday ethical life that are the historical products of religious experience. They remain permanently linked to the non-rational psyche. And so Habermas too, I argue, fails to answer Schmitt's challenge.

Even so, I believe that Habermas' very failure is productive. Precisely where it falls short, his linguistification of the sacred opens up a space for thinking about the role of the non-rational psyche in our solidarity. Put briefly: For liberal solidarity to be possible, we must have sources of commitment and motivation transcending reason. Habermas' theory of discursive solidarity directs us to those sources. And in this way, it pushes us into the second half of this dissertation where I examine them in greater detail.

In addition to evaluating Habermas' response to Schmitt's challenge, this chapter also suggests a new way of interpreting Habermas's thinking about religion. Over the past two decades, Habermas has made religion and politics a focus of his research, contributing to theoretical debates over cultural accommodation and the proper place of religious ideas in the public sphere.[13] Yet he has also come to take religion more seriously in its own right, embracing the language of "post-secularization" and suggesting that faith traditions contain moral resources hitherto inaccessible to secular ethics. In places, he has referred to these resources as "semantic

[13] Though Habermas' turn toward religion began as early as his 1988 work *Postmetaphysical Thinking*, his speech on "Faith and Knowledge" in 2001 signaled an intensified interest. Other important reflections include his dialogue with then Cardinal Joseph Ratzinger in 2004, his 2005 book *Between Naturalism and Religion*, a 2007 meeting with Jesuit scholars that resulted in *An Awareness of What is Missing: Faith and Reason in a Postsecular Age*, and his participation in a colloquium with Charles Taylor, Judith Butler, and Cornel West, whose proceedings appeared in *The Power of Religion in the Public Sphere, op. cit*. Jürgen Habermas, *Between Naturalism and Religion* (Cambridge, UK: Polity Press, [2005] 2008); *An Awareness of What is Missing: Faith and Reason in a Postsecular Age* (Cambridge, UK: Polity Press, [2008] 2010). See also the volume *Habermas and Religion*, ed. Craig Calhoun, Eduardo Mendieta, and Jonathan VanAntwerpen (Malden, MA: Polity Press, 2013).

potentialities" and used the metaphor of "translation."[14] Expressions of this kind imply that such religious potentials could, in theory, be assimilated into rational communication, and so have their metaphysical form replaced entirely.[15] More recently, however, his idioms have softened, and he now refers to religion's "moral sensitivities and solidaristic intuitions."[16] This suggests that Habermas, who is currently at work on a major study of religion, may be flirting with a far more drastic philosophical departure: That there are aspects of our moral motivation that entirely resist linguistic expression; that the social "resources" provided by religion cannot be fully conveyed in secular terms; and that non-rational features of the psyche remain critical for the possibility of ethical life in modernity.[17] In a sense, therefore, one function of this chapter is to advance Habermas' own research program. It is to help him to answer his own question about what, exactly, connects religion so intimately to solidarity.

The chapter has three parts. In the first, I briefly reconstruct Habermas' secularization narrative, paying close attention to his account of solidarity. In his landmark *Theory of Communicative Action*, Habermas, though deeply indebted to Weber, departs dramatically from

[14] See, for example, *Post-Metaphysical Thinking*; his address "Faith and Knowledge," in *The Frankfurt School on Religion*, ed. Eduardo Mendieta (New York: Routledge, 2005), 335-6; *Between Naturalism and Religion*, *op. cit.*, 6; and *The Philosophical Discourse of Modernity: Twelve Lectures*, trans. Frederick G. Lawrence (Cambridge: MIT Press, [1985] 1998), 309. William Rehg has suggested that the idiom of translation actually has far broader importance in Habermas' theory, and is not limited to secular encounters with religious traditions. The very "moral point of view" that is at the heart of Habermas' discourse ethics, he writes, is made possible only when individuals can translate their interests and needs into the "language" of others. Consequently, "translation" represents a kind of rationalist-cognitive model of empathy. *Insight and Solidarity: The Discourse Ethics of Jürgen Habermas* (Berkeley: The University of California Press, 1997), 77.

[15] This is what Habermas suggests in, among other places, *The Theory of Communicative Action, Vol. 2: Lifeworld and System*, *op. cit.*, 329. Hereafter "*TCA2*."

[16] See for example in his essay "What is Meant by a 'Post-Secular Society?' A Discussion on Islam in Europe," in *Europe: The Faltering Project*, trans. Ciaran Cronin (Malden, MA: Polity Press, 2009), 76-77.

[17] Habermas 2009. In recent years, Habermas has acknowledged a kind of normative loss that accompanied secularization. His reflections on bioethics offer one example: "When sin was converted to culpability, and the breaking of divine commands to an offense against human laws, something was lost." *The Future of Human Nature* (Malden, MA: Polity Press, 2003), 11. For more on Habermas' intellectual trajectory on secularization, see Peter E. Gordon, "Between Christian Democracy and Critical Theory: Habermas, Böckenförde, and the Dialectics of Secularization in Postwar Germany," *Social Research*. Vol. 80, No. 1 (2013).

him in one key respect. Whereas Weber thought that secular modernity brought a disenchanted world of warring gods and a deracinated morality, Habermas believes that solidarity can be rescued. His solution lies within language itself. Once rationality is understood linguistically as "communicative rationality," it contains within it a sublimated power to galvanize people to moral commitment and motivation, what he calls the "unforced force of the better argument." Even in the absence of emotive or aesthetic ties, individuals will feel bound to their norms and inspired to sacrifice for one another from resources they find within rational forms of argumentation alone.[18]

In the second part of the chapter, I argue that Habermas' basis for making this claim, the linguistification of the sacred, is in fact groundless. It fails to sublimate a religiously-derived power of commitment and motivation. Consequently, it falls flat as an effort to answer Schmitt's challenge through reason alone. Others, to be sure, have criticized Habermas on a similar score, targeting his "unrelenting proceduralism," his neglect of affect and intuition.[19] But none, to my knowledge, have sought to show what I aim to here: That the core part of his secularization thesis fails internally, by its own standards. It bites off rhetorically more than it can chew philosophically.

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[18] See for instance Habermas, *Truth and Justification*, *op. cit.*, 7.

[19] J.M Bernstein, writing about Habermas' appropriation of George Mead's idea of the "unlimited communication community," has put the argument this way: "The unbound communication community is community imagined as without bonds of solidarity; only as abstract, affectless exchangers of truth claims do we inhabit the ideal space of the unlimited communication community." *Recovering Ethical Life: Jürgen Habermas and the Future of Critical Theory* (New York: Routledge, 2005), 107. Seyla Benhabib has offered a critique of Habermas along these lines that echoes Hegel's critique of Kant: "The desirability of reason entails the rationality of desire. Reason that refuses to heed inner nature and the individual's demand for happiness and fulfillment can lose its motivating power." *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986), 324. For two further examples of this line of argument, John Dryzek, "Legitimacy and Economy in Deliberative Democracy," *Political Theory* 29(5): 651-69; and Tracy B. Strong and Frank Andreas Sposito, "Habermas' Significant Other," in *The Cambridge Companion to Habermas*. Ed. Stephen K. White (Cambridge: Cambridge University Press, 1995).

The problem lies in what is usually one of Habermas' great strengths as a thinker: his ability to creatively assimilate into his own work the content of a vast array of scholars and theoretical traditions. Thus when seeking a psychology of moral commitment and motivation, Habermas turns to Émile Durkheim's concept of the "sacred." Yet when assembling his theory of linguistification, Habermas cannot draw on Durkheim's account, for Durkheim himself offers no hint that the moral force of the "sacred," an aesthetic quality, can be fully transposed into language.[20] Confronted with this impasse, Habermas, I argue, looks instead to another thinker, one who has his own embryonic theory of linguistification but whose influence has so far been largely neglected by Habermas interpreters: Walter Benjamin.

As I show in the chapter's third part, Benjamin, in his essays on language and experience, offers a suggestive if cryptic account of how humanity's intuitive moral understanding—mimesis—migrates into language. It does so, he posits, by way of an aesthetic category, the "aura." Benjamin's aura, like Durkheim's sacred, is a kind of sui generis aesthetic quality of objects or persons.[21] When the aura is "linguistified," therefore, it matches precisely the first function Habermas assigns to language: a basic kind of social non-violence, the exclusion of all force in the process of people reaching understanding with one another. Yet the second function of language— its "binding power," the feeling of indeclinable moral commitment and the motivation to act on those commitments—is nowhere to be found in Benjamin's theory. These facets of our solidarity ultimately remain, as they do in Durkheim, products of our non-rational psyche.

[20] Durkheim, Habermas writes, cannot theoretically distinguish between "the commonality of ritual practice established via religious symbolism" and the "intersubjectivity produced by language." *TCA2*, 46.

[21] Habermas uses the language of "aura" and "the sacred" interchangeably, and at times also refers to "the aura of the sacred." *TCA2*, 49.

I argue that this leaves Habermas with two ways of salvaging his argument, neither of which he would find appealing. On the one hand, he could accept that certain facets of solidarity have an irreducibly non-rational basis, surreptitiously relying on religiously-derived forms of experience that summon our conscience and motivate our ethics. This would mean a drastic rethinking of "communicative rationality," Habermas' central ethical concept, giving it aesthetic and intuitivist foundations. On the other hand, he could concede that the promise of moral motivation from our reasoning in common—the "unforced force of the better argument"—remains stillborn. This would point us past discursive solidarity altogether, toward a new approach to Schmitt's challenge and a different solution to the puzzle of liberal solidarity.

I conclude by taking this second path. Discursive solidarity represents the most highly developed attempt to theorize the possibility of liberal solidarity through reason alone.[22] Its failure, therefore, shows that our tack must change. For if the deep structures of our commitment and motivation rest not only on pre-political, but non-rational foundations, we should not continue trying to realize solidarity through secularization. We should not doggedly seek yet another rational philosophical program. Instead, we should accept the necessity of the non-rational psyche while finding a way to avoid Schmitt's anti-liberal upshot. I thus close this chapter by taking up Benjamin's invitation to mimesis. And then I turn, in the second half of this dissertation, to a radically different method for answering Schmitt's challenge: solidarity through imitation.

[22] Questions of secularization aside, Habermas' idea of "constitutional patriotism" has attracted both critics and proponents. See for example Booth (1999), Markell (2000), Müller (2007), and Stilz (2009). Habermas himself explicitly presents "civic solidarity" as offering a replacement for pre-political forms of solidarity. Habermas [2005] 2008, 22. As J.M. Bernstein has argued, Habermas' failure to capture certain essential features of social life may result from an analogical failure: That is, by believing that a framework appropriate for legal thought could be applied, without loss, to an everyday ethical system. Bernstein 2005, 228.

THE SPECTER OF THE NON-RATIONAL PSYCHE: WEBER AND THE DANGERS OF DISENCHANTMENT

One of Habermas' enduring concerns is the possibility of normativity in modernity: Why do people feel compelled to be moral? How do they experience their obligations? What brings them to act for the sake of others?[23] His answers to these questions are grounded in his revised version of Weber's secularization narrative, that his, his account of the decline of religion in the West and its effects.[24] Here Habermas must balance two competing priorities. On the one hand, he aims to avoid Weber's picture of modernity as a kind of amoral neo-polytheism, dominated by charismatic leaders and an aestheticized politics. On the other, he wants to find resources with which to motivate individuals to live peacefully in society, diminish dependence, and feel bound by normative obligations they themselves have created or approved. The only way that Habermas believes that he can do this is by developing a theory of solidarity grounded in reason.

Habermas stresses rationality as a basis for solidarity because of two concerns about invoking the non-rational psyche: First, while *judgments* about aesthetics and like forms of non-rational experience can be subject to rational discussion, aesthetic *experiences* themselves cannot; and second, the entanglement of ethics and politics with forms of intuition, affect, and aesthetic, including especially those rooted in religion, will, he believes, inevitably threaten solidarity and dishonor the individual. By reducing our autonomy, they will increase our dependence on others; by allowing us to wallow in intellectual immaturity, they will stymie our

[23] Habmeras, it should be said, does not think that he can offer a definitive answer to the question "Why be moral?" See Rehg 1997, 172. Unlike Socrates to Thrasymachus, he does not believe that there is any response that will sway a determined ammoralist or immoralist. At the same time, he does believe that someone who believes herself to have moral obligations can be moved to discover what these are and act upon them.

[24] Here I should note that I employ secularization in a somewhat different way than I have done up until now. Previously, I have used the term in a more narrow sense to refer to a mode of doing political theory: that is, repurposing religious or theological concepts for use in profane politics or morality. In this case, however, I use it also to refer (following Weber) to a broader set of transformations not only in the realm of ideas, but also in the actual sociology of human societies.

critical faculties; and by indulging in beliefs that are beyond proof or contest, they will lead to untamed (and frequently violent) forms of interpersonal, social, and political action.

His treatment of myth offers an exemplary case. Myth, Habermas acknowledges, is a highly effective tool for securing solidarity, offering a reservoir of shared meanings capable of uniting widely-scattered groups of people. Yet it does so at a great cost. For by their very nature, myths place certain elements of social reality beyond criticism, disarming individuals of their ability to ponder and interrogate the structures of their society.[25]

One of myth's pathologies is that it fails to honor the individual: it bypasses or actively undermines human beings' critical faculties and relieves us of moral responsibility. Through myth, the task of interpreting the world ceases to be the obligation of each member of society and is placed instead under the purview of the group as a whole. The product is a "reified" world order, one that renders inaccessible to rational deliberation the sources of its own authority.[26] In this way myths foster what Durkheim refers to as a "ritual mentality": Individuals participate in ceremonies not on any thought-out basis, but "because the ancestors did," because it gives them a sense of unity, community, and connection.[27]

Another pathology of myth is that it naturalizes dependence and its byproducts: exploitation, abuse, and domination. The sociologist Peter Berger has described how this happens through his analysis of "objectification." Myths are our own creations. Yet over time, we forget this fact. And as we do, the mythic world comes to appear as "objective," that is,

[25] *TCA2*, 159

[26] Jürgen Habermas, *The Theory of Communicative Action, Vol. 1: Reason and the Rationalization of Society*, *op. cit.*, 71. Hereafter "*TCA1*."

[27] *EF*, 379-82.

unalterable, governed by fate, and a kind of "second nature."[28] The political impact of this development is plain. Elements of society that are in fact malleable, created by human beings and in principle subject to human will, present themselves instead as intractable, natural, or, most critically, uncontestable.[29] It was in this way, as Karl Polanyi has famously described, that highly historically-contingent features of capitalism came to be conceived as immutable, the market's equivalent of natural laws.[30] As this insight from Polanyi suggests, Habermas' analysis here shares Rousseau's concern about the consequences of human dependence. And it also runs very close to the classic Marxian worry about ideology, false consciousness, and social domination.[31]

Yet Habermas also has an additional worry about the non-rational psyche, one that departs from Rousseau and Marx and is directed instead at Weber. Weber's secularization theory ends in a disenchanted modernity, a moral, social, and political landscape drained of solidarity and meaning.[32] Such a world is populated by a struggle between equally groundless value systems. And within it, Enlightenment rationality has been deprived the moral role assigned to it by Kant. It has been reduced to a mere *Zweckrationalität*: purposive or instrumental rationality.[33] For Habermas, the political consequences of this are dire. For where

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[28] Berger [1967] 1969, 3-29, *TCA2*, 173, cf. *TCA1*, 71.

[29] *TCA2*, 189. As Habermas elaborates, "Mythical worldviews prevent us from categorically uncoupling nature and culture, not only through conceptually mixing the objective and social worlds but also through reifying the linguistic worldview. As a result the concept of the world is dogmatically invested with a specific content that is withdrawn from rational discussion and thus from criticism." *TCA2*, 51.

[30] Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston: Beacon Press, [1944] 2001), 75.

[31] This is most clear in Habermas' polite but firm dismissal, in the *Theory of Communicative Action*, of all theological and metaphysical frameworks as irredeemably laden with ideological baggage. TCA2, 189.

[32] *TCA2*, 324.

[33] *TCA1*, 143.

values cannot be rationally chosen, politics becomes little more than a sphere of Schmittian decision and power, where right and wrong are, at base, separated by nothing more than the sovereign's arbitrary decisions and personal magnetism.[34] Here Habermas' concern is not only the failure of Enlightenment emancipation. The threat is a full retrogression of humanity, a descent into the irrational and instinctive.[35]

Looming over this apprehension is the shadow of the Holocaust and what Adorno and Horkheimer had termed, in their description of Hitler, the "mimesis of mimesis," a kind of non-rational imitation of the primitive that leaves people in the thrall of crowds, encouraging a herd mentality and an abandonment of moral responsibility.[36] Habermas is worried that the form of charismatic leadership proposed by Weber encourages precisely these kinds of aesthetic and emotive forms of solidarity, the "rapturous transcendence of the subject" in the social whole.[37] While in a traditional setting, he writes, religious-like feelings of enthusiasm may serve ideological functions, they are nevertheless relatively contained, hemmed in by established social structures and regulations. But "when God is dead, the religious mode becomes monstrous."[38] By aestheticizing a foundationless politics, such non-rationalism risks far more dangerous forms of behavior, a new barbarism uncoupled from any restraints.

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[34] *TCA1*, 246, 349.

[35] Habermas explicitly associates this move with Heidegger. *TCA1*, 390.

[36] Adorno and Horkheimer [1947] 2007, 152.

[37] Habermas [1985] 1998, 309. Such a concern also animates Habermas' attack on post-modern theorists—including Bataille, Deleuze, Derrida, and Foucault—whom he regards as having abandoned the project of Enlightenment rationality. See also "Modernity—An Unfinished Project," in Habermas and the Unfinished Project of Modernity: Critical Essays on The Philosophical of Modernity, ed. Maurizio Passerin d'Entrèves and Seyla Benhabib (Cambridge: MIT Press, [1980] 1997), 50.

[38] Strong and Sposito 1995, 267.

HONORING THE INDIVIDUAL: HABERMAS' TURN TO LANGUAGE

Habermas responds to Weber with a new secularization theory, navigating a narrow passage between the Scylla of a disenchanted world bereft of solidarity and the Charybdis of a relapse into the non-rational.[39] Such a theory has several difficult tasks: It must honor the individual by restoring her critical faculties and moral responsibility; diminish dependence on a macro-scale by providing a normative framework that reflects the interests of society in general rather than specific classes; diminish dependence on a micro-scale by cultivating ethical relations between persons; and answer Schmitt's challenge, providing for sources of commitment and motivation without sourcing them in the non-rational psyche or couching them in a mythic form. I treat the first two of these in this section, turning to the latter to in the sections to follow.

Habermas sets out to accomplish these tasks by turning to language itself. As the cultic life of human communities came increasingly to depend on language for generational continuity, he argues, individuals became interested not only in participating in ritual but in understanding its nature and function.[40] Thus over time, norms governing human community moved from being implicit, unarticulated, and embedded in ceremonial contexts, to being explicit, articulated in language, and abstracted from collective practices.

According to Habermas, this growing prominence of language catalyzed two important changes in the normative life of human communities. First, it became possible for interlocutors to distinguish far more carefully between different forms of action. In particular, they could divide between actions directed toward accomplishing *goals* and actions undertaken to bring

[39] Habermas thus defines his political task in part as specifying the "cognitive presuppositions that must be fulfilled if civic solidarity is to function effectively." [2005] 2008, 6. He insists, against Weber, on the possibility of this maneuver: "Neither the secularization of worldviews nor the structural differentiation of society has unavoidable pathological side effects per se." *TCA2*, 330. For more on Habermas and Weber, see Steven Lukes, "Of Gods and Demons: Habermas and Practical Reason," in *Habermas: Critical Debates*, ed. John B. Thompson and David Held (Cambridge,: MIT Press, 1982).

[40] *TCA2*, 191.

about *mutual understanding* between individuals. A space was thus opened up for a new kind of communication, one divorced from the mere attainment of ends and directed instead solely toward non-violent sociality.[41] I return to this idea, which is crucial for Habermas' response to Weber, below. A second change affected the human experience of normativity itself. For once norms could be expressed in language, they could be identified, critically examined, and even contested.[42] They were made accessible to human reason, subject to evaluation for their legitimacy and internal consistency.

Most important to this latter development was the rise of what Habermas terms "criticizable validity claims." A validity claim is how an institution or practice expresses its claim to legitimacy.[43] In a pre-modern context, the statement "the king rules because of God's decree" is an example of a validity claim. What makes a validity claim "criticizable" is the manner in which it grounds its own authority. Thus in our example, an appeal is made to a theory of political legitimacy—divine right—whose theological basis insulates it from appraisal and critique. A genuinely criticizable validity claim, by contrast, would be open to challenge on the basis of reasons by all persons affected by the claim.[44] While the kinds of reasons that are taken to be valid may vary by society, Habermas assumes that in a post-metaphysical age, individuals will look primarily to their interests—both individual and societal—for formulating reasons.

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[41] Ritual practice itself, Habermas notes, is defined precisely by the fact that it does *not* separate purposive action and action directed to understanding: "At the heart of the sacred realm is ritual practice, which stands and falls with the interweaving of purposive activity and communication." The function of language, then, is to "break up" the unity of the different domains of action that cult practice melds together. TCA2, 193. For an alternative view, see Mary Douglas's *Purity and Danger*, *op. cit*., 69.

[42] In Habermas' own language, this process "releases the rationality potential immanent in communicative action." *TCA2*, 180.

[43] *TCA1*, 38.

[44] *TCA1*, 7-22.

In this respect, validity claims only become criticizable when norms assume a particular form, that is, as *rules*.[45] Rules are general, known and contestable; they admit of rational inquiry and modification; and they provide a yardstick against which individuals can be evaluated for their social competence. Only rules, therefore, not unspoken rites or practices, can admit of criticizable validity claims.[46] And only rules, subject to public deliberation, can effectively embody the interests of society's members.[47]

This innovation—rule following on the basis of criticizable validity claims—allows Habermas to accomplish two of his four tasks in saving secularization from Weberian calamity.

First, rules help to honor the individual, reconciling our critical faculties with the kind of basic normative structure necessary for securing solidarity. When all features of social reality can, in principle, be expressed in a form that is general and contestable, institutions and ideas cease to present themselves as objectified, natural, or immutable. While society continues to exercise constraints on individual agency, those constraints are understood by society's members to have been their own creation. In this way, criticizable validity claims produce something like the phenomenology of Hegel's citizen—a feeling of being at home in one's social and political world—without relying on his discredited metaphysics and historicism.[48]

The rule-form also helps Habermas to accomplish his second task: diminishing dependence on a macro-scale. For if norms are, in fact, produced by individuals in society

[45] *TCA2*, 18.

[46] *TCA1*, 106, 287. Any rule raised in deliberation can, in principle, be either accepted or rejected on the basis of reasons.

[47] *TCA2*, 37.

[48] In places, Habermas makes plain his deep debt to Hegel, even as he criticizes the implicit Hegelianism of his predecessors, particularly Adorno. Thus towards the end of the first volume of *The Theory of Communicative Action*, he indicates that his aim is to specify the conditions under which the utopian project of reconciliation without totality or distortion, as proposed by Adorno and Horkheimer, could be preserved or even realized. *TCA1*, 398. Toward the end of the work's second volume, he notes that such a task requires critical theory to extricate itself from any commitment to the philosophy of history. *TCA2*, 397, cf. 382.

deliberating in conditions of open and uncoerced dialogue, then they will also reflect the actual interests of those individuals.[49] No longer blinded by myth or ideology, human beings will determine pragmatically how best to organize their moral and political lives.

SECURING SOLIDARITY: THE EXCLUSION OF FORCE AND THE UNFORCED FORCE

Yet two tasks remain unfinished: how to diminish dependence in our micro-scale relations with other people; and how to secure solidarity by rescuing moral commitment and motivation from disenchantment. To accomplish both of them, Habermas turns to features of language itself.

The first of these features is a means for draining dependence from our everyday relationships with others, what Habermas calls the "exclusion of all force." For society to exist at all, persons must have the expectation that they will be able to interact non-coercively with neighbors and strangers. In one sense, this is primarily the responsibility of the state and its legal apparatus. But Habermas insists that it is equally a task for ordinary persons. The reason is that social violence, in his view, should be understood not only as referring to the use of physical force. It apples equally to a mode of approaching others in which one seeks to make another dependent on her will. Such a mode might include, for example, seeing another as a mere instrument for securing one's needs; dominating that other in order to accumulate power; or forcing that other into silence, suppressing her ability to express her interests. Habermas has no illusions that such forms of interpersonal dependence will be eliminated entirely.[50] What he does

[49] Habermas works out the details of his discourse-ethics in *Moral Consciousness and Communicative Action,* trans. Christian Lenhardt and Shierry Weber Nicholsen (Cambridge: MIT Press, [1983] 1990).

[50] As Rehg notes, Habermas is not proposing a kind of linguistic version of the Kantian "Kingdom of Ends," a utopian regulative ideal for solidarity based on reason. His aspirations are more practical: a society in which values and norms are subject to free, open-ended, and pragmatic processes of deliberation (but still binding). "Discourse Ethics," in *Jürgen Habermas: Key Concepts*, ed. Barbara Fultner (Durham, UK: Acumen, 2011), 137.

believe is that the preponderance of our social interactions should be conducted under conditions of non-dependence.

To envision how this might be achievable, he reconceives of the purpose of communication itself. Language, for Habermas, is not merely about transmitting information. It is just as critically about creating and sustaining relationships. Speech, he suggests, has a kind of "double structure": a person who enters into dialogue with another is simultaneously transmitting the overt meanings of her words and weaving a thread of non-dependence with her interlocutor.[51] Traveling along this thread is both the propositional content of speech and what Giorgio Agamben has referred to as a kind of "pure communicability," a universal core of sociality that disarms our fears and enables our lives together.[52] Language draws upon a "mysterious power of intersubjectivity," one that can "unite disparate elements without eliminating the differences between them."[53]

Habermas refers to this latter function of speech as "reaching understanding" [*Verständigung*] and clarifies its meaning through two conceptual distinctions. On the one hand, to reach understanding means acting with, not upon, another. Rather than one person seeking to exert influence over another and so make her bound and dependent, understanding is something created in common. On the other hand, Habermas wants to sharply distinguish the kind of solidarity brought about by understanding from that produced pre-discursively and instinctively, what he refers to derisively as a "collective like-mindedness" [*Gleichgestimmtheit*]. While the former admits of critical reflection, modification, and "rationally motivated assent"

[51] Habermas [1976] 1998, 63-75.

[52] "Pure communicability" is Georgio Agamben's phrase from *Means without End: Notes on Politics* (Minneapolis: University of Minnesota Press, 2000), 94-5.

[53] Jürgen Habermas, *On the Pragmatics of Communication*, ed. Maeve Cook (Cambridge: MIT Press, [1981] 1988), 21.

[*Zustimmung*], the latter operates in a mythic mode, veiling relations of power and insulating itself from critique.[54] The genuine "exclusion of all force," therefore, requires that dependence be expunged, to the greatest degree possible, from even this micro-level of social interaction. By generating understanding, language itself creates the conditions for moral and political deliberation. And understanding, in this respect, is "the inherent telos of the human language."[55]

Yet even with force excluded, the task of securing solidarity remains incomplete. Reducing small acts of dependence is one thing; motivating individuals to adhere to their normative commitments is another. For even if people live under norms that they have themselves made, and even if these norms reflect the interests of the people who made them, what guarantees that people will actually *act* on them? What will inspire them? It is true that individuals in a post-metaphysical world assent to follow norms not out of obeisance to "blind tradition" or an objectified theology, but because those norms reflect their actual interests.[56] Such acting on interests, as we have seen, is in fact necessary for theoretically reconciling honoring the individual with securing solidarity. The alterative is a relapse into a mythic world characterized by false-consciousness and social dependence on a large scale. But placing so much weight on individual interests also creates a problem. A norm, by its very nature, comes in a form—a rule—that is generalizable, and once enacted tends to be stable over time. Individual interests, by contrast, are particular and fickle.

Thus the problem: If a person commits to a norm merely because it reflects her interests, what reason will she have to continue obeying that norm when it is no longer in her interest to do so? Why not deviate? Habermas refers to this problem through the metaphor of "binding":

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[54] *TCA1*, 286-7, 340.

[55] Habermas [1981] 1988), 120.

[56] *TCA2*, 327.

> From the point of view of communication theory, the problem looks as follows: how can ego bind alter by a speech act in such a way that alter's actions can be linked, without conflict, to ego's so as to constitute a cooperative interrelation?[57]

At the legal and political level the answer to this question is more straightforward, for there, at least, rules will be backed by the coercive power of the state. But Habermas holds that norm-construction is not only a legal but also—even primarily—a moral endeavor. And he repeatedly insists that even with regard to legal norms, persons should be moved to normative commitment and motivation not only out of the fear of punishment, but for reasons internal to rationality itself.[58]

He terms this quality of rationality the "unforced force of the better argument": Without any threat of coercion, individuals will feel an inner obligation to act on the rules they have made for themselves, in the collective interest, even when such rules fail at the present moment to serve *their own* interests, and indeed, may require *sacrificing* those interests.[59] To be clear, Habermas does not deny that non-rational motives often practically *do* play a role in inspiring us to follow norms. His argument is that they should not be *necessary* for normative commitment and motivation.[60]

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[57] *TCA2*, 26.

[58] *TCA1*, 301, cf. *TCA2*, 279.

[59] In his earlier work *Knowledge and Human Interests*, Habermas had put this idea in almost Hegelian terms: "In reason there is an inherent drive to realize reason." *Knowledge and Human Interests*, trans. Jeremy J. Shapiro (Boston: Beacon Press, [1968] 1971), 201. Along these lines, J.M. Bernstein has suggested that the "linguistification of the sacred" reflects a kind of rewriting of Hegel's ethics, divested of "Geist" and its accompanying metaphysical baggage. Bernstein 2005, 92.

[60] It is true that Habermas, at times, notes that post-metaphysical morality suffers from a motivational disadvantage. See for example *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge, MA: MIT Press, [1992] 1998), 114-6. And he does occasionally touch upon non-rationalist motivations for action, as, for example, in discussing art. See "Questions and Counterquestions," in *Habermas and Modernity*, ed Richard J. Bernstein (Cambridge, MA: MIT Press, 1985), 202.

Taken together, the "exclusion of force" and the "unforced force" allow Habermas to accomplish the two remaining tasks raised by his revision of Weber: how to diminish dependence in our micro-scale relations with one another; and how to secure solidarity, that is, how to find the sources, within reason alone, for our normative commitment and motivation.

Yet concepts are not proofs. How can language itself diminish dependence between persons? And how can we retain our commit to following a norm, of our own creation, when it is not in our interest, from rationality alone? Habermas answers these questions by turning to Durkheim, the sociology of religion, and the centerpiece of his revised secularization narrative: the "linguistification of the sacred."

THE LINGUISTIFICATION OF THE SACRED

The linguistification of the sacred is what allows Habermas to diminish dependence and secure solidarity through our discursive relations. In this new secularization narrative, two of solidarity's requisite features—a non-dominating intersubjectivity and a binding form of moral commitment and motivation—migrate from the realm of the "sacred," an aesthetic quality, into the structures of language itself.[61] What this means is that there are in effect not one but *two* facets to linguistification in Habermas' theory, something that has so far been overlooked by scholars.[62]

In Durkheim, Habermas finds another theorist concerned with securing solidarity, with the puzzle of how moral norms come to be experienced as obligatory and what practically

[61] Habermas very explicitly divides the conditions of possibility of solidarity into two components: "intersubjective recognition of existing norms" and "norm-conformative motives for action." See e.g. *TCA2*, 63.

[62] This is the case, for example, in the otherwise illuminating collection of essays *Habermas and Religion*, *op. cit*.

inspires us to act on them.[63] Durkheim's answer lies in a kind of aesthetic and sociological rendering of Kant's rationalist ethics: certain rules exert moral influence not by virtue of any instrumental *end* that they accomplish, but on the basis of their *intrinsic authority*. Like Kantian "duties," such rules "forbid simply because they are forbidden."[64] Normative rules of this kind, Habermas is careful to point out, operate on the self not primarily by inducing fear of physical or social sanction. They function instead by cutting far into our psyche, carving out a space so deep that their origins (and human fabrication) are forgotten. So situated, their transgression comes to appear as intrinsically wrong, a violation not of any particular thing or person, but of rightness itself, of some fundamental, even cosmological quality. This, for Durkheim, is the force of *le sacré*, the sacred, a concept that structures humanity's most archaic—and potent—sense of normativity.[65] Our experience of the sacred—instantiated in objects, persons, and events—is, according to Durkheim, what galvanizes us to transcend our egoism and act for the sake of the community.[66]

Habermas, consistent in his use of metaphor, refers to this facet of the sacred as its "binding power" [*bindinde Kraft*] and seeks to appropriate it for his own attempt at securing solidarity.[67] But in place of Durkheim's sociological Kantianism, Habermas offers what he calls a "linguistic Kantianism." His discourse theory of solidarity, he argues, is designed to show how speech acts themselves can produce a "socially integrating and binding force," one which

[63] Habermas, it should be noted, also turns to Durkheim in order add a social dimensions to the theory of development he appropriates from George Mead. While Mead offers a compelling account of individual development, he does not, according to Habermas, account for the impact of prior, society-wide social structures. Durkheim, therefore, is brought in to "close the phylogenetic gaps in Mead's construction." *TCA2*, 53.

[64] *TCA2*, 48.

[65] *TCA2*, 46.

[66] *EF*, 417.

[67] See Habermas' essay "Actions, Speech Acts, Linguistically Mediated Interactions, and the Lifeworld." [1981] 1988, 223.

induces a "rationally motivated stance" among participants. And so—critically—neither Kantian spontaneity nor the Durkheimian sacred must be invoked for moral commitment and motivation.[68] "Criticiziable validity claims" alone will be sufficient:

> The linguistic medium of reaching understanding gains the power to *bind* the will of responsible actors. Ego can exercise this illocutionary power on alter when both are in a position to orient their actions to validity claims.[69]

Here Habermas takes up his critique of Weber. Because Weber saw in modernity only warring gods, only a "pluralism of incompatible validity claims," he failed to grasp that rationality also has a kind of "binding power." Such a binding is made possible, Habermas continues, through a process of "argumentative redemption," through a "release" of language's "rationality potential."[70] We feel the force of obligation, in other words, through the very process of critique, in "criticizable validity claims" themselves.[71]

The role played by the "the sacred," "binding power," and "criticizable validity claims" in securing solidarity combine in the linguistification of the sacred. Habermas introduces this process in the second volume of the *Theory of Communicative Action*:

> The aura of rapture and terror that emanates from the sacred, the *spellbinding* power of the holy, is sublimated into the *binding/bonding* force of criticizable validity claims and at the same time turned into an everyday occurrence.[72]

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[68] Habermas [1999] 2003, 7.

[69] *TCA2*, 27.

[70] *TCA2*, 46.

[71] *TCA1*, 249. Elsewhere, Habermas extends this critique to include not only Weber, but also Marx, Adorno, and Horkheimer. While all of these thinkers, he writes, had a "vague notion of an encompassing societal rationality," they failed to explain—as Habermas himself believes he does—its meaning and implications. *TCA1*, 144.

[72] *TCA2*, 77.

In Habermas' description, the ineluctable moral power inspired by the sacred—an aesthetic, "auratic" quality projected onto objects—comes to be replicated within language itself. What was a product of ritualized behavior, of the "noncoercive, unifying power of collectively shared convictions," becomes instead the outgrowth of our reasoning in common.[73] The pressing feeling of obligation, our commitment to follow norms, our motivation to sacrifice our interests: all of these, according to Habermas, are reproduced in the argumentative process itself.[74]

Language thus not only conveys, but actually produces its own imperatives. It operates in what he refers to in technical terms as its "illocutionary" force or meaning:

> Validity claims are internally connected with reasons and grounds. To this extent, the conditions for the acceptability of directions can be found in *the illocutionary meaning of the speech act itself*; *they do not need to be completed by additional conditions of sanction.*[75]

At the conclusion of deliberation, when all claims have been made, contested, refined, and tabulated, participants not only recognize the winning side. They will feel *compelled to act* on those norms.[76] And theirs will be a purely "rational motivation," elicited without recourse to violence, metaphysics, or the nimbus of the sacred.[77]

Since its appearance, Habermas' discursive model of solidarity has enjoyed widespread appeal, and for good reason: If defensible, it would resolve the puzzle of liberal solidarity for a secular age. And by articulating a theory of moral commitment and motivation grounded in reason alone, it would also offer a rationalist answer to Schmitt's challenge. It would secure

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[73] *TCA2*, 30-1, 301.

[74] *TCA1*, 301-2.

[75] *TCA1*, 301-2, my emphasis.

[76] *TCA2*, 107, 289.

[77] *TCA1*, 278.

solidarity without recourse to the non-rational psyche. Via Habermas new version of secularization as linguistification, it would rescue the normative force of the sacred without reproducing its mythic and cultic excesses. Taken together, the "exclusion of force" and the "unforced force" would permit us to face Weberian disenchantment head-on, without fear of its concomitant decline of solidarity. Through the properties of language, modernity could "create its normativity out of itself."[78] Put another way, we would not need to worry that liberal democracy is living off of "borrowed capital," nourishing itself on implicit metaphysical and theological resources that it cannot itself produce.[79] In this way, as Perry Anderson has suggested, "language" in Habermas becomes "not merely the hallmark of humanity as such," but "the promissory note of democracy."[80] Or to use Habermas' own metaphor of choice: Through communicative action, modern ethics would be able stand on its own two feet.[81]

DURKHEIM'S PSYCHOLOGY OF THE SACRED

But *is* Habermas' account defensible? By what mechanism, exactly, do features of language inherit the aesthetic moral force of the sacred? Is it even possible for a quality of religious experience to migrate into quality of discursive experience? And if it could, would it maintain its psychological impact? Simply put, does "linguistification" succeed?

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[78] Habermas [1985] 1998, 7.

[79] Versions of this argument have been advanced by H. Richard Niebuhr and Mircea Eliade, among others. Niebuhr, *The Kingdom of God in America* (New York: Harper, 1937); Eliade, *The Sacred and the Profane: The Nature of Religion*, trans. Willard R. Trask (New York: Harper, [1957] 1959), 203-13.

[80] Perry Anderson, *In the Tracks of Historical Materialism* (London: Verso, 1983), 63.

[81] "To the extent that the validity basis of action oriented to reaching understanding replaces the sacred bases of social interaction, there appears the form of a posttraditional everyday communication that stands on its own feet." Cited in Thomas McCarthy, "Translator's Introduction," in *The Theory of Communicative Action, Vol.1*, *op. cit.*, xxxvi.

I develop answers to these questions in the remainder of this chapter. I begin by examining the moral psychology Habermas seeks to appropriate, investigating Durkheim's description of the "sacred" in his *Elementary Forms of Religious Life*. Durkheim, I argue, formulates the concept of the sacred in order to respond to an aporia in Kant's moral philosophy. Kant's system, as we have seen, offers a powerful framework for living the moral life; yet according to Durkheim, it fails to adequately show *why* a person should be moral. In response, Durkheim offers a sociological account that reintegrates moral meaning with moral commitment and motivation, demonstrating the ineligible role played by our non-rational experience of the sacred for securing solidarity. At the center of this account is one feature of the sacred itself: the "aura," a sui generis quality of an object or person that merges its aesthetic and ethical elements. The aura is what lends the sacred its motivating force, its power to obligate, bind, connect, and inspire. It is the aura, above all, whose characteristics Habermas seeks to render into language. Yet as I argue further on, it is unclear whether the theory Habermas relies upon for this procedure—pieced together from Walter Benjamin's writings on language and experience—is up to the task.

Durkheim writes as a sociologist, but among his stated aims in *Elementary Forms* is to intervene in a philosophical debate over the basic structures of human cognition. And his target, above all, is the Kantian system. Where Kant understood our basic categories of experience as shared between all human beings, Durkheim stresses their origins in social—and especially religious—life.[82]

One outcome of this change is that human experience itself, in Durkheim, becomes radically indeterminate and multifarious. The basic features of morality, including the structure

[82] *EF*, 9.

and content of our obligations, and the elementary forms of perception, including time, space, causation, number, and personhood, can vary from society to society.[83]

A second outcome is in some respects even more radical. For Kant, the universal, stable, and systematized nature of our cognition mean that it is possible to divide analytically between different domains of human affairs. Consequently, one of these domains could, at least in principle, be singled out and modified without necessarily affecting the others. For Durkheim, by contrast, the opposite is the case: If society shapes us all the way down, it also shapes every part of our lives simultaneously. And so splitting the human condition into different domains, as Kant does, is artificial and specious.

Such a split, Durkheim argues, is in fact responsible for a fundamental aporia in Kant's mature moral theory: the philosopher's inability to answer the question "Why be moral?" In *Religion within the Boundaries of Mere Reason*, Kant himself comes close to admitting failure on this score. Being moral, for Kant, means acting according to a moral maxim. But the choice of *which* maxim to follow is not, he insists, something we can derive from the maxim itself without risking a kind of infinite regress:

> That the first subjective ground of the adoption of moral maxims is inscrutable can be seen provisionally from this: Since the adoption is free, its ground (e.g., why I have adopted an evil maxim and not a good one instead) must not be sought in any incentive of nature, but always again in a maxim; and, since any such maxim must have its ground as well, yet apart from a maxim no determining ground of the free power of choice ought to, or can, be adduced, we are endlessly referred back in the series of subjective determining grounds, without ever being able to come to the first ground.[84]

Kant, as we have seen, answers this conundrum through his concept of spontaneity: Without knowing how or why, we decide whether to adopt moral maxims with absolute freedom. The

[83] Durkheim writes that categories of experience "translate states of the collectivity," and thus that our access to reality is mediated by our religious life. *EF*, 15, 238.

[84] *Religion within the Boundaries of Mere Reason*, *op. cit.*, 6:22n, p. 47.

reason why we cannot ascertain the "ground" of our moral choice [*Willkür*] is because it exists in a transcendental realm, one by definition inaccessible to rational inquiry and evaluation. According to Durkheim, however, this appeal to the transcendental signals a major failure on the part of Kant to grasp the essence of human morality. To the ethically indifferent, the mere existence of our quasi-divine spontaneity will have no appeal. Morality will seem as little more than a series of formal rules, barren of meaning and authority. It will lack *force*, the power to inspire a person to act, to bind her to duty, to spur her to transcend her egoism and sacrifice for others. For Durkheim, therefore, Kant's thought implies something untenable: That the *meaning* of what is moral can be divorced from the *motivation* to be moral.

Durkheim was hardly the only thinker to criticize Kant's ethics for its abstraction and detachment from concrete ethical life. Such a critique can be traced to the earliest Kantian reception, and, in particular, to Hegel. Yet Durkheim's thought departs from Hegel and others in *where* it searches for an answer. Rather than attempt to retain, if not the primacy of the rational self, then at least the cogency of an idealized "Reason," Durkheim dives into the depths of the non-rational psyche, to our experience of the aesthetic, mimetic, symbolic, and numinous. Habermas himself directs us toward this key facet of Durkheim's account (again invoking his metaphor of "binding"):

> [Durkheim's] sacred arouses the same ambivalent attitude as moral authority, for it is surrounded with an aura that simultaneously frightens and attracts, terrorizes and enchants....The sacred produces and stabilizes just the ambivalence that is characteristic of the feeling of moral obligation....In the last analysis moral rules get their binding power [*bindinde Kraft*] from the sphere of the sacred; this explains the fact that moral commands are obeyed without being linked to external sanctions.[85]

In this way, Durkheim's solution to the perceived aporia in Kant is to offer a holistic portrait of moral life and solidarity, reintegrating normative philosophy with moral psychology. To do this,

[85] *TCA2*, 49

as Habermas notes, Durkheim culls from the sacred's most potent but also most enigmatic quality: the "aura."

The "aura" is the key innovation of Durkheim's religious psychology, explaining how sacred things acquire and project their morally binding power. Human beings, for Durkheim, are endowed with a unique cognitive ability. Whereas other creatures merely navigate the world as it is given, our species is capable of building upon that world, projecting an aesthetic onto objects, persons, institutions, or events that does not adhere in them naturally.[86] This aesthetic is the "aura," and for Durkheim, it is the sensory gateway to the sacred.[87] "What defines the sacred," he writes, "is that the sacred is added to the real."[88] But just as myths, according to Berger, shed their human origins and come to appear to their creators in an "objectified" fashion, so too do sacred objects. Though an object's aura was originally imprinted by us and "superimposed upon nature," this fact is forgotten.[89]

The social and moral consequences of this amnesia are dramatic. For it is the object's very foreignness—its distance and unapproachability—that allows it to penetrate deep into the human psyche, to orchestrate our thoughts and animate our actions. Swathed in aura, a sacred thing comes to appear us fully removed from all profane being, as "separate" and "set apart," yet at the same time an object of desire, something thought-about, longed-after, even loved.[90] It becomes simultaneously a source of reverence and gratitude, as well as fear, horror, and dread. In this sense, then, Durkheim seems to be reproducing in aesthetic terms the delicate balance of

[86] *EF*, 424.

[87] *EF*, 125.

[88] *EF*, 424.

[89] *EF*, 230. Durkheim himself also uses the language of "objectification" here.

[90] *EF*, 303.

desirable moral qualities described by Kant at the conclusion of his *Metaphysics of Morals*: love and respect, that which draws us to sacrifice for another and that which erects a boundary to treating her as a mere means.[91]

Yet here too Durkheim departs from his predecessor, and in a revealing manner. Durkheim, as we have seen, rejects the Kantian idea that elements of our cognition can be strictly separated from one another. Consequently, the awe we experience at encountering a holy object or the repugnance we feel at its admixture with the profane does not stay confined to the realm of sensory judgment. These sensations collapse mental boundaries, flowing into all corners of our experience. Sacred and profane come within the mind to be divided not only by an aesthetic sensibility but by a moral disjuncture, a social taboo, even a "logical void."[92] So conceived, the sacred object confronts us as totally other, a beyond that admits of neither trespass nor full comprehension. In a word, it binds us—not only our senses, but our ethics.

It is precisely this experience of radical otherness—the aura that adheres the sacred—that allows Durkheim to resolve what he sees as the aporia in Kant's moral philosophy. For such an aura is found not only in ritual objects, but also, and critically, in social norms. Through the psychology of the sacred, society exerts a kind of normative causality on its members, a "moral force" that induces persons almost ineluctably to behave in certain ways. When a norm is imbued with such an auratic quality, he writes, it has the power to motivate because it is "endowed with an authority that binds the intellect *and goes beyond the intellect*; in other words, the intellect is not its creator."[93] Though a norm, like any other sacred object, is in fact a product of the human mind, this too is forgotten. So detached, it ricochets back upon our perception,

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[91] Immanuel Kant, *The Metaphysics of Morals*, *op. cit.*, p. 230.

[92] *EF*, 38. For more on Durkheim's analysis of "taboo," see *EF* 304-5.

[93] *EF*, 371, emphasis mine.

coming upon us from above and directing our communal lives and moral conduct. Its very separateness gives the norm its "force":

> Collective representations often impute to the things to which they refer properties that do not exist in them in any form or to any degree whatsover. From the most commonplace object, they can make a sacred and very powerful being. However, even though purely ideal, the powers thereby conferred on that object behave *as if they were real.* They determine man's conduct with the same necessity as physical force.[94]

This moral "force"—what Durkheim calls the "fount of all that is religious"—permits him to offer his alternative to Kant's moral philosophy.[95] Cloaking itself in impenetrable distance and otherness, the aura offers a social and aesthetic basis for the feelings of "duty" and indeclinable "imperative" that Kant could only explain haphazardly, by referring to the "good will" of individuals.[96] It nourishes us, pushing us through "restraints, privations, and sacrifices." It motivates us, allowing us to act categorically, "irrespective of any utilitarian calculation of helpful or harmful results." And it binds us, stifling our passions and instincts, silencing our interests, bending our will to the moral law.[97] In short, it is a norm's aura that lends it its psychological potency.

THE AURA AND MIMESIS

Durkheim's sacred comes with costs and caveats, however. For injecting the it into moral life risks reproducing the non-rational pysche's threats to solidarity. And relying on its

[94] *EF*, 229, emphasis mine.

[95] *EF*, 202, 205-6. Durkheim notes here that the concept of "force," while originating in religious contexts, has come historically to have a "secular aspect" as well. Indeed he argues that the same concept of force can be found in philosophy and science, and in this sense, both fields retain a kind of theological residue. *EF*, 205-6.

[96] *EF*, 192. See Immanuel Kant, *Groundwork of the Metaphysics*, *op. cit.*

[97] *EF*, 209.

aura in particular also means culling from another, distinct category of religious experience: mimesis.

The potential threat of Durkheim's sacred we have already seen in Habermas' analysis of myth: A sacred object, like a myth, may perform ideological functions. Its very qualities of radical distance and detachment immunize it against human modification or control, and so, potentially, from reflecting the genuine interests of its adherents. Sacred things—including sacred norms—thus risk serving radically anti-democratic ends, doubling as tools for calcifying social dependence and domination.

A second proviso of Durkheim's moral psychology is more novel and has to do with how the sacred manifests in our actual experience of social life. For Durkheim, as we have seen, social norms themselves acquire a quality of the sacred, an "aura" that imbues them with a binding power. But to this he adds an important qualification: To obtain an aura, norms must be instantiated in concrete objects and institutions. In other words, a norm can only motivate conduct when it operates through a tangible locus, a person, thing or symbol around which individuals in a society can orient:

> Religious force is none other than the feeling that the collectivity inspires in its members, but projected outside the minds that experience them, and objectified. To become objectified, it fixes on a thing that thereby becomes sacred; any object can play this role.[98]

Feelings of commitment and motivation, Durkheim insists, do not arise in a vacuum. A person only becomes capable of true self-transcendence when such feelings are channeled into material things, when they go through a process of "settling upon external objects."[99] One

[98] *EF*, 230.

[99] *EF*, 421.

straightforward example of this process is a symbol, like a totem or ritual object.[100] Thus when we speak of someone pledging allegiance—or dying—"for the flag," it is not the flag itself to which we are referring but rather its symbolic content. The flag embodies that individual's solidarity with her community.

Durkheim emphasizes, however, that far more important than our semiotic encounters are our actual experiences with other people. Indeed it is through person-to-person relations alone, he insists, that solidarity itself really becomes possible. In part, Durkheim here is alluding to a kind of general human fondness for companionship and the physical presence of others—what Nietzsche, in his nihilistic portrait of history's end, referred to derisively as our need for "warmth" and neighborliness.[101] But in the main, Durkheim is making a far more original point about the psychology governing our commitment to others. Ritual assembly together may be pleasurable, but ultimately pleasure is not what it is after. Its aim instead is deeply pragmatic, tied to the core normative life of the community. In his study he describes the myriad forms such cultic and collective life can take. Yet one stands out for the potency of its psychological effects, and in particular, for its ethical impact, its ability to completely "remake [our] moral being."[102] Durkheim refers to this form by its central activity, a kind of collective imitation of persons, animals, and objects: mimesis.

Not only do so-called "mimetic rites" make human community possible; the manner in which they do coincides precisely with the two features of solidarity that Habermas seeks to

[100] *EF*, 220-232, cf. *TCA2*, 55. In his analysis of Aboriginal Australian religious life, Durkheim devotes special attention to the "churinga," a ritual object, and the "ertnatulunga," the special place where they are kept. To get a sense of their meaning—and of the function of a sacred object in general—he compares the role of the latter to the "Holy Ark" in Judaism, an idea that I return to in chapter six. *EF*, 118-124.

[101] See e.g. *EF*, 217-221. The Nietzsche citation is from "Thus Spoke Zarathustra," in *The Portable Nietzsche*, *op. cit.*, 129.

[102] *EF*, 363.

"linguistify." To begin with, mimesis encourages the cultivation of meaningful relations between persons that diminish dependence (what Habermas referred to as the "exclusion of force" through process of "reaching understanding" [*Verständigung*]). "Individual minds," Durkheim writes of shared cultic life, "can meet and commune only if they come outside themselves, but they can do this only by means of movement."[103] Through mimetic experiences, persons develop a pre-conscious awareness of the "internal connections that exist between things," including persons.[104] In this way, mimesis elicits a kind of "mystical sympathy," a powerful but indefinable sense of solidarity.[105]

At the same time, these amorphous feelings of "moral unity" are joined to a second product of mimesis, one that not only disbars violence but irrevocably binds participants in their normative behavior. This is the root of Habermas' "unforced force," the feeling of categorical obligation that commits us to norms and motivates us to follow them. For it is only through the mimetic rites themselves that norms come to assume their sacred quality. When members of a community are apart, Durkheim writes, they occupy themselves with the banalities of economic life, with the acquisition of sustenance and mere survival. They begin to lose sight of their professed convictions. But upon assembling—for ceremonies, feasts, or funerals—they again become cognizant of these convictions. In the performance of ritual life, people not only restore their moral ties with one another, but the *moral standards themselves*, their "beliefs held in common," the "collective ideal" of their society.[106]

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[103] *EF*, 232.

[104] *EF*, 239.

[105] *EF*, 150.

[106] *EF*, 352.

Put another way, it is through mimesis that sacred things—and sacred norms in particular—obtain their *aura*. Though religious traditions are often structured around a creed, Durkheim notes, their power to secure our commitment and inspire us to action us does not come from the creed itself. No "mere idea" could have such a power.[107] The moral-motivational force of religion comes instead from the merging of the idea with social practice. It derives from the incarnation of the norm in collective activity. Mimesis itself, in other words, is what lends a norm its unconditional quality, its feeling of distance and alterity, its power to move us to act for its own sake:

> Energies greater than those at our disposal must come from the object, and, more than that, we must have some means of making them enter into us and blend in into our inner life. To achieve this, it is not enough that we think about them; it is indispensable that we place ourselves under their influence, that we turn ourselves in the direction from which we can best feel that influence. In short, we must act; and so we must repeat the necessary acts as often as is necessary to renew their effects From this standpoint, it becomes apparent that the set of regularly repeated actions that make up the cult regains all its importance....The cult is not merely a system of signs by which the faith is outwardly expressed; it is the sum total of means by which that faith is created and recreated periodically.[108]

It is through mimetic actions themselves that moral norms disconnect from their creators, acquiring the impersonality and "anonymous force" that is the real source of their power. Durkheim makes clear that for a norm to move us, we must not see ourselves in it. At the moment we become cognizant of its human origins, it loses its binding power. To mask these origins, therefore, the norm must acquire an aura, a sense of otherness and distance:

[107] *EF*, 419.

[108] *EF*, 420.

> We cannot recognize our own voice in that voice that makes itself heard only to order us to do some things and not to do others. The very tone in which it speaks announces that it is expressing something in us that is other than us.[109]

Put briefly: if the aura is something built by the human mind, then mimesis is simultaneously the process of its assembly and concealment. Mimesis imbues moral norms with their sense of otherness, objectivity, and categorical force.

In this way, Durkheim stresses, the non-rational and aesthetic dimension of collective life is "not merely an outward adornment," a kind of pleasing feeling of congregating together. It is in fact absolutely central to the possibility securing solidarity itself. It is what grounds our deep normative psychology and realizes our "moral remaking."[110] Without mimesis' "invisible influence" on the sacred, the feelings of awe, fear, and respect engendered by the latter would melt away.[111] "The only hearth at which we can warm ourselves morally," Durkheim concludes, "is the hearth made by the company of our fellow men; the only moral forces with which we can nourish our own and increase them are those we get from others."[112] It is only by means of its aura that a norm acquires its arresting hold on our psychology, its force to obligate and motivate, what Habermas calls its "binding power" [bindinde Kraft]. But a norm only earns its aura by means of shared non-rational experience—that is, through mimesis.

HABERMAS BETWEEN TWO AURAS

Without modification, Durkheim's thesis would pose a major threat to Habermas' discursive solidarity. For it would suggest that features of the non-rational pysche are also

[109] *EF*, 266.

[110] *EF*, 429.

[111] *EF*, 364.

[112] *EF*, 427.

indispensible for commitment and motivation. Far from primitive or vestigial, they would supply the cornerstones of our shared life with others—whether secular or religious, liberal or illiberal. Such a conclusion would jeopardize Habermas' careful attempt to lead humanity into a new modernity, one neither debilitated by disenchantment nor in the thralls of an aestheticized Schmittian politics. Habermas' response, as we have seen, is a new attempt at solidarity through secularization: the "linguistification of the sacred." Through it, the features of the sacred critical for our normative commitment and motivation—the "exclusion of force" and "unforced force"—migrate into language, coming to be replicated through our very processes of communication. In this way, according to Habermas, it is possible to solve the puzzle of liberal solidarity through the rational self alone.

But how, exactly, does linguistification proceed? In light of our investigation of Durkheim's thought, this question can be refined further. For it is now clear that our moral psychology is grounded not merely in an indeterminate "sacred," but more concretely in mimesis and the aura, in our reverential attitude toward social norms and our unifying experiences together. So now our inquiry shifts. Can language assume the solidarity-producing qualities of mimesis and the aura? And if so, how?

In this section and the one to follow, I argue that to answer these questions Habermas turned to the radical but enigmatic linguistic philosophy of Walter Benjamin. Benjamin, like Durkheim, believes that the aura emerges through our non-rational and imitative relationship with things; auratic experience, in short, is the product of mimetic experience. But to this he adds a caveat: Under certain conditions, *language itself* is capable of integrating the effects of both mimesis and the aura. These effects importantly include one of Habermas' key ingredients for social solidarity: the "exclusion of force," the kind of dependence-diminishing social

intercourse achieved through reaching understanding. If Benjmain's theory is right, therefore, then this half of Habermas' linguistification thesis would be substantiated. Yet right or wrong, Benjamin explicitly denies that the other half of linguistification—the "unforced force," the power of the aura to secure normative commitment and motivation—can be disentangled from mimetic life. Habermas, I argue, is thus caught between two auras: Durkheim's, which serves a *normative* role for his theory of solidarity; and Benjamin's, which serves an *explanatory* role for his theory of secularization as linguistification. A gap emerges where the two fail to overlap. Out of this gap comes a religious remainder. And the result is a blow to Habermas' rational response to Schmitt's challenge.

Habermas, it should be said, only briefly acknowledges his debt to Benjamin's theory of language in *The Theory of Communicative Action*. Indeed throughout Habermas' works, as well as in scholarly treatments of his thought, there is scarce discussion of Benjamin's impact, especially in comparison to figures like Adorno, Heidegger, Hegel, and Weber. Still, Habermas is careful to flag parts of Benjamin's thinking that he finds especially compelling. And in places he hints at a deeper intellectual influence. The most prominent of these hints come in "Walter Benjamin: Consciousness Raising or Rescuing Critique," an essay by Habermas that appeared in 1972, about a decade before the publication of the *Theory of Communicative Action*.[113] In the piece Habermas touches on a number of themes in his colleague's thought, including myth, messianism, and his disagreements with Adorno. His foremost concern, however, is Benjamin's aesthetic theory, and in particular, his discussion of the "aura" and its decline.

[113] The essay is reproduced in the volume *Philosophical-Political Profiles*, trans. Frederick G. Lawrence (Cambridge: MIT Press, [1972] 1983), 129-164. Citations are from this edition, and are abbreviated as "*WB*."

The core of Benjamin's argument can be found in his well-known article "The Work of Art in the Age of its Mechanical Reproducibility."[114] Like Durkheim, Benjamin proposes that the aura is a property that human beings superimpose upon objects. The feeling the aura elicits is that of separateness. Thus an auratic object acquires a kind of coherence and autonomy, a sui generis quality in relation to its surroundings:

> We define the aura of the latter [nature] as the unique apparition of a distance, however near it may be. To follow with the eye—while resting on a summer afternoon—a mountain range on the horizon or a branch that casts its shadow on the beholder is to breathe the aura of those mountains, of that branch.[115]

While the particular texture of the aura varies across time and culture, modernity, Benjamin posits, is bearing witness to something historically unique: the "decay of the aura," its gradual expulsion from our daily experience.[116]

Benjamin offers two kinds of reasons for the aura's decline. On the one hand, human beings increasingly desire to make all aspects of their environment known to them, accounted for within a universal epistemology. They have a drive to "overcome each thing's uniqueness," either by reproducing it on a massive and generic scale or by subjecting it to abstract concepts and categories, as in statistics, in such a way that it appears commensurable and legible.[117] The aura thus represents an obstacle to this desire, in so far as it detaches an object from its mere materiality and renders it distinct and sui generis, alien and uncanny.

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[114] The essay was originally published in 1936 by the journal of the Institute for Social Research. Benjamin continued revisions for the next several years, and here I draw from his third version, completed around 1939 and published first in 1955 as part of Benjamin's *Schriften*. All references are to the translation by Harry Zohn and Edmund Jephcott, published in *Selected Writings, Vol. 4, 1936-1940*, ed. Howard Eiland and Michael W. Jennings (Cambridge: Harvard University Press, [1939] 2006), 251-283. I abbreviate it hereafter as "*WoA*."

[115] *WoA*, 255.

[116] *WoA*, 255.

[117] *WoA*, 255-6.

On the other hand, Benjamin notes that whatever our desires, the tissue of human experience itself is changing in such a way as to stifle auratic encounters. Historically, he explains, persons lived out their lives within rich and socially-integrated cultural milieus, epitomized by a form of experience he refers to using the term *Erfahrung*. Within a society characterized by *Erfahrung*, individuals could configure their behaviors in ways that were meaningful and coherent, patterned after the practices of the community as a whole.[118] Benjamin's prototypical example of *Erfahrung* is storytelling. While listening to the story, a person situates herself in an oral tradition, passively absorbing the teaching [*Lehre*] of the society, imbibing its accreted memories and experiences. The storyteller himself thus acquires a kind of aura.[119]

Modernity, by contrast, is characterized by *Erlebnis*: a form of fractured, discontinuous experience, marked by feelings of shock and rupture. As a person moves through the bewildering bustle and clamor of the industrialized city, her ability to coherently assimilate her surroundings is constantly disrupted. One isolated experience—a film advertisement, a new cafe, an exotic artifact in a museum window—gives way to another without any logic or integration.[120] Such experience is typified not by storyteller's "artisanal form of

[118] As a form of experience, *Erfahrung* is accretive, emerging as a result of being rooted in particular traditions and narratives. It allows one to identify "lived similarities" between different features of one's world, both spatially and temporally, stitching them together mentally. *Erfahrung* is thus highly mediated and historical, but also especially vulnerable to the disorienting experience of life in the modern city. For more details, see Benjamin's essay "Experience," reproduced in *Selected Writings, Vol. 2, 1927-1934*, trans. Rodney Livingstone (Cambridge: Harvard University Press, [1931/32] 1999).

[119] Benjamin compares stories conveyed orally to ruins which retain, even in their state of decay, a sense of the numinous. Importantly, the storyteller does not conceive of himself as the creative producer of the story, but rather as its passive conduit, something Benjamin notes by comparison to a wick and flame. Walter Benjamin, "The Storyteller: Observations on the Works of Nikolai Leskov," in *Selected Writings, Vol. 3., 1935-1938*, trans. Harry Zohn (Cambridge: Harvard University Press, [1936] 2006).

[120] In contrast to *Erfahrung*'s richness, *Erlebnis* captures the direct, unmediated experience of everyday life. *Erlebnis* signals inspiration, atemporality, even a momentary collapse of the felt distinction between subject an object. As early as his essay "On the Program of the Coming Philosophy," Benjamin had critiqued Kant by

communication," but by the modern novel: not communal but intensively private; not situated in any cultural tradition, but in a new world created from scratch; not unique to each time and setting in which it is narrated, but uniform and mass-produced.[121] In this way, Benjamin writes, *Erlebnis* contributes to the "decline of the aura."[122]

Habermas, in his essay on Benjamin, focuses his attention on the social and political impact of the aura's decline, interpreting and adjusting it to fit his own theoretical purposes. Benjamin himself had infamously linked this development to a radical-Left politics. With the disintegration of the aura and "shattering of tradition," a new opportunity arises: the emancipatory reorganization of all corners of human affairs. As the category of the aesthetic itself is detached from objects formally labeled as "art," it can be repurposed into other domains of experience.[123] While fascism, Benjamin suggests, takes the path of injecting this aesthetic into politics itself—shrouding the state, as in Schmitt, with a charismatic and even quasi-mystical appeal—"communism replies by politicizing art."[124]

Habermas agrees with the contours of this analysis, but seeks to avoid its binary political upshot. Full-blown communism, he suggests, does not represent the Left's only option for channeling aesthetic experience. He begins by assimilating Benjamin's model into his own (still

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associating elements of his epistemology with *Erlebnis* and thus a flattening of experience. See "On the Program of the Coming Philosophy," in *Selected Writings, Vol. 1, 1913-1926*, *op. cit*. Martin Jay notes that Adorno shared Benjamin's view of *Erlebnis*, and in so doing offers a helpful summary of its meaning: "Adorno shared [Benjamin's] hostility to *Erlebnis*, a term which had been extolled by the irrationalist 'philosophers of life' [e.g. Dilthey] in Germany because of its alleged spontaneity and freedom from overly intellectual reflection....A philosophy that wanted to break through the stultifying confines of rationality and tradition to grasp human existence in its naked form had unwittingly duplicated the irrationality and uprootedness of modern social experience. From *Adorno* (Cambridge: Harvard University Press, 1984), 74-5.

[121] Benjamin [1936] 2006, 146.

[122] Walter Benjamin, "On Some Motifs in Baudelaire," in *Illuminations: Essays and Reflections*, trans. Harry Zohn, ed. Hannah Arendt (New York: Schocken, [1939] 2007), 187.

[123] *WoA*, 254.

[124] *WoA*, 270.

nascent) theory of secularization. The loss of the aura, he writes, cannot be understood in isolation, but must instead be situated within a broader Weberian narrative of disenchantment.[125] Seen in this light, Habermas argues, Benjamin, in spite of his seemingly triumphalist rhetoric, was actually far more ambivalent about the decline of the aura. For the aura, in Benjamin's analysis, also provides the gateway to a form of "unmutilated experience," a way of interacting with objects and persons drained of dependence and domination. In such a mode, one contacts another without seeking to overcome that other's uniqueness or dignity. This is the intersubjective component of auratic experience, its social and ethical corollary: mimesis. "The auratic appearance," Habermas writes, "can occur only in the intersubjective relationship of the I with its counterpart, the alter ego."[126]

Here, Habermas is drawing upon an intriguing link Benjamin makes between mimesis and the aura in his late essay "On Some Motifs in Baudelaire."[127] Whereas in the "Work of Art" essay the aura was characterized by a numinous and distant quality, in "Baudelaire" it also takes on an intersubjective character. Benjamin refers to this intersubjective property through the metaphor of "returning our gaze":

> Experience of the aura...rests on the transposition of a response common in human relationships to the relationship between the inanimate or natural object and man. The person we look at, or who feels he is being looked at, looks at us in turn. *To perceive the aura of an object we look at means to invest it with the ability to look at us in return*.[128]

A thing that has an aura is thus not merely an object of reverence and admiration; it is equally experienced as a *apprehending being*, a subject of interaction and dialogue.

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[125] *WB*, 139.

[126] *WB*, 144.

[127] Benjamin [1939] 2007, 187.

[128] Benjamin [1939] 2007, 188, emphasis mine.

Habermas, to be clear, is not drawn to Benjamin's theory for its "animation of nature," what he elsewhere refers to, derisively, as a "speechless mindfulness."[129] Indeed in *The Theory of Communicative Action*, he uses a play on words to associate such "mindfulness" [*Eigedenken*] of nature with Heidegger's "recollection" [*Andenken*] of "being" and its pathologies.[130] His interest instead is in the social and ethical ramifications of the aura's mimetic quality, its ability to "look at us in return."

According to Habermas, it was this intersubjective quality of the aura in particular that triggered Benjamin's ambivalence about its decline. Though Benjamin saw the decay of the aura as unleashing a kind of emancipatory potential, our experience of it also manifests in a "vulnerable intersubjectivity."[131] It offers a glimpse of a kind pre-conceptual, non-violent social relation, a way for a person to connect with another without seeking mastery. It suggests, in other words, something very close to a concept that we have already seen: the "exclusion of force," the first of Habermas' linguisitifications.

Habermas' significant intellectual debt to Benjamin becomes clear in his attempt to diffuse the tension in his predecessor's thought. Benjamin's aura, he suggests, can be split into two moments: a "cultic moment," reflecting the auratic object's integration into ritual life; and a "universal moment," indicative of the aura's mimetic qualities, its capacity to create relations of solidarity between persons. So divided, Habermas contends, Benjamin can put his ambivalence to rest: the aura can be both celebrated *and* mourned for its decline. Celebrated, in so far as the end of the aura coincides with the end of its primitive esotericism, its "cultic distance" and

[129] *WB*, 144 and *TCA1*, 384, respectively.

[130] *TCA1*, 385.

[131] *WB*, 144-5.

reliance on mythical forms of thought.[132] Mourned, in as much as its disintegration marks the passing of a utopian moment of intersubjectivity. Benjamin himself, Habermas argues, was unable to resolve this tension, and so could never fully escape his reliance on the non-rational psyche. He feared that the aura's "semantic energies might escape during transformation and be lost to humanity."[133] Caught in the binary between the aura's solidarity function and its disintegration into politics, hamstrung by his lingering mystical tendencies, he could not imagine a way to save the mimetic virtues of the aura without retrogressing into irrationalism and pre-modernity.

Despite this failure, Habermas argues in the final portions of his essay that Benjamin's own writings offer a path forward, a means of redeeming the mimetic promise of the aura without relapsing into myth. What is needed, he writes, is a "theory of linguistic communication" capable of "bring[ing] Benjamin's insights back into a materialist theory of social evolution."[134] In other words, what Habermas seeks is a means of channeling the non-violent, mimetic quality of the aura into language itself.

Benjamin on the Promise and Limits of Language

For Habermas, if communication is to bring about "understanding" and the "exclusion of force"; if normative commitment and motivation is to be feasible through reason alone; if a liberal solidarity is to be possible in a secular age; then we must turn to what can be linguistified into rational discourse. "[Benjamin's] relevance," he writes, in a reformulation of one of Benjamin's own letters, "can be seen if we now attempt...to 'enlist the services' of Benjamin's

[132] *WB*, 144-5.

[133] *WB*, 146.

[134] *WB*, 159.

theory of experience for historical materialism." Writing a decade later in *The Theory of Communicative Action*, Habermas will put this another way. Through his own discursive theory of solidarity, he writes, "the rational core of mimetic achievements"—their integral role in securing normative commitment and motivation—"can be laid open."[135] Habermas, concluding his essay on Benjamin, quotes from his predecessor, and in so doing, signals where such a theory can be found. "There is a sphere of human agreement," a young Benjamin had declared, "that is nonviolent to the extent that it is wholly inaccessible to violence: the proper sphere of 'understanding,' language."[136]

Benjamin had explored the link between mimesis and language in one of his earliest works, "On Language as Such and on the Language of Man."[137] Departing decisively from Saussurian model of discourse as "pure convention," Benjamin argues that language is not entirely—or even primarily—about the production and exchange of words.[138] Indeed to believe that language only conveys bare representations of objects is to fall into the "great abyss into which all linguistic theory threatens to fall."[139] The most important thing language transmits, he thus insists, is not meaning but *being*—or more specifically, "linguistic being."[140] Benjamin, to be sure, makes clear that he does not want to revive what he calls a "mystical linguistic theory," a fully metaphysical view of words as somehow being more real than what they purport to

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[135] *TCA1*, 390.

[136] *WB*, 159.

[137] Walter Benjamin, "On Language as Such and on the Language of Man," in *Selected Writings, Vol. 1, 1913-1926*, trans. Edmund Jephcott (Cambridge: Harvard University Press, [1918] 2004). Hereafter "*OL*."

[138] Ferdinand de Saussure, *Écrits de linguistique générale* (Gallimard, 2002), 76. Benjamin himself does not reference Saussure, though he would have been a logical target for his critique.

[139] *OL*, 63.

[140] *OL*, 63.

represent.[141] Yet he does insist that language imparts more than its bare discursive content. "Linguistic being," then, is not the thing itself; but neither is it nothing of that thing. Instead, language, at the same time that it communicates meaning, carries within it that part of an object that resists being rendered conceptually. It smuggles something of the patina that rests on an object as a mode of experience, but is in no way contained within the raw material of the object itself. "Language," Benjamin writes, "is in every case not only communication of the communicable, but also, at the same time, communication of the noncommunicable."[142] Language, in other words, is a vessel not only for our rational, but our aesthetic experience. What it communicates, in short, is the *aura*.

It is language's integration of the aura that is most compelling to Habermas. For it is precisely by communicating the noncommunicable that language assumes its mimetic function. "Everything mimetic in language," Benjamin writes in another essay, "The Doctrine of the Similar," "is an intention which can appear only in connection with something alien as its basis: precisely the semiotic or communicative element of language."[143] Benjamin, as we have seen, had previously linked the aura—this "something alien"—to mimesis through its quality of "returning the gaze": even without the use of speech, two beings can establish a connection that signals their intention to prohibit force. Here he suggests something even more radical: that *language itself*—not in the explicit meaning of words, but their subterranean social message—can engender pre-discursive relations of understanding between persons. Indeed language, for

[141] *OL*, 69. Benjamin himself derives this idea from classical Jewish mysticism, and in particular, the Kabbalistic text *Sefer Yetzira* ["Book of Formation/Creation"], which posits that the letters of the Hebrew alphabet are in a deep sense the building blocks of the universe.

[142] *OL*, 74.

[143] Walter Benjamin, "Doctrine of the Similar," in *Selected Writings, Vol. 2, 1927-1934*, trans. Michael Jennings (Cambridge: Harvard University Press, [1931/32] 1999), 697.

Benjamin, is not only tangentially mimetic. It is the "highest application of the mimetic faculty," reflecting the principal medium in which relationships between objects are established.[144]

In this way, Benjamin's theory of language holds the promise, for Habermas, of grounding his linguistification of the sacred. By offering a means to transpose a quality of aesthetic experience—the aura—into linguistic experience, it appears to answer the challenge posed by Durkheim's moral psychology of the sacred. For Durkheim, solidarity rests on irreducibly aesthetic foundations. Norms, to have their power, must be imbued with the aura of the sacred; and this aura, he insists, can only be produced by mimesis, from our ritual lives and proximity to one another. For Benjamin, by contrast, *language itself* is able to convey something of the aesthetic potency of the aura, its intersubjective capacity and ability to diminish dependence. "Words, too," Benjamin writes, "can have an aura of their own."[145] What for Durkheim required actual physical movement in common can be realized, according to Benjamin, by discourse in common. Thus the act of "reading," he insists, rests on a continuum: Just as a person reads a text, she may also read "entrails, the stars, or dances."[146] The crucial feature that these practices share is mimesis, an absorption in an object that does not seek acquisition, an investment in the other that eschews the drive for "mastery."[147] Put in Habermas' terms, language, for Benjamin, engenders processes of "reaching understanding." Contained within it is thus one of Habermas' central criteria for solving the puzzle of liberal solidarity, the

[144] Benjamin [1931/2] 1999, 697.

[145] *OL*, 200, note 17.

[146] Walter Benjamin, "On the Mimetic Faculty," in *One-Way Street*, trans. Edmund Jephcott and Kingsley Shorter (London: Verso, [1933] 2006), 163.

[147] Walter Benjamin, "One Way Street," in *One-Way Street*, trans. Edmund Jephcott and Kingsley Shorter (London: Verso [1928] 2006), 104.

"rational core of mimetic achievements," the basis for diminishing dependence in social life: the "exclusion of force."

Yet the "exclusion of force" represents only half of Habermas' linguistification of the sacred. Even if language has the capacity to transmit a kind of non-violent interpersonal relation, what is to say that it can also commit us to norms and motivate us to follow them? What gives it the same solidaristic "force" as Durkheim's sacred? Put another way, can Benjamin's theory of language also accomplish the second of Habermas' linguistifications, the "binding power" [*bindinde Kraft*] of rational validity claims, their categorical moral pressure? What becomes of the most critical yet paradoxical part of Habermas' discourse ethics, the so-called "unforced force of the better argument"?

The question turns on the relationship between the versions of the aura that we have seen, Durkheim's and Benjamin's. Habermas, for his part, appears to read them together, explicitly linking Benjamin's aura to "moral obligation." In the center of a passage that is precisely about the moral-motivating power of the sacred, he includes a footnote to Benjamin's essay on the "Work of Art" back-to-back with a direct quote from an essay by Durkheim on the "Determination of Moral Facts":

> In the aura itself is expressed the untouchability of what is at the same time sought after, the closeness in the distance [citation to Benjamin's "Work of Art" essay]. 'The sacred object inspires us, if not with fear, at least with a respect that keeps us at a distance; at the same time it is an object of love and aspiration that we are drawn towards. Here then is a dual sentiment which seems contradictory but does not for that cease to be real.' [citation to Durkheim's essay on the "Determination of Moral Facts"] The sacred produces and stabilizes just the ambivalence that is characteristic of the feeling of moral obligation.[148]

If Durkheim and Benjamin truly were consistent in their understanding of the aura, it would fully redeem Habermas' theory of linguistification. It would suggest that not only the "exclusion of

[148] *TCA2*, 49. Cf. Émile Durkheim, "The Determination of Moral Facts," in *Sociology and Philosophy* (New York: Free Press, 1974), 35n.

force," but the "unforced force," could be reproduced within language itself. It would join understanding with binding commitment, pacific intersubjectivity with moral motivation. It would rescue fully rational response to Schmitt's challenge. It would both secure solidarity and honor the individual, giving people the ability to fashion norms on the basis of their genuine interests, yet inspiring them to stick with those norms even when their interests change. In short, it would solve the puzzle of liberal solidarity.

But as we have seen, Benjamin's aura is bereft of the psychological traits that would inspire us to practical moral commitment and motivation. To be sure, it is unapproachable, distant, and quasi-magical; it emerges out of a certain mental projection that human beings make onto their creations. And by becoming a property of communication itself, it helps to cultivate a layer of human social relations insulated from dependence and domination. Still, it does not have the qualities that Durkheim associates with binding moral obligation. It lacks the sense of deep otherness of the Durkheimian sacred, the kind of insurmountable distance that inspires altruism and self-sacrifice. Where Durkheim links the auratic object with the characteristics of Kantian ethics—love and gratitude on the one side, respect and awe on the other—Benjamin makes none of these associations.[149] The reverence and horror with which Durkheim's religious subjects approach the aura of the sacred has no counterpart in Benjamin's analysis. Indeed Benjamin emphasizes that the kind of otherness his aura does project—a sheen of the numinous, a sense of disconnect and uniqueness—is something that persons *desire to overcome*.[150] Far from inspiring fear, Benjamin's aura is a kind of pre-modern relic, an obstacle to be surmounted in the pursuit of new forms of experience. He implies, moreover, that in so far as auratic encounters have any trace of morally-motivating power, this power cannot be divorced from the

[149] Kant, *Metaphysics of Morals*, *op. cit.*, 230.

[150] *WoA*, 255.

aura's proximity, its bond to tangible material objects. As in Durkheim's analysis, its potency remains irreversibly bound to ritual life.[151]

Habermas's thesis thus suffers from a kind of theoretical legerdemain. While he claims to convey the psychological impact of Durkheim's sacred into language, the theory of language he employs to do so can only account for half of its effects. "The binding force of moral agreement grounded in the sacred," Habermas had insisted, "can be replaced only by moral agreement that expresses in rational form what was always intended in the symbolism of the holy: the generality of the underlying interest."[152] Yet without the transposition of this "binding force" into language, Habermas' theory of liberal solidarity emerges stillborn. By linguistifying Durkheim's sacred on the back of Benjamin's theory of language, he succeeds only in translating its intersubjective qualities, not its force of moral commitment and motivation. Norms, tied to interests, remain obligatory only by convenience. They retain none of their categorical force. Consequently, his answer to Schmitt's challenge is left incomplete. His linguistification thesis concludes not with the moral redemption of a fully rationalist secular modernity but in aporia. In the gap between Durkheim's aura and Benjamin's, we find a religious remainder. And solidarity through secularization remains an unfinished project. It fails to answer to the puzzle of liberal solidarity.

[151] *WoA*, 256, 260.

[152] *TCA2*, 81.

"It is not accidental that our greatest art is intimate and not monumental, nor is it accidental that today only within the smallest and intimate circles, in personal human situations, in pianissimo, that something is pulsating that corresponds to the prophetic pneuma, which in former times swept through the great communities like a firebrand, welding them together."
-Max Weber, "Science as a Vocation,"[153]

"Reason makes human society possible; but a society whose members would be only reasons would vanish as a society."
-Emmanuel Levinas, Totality and Infinity[154]

Does religion provide something vital for liberal solidarity, and if so, what? In this chapter, I have sought an answer to this question through a new reading of Jürgen Habermas's mature writings on language, aesthetics, and secularization. Habermas' theory of discursive solidarity offers the most rigorous attempt to picture how we can answer Schmitt's challenge through reason alone. It does so, I showed in the first part of the chapter, by offering an alternative to Weber's account of secularization as disenchantment, using a procedure that Habermas calls the "linguistification of the sacred." Habermas' concept of the "sacred" is indebted to Durkheim's sociology of religion, and so to test his claims, I turned in the chapter's second part to examine Durkheim's account of how the sacred operates on our psychology. The sacred, I showed, acquires its normative power by assuming an "aura," a mental projection of otherness and reverence onto rituals, norms and objects. As Durkheim offers no explanation for how the aura, and aesthetic property, could be transposed into language, Habermas, I argued in the third part of the chapter, drew from his predecessor in critical theory, Walter Benjamin. Nested in Benjamin's essays on art and experience is a suggestive linguistic philosophy, one in

[153] Weber [1917] 1958, 155.

[154] *Totality and Infinity: An Essay on Exteriority*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, [1961] 1969), 119.

which language itself assumes the intersubjective properties of the "aura." This provides a theoretical grounding for the first feature of Habermas' discourse theory of solidarity: the "exclusion of force," a way of diminishing interpersonal dependence between persons. Yet his theory's second criterion—"the unforced force," a categorical form of normative commitment and motivation—remains unfounded. This creates a fissure in Habermas' attempt at solidarity through secularization: In the conceptual distance between Durkheim's aura, which *normatively* secures solidarity, and Benjamin's aura, which underpins his *explanatory* account of secularization as linguistification, the norms we arrive at through discourse lose their "binding power." The promise of a solidarity based on the rational self alone remains out of reach. Schmitt's challenge remains unanswered. The puzzle of liberal solidarity remains unsolved. And, in the aesthetic features of our moral commitment and motivation, we find a religious remainder.

Yet despite its ultimate shortcomings, Habermas' secularization theory is invaluable. Not only does it demonstrate the centrality of language for diminishing micro-relations of dependence and securing aspects of our solidarity. It also points us toward the particular features of the non-rational psyche that make normative commitment and motivation possible. Foremost among these is the moral-motivating power of aesthetic experience. And one form of aesthetic stands out in particular: the feeling of otherness, of the separate, the unfathomable, the numinous—in short, something like Durkheim's sacred, and in particular, its aura. As we have seen, for a norm to obtain its binding power it must elicit non-rational feelings of distance and reverence. It does so through a kind of social amnesia. Though the norm is our own creation, we come to forget our formative role. So situated, it burrows deep into our psyche, positioning

itself in such a way that its violation seems not only wrong, but logically impossible, a kind of rejection of the natural order itself.

This, it seems, is the only way by which norms can acquire a genuine "binding power." Barring a return to a Kantian ethics—which as we have seen, is itself vulnerable to a number of criticisms—the sense of otherness conjured by the "aura" appears to be a necessary feature of normative commitment and motivation. Kant himself, in his *Critique of the Power of Judgment*, had defined such an aesthetic by its resistance to conceptualization and linguistification. Experiences of this kind may induce "much thinking," he writes, "though without it being possible for any determinate thought, i.e., concept, to be adequate to it, which, consequently, *no language fully attains or can make intelligible*."[155] Put briefly: For something to inspire us, it must be *other* than us. It must exist beyond our rational and conceptual reach. At the moment its origins are recalled, its grip on our psyche slackens. Gadamer, in an essay on religion, may have put this idea most succinctly. "If revelation allows itself to be completely encompassed by thinking reason," he declares, "then it forfeits its religious binding force."[156]

But here, too, lies a dilemma—not only for Habermas, but for any theorist seeking to solve the puzzle of liberal solidarity. For it suggests that solidarity rests not only on soft manifestations of the non-rational psyche—on sympathy, affect and intuition—but on forms of experience that are *in principle* beyond our capacity to rationally grasp and explain. It implies that if we are to answer Schmitt's challenge, our method cannot be to ground our commitment and motivation in reason alone. And this leaves two potential ways to proceed: To try to redeem

[155] Kant, *Critque of the Power of Judgment*, *op. cit*., 192, emphasis mine.

[156] Hans-Georg Gadamer, "The Philosophy and Religion of Judaism," in *Hans-Georg Gadamer on Education, Poetry, and History*, ed. Dieter Misgeld and Graeme Nicholson, trans. Lawrence Schmidt and Monica Reuss (Albany: Suny Press, [1961] 1992), 160.

Habermas' theory from within; or to move beyond discourse ethics entirely and search for a new method for tackling Schmitt's challenge.

One possibility would be to close the gap in Habermas' own theory, re-inserting the aura into his normative framework. The key weakness of Habermas' moral psychology centers around the relationship between norms and interests: Even if I consent to a norm in the present, what guarantee do I have that this norm will continue to serve my interests in the future? And if it ceases to do so, why not deviate? One way of resolving this paradox would thus be to reinsert the aura into discursive solidarity. In other words, even if the sacred cannot be *linguistified*, perhaps its motivating power can be *repurposed*, rational validity claims given their own kind of sanctity. Indeed Habermas himself hints in this direction in discussing human obligations toward the natural world:

> Aesthetic reasons have here even greater force than ethical, for in the aesthetic experience of nature, things withdraw into an unapproachable autonomy and inaccessibility; they then exhibit their fragile integrity so clearly that they strike us as inviolable in their own right and not merely as desirable elements of a preferred form of life.[157]

Yet such a move would come at great cost. For it would resolve the *motivational* deficit in Habermas' theory at the cost of one its chief virtues: its *emancipatory* potential. It would secure solidarity at the cost of honoring the individual and diminishing dependence. For Habermas, norms must be accessible to evaluation, critique, and modification. If not, they can easily be tasked with ideological functions, serving certain classes or individuals rather than the general welfare. But giving norms an aura would risk exactly that. In Durkheim's words, such a solution would proceed by "putting articles of faith beyond discussion."[158] From that position

[157] *Justification and Application: Remarks on Discourse Ethics*, trans. Ciaran P. Cronin (Cambridge: MIT Press, [1990] 2001), 111.

[158] *EF*, 240 note 8.

they could reproduce the mythic mindset, veiling relations of dependence behind an "objectified" reality. In effect, this solution would redeem Habermas by undoing Habermas.

A second possibility would take us beyond Habermas and toward an approach to Schmitt's challenge that acknowledges the necessity of sources of commitment and motivation transcending reason alone. Though discourse may capture some subset of our normative experience, it remains incomplete, lacking the ability to explain the deepest wellsprings of our attachment to others. Put another way, Habermas' theory, despite its remarkable sweep, actually overlooks a crucial part of how solidarity comes about. In his stylized portrayal, two (or more) individuals face one another in dialogue. But what drew them to choose words over force? How did the other become an object of moral attention and responsibility in the first place? What is needed, then, is a more inclusive framework for grounding liberal solidarity in a secular age, one that attends to the indelible role of the non-rational psyche.

The ramifications of such an effort are significant. For our non-rational psyche is not limited to encounters with norms and objects. It also helps to determine humanity's capacity for overcoming evil, what Jonathan Glover, in his philosophical history of twentieth-century atrocities, has called our "moral resources."[159] The sociologist Zygmunt Bauman, in his study of the social and psychological origins of the Holocaust, has shown how the Third Reich's project of dehumanization relied precisely on undermining the aesthetic element of these resources.[160] Among the Nazis' most insidious tools to deprive their subjects of dignity, he observes, was to transform individual persons into abstractions. But such a dehumanization entailed not only an intellectual shift. It also required a reorientation of perception. It meant effacing others'

[159] Glover 2012.

[160] Zygmunt Bauman, *Modernity and the Holocaust* (Ithaca: Cornell University Press, [1989] 1996), especially at 83-116, 151-200.

visibility as morally significant and unique human beings and re-rendering them as mere exemplars of a valueless category. For the Third Reich to exclude their victims from the abstract *concept* of humanity was only the first step. The next step was to exclude them from a *felt* humanity, from a powerful but pre-discursive solidarity indebted not to speech but sight and proximity. Those dehumanized had lost their very human quality in the eyes of their tormentors. In Bauman's words, they were "morally invisible."[161] What was conceived as a mental and conceptual distancing was birthed in an aesthetic, psychological, and finally moral distancing. They were deprived of the sheen of humanity that flashes outward from another's face, eyes, and expression.

But what is it, exactly, that gives persons such "moral visibility"? How are we to understand this aesthetic analogue of the concept of humanity, the phenomenological counterpart to the concept of human dignity? Benjamin himself hints at a possible answer. While the aura, in his writings, is usually the property of objects, he also shows another place where it can come to rest. "The aura beckons," he writes, "in the fleeting expression of a human face."[162] If the aura cannot—or should not—be recovered in ethical norms, perhaps it can be recovered in our ethical relations with other people. Its numinous quality is what lends human beings their otherness, depth, and dignity, and what inspires in us feelings of respect. While such moral sentiments may have their intellectual origins in the abstraction of "humanity," they only become palpable in our encounters with concrete others, with human beings in flesh and blood. Thus part of what enabled the Nazis' crimes was a failure not only of reason, but of moral perception. And it is only by attending to such forms of perception that Habermas' project and our own—an answer to Schmitt's challenge, a resolution to the puzzle of liberal solidarity in a secular age—

[161] Bauman [1989] 1996, 193.

[162] *WoA*, 258.

can be rescued. "For the human being," Kant writes, "the invisible must be represented by something visible."[163] To feel morally bound by the ineffable uniqueness of another's face: Perhaps this, as Benjamin hints, could provide a "social a priori," a non-rational, pre-political sense of solidarity with our surrounding society, an inexpressible force to bind us to our neighbors.[164] In short, an ethics of the aura.

Immanuel Levinas shared Habermas' intense dedication to preventing another Holocaust. He too rejected Rousseau's coercive methods for securing solidarity. He also believed that Kant's "I," as a metaphysical fiction, failed in practice to honor the individual. And he was just as attuned as Habermas to the potential dangers and excesses of the non-rational psyche. Yet unlike Habermas, Levinas believed that no society could be bound together by reason alone. The very aspects of our psychology that leads us to turn against our neighbor, he argues, are what lead us to open our doors to her, to transcend our egoism and sacrifice for her welfare. His question, therefore, is not how to circumvent or suppress the non-rational psyche. It is how to properly channel it. Benjamin's description of mimesis invites us to restructure our solidarity around a non-rational ethical relation between human beings. Levinas takes up this invitation. And by doing so, I will now show, he introduces a radically new approach to answering Schmitt's challenge. Solidarity through secularization seeks to harness some aspect of the deity or religious experience for our political ends. It appropriates theological and religious concepts from the divine realm and puts them to work in the profane. What Levinas offers is a new method: *solidarity through imitation*. Without at all necessitating theism, we should look to inherited concepts of the deity and forms of religious experience mimetically, taking them as

[163] Kant, *Religion within the Boundaries of Mere Reason*, *op. cit.*, 184.

[164] "Social a priori" is a term from Habermas. *TCA2*, 131.

models for how to secure solidarity and honor the individual. For Levinas, one form of imitation is especially crucial: modeling our ethics on negative theology.

PART II

Solidarity through Imitation: Deep Solidarity

"Speak to all the congregation of the people of Israel and say to them: You shall be holy, for I the Lord your God am holy."

-Hebrew Bible, Book of Leviticus, 19:2

CHAPTER FIVE

The "Other" and the "I": Levinas, Ethics as Negative Theology, and Solidarity as Sacrifice

"Their Crimes conspired to make 'em Great...
The worst of all the Multitude
Did something for the common Good."
-*Bernard Mandeville*, The Fable of the Bees[1]

"The men of Sodom...said: Since there comes forth bread out of our earth, and its very dust is gold, why should we suffer wayfarers, who come to us only to deplete our wealth? Come, let us abolish the practice of sojourning in our land....

A certain young woman gave some bread to a poor man, hiding it in a pitcher. When the matter became known, they daubed her with honey and placed her on the parapet of the wall, and the bees came and consumed her."
-*Babylonian Talmud, Tractate Sanhedrin*[2]

"Justice remains justice only, in a society where there is no distinction between those close and those far off, but in which there also remains the impossibility of passing by the closest."
-*Emmanuel Levinas*, Otherwise than Being[3]

LEVINAS, ETHICS AS NEGATIVE THEOLOGY, AND SCHMITT'S CHALLENGE

"In moments like these," declares Habermas, in an address from shortly after September 11, 2001, "the unbelieving sons and daughters of modernity seem to believe that they owe more

[1] Bernard Mandeville, *The Fable of the Bees*, ed. Phillip Harth (New York: Penguin Books, [1705] 1989), 68.

[2] Talmud Bavli, Tractate Sanhedrin (Jerusalem: Oz Vehadar, 2011), 109a-109b.

[3] Emmanuel Levinas, *Otherwise than Being, or Beyond Essence*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, [1974] 2002), 159. In this chapter, I cite a number of Levinas' major works using a format of abbreviations that have become standard in Levinas scholarship: *Totality and Infinity* as *TI*; *Difficult Freedom* as *DF*; *Otherwise than Being* as *OB*; *Beyond the Verse* as *BV*; *Outside the Subject* as *OS*; and *Basic Philosophical Writings* as *BPW*. For all other works by Levinas, I employ standard academic citation. When consulting the original French, I note this in the text. *Totality and Infinity: An Essay on Exteriority*, *op. cit.*; *Difficult Freedom: Essays on Judaism*, trans. Seán Hand (Baltimore: The Johns Hopkins University Press, [1963] 1990); *Beyond the Verse: Talmudic Readings and Lectures*, trans. Gary D. Mole (Bloomington: Indiana University Press, [1982] 1994); *Outside the Subject*, trans. Michael B. Smith (Stanford: Stanford University Press, [1987] 1993); *Basic Philosophical Writings*, ed. Adriaan T. Peperzak, Simon Critchley and Robert Bernasconi (Bloomington: Indiana University Press, 1996).

to one another, and need more for themselves, than what is accessible to them, *in translation*, of religious tradition—as if the semantic potential of the latter was still not exhausted."[4] In the years since Habermas spoke these words, there has been a lively debate in political theory over the role that religious expression should have in liberal-democratic societies. Habermas himself had the following proposal: instead of hostile opponents, religion and secular modernity should be partners.[5] Each should be open to learning something from the other.

Political theorists have had no end of suggestions for religion. And Habermas himself, as we have seen, looks to religion as a source for "semantic potential." Yet the question of what religion *itself* can teach political theory remains largely unexplored. Various proposals for achieving what John Rawls called "overlapping consensus" between religious and secular worldviews, laudable as they may be, often take the form of détente rather than genuine dialogue. The actual *content* of religious beliefs and practices is almost always set aside, relegated to the black box of a "comprehensive doctrine."[6] Thus Habermas' remarks contain intriguing and unanswered questions: What insights can political theory glean from religion? In what "moments" do we most need them? And what more do we owe to each other?

In the second part of this dissertation, I offer a way of answering these questions via original interpretations of Emmanuel Levinas and Martin Buber's works on ethics,

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[4] Habermas [2001] 2005, 334, emphasis mine.

[5] See Habermas [2005] 2008; [2008] 2010); and 2011.

[6] Rawls' clearest discussion of this theory of religious accommodation is in his well-known essay "The Idea of Public Reason Revisited." Given that citizens often hold basic normative outlooks ("comprehensive doctrines") that are "irreconcilable," Rawls argues, liberal-democratic societies need such worldviews to be in effect translated into a rational discourse that is mutually accessible to all participants. In this way, an "overlapping consensus" can be achieved at the level of politics even if it remains beyond the reach of metaphysics. "The Idea of Public Reason Revisited," in *The Law of Peoples* (Cambridge: Harvard University Press, [1999] 2002). Robert Audi arrives at a similar position separating religion and politics, though from a somewhat different vantage. *Religious Commitment and Secular Reason* (New York: Oxford University Press, 2011). For positions more supportive of the use of religious reasons in politics, see Christopher Eberle, *Religious Conviction in Liberal Politics* (New York: Cambridge University Press, 2002); Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004); and Paul Weithman, *Religion and the Obligations of Citizenship* (New York: Cambridge University Press, 2006).

phenomenology, and Judaism. Neither Levinas nor Buber advocates for religion. But they do learn from religion. And the reason has to do with their distinctive approach to answering Schmitt's challenge. Rousseau, Kant, and Habermas all respond to Schmitt by rejecting his most central claim: That the non-rational psyche is indispensible for securing solidarity in a secular age. While they admit that liberalism has a solidarity deficit, they deny that this deficit requires going beyond what reason itself can provide. Levinas and Buber, by contrast, accept *both* of Schmitt's claims. They not only agree that there is a gap in liberal solidarity; they concede that this gap must be filled by sources of moral commitment and motivation that *transcend reason alone*. At the same time, however, they refuse to accede to Schmitt's radical political upshot: That liberalism's solidarity deficit must be filled by a god-like sovereign whose decisions resemble "miracles," and an agonistic "political" that locks us into permanent conflict with one another.

In short, what both Levinas and Buber find in religion—and in classical Jewish sources in particular—is a new method for answering Schmitt's challenge. I refer to this method, in contrast to solidarity through secularization, as *solidarity through imitation*.

What is distinctive about solidarity through imitation comes to light by way of contrast. Solidarity through *secularization*, as we have seen, operates through conceptual analogy and replacement. While it harnesses the *problem-solving ability* of some theological concept or aspect of religious experience, it also substitutes the *meaning* of this concept or aspect with one that is purely profane.[7] Consequently, the products of solidarity through secularization take the same form with which they started: concepts. Although a secularized concept has been transformed in meaning, it remains at base an idea, an abstraction, a piece of a philosophical

[7] According to Schmitt, for example, the sovereign's decision is *like* a miracle, not *actually* a miracle. Were it to retain such a metaphysical meaning, it would be useless for securing solidarity in a secular age.

puzzle. And as a result, it is ideally suited to fit into abstract systems of political theory: democratic will formation, moral free will, and normative discourse. Solidarity through *imitation*, by contrast, necessarily eschews this kind of abstract conceptual epistemology. Concepts can be swapped in and out of philosophies and political regimes; but only people can imitate. As Durkheim and Benjamin demonstrate, when human beings relate to things, persons, or ideas mimetically, they do not seek to fully grasp, master, or even understand them. They place limits on their rational faculties. The individual practicing mimesis acknowledges the existence of what she imitates. She incorporates some part of that existence into herself. But she does not inquire as to its *nature*. Indeed she does not relate to it through reason at all. *Pace* Kant, therefore, mimesis forgoes an epistemology based on dissection and categorization. And *pace* Habermas, it seeks not to *translate*, but *learn from*, religious tradition.[8]

As an approach to religion's resources, therefore, solidarity through imitation departs radically from the secularizing tradition of European political thought that I have explored thus far in this dissertation. And by doing so, it provides us with three valuable elements for answering Schmitt's challenge: It recognizes the need for sources of commitment and motivation that transcend reason alone; it retains the original meaning and coherence of the aspects of religion from which it draws; and its products are not political theologies but a new kind of solidarity, one that is pre-political and transcends reason, yet eschews nationalism and its potential pathologies. This form of solidarity furnishes my own normative political theory for responding to the puzzle of liberal solidarity and answering Schmitt's challenge. I refer to it as *deep solidarity*.

[8] Levinas' use of mimesis reflects another way in which he is similar to Adorno, over and above their agreement about the potential dangers of conceptualization and totality. For a study of their thematic commonalities, especially on theological issues, see Hent de Vries, *Minimal Theologies: Critiques of Secular Reason in Adorno and Levinas*, trans. Geoffrey Hale (Baltimore: Johns Hopkins University Press, 2005).

Deep solidarity has two parts, the first which I develop via my reading of Levinas, the second via Buber. The first is *solidarity as sacrifice*, an original account of our moral psychology in dyadic relation to other people (how the "I" should relate to an "Other"). The second is *solidarity as fate and destiny*, a normative theory of obligation that determines to whom we should direct our finite moral resources (how to conceive of the "We"). In this chapter I focus on Levinas and solidarity as sacrifice. In the chapter to follow I turn to Buber and solidarity as fate and destiny.[9]

Levinas has for decades been influential not only in European philosophy and Jewish studies, but in fields as diverse as anthropology, psychoanalysis, and comparative literature. Yet only gradually has he been recognized as an original thinker about politics.[10] Indeed many readers have taken him to be a political theorist only secondarily, or even accidentally, arguing that he is concerned not with the life of states but merely with the texture of our dyadic ethical relations.[11] And those few readers who *have* scrutinized Levinas' politics have often done so superficially, associating his thought with a cookie-cutter form of ethical anarchism. Among the

[9] Both *solidarity as sacrifice* and *solidarity as fate and destiny* are my own terms. But as will become clear in what follows, I believe that both serve to aggregate and conceptualize aspects of Levinas and Buber's thought that might otherwise remain scattered throughout their writings or submerged in their technical vocabulary.

[10] Two notable contributions that take Levinas seriously as a political thinker are Howard Caygill's *Levinas and the Political* (New York: Routledge, 2002) and Leora Batnitzky's *Leo Strauss and Emmanuel Levinas: Philosophy and the Politics of Revelation* (New York: Cambridge University Press, 2006).

[11] See, for example, Hillary Putnam, "Levinas and Judaism," in *The Cambridge Companion to Levinas*, ed. Simon Critchley and Robert Bernasconi (Cambridge: Cambridge University Press, 2002); C. Fred Alford, *Levinas, the Frankfurt School and Psychoanalysis* (Middletown: Wesleyan University Press, 2002); Simon Critchley, "Five Problems in Levinas' View of Politics and a Sketch of a Solution to Them," *Political Theory* 32 (2004); and Annabel Herzog, "Is Liberalism 'All we Need'?: Levinas' Politics of Surplus," *Political Theory* 30 (2002), 211. Many readers of Levinas' political theory identify the specifically political in his thought with what he terms the "third party" (see e.g. *TI*, 213, *OB*, 157). According to this view, the entrance of the "third party" triggers an awareness on the part of a person that their ethical actions are not confined to a dyadic relationship (the "other" or "second" party) but rather situated in a larger societal context. Most commentators understand this as a means for Levinas to ratchet-down the (often formidable) ethical demands he makes upon the individual. See for example Simon Critchley, *Ethics, Politics, Subjectivity: Essays on Derrida, Levinas, and Contemporary French Thought* (New York: Verso, [1999] 2009), 158 and Herzog 2002. While I agree with aspects of this interpretation, I believe it provides an incomplete portrait of Levinas' thinking about politics and its relation to ethical life, as will become clearer below.

things I aim to show here, therefore, is that this understanding of Levinas, while not entirely wrong, is incomplete. Though his work does center around issues in ethics and ontology, it also offers indispensible insights into our solidarity. And though Levinas is indeed skeptical of political authority, he is ultimately a firm supporter of liberal-democracy.

To uncover Levinas' political theory and flesh out the meaning of solidarity as sacrifice, I divide this chapter into three parts. In the first, I turn to Levinas' diagnoses of the pathologies currently plaguing liberal-democratic solidarity. Levinas' point of departure, I show, is a version of Schmitt's challenge: While the non-rational psyche is critical for our moral commitment and motivation, he argues, it is also unstable, unpredictable, and dangerous. Thus while the first step any society must take for securing solidarity is to coax its members out of the confines of their egoism, a second, critical step is to theorize how such self-transcendence, once accomplished, can be channeled and contained, its dangerous tendencies reconciled with honoring the individual. What matters for Levinas, in other words, is that we get humanity's non-rational psyche right.

While most interpreters of Levinas' politics have focused on his critical engagement with Heidegger and Hobbes, I here uncover the centrality of Hegel's philosophy, and especially the important mediating role played by Alexandre Kojève's influential interpretation.[12] Kojève's Hegel, I suggest, provides Levinas with a way of understanding and criticizing European philosophy's neglect of the non-rational psyche.[13] Via a reading of Hegel's *Phenomenology*,

[12] Most scholars understand Levinas' political concerns as directed primarily against Husserl, Heidegger, and Hobbes rather than Hegel. See for instance Robert Bernasconi, "What is the question to which 'substitution' is the answer?" in *The Cambridge Companion to Levinas*, 235; Marinos Diamantides, *Levinas, Law, Politics* (New York: Routledge-Cavendish, 2007); Alford 2002, 148; and Caygill 2002.

[13] Even those who attend to Hegelian motifs in Levinas' writings have rejected the influence of Kojève. Samuel Moyn, in his rich and fascinating treatment, proposes situating Levinas in the tradition of French Hegelianism, before dismissing the connection to Kojève based on the lack of direct evidence connecting the two thinkers. There is no record, Moyn notes, of his attendance in Kojève's famous seminars at the École Pratique des Hautes Études,

Levinas argues that the "I" produced by western philosophy is a *closed self*: it stresses material desire while ignoring metaphysical longing; and it navigates the world through consumptive form of ethical epistemology, the concept [*Begriff*]. Each of these psychological flaws, in turn, is linked to a threat to one of liberal solidarity's core values: honoring the individual and securing solidarity.

The first of these threats I call *moral spectatorship*. Levinas regards moral spectatorship as a dangerous outgrowth of the Hegelian system. When we apprehend reality solely through abstract concepts and categories, he argues, we adopt an abstract, birds-eye perspective on human solidarity. We outsource our ethical responsibility to larger political and economic systems. We become incapable of experiencing actually-existing people as having claims on our moral attention. And as a result, we lose our sense of personal moral accountability to our neighbors. The product is a callous indifference and a failure to secure solidarity.

A second threat, which Levinas associates with Durkheim's category of the "sacred," I term *self-dissolution*. It suffers from the opposite problem of moral spectatorship: not an aloof egoism, but a form of human self-abnegation without limits, an intense solidarity without respect for individual particularity. In the grip of the sacred, human subjectivity dissolves fully into an ecstatic and numinous social whole, failing to recognize any boundaries between self and other. The product is fanaticism, immorality and, frequently, violence—a total failure to honor the individual.

In the second part of the chapter, I turn to Levinas' response to these pathologies: His theory of *solidarity as sacrifice* grounded in insights derived from Jewish thought. There is a

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which took place from 1933-1939. Samuel Moyn, *Origins of the Other: Emmanuel Levinas between Revelation and Ethics* (Ithaca: Cornell University Press, 2005), 109, n. 50. For the attendance records, see Michael Roth, *Knowing and History: Appropriations of Hegel in Twentieth-Century France* (Ithaca: Cornell University Press, 1988), 225-7. Even so, several chronologies of his life *do* suggest Levinas' intermittent attendance at Kojève's lectures. See for example Simon Critchley, "Emmanuel Levinas: A Disparate Inventory," in *The Cambridge Companion to Levinas*, xv; Caygill 2002, 2; *BPW*, viii.

tendency in Levinas scholarship to divide between his philosophical texts and writings on Judaism, implying that theological ideas had little or no influence on his theoretical project. One group of commentators have insisted upon the strictness of this division, citing his self-description in an interview: "I am not a Jewish thinker. I am just a thinker."[14] Another set, while acknowledging the appearance of philosophical ideas in his Jewish writings, see the causal arrow pointing in one direction only: Levinas, by this view, used Talmudic readings as an alternative medium for expressing his philosophy, forcing his own ideas into the texts rather than performing genuine exegesis.[15] Here I push back against this dominant scholarly trend. Levinas, I argue, not only wrote about "religion" or "Judaism" in the abstract. He sought to bring about the active *imitation* of forms of Jewish thought and practice in our solidarity with others. And he had one mimetic object in particular: the negative theology of the medieval rabbinic scholar and philosopher Moses Maimonides.

Negative theology as originally conceived is a form of religious epistemology. Unlike proponents of positive theology, who believe that the deity can be straightforwardly described as having certain attributes or qualities, advocates of negative theology deny that it is possible to say anything affirmative about the deity's nature. Proponents of negative theology thus believe that when we say the word "God," there is a disjuncture between the word—the signifier—and the object being apprehended—the signified. If one were to say something like "God is loving" or "God is just," the implication would not be that the divine being *really is* either of these two things; it would be that the words "love" and "justice" describe how human beings perceive the

[14] See, for example Etienne Feron, *De l'idée de transcendance a la question du langage: L'itineraire philosophique de Levinas* (Grenoble, France: J. Millon, 2002); Simon Critchley, "Introduction," in *The Cambridge Companion to* Levinas; cf. Emmanuel Levinas, *Autrement que Savoir* (Paris: Editions Osiris, 1987), 83.

[15] Robert Gibbs, *Correlations in Rosenzweig and Levinas* (Princeton: Princeton University Press, 1994); Susan Handelman, *Fragments of Redemption: Jewish Thought and Literary Theory in Benjamin, Scholem, and Levinas* (Bloomington: Indiana University Press, 1991); Colin Davis, *Levinas: An Introduction* (Oxford: Blackwell Publishers, 1997).

deity's *actions* from their own limited perspective. Negative theology thus posits a gap in what we can rationally apprehend about the deity. While using reason to circle *around* its object, it admits that our understanding of and devotion to the object *itself* cannot be based on rational comprehension. Levinas, I show, argues that we should imitate this form of divine-human relation in our ethical relations with others. By modeling our ethical epistemology on this religious epistemology, we reimagine other human beings as essentially separate, unknowable, and inviolable—that is, as "holy." Rather than the deity, *people themselves* become sites for our non-rational commitment and motivation. In this way, ethics as negative theology helps to realize solidarity by means of imitation. It allows us to avoid both moral indifference and sacred enthusiasm.

In the final third of the chapter, I complete my account of solidarity as sacrifice by outlining Levinas' theory of existential development and moral personality. Against Hegel, Levinas rejects the idea that the essence of the human person—the "I"—comes into being through a struggle for recognition. And against Kant, he argues that the "I" is neither a transcendental concept nor something that adheres automatically to every self. Instead, it is a quality we *earn* through concrete, creaturely acts of sacrifice for other people. Levinas, I show, develops this new existential theory by culling from two of Rabbinic Judaism's most evocative moral metaphors: the extension of hospitality to strangers; and the giving of a sacrificial offering.[16] What this means is that solidarity as sacrifice eludes standard categories of liberal-democratic phenomenology, like interest and reciprocity. Its stress instead is on asymmetrical obligation and shared vulnerability: We develop a moral personality by making another's

[16] Levinas repeatedly emphasizes that when he refers to Judaism, his prism is Rabbinic Judaism, "the thought of the doctors and scribes who lived between the second century B.C.E. and the fifth century C.E." *OS*, 132, cf. *DF*, 274.

material needs our existential needs; to relieve our psychological vulnerability we must attend to another's physical vulnerability.

In this way, Levinas's concept of solidarity as sacrifice offers an innovative response to Schmitt's challenge. It provides a new framework for reconciling life in large-scale, diverse societies with the characteristics of genuine moral personality: an awareness of vulnerability, a willingness to transcend one's self for others, and a respect for human particularity. Indeed what Levinas offers us, I suggest, is a form of moral personality that not only avoids moral blindness, but is also attuned to everyday asymmetries of power. It is an program for liberal solidarity that does not leave the task of combating interpersonal dependence to the state alone.

There is a reason, I therefore conclude, that Levinas did not see himself as a narrowly Jewish thinker: He did not regard Judaism itself as narrow. He did not perceive Jewish ideas as expressing a limited and particularistic tradition. He did not regard them merely as an alternative discourse with which to convey his own thoughts. Nor did he see them as a reservoir for secularizing, rationalizing, and repurposing theological categories. When properly understood, Jewish thought instead contains the seeds of a unique universalism. By imitating its insights, he shows, we access a new and urgent perspective for solving the puzzle of liberal solidarity.

I say "urgent" in order to elicit a final feature of Levinas' work, one that in some respects underpins his entire program for solidarity as sacrifice. At the conclusion of *Difficult Freedom*, one of his collections of essays on Judaism, he offers a pithy and impersonal account of his biography before making an abrupt assertion: that his entire life should be understood as "dominated by the presentiment and the memory of the Nazi horror."[17] Richard Bernstein has

[17] *DF*, 291.

convincingly argued for reading his project as a whole as an "ethical response to evil."[18] There is no question that Levinas—like Arendt, Adorno, and Habermas, to name only a prominent few—saw a core part of his life's work as diagnosing the causes and preventing a recurrence of the Holocaust. Like his peers, he insists that the European philosophical tradition is based on a series of premises that, while not always strictly false, are in some way problematic, incomplete, or pathological. Yet what makes him different is not only the texture of his diagnosis. It is where he goes for an answer. The unfilled content of philosophy, according to Levinas, can only be filled with insights drawn not from Athens, but Jerusalem. It requires exchanging our search for solidarity through secularization for a solidarity through imitation, our abstract political theologies for a deep solidarity. "Our great task," he writes, "is to express in Greek those principles about which Greece knew nothing."[19]

Levinas does not seek for solidarity in the general will of the people or the spontaneity of the individual. He does not advocate for a return to pre-modernity, to the "undifferentiated unity" of pre-critical communal life.[20] He does not rely on affect, sympathy, myth, or tradition. Nor does he lean on language and discourse. What he offers instead is a radically new vocabulary for thinking about the relationship between the non-rational psyche and the most profound sources of our moral commitment and motivation—something not easily captured in political theory's current normative discourse of recognition, reciprocity, and autonomy. And it is in these ideas that he finds a response to the moral collapse of the Third Reich: a different vision of interpersonal ethics, a new model of human subjectivity, a deep solidarity. In short, a model for the "Other" and the "I."

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[18] Richard Bernstein, "Evil and the temptation of theodicy," in *The Cambridge Companion to Levinas*, 252-67.

[19] *BV*, 200.

[20] G. W. F. Hegel, *The Phenomenology of Spirit*, trans. A. V. Miller (New York: Oxford University Press, [1807] 1977), §141.

KOJÈVE, DEPENDENCE, AND THE CLOSED SELF

In this section my more limited purpose is to demonstrate the importance of Alexandre Kojève's work for structuring Levinas' critique of Hegel. My larger aim is to show that the Kojèvean lens helps bring into focus Levinas' concern for solving the puzzle of liberal solidarity. According to Levinas, Hegelian philosophy ends in an aporia, preventing it from securing solidarity. The problem originates within the Hegelian subject herself. Hegel began his *Phenomenology* with the ego and ended with the "I." This accomplishment, for Levinas, is a philosophical illusion. The Hegelian human being, he argues, never truly escapes the ego; it remains purely self-referential, trapped in the identification of subject and self-consciousness. It renders a form of individual personality which, like Rousseau's socialized man, is utterly dependent on others' esteem. Such a person is incapable of showing his own vulnerability or responding to it in others. He is a *closed self*.

Levinas focuses on this aporia in particular, I argue, because of three features of Hegel's philosophy pressed specifically by Kojève: the centrality of the master-slave dialectic for grounding Hegel's project as a whole; a strong emphasis on the identification of subjectivity with self-consciousness; and the image of history as ending in a "universal and homogenous state."[21] It is worth noting that this last term, while important for Kojève's philosophy of history, never appears as such in Hegel's work. Where it does appear is in Levinas' writings, either explicitly

[21] In referring to Kojève's interpretive essay, I have consulted both the English-language version edited by Allan Bloom and the original set of lectures as collected by seminar attendee Raymond Queneau. *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*, ed. Allan Bloom, trans. James H. Nichols, Jr. (Ithaca: Cornell University Press, [1947] 1980); *Introduction à la lecture de Hegel*, 2nd ed. (Paris: Gallimard, 1947). As Patrick Riley points out, Bloom's abridged edition omits an important section of the text (IV). "Introduction to the Reading of Alexandre Kojève," *Political Theory*, 9 (1981), 42 n. 40. For clarity, I hereafter cite the original French edition as *ILH* ("*Introduction à la lecture de Hegel*") and the Bloom edition as *IRH* ("*Introduction to the Reading of Hegel*").

or with slight variations.[22] With this in mind, I should note at the onset that Kojève's Marxian reading of Hegel has been described as incomplete, unfair, even "violent."[23] In some respects it is as much Kojève as it is Hegel. Thus what I will also suggest here is that the Kojèvean lens can help to explain some of Levinas' own lack of charity regarding Hegel's philosophy, including places where he gets Hegel plainly wrong. These instances—an overlooking of ways history advances other than violence, an apparent ignorance of the *Philosophy of Right* and its corporatism, a highly dualistic theory of desire—bear a striking resemblance to the gaps that can be found in Kojève's own reading. At the same time, if Levinas was an inaccurate reader of Hegel, he was an astute interpreter of human society. The aporia he ascribes to Hegel can, I think, be usefully used to describe certain pathologies of liberal-democratic solidarity.

The skeleton key to Hegel's philosophy, according to Kojève, is his famous chapter in the *Phenomenology* on "*Herrschaft und Knechtschaft*," commonly referred to as the "master-slave dialectic."[24] The basic outline of the narrative is well-known: Two selves that have otherwise come to be in isolation encounter one another for the first time. Both parties experience the other as a threat, in so far as the existence of another subjectivity calls into question the premises of one's own sense of self. Thus the two engage in a struggle in order to gain greater certainty of their own existence, to test the strength of their own subjectivities. One of the parties loses this struggle when he chooses to prioritize his life over victory. This individual becomes a slave to the other, who becomes a master, thereby setting human history into motion.

For Kojève, the staging of master and slave furnishes an answer to the core existential question: what is a person? It does so by revealing the central role played by desire in the

[22] See for example *DF*, 210, *OS*, 15.

[23] Roth 1988, 96.

[24] Hegel [1807] 1977, sec. 178-196.

development of individual personality. What human beings share with animals are material and physical desires. But whereas an animal, when relating to another, cannot extend its desire any further than that other's body, the human being also desires the other's love and affection, honor and respect. In other words, Kojève, like Rousseau, argues that the human being not only desires others, but *desires the desire* of others. She desires their recognition (*reconnaissance*).[25] Put in Rousseau's terms, she is dependent on others' esteem. Michael Roth has noted that Kojève's analysis here can be distinguished from Hegel by its emphatically dualistic account of desire: whereas Hegel suggests no stark separation between nature and history, Kojève emphasizes the split nature of desire.[26] As I argue further on, this dualistic picture plays an important role in structuring Levinas' own opposing theory of desire, helping to explain his distinct theory of the subject's development.

In addition to its theory of desire, what is critical to note about Kojève's account is that *struggle* is absolutely indispensable for the formation of human personality. "Without this fight to the death for pure prestige," Levinas writes of the narrative, "there would never have been human beings on earth."[27] The self as such is born in violence. At the beginning of the struggle neither party has an identity; both are little more than free-floating egos in the first glimmers of their formation as subjects. But to paraphrase Marx, if the ego begins as nothing, it must be everything.[28] It cannot tolerate the threat of a subjectivity opposed to itself. Thus it can only be everything by negating the other.

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[25] *IRH*, 6.

[26] Roth 1988, 97 n. 10.

[27] *IRH*, 7

[28] Karl Marx, "Contribution to the Critique of Hegel's Philosophy of Right: Introduction," in *Karl Marx: Early Writings*, ed. and trans. T. B. Bottomore (New York: McGraw Hill, [1843] 1964), 56.

What finally puts an end to this historical process is a condition in which universal recognition and esteem becomes possible, what Kojève calls "l'État universel et homogène," "the universal and homogenous state."[29] This state is marked by several key features, each of which will feature prominently in Levinas' critique of Hegel.

To begin with, as Kojève's coinage implies this state is universal in scope. Like Marx's eschatology it encompasses all of humanity. As Patrick Riley has observed, this marks a significant theoretical innovation on Kojève's part, in so far as Hegel, in his *Philosophy of Right*, concludes history not with a single all-encompassing state, but a world of many different states, each populated by its own people.[30] What this means for Kojève is that the end of history is marked by a total diminution of difference, an elimination of all human particularity—a complete failure to honor the individual. Homogeneity, here, is implied by universality; the two for Kojève are theoretically inseparable.[31]

A second important feature of this state is its totality. What this reflects is the privileged role that Kojève, following Hegel, assigns to history in authorizing human judgment. The end of history is totalizing because it is capable of elucidating every facet of human development. To consider "alternative" historical narratives is incoherent. Thus moral judgment as such is only possible from the vantage of the end of history. Kojève puts the choice in stark, theological terms: "It is a matter of deciding for self (i.e., against God) or for God (i.e. against oneself)."[32]

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[29] *IRH*, 44.

[30] Riley 1981, 27. Cf. Hegel, *Elements of the Philosophy of Right*, *op. cit.*, §257-360. In Hegel's more nuanced view, human ethical life at history's conclusion remains split into universalist and particularist components: people are connected to all of humanity through their belief in the absolute; they are linked to their compatriots through their fidelity to the state.

[31] *ILH*, 145.

[32] *ILH*, 293.

The concept of "totality" is linked to a third critical aspect of the Kojèvean state: the form of solidarity it envisages. What the "universal and homogenous state" reflects is a specific approach to overcoming human dependence: not through a change in the dominating instinct itself, but instead through a dialectical process wherein the desire motivating such domination is finally sated.[33] Yet what is critical to note here is what is *not* transformed. For, according to Kojève's own theoretical premises, the human will to dominate others never really goes away. What changes instead are the circumstances of human life. Put another way, interpersonal dependence ends not because people renounce domination. It ends because they lose their reasons for dominating.[34] Once an individual's needs for esteem are fulfilled in a realm of universal satisfaction, he no longer feels compelled to negate the humanity of others for his own ends.[35]

For Levinas, this tying together of thought, identity, and the drive to make others dependent on one's will amounts to a pure "philosophy of power."[36] The product is a closed self, a personality that Levinas describes as "egoist without reference to the Other," that is, "entirely deaf to the Other…without ears, like a hungry stomach."[37] Whatever its adventures, "across breaks and recoveries" through Hegelian history, the subject remains hamstrung because it is cognitively shut to something other than itself.[38] Such "knowledge or violence" knows only

[33] *IRH*, 58.

[34] Alexandre Kojève, *Outline of a Phenomenology of Right*, ed. Bryan-Paul Frost, trans. Bryan-Paul Frost and Robert Howse (Lanham, Maryland: Rowman & Littlefield Publishers, 1943] 2000), 27.

[35] *IRH*, 79.

[36] *TI*, 46.

[37] *TI*, 134.

[38] *OB*, 103, cf. *TI*, 36.

how to grasp, brawl, subordinate, and control.[39] It seeks to consume rather than mediate. In any environment that fails to completely satisfy its human and animal desires—in any environment short of utopia itself, which is to say, in the real world of life and experience—its will to dominate will continue unabated. Its sociality will be marked by the "grasp of one being by another…where no being looks at the face of the other, but all beings negate one another."[40] The very first glimmers of human self-consciousness, in Kojève, arise in the violent negation of another human being. This form of self-consciousness never fully disappears. Even at history's end, the self remains fundamentally closed to anything beyond its own its own cognition and desire for esteem.

THE THREATS TO SOLIDARITY 1: THE CONCEPT AND MORAL SPECTATORSHIP

I have argued that by reading Hegel's *Phenomenology* through the prism of Kojève's interpretation, Levinas identifies an aporia in the Hegelian system: the closed self. I now turn to examine its threats to solidarity. I refer to the first of these, a mode of relating to other people characterized by callousness and indifference, as *moral spectatorship*.

Moral spectatorship is an outgrowth of the way the Kojèvean-Hegelian subject apprehends reality at the most basic level. Kojève, as we have just seen, presses the centrality of negation in the Hegelian dialectical process. Such a self "neutralizes the existent in order to grasp it," which for Levinas is "not a relation to the other as such but the reduction of the other to the same."[41] Put another way, the manner in which the subject encounters otherness—other

[39] *TI*, 302.

[40] *TI*, 302.

[41] *TI*, 46.

things or other people—is through the *Begriff*.[42] It should be noted that this word, usually translated as "concept," also has the resonance in German of "grasping."[43] And this is how Levinas interprets it. "Knowledge seizes hold of its object," Levinas writes, "It possesses it."[44]

Concepts, for Levinas, are a double-edged sword. On the one hand, they permit us to navigate our world in a complex and orderly way. Instead of encountering reality one particular object at a time—one tall leafy thing followed by another tall leafy thing—a concept allows us to group these objects together: trees. In this sense, the faculty of conceptualization is a critical component of our instrumental reason. It makes us capable of arranging, subduing, and transforming the world around us.

On the other hand, concepts can also be morally dangerous: they risk dishonoring the individual. To conceptualize a thing, after all, is also to efface its particularity. It is to weaken its status as a unique object of perception and transform it into the mere instance of a category. Critically, such effacement can be extended to a human being as well, potentially undermining her dignity. While this danger is always present to some degree, Levinas argues that the Hegelian subject is especially susceptible. The "I think" of the Hegelian *Begriff*, according to Levinas, immediately becomes an "I can"—and in Kojève's identification of subjectivity with self-consciousness, also an "I am."[45] Armed with a totalizing faculty of conceptualization, a closed self comes to encounter all objects in the world, including other persons, merely as means to serve her needs and desires. As long as everything can be contained within a concept, nothing impedes her cognitive subjugation of reality. She approaches the world as something to be

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[42] *IRH*, 48.

[43] In Kojève's reading of Hegel, the "concept" (*Begriff*) becomes the primary expression of the slave's sublimated instincts, developing, along with "understanding" (*Verstand*), through labor. *IRH*, 48, n. 2.

[44] *DF*, 8.

[45] *TI*, 46.

mentally conquered; and this forms the basis of her personality. Or in Levinas' pithy formulation: "The violent man does not move out of himself. He takes, he possesses. Possession denies independent existence….To know is to perceive, to seize an object—be it a man or a group of men—to *seize* a thing."[46]

When such violent and egoistic subjectivities are put together the product is a serious threat to solidarity. Levinas—in language that reveals his debt to Kojève—identifies this threat with the "Hegelian path" that leads to the "universal law and a homogenous state."[47] Such a path holds two interrelated dangers.

To begin with, it masks the actual relations of dependence and domination that continue to persist in society. Levinas, like Marx, suspects that the Hegelian project of reconciliation bites off more than it can chew.[48] Hegel, he notes, was fully correct to begin his historical anthropology with an asymmetry of power, that is, with master-slave dialectic. Where he failed was in his project of reconciliation. Like Kant and his confidence in the conceptual power of spontaneity, Hegel labors under the illusion that dependence can be resolved through the force of philosophy and universal history alone. His mistake, in other words, is "to proclaim the universality of God in consciousness, to think that everything is consummated," when at the same time people "tear one another to pieces" and thus "belie this universality in fact."[49]

An additional danger described by Levinas departs from Marx and is directed instead at the ethical consequences of conceptualization. What the totality of the Hegelian state system and

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[46] *DF*, 9.

[47] *OS*, 15; cf. *DF*, 210.

[48] The notion that Hegel's project (and the liberal idea of a civil society more generally) masks actually-existing relations of domination behind an ideological-philosophical screen is a recurring theme in the early Marx's engagement with the so-called Young Hegelians, most notably in his "On the Jewish Question," "Contribution to the Critique of Hegel's *Philosophy of Right*," *The Holy Family*, and *The German Ideology*.

[49] *TI*, 241.

universal history produces, he argues, is an abnegation of responsibility toward others, a kind of moral spectatorship. The problem lies in how Hegel's philosophy manifests at the level of an individual's moral psychology. According to Levinas, whenever we assume the perspective of the totality, we lose our more localized sense of duty. We see ourselves not as individual moral actors, but as mere components of a larger social system:

> Apperceiving itself as universal, [the individual] has already slipped away from the responsibilities to which I—always contrasting with the ego—am bound, and for which I cannot ask replacements. The ego, in consciousness reflecting on itself, both declinable as an object and protected by its unrendable form of being a universal subject, escapes its own critical eye by its spontaneity, which permits it to *take refuge in this very eye that judges it*.[50]

In a post-Hegelian world, Levinas suggests, morality itself has been increasingly outsourced. Instead of attending to our own surroundings, we come to regard our obligations as part of a global and totalizing system of law and commercial exchange. We see our behavior not from the first-person perspective of everyday ethical life, but from the third-person perspective of the whole. In other words, we abstract ourselves outward from our present circumstances, interpreting our actions not in themselves, but as parts of larger social and historical structures. At the cognitive level, a person may be abstractly joined to many others—even to a universal humanity. Yet such an impersonal moral psychology will not only fail to equip an individual for situations that require her moral attention; it will produce ethical indifference, blinding that person to the suffering taking place before her very eyes.[51]

Levinas, here, is situating Hegel within certain moral-psychological developments associated with the invention of civil society. As it emerged through debates in Enlightenment political economy, the concept of a civil society injected moral content into large-scale social

[50] *OB*, 92, emphasis mine.

[51] *OB*, 196-7 note.

and economic structures through a dual motion: First, it deployed the language of a *system*, positing an emergent (and autonomous) order produced by the unintended consequences of private actions.[52] Second, it aspired toward a humanity regarded as *universal*, that is, one that as a whole benefits from our disinterested actions through the diminution of violence and material enrichment.[53] What this theorization offered was a substitute for the traditional religious ideal of solidarity.[54] In place of a shared sense of divine mission was a secular model that could, theoretically, make solidarity compatible with the egoistic nature of market exchange.[55] As Adam Seligman has argued, civil society was uniquely able to square this circle of ethics and self-interest, dividing the individual into "universal/moral" and "private/egoistic" components.[56]

Kojève's interpretation of the Hegelian system, with its totalized thinking, takes this moral-psychological development to its philosophical extreme. In his posthumously published *Outline of a Phenomenology of Right*, Kojève describes history's end-state as producing a total diminution of human particularity, one in which persons lose all aspects of their individual personality.[57] The product: a decentering of ethical life and a renunciation of personal accountability. From the Hegelian subject's stratospheric vantage on human affairs, she is given license to interpret even her most apparently self-regarding actions in explicitly moral terms,

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[52] A. O. Hirschman, "Rival Views of Market Society," in *Rival Views of Market Society and Other Essays* (New York: Viking, 1986).

[53] Fania Oz-Salzberger, *Translating the Enlightenment: Scottish Civic Discourse in Eighteenth-Century Germany* (New York: Oxford University Press, 2001), cf. Adam Ferguson, *An Essay on the History of Civil Society*, *op. cit.*; and Immanuel Kant, "Idea of a Universal History with a Cosmopolitan Purpose," in *Kant: Political Writings*, *op. cit.*

[54] Baker 2001, 93.

[55] Allan Silver, "Friendship in Commercial Society: Eighteenth-Century Social Theory and Modern Sociology," *American Journal of Sociology*, 96, 6 (1990), 1474-1504.

[56] Adam Seligman, *The Idea of Civil Society* (New York: The Free Press, 1992), 79.

[57] Kojève [1943] 2000, 91.

ordered like the "collision of one billiard ball with another."[58] She can redeem her egoism. So situated, she will be left unable or unwilling to take genuine responsibility when faced with immediate, local, and interpersonal moral challenges. She will take callous consolation in her role as part of a totalizing moral structure, a mere "moment" in an ideal "system of "truth."[59]

Take an everyday example, like encountering a beggar on the street. Levinas is concerned that when confronted by such a person, we will not really see the unique, suffering human being in front of us. Instead, armed with our faculty of conceptualization, we will perceive merely an instantiation of the more general category of "beggar," a category that is itself part of a larger social framework. Thinking this way, we might assume the perspective of the economic system as a whole. And from this vantage, beggars become simply an inevitable outgrowth of a system that, taken in sum, supposedly maximizes pleasure and minimizes pain. Indeed from a sufficiently global perspective on human affairs, my giving to this beggar might, in fact, be seen as *tampering* with this system, distorting economic incentives that produce the best outcomes overall.

When we start to think in this way, Levinas suggests, we have lost something important. To use his term of art, we no longer see the "face" of the other. We think impartially, in concepts and categories, like the system itself. And the upshot for our solidarity is a moral spectatorship, a society in which, to quote Levinas, "no being looks at the face of the other, but all beings negate one another." For Levinas, no solidarity composed of individuals lacking such moral responsibility deserves the title. "The exclusion of violence by beings susceptible of being integrated into a totality," he writes, "is not equivalent to peace."[60]

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[58] *DF*, 6.

[59] *DF*, 188.

[60] *TI*, 222.

THE THREATS TO SOLIDARITY 2: METAPHYSICAL DESIRE AND SELF-DISSOLUTION

Levinas assembles his own answer to the puzzle of liberal solidarity by rejecting the Kojèvean-Hegelian account of desire. Against Kojève's identification of distinctly human desire with *recognition*, he maintains that such desire is instead defined by a kind of *religious-metaphysical longing*. Consequently, it cannot be satiated by conditions of mutual recognition alone. This redefinition of desire, however, forces Levinas to confront a very different kind of threat to solidarity: *self-dissolution*, the loss individual personality in an ecstatic merger with the collective. Though he links self-dissolution to a religious category, "the sacred," he nonetheless believes that its causes and effects extend far beyond the confines of religion. For metaphysical longing, according to Levinas, is not confined to religious experience. It is a deep and omnipresent feature of the non-rational psyche. It is present, acknowledged or not, in all facets of human experience, including our moral commitment and motivation.

Levinas' theory of desire, while indebted to the dualism of Kojève's account, departs starkly from its conclusions. It is true, Levinas writes, that a person wants something intangible from another; the mistake is to identify that intangible thing with esteem. Authentic human desire is associated with "religion" and "not the struggle for recognition."[61] It is a "metaphysical desire," one that "tends toward something else entirely," an object beyond the Heideggerian "readiness-to-hand" [*griffbereit*] and toward the "absolutely other."[62] Kojève erred, in other words, by reducing all nonphysical desire to just another need, and thus believing that desire itself could eventually be made to disappear if that need was fulfilled. But desire, with its

[61] *TI*, 64.

[62] *TI*, 33. Levinas' description of metaphysical longing bears strong resemblance to the portrayal of the Hegelian *la malheur de la conscience* ("unhappy consciousness") stressed by his teacher Jean Wahl. *La Malheur de la Conscience dans la philosophie de Hegel* (Paris: Presses Universitaires de France, [1951] 1929). This means that, in an ironic sense, Levinas is actually pitting Hegel against himself—or at least one reading of Hegel (Wahl's) against another (Kojève's).

metaphysical orientation, cannot be so reduced. "In need," Levinas writes, "I can sink my teeth into the real and satisfy myself in assimilating the other; in Desire there is no sinking one's teeth into being, no satiety, but an uncharted future before me."[63]

Kojève's mistake in defining desire undermines his scheme for solidarity. For now it is clear that desire cannot be fully quenched by the "universal and homogenous state." Recognition alone will not end the dependence and domination of history because humanity's metaphysical needs cannot be satisfied by recognition.[64] Hegel, whose psychological theory is much richer than Kojève's, in fact recognizes this problem, and devotes substantial time to describing the ideal state's religious and metaphysical content.[65] But Kojève, seeking to push a highly secularized reading of Hegel, cannot draw from this material while retaining the cogency of his position. He is thus left in a philosophical bind: he can either deny the existence of metaphysical desire as such, reducing it to an epiphenomenal expression of a more foundational desire for

[63] *TI*, 117, cf. 179-80.

[64] Leo Strauss also objects to Kojève's eschatological vision, through from a different vantage. On the one hand, he points to an ambiguity about whether Kojève's picture of desire-satisfaction is descriptive or prescriptive: Is his argument that all people *will* have their desires satiated by the end of history? Or is it their task to understand their desires *as so satiated*? On the other, he suggests that such a utopia, by making human greatness impossible, also makes impossible an important facet of human experience. Roth 1988, 126-134. In this sense, Levinas' critique of Kojève—which in some ways is precisely a critique of this ambition for worldly greatness—is almost the inverse of Strauss'.

[65] Hegel spills a great deal of ink describing both human metaphysical desire and the role he envisions religion playing at the end of history. In his account of human history, he famously distinguishes between the "imaginative" religions of Greece and Rome and the "positive" religion of Christianity. Participants in the ancient cults, he writes, understood their practices as products of human artifice and imagination. Consequently, when they sacrificed—either victims or their own lives—for the sake of their *polis*' protective deity [*Schutzgott*], they did so deliberately, for "an end which was their own." Christianity, by contrast, insists upon obedience to an authority fully beyond the self. Rather than involving the individual creatively, it subsumes her into a totality, producing a sense of internal alienation and political quietism, feeding the "unhappy consciousness." Hegel's resolution is a reconciliation [*Versöhnung*]: a new religious structure for the modern state that joins the sacred energies of the *cultus* to Christian universality. "The Positivity of the Christian Religion," in *Early Theological Writings*, trans. T. M. Knox (Chicago: The University of Chicago Press, [1795] 1948), 154. For more on the specifically theological basis of Hegel's project of reconciliation, see Mark Lilla, "Hegel and the Political Theology of Reconciliation," *The Review of Metaphysics*, 54 (2001), 859-900.

recognition; or he can accept that his utopian vision is incomplete, that it leaves unresolved—and indeed, by virtue of the end state's totality, *irresolvable*—an important facet of human desire.[66]

But metaphysical longing puts Levinas in a theoretical bind, too, for it risks another threat to liberal-democratic solidarity: self-dissolution. If metaphysical desire cannot be satiated, what is to say it can be contained? As described most famously by the philosopher of religion Rudolf Otto, certain modes of religious experience can inspire a hunger for "submergence and absorption in the 'wholly other,'" a craving to dissolve the boundary separating self and society.[67] Levinas is keenly aware of the dangers associated with such otherworldly yearning. Access to numinous experience has historically been linked to bloodshed—to the sacrifice of life, animal or human. Often, it has been politics that has led the call for victims, encouraging the loss of one's individual identity in the larger collective, invoking the divine to justify the violence of a cause, suspending the ethical by appeal to religion, or as Hobbes so vividly describes, enrolling the mysticism of theological language to legitimate social domination.[68] At its limit, it submerges people into an ecstatic frenzy, producing images like that of Agave at the conclusion of Euripides' *Bacchae*: raving and bewildered, holding the head of her dead son Pentheus, torn from his body by her own hands in the throes of cultic madness.[69]

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[66] *IRH*, 56-7. It is telling that Kojève, while initially opting for the former position, came later in his career to accept some version of the latter. Though he never abandoned his belief in a "universal and homogenous" future, he began to see it more as a kind of ironic victory of the cunning of reason than a genuine utopia. Roth 1988, 134-5.

[67] Rudolf Otto, *The Idea of the Holy*, trans. John W. Harvey (New York: Oxford University Press, [1917] 1958), 22, 193.

[68] Thomas Hobbes, *Leviathan*, *op. cit.*, §5. Hans Schmalenbach has used the term "communion" (in contrast to "community") to describe something similar: a form of intense social solidarity that arises when individuals experience a dissolution of the self into the collective. "Communion—A Sociological Category," in *Hans Schmalenbach on Society and Experience*, *op. cit.*

[69] Euripides, "The Bacchae," in *Euripides V*, ed. David Grene and Richard Lattimore, trans. William Arrowsmith (Chicago: University of Chicago Press, 1967), 1118-1125.

Levinas associates this form of religious experience with "the sacred" [*le sacré*] and links it to Durkheim's depiction of cultic practice in *The Elementary Forms of Religious Life*. As we have seen, there is nothing inevitably violent about sacred experience according to Durkheim. Ritual life can easily take a peaceful and morally salutary form. Yet there is no doubt that the Durkheimian sacred carries dangers. By cultivating a mythic mindset, insulating its normative authority from critical examination, and culling from the non-rational psyche, the sacred risks dishonoring the individual and stripping us of moral responsibility. It always has the potential to dissolve groups of people into a kind of irrational enthusiasm or fanaticism, a "seething, subjective mass of forces, passions, and imaginings."[70] In the grip of the sacred, the boundaries between the individual and reality collapse; the self becomes "subjectless," driven as much if not more by its environment than by its own volition. Levinas' concern is that such a state makes one capable of heinous crimes. Acts that would be unthinkable—Agave's murder of her son, even as she is confronted by his pleading face—become feasible as the "numinous annuls the links between persons by making beings participate, albeit ecstatically, in a drama not brought about willingly by them, an order in which they seem to founder."[71]

At the same time, for Levinas the sacred also reflects a certain problematic religious vantage concerning the link between the divine and human realms, one in which the deity (or deities) can be swayed or manipulated by human actions. The *Gilgamesh* epic, for example, presents animal sacrifice not merely as a cultic practice, but a literal feeding of the gods: "…The

[70] *DF*, 102. See for example Durkheim's definition of society as a "totality," as well as his description of the self-abnegation involved in ritual sacrifice. *The Elementary Forms of Religious Life*, *op. cit.*, 443 and 340-7, respectively. Levinas' conception of the "sacred" also bears resemblance to Rudolf Otto's concept of the "numinous" (a term Levinas himself repeatedly uses), what Kant refers to in his *Anthropology* as "enthusiasm" [*Schwärmerei*], and could also be fruitfully compared to Nietzsche's "Dionysian." Otto [1917] 1958, 31; Kant, *Anthropology from a Pragmatic Point of View*, ed. and trans. Robert B. Louden (New York: Cambridge University Press, [1798] 2006); Friedrich Nietzsche, "The Birth of Tragedy," in *Basic Writings of Nietzsche*, trans. Walter Kaufmann (New York: Random House, [1872] 2000).

[71] *DF*, 14.

odor touched the nostrils / of the Igigi gods and gave them pleasure. / I slaughtered a sheep to make a sacrifice; / the gods collected like flies about the altar."[72] It is this false impression of human power over the divine that informs Levinas' interpretation of the death of the biblical Aaron's sons, Nadab and Abihu. According to the account in Leviticus, the two are struck down for setting an "alien fire" upon the altar.[73] Their mistake, as understood by a number of rabbinic commentators, was to believe that proximity to the divine was something they could achieve at will—at their desired time and on their own terms.[74] For Levinas the lesson is clear: responsible religious experience is not an ecstatic drunkenness; nor is it a form of capture or control.

THE NON-RATIONAL PSYCHE AND THE HOLY

Levinas' alternative to the sacred is a different form of religious experience: the "holy" [*la sainteté*]. It may also be his most important philosophical category. In fact, when describing his project as a whole, he spurned its characterization as an "ethics": "What really interests me in the end is not ethics alone, but the holy, the holiness of the holy."[75] Yet unlike Kant, for whom holiness is a *regulative ideal* for the human being's moral will, for Levinas the holy is above all a kind of *ethical epistemology*. Rather than an abstract philosophical concept, it describes a practical approach, derived from Jewish religious experience, for perceiving and relating to objects in and beyond the world. And, critical for our purposes, it is an approach that both

[72] David Ferry, trans., *Gilgamesh* (New York" Farrar, Straus, and Giroux, 1992), 73.

[73] Leviticus 10:1-3. Unless otherwise noted, all passages cited from the Hebrew Bible in this chapter draw from Robert Alter's translation. *The Five Books of Moses*, trans. Robert Alter (New York: W. W. Norton & Company).

[74] This is an opinion associated with the medieval rabbinic commentator Yom Tov ben Avraham Asevilli, better know by his acronym "Ritva." Levinas also shows his debt to another important rabbinic commentator, Shlomo Yitzchaki ("Rashi"), for his thinking about the Leviticus narrative by using his interpretation as an epigram to begin *Difficult Freedom*: "Let them not enter the Sanctuary drunk." *DF*, 1.

[75] Jacques Derrida, *Adieu: To Emmanuel Levinas*, trans. Pascale-Anne Brault and Michael Naas (Stanford: Stanford University Press, [1997] 1999), 4.

transcends reason and yet is still *moral*. It is the holy, therefore, that allows Levinas to tame and channel the non-rational psyche. It is the conceptual heart of his response to Schmitt's challenge.

The holy's most important function for Levinas is to provide a solution to the problem of containing metaphysical desire. If the sacred produces an "immorality that can disfigure the face of my neighbor," he writes, the holy offers a picture of transcendence that maintains the ethical coherence of the other person.[76] Levinas traces this alternative form of religious experience to Jewish ethical monotheism: "Mystery is the excuse used for many a crime. Enthusiasm is, after all, possession by a god. Jews wish not to be possessed, but to be responsible."[77] Notably, the Hebrew word for holiness—*kedushah*—also contains the connotation of "separation." Thus when Levinas describes what the authentic ethical encounter looks like, it is plainly in the mode of the holy: "The I who approaches is neither annihilated on contact nor transported out of itself, but remains separated."[78] A person's holiness is key to her inviolability. Like the divinity that strikes down Aaron's sons, the holy—whether divine or human—cannot be compelled by human will. A holy object demands to be approached differently.

The unique moral-epistemic role Levinas assigns to "holiness" comes to light through a contrast Levinas creates between his own theory and one that is superficially similar: the account of moral judgment described in the concluding myth of Plato's *Gorgias*. The dialogue ends with Socrates describing to his interlocutor Callicles how the dead are morally judged in the afterlife. It used to be, Socrates relates, that such judgments took place in the world of the living. But this led to cases being "badly decided." He explains why through the voice of Zeus:

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[76] *DF*, 147.

[77] *DF*, 54.

[78] *TI*, 77.

> 'The cases are being badly decided because those being judged are judged fully dressed. They're being judged while they're still alive. Many,' he said, 'whose souls are wicked are dressed in handsome bodies, good stock and wealth….Now the judges are awestruck by these things and pass judgment at a time when they themselves are fully dressed, too, having put their eyes and ears and their whole bodies up as screens in front of their souls.'[79]

The solution to this judicial partiality was for both judge and adjudged to appear in the "nude," that is, deprived of any forms of wealth, status, or influence that could unduly impact their verdict. So undressed of identity, fair judgment becomes possible:

> 'They must be judged when they're stripped naked of all these things, for they should be judged when they're dead. The judge, too, should be naked, and dead, and with only his soul he should study only the soul of each person immediately upon his death, when he's isolated from all his kinsmen and has left behind on earth all that adornment, so that the judgment may be a just one.'[80]

For Levinas this myth contains two crucial elements. First, it seems to suggest that, according to Plato, genuine contact with another person is impossible for the living. Only when cast into the afterlife—an environment denuded of various distracting external features—can individuals meet one another as they truly are. By this view, the intersubjective encounter is something experienced when the "dead judge the dead"; it has no place in our world. "The approach of the other," he writes of Plato, "is beyond experience, beyond consciousness, like a dying."[81] A second feature of the myth is its emphasis on *judgment* as the mode by which people relate to one another. In other words, death is distinguished from life not by a commingling of souls, but by a better judgment. Such a picture intimates that interpersonal relations are necessarily mediated by categories of evaluation—that is, by concepts. Death thus allows for

[79] Plato, "Gorgias," in *Plato: Complete Works*, trans. Donald J. Zeyl, ed. John M. Cooper and D. S. Hutchinson (Indianapolis: Hacket, 1997), 523c-d.

[80] Plato 1997, 523e.

[81] *OB*, 190, n. 35.

people to make others into objects of moral appraisal freed from the distractions of those facets of identity that lack normative bearing but lead to relations of dependence, like rank or affluence.

Levinas' comments about the *Gorgias* myth elicit several key features of holiness as an ethical epistemology. But before proceeding further, it is important to note a wrinkle in the text: Socrates' subtle play on the meaning of life and death. "Who knows whether being alive is being dead / And being dead is being alive?" Socrates asks earlier in the dialogue, quoting Euripides.[82] His question reveals an intriguing possibility: that the myth is not meant to describe the afterlife at all. Instead, the narrative may be pointing to a theory of judgment in *this* world, but one that is only possible when we act *as if* we are dead. Socrates himself in fact hints that his distinction between "life" and "death" is more conceptual than factual: "Death, I think, is actually nothing but the separation of two things from each other, the soul and the body."[83] Thus the idea that the "dead judge the dead," for Plato, would imply not a fable about the dead designed to justify conventional morality. It would instead point to a radical new vision of what justice demands in the world of the living: a judgment of pure ethical character, one that is precisely a separating of body and soul.

When the myth is read in this way, it is possible to discern two features of holiness as an ethical epistemology that are implicit in Levinas' commentary. First, he insists that the defining feature of one's encounter with another person is not moral judgment, but moral responsibility. Like Socrates, and against Kojève, Levinas agrees that two individuals must approach one another "disrobed"—that is, without respect to features of their identity. He refers to these ethically-indifferent elements of self as one's "silhouette" and presses their moral irrelevance: "A person is not who he is because he was born here rather than there, and on such and such a day,

[82] Plato 1997, 492e-493a.

[83] Plato 1997, 524b.

or because he has blond hair, a sharp tongue, or a big heart."[84] And like Socrates, he uses the metaphor of "nakedness" and "nudity" to describe his position.[85] A "completely naked" being is one that "stands behind every attribute which would precisely have as its effect to qualify him, that is, to reduce him to what is common to him and other beings."[86] But unlike Socrates, who removes the "screens" masking people so that their ethical rectitude can be impartially tabulated, judged, and if necessary punished, Levinas excludes even *moral* judgment from the intersubjective encounter. No attribute, even a moral attribute, must intercede in the original relation between persons. One must approach another not through judgment, but exclusively through duty: "To recognize the other is to give."[87]

Second, Levinas critiques Plato's insistence that the "dead judge the dead." To require of ethics that the parties act as if dead, he argues, is to elide an important part of ethical practice: the physical vulnerability of the other person. Under identity's "innumerable screens" is not merely a bundle of moral facts. It is a being "in flesh and bone."[88] What the strict separation of body and soul—what Socrates calls "death—overlooks is the fact that ethics transpires in a world of pleasure and pain, hunger, thirst, and material deprivation, as well as enjoyment. "The body," he insists, following on the dualism of desire he adopts from Kojève, "does not happen as an accident to the soul."[89]

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[84] *OB*, 99; *DF*, 50.

[85] *TI*, 74; *OB*, 99.

[86] *TI*, 74.

[87] *TI*, 75.

[88] *OB*, 71.

[89] *TI*, 168.

ETHICS AS NEGATIVE THEOLOGY

Levinas' strategy for securing solidarity—his model of solidarity as sacrifice suited to the world of the "living" rather than the "dead"—is the subject of the sections to follow. But before turning there, it is first necessary to examine more closely how "holiness" functions as an ethical epistemology. For it remains to be seen whether it can resolve Levinas' two most pressing theoretical problems. First, in what way does holiness answer Schmitt's challenge? How can it counter the pathology of self-dissolution, channeling our non-rational psyche's metaphysical desire away from sacred violence and toward morality? Second, how can holiness secure solidarity while still honoring the individual? By what means can it counter the pathology of moral spectatorship—opening Kojève's closed self, committing us to our neighbors, and stirring us to sacrifice—while at the same time retaining the other's particularity and our own ethical responsibility?

To accomplish both of these tasks, I argue, Levinas makes two daring philosophical moves: he models our ethical epistemology on negative theology; and he locates the epicenter of that theology—the place of God that is inaccessible to reason—in the human being herself. This ethical epistemology, what I refer to as *ethics as negative theology*, is the heart of Levinas's novel method for harnessing the resources of religion. It exemplifies his new and radical means for solving the puzzle of liberal solidarity in a secular age: solidarity through imitation.

By far the most important defense of negative theology in the Jewish tradition can be found in Maimonides' *Guide of the Perplexed*. Though penned in Arabic, it was quickly rendered into Hebrew by Samuel ben Judah ibn Tibbon, and over the succeeding centuries this edition became normative in most Jewish communities. Levinas would likely have had access to this version, as well *Le Guide des Égarés*, the popular French edition translated by Salomon

Munk from the original Arabic in 1856. In a well-known passage, Maimonides summarizes the prohibition on ascribing positive attributes to the deity:

> …God, may He be honored and magnified, is existent of necessity and there is no composition in Him, as we shall demonstrate, and we are only able to apprehend his being (*yeshuto*) and cannot apprehend His quiddity (*mahuto*). *It is consequently impossible that He should have an affirmative attribute* (*toar*). *For he has no "quiddity"* (*mahut*) *outside of His "being"* (*yeshuto*) *and hence an attribute* (*toar*) *cannot be indicative of one or the two*.[90]

Munk, in his translation, renders the key sentences (italicized above) this way:

> On ne saurait donc admettre qu'il ait un attribut affirmatif: car il n'a pas d'*être* (*mahut*) en dehors de sa *quiddité* (*yeshuto*), de manière que l'attribut (*toar*) puisse indiquer l'une des deux choses.[91]

One of the critical distinctions established here is between "being" or "être" (*yeshut*) and "quiddity" or "quiddité" (*mahut*). Whereas it is possible (and indeed religiously mandated, according to Maimonides) to have knowledge of the deity's *being*—that is, to know that there is a deity as such—knowledge of anything that pertains to aspects of that divinity's *essence* or *quiddity* is in principle impossible. As Maimonides had discussed at length in previous chapters, it is likewise impossible to "classify" or "categorize" (*lesaveg*) the deity as one would a human being—as, for example, to say that He has "health" (*la santé*) or "illness" (*la maladie*).[92]

It is in almost exactly these terms that Levinas outlines his ethical epistemology. After a passage in which he critiques Buber's "I-Thou" model for its formalism, he insists that one must

[90] Moses Maimonides, *The Guide of the Perplexed, Vol. 1*, trans. Shlomo Pines (Chicago: University of Chicago Press, [1190] 1974), 1:58, p. 135, emphasis and Hebrew interpolation mine, translation modified. When citing the original Hebrew or modifying translations, I have consulted the Online Responsa Project through Bar-Ilan University, available online.

[91] Moïse ben Maimoun, *Le Guide des Égarés, Tome premier*, trans. S. Munk (Paris: A Franck, [1190] 1856), 1:58, p. 242, emphasis in original.

[92] 1.52, p. 116 in Pines, p. 198 in Munk.

relate to a person not by defining her features.[93] Like Maimonides, he employs the example of an "illness" (*le classer comme malade*).[94] When another is so "classified," he insists, she is also "grasped." And such a grasping, by inserting the concept [*Begriff*] between oneself and another, is both epistemically false and risks ethical violations. Thus our relation with others must start not with the concept, but with the "idea of the Infinite":

> L'invoqué n'est pas ce que je comprends: *il n'est pas sous catégorie*. Il est celui à qui je parle—il n'a qu'une reference à soi, il n'a pas de quiddité. Mais la structure formelle de l'interpellation doit être développée.[95]
>
> (The invoked is not what I comprehend: *he is not under a category*. He is the one to whom I speak—he has only reference to himself; he has no quiddity (*quiddité*). But the formal structure of interpolation has to be worked out.)[96]

Elsewhere his language is even more starkly parallel to Maimonides'. In Judaism, he explains, the deity's "holiness" produces "a being or a beyond of being rather than a quiddity."[97] In both cases the implication is clear: If the divine can be neither categorized nor approached as a *quiddité*, that is, as an essence, the same is the case for the human being.

Where Levinas works out the "formal structure" of this idea is in his writings on Judaism. References to both Maimonides and negative theology pepper these essays, with his most direct discussion appearing in one of his exegetical commentaries, "The Name of God According to a

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[93] Buber's philosophy bears resemblance to Levinas' both for its dyadic structure ("I-Thou") and debt to Jewish sources. In a number of places, Levinas respectfully emphasizes his distance from Buber. See for example *TI*, 25-6, 68-9. Levinas also critiques his colleague's theory for two reasons: First, for being overly formal, offering an intersubjective relation that, while grounded in phenomenology, does not provide for the specific content of ethical conduct. *OS*, 18, cf. 161 n. 4. Second, for being overly cognitive, dipping back into the Hegelian mistake of identifying subjectivity with conceptual knowledge and so risking its pathologies. *OS*, 15, 32, 43. As I argue in the next chapter, I believe that Levinas' thought is actually a good deal closer to Buber than he might want to admit.

[94] *TI*, 69, cf. French ed., *Totalité et Infini: Essai sur l'Extériorité.* (Martinus Nijhoff: The Hague, Netherlands, 1961), 65.

[95] *TI* French ed., 65.

[96] *TI*, 69.

[97] *BV*, 119.

Few Talmudic Texts."[98] He opens by referring to a famous discussion in the Babylonian Talmud, Tractate Shavuot, over effacement of the divine names.[99] In their debate over the Mishnaic text, the Rabbis arrive at an important distinction: those names corresponding to the divinity's "substantival attributes" may be freely erased; those that point in some way to the essence of the divinity Himself, by contrast, may not. Here Rabbinic Judaism makes a critical linguistic move. While usually a thing's name—the signifier—is supposed to refer in some way to the object itself—the signified—the Jewish innovation is to divorce the two.[100] Thus in contrast to the French "*Dieu*" or the German "*Gott*," the traditional divine appellations in Hebrew are meant to convey precisely the divinity they do not themselves express: either ironically, through the literal use of the word "Name" [*ha-Shem*]; or through an expression that, by using the language of holiness (*kadosh*, from *kedusha*, lit. "separation"), itself points to what is beyond itself—"the Holy One, blessed be He" [*ha-Kadosh baruch-hu*].[101] In classical rabbinic thought, therefore, the name contains nothing of what it expresses. It is a "relation without a correlate," a "beginning that does not move towards an end."[102] In other words, it is a way of apprehending another without the mediation of a concept.

These linguistic and theological insights hold the key to Levinas' novel ethical epistemology based on holiness. "The other," he writes, "is the Other": Levinas wants to *imitate* the Jewish idea that human relations with the divine [*bein adam l'Makom*] offer a kind of

[98] See for example *BV*, 163.

[99] Talmud Bavli, Tractate Shavuot (Jerusalem: Oz Vehadar, 2011), 35a.

[100] Cf. *BV*, xii.

[101] *BV*, 119.

[102] *BV*, 165.

template for how we relate to other human beings [*bein adam l'chaveiro*].[103] In fact, it is precisely in the language of religious experience that he situates his normative alternative to Hegel (and Kojève):

> In the ethical relation, the Other is presented at the same time as being absolutely other, but this radical alterity in relation to me does not destroy or deny my freedom, as philosophers believe. The ethical relation is anterior to the opposition of freedoms, the war which, in Hegel's view, inaugurates History. My neighbor's face has an alterity which is not allergic, but opens the beyond. The God of heaven is accessible, without losing any of His transcendence but without denying freedom to the believer.[104]

What Levinas accomplishes through this parallel is not only an innovative way of staging the moral relationship. By making negative theology into a mode of ethical epistemology, he has made soluble his two most pressing theoretical dilemmas.

First, negative theology offers an answer to the threat to solidarity posed by moral spectatorship. It does so through a dual motion. To begin with, it emphasizes that we approach other persons not through the mediation of a concept [*Begriff*], but at an insurmountable distance, a "radical separation."[105] That is, we approach the other as we do the divine: as holy, a being that is at once fully real *and* resistant to reason, a being that refuses any efforts at rational "thematization."[106] At the same time, such a theology does not make impossible a link to the deity or other person in some form. Nor, even, does it entirely disbar knowledge of it or her. What makes negative theology unique is the *kind* of knowledge it permits: a non-rational *mimetic* and *ethical* knowledge. We cannot know God's essence; this is beyond the capacity of our reason. But by imitating Him, we can come to understand His ethical attributes. "To judge the

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[103] *TI*, 251.

[104] *DF*, 18.

[105] *TI*, 73.

[106] *OB*, 197, n. 25. In *Otherwise than Being*, Levinas coins the term "illeity" from the French *il* (he) to describe this idea and so contrast his theory with Buber's "I-Thou." *OB*, 12.

cause of the poor and needy," Levinas writes, quoting Jeremiah, "Is not this to know Me?....Knowledge of the unknowable: transcendence becomes ethics."[107]

Levinas' position here is remarkable, but obscure, and so it may be helpful to turn for guidance to William James' analysis of negative theology. Negative theology, James notes, is superficially paradoxical: how can we claim to have revealed knowledge of a divinity about whom no knowledge is possible? The answer, he suggests, lies in a distinction between "pragmatic" and "propositional" truths. Whereas a propositional truth would entail making a claim about the nature of the deity, a pragmatic truth has no such pretensions. What it offers instead is *useful* knowledge, knowledge that can be put into practice.[108] Critically, this can include *ethical* knowledge. Thus when Levinas claims that "knowledge becomes ethics," what he means is that our encounter with another person, like our encounter with the deity, is in itself a kind of theophany: it generates a practical ethical program. "To know God," he insists, "is to know what must be done."[109]

In sum, what Judaism's theological-epistemic approach provides for Levinas is a model for how to apprehend other people in ethical life. Staging ethics as negative theology offers a way of structuring a relation with another person that does not make the Kojèvean mistake of collapsing that person into one's own subjectivity through concepts. As Levinas puts it in another commentary, it allows for the "act of thinking of the Absolute which never reaches the Absolute."[110] Whereas ordinary discourse either "rings false" or "becomes a myth," negative theological discourse avoids these errors, presenting the divine (and, by parallel, the other

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[107] *BV*, 123.

[108] William James, "Pragmatism," in *William James: Pragmatism and Other Writings*, ed. Giles Gunn (New York: Penguin, [1907] 2000), 87-104.

[109] *DF*, 17.

[110] *BV*, 164.

person) not as something fully knowable, recognizable, and assimilable into one's rational apparatus, but a kind of "anarchy," resistant to every foundation or "*arche*."[111]

Ethics as negative theology also points to a solution to the second threat to solidarity: self-dissolution. And in doing so, it simultaneously suggests a new way of answering Schmitt's challenge: It suggests an outlet for the non-rational psyche's metaphysical desire that avoids the pathologies of unreason, like the hysteria of the sacred. Recall that Levinas critiques Kojève for reducing all non-physical desire to worldly need, to a craving for recognition that could, in principle, be satiated. In Levinas' view, by contrast, distinctly human desire is above all metaphysical: it seeks that which is beyond the world, something more real than reality itself. Yet the divinity has been displaced from the world—lodged in a "holiness" that is also a complete separation from human affairs. Humanity's metaphysical desire must therefore be channeled elsewhere. But where?

Levinas' solution is radical: It is channeled, he suggests, into the other human being herself. In other words, it is the stranger, the neighbor, the vulnerable person that becomes the target of our metaphysical longing. She, not some hypostatized "sacred," becomes the recipient of our non-rational psyche's energies. And she, like God, becomes the subject of a moral commitment and motivation transcending reason. Levinas signals his imitation of Judaism's model by applying negative-theological language to his description of ethics: "The signifier, he who gives a sign, is not signified."[112] He is likewise clear that religious experience is directly at work in ethical life: "Ethics is an optics of the Divine. Henceforth, no relation with God is direct

[111] *OB*, 197. At one point, Levinas actually frames his well-known distinction between "saying" and "said" in the context of the Talmud's critique of rhetoric. *OS*, 142.

[112] *TI*, 182.

or immediate."[113] In other words, what Judaism's "desacralization of the Sacred" achieves, for Levinas, is a divine that "can be manifested only through my neighbor".[114] It is a model for imitating, rather than secularizing, religious experience. In a secular age, metaphysical desire must be redirected. "Our relation with the Metaphysical," he declares, "is an ethical behavior and not a theology, not a thematization, be it a knowledge by analogy, of the attributes of God." And we must discharge our otherworldly yearning—our non-rational psyche—through ethical action. "God," he concludes, "rises to his supreme and ultimate presence as a correlative to the justice rendered unto men."[115]

Thus in Levinas' words, ethics as negative theology permits not only the divine, but also man himself, to be "protected from man," from the creature who, through the concept [*Begriff*], is "capable of every abuse."[116] By forbidding the deity positive attributes, the rabbis shield the divine from being invoked for debased ends—for the irrationality and savagery of the sacred. "A God invisible," he writes, "means not only a God unimaginable, but a God accessible to justice."[117] No knowledge of divine intent can be elicited aside from the laws that govern human affairs (*halakha*). And so too a human being: Just as the divine is refused "all analogy" with other beings, a human being can no longer be carelessly placed into a larger category or genus, her particularity submerged and forgotten.[118] This is a social system that "has not sublimated idols": it has not incorporated forms of conceptualization that can be used for engendering dependence and cruelty. This, Levinas describes, is the "radical reversal from cognition to

[113] *DF*, 159.

[114] *DF*, 18, 159.

[115] *TI*, 78.

[116] *BV*, 121.

[117] *TI*, 78.

[118] *BV*, 120.

solidarity": Another's particular, personal suffering can no longer be ignored, because it cannot be resolved into a Hegelian system, into a totality of need and satisfaction, pain and pleasure.[119] Put succinctly: "The effacement of the Name is the reconciliation of men."[120]

In sum: Ethics as negative theology is Levinas' answer to Schmitt's challenge. By making the other person herself into a site for our non-rational moral commitment and motivation, it secures solidarity while honoring the individual. And it does so by innovating a new method for approaching religion's normative resources: solidarity through imitation.

Solidarity as Sacrifice 1: Vulnerability and Asymmetrical Responsibility

Ethics as negative theology answers the pair of threats to solidarity that we have seen: moral spectatorship and self-dissolution. At the same time, we are still faced with the basic problem left over from Kojève: A closed, predatory self incapable of moral motivation and commitment; and its pathological consequence, a form of social life characterized by interpersonal dependence and the abdication of moral responsibility. Levinas, it should be said, often stresses that the upshot of holiness is not confined to the ethical-epistemic realm. "What concretely corresponds to this description," he writes, "is my relationship with my neighbor."[121] But what, exactly, does Levinas' applied ethics look like? How does he extend his novel ethical epistemology into a practical program for securing solidarity?

In this section and the one to follow, I argue that Levinas answers these questions by culling again from Jewish sources, developing a theory of the self's *existential development* and *moral personality* to go along with ethics as negative theology. To begin with, he offers a new

[119] *OB*, 119.

[120] *BV*, 124.

[121] *OB*, 100.

way of narrating how the human person—the "I"—comes to be. Against Kant, he argues that the "I" is not something all human beings have automatically by virtue of a philosophical abstraction like "spontaneity." It must be earned through concrete, this-worldly ethical acts. And against Kojève, he contends that the "I" comes to be not through egoistic struggle, but just the opposite: A transcendence of oneself for another's needs. This leads to the second element of Levinas' program for solidarity: an account of moral personality. Human beings, he argues, must understand their obligations toward others not as reciprocal, but asymmetrical. Even as they make themselves vulnerable, they must be equally attuned to vulnerabilities of others. And they must be committed to diminishing the sources of their dependence. I call these two features of Levinas' theory *solidarity as sacrifice*.

Levinas develops solidarity as sacrifice by making use of two of Judaism's most evocative moral metaphors: the extension of hospitality to strangers; and the offering of a an actual flesh-and-blood sacrifice. What both of these metaphors elicit is a kind of self-exposure. The host or suppliant responds to the material vulnerability of the other person by making herself psychologically vulnerable: invitations can be rebuffed, sacrifices spurned. Yet it is the very insecurity of the sacrificial moment—the risk of self that must be undertaken to help the weak—that gives moral sinews to human personality. Paradoxically, it is precisely in hospitality's "forgetting of self," or in the egress out of one's ego entailed by sacrifice, that genuine subjectivity—an open self, or "I"—becomes possible.[122] Just as a person opens her home to a stranger, so too she opens her self to another. Or in Levinas' pithy formulation: "The subject is a host."[123]

[122] *BV*, 125.

[123] *TI*, 299.

The hospitality metaphor in particular has two functions for Levinas. First, when combined with ethics as negative theology, it suggests a way of moving a person from egoism to self-transcendence. Whereas the Kojèvean subject, armed with the totalizing concept [*Begriff*], will attempt to subsume the other's subjectivity into itself, the Levinassian subject, with her ethical epistemology based on negative theology, quickly recognizes the impotency of her conceptual powers:

> My freedom does not have the last word; I am not alone. And we shall say then that conscience alone leaves itself. In other words again, in conscience I have an experience that is not commensurate with any a priori framework—a *conceptless experience*.[124]

Though arriving as an ego, an individual will discern in the other person an entity irreducible to its own conceptual apparatus, a kind of "infinity."[125] At the level of action, this cognitive experience will have an irenic effect: It will produce *conscience*—an embarrassment at having acted as a closed self, as if one's ego was all there was, as if one's own mouth was the only one to feed.[126] Thus although Levinas' subject begins like Kojève's, as an ego, unlike in Kojève the "resistance" this subject encounters in another is not the resistance of another ego.[127] It is another person conceived of as *holy*. Such a person will appear as an indeclinable source of moral motivation and commitment. And she will be imbued with the same rationally-inaccessible yet morally binding power as the deity. This, in fact, is exactly how Levinas defines

[124] *TI*, 101, emphasis mine.

[125] *TI*, 26-7.

[126] *TI*, 84.

[127] *TI*, 84, cf. *DF*, 17, 78.

the concept of ethics itself: the "calling into question of my spontaneity by the presence of the Other."[128]

The hospitality metaphor's second function is to describe the experience of asymmetrical obligation. Levinas frequently describes the other person as "situated in a dimension of height, in the ideal, the Divine."[129] This language suggests that moral obligations are not identical from person to person. In particular, people arrive at ethically-relevant circumstances from positions of unequal power: "The relation between me and the other commences in the *inequality* of terms."[130] Consider the staging of the hospitality metaphor. When a stranger knocks on my door, I occupy a position of dominance: I am secure in my physical and social milieu. Like the Kojèvean subject, I am undisturbed in my need-satisfying egoism. But upon opening my door, two things happen: At the onset, I recognize the stranger as physically in a position of utter vulnerability, stripped of the security of community and possession. He exists in what Arendt called the "abstract nakedness of being human and nothing but human."[131] At the same time, the stranger is strange in more ways than one: he is also epistemically "holy," radically resistant to my attempts at comprehension and conceptualization. And in him, I perceive a site where my metaphysical desire—hitherto frustrated—might be directed. As we have seen, the manner in which I discharge my metaphysical desire is precisely through ethics: "Knowledge of the unknowable: transcendence becomes ethics."[132]

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[128] *TI*, 43.

[129] *DF*, 17, *TI*, 251, cf. *BPW*, 11-32.

[130] *TI*, 251.

[131] Hannah Arendt, *The Origins of Totalitarianism*, *op. cit.*, 297.

[132] *BV*, 123.

The combination of these elements explains why responsibility is assigned unequally to moral participants. Having been perceived, the stranger, like the deity, cannot be ignored at the level of cognition. While I as a host can refuse my duty in practice—I can slam the door in the stranger's "face," to use Levinas' term of art—I cannot divest myself of the basic experience of asymmetrical duty. No matter the extent of my physical power, the stranger has a total psychological hold over me. For he has something I lack: an outlet for my metaphysical desire, a channel for my non-rational psyche.

The result is a complementary but inverse experience of vulnerability: it is only by tending to the stranger's *physical* vulnerability that I might attenuate my *psychological* vulnerability. The stranger, by showing his physical weakness, has simultaneously revealed my existential weakness: my bridled desire, my existence as an isolated ego. It is only through ethical practice—and in particular, by tending to those more vulnerable than myself—that I can attain psychological depth.

And what this further implies is that no ethical situation can be divested of its materiality. Achieving full selfhood is possible only when I can provide vulnerable people with concrete things—food, clothing, refuge. It requires that I take active steps to diminish their dependence:

> To be cold, hungry, thirsty, naked, to seek shelter—all these dependences with regard to the world, having become needs, save the instinctive being [i.e., the host], from anonymous menaces and constitute a being independent of the world, a veritable subject capable of ensuring the satisfaction of needs, which are recognized as material, that is, as admitting of satisfaction.[133]

Recall that in the *Gorgias* myth, the "nakedness" of the dead served as an allegory for the pristine position of moral judgment: a situation in which participants had been literally stripped of all external and prejudice-laden categories of identity. Levinas, by contrast, insists that such

[133] *TI*, 116.

"nudity" is the very thing that "obligates us to men."[134] The reason is now clear: unlike in Plato, his "nude" subjects are not to be treated as if "dead." Though stripped of external markers of identity, they have not been deprived of their very urgent physical vulnerability. "The nakedness of [the other's] face," he argues, "extends into the nakedness of the body that is cold."[135] As we have seen, Levinas agrees with Kojève on one point: that desire has a dualistic character, part human, part animal. Here, he extends this reasoning, insisting that his philosophy takes place "*within* the unfolding of terrestrial existence, of economic existence."[136] And so, tellingly, when Levinas juxtaposes his ethical system with the immoralism of Thrasymachus, he chooses for contrast not an aphorism of Socrates but the injunction of the Talmud's Rabbi Yochanan. "To leave men without food," he quotes, "is a fault that no circumstance attenuates; the distinction between the voluntary and the involuntary does not apply here."[137]

To support this point, Levinas cites a Talmudic debate about the nature of the messianic era.[138] While one party, again Rabbi Yochanan, imagines the period as bringing an end to both political *and* economic subjugation, his interlocutor Samuel argues that only political life will disappear. Indigence will remain:

> There is no difference between this world and the days of the Messiah except [that in the latter there will be no] bondage of foreign Powers, as it says: *For the poor shall never cease out of the land* (Deuteronomy 15:11).[139]

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[134] *BV*, 125.

[135] *TI*, 75.

[136] *TI*, 52, emphasis mine.

[137] *TI*, 201, cf. Talmud Bavli, Tractate Sanhedrin, *op. cit.*, 104b; *DF*, xiv.

[138] Talmud Bavli, Tractate Sanhedrin, *op. cit.*, 99a.

[139] *DF*, 61.

For Levinas, the implication of this passage is profound. For it shows that there is something important about the very act of charity for subjective development. *Giving itself*, and not merely its consequence, is central to the formation of human personality. In religious terms, it is the "original movement of spiritual life."[140] Thus in the Talmudic debate, both poverty and alms-giving must be read even into utopia itself. He expresses this through the words of Yisrael Salanter, a seminal figure in the Lithuanian rabbinic tradition and the founder of a nineteenth-century movement for Jewish ethical revival (*mussar*). A person, Salanter writes, "must make the physical needs of his neighbor his own spiritual needs."[141] Elsewhere, Levinas puts this idea in terms that are even more starkly existential. "Only an 'I,'" he insists, "can respond to the injunction of the face."[142]

SOLIDARITY AS SACRIFICE 2: THE STRANGER, THE SACRIFICE, AND THE "I"

Levinas has two aims in invoking the language of existential development. The first is to emphasize that one's ethical obligations cannot be displaced into a totalizing Hegelian system. They are particular and inalienable: The stranger has arrived not at *a* door, but at *my* door. He has exposed his physical weakness to me. And in such a position as host, a person is no longer entitled to see oneself as a member of the "species man," but as "the only one of his kind":

> My uniqueness lies in the responsibility for the other man; I could never pass it off unto another person, just as I could never have anyone take my place in death: obedience to the Most-High means precisely this impossibility of shying away; through it, my 'self' is unique.[143]

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[140] *DF*, 62.

[141] Cited in Catherine Chalier, "Levinas and the Talmud," in *The Cambridge Companion to Levinas*, 107.

[142] *TI*, 305.

[143] OS 124, emphasis in original; *BV*, 142.

As a host, mine is a "non-transferable responsibility," one that arises "as if my neighbor called me urgently and called none other than myself, as if I were the only one concerned."[144] On this point he cites a famous Mishnah found in tractate Sanhedrin of the Talmud: "Every person is obligated to say, 'For my sake was the world created.'"[145] His preferred reading, however, is that offered by Chaim of Volozhin, another Lithuanian rabbinic authority whose writings Levinas read closely. "Every man," he writes, "is obligated to think that the subsistence of the entire universe depends exclusively on him, that he is responsible for it."[146]

At the same time, Levinas wants to make a second, more existential argument, one that sets him at odds not only with the Hegelian but also the Kantian tradition of thinking about subjectivity: that only by discharging one's "first inequality" with another—one's material, asymmetrical duty—can one's "I" come into being.[147] Levinas expresses this idea through a number of vivid images, including that of "borrowing oneself," "breaking the secret of Gyges," and, as we have seen, the "welcoming of the Other."[148] Yet his most pervasive metaphor is one that, like negative theology, traces a mimetic parallel between divine and human service. In relations between man and man, as in relations between man and the deity, this experience of asymmetrical, inalienable obligation finds expression in one form above all: sacrifice.[149]

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[144] *OS*, 45. On this point, Bernstein notes that Levinas' emphasis on ethical particularity can also be explained as a consequence of the end of the possibility of theodicy in modernity. In such a situation, individual human suffering can no longer be explained away as the product of a particular teleological account, and must therefore be confronted directly. Bernstein 2002.

[145] Talmud Bavli Tractate Sanhedrin, *op. cit.*, 37a.

[146] Cited in *OS*, 88.

[147] *DF*, xiv.

[148] *OS*, 113, *OB*, 145, *TI*, 27.

[149] *OB*, 184.

For Levinas, the material, concrete act of sacrifice is simultaneously a metaphysical event in the formation of human personality:

> The accomplishing of the I qua I and morality constitute one sole and the same process in being: morality comes to birth not in equality, but in the fact that infinite exigencies, that of serving that poor, the stranger, the widow, and the orphan, converge at one point in the universe. Thus through morality alone are I and others produced in the universe.[150]

A sacrifice is an act of self-transcendence. Whether offered on the altar fire or in the act of welcome, what it evinces is a departure from the narrow confines of one's ego, a "turning inside out" of one's interest.[151] Through the offering of one's physical, tangible possessions—"the bread out of one's own mouth and the coat from one's shoulders"—a change is effected in the self's priorities.[152] To release cherished objects from one's possession entails a "coring out (*denucleation*) of enjoyment," a making secondary of the physical; and this decline in status of materiality produces a concomitant decline in status of one's own material desire: "the nucleus of the ego is cored out."[153] "My position as I," Levinas concludes, "consists in being able to respond to this essential destitution of the Other."[154]

Here a possible objection must be considered. Moshe Halbertal, in his book on the concept of sacrifice, has cautioned about precisely this quality of "self-transcendence."[155] To place a person or idea ahead of one's own welfare, he notes, may invite altruism; but it may also inspire terrible violence, heinous acts in the service of causes that are themselves morally dubious or unjust. It may lead people to forms of "misdirected self-transcendence," to the

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[150] *TI*, 245-6.

[151] *OB*, 49.

[152] *OB*, 55.

[153] *OB*, 64.

[154] *TI*, 215.

[155] Moshe Halbertal, *On Sacrifice*, *op. cit.*, 63.

immoral giving of their lives, or the taking of the lives of others.[156] In the end, they may commit a version of Kantian radical evil: the willful suspension of the ethical for the sake of a bad maxim, one that violates the moral law.[157]

Such an objection is illuminating, for it calls attention to the fine distinctions that must be drawn between different modes of self-transcendence. In particular, it recalls a conceptual distinction we have already seen between the sacred and the holy. Transcendence in the mode of the sacred involves a loss of self, a dissolution of one's subjectivity into the collective or the numinous. As such it has no intrinsic moral content. And, consequently, it is quite right to be suspicious of sacrifice when it serves such ends.[158] Holiness, by contrast, with its stress on the uniqueness of the holy object—its separation, inviolability, and resistance to will—is in itself expressive of an ethical epistemology. The self-transcendence it produces is bound to morality. And therefore the sacrifices one makes in the mode of the holy effect not a dissolution of the subjectivity but its very inauguration. It is true that such a process does entail an initial loss of self, a calling into question of one's violent and consuming ego. But at the conclusion of this undertaking the person remains a person—transformed, perhaps, but very much intact as a unique and coherent individual. Though divested of her easy egoism, she is now imbued with the kind of attentiveness to vulnerability that is possible only by having taken direct and personal responsibility for another's welfare.

Yet even in the mode of the holy, the act of sacrifice is fraught with psychological risk. Ancient Israel's cultic practices expressed this vulnerability symbolically by emphasizing the

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[156] Halbertal 2012, 63.

[157] Immanuel Kant, *Religion within the Boundaries of Mere Reason and Other Writings*, *op. cit.*, 59.

[158] Levinas in fact anticipates this Kantian objection, specifically rejecting the idea that one can demand of *another* that he or she sacrifices. To theorize in such a way, he insists, would be "to preach human sacrifice." *OB*, 126.

precarious situation of the propitiator. The sacrificial stage was one permeated by foreboding: As with Aaron's sons, the sacrifice can be rejected or snubbed—sometimes with great violence. In ethical life, too, sacrifice entails entering a position of vulnerability, a kind of "exposedness to the other."[159] Levinas himself explains this psychological risk by comparing the figures of Ulysses and Abraham. Ulysses—who stands in for the Kojèvean subject—journeys only to return home. Though he passes through hazard and travail, his ultimate end, Ithaca, is known in advance. He assumes no risk of self. His subjectivity is not transformed; only his egoistic desire is satiated.[160] By contrast, Abraham—the Levinassian subject—leaves his home, birthplace, and possessions without foreknowledge of his ultimate destination. His is a journey charged with openness and indeterminacy. Who he will become is not, and indeed cannot, be known in advance. His desire—a metaphysical desire—is one that cannot be satiated in principle. This Abrahamic "ambiguity" over how one's subjectivity will develop, over what one's moral personality will look like after its exposure to another person, is "the condition of vulnerability itself."[161] It is the uncertainty entailed in self-sacrifice, "the risky uncovering of oneself, in sincerity, the breaking up of inwardness and the abandon of all shelter, exposure to traumas."[162] It is the peril that comes with attaching oneself to another person and attending to them fully, of making another's needs into one's own by opening's one's home.

Maimonides, in legally codifying the importance of hospitality, also makes a revealing connection to the figure of Abraham, and by doing so helps to reveal the critical link Levinas draws between vulnerability and personality:

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[159] *OB*, 74.

[160] *TI*, 27, cf. *OB*, 99.

[161] *OB*, 80.

[162] *OB*, 48.

> The welcoming of strangers (*hachnasat orchim*) is greater than receiving the Divine Presence (*Shekhinah*). As it is written [in Genesis 18:2]: 'And he looked up and saw three men [and ran towards them].'[163]

Maimonides here is referring to a well-known story in the Book of Genesis in which Abraham extends hospitality to three strangers. The narrative highlights both the difficulty of Abraham's condition—he had only recently been circumcised; the strangers arrive in the "heat of the day"—and his alacrity: he "hastens" and "runs" to make preparations. The manner in which the account is introduced also yields a rich ambiguity: in its opening, Abraham is described as having the deity appear to him; directly following this it states that he saw three strangers. This led rabbinic commentators to wildly divergent interpretations, with some regarding the entire episode as a vision (Maimonides) and others understanding one of these three men, or the men as a unit, as themselves comprising the divinity (Samuel ben Meir, the "Rashbam"). Levinas, in commenting on the story, himself prefers the reading of Shlomo Yitzchaki, more commonly known by the acronym "Rashi," and perhaps the most famous of all the medieval exegetes. According to Rashi, Abraham was actually communing with the divine when the strangers arrived. This suggests something remarkable: that hospitality is so important as to warrant *abandoning God* to attend to the physical needs of strangers.[164]

From this Levinas derives two lessons for of special relevance for solidarity in a secular age. The first we have already seen: by displacing the deity beyond the world, the other person herself becomes the site of our non-rational commitment and motivation. It is to her, not the sacred, that we direct our metaphysical desire. "The transcendence of God is His actual

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[163] Moses Maimonides, *Mishneh Torah* [*"Code of Law,"* lit. *"Repetition of the Torah"*], *Hilkhot Evel* [*"Laws of the Mourner"*] [1170-80], accessed through the Bar Ilan University Responsa Project, 14:2, my translation, cf. Talmud Bavli, Tractate Shabbat (Jerusalem: Oz Vehadar), 127a.

[164] *BV*, 125.

effacement," he writes, "but this obligates us to men."[165] His second lesson relates to an additional wrinkle in the Genesis narrative. The *Midrash* (extra-textual story) from which Rashi derives his reading notes that the deity had made the day unbearably hot precisely to keep travelers out of the desert and so spare Abraham, recovering from his wound, of the need to entertain guests. But Abraham nonetheless sat at the entrance to his tent: He could not imagine a day passing without receiving visitors. There was something about the act of hospitality itself that he regarded as critical for his personality. He believed that he would not *be* himself—that he would not be a genuine "I"—without *hachnasat orchim*, the act of welcoming the stranger.

This account encapsulates the seminal event in Levinas' account of solidarity as sacrifice: the "moral creation of the I."[166] Confronted by another person who is vulnerable, an individual suddenly has the opportunity to step outside the boundaries of her ego and begin the journey toward something different. In the language of hospitality, such an encounter transpires as the stranger sits on my threshold. In the language of sacrifice, it transpires as the offering comes to rest on the altar. It is the defining moment in the life of a self, an instant when, confronted by another self, a stark choice is possible: On the one hand, violence and negation, the assertion, however futile, that one is alone; on the other, openness, ethics and responsibility, the embrace of one's inalienable duty toward another. It is the choice between opening the door to a stranger—inviting the risky, uncharted process by which one's self will, perhaps, become an "I"—or slamming it in his face, resting easy in one's egoism. In ancient Greek, this liminality is reflected linguistically: The word *xenos* can be taken to mean either "enemy stranger" or "guest

[165] *BV*, 125.

[166] *TI*, 246.

friend."[167] In the Hebrew Bible it is reflected narratively: the same unit of text that includes Abraham's welcoming of strangers also contains the account of Sodom and its destruction. In rabbinic interpretation, the people of Sodom were rendered guilty not by their sexual impropriety, but their *anti-hospitality*. They could not transcend the perspective of need-satisfaction and self-regard: "What is mine is mine, and what is yours is yours."[168] In the liminal space dividing the self between ego and "I," they chose the ego.

Such moments of ethical encounter determine the "infinitesimal difference between man and non-man."[169] And they are neither rare nor exceptional. They are instead built into the very texture of modern liberal-democratic society, and the results are available for all to see. When people choose the ego, they produce a pathological form of collective life: the sociality of Kojève—or Sodom. When they choose the "I"—when they risk their own psychological vulnerability in order to attend to the physical vulnerability of another—they produce something else: an answer to Schmitt's challenge, a *deep solidarity*. The latter only becomes possible with the opening of the ego, even a tiny crack. It is only as a result of this way of approaching the other, this form of solidarity as sacrifice, that "there can be in the world pity, compassion, pardon, and proximity."[170] Thus for Levinas even small sacrifices matter, not only because of their moral effects, but also for the form of human personality they both reflect and create. In an interview he gave late in his career, this is how he summarized his project as a whole: "It is an

[167] One reason hospitality in ancient Greece was understood to be normatively binding was the possibility that the guest (*xenos*) was actually a god (*theos*) in disguise. See Brian Louden, *Homer's Odyssey and the Near East* (New York: Cambridge University Press, 2011), 31-2. So understood as a theoxeny, it is possible to draw a more direct parallel between Ancient Greek hospitality and Rashbam's interpretation of Abraham's hospitality in Genesis.

[168] Mishnah, Tractate Pirkei Avot, 5:13.

[169] *TI*, 35.

[170] *OB*, 117.

original 'After you, sir!' that I have tried to describe."[171] Such sacrifices, he concludes, are "not the limit case of solidarity, but the condition for all solidarity."[172] These acts, and the type of subject from which they come, are what offer the potential to both secure solidarity and honor the individual. They hold out hope of solving the puzzle of liberal solidarity. They produce an "I," an open self appropriate for life in a society that, finally, deserves the title.

DIMINISHING DEPENDENCE: PUTTING VULNERABILITY FIRST

What does a society characterized by deep solidarity look like? How does this existential account translate into the practical texture of our lives together? Or put another way, by what means can solidarity as sacrifice not only solve the puzzle of liberal solidarity in the abstract, but also fulfill one of liberalism's chief needs: diminishing dependence? Levinas' answer is a novel account of moral personality attuned, on a micro-scale, to the particular needs and weaknesses of others. Judith Shklar, writing about our vices, famously called for "putting cruelty first."[173] Levinas, writing about our virtues, and seeking a way to combat cruelty, calls for *putting vulnerability first*.

Getting at the meaning of putting vulnerability requires, to begin with, an unorthodox reading of Levinas on "politics." Levinas is usually understood as having a distinctively negative attitude toward all things political, and for good reason: He repeatedly makes known his skepticism, not only of state power, but of politics understood in the Weberian sense as a form of

[171] Emmanuel Levinas, *Ethics and Infinity: Conversations with Philippe Nemo*, trans. Richard Cohen (Pittsburgh: Duquesne University Press, [1982] 1985), 88-9.

[172] *OB*, 117.

[173] Judith Shklar, *Ordinary Vices*, *op. cit.*, 7-44.

purposive rationality.[174] Even so, he is careful to juxtapose his normative model of human personality not only with the "merciless realist," but also the "beautiful soul."[175] In fact, he pointedly describes a certain vision of utopia in the language of politics, one couched in Talmudic imagery:

> A *political* civilization, 'better' than that of passions and so-called free desires, which, abandoned to the hazards of their eruptions, end up in a world where, according to an expression from Pirkei Avot, 'men are ready to swallow each other alive.'[176]

Plainly this is a politics wholly divorced from the carnivorous Kojèvean subject and its attending social structures. Yet Levinas is likewise clear that he is an opponent neither of liberalism nor the state. Indeed the context of the passage from Pirkei Avot to which he refers is precisely a *defense* of the state's most basic function, that is, protecting its citizens' physical security: "Pray for the welfare of the governing power [*malchut*], for if men did not fear it, a person would swallow his fellow alive."[177]

Thus the key problem, for Levinas, is not political order as such. It is that social dependence and its byproducts—exploitation, abuse, and domination—cannot be mitigated *solely* by political institutions, that is, by the coercive force of law. Interpersonal "cannibalism" reflects a far broader and more insidious set of pathologies. The danger is when we become moral spectators, falsely believing that diminishing dependence, too, can accomplished through systems alone—in this case, the system of juridical order.

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[174] See for example *TI*, 22 and *DF*, 69.

[175] *BV*, xii. In another indication of Levinas' debt to Hegel, both of these character types have their origin in the *Phenomenology*. Hegel [1807] 1977, §632.

[176] *BV*, 52, emphasis mine.

[177] Mishnah Tractate Pirkei Avot, 3:2.

Levinas develops the idea of putting vulnerability first in his Talmudic readings, and especially in his discussion of the Hebrew Bible's punishment for manslaughter.[178] By way of introduction, it must be said that manslaughter is one of the most peculiar and poorly understood prescriptions in biblical criminal law. In cases of accidental killing, Jewish law (*halakha*) does not mandate that the ruling authorities punish the person responsible. Instead, it outlines a legal procedure by which punishment may be indirectly applied: If they desire, the victim's kin may chase the perpetrator, and if their hunt is successful, put him to death. At the same time, the perpetrator has the opportunity to flee to a number of "cities of refuge" within which he is granted lawful protection from further pursuit.[179] Scholars, attempting to understand the law's seemingly paradoxical mandates, have sought explanation in two cultural features of the ancient Near East: First, the blood vendetta was understood to be an intractable or even justifiable institution; and second, a city's sanctuary was thought to protect all those who happened to be in its immediate radius.[180] By this view, the apparent strangeness of the juridical procedure can be explained as a consequence of the mythologized way ancient legal systems approached issues of culpability and punishment. Israelite society had simply not had time to progress to a rationalized system of justice, a transition perhaps best symbolized by the arrival of Athena in Aeschylus' *Eumenides*. "Where is the place, then, where the killers' flight shall end?" asks

[178] *BV*, 34-52.

[179] Exodus 21; Deuteronomy 4:41-2; Numbers 35:6, 9-15; Joshua 20.

[180] The idea of a religious institution providing sanctuary was widespread across the ancient world. Thus we have Euripides in *The Suppliant Women*: "A beast has a cave / for shelter, a slave has altars." *The Suppliant Women*, trans. Rosanna Warren and Stephen Scully (New York: Oxford University Press, 1995) 268-9. As a practice it continued well into the early modern period in England, where Churches were legally recognized sites of refuge for fugitives. For a more detailed treatment of cities of refuge in the historical context of the Hebrew Bible, see Pamela Barmash, *Homicide in the Biblical World* (New York: Cambridge University Press, 2004), 71-93.

Athena of the chorus.[181] Her answer—and what will become *the* answer in the West—is that it ends in the state and its institutions of impartial justice.

Levinas rejects this flattened anthropology. In his view, based on his reading of the connected rabbinic discussion, Judaism's treatment of manslaughter reflects neither an unsophisticated juridical framework nor a primitive conception of agency.[182] Instead, it is designed precisely to challenge our conventional thinking about personal responsibility. In its simplest sense, a manslaughter is an unintentional killing; the Talmud's paradigmatic example is an axe-head detaching from the implement and hitting a bystander.[183] Yet for Levinas, the rabbinic discussion of manslaughter suggests that the category must be interpreted in a broader, more figurative, and far more provocative way:

> Do not these murders, committed without the murderers' volition, occur in other ways than by the axe-head leaving the handle and coming to strike the passer-by? In Western society—free and civilized, but without social equality and a rigorous social justice—is it absurd to wonder whether the advantages available to the rich in relation to the poor—and everyone is rich in relation to someone in the West—whether these advantages, one thing leading to another, are not the cause, somewhere, of someone's agony?....Without us others, inhabitants of our capitals certainly without equality, but protected and plentiful—without us others having wanted to harm anyone?[184]

A manslaughter, now understood more expansively, is not merely an unintentional killing. It is *any* indirect cruelty inflicted upon one person by another. It is when one causes another to suffer, not through any intention of her own, but as one link in a causal chain. It is any kind of action in which an individual contributes to the suffering or subjugation of others, even when

[181] Aeschylus, "The Eumenides," in *Aeschylus I*, ed. David Grene and Richard Lattimore, trans. Richard Lattimore (Chicago: University of Chicago Press, 1953), 422.

[182] Talmud Bavli, Tractate Makkot (Jerusalem: Oz Vehadar, 2011), 10a.

[183] Talmud Bavli, Tractate Makkot, *op. cit.*, 7a-7b.

[184] *BV*, 40.

legally justified, even when naturalized as part of the daily economic order. And in a society permeated with relations of dependence and asymmetries of power, such cruelties are common.

Levinas, it must be stressed, is the first to acknowledge the crucial difference between these ordinary forms of dependence and outright crimes. The latter justify coercive punishment; the former do not. But it is precisely the meaning of Judaism's unique approach toward manslaughter to shed light on this overlooked facet of moral responsibility: even if one is innocent at the level of intention, does not make her innocent *simpliciter*. An unwitting killer must run, not because he wanted to kill, but because the fact that a killing took place at all generates a presumption of carelessness. The wood-chopper could have checked the axe-head. So too any one of us could have checked our "axe-heads"; we could have taken more care in choosing and performing our daily activities toward the end of diminishing dependence. "The person who commits a murder through negligence," he writes, "is certainly not a criminal, but he is nevertheless not a worthy man."[185]

For Levinas, the implication of such negligence is clear: *all of our cities* are cities of refuge, because all of us—all members of modern society—are guilty of manslaughter. And so it should come as no surprise that, to extend the metaphor, beyond the walls of our cities stalk the "redeemers of blood," the kin of the accidentally "murdered." These are modernity's social detritus, the personified pathologies of any "large society built on economic solidarity, the society of our great States."[186] "Does not the avenger or the redeemer of blood…lurk around us," Levinas asks, "in the form of people's anger, of the spirit of revolt or even of delinquency in our suburbs, the result of the social imbalance in which we are placed?"[187]

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[185] *BV*, 43.

[186] *BV*, 23-4.

[187] *BV*, 40.

To put vulnerability first, then, has two elements. First, it requires not burying asymmetries of capacity beneath formalistic concepts and categories. Instead, one must measure her responsibility precisely on the basis of those asymmetries. On an everyday level, it entails a form of cognition in which differences of wealth, power, and status become irrelevant not because they are ignored, but precisely because they are heeded: "the creation of a society in which…inequalities, should they exist, are compensated for."[188] At the same time, putting vulnerability first involves more than just making the right decision when a situation happens to call for a moral choice. It means *making more facets of one's experience the subject of moral choices*, that is, placing oneself at a level of consciousness such that otherwise automatic features of daily life are imbued with normative gravity. Levinas expresses this distinction through another liminal metaphor: "Our conscience is not yet wholly conscience. It is twilight. The transition from the non-intentional to the intentional is noticeable. We are not awake enough."[189] We are obligated, then, not only to do the right thing when called upon. We are also obligated to work ourselves to a higher level of awareness, to a point where it is possible to perceive the moral consequences of even the smallest details of interpersonal relations, to be attentive to every possible vulnerability in other persons.

Cruelties—or "manslaughters"—arise precisely when power asymmetries remain implicit in civil society, masked by the systematizing tendencies of politics and economics. They fester when people allow abstract legal or moral categories to displace their responsibility to specific, singular other people, when they react callously to another suffering before their eyes:

[188] *BV*, 59.

[189] *BV*, 43.

> In political life, taken unrebuked, humanity is understood from its works—a humanity of interchangeable men, of reciprocal relations. The substitution of men for one another, the primal disrespect, makes possible exploitation itself.[190]

Levinas, to repeat, does not at all oppose the liberal state, in the sense of questioning the need for its juridical authority and social-democratic programs. Yet he does think that its moral and metaphysical status must be lowered in the eyes of people. It must be accepted, but also "*rebuked*." It must be understood for what it is and no more: a useful but fallible tool to help rectify economic inequalities and keep the worst excesses of human egoism in check. What is critical is that the state alone is not enough. It must always be complimented by human beings themselves, possessed of moral personalities, and working concretely—even in small ways—to diminish dependence. To arrive at a deep solidarity, it must have a populace that puts vulnerability first.

THE "OTHER" AND THE "I": SACRIFICE AND THE PUZZLE OF LIBERAL SOLIDARITY

"Her full nature...spent itself in channels which had no great name on the earth. But the effect of her being on those around her was incalculably diffusive: for the growing good of the world is partly dependent on unhistoric acts; and that things are not so ill with you and me as they might have been, is half owing to the number who lived faithfully a hidden life, and rest in unvisited tombs."

-*George Eliot,* Middlemarch[191]

I opened this chapter with three questions derived from Jürgen Habermas: What insights can political theory glean from religion? In what moments do we most need them? And what more do we owe to each other?

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[190] *TI*, 298.

[191] George Eliot, *Middlemarch*, ed. Bert G. Hornback (New York: W. W. Norton & Company, 1977), 578.

Over the preceding pages, I have tried to show that Levinas not only offers innovative answers to each of these questions, but in the process reveals a radically new approach for answering Schmitt's challenge. Rather than follow the dominant tradition of European political thought and attempt to realize solidarity by secularizing concepts from theology and religious experience, he instead finds in his study of Jewish texts an alternative mimetic method. This method, what I called *solidarity as imitation*, harnesses the resources of religion while retaining their original meaning and coherence. And in doing so, it acknowledges our need for non-rational sources of moral commitment and motivation.

By making use of this method, I showed, Levinas develops a moral psychology capable of solving the puzzle of liberal solidarity and answering Schmitt's challenge: *solidarity as sacrifice*. Solidarity as sacrifice shows how we can conceive of our commitments to people in terms eluding full rational exposition while avoiding the social pathologies associated with both hyper-reason and unreason—the callousness of moral spectatorship on the one hand, the amoral dissolution of self on the other. As an ethical epistemology it draws from negative theology, turning the other person into a conduit for our metaphysical desire without reducing her to possessive concepts and categories. As an existential ontology, it envisions a self that is at once independent and genuinely open, an "I" that is not pre-formed in the manner of Kant but comes into being through concrete acts of sacrifice. And as a form of moral personality, it puts vulnerability first, enjoining us to be sensitive to weakness and mindful of everyday dynamics of power. Thus given the failure of political theology, solidarity as sacrifice lays the interpersonal foundations for rebuilding liberal commitment and motivation in a secular age. And Levinas, by recognizing both the necessity of non-rational, pre-political attachment and the dangers of an unrestrained irrationalism, helps to fill-in the epistemic, existential, and psychological elements of our deep solidarity.

In this way, Levinas also goes against the grain of an ancient tradition of political thought, one in which forms of interpersonal dependence produced by power can be thwarted only by an equal or greater power. "Justice," Nietzsche writes, "originates between parties of approximately *equal power*….It is thus requital and exchange under the presupposition of an approximately equal power position."[192] By this logic—whose proponents (in varied forms) also include Thrasymachus, Thucydides, Hobbes, and Marx, as well as Kojève—the genuinely moral act has no meaning; by refusing force it refuses history, and so evaporates. Indeed Kojève is only a relatively recent example of a deep philosophical prejudice against the efficacy of ethics. It is for this reason that Hannah Arendt, who may have pressed this view of ethics harder than most, famously criticized moral actions for their invisibility and transience. "Good works," she writes in *The Human Condition*, "can never become part of this world; they come and go, leaving no trace. They are truly not of this world."[193]

This represents a serious challenge to Levinas' entire theory of solidarity as sacrifice, something that he recognizes from the very first sentence of *Totality and Infinity*: "Everyone will readily agree that it is of the highest importance to know whether we are not duped by morality."[194] As Richard Bernstein has observed, Levinas is less concerned about being "duped" by morality because it might be false than he is about being misled by its ability to stand up to power. How responsible, after all, is it to rely on ethics—and a non-rational ethics at that—to secure liberal solidarity after Auschwitz?[195] There is no question that the task of preserving

[192] Friedrich Nietzsche, *Human, All Too Human: A Book for Free Spirits*, trans. R. J. Hollingdale (New York: Cambridge University Press, [1878] 1996), §92.

[193] Hannah Arendt, *The Human* Condition, *op. cit.*, 76.

[194] *TI*, 21.

[195] Bernstein 2002, 4.

social harmony can be theorized far more simply in the traditional language of rights, contract, and legal intervention.

Yet as Levinas reminds us, such thinking, aside from being insufficient, risks pathologies of its own. It insulates us from moral responsibility. It veils relations of domination. And the order it achieves, though effective for a time, is brittle at core. Thus he regards his task as precisely moving ethics out of its quietism, giving it a place in the power-saturated realm of humanity's daily transactions. If political order is to be ethical, ethical life must take on some quality of the political. It must make its presence known in the world of interest, honor, and power: "The invisible must manifest itself if history is to lose its right to the last word, necessarily unjust for the subjectivity, inevitably cruel."[196] Between the "City of God" and the "City of Man" is the "City of Jerusalem"—a city of law, order, and redistribution, to be sure, but one whose institutions are constantly "rebuked."[197] They are obeyed and even appreciated, but never understood as permitting one to ignore the everyday, person-to-person task of diminishing dependence. Thus for Levinas, unlike Nietzsche and fellow travelers, justice does not emerge because individuals have equal power, but precisely because their power is *asymmetrical*. It is this asymmetry, when accompanied by the morally-transformative experience of another person, that allows us to put vulnerability first and strive toward a more just form of social relation: "Attention to others…conscience is justice."[198] Levinas' question, therefore, is not how *can* we rely on ethics after Auschwitz, but how can we *not*?

Even so, some may be unnerved by the extent to which solidarity as sacrifice is rooted in religious concepts and categories. And not without reason: Though Levinas' works are widely

[196] *TI*, 243.

[197] Levinas offers the starkest contrast between his and what he takes to be the traditional Christian theological-political position in his essay "The State of Caesar and the State of David." *BV*, 177-187.

[198] *DF*, 100.

seen as interpenetrated by religious themes, few interpreters will claim what I have here: that a number of his core philosophical categories—the "face," hospitality, neighborliness—rest in some deeper way on theological or religious foundations. In fact, as C. Fred Alford has astutely noted, it is precisely this promise of a religious-ethical patina without accompanying metaphysical commitments that has made Levinas attractive to a wide range of postmodern thinkers grasping for new sources of normativity.[199]

I think this postmodern move is a mistake. Levinas' writings on Judaism do not merely parrot his philosophy; they ground it. When he writes that the "biblical ontology of the person departs from the subjectivity of the idealist subject"; when he insists that "the ethical relation with the other is a modality of the relation with God"; when he proposes "to call 'religion' the bond that is established between the same and the other without constituting a totality"; he is not merely making a rhetorical gesture.[200] He is revealing his work's central methodological innovation: that we can draw from religious experience not only for *analogy*, but *imitation*. "God is the other," he writes in *Totality and Infinity*, ostensibly one of his strictly philosophical works.[201] This is not ethical hyperbole. It instead suggests a mimetic correspondence between religious obligations and ethical obligations. It implies that ethics as negative theology is not only *like* negative theology in some kind of analogical sense; in the way that we experience our ethical epistemology, it *really is* negative theology—only with the other person taking the place of the deity.

At the same time, situating Levinas in such a religious context does not, I think, render him useless for solving the puzzle of liberal solidarity in a secular age. Quite the opposite. His

[199] C. Fred Alford, "Levinas and Political Theory," *Political Theory* Vol. 32, No. 2, 2004, 147.

[200] *BV*, 9; *BV*, 149; *TI*, 40.

[201] *TI*, 211.

writings carefully avoid a positive conception of religion. What they suggest instead is that everyday ethical life inexorably borrows certain cognitive and normative features from forms of experience associated with religion. The *source* of normative authority is not the deity. Indeed I have tried to show that Levinas is highly critical of any form of religion that would theologically suspend the ethical or justify moral violations through an indulgence in the irrational. The true contribution of religion—and of negative theology in particular—is to offer an ethical template for relating to another person: a being who is unique and particular, one set beyond the reach of one's own raptorial concepts and categories; and a being for whom individuals must take responsibility. A uniquely—and entirely—human being.

With the collapse of the Kojève's closed self and its pathologies, another, deeper solidarity comes into view. It is to the "Other" alone—his uniqueness, inviolability, depth, and distance—that the "I" must direct its metaphysical yearning. To consume another conceptually would be only the first step toward consuming another actually. Thus the other person must be cognized distinctly, approached in a different way. Human beings must be made "capable of a sociality in which the bond is no longer the integration of parts in a whole."[202] Unlike with the *Begriff*, it cannot be through a concept or category. Unlike with Aaron's sons, it cannot be in the manner of will, capture, and control. The other person must be given the very characteristics of the deity: elevated and separate, a vessel for the holy. Such a person must be made the object of a metaphysical desire that cannot, in principle, be satiated. So channeled, such a desire cannot ignore; it cannot pass by callously; it cannot make excuses. It can only welcome, sacrifice, nurture, and take responsibility. "Before wars," Levinas writes, "there were altars."[203] It is such

[202] *OS*, 103.

[203] *BPW,* 91.

a spirit of self-sacrifice, such an ethos of welcome, that can, perhaps, inaugurate a deep ethics, a deep personality—and a deep solidarity.

CHAPTER SIX

The Essential "We": Buber, Theopolitics, and Solidarity as Fate and Destiny

"Community should not be made into a principle; it, too, should always satisfy a situation rather than an abstraction. The realization of community, like the realization of any idea, cannot occur once and for all time: always it must be the moment's answer to the moment's question, and nothing more."

-Martin Buber, Paths in Utopia[1]

"Every act of genuine brotherliness may be linked with the awareness that it contributes something imperishable to a super-personal realm."

-Max Weber, "Science as a Vocation"[2]

"It says (Exodus 32:16): 'And the tablets are the work of God, and the writing is God's writing, engraved on the tablets'; read not 'engraved' [harut] but 'freedom' [heirut]."

-Pirkei Avot [Ethics of the Fathers][3]

BUBER, THEOPOLITICS, AND SCHMITT'S CHALLENGE

Levinas gets us part of the way to a deep solidarity. But he leaves one important question unanswered. Solidarity as sacrifice exhorts us to serve the other; yet it says nothing about *which* other we should serve. Thus even as we heed Levinas' call, turn our faces, and embrace responsibility, we find ourselves confronted by a near-infinite number of people competing for our moral attention. Moral life in theory is orchestrated as a duet between an ego-becoming-I and a stranger-becoming-guest. Moral life in practice finds us always and already enmeshed in a symphony of relationships, including with friends, colleagues, relatives, and strangers. To posit an equal and indeclinable obligation to all of them would be impossibly demanding; it would

[1] Martin Buber, *Paths in Utopia*, trans. R. F. C. Hull (Boston: Beacon Press, [1949] 1958), 16. Hereafter "*PU*."

[2] Weber [1922] 2009, 155.

[3] Mishnah Tractate Pirkei Avot, 6.2.

lead in effect to either a watered-down ethics or a revolt against normativity itself. Yet in an age in which all social and political categories, including "state" and "nation," have been stripped of their metaphysical sheen, to suggest that human beings have an intrinsically privileged bond to a certain subset of strangers seems chauvinistic and morally arbitrary.

Thus where can we locate a middle-ground between a vacuous universalism and a tribalistic localism? How should we identify the recipients of solidarity as sacrifice? Or put another way, if Levinas allows us to picture ourselves as an "I" facing an "Other," what permits us to say "We"? What is the collective side of our deep solidarity?

To develop answers to these questions, I turn in this chapter to Martin Buber, offering an original reading of his works in politics, philosophy, and Judaism. On face, the choice of Buber may seem surprising. Contemporary political theory certainly has no dearth of approaches for weighing our normative obligations. And Levinas, often compared to Buber for his dialogical ethics, has a theory of his own, one centered around the entry of a "third party" into the dyadic relation.[4] Yet despite preceding Levinas, Buber provides a far more developed account of how

[4] For more on the role of the "third" in Levinas, see the previous chapter, note 11. There is no question that the two have similar systems of thought. Indeed a number of Buber's philosophical arguments and ideas are essentially continuous with Levinas, including: his concern about the ethical consequences of conceptualization ("I-It" as opposed to "I-Thou" relations); his stress on avoiding such conceptualization in moral relations ("If I face a human being as my Thou...he is not a thing among things"); his disassociation of non-rational commitment from emotional affect ("Feelings are a mere accompaniment to the metaphysical and metapsychical fact of the relation"); the pathologies he associates with non-rationalism (ecstatic "unification" with the divine on the one hand, egoistic self-deification on the other); and an existential ontology that envisions the "I" emerging through our relation to another ("The *I* is real in virtue of its sharing in reality. The fuller its sharing the more real it becomes"). See Martin Buber, *I and Thou*, trans. Ronald Gregor Smith (New York: Charles Scribner's Sons, [1923] 1958), 3-4, 8, 46, 62-3, and 84. Hereafter "*IT*." Nonetheless, Levinas—who began his philosophical career decades after Buber—took pains to distinguish himself from his predecessor, perhaps most prominently in his essay "Martin Buber's Thought and Contemporary Judaism." There, Levinas attacks the very idea that ethical life can be staged as a "dialogue," arguing that Buber's philosophy, despite its roots in phenomenology, ultimately never escapes a kind of ethical formalism. As a result, Levinas argues, it lacks awareness of concrete disparities in wealth and power: "One may wonder whether clothing the naked and feeding the hungry do not bring us closer to the neighbor than the rarefied atmosphere in which Buber's Meeting sometimes takes place." In *Outside the Subject*, *op. cit.*, 18. Levinas' critique inspired an exchange of letters between the two thinkers which contains Buber's response. See *Philosophical Interrogations*, ed. Sydney Rome and Beatrice Rome (New York: Holt, Rinehart and Winston, 1964), 23-9. Although this is not the place to assess this dispute, my own view is that Levinas' criticism has some merit. Even so, I believe that the two are more usefully read not as antipodal but complementary, with Levinas providing a

we should approach our responsibility not only to a particular other, but *others*. He offers a way of extending our obligations from the first-person singular to plural. And precisely because he shares with Levinas a starting point in phenomenology rather than analytic moral philosophy, he is far better suited than most contemporary ethicists for articulating the collective dimension of our deep solidarity.

There is a more important reason for turning to Buber, however, one that has as much to do with the context of his intellectual development as it does with the content of his philosophy. For just as he was writing some of his most important works, Buber was confronted with the emergence of Carl Schmitt. Schmitt, as we saw in the introduction, develops his theory of solidarity via a political theology. Drawing an analogy between the miracles performed by a voluntarist deity and the decisions of a human sovereign, he envisions a solidarity grounded in the state and centered around the appearance of "the political"; our commitment to others, he argues, crystalizes in moments of non-rational, existential violence between "friends" and "enemies." It was precisely this understanding of human sociality that Buber confronted during his most productive years. And not only on paper: As an aspiring Jewish academic in Weimar Germany, Buber witnessed first hand the rise of a Nazi political movement that Schmitt enthusiastically endorsed and bore many of the hallmarks of his political theory.[5]

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more persuasive presentation of our moral relation to a discrete other, and Buber offering a more filled-in portrait of how we should relate to being part of a larger community of others.

[5] This political context renders it all the more surprising that Buber has been largely overlooked in the recent flowering of work on Weimer social, political, and religious thought. For example, the volume *The Weimar Moment* devotes no single chapter to Buber, engaging with his thinking only in the context of Ulrich Rosenhagen's discussion of Buber's involvement in Jewish-Protestant theological debates. *The Weimar Moment: Liberalism, Political Theology, and Law*, ed. Leonard V. Kaplan and Rudy Koshar (Lanham, MD: Lexington Books, 2012), 47-72. Benjamin Lazier, in his otherwise strong study of Weimer politics and theology, mentions Buber only in the context of Gershom Scholem. *God Interrupted: Heresy and the European Imagination Between the World Wars* (Princeton: Princeton University Press, 2008). In the fascinating collection *Weimar Thought: A Contested Legacy*, Buber is treated at greater length by Peter Gordon in the context of his chapter on theological developments during Weimar. "Weimar Theology: From Historicism to Crisis," in *Weimar Thought: A Contested Legacy*, ed. Peter E.

Even so, Buber himself is not generally read for his political theory.[6] And in those rare instances when he is, his thought is often caricatured, labeled a communalistic anarchism, a utopian "anti-politics," or theologically-inflected Kibbutz ideology.[7] Yet setting Buber's work against the backdrop of Schmitt's influence, I believe, grants us a wholly different vantage on his political thinking. And what emerges as a central theme of his corpus, not only in his philosophical works, but also and especially in his writings on Judaism, is a task squarely within the province of political theory: To find an alternative to political theology for solving the puzzle of liberal solidarity. Buber did not merely impress his own philosophy into Jewish texts as some commentators have suggested; he drew out from them what he understood to be Judaism's great

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Gordon and John P. McCormick (Princeton: Princeton University Press, 2013), 150-78. It may be that this relative neglect of Buber can be traced to his general reputation as an apolitical thinker, a topic I discuss below.

[6] Even among the handful of scholars who have sought out Buber's political theory, he is generally considered a non-political thinker, or someone for whom politics is a secondary concern to religion and ethics. See for example Robert Waltsch, "Buber's Political Philosophy," in *The Philosophy of Martin Buber (Library of Living Philosophers, Vol. 12)*, ed. Paul Arthu Schilpp and Maurice Friedman (La Salle, IL: Open Court Press, 1967), 435-49; Steven Schwarzschild, "A Critique of Martin Buber's Political Philosophy: An Affectionate Reappraisal," in *The Pursuit of the Ideal: Jewish Writings of Schwarzschild*, ed. Menachem Kellner (Albany: SUNY Press, 1990), 185-207; Paul Mendes-Flohr, "The Desert Within and Social Renewal—Martin Buber's Vision of Utopia," in *New Perspectives on Martin Buber*, ed. Michael Zank (Tübingen: Mohr Siebeck, 2006), 219-230, cf. *From Mysticism to Dialogue: Martin Buber's Transformation of German Social Thought* (Detroit: Wayne State University Press, 1989).

[7] For a representative position of Buber as an anarchist, see Bernard Susser, "The Anarcho-Federalism of Martin Buber," *Publius* 9.4 (Autumn 1979), 103-116, cf. *Existence and Utopia: The Social and Political Thought of Martin Buber* (London: Associated University Presses, 1981). Notably, this was also the view of Gershom Scholem, who associated Buber with a kind Schmittian decisionism in an individualized form: "To put it bluntly, Buber is a religious anarchist, and his teaching is religious anarchism. By this I mean the following: Buber's philosophy demands of man that he set himself a direction and reach a decision, but it says nothing about which direction and which decision." *The Messianic Idea in Judaism* (New York: Schocken Books, 1971), 245. There is of course an irony to this charge, given Scholem's own self-professed attraction to anarchism: "To this day, I would say that the only social theory that makes sense—religious sense too—is anarchism." *On Jews and Judaism in Crisis: Selected Essays* (New York: Schocken Books, 1976), 33. Michael Walzer, by contrast, refers to *Paths in Utopia*, Buber's most overt work of political theory, as a "secular defense of communitarian socialism, with an epilogue on the kibbutz." "On Buber," *Tikkun* 3, no. 3 (March-April 1988): 128. Others, grouping Buber with his colleague Gustav Landauer, have understood his politics as a mystical, neo-Romantic search for "authenticity." Yossef Schwartz, "The Politicization of the Mystical in Buber and his Contemporaries," in *New Perspectives on Martin Buber*, 205-18. See also Michael Löwy, *Redemption and Utopia: Jewish Libertarian Thought in Central Europe*, trans. Hope Heaney (Stanford: Stanford University Press, 1992), 47-70. One notable exception to these otherwise incomplete portrayals is Dan Avnon's rich and nuanced treatment, which refuses to divorce Buber's political writings from his ostensibly non-political works. Even so, I believe Avnon is mistaken to argue that Buber's social and political theory aims, in actual practice rather than as a purely regulative ideal, at "rendering the modern state...obsolete." *Martin Buber: The Hidden Dialogue* (New York: Rowman & Littlefield, 1998), 149-78, 159-60.

universalist message.[8] And what he found in its most ancient form was a vantage to attack the very idea of political theology itself.[9] Marshaling Hebrew scripture, Buber rejected the very logic underlying solidarity through secularization: that theological and religious ideas should be repurposed for philosophical and political ends. Against the attempt to sequester an autonomous "political" realm from normativity, he affirmed the moral interdependence of all spheres of human life. And against the drive to secularize the foundations of human solidarity, he affirmed the eternality of a certain mode of relating to the world, one that he refers to, for reasons that I discuss below, as "religious."[10]

Yet even as Buber looked to Jewish ideas to critique political theology, he also drew from them in order to develop a new theory of solidarity for a secular age. Buber was not a systematic thinker, and he does not outline this theory in a single place in his writings. Nor does he refer to

[8] Indeed some interpreters have made the opposite mistake, taking Buber so seriously as a Bible scholar as to argue that he saw philosophy, social theory, and politics as secondary to hermeneutics. See Guy Stroumsa, "Presence, Not Gnosis: Buber as a Historian of Religion," in *Martin Buber: A Contemporary Perspective*, ed. Paul Mendes-Flohr (Syracuse: Syracuse University Press, 2002), 25-47. It is true that among Buber's great scholarly accomplishments was a joint translation, with Franz Rosenzweig, of the entire Hebrew Bible into German. Yet as Buber himself noted with Rosenzweig in their explanatory essay "The How and Why of our Bible Translation," among their purposes in undertaking the project was to oppose the "religious sanction to all the violence of the state," to show to the German people, through "the dissemination of the actual Scriptures," that God "demand[s] the shaping of society on the basis of belief." In *Scripture and Translation*, ed. Everett Fox and Lawrence Rosenwald (Bloomington: Indiana University Press, 1994), 217. One reason why the politics behind Buber's scriptural hermeneutics has been largely overlooked may have to do with how those writings have been presented, that is, mainly as collections of short commentaries on discrete scriptural passages or incidents. Yet many of these commentaries were originally embedded in larger works like *Moses* and *The Prophetic Faith*. See for example *Israel and the World: Essays in a Time of Crisis* (Syracuse: Syracuse University Press, 1997); *On the Bible: Eighteen Studies*, ed. Nahum N. Glatzer (Syracuse: Syracuse University Press, 2000). Hereafter "*OB*."

[9] Unless otherwise noted, all translations from the Hebrew are my own. At the same time, the aim of my analysis is not to evaluate Buber's Biblical exegesis in its own right, but to consider how he uncovers conclusions for political theory through his reading of the Biblical text. Nor do I focus on the historical question of Buber's engagement with certain discourse about political theology in Weimar Germany. My interest instead is primarily interpretive and normative: How his insights, properly understood, can be brought to bear for resolving the puzzle of liberal solidarity and Schmitt's challenge.

[10] Despite the centrality of political theology in Buber's thought, he has been mostly passed over in recent discussions of the concept. The large collection of essays *Political Theologies: Public Religions in a Post-Secular World*, for example, contains almost no mention of Buber. And a more recent volume, *Political Theology for a Plural Age*, overlooks Buber entirely. *Political Theologies: Public Religions in a Post-Secular World*, *op. cit.*; *Political Theology for a Plural Age*, ed. Michael Jon Kessler (Oxford: Oxford University Press, 2013).

it with a single concept.[11] Consequently, there has been a tendency to see multiplicity rather than unity in his oeuvre: Many divorce his scriptural commentaries from his works of philosophy; even those who have connected him to Schmitt have focused on questions of political legitimacy rather than solidarity; and the yet smaller number who have explored his opposition to political theology have overlooked his alternative, positive vision.[12] Rather than focusing on one subset of Buber's texts, therefore, in what follows I reconstruct his theory of solidarity by assessing his writings as a whole.[13] Buber, I argue, accepted that solidarity cannot have a fully rational basis; like Schmitt, he conceded that moral commitment and motivation must have sources

[11] Mendes-Flohr argues that Buber never offers a "systematic explication" of how we get from his dyadic-dialogical philosophy to a theory of community as a whole. Mendes-Flohr 1989, 120. Buber's lack of systemization is undeniable, and is evident by the sundry terms he uses in reference to solidarity: "true community," "genuine community," "community of communities," "structure of otherness," "essential We," and "the theopolitical," among others. But as I argue in what follows, these ideas, while never systematically explicated, do ultimately coalesce into a coherent theory of solidarity.

[12] In a recent article, Nitzan Lebovic correctly identifies Buber as engaging with political theology, but largely confines his analysis to Buber's reading of Isaiah in *The Prophetic Faith*. Nitzan Levovic, "The Jerusalem School: The Theopolitical Hour," *New German Critique* 105 (2008), 97-120. Christoph Schmid has demonstrated that Buber attempts to effect a Jewish "closure" of political theology in the same manner that Erik Peterson did through his analysis of the Catholic trinity. "Die theopolitische Stunde. Martin Bubers Begriff der Theopolitik, seine prophetischen Ursprünge, seine Aktualität und Bedeutung für die Definition Zionistischer Politik," in *Die theopolitische Stunde: Zwölf Perspektiven auf das eschatologische Problem der Moderne* (München: Wilhelm Fink Verlag, 2009), 205-25, cf. Peterson, "Monotheism as a Political Problem: A Contribution to the History of Political Theology in the Roman Empire," in *Theological Tractates*, ed. and trans. Micael J. Hollerich (Stanford: Stanford University Press, [1935] 2011), 68-105. Samuel Brody, in his recent and unpublished dissertation, has produced by far the richest and most comprehensive reading of Buber's critique of Schmitt. Yet Brody's otherwise excellent analysis, by focusing solely on Buber's biblical commentaries and writings on Zionism while "bracketing" his philosophical and existential works, falls short in three important respects: First, he misapprehends important aspects of Buber's objection to political theology, and in particular, the fact that Buber's primary worry was not political legitimacy but solidarity. Second, in his eagerness to stage Schmitt and Buber as archrivals, he mistakenly frames Buber's thought as a kind of anarcho-religious inversion of Schmitt's secularized political totalism: "Theopolitics is, arguably, just as 'decisionist' as political theology....If political theology borders on the fascistic, theopolitics is its anarchistic antipode"; "[Buber shared with Schmitt an] anti-liberal, anti-modern, and theological orientation." Finally, he offers an overly simplified portrayal of Buber's theoretical alternative. Brody argues that Buber's contemporary political theory is an "applied theopolitics" an "anarchistic modern translation of biblical prophecy." Yet as I demonstrate in this chapter, Buber sought not the unvarnished transposition of Biblical theocracy into modernity—a genuinely utopian ambition—but a practical way to inject what he calls the "anarchic-psychic" *spirit* into existing social and political institutions—precisely those that *do* exercise coercive power. Samuel Hayim Brody, *This Pathless Hour: Messianism, Anarchism, Zionism, and Martin Buber's Theopolitics Reconsidered*. Ph.D. Dissertation, University of Chicago Divinity School, 2013, 4-5, 19, 89.

[13] Thus one of the arguments implicit in this chapter is that there is a substantial unity to Buber's political thinking, extending from the conclusion of the First World War (when he abandoned his youthful enthusiasm for nationalism) until his death nearly five decades later. While I do not break up the flow of the text to signal this directly, I aim for the chapter's argument, taken as a whole, to lend support to this idea.

transcending reason. Yet he refused to locate these sources in Schmitt's concept of the "political." Instead, through a creative reinterpretation of the Hebrew Bible, he imagined a deep, pre-political form of collective identification, a solidarity that, while eschewing political theology, nonetheless makes space for the role of the non-rational in securing our commitment to other people. Thus in both the language of this dissertation and in Buber's own, he responded to Schmitt's challenge. And by doing so, he provides us with a communal counterpart to Levinas' solidarity as sacrifice—a plural "We" to go along with the dyadic "Other" and "I." This collective dimension of our deep solidarity I call *solidarity as fate and destiny*.[14]

According to Buber, social commitment proceeds in two stages. In the first, we experience our connection with others as something given, a solidarity of fate. Thrust into a world of already-living human beings entangled in myriad relations, connections, and responsibilities, we bind ourselves to a discrete constellation of people, identifying with them on an intuitive and affective level not fully reducible to reason. We do so, on the one hand, in order to give ourselves a concrete setting for ethical responsibility and sacrifice. For Buber as for Levinas, genuine ethical life—what he famously refers to as "I-Thou" relationships—is only possible when we have regularity and direction in our sociality. Membership in a solidarity of fate, then, is a necessary condition for solidarity as sacrifice. Even so, it should be noted that while such a constellation of people may at times overlap with a particular state, nation, ethnicity, religion, or association, it is not limited to or defined by any pre-existing category. Indeed it may have no title or unifying concept at all; its sole determinant is the joint

[14] This term is mine, not Buber's. As with "solidarity as sacrifice" in Levinas, I coin it in order to make up for what I take to be a conceptual (though not theoretical) deficiency in the author's work. As noted above (note 9), Buber has many disparate terms to describe collective solidarity; this term is designed to group these together under a more unified theory. At the same time, my specific locution is far from alien to Buber's writings. As I discuss below, Buber himself often uses the distinction between "fate" and "destiny" to define different stages in the development of community.

commitment of its members. Nor is a solidarity of fate a *fated* solidarity. Though our lives are of course bound to a given time and discrete set of possibilities—what Gadamer called a "horizon"—we remain free to choose, within these limits, what course to set. Buber is not Heidegger: the solidarity we affirm need not be the one implied by the identity we inherit or the circumstances into which we are "thrown." What matters is that we commit ourselves fully to the fate of *some* group, to delighting in its members' joys and aching for their sufferings. For only in such circumstances can we practice solidarity as sacrifice: focusing our moral energies, opening ourselves to others, and putting vulnerability first.

On the other hand, we attach ourselves to a solidarity of fate not only for its personal value, but also because of the larger, socially-salutary effects it promises to yield, its potential to become a *solidarity of destiny*. Even as we identify deeply with a given group of people, our commitment is not aimless. It has a specific purpose: to concretely realize the Rousseauian ideal of diminishing dependence. The idea of a solidarity of destiny thus offers a roadmap for gradually reshaping the normative texture of society from within. It seeks to cultivate the fruits of a strong social bond: stability, justice, and the diminution of interpersonal exploitation and domination. And it pursues depth in moral personality, envisioning an ever-expanding circle of human beings with whom we open our selves and to whom we sacrifice. But in addition to reflecting an ideal, the solidarity of destiny also signals that our commitment to our particular solidarity of fate is not categorical. While we retain a special bond to physical, psychological, and existential fate of its members, Buber emphasizes, that bond does not allow us to elevate that group *qua* group as an independent source of normative value. The collective interest of a nation or state, for example, has no intrinsic moral weight of its own. We are never permitted to violate moral norms merely for its selfish good. And, if it becomes clear that ethical life is impossible

within a particular solidarity of fate, the solidarity of destiny not only permits but demands that we exit.

To flesh out the meaning of solidarity as fate and destiny, I divide this chapter into two parts. In the first, I examine Buber's critique of Schmitt and his alternative vision. As he developed a novel reading of the Hebrew Bible across several published works, Buber uncovered what he saw as Judaism's theoretical antithesis to political theology: a "theopolitics," where human beings, mutually subject to God's kingship, achieve a form of social and political organization that fulfills the Rousseauian ideal of non-dependence. Yet Buber, I argue, did not seek to directly transpose this vision into modernity. Instead, he sought to incorporate the *spirit* of theopolitics into a new theory of liberal solidarity suitable for a secular age. He did so, as I show in the chapter's second part, by reimagining community as an architecture for practicing solidarity as sacrifice. Rejecting both individualism and collectivism, he reconstituted our solidarity in terms of fate and destiny.

These concepts in hand, I end by looking at Buber's practical theory of obligation and political program. Despite the injustice of most existing social structures, Buber rejects violent revolution. Rather than attempting a return to divine kingship, we should instead strive to gradually transform our solidarities from within by ridding them of relations of dependence. Like Levinas, Buber finds a model for doing so through the method of solidarity through imitation. By modeling our behaviors on received attributes of the divine, we can in effect "rebuild" God without God: As we drain our social relations of coercion, we come to act *as if* we live under divine rule in social practice even if we remain secular in consciousness. And this, for Buber, is ultimately the point.[15]

[15] I thus disagree with Mendes-Flohr's view that true community for Buber can only be realized through something akin to an act of divine grace (a "'situational' revelation"), implying that there is an "inherent

Buber, I conclude, was neither a theocratic anarchist nor an anti-political utopian, neither an idealist nor a realist. Indeed he resists being pressed into any standard category of contemporary political theory. In principle, he denied that any merely human power could claim normative authority. In practice he was a committed liberal and pluralist who not only cautioned against revolution, but taught the necessity of supporting the state and following its laws. Thus to those for whom political theory demands absolute philosophical precision and ideological consistency, Buber's thought could only be seen as confused and contradictory, the unsystematic writings of an unsystematic mind. Yet in an important sense, this is precisely his message. As I have tried to show in this dissertation, any attempt to solve the puzzle of liberal solidarity once and for all through philosophy alone is bound to fail. A thinker who secularizes a theological or religious category into the human social and political world seeks to harness the constancy of God; but having done so, she will invariably find that her chosen category, having been transposed from the divine to human realm, remains separated from the lived experience of actual people by an unbridgeable fissure—a religious remainder. And while a skilled philosopher may develop a system to paper over such a fissure, it is ultimately into its depths that the real possibility of solidarity falls.

To this Buber offers an alternative. Solidarity as fate and destiny celebrates the plurality of our attachments without essentializing or reifying them. It acknowledges our inescapable material, moral, and existential dependence on other people while refusing a dependence based on will and domination. And it offers a way to reconcile the fact that *no* human solidarity can be

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discontinuity" in Buber's concept of community. "Martin Buber's concept of the center and social renewal," *Jewish Journal of Sociology*, 18 (June 1976), 17-26. As I demonstrate below, Buber actually believed just the opposite: That the possibility of achieving a genuine human solidarity is precisely in human hands, and its achievement *precedes* any kind of "theophany," real or metaphorical. In this respect I agree with Avnon that although "the members of a true community do indeed aspire to share a common relation to a divine center," nonetheless "the advent of such a relation is dependent on the prior creation of social frameworks that create this shared attitude." Avnon 157.

fully captured by philosophy without making the opposite and equally dangerous error: relieving us of our independent moral judgment. Buber, in short, recognizes the necessity of the non-rational without surrendering to unreason; he accepts the indispensability of the pre-political without conceding to ethnic or national tribalism. He gives us resources for finally solving the puzzle of liberal solidarity and answering Schmitt's challenge. And it is this template for navigating, embracing, and elevating our received world—for finding our essential "We"— that represents Buber's greatest contribution to our deep solidarity.

AGAINST POLITICAL THEOLOGY, FOR "RELIGIOUS" POLITICS

Schmitt provides Buber with a foil for rethinking both the meaning of politics and the role it should play in our lives. The "political," Buber insists, appears not in moments of violence between friends and enemies, but in the concrete organization of societies. It has no deep or existential meaning. And while Schmitt may offer a political theory based on early modern theology, it does not reflect the authentic one found in the scripture itself. Yet Buber neither rejects politics nor quarantines it into a separate sphere. Instead, he seeks out a new, morally-defensible concept of the political, one bound up in an ethos and orientation toward the world that he calls "religious."

Buber takes Schmitt seriously as not only a philosophical but theological opponent, and he critiques his concept of the "political" in the register of religious philosophy.[16] On face this may seem surprising. Schmitt develops his theory of sovereignty by drawing from an analogy to

[16] Buber engages with either explicitly or implicitly Schmitt in a number of works, but his most direct criticism is in his "The Question to the Single One." Written in 1936 and framed as a critique of Kierkegaard's philosophy of religion, the essay in fact contains some of Buber's most important thoughts about politics and solidarity, as well as his most advanced efforts to extend his existential philosophy into a theory of life in a community. The English translation can be found in the collection of Buber's essays *Between Man and Man*, trans. Ronald Gregor Smith (Boston: Beacon Press, [1947] 1957). Hereafter "*BMM*."

the deity; but in expounding the "political," he makes almost no reference to theology, donning instead the realist mantle of Machiavelli and Hobbes.[17] For Buber, however, this profane discourse is merely a ruse. In his essay "The Question to the Single One," Buber refers to Schmitt as a "Catholic exponent of Constitutional Law" and argues that his concept of the "political" can only be understood in the context of another religious institution: the "trial by combat" or "duel."[18] As originally conceived, the idea of a duel was simple. Two disputants decide to resolve their quarrel through conflict, with the outcome—who lives or dies—understood to reflect divine will. In effect, they make God into their judge. It is precisely this logic, Buber argues, that is at work in Schmitt's conceptualization of the political. Though Schmitt employs the language of secular political theory, his secret intent is to scale up the "trial by combat" from the contest between two individuals to the contest between states. The upshot of this move is plain: If the deity picks the winner in a duel, the deity, too, can be seen as picking the winner on the battlefield. Thus Schmitt's political, according to Buber, is not merely a kind of vitalist celebration of violence; it reflects a whole theology of bloodshed. Victors are chosen by God. And so war itself has a divine sanction. "Every classic duel is a masked 'judgment of

[17] See especially *The Concept of the Political*, *op. cit*., 58-68. Hereafter "*CP*."

[18] *BMM*, 73. Schmitt never cites Buber, and it is not conclusively known whether he read him. We do know, however, that Schmitt closely read a review of Buber's *Kingship of God*, which attacks the political theology thesis directly. See *Carl Schmitt / Ludwig Feuchtwanger: Briefwechsel 1918-1935*, ed. Rolf Rieß (Berlin: Duncker & Humblot, 2007), 377-379, 381-382. There is also circumstantial evidence for Schmitt's connection to Buber via Leo Strauss. In 1932, Strauss penned a set of "Notes" on Schmitt's *Concept of the Political*. In these notes, Strauss criticizes Schmitt for adopting an inconsistent position on the normative status of the political: While Schmitt insists that he is writing as a realist, and so merely explaining the concept's role and meaning, Strauss argues that Schmitt is not merely describing but valorizing the political, celebrating vitalism and existential violence. In his 1938 *Political Theology II*, Schmitt criticized his interlocutor for his reading of Spinoza while referring to him as "the Jewish scholar Leo Strauss," a mirror image of Buber's reference to Schmitt as a "Catholic exponent of Constitutional Law." While this may be nothing more than a chance linguistic parallel, it offers indirect evidence that Schmitt read Buber (the latter's characterization of Schmitt appeared two years earlier), and chose to respond to his critique by grouping him together with his image of the "Jewish scholar"—in this case, Strauss and Spinoza. Given Schmitt's anti-Semitism, this would not be surprising.

God,'" Buber writes. "That is what Schmitt, carrying it over to the relation of peoples to one another, calls the specifically political."[19]

Buber offers three arguments in response, which, when taken together, not only answer Schmitt but suggest an alternative concept of the political. His first is methodological. In *The Concept of the Political*, Schmitt had argued that the specifically political appears only in flashes, at times of "the most intense and extreme antagonism" between foes.[20] In those moments, conflict has no meaning but conflict itself; it cannot be reduced to any external reason, value, or justification. For Schmitt, this kind of irreducible, existential struggle is the essence of the political. According to Buber, however, such a view is unworkable. It is impossible to define the political realm by one of its ephemeral manifestations, he writes, for it would suggest something absurd: that politics only truly exists "in times in which the common life is threatened, not in times in which it experiences its stability as self-evident and assured."[21] Schmitt's view, in other words, would reduce politics to conflict, war, and emergency. To find the true site of the political, Buber thus asserts, we must look not to the transience of the agon but to what is "lasting."[22]

Buber argues, secondly, that Schmitt's theory suffers from an internal contradiction. Schmitt conceives of the political as manifesting in the conflict between "friends" and "enemies." He adds that these need not necessarily be foreign states; there can also be "domestic" and "internal" enemies, as for example rebels in civil war.[23] But as Buber points out,

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[19] *BMM*, 74.

[20] *CP*, 29.

[21] *BMM*, 74.

[22] *BMM*, 74.

[23] *CP*, 46-7.

such a view raises a problem: Rebels in a civil war generally seek to transform, not dissolve, their state. Unlike enemy armies, they want change, not destruction. Yet if that is the case, then there must be pre-existing political structures and institutions—the elements of a "political entity," in Schmitt's language—over which the conflict is being fought. Thus by Schmitt's own criteria, Buber concludes, it cannot be that the political is confined to moments of conflict and crisis; it must reflect something more permanent.

Finally, Buber takes aim at the very attempt to define the political in terms of the friend-enemy distinction. Schmitt himself had arrived at this view via a comparison to oppositional pairs found in other human domains: "beauty" and "ugliness" in aesthetics, "good and evil" in morality, and so forth.[24] But what Schmitt failed to recognize, Buber argues, is that each of these pairings actually implies yet *another* pair of concepts. Behind the beautiful-ugly distinction, for example, is a contrast between "form" and "formlessness." So too with the political. Enemies and friends do not fight over nothing; they are not defined merely by their opposition.[25] Instead, their hostility takes place against a more fundamental juxtaposition between "order" and "absence of order." It is only when a challenge arises to order—either a specific idea of what political order should be, or against order itself—that an "enemy" emerges. It is this "dynamic of order," for Buber, that is "real principle of the political": "The true history of the commonwealth must be understood as its striving to reach the order suited to it. This striving,

[24] *CP*, 26-7.

[25] Without citing Schmitt explicitly, Buber offers a similar critique in his later work *Pointing the Way*, in a chapter on "The Validity and Limitation of the Political Principle." There he refers to "teachers of the law...who, obedient to this trait of the times, defined the concept of the political so that everything disposed itself within it according to the criterion 'friend-enemy,' in which the concept of enemy includes 'the possibility of physical killing.'" *Pointing the Way* ed. and trans. Maurice S. Friedman (New York: Schocken Books, 1957), 216.

this wrestling for the realization of true order...constitutes the political structure's dynamic of order."[26]

Buber concludes his critique by returning to the religious plane, attacking Schmitt's "theological associate" Friedrich Gogarten. According to Buber, Gogarten—an important scholar of religion in the first half of the twentieth century and one of the founders, along with Karl Barth, of "dialectical theology"—was correct to reject the religious individualism of thinkers like Kierkegaard, their personalistic stress on the human-divine relation to the exclusion of life in this world.[27] Where he erred was by adopting the opposite, collectivist extreme: that "the ethical is valid as the ethical only by its connection to man's political being."[28] For Buber, such a perspective abdicates individual moral responsibility. For if our decisions receive their meaning merely from political interests and values, we have no independent vantage by which to judge their rectitude. We can make no distinction between the good of the state and the "Good" in a broader sense. Thus although "Gogarten may speak in theological terms," Buber contends, at the point at which he allows human action to "receive its validity" from a purely political source, he effectively gives free reign to a Machiavellian mentality.[29] He not only cuts the tether

[26] *BBM*, 75.

[27] "Dialectical theology," also sometimes known as "neo-orthodoxy" or "crisis theology," emerged after the First World War as a reaction against the liberal theology of the nineteenth century. Those associated with the movement, including Eduard Thurneysen, Rudolf Bultmann, Emil Brunner, Reginald H. Fuller, in addition to Barth and Gogarten, generally stressed the centrality of revelation as against natural theology; divine transcendence rather than immanence; and the radical, intractable evil of human nature and so the necessity of God's grace. They were also frequently drawn to Kierkegaard's existentialism, which staged faith as something fundamentally individualistic, non-rational, otherworldly—a "leap." For a more extended discussion of theology in Weimar and its relation to politics, see Gordon 2013. Buber's critique of Schmitt is contained in his larger essay "The Question to the Single One," itself an attack on Kierkegaard. That Buber connected Schmitt to Gogarten is thus not surprising. And indeed, Schmitt, as evidenced by *Political Theology*, was himself at least in part indebted to Kierkegaard for his concept of the "exception." See for example Schmitt *Political Theology: Four Chapters on the Concept of Sovereignty*, *op. cit.*, 15.

[28] *BMM*, 76.

[29] *BMM*, 76.

connecting Kierkegaardian man to his deity; he lends theological imprimatur to Schmitt's celebration of political violence. And in doing so, he surrenders to the logic of the state and forfeits religion's moral-critical energies.

Buber's attacks on Schmitt and Gogarten reveal an important facet of his political theory: That politics, instead of being rejected entirely, or sequestered from other parts of human life, should be transformed and redeemed, made into a morally-viable part of thought and practice. An anti-political route was certainly available to Buber. Following his contemporary Walter Benjamin, he could have washed his hands of the instrumentalism of political action and the coercion of juridical order, valorizing instead a morally-purer "ethical" or "social" sphere.[30] Yet Buber firmly rejects this possibility. By effectively relinquishing one's responsibility for large swaths of human reality, he argues, anti-politics amounts to little more than a secularized version of Pauline-Christian renunciation.[31] It reinforces the artificial dualism between "truth and reality, idea and fact, morality and politics."[32] At the same time, Buber could have adopted a more straightforwardly liberal perspective. In place of Schmitt's "total state, which no longer knows anything absolutely non-political," he could have affirmed the distinction between state and civil society and the autonomy of different value spheres.[33] But he declines to follow this Weberian path, too. "If communal life were parceled out into independent realms, one of which

[30] For more on Benjamin's anti-politics, itself highly influenced by his reading of Jewish sources, see my essay "Against Politics: Walter Benjamin on Justice, Judaism, and the Possibility of Ethics," *American Political Science Review*, Vol. 108, No. 1 (2014), 218-232.

[31] Buber is adamant that Jesus should be understood as a "Jew to his core, in whom the Jewish desire for realization was concentrated." In his view, Jesus the man actually embodies Judaism's commitment to acting in and perfecting this world, not to unearthly withdrawal or the desire to escape this world for the divine realm. Thus Buber attributes Christianity's monastic impulses, as well as its distinction between the cities of God and man, to Paul. For more—including how Buber deals with Jesus' call to "render unto Caesar"—see his essay "The Holy Way," in *On Judaism*, ed. Nahum H. Glatzer (New York: Schocken Books, 1967), 122-8. All citations from the volume *On Judaism* will hereafter appear as "*OJ*." See also *PU*, 135.

[32] *OJ*, 126.

[33] *CP*, 25.

is 'the spiritual life,'" he writes, this would "rob the spirit completely of reality. For the spirit is never independently effective in life in itself alone, but in relation to the world."[34]

Buber's alternative to both Benjaminian anti-politics and Weberian value-separation is a new but equally all-encompassing ethos, an orientation toward the world that he calls "religious." On the one hand, the religious is not merely one sphere of value among many; it potentially interpenetrates all of them. In this way, Buber here projects an inverted image of Schmitt: While Schmitt's "total state" is one that "no longer knows anything absolutely nonpolitical," Buber's ideal polity is one that no longer knows anything absolutely non-"religious." It should therefore be stressed that Buber's religious ethos does not at all exclude participation in politics. Indeed it insists upon it. But even though, as he writes, a person cannot acquire a "legitimate relation with God without a legitimate relation to the body politic," it is also true that "the defining force has to be ascribed not to the latter but to the former alone."[35]

On the other hand, unlike Schmitt's political, Buber's religious does not take as its starting point the needs of one's polity. Against the "political principle" and its "saturation of the whole of society with the real or supposed interests of the State," he insists, the religious revolves around a wholly different set of priorities.[36] Thus as *Weltanschauungen*, the religious and the political are opposing and mutually exclusive: "If ethical problems receive their relevance from the political realm, they cannot also receive them from the religious, not even [as in the case of Gogarten] if the political has a religious basis."[37] And with Weberian pluralism rejected, a person cannot live a double (or triple) life. She cannot be a caring mother in the

[34] *IT*, 50-1.

[35] *BBM*, 76.

[36] *PU*, 131.

[37] *BBM*, 76.

evening, a back-stabbing politician in the morning, and an apathetic consumer in the afternoon. While she can and should perform many roles, all of them must be informed by the same wellspring of value. It is not her prerogative to pick and choose.

But if "everything depends on not handing the work of planetary management over to the political principle," to which principle should it be handed over?[38] If the state and the economy "cannot become free and equitable with themselves as starting-point," where should we locate our starting point?[39] By what means can we neither abandon political life, nor cordon it off from other realms, yet still infuse it with a moral ethos? How, in short, are we to understand Buber's alternative to political theology as a means for securing solidarity? What does this "religious" orientation look like? In places, Buber seems to answer in a sociological key. "To the political sphere in the stricter sense," he writes in *Paths in Utopia*, "there was always opposed the organic, functionally organized society as such, a great society built of various societies, the great society in which men lived and worked, competed with one another and helped one another."[40] But at other times, he hints at a different and deeper strain. "There is no separate sphere of ethics in Judaism," he insists in an essay on Jewish religiosity.[41] And as he puts it in his book *Moses*: "The tradition of the pyramid faces that of the campfire."[42]

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[38] *PU*, 133.

[39] *IT*, 50.

[40] *PU*, 131.

[41] Martin Buber, "The Faith of Judaism," in *Mamre: Essays in Religion*, trans. Greta Hort (Melbourne: Melbourne University Press, 1946), 9. All citations from the volume *Mamre* will hereafter appear as "*Mamre*."

[42] Martin Buber, *Moses: The Revelation and the Covenant* (New York: Harper Torchbooks, [1946] 1965), 28. Hereafter "*MOS*."

THE PYRAMID AND THE CAMPFIRE, OR ROUSSEAU THE NOMAD

In *Society Against the State*, the anthropologist Pierre Clastres asks, "What explains the transition from non-coercive political power to coercive political power and how does this transition come about?"[43] Drawing from his field work among South American indigenous groups, Clastres blames the advent of the state. Hierarchy, centralized violence, and an ideology of historical progress, he argues, subverted the originally pacific and egalitarian nature of human social relations. Setting aside the specific features of Clastres' argument, his question contains a broader premise: that solidarity can in principle be conceived apart from coercion. Not only human life but *political* life should be possible without violence, dependence, or domination. Buber's method was hermeneutic not ethnographic; his subject matter was the Hebrew Bible, not Amazonian tribesman; and his target was Schmittean political theology, not the institution of the state as such. But Buber, I believe, shared Clastres' basic assumptions. He was motivated by the anthropologist's question. And he, too, sought to find a form of political life without coercion. Through a creative re-reading of scripture, he unearths it in the earliest shape of Israelite socio-political organization: nomadism. As I demonstrate in the sections to follow, it is this nomadic ethos—an ardent, Rousseauian hostility to dependence on the will of others—that ultimately undergirds Buber's "religious" concept of politics.

In *Moses*, Buber develops his novel political concept via a contrast between Israelite nomadic-pastoralism and Egyptian statism. The Book of Exodus teaches that "The Lord makes a distinction between Egypt and Israel."[44] For Buber, this is not merely a difference in culture; it reflects a deep contrast in values and orientation. Egypt represents the summit of centralized and

[43] Pierre Clastres, *Society Against the State: Essays in Political Anthropology*, trans. Robert Hurley and Abe Stein (New York: Zone Books, 1989), 24.

[44] Exodus, 11:7.

collectivist civilization. Having subdued both the Nile and its populace, the Egyptian state exhibited its total domination through monumental architecture: "As the pyramid culminates in its apex, so the Egyptian state culminates of almost mathematical necessity in the Crown, the 'red flame', which is addressed in the pyramid texts as living Godhead."[45] The pyramid for Buber thus symbolizes a perfectly realized political theology. All parts of the state are subordinated to its interest, embodied in the person of the pharaoh; and it is from this interest alone that they derive their value and meaning: "In the last resort everybody received from the King the function which made him a man."[46]

Against Egypt's domineering concept of the political, nomadic Israel offered an emancipated alternative. Historically, nomads represented a physical hazard to the state, persisting in the hinterlands beyond the reach of its laws and coercive power. Yet as the political scientist James Scott has shown, their more profound threat was to its logic and governing ideology. By refusing to accept any kind of structured hierarchy, and flourishing nonetheless, nomads were living testimony to the speciousness of the state's Hobbesian insistence that freedom from violence could only be achieved through total domination.[47] Thus for Egypt and the other great civilizations of the ancient world, the nomad was a figure of both fear and desire. Buber quotes with fondness a Sumerian hymn that speaks of the one "who knows no submission...who has no house in his lifetime," as well as an Egyptian source that refers to "the miserable stranger....He does not dwell in the same spot, his feet are always wandering. From

[45] *MOS*, 21.

[46] *MOS*, 21.

[47] Furthermore, Scott points out that certain peoples would intentionally abandon settled agriculture and adopt forms of nomadism so that they escape the reach of the state. In this sense they provide clear evidence against the thesis (common in Enlightenment thought and found for example in Adam Smith) that human beings advanced inevitably and irreversibly through historically pre-determined "stages": hunting, pastoralism, agriculture, and commerce. James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven: Yale University Press, 2009).

the days of Horus [that is, from the most ancient past] he battles, he does not conquer, and is not conquered."[48]

It is this intense nomadic antipathy to dependence on human will, Buber argues, that Abraham and his descendants inherited. Like Rousseau, they linked obedience to another's arbitrary decrees to the most profound unhappiness. Buber, quoting the biblical scholar Julius Wellhausen, illustrates this stance toward authority via a comparison to early Islam: "The rulership over men...befits only God; a human claim of possession thereto, a *mulk* (kingship), is against God; no man has rights in preference to another in this relation which attach to his person and are perhaps capable of being bequeathed."[49] Indeed such a deep place did the nomadic ethos carve out in Israel's collective memory, Buber notes, that it surfaces even in the ritual *agricultural* offering, the first-fruits prayer in Deuteronomy: "My father was a wandering Aramean..."[50] Thus by the time it begins its sojourn in Egypt, embryonic-Israel has acquired a visceral, instinctive rejection of any political system that makes human beings dependent on the will of others. This is Buber's frame for interpreting Moses' time as a shepherd in Midian. Only by leaving Egypt could Moses recover the nomadic ethos that Israel had lost through its long years of slavery: "A man of the enslaved nation, but the only one not enslaved together with them, had returned to the free and keen air of his forbearers."[51]

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[48] *MOS*, 25.

[49] Martin Buber, *Kingship of God*, trans. Richard Scheimann (Harper & Row: New York, [1956] 1967), 137. Hereafter "*KG*."

[50] Deuteronomy, 26:5.

[51] *MOS*, 38. In this sense, Buber diverges sharply from Freud, who in his own book on Moses (penned only seven years earlier), depicts him Egyptian through and through, the leader of a faction supporting the proto-monotheistic pharaoh Akhenaten. *Moses and Monotheism*, trans. Katherine Jones (New York: Vintage Books, [1939] 1967).

In this task, however, Moses encounters a problem. Nomadic societies—small, insular, united by blood—permit a "fluid" non-dependence to coexist with a "strong collective solidarity."[52] But what about in a settled life? The Israelites might be able to sustain a nomadic ethos through their Sinai journeys. Yet their destiny is not the migratory life of pastoralists but the settled life of farmers; not to wander forever in the wilderness, but to inherit a land flowing with milk and honey. And of course this is not merely Israel's challenge. It reflects a general problem: How can the nomadic ethos be reproduced in civilization? By what means can its skepticism about human authority and its insistence on freedom from dependence find a place in most human societies, suffused as they are with economic exploitation, social hierarchy, and vast disparities of power? Clastres, for his part, believes that this is impossible. Only in the micro-scale of pre-modern tribalism, he argues can we find politics without coercion. Buber's answer is that it is possible. And he finds its source—the "theopolitical spirit"—in the kingship of God.

KINGSHIP OF GOD AND THE THEOPOLITICAL SPIRIT

In the sixth proposition of *Universal History*, Kant poses a problem that he calls "the most difficult and the last to be solved by the human race": "If he lives among others of his own species, man is an animal who needs a master....But where is he to find such a master? Nowhere else but in the human species. But this master will also be an animal who needs a master." Based on this paradox, Kant argues that human beings will never find a "supreme authority which would itself be just." A "perfect solution," he concludes, "is impossible."[53] More than two centuries later, Michael Walzer raises a different paradox about an apparently different subject. The Bible, he writes, is a "political book" but it has "no political theory"; though

[52] *MOS*, 28.

[53] Immanuel Kant, *Universal History*, *op. cit.*, p. 46.

"engaged with politics" it is "not very interested in politics." What ancient Jewish sources can offer us, he thus determines, is not a politics but an anti-politics.[54] Buber wrote after Kant and before Walzer, and his immediate target was Schmitt. Yet in *Kingship of God*, Buber—without referring to Schmitt directly—offers a response not only to his challenge, but to Kant and Walzer's as well. By mutually subjecting themselves to God's exclusive kingship, Buber argues, the nascent Jewish people uncovered a solution to Kant's problem: Under divine rule, all human beings are fully dependent on God's will; consequently, no human being is dependent on merely human will. And such an orientation, Buber insists against Walzer, constitutes not a rejection of politics but a distinctly *political* stance, a "theopolitical" spirit.[55] This theopolitical spirit is the heart of Buber's "religious" alternative to Schmitt's concept of the political. By simultaneously inverting Schmittean political theology and extending the nomadic ethos into settled civilization, it provides the dispositional foundation for solidarity as fate and destiny.

Kingship is written in a highly formal and scholarly mode, but Buber's political aims show through in his methodology.[56] Not history but phenomenology, he emphasizes, is his object. The "historical fact" behind Biblical happenings interests him less than the experience of

[54] Michael Walzer, *In God's Shadow: Politics in the Hebrew Bible* (New Haven: Yale University Press, 2012), xii-xiii.

[55] In *The Prophetic Faith*, Buber defines theopolitics as "a special kind of politics...which is concerned to establish a certain people in a certain historical situation under divine sovereignty, so that this people is brought nearer the fulfillment of its task, to become the beginning of the kingdom of God." *The Prophetic Faith*, trans. Carlyle Witton-Davies (New York: Harper Torchbooks, [1949] 1960), 135. Hereafter "*PF*."

[56] Buber's political objectives are easily obscured by his self-presentation as a reader of Hebrew scripture. Seeking to be taken seriously by Weimar German academia, he submerged his political aims, adopting a style and vocabulary designed to embed his work into historical-critical Bible scholarship. Yet his real aspirations often surface nonetheless. As I note below, veiled references to Schmittian political theology and Weberian value pluralism are scattered throughout his ostensibly academic works. He speaks in broad terms about the "secularization" of the political sphere and its detachment from the religious. But perhaps the biggest hint Buber provides is in setting out his aims and methodology, as I now discuss.

participants in these events—their "inner truth."[57] Considered on its own and in Buber's intellectual milieu, such an aim might have seemed original, if a bit eccentric. Yet evaluated in light of his theoretical concerns, it is clearly crucial for advancing his political thesis. For only if God's sovereignty was genuinely *felt* as a "folk-kingship" could the theopolitical spirit be viable. Only if ancient Israelites experienced themselves as actually living under divine rule—not as a metaphor or ideal, but in concrete cognitive and emotional fact—could something of this experience be conceptualized, recovered and repurposed. Buber's approach, therefore, is to peel back the layers of the text, to find, concealed beneath layers of redaction, editorializing, and ideological sediment, the "spontaneous forms, not dependent upon instructions, of a popular preservation by word of mouth of 'historical' events."[58]

His core finding is this: That for a substantial period during their early history, the Jews experienced God as their king. On face, of course, the idea of the deity as "king" is hardly new, something Buber himself is quick to acknowledge. Yet in his conception it takes on a shape that is both radical and uncanny. To begin with, Buber argues that divine rule in ancient Israel was understood to be exclusive and direct. None was permitted serve as God's intermediary; none could share in God's sovereignty: "'You shall be for Me a kingly domain', 'there was then in J'shurun a King,'" Buber writes, citing Exodus and Deuteronomy respectively, "This is *exclusive* proclamation also with respect to a secular lordship: the Lord does not want, like the other kingly gods, to be sovereign and guarantor of a human monarch. He wants Himself to be the Leader and the Prince."[59]

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[57] *OJ*, 117. The context for Buber's remarks is a discussion of 1 Samuel 8:7 (in which the elders ask the prophet for a human king), but the idea is equally applicable to his thinking about divine kingship more generally.

[58] *MOS*, 15.

[59] *KG*, 136, emphasis mine.

Buber's unusual Hebrew translation here, where "*melekhet kohanim*," usually "kingdom of priests," is rendered instead as "kingly domain," points to a second aspect of his thesis: That God's kingship was not understood at all in a metaphorical sense.[60] To describe God as "king" is usually intended figuratively. It provides a shorthand way of characterizing some of the deity's roles: as moral law-giver, dispenser of reward and punishment, and cosmological architect. A human king, by contrast, sits on a throne, hears out disputes, and leads his troops in battle. Though elevated from his people, he dwells among them. Such a quotidian station is commonly assumed to be beneath a monotheistic creator-God.[61] And yet this, Buber contends, was exactly how divine rule was understood in ancient Israel: "I...call what I mean kingship of God; and with 'king' I mean precisely the 'primitive' *melekh* [king] which the elders of Israel mean when they (I Samuel 8:19ff) demand a king....For thus had they experienced it: God had dispensed justice for them, He had gone on before them and had fought their battle, the *melekh* of an original early period."[62] God's throne was the ark of the covenant and His palace the tent of meeting. When Israel traveled, God's tent-palace traveled with them. When Israel made war, God's ark-throne was brought to the front lines. The deity, Buber thus insists, was the nation's king [*melekh*] in every sense of the word: its counselor, decision-maker, judge, and field marshal.[63]

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[60] The passage in question is Exodus 19:6. Buber's translation is very self-conscious, as he makes the same translation earlier on. *KG*, 37.

[61] This view—that a monotheistic God is too distant and elevated above human affairs to be actively engaged in life of a particular people as their ruler—is likely traceable to the influence of Aristotle. The relationship between Aristotle's deity and humanity is distinctly one way: While human beings may attempt to seek God out via the intellect, the deity has no interest in their political (or individual) lives. While this view eventually becomes integrated into Jewish thought, one of Buber's points is that it should not be read into its earliest historical strata.

[62] *KG*, 25.

[63] *KG*, 102. Against the charge that this kind of direct theocracy was not unique to ancient Israel, Buber surveys the religious practices of its neighbors. His argument is that contemporaneous nations also regarded their god as "king," they in effect confined the realm of his kingship to the heavens and natural phenomena, leaving the realm of political affairs to the human king (who was often also considered a god or god-like figure). In pre-monarchial

This leads to the final and most critical implication of divine kingship for Buber: its politics—or rather, theopolitics. God's rule, he stresses, was experienced as something concrete. It was a deep and palpable part of Israelite phenomenology. But—and critically—this did not precipitate a quietist turn away from political life. On the contrary: Precisely because God's sovereignty was thought to extend into every human domain, politics, too was understood to be a legitimate form of "religious" expression. "There is in...Israel [before human kings] no externality of ruler-ship," Buber writes, adding "*for there is no political sphere except the theo-political*." Buber here is careful to preempt the tendency of Walzer, Benjamin and others to read an antipolitical message into Hebrew scripture. Ethics and politics are better understood not as opposing value spheres but as different manifestations of a fundamentally similar effort to work through the implications of divine rule:

> We may characterize the domain, in which the individual as such seeks to deal seriously in vital fashion with the exclusiveness [of God's sovereignty], as the ethical....The same is valid for the people with respect to politics. The striving to have the entirety of its life constructed out of its relation to the divine can be actualized by a *people*."[64]

If politics in its most basic meaning refers to the collective affairs of a people and its leadership, the pre-monarchial Israelites practiced politics. They conquered territory and built cities; they lived under laws and redistributed wealth. They embodied "a tendency toward actualization which can be no other than a political one."[65] That they did so under divine sovereignty should in no way detract from their political character.[66] In this sense, the target of Buber's theopolitics

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Israel, by contrast, the human being who speaks for God was also seen as a mere "servant," lacking any dominion or divine attributes of his own. *KG*, 86, 92.

[64] *KG*, 118-9.

[65] *KG*, 118.

[66] Buber is thus eager to reject the claim that "theocracy" as such requires a *state* in the modern, Weberian sense of the term. *KG*, 24-5.

is equally the legacy of Pauline Christianity and Weber's division of value spheres. The God of Israel, he writes, "is not content to be 'God' in the religious sense. He does not want to surrender to a man that which is not 'God's'....He makes known His will first of all as constitution—not constitution of cult and custom only, also of economy and society." Having made this veiled reference to *Economy and Society*, Weber's magnum opus, Buber concludes his analysis with a final shot at his predecessor: "*The separation of religion and politics which stretches through history is here overcome in real paradox*."[67]

According to Buber, theopolitics' foremost contribution is a means by which to transpose the nomadic ethos from itinerant to settled life. For the nomad, as for Rousseau, there is no greater slavery than to be bound to the arbitrary will of another. This above all is what the "tradition of the campfire" represents: a hatred of dependence. And it is precisely freedom from dependence that theopolitics achieves. Human beings, by making themselves mutually and fully dependent on God, become fully and mutually independent of one another. Thus, counter-intuitively, it is precisely human beings' extreme allergy to dependence that leads them to embrace absolute divine rule. Buber refers to this as the essential dynamic of "every original and direct theocracy": "[The] intractableness of the human person, the drive of man to be independent of man, but for the sake of a highest commitment, already appears in the Sinai covenant."[68] Under such an arrangement, power, reserved to the deity, cannot be exploited by men for their own aims. And when power *is* exercised, it is understood as having been done so by God in the form of divine law. Consequently, its use is not interpreted as arbitrary.[69]

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[67] *KG*, 119, emphasis in original.

[68] *KG*, 138.

[69] Buber anticipates and responds at length to the objection that rulership by God (theocracy) is in practice rulership by a priestly class (what he, following Weber, calls "hierocracy). His argument hinges on his concept of charismatic leadership, itself a borrowing from Weber. Unlike a king, whose authority is upheld via direct relations

In this way, the theopolitical spirit tames and channels an anarchic tendency within nomadism that is not only antinomian, but anti-social:

> The just law of the just *Melekh* [King, i.e. God] is there in order to banish the danger of 'Bedouin' anarchy, which threatens all freedom with God. The unrestrained instinct of dependence of the Semitic nomads, who do not wish to permit anybody to rise above them and to impose his will upon them, finds its satisfaction in the thought that all the Children of Israel are required to stand in the same direct relation to the Lord; but it achieves restraint through the fact that the Lord himself is the promulgator and guardian of the law.[70]

For a people that has jointly and equally accepted upon itself the "yoke" of the kingship of heaven, the coercive force of divine law is not recognized *as* coercion.[71] Yet what they experience, Buber emphasizes, is *not* anarchism, "not a negative freedom, a disorderly lawlessness," but a "firm, bold standing under the one authority."[72] The theopolitical spirit thus unravels the Kantian paradox by refusing its premise: In place of the fickle will of a human master we have the perfect will of a divine sovereign. And divine kingship, in addition to solving a political problem, is also a source of great joy and freedom. As Buber concludes with a gloss on Balaam's blessing of Israel, "One beholds no trouble in Jacob and *Melekh* jubilation is in him."[73]

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of domination and coercion, the charismatic's authority derives solely from the implied consent of his followers. In the Biblical context, this consent is based in the charismatic's "*charis*," his ability to persuade the people that he has a special commission to speak for God in Israel. Thus at the point at which the people lose confidence in his prophetic gift, they can depose him; they are in no way bound by force to continue following his leadership. *KG*, 139-41. One consequence of this is that charistmatic authority is highly fragile, especially in a religious context. For if what it means to have a privileged connection to God is to lead one's people from success to success, any setback immediately calls this connection, and so the charistmatic's authority itself, into question. *MOS*, 88.

[70] *MOS*, 108.

[71] *PF*, 99.

[72] *KG*, 25.

[73] A more precise translation of the passage is: "No one has seen iniquity in Jacob, nor evil in Israel; the Lord his God is with him, and the trumpeting of the king is among him." Numbers 23:21. Buber clearly intends his translation to stress the celebratory and joyful experience of living under divine kingship.

THEOPOLITICAL SOLIDARITY AND ITS LIMITS

Buber illustrates how the theopolitical spirit infused the real solidarity of Israelite society at the level of both institutional structure and individual ethos. He ultimately concludes, however, by stressing its intrinsic limitations.

Buber offers two examples of how the theopolitical spirit manifested in ancient Israel's solidarity: the Sabbatical year [*Shmita*] and the Jubilee [*Yovel*]. The Sabbatical extends the logic of the Sabbath [*Shabbat*] from communal to territorial life. Just as human beings rest one day out of seven, the land of Israel itself is made to "rest" one year out of seven. Proactive preparation and cultivation of the soil is prohibited, and a special holiness—that is, *kedushah*, or the status of being "reserved" for God—attaches to any produce that does grow. The Jubilee, in turn, broadens the logic of the Sabbatical from years to decades: At the conclusion of seven Sabbaticals, the land not only rests, but is restored to its ancestral holders. On one level, the Sabbatical and Jubilee for Buber are primarily symbolic institutions. For an agricultural society in which famines were not uncommon, to intentionally neglect an entire year's crop requires real faith in the deity's dominion over nature. And by publically promulgating the "postulate that God owns all the land," it builds confidence in the "real and direct rule of God."[74]

Yet on another level, these institutions produce a tangible yield: As the seventh year begins, all slaves are freed. Slavery, of course, is the nomad's nightmare and Rousseau's bogeyman. It is a condition of total dependence on the arbitrary will of another. What both the Sabbatical and the Jubilee offer, therefore, is not only a token reminder of God's kingship but a concrete expression of its power: A return to a condition of non-dependence between man and man. People, these practices seem to insist, "ought not to thrust one another aside, they ought

[74] *MOS*, 179.

not to impoverish one another permanently or enslave one another."[75] They should be made "free and equal again and again, as they were at the beginning."[76] And so the Sabbatical cycles effectively furnish a "renewal of the Covenant" not merely in symbol but socio-political substance.[77] When this occurs, Buber notes, not only the agricultural produce, but the national community as a whole attains *kedushah*. It too becomes "reserved" for God—a "Holy People" [*goy kadosh*].[78]

Buber further highlights the theopolitical spirit's impact on solidarity by contrasting Israelite political life with its ancient counterpart, the Greek *polis*. He begins magnanimously, referring to the *polis* as "antiquity's most beautiful creation."[79] Yet we soon see that this compliment is actually a slur. The *polis*, he continues, acquired its beauty only through the minds of modern scholars and philosophers; in search of utopia, they fabulated an aesthetic ideal out of Greek political life. This "pure construct," however, is belied by historical fact. What is presented as a model of public equality, democratic participation, and civic pride was in actuality a deeply unequal society, one whose infrastructure and way of life depended entirely on the enslavement of vast numbers of people.[80] And while the slaves were sometimes freed and a modicum of equality achieved, these measures were implemented "only occasionally and

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[75] *MOS*, 181.

[76] *MOS*, 181.

[77] *MOS*, 179.

[78] *MOS*, 181.

[79] *OJ*, 115.

[80] *OJ*, 115-6. The charge against certain thinkers that they romanticized aspects of the social, political, and religious life of the *polis* for the sake of their own theoretical ends goes back at least to Hegel and his reception, and has also been leveled against (among others) Nietzsche, Heidegger, Arendt, communitarian thinkers like Alasdair MacIntyre, and modern proponents of "agonistic democracy" like Bonnie Honig. It is not immediately clear whether Buber has any particular target in mind, or is simply reacting against what he sees as a problematic philosophical-scholarly trend.

temporarily, superficially and imperfectly," and were often later "revoked by force through political upheavals." Buber's intended contrast is clear. Where in ancient Israel the law codified "the idea of rhythmic adjustment" in socio-economic status via the Sabbatical and Jubilee, in the *polis* we find only "legal statics...interrupted only by occasional crises." Where the Torah's central "social concept" is the equality of all human beings under God as "sole sovereign of the community," Greek philosophy preaches a "radical inequality" untempered by any "counterdemand for an all-embracing community life." And where Judaism's watchwords are kindness [*hesed*], righteousness [*tzedakah*], and justice [*mishpat*], in Greek thought "virtue" itself was a term reserved "solely for the aristocrats, that is, the well-to-do."[81]

Moving from institutions to people, Buber locates the highest embodiment of the theopolitical spirit in the figure of Gideon from the Book of Judges. Judges is an early prophetic work that recounts the history of Israel following the conquest and settlement of the land but prior to the institution of human monarchy. Its narrative follows a regular and cyclical pattern: the people sin; they are punished by defeat at the hands of foreigners; they repent; God sends a charismatic leader—a "judge" [*shofet*]—to fight their battles; and this judge, having vanquished Israel's enemies, relinquishes his leadership role, at which point the cycle begins again. Buber's interest in the text stems from this last stage. Historically, individuals have often converted their success as military leaders into political power. Yet Israel's judges repeatedly decline to take this step. They did not seek power. And they refused to accept it when offered.

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[81] *OJ*, 116. It should be noted that Buber's depiction of both the Sabbatical and Jubilee is vulnerable to much the same critique that he levels against the *polis*: While both institutions existed on paper, it is far from clear how frequently and consistently they were practiced, as scriptural sources themselves attest. The author of Chronicles, for example, suggests one reason for Israel's exile in Babylon to be its lengthy non-observance of the Sabbatical. 2 Chronicles, 36:20-1. Nehemiah records the Israelites recommitting to observe both the Sabbath and Sabbatical. Nehemiah, 10:29-30, 32. At the same time, Josephus, writing in the first century CE, notes that the Jews in Palestine practiced the Sabbatical. "Antiquities of the Jews," in *The New and Complete Works of Josephus*, trans. William Whiston (Grand Rapids, MI: Kregel Publications, 1999), Book 14, 10.6. In fairness, Buber's point has less to do with the absolute consistency of Israel's practice (indeed he shares the highly critical stance of the prophets) than the fact of its codification and what that says about the society's values and priorities.

What makes Gideon (himself a judge) a special figure for Buber is that he frames his refusal in explicitly theopolitical terms. In the Bible's staging, Gideon is approached by the masses who offer him both kingship and dynastic rule: "Rule over us, both you and your son, and your son's son also."[82] At first, Gideon's reply seems to simply mirror the request: "I will not rule over you, neither shall my son rule over you." But instead of stopping there, he concludes with what amounts to a rebuke: "The Lord shall rule over you."[83] In Buber's mind, this statement captures the essence of the theopolitical spirit. For at the same time that Gideon declines the kingship, he also makes a broader political proclamation: *Kingship itself*, as an institution, is reserved to God alone. No human being, now or in the future, is entitled to dominion over another human being, for dominion itself is a province of the divine. In this way, Buber writes, Gideon "dares to deal seriously with the rulership of God."[84] His "No"—an "unconditional No for all time and historical conditions"—concretizes the "immediate, unmetaphorical, unlimitedly real" kingship of God.[85]

Schmitt is never explicitly cited in *Kingship*. But read through the lens of Buber's "religious" critique of political theology, his fingerprints can be found all over the text. Theocracy, Buber notes, is often presented as "hierocracy," a rulership not of God but the priestly class. As a result, it is frequently conceived of in terms exactly opposed to theopolitics: Because the leader is thought to exercise God's authority or believed to be a god himself, "the power over men is fundamentally at its strongest."[86] Yet Buber, making a veiled reference to

[82] Judges 8:22.

[83] Judges 8:23.

[84] *KG*, 59.

[85] *KG*, 59, 93.

[86] *KG*, 59.

Schmitt, insists that this conception rests on a fundamental mistake. It reflects not an unvarnished reading of the Biblical text but one arising from "the grip of political theories."[87] Real theocracy is precisely the opposite of hierocracy, precisely the inverse of political theology. In place of an all-powerful sovereign modeled on the deity is the actual deity whose power, reserved to Him alone, need never be felt. In place of a "political" solidarity defined by agonism and violence is a theopolitical one defined by the peaceful acceptance of divine rule. And in place of a dependence on the will of other human beings—monarchs, Pharaohs, landlords, and taskmasters—is a total dependence on the will of God, a dependence which translates, in practice, to a complete independence. In this sense, Schmittean political theology for Buber resembles less the Bible's monotheistic political theory than that of the pagan despotisms on Israel's borders—every one a "union of power between god and man," led by "divinized" princes who, each fancying himself a "son of the god," exercise total power over their people.[88]

The theopolitical spirit is thus Buber's answer to political theology. It constitutes the alternative, "religious" politics that he implies but never spells-out in his attack on Schmitt's "political."[89] Against Kant, it insists that human beings can live without human masters. Against Walzer, at affirms a distinctly biblical *politics*. And against Schmitt, it offers a way of refusing the Weberian divide between religion and politics without succumbing to an all-encompassing concept of the political. In "Politics as a Vocation," Weber, quoting Trotsky, had insisted that "every state is founded on violence [*Gewalt*]." Consequently, he concluded, "If there existed only social formations in which violence was unknown as means...then that

[87] *KG*, 25. For further discussion of Buber's distinction between theocracy and hierocracy, see note 68 above.

[88] *KG*, 89.

[89] Buber's critique of Schmitt can be found in "The Question to the Single One," which, like *Kingship of God*, was published in 1936. Given this timing, it seems reasonable to assume that Buber worked on both at the same time and saw the two works, at least in his own mind, as complementing each another: One, a critique of Schmitt at the level of philosophy; the other, a critique at the level of Biblical exegesis.

condition would have arisen which one would define, in this particular sense of the word, as 'anarchy.'"[90] Buber rejects Weber's premise. Human beings, he insists, are capable of organizing themselves as a distinctly political "*order*" (that is, *arche*, as opposed to *a-arche* or "anarchy" meaning "lack of order") without relying on violence.[91] Indeed as we have seen it is precisely this stress on finding a concept of the "political" defined in terms of "order" that formed the basis for Buber's philosophical attacks on Schmitt.[92] Thus despite his reputation, Buber was not an anarchist. Indeed whenever he invokes the term in *Kingship*, it is not as praise but pejorative.[93] And by so joining collective solidarity to Rousseauian non-dependence, he draws a roadmap for realizing the "true original nomad faith" even in the midst of settled civilization.[94]

Yet at the very instant that he resolves the paradoxes in Kant and Walzer, Buber introduces one of his own. The principal upshot of divine rule lies in its counterintuitive admixture of freedom and submission: A total dependence on God guarantees a total non-

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[90] Max Weber, "Politics as a Vocation," in *Political Writings*, *op. cit.*, 310.

[91] The clearest place where Buber distinguishes his theopolitical ideal from anarchism is in his description of the conclusion of the Book of Judges. There, he says explicitly that theocracy (rulership by God) is *not* the same as anarchy, precisely because theopolitics entails an "order" [*arche*] which anarchism explicitly rejects: "Continuity of the union was not guaranteed; without judges, thus without unified and superior earthly government, the people was not able to maintain order and civilization. The primitive theocracy therefore was plunged again and again into anarchy [Anarchie]." *KG*, 83-4.

[92] Recall that according to Buber, the political must be understood as manifesting not in moments of existential violence, as in Schmitt, but in what is "lasting," in a "dynamic of order." *BMM*, 74-5.

[93] In addition to his remark on the conclusion of Judges cited above, Buber also makes plain his distinction between theopolitics and anarchism in his discussion of the Jotham fable in Judges. Jotham, a son of Gideon, escapes execution by Abimlech (who, seeking the throne of Israel, successfully kills all of Gideon's other sons), and returns at his coronation to deliver what Buber refers to as "the strongest anti-monarchical poem of world literature." Yet, Buber is quick to note that it "could be understood anarchistically [anarchistisch]" *only* it were read "independently of the Gideon passage." Thus while its message is indeed that it is "seditious that men rule over men," its alternative is not that "no one needs to rule," but that "God alone" should rule, not a "commonwealth without government," but a "commonwealth for which an invisible government is sufficient." *KG*, 75. See also *Moses*, where he explicitely contrasts "the just law of the just *Melekh*," with "the danger of 'Bedouin' anarchy." *BMM*, 108.

[94] *PF*, 43.

dependence on human beings; the "more purely it occurs, the less it wishes to compel obedience."[95] But for exactly this reason, Buber notes, it also highly unstable. Lacking any coercive methods for enforcement, its efficacy rests entirely on the vigorous theopolitical spirit of its participants. So long as each acts *as if* God is sovereign, God effectively *is* sovereign. So long as divine rule sustains itself in the mind of its members, it sustains itself in fact. What this means, however, is that converse is also true. At the point at which his theopolitical spirit fades, so too does any reluctance to dominate others. Thus for the unaffected egoist, the idea of divine rule offers not a call to responsibility, but a way of rationalizing selfishness. Indeed precisely because he is "sheltered" by the prohibition on human power, he finds himself a fox in his community's chicken coop: Justifying "his lack of commitment as divine freedom," he can exploit whomever he wishes.[96]

For this reason, Buber concludes by arguing that God's direct kingship, for all of its promise, ultimately fails as a viable political system. His source is the Book of Judges itself.[97] Switching from an historical to sociological key, he argues that while "extra-religiously speaking" divine rule "envisions a community as voluntariness," in fact it "degenerate[s] into a

[95] *KG*, 148.

[96] *KG*, 148.

[97] Like many Biblical scholars, Buber understands the Book of Judges to be a redaction of two books: One, older and anti-monarchical, the other, more recent and pro-monarchial, with the final product reflecting an attempt to balance two opposing editorial biases. Thus based on Buber's own stated methodology—of unearthing the more ancient "voice" of the text, putatively reflecting the more popular sentiments—he could have dismissed both the later book and the redaction as ideologically-driven editorializing not representative of the "true" Israelite standpoint. And yet he significantly declines to take this step. Although he does argue that only the anti-monarchical is "active in the formative work of remembrance" and the pro-monarchial "has no pre-literary existence," he takes seriously the redactor's attempt at a pragmatic balance between the perspective of the two books to be an authentic religious one. That is, in line with Buber's own view as I see it, the redactor is deeply sympathetic to the spirit of direct divine kingship, while acknowledging its practical failure: "This implicit view of history, which preserved the unity of the book while it enabled its two antithetical parts to be true simultaneously, one can perhaps formulate thus: Something has been attempted—about which the first part reports; but it has failed—as the last part shows. This 'something' is that which I call *the primitive theocracy*." *KG*, 83.

moderately sanctioned disorder."[98] As the unbelieving egoists grow in number, conflicts arise. Though "trouble and tribulation" rouse a "few tribes for a while," in the end their efforts are too limited and sporadic to stem the growing chaos. Lacking a "unified and superior earthly government," it becomes impossible to "maintain order and civilization." Israel is "plunged again and again into anarchy."[99] And so the people, exhausted by war, their faith in divine leadership diminished, "rebel against the situation." They take what for Buber is the most pivotal step in the history of political theory: Requesting—and receiving—a human king.[100] By doing so, Buber argues, they award a victory to political theology and inaugurate the secularization of politics. But they also create an opening for the prophetic stance.

THE SECULARIZATION OF POLITICS AND THE PROPHETIC STANCE

Whether by historical accident or necessity, theopolitics proved impossible to sustain. Weary of constant conflict and disorder, the Israelites again ask for a human king; and God, recognizing a change in His people's spirit, grants it. As Buber contends in his book *The Prophetic Faith*, this moment marked a world-historical shift not only for the Jewish people but for human politics and solidarity in general. When a human being ascended the throne in Israel, he argues, it instantly secularized politics, granting it a Weberian disconnect from other domains of human life and action. Moreover, it set into motion a process whereby those other domains—religion, morality, economics, and society—acquired an autonomy of their own. Schmitt sought to reverse this autonomy via his totalizing concept of the "political." Buber seeks to do so via the prophetic stance.

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[98] *KG*, 148.

[99] *KG*, 84.

[100] *KG*, 162.

Israel's prophets, Buber argues, provide a voice for the theopolitical spirit even in the midst of profane politics. They speak for the reality of God's kingship and the real non-autonomy of different spheres of value. And they serve as gadflies to both king and populace, reminding the former that his power is not truly his own but God's, and the latter that because God continues to rule, no human being is entitled to dominate or exploit another. Yet the advent of the prophetic stance, Buber emphasizes, represents less a fall from utopia than a response to humanity's unavoidable loss of divine kingship. And precisely because it is practiced under non-ideal conditions, it offers a serviceable model for the present: It keeps alive the "anarchic psychic foundation [*anarchtscher Seelengrund*]" of theopolitics without making the dangerous and unfeasible insistence on its real institution.[101] Thus by acknowledging the difference between theopolitical principle and practice, the prophetic stance suggests a practical way of relating to the fate and destiny of our own, highly secularized solidarities, as I explore further on in this chapter.

Israel's request for a king is repeated and finally granted in the first Book of Samuel. The question is why. In Judges, Gideon denies the people's offer of the throne in forceful terms, a denial that extends not only to himself and his descendants, but seemingly to all of Israel, for all time. In Samuel, the people petition the prophet, the prophet consults with God, and God immediately approves. But if God did not change, what did?

[101] It is this crucial distinction between theopolitical *spirit* and *practice* that derails Samuel Brody's otherwise largely faithful rendering of Buber's Biblical political theory. Aware of those places in his scriptural commentaries in which Buber disparages anarchism, Brody's approach is to either individually explain away those instances as not reflecting Buber's own voice, or to argue that they are "outweighed" by his positive references to Judaism's "anarchic-psychic foundation." Brody 2013, p. 154 n. 89. Yet what is crucial is precisely that Buber uses *this* latter term, and *not* anarchism itself, in a positive sense. Thus what Brody interprets as merely a casual difference in terminology is actually bound up in Buber's belief in the fundamental infeasibility of full-blown theocratic anarchism, and his larger theoretical stress on approaching every historical hour according to its specific character and needs.

The answer, Buber argues, is the people of Israel, and in particular, the strength of its theopolitical spirit. As they flee Egypt, traverse the Sinai, and conquer Canaan, the Israelites conceive of themselves as living under direct divine rule. God's kingship permeates every aspect of their lives. War, politics, economics, morality, and cultic sacrifice: All are woven together by a single religious orientation. As they transition into settled life, however, this feeling begins to fade. Without the divine presence continually in their midst—without God's palace-tent and ark-throne—Israel gradually forgets its deity and the totality of His dominion.[102] Their loyalties fracture. For agricultural fertility, they sacrifice to the gods of the soil [*baalim*]. For festive celebration, they consort with their neighbor's idols.[103] To be sure, the deity who delivered them from Egyptian bondage retains their loyalty in moments of crisis. He joins them in repelling foreign incursions and punishing tribal misdeeds. And He keeps an altar at Shiloh overseen by a cult of loyal priests. Yet Israel's religious orientation toward Him undergoes an invisible but profound transformation. Previously, God was understood as a subject of binding obedience and a source of indeclinable obligation. His word was law—at every moment, and in every human sphere. Now, He is regarded like any other pagan deity: A source not of responsibility but power, an object which, through a properly-worded incantation or an

[102] Buber actually sees the advent of both the ark and tent as presaging the ultimate secularization of politics. Both institutions, he argues (in line with a number of traditional rabbinic commentators) were innovated as responses to the people's need to have physical signs attesting to God's presence in their midst. The problem is that they were actually *too* effective in this role: Precisely because both became central to Israel's religious consciousness, their absence from everyday life (a necessity in a territorial expansive society) signaled in the minds of the people an absence of the deity itself, thereby opening a space for a secular political sphere (and the worship of other gods). *MOS*, 77, 156-8.

[103] *KG*, 95-8.

unblemished offering, can be pressed into service. God, in short, is redefined as *useful* and *useable*. He is recognized for "his power of victory, not his sovereignty."[104]

It is in this context, according to Buber, that Israel's request for a king should be understood. With God reduced to His utility, recognition of His dominion becomes limited and contingent. It is isolated to those spheres in which divine power is thought to have instrumental value. And so when the deity can no longer prove this value—when Israel suffers defeat in battle, for example—a substitute must be sought. When God's kingship is "not tangible and not effective enough," a new king must be found to replace Him.[105] "Give us a king to judge us like all the nations" the Israelites petition Samuel. Such a request, the biblical text informs us, "displeases" the prophet, who prays to God for guidance.[106] Cognizant of the deity's omnipotence and omnipresence, Samuel himself knows that military losses signal not God's impotence, but deeper intention. They are purposeful acts of divine will, aimed at rousing the people from their moral slumber and galvanizing them scrutinize their deeds. But in responding to Samuel, God indicates just how far Israel has strayed from this outlook. "Listen to the voice of the people in all that they say to you," God says, "For they have not rejected you, but they have rejected me, that I should not be king over them."[107]

[104] Martin Buber, *Werke: Zweiter Band: Schriften zur Bibel* (München: Kösel-Verlag, 1964), 751, cf. *IT*, 106. Hereafter "*W*." All citations from Buber's *Werke* refer to texts that were originally intended to be published as *Der Gesalbte* [*The Anointed*], the second of his planned three-volume work on the origins of messianism. The only excerpt of this text to appear in English is "Samuel in the Ark," in *On the Bible*, pp. 131-6.

[105] *W*, 751.

[106] 1 Samuel, 8:6.

[107] 1 Samuel, 8:7.

Yet what God's answer equally implies, Buber argues, is that Israel's kingship will be unlike any that the world has previously known: A human king not in place of, but *under* God.[108] In the ancient Near East, the king was a semi-divine figure. Regarded as either the deity's viceroy or a kind of god himself, he held absolute sway over the human realm. Heaven was God's domain; the earth was his.[109] What this meant in practical terms was that human kings were thought to legitimately exercise coercive power. Even without divine sanction, they could fight battles, force labor, and punish criminals. No check existed on their authority. This was human kingship for Samuel, the only kind he had ever known. And so in his mind, the people's request had to be answered in the negative: Only the deity can exercise coercive power; hence only deity can be king. Thus by approving the people's request, what God implies is that Israel's kings must be different. Although responsible for economics and war—capable, as Samuel warns the people, of "taking your fields" and "conscripting your sons"—they are to conduct the affairs of state perpetually mindful of the deity's ultimate dominion.[110] While sharing the title of "king," their role is to be more like that of a permanent judge: An instrument of divine will, aware that the power they wield is not their own. They are to be human kings, but in a theopolitical spirit.

Its uniqueness notwithstanding, this novel approach to kingship collapsed almost as soon as it began. And what it bequeathed to history was not a new model of human rule, but a world-historical rupture: the secularization of politics. In principle, the monarchy was meant to strengthen Israel's theopolitcal spirit. In practice, it rent a fissure in its lifeworld, dividing the political sphere from the religious.

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[108] *W*, 751-2.

[109] *KG*, 86.

[110] 1 Samuel, 8:14, 8:16.

Buber's central example is Solomon. Fulfilling his father David's pledge, Solomon builds a temple to God in Jerusalem. During its inauguration, he delivers an oration designed to revivify the people's belief in their deity and recommit them to following His laws. But the address, while offering a stirring affirmation of monotheism—"He is God, there is no other"—is equally notable for what it leaves out: any reference to God as *king*.[111] And, as Buber notes, it also has a conspicuous way of referring to the divine-human relationship. Deuteronomy enjoins every person to "be whole with the Lord your God."[112] Solomon, by contrast, concludes his oration with subtly different appeal: "Let your *heart* be whole with the Lord our God."[113] For Buber, this shift in emphasis—from the self in its undivided entirety to the heart alone—presages a broader psychological and institutional realignment: A movement away from the unity of all human domains under God's rulership and toward a plurality of distinct spheres of value, the "religious" and "political" in particular.

Thus what Solomon's oration marks in a deeper sense is the dissipation of the theopolitical spirit. "There already blows here," he writes, "the air of a political life in which the *ruach* [spirit] of God no longer reigns...[and] a time when the temple-mount and the citadel-mount, religion and politics, are separated."[114] Before the monarchy, God rules as the "sole owner of all land" and the "sole sovereign of the community. With its advent, God is demoted, reassigned as a feudal chieftain in charge of "spiritual" and "religious" affairs. Although He remains in rhetoric and liturgy the Lord, "creator of heaven and earth," his sovereignty extends no further than Israel's hearts. It stops short of its palaces and city gates: "There is here an

[111] 1 Kings, 8:60.

[112] Deuteronomy, 18:13.

[113] Kings, 8:61.

[114] *KG*, 117.

acknowledgement of the Lord of the heavens and the Lord of the cult too, but there remains no place for God as the leader of the people, and indeed Solomon did not need this. The functions of the Lord are to be reduced so that they do not bind the king."[115]

It is into this arena that the prophet enters. Superficially, his task is straightforward: To affirm the enduring reality of God's kingship even in a world of profane human kingship. Cast into an Israel in which political affairs are increasingly directed by the autonomous, self-aggrandizing agenda of a human monarch, the prophet seeks to stem this secularizing tide. His fundamental teaching is the "undivided human life." To bar the influence of divine kingship from *any* sphere of human activity, he proclaims, is wicked and idolatrous—a rebellion against God.[116] And so his charge is to reverse this trend, to realize "the unity of religious and social life in the community of Israel," and substantiate "a ruling by God that shall not be culturally restricted but shall comprehend the entire existence of the nation."[117] He attempts to reintegrate awareness of the Torah's basic charge—to seek kindness, righteousness, and justice—into "the whole life, the whole civilization of people, economy, society, and state," as well as the "whole individual, his emotions, and his will...his life at home and in the marketplace, in the temple and in the popular assembly."[118] What he asks for, in short, is not only wholeness of the heart but the entire human being. "The prophets," Buber writes, "never differentiate between the spiritual and the temporal, between the realm of God and the realm of man. For them, the realm of God is nothing more than the realm of man as it is to be."[119] This is the essence of the prophetic stance:

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[115] *PF*, 83.

[116] *MOS*, 199.

[117] *MOS*, 186.

[118] *OJ*, 195-6.

[119] *OJ*, 119.

To give voice to the theopolitical spirit in a post-theopolitical age. It is to insist, again and again, on the deep illegitimacy of men dominating men—Israel's "anarchic-psychic foundation." It is to call out the self-deification and social injustice that follows our forgetting of God's ultimate sovereignty over every domain of life.[120]

Yet in completing his task, the prophet confronts a formidable obstacle: The very dynamic of Israel's novel approach to kingship. Despite his title, the Israelite monarch in theory lacks the normal prerogatives associated with rule. He exercises no legitimate power of his own. His hands are tied by God's law. And his office is disenchanted and demythologized: He presides over his people not as a demigod, but as a human being through and through. But despite these safeguards, human kingship faces an inescapable pitfall: the human being himself. For once in power, the king immediately transgresses his limitations. An army of soldiers dependent on his every command, he forgets his dependence on God. Exercising the power to punish, he takes no notice of that power's real origin. And although his arm, bearing a Torah scroll, is literally bound by divine statute, he experiences no penalty for overreaching.[121] Thus while paying lip-service to the invisible God, in truth he deifies himself, testing, overstepping,

[120] Buber consistently distinguishes between two kinds of prophecy: Prophecy as such, which serves as a conscience to the world and stirs people to take an active part in its repair; and apocalypticism, which, makes predictions about the world's future involving a sudden, unavoidable, and violent uprooting of the existing world order. The former kind he believes to be autochthonous to Judaism, while the latter he regards as a later import from Persia. What is important about this distinction, for Buber, is the role it assigns to the human agent. Whereas apocalypticism leaves no room for the larger efficacy of individual moral and political choices, regarding the future as foretold and immutable, prophecy understands every human being as capable of contributing, positively or negatively, toward the realization of a messianic end-state whose appearance depends precisely on the sum of our actions as a species. In this sense, apocalypticism relieves us of responsibility, while prophecy makes it absolutely central. For this reason, Buber does not regard all of the Biblical figures commonly referred to as "prophets" [*nevi'im*] to be so in the true sense. *PU*, 10, cf. *OJ*, 119, 219, *BMM*, 141-2, *PF*, 2.

[121] In Deuteronomy it is taught that "when [a king of Israel] sits on the throne of his kingdom, he will write for himself a copy of this teaching [lit. "*torah*"] in a book...And it will be with him, and he will read in it all the days of his life." Deuteronomy, 17: 18-19. From this passage, later rabbinic thought inferred that each king of Israel should write and keep for himself a small Torah scroll (all five books of the Pentateuch) literally bound on his arm. See for example Maimonides, *Mishneh Torah* [*"Code of Law,"* lit. *"Repetition of the Torah"*], *Hilchot Malachim* ["*Laws of Kings*"], 3.1, accessed through the Bar Ilan University Responsa Project.

and ultimately annihilating the line separating him from the pagan kings. "The possessors of power and property," Buber notes, "naturally resist the demand for the integral fulfillment of divine truth and justice; they therefore try to limit the service of God to the sacral sphere, and in all other spheres recognize his authority merely by words and symbols."[122]

The prophet's role vis-à-vis the king, therefore, is to reassert these boundaries. It is to continually affirm God's kingship and so (hopefully) infuse the king himself with the theopolitical spirit. Having in his possession no power but his voice, no title but his name, and no claim to authority but his charisma, he must nonetheless face down the greatest power in the land. And while he cannot challenge the monarchy as such—which, having received divine approbation, is no longer up for debate—he must still remind the enthroned of where the real kingship lies: "The Lord is the true vanguard, the true champion, the true leader, the true king. That is the *nabi* [prophetic] attitude."[123] In this way, the prophet serves as a necessary foil to the monarch. A relentless gadfly to human power, he takes on the "commission of the Lord's representative which is not fulfilled by the kings in Israel."[124] Israelite monarchy is thus not a stasis but a never-ending struggle, a ceaseless dialectic between prophetic super-ego and kingly id. And its health depends precisely on maintaining this dynamism: "Both [prophet and monarch] belong together; each complements the other."[125]

The prophet's most important stance, however, is not opposite the king, but Israel as a whole. He makes his greatest contribution as a member of his people. And he does so precisely because he engages fully in his given place and time. No person, Buber emphasizes, chooses his

[122] *OJ*, 196.

[123] *OB*, 134.

[124] *PF*, 67.

[125] *W*, 798.

hour. Nor does he have full control over his society and polity—its norms, economic structures, social dynamics, and political institutions. Confronted with this truth of the human condition, people often react in one of two ways. A first group embraces it. They celebrate the world as it is, exult in its facticity, and reconcile themselves to its ways and values. They attune their rationality to accommodate its governing rationality. To paraphrase Hegel, they rejoice in the present. A second group revolts against it. Finding their world a site of unpunished injustice and unchecked immorality, they turn their backs. Seeing Thrasymachus' challenge unanswered, they choose to let it stand. To preserve the beauty of their souls, they retreat into anti-political quietism or thought's internal exile.

Content with neither of these alternatives, Buber's prophet takes a third path. "The prophets," he writes "do not fight the state as state," but the "state that lacks a divine, a spiritual element." Because they are "faithful to the Jewish concept, they cannot deny the world as it exists, cannot turn away from it; they must endeavor to permeate it with spirit, the spirit of true community."[126] Recognizing the ineluctability of his hour, the prophet neither refuses nor unquestioningly embraces it. He takes stock of the world, scrutinizes its flaws, and measures its needs. He accepts it as a test and challenge—indeed a "higher form of challenge" than any possible under the immediacy of divine rule.[127] And then he *acts*. The stage for his action is a solidarity of fate.

[126] *OJ*, 118-9.

[127] *W*, 735.

THE SOLIDARITY OF FATE

"Solidarity of fate" is my coinage; Buber himself never uses the term.[128] Nonetheless, I believe that the concept coalesces a number of elements of his thinking which, for both interpretive and normative reasons, are better read together. It has three main elements. First, a solidarity of fate *provides a setting for realizing solidarity as sacrifice*. By binding us in a deep, pre-political sense to a discrete constellation of people, it offers a palpable context for realizing the solidaristic program derived from Levinas: practicing ethics as negative theology, opening one's self to others, and putting vulnerability first. Second, a solidarity of fate *acknowledges that our moral commitment and motivation transcends reason alone.* To be in genuine solidarity with a group of people requires that we identify personally with their ends to a degree that exceeds what can be explained through rational interest. And it mandates that we accept that its public values may not fully live up to our rational moral ideals. Finally, a solidarity of fate *offers a foundation for realizing a solidarity of destiny via the prophetic stance*. It offers a staging-ground for infusing the actually existing world in which we find ourselves, saturated as it may be with relations of dependence and domination, with the theopolitical spirit that insists on the deep illegitimacy of these relations. It allows us to gradually reform and perfect our society from within. In Buber's biblical exegesis, the idea of a solidarity of fate emerges during the prophetic period, the time during which Israelite politics secularized under the monarchy. Yet as I explain below, I believe that the concept can equally be applied to our own liberal polities and secular age. It offers a way of solving the puzzle of liberal solidarity and answering Schmitt's challenge.

To provide a setting for sacrifice, a solidarity of fate must be limited in scope. On face this may be surprising. For as we have seen, Levinas' theory seems to imply just the opposite:

[128] Buber does, however, frequently speak about issues related to solidarity using both "fate" and "destiny." See for example *IT*, 54-8, 82; BMM, 66, 114; *PF*, 99; *OJ*, 134, 141.

That moral life is undifferentiated and demanding, with every "I" fully, equally, and perpetually bound to every "Other." For Buber, however, this view is a mistake, something he conveys through a critique of Martin Luther's German adaptation of the Bible. In translating Leviticus 19:18, Luther had rendered the Hebrew *re'ei*, commonly translated as "neighbor" or "companion," as "nearest" [*der Naechste*]: "Love your nearest [*der Naechste*] as your self." Though the difference may appear slight, for Buber it actually reflects a profound error. A "companion [*Genosse*]" is someone with whom I have a special relation of affection and obligation. I delight in her joys and suffer in her agonies; I make her ends into my own. What this means is that companionship itself is necessarily bounded. While any person can be my companion in principle, only a limited number can be so in practice: Individuals' ends readily conflict with one another; our emotional energies are finite. Thus in transposing *re'ei* from a normative to metaphorical register, Luther effectively eliminates it as a distinctive category of the moral life. He implies that *all* human beings should be equally close subjects of love and responsibility without differentiation or priority.

For Buber, this idea is problematic for two reasons. To begin with, it leads in practice to the opposite of its intended effect. Confronted by a homogeneous mass of human beings bearing a near-infinite number of wants and needs, we are likely to shirk our responsibility. Unable to embrace moral sainthood, we may instead give up on ethics entirely. Luther's demand is also problematic for a second reason: It makes the development of the genuinely open self—the "I"—impossible. Like Levinas, Buber believes that acts of sacrifice have not only moral but existential meaning: At the same time that we give to another, we also earn a deeper form of selfhood.[129] We develop a moral personality that is more sensitive to the vulnerability of others and actively seeks out relations of responsibility. But this kind of ethical orientation, Buber

[129] See for example *IT*, 4, 65; *BMM*, vii, 148, 168, 203; *OJ*, 14-6, 156.

argues, cannot arise through scattered, arbitrarily-distributed acts of altruism. "If everything concrete is equally near," he writes, "life with the world ceases to have articulation and structure; it ceases to have human meaning."[130] Moral personality is built up instead via ongoing relations of sacrifice that we have with a circumscribed number of people. Our commitment must have a discrete and bounded basis. We must live in a world not only of human beings, but "companions."

At the same time, companionship in Buber's sense is not merely friendship. Superficially the concepts are similar: Both involve a privileged, morally-salutary relation; and both center that relation on a particular, concrete other. Yet they differ fundamentally in their orientation. Where friendship is grounded in mutual interest and reciprocity, companionship is based on sacrifice unconditioned by interest. A wheat farmer may befriend a baker; a painter may befriend a musician; and two equals, compatible in temperament, may befriend one another in order to disclose their deepest feelings and fears.[131] Without question, friendships, especially of this third kind, can be profoundly meaningful. As Kant suggests, they offer a refuge in the world, a site where a person can "enjoy his existence" free from the competition and inauthenticity of public life.[132] Yet Kant, along with Aristotle, the other great theorist of friendship, argues that friendship is ultimately grounded in interest.[133] While friends may

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[130] *BMM*, 21.

[131] I derive these examples from Kant's threefold division of friendship: friendships of need; friendships of taste; and friendships of dispositions. See *Lectures on Ethics*, *op. cit.*, 27:423-31, pp. 184-90. Hereafter "*LE*."

[132] *LE*, 27:427, p. 188.

[133] Like Kant, Aristotle argues that there are three kinds of friendship, one based on advantage, another on pleasure, and a third on moral character. He also agrees with Kant that friends reciprocate good will, experience one another, and live together. What makes friendship distinctive for Aristotle is that it allows for a person to extend her own excellence in a given activity into the friend's activity. Aristotle differs from Kant, however, on both the role of friendship in self-knowledge and the necessity that it be grounded in virtue. Aristotle argues that one of friendship's benefits is that, in the processing of getting to know another self, one gains knowledge of one's own self, something which is pleasurable. For Kant, by contrast, self-knowledge is not merely a pleasure but a duty.

develop a real emotional fondness for one another, they stay connected out of mutual need and the expectation of reciprocity. And so when this reciprocity falters and their needs are no longer met—when the bakery goes out of business, the orchestra leaves town, or one partner becomes too emotionally dependent on the other—the friend relation dissolves with it. Thus while there are certainly *acts* of sacrifice in friendship, friendship as a form of *relationship* is not rooted in sacrifice. Its representative disposition is not the sacrificial self of Levinassian solidarity, willing to give without any expectation to receive. It is the reciprocal self of Aristotelian democracy, expecting a fair return on its investment of time and emotion.[134]

This contrast with friendship also reveals three other elements of solidarity of fate as a setting for sacrifice: That its members need not know one another personally; that their collective identity—their "we"—endures over time; and that they identify with one another's fate. A group friends may go on an outing together. They may share their resources, tastes, and feelings—exchanging gifts, appreciating art, and baring their souls. In so far as they do so jointly, they can say "we." At the point at which the outing concludes, however, the "we" dissolves. Lacking any immediate context for reciprocity, they no longer have any end in common (aside, perhaps, from the promise of future outings). A solidarity of fate, by contrast, entails a "we" that is neither transient nor limited to the people one personally knows.[135] Though it "need not consist of people who are perpetually together," Buber writes, it nonetheless requires of them, "precisely

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And while Aristotle believes that bad people are not worthy of the best kind of friendship, and that friends should be similar in moral virtue, Kant rejects this, arguing that it would effectively rule friendship out for most people. See *Nicomachean Ethics*, ed. and trans. Roger Crisp, trans. (Cambridge: Cambridge University Press, 2013), Book 8.

[134] Thus for Kant, friendship, while personally and morally salutary, is not strictly speaking a *duty*. *LE*, pp. 409-10.

[135] Indeed were a solidarity of fate to have these features, its members' relationships would likely slide into reciprocity. Mutual interest would provide the currency for their interactions: I do this for you because I expect that you will do that for me.

because they are companions," that they always be "ready for one another."[136] It demands a deep and lasting bond among its members—a "living relation."[137] For only when a person feels such a bond will she be willing to sacrifice on behalf of one whom she has not met and expects nothing in return. To be in a solidarity of fate, therefore, requires sharing *in* fate. "A declaration of solidarity," Buber notes, "does not yet mean that one is truly bound to it."[138] A person should identify with her companions' joys and sorrows despite knowing nothing about them as individuals. "These people are a part of myself. It is not together with them that I am suffering; *I* am suffering these tribulations."[139]

For this reason, Buber's preferred analogy is not friendship but *marriage*, a relation which also helps to capture the solidarity of fate's second element: a commitment to others and a motivation to sacrifice for them which transcends reason alone.[140] He develops this via a critique of Kierkegaard.[141] Kierkegaard's theology, Buber observes, centers around his renouncement of "any essential relation to a definite person"; to access God one should give up all of his worldly relations.[142] In this Kierkegaard lived what he taught. He eschewed the "untruth" of politics and refused to wed the woman he loved.[143] For Buber, however, this stance, while admirable for its

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[136] *PU*, 145.

[137] *PU*, 65.

[138] *OJ*, 154.

[139] *OJ*, 20.

[140] Buber's other favored metaphor, which he derives from his analysis of Hebrew scripture, is of a "covenant" [*Brit*]. See e.g. *KG*, 125. I discuss his use of this metaphor at greater length below.

[141] Indeed the principal subject of the essay in which he attacks Schmitt—"The Question to the Single One"—is actually a critique of Kierkegaard's politics and religion.

[142] *BMM*, 58.

[143] This was Regine Olsen, a woman to whom Kierkegaard was engaged. Implicit references to her pepper *Either/Or*, especially in "The Seducer's Diary," a chapter of the book about a young man who breaks off a

consistency, is profoundly wrongheaded. Although it is true that personal and political commitment entails real risks—something confirmed by Schmitt's thought—to reject it entirely is equally problematic. It is to forsake the very practices that make one into a full human being: sacrificing for other people and taking responsibility for their welfare. By comparing human solidarity to marriage, therefore, Buber is able to criticize Kierkegaardian personal and political renunciation in one stroke:

> He who has 'entered on marriage'...has been in earnest, in the intention of the sacrament, with the fact that the other *is*....Thereby a man has decisively entered into relation with otherness; and the basic structure of otherness, in many ways uncanny but never quite unholy or incapable of being hallowed, in which I and the others who meet me in my life are interwoven, is the body politic.[144]

Marriage is a bond with an other that can be reduced neither to rational attachment nor interest. While it involves a pooling of resources, its governing ethos is not reciprocity but sacrifice. And while one must consciously decide to commit to a given person, the horizon for that decision is finite. A person finds one's spouse in the particular world and time that she is given; she does not pick him off the shelf in the marketplace of a global, detemporalized humanity. Whether this or that person—this decision is hers. But she cannot configure her spouse's specific virtues and vices, tastes and ticks, hopes and fears. These things are beyond her power.

So too with our solidarity of fate. Like our commitment to a marriage, our commitment to a solidarity of fate insists that we transcend reason in two ways: It demands that we sacrifice over and above our rational interest; and it requires of us that we identify fully with a group of people even if its ideals and practices do not correspond to those that we would arrive at through

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relationship with a young girl after successfully gaining her interest. *Either/Or: A Fragment of Life*, *op. cit.*, 243-380.

[144] *BMM*, 61.

reason alone.[145] I may choose the constellation of others with whom to associate. Like the selection of a spouse, I can decide to which solidarity of fate I would like to commit. Nonetheless, I do not have ability to pick its attributes in the philosophical abstract—whether in a Rawlsian original position or a stylized state of nature. Thrust into a time not of my choosing, I have no right to shun commitment merely because the forms of community presently available fail to perfectly match my rational normative standard. I cannot demand as a condition of membership that a solidarity of fate be perfectly equal, tolerant, pluralistic, just, or free. Nor, like Kierkegaard, can I withdraw from it merely in order to preserve the purity of my soul. Instead, I must accept it even with its flaws and deficiencies. I must desire its prosperity even in those moments when it tests my ideals and challenges my patience. And I must commit to its welfare above and beyond my narrow self-interest, on a plane that eschews any expectation of reciprocity. Buber defines the "basic principle of marriage" in this way: "I wish his otherness to exist, because I wish his particular being to exist." It is the same principle that underlies our solidarity of fate. It is to "affirm," not in the intellectual abstract, but in the concrete "way of a creature," that this solidarity whose world I am fated to share and whose fate I have chosen to share is "entrusted" to me, a vital part of myself.[146] It is to treat one's fellows not as friends, but companions. And at the end of the day, it is to create a bond not of "thinking apparatus with thinking apparatus, but "man with man."[147]

To identify the "specifically human" with our capacity for reason, Buber thus insists, is an error of the philosophers. The non-rational self is not somehow distinct from our true nature.

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[145] The solidarity of fate also transcends reason alone in a third way, but one which I have already discussed in my discussion of Levinas: that one's obligation to the other in the I-Thou relation itself is not rationally derivable.

[146] *BMM*, 61-2.

[147] *OJ*, 159.

It is not merely what we happen to share with the animals—the "lions" and "foxes" of Machiavelli or the "wolves" of Hobbes. It is human "through and through."[148] And the role it plays is neither subordinate to reason nor an embarrassing remnant of our creaturely ancestry. It is central to our moral commitment and motivation, grounding both marriage and the solidarity of fate. For it is solely on its account that we can commit to others in their imperfection; and it is due to its influence alone that we sacrifice beyond our interest. Indeed it is only because of the non-rational's presence within us, Buber concludes, with an oblique reference to theopolitics and the prophetic stance, that a person's "dealings with the body politic receive their religious ethos."[149]

LIBERALISM AND THE SOLIDARITY OF FATE

Suffice it to say, the solidarity of fate fulfills one of the three main requirements for solving the puzzle of liberal solidarity and answering Schmitt's challenge: securing solidarity itself. But to find out whether it fulfills the other two, we, along with Buber, must respond to two potential objections: First, is commitment to a solidarity of fate compatible with liberalism's demand to honor the individual? Does the depth of identification it requires still allow people to have plural attachments and shape their own identifies? And second, does the solidarity of fate respond to Schmitt's challenge? Or does it merely reproduce the pathologies of the Schmittean political in a kind of quasi-nationalistic form—directing us to blindly follow a collective agent, forcing us to legitimize its ideology, and mandating that we participate in its violent and morally dubious behaviors?

[148] *BMM*, 160.

[149] *BMM*, 61.

Answering the first charge requires that we take a closer look at Buber's use of the marriage metaphor. Marriage is a bond requiring the total commitment of two people. Consequently, it not only detracts from a person's time and resources; as a relationship involving real responsibilities, it dramatically narrows the horizon within which she can act. Moreover, it robs her of an important source of personal autonomy: Because every person enters into marriage with a particular personality and identity, there is a reasonable expectation on behalf of her spouse that this personality and identity will remain fairly constant. From one vantage, therefore, marriage is an inherently illiberal and anti-pluralistic institution. It is parasitic on the essential freedom to experiment with different forms of commitment and identity.

Like marriage, a solidarity of fate is deep and immersive bond. It mandates that we invest substantial psychological and emotional energies; it constrains the decisions we can make; and it limits the life-paths upon which we can travel and the identity we can adopt. Yet even admitting all of these elements, I believe, does not make the solidarity of fate inimical to liberalism.

On the one hand, membership in a solidarity of fate is compatible with liberalism in a purely technical sense. It is true that such membership acknowledges that we must work within the concrete reality of the world we are given. But whatever forms of identification might be implied by the circumstances of our birth—ethnic, religious, national, or sexual—we need not be confined to these forms in committing to a solidarity of fate. We can plot a different course for ourselves. In this sense, Buber would disagree in the strongest terms with Hannah Arendt's dictum (and self-description) that "if one is attacked as a Jew, one must defend oneself as a

Jew."[150] A solidarity of fate is not a fated solidarity. It does not demand of us *what* constellation of people we choose as a setting for sacrifice; it only asks *that* we commit to such a constellation.

Nor is a solidarity of fate fated in a second sense: Its hold on us is not irrevocable. It is true that the kind of attachment a person experiences toward her solidarity of fate should be greater than that which she has via a contract, a promise, or a friendship. And like her marriage, it should not be abandoned merely out of boredom or because it ceases to serve her interests. But just as one can divorce from a spouse, one can divorce from a solidarity of fate. And indeed, as I argue below, there are circumstances in which one not only can but *must* do so.

On the other hand, the solidarity of fate is not only narrowly congruous with liberalism; as a setting for sacrifice, it helps produce a kind of moral personality that is essential for realizing the core liberal values that I identified in the introduction to this dissertation.

To begin with, the presence of solidarities of fate within a polity help to buttress social peace and stability. Individual freedom and pluralism, whatever their reality as ideals, are only practically realizable in societies that can guarantee the safety of their members. Law gets us part of the way in accomplishing this. But no degree of juridical violence can make up for a society that lacks a basic, everyday substratum of decency and respect. Thus while an individual might reserve her most profound acts of sacrifice for her companions, the solidarity of fate of which she is a part also produces an ethical surplus for society as a whole. It yields a moral personality that is equally ready for the more quotidian yet critical relations of reciprocity that hold a society together, what Nancy Rosenblum has called the "democracy of everyday life."[151]

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[150] Arendt made this statement in an interview with Günter Gaus. "What Remains? The Language Remains": A Conversation with Günter Gaus," in *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin Books, [1964] 2000), 12.

[151] Nancy Rosenblum, *Good Neighbors: The Democracy of Everyday Life in America* (Princeton: Princeton University Press, 2016), especially 69-150, 234-248.

Furthermore, commitment to a discrete constellation of other people scales up to include a broader concern for realizing liberal ideals of justice. Although a setting for sacrifice is bounded, when a person develops a consistent practice of surrendering something of her own to others, that practice seeps into other aspects of her life, including how she casts her ballot. In public political terms, therefore, commitment to a solidarity of fate translates into a greater willingness to vote for social programs that violate one's own economic interests.

Finally, widespread membership in solidarities of fate helps to reduce everyday relations of interpersonal exploitation and diminish dependence. It is a liberal priority that individuals have the ability to choose their commitments and shape their identifies as they see fit. But as Kant himself first noticed, this kind of freedom is paradoxically threatened by an outgrowth of liberalism itself: The freedom of egoistic people to make others dependent on their will.[152] By its very nature, liberalism permits certain arenas of human life—civil society, the marketplace, the family—broad latitude in their self-organization. Consequently, human beings within these arenas bear significant responsibility for the texture of their interpersonal relations. And this implies, in turn, that liberal societies by definition allow social interactions that give rise to informal relations of dependence. Strong legal safeguards can assist in mitigating these relations. But they are never adequate on their own. This is a role that can only be played by people themselves, possessing moral personalities that have been nurtured in a sacrificial setting and put vulnerability first. The soil for growing such practices is a solidarity of fate. And as I show further on, it is precisely when the cultivation of this kind of moral personality has been broadly successful, and human dependence has been mitigated on a wide scale, that a given solidarity metamorphosizes from fate to destiny.

[152] Kant makes something very close to this argument in his fifth proposition of *Universal History*, *op. cit.*, pp. 45-6.

NATIONALISM AND THE SOLIDARITY OF FATE

Buber tackles the second objection—that the solidarity of fate reproduces the dangers of Schmitt's political—head-on. Though a solidarity of fate is *involved* in the political realm, he insists, the *basis* for its members' commitments is not political. It is not bounded by the state, nor is it organized around any abstract constitutional ideals. And while a solidarity of fate is pre-political, it is not a form of nationalism, either. Granted, a person's commitment to a solidarity of fate, like her commitment to a nation, lacks a fully rational basis. And like a nation, the solidarity of fate which one joins will likely antedate her. It need not be "founded." "Wherever historical destiny has brought a group of men together in a common fold," Buber writes, "there was room for the growth of genuine community."[153] Nonetheless, a solidarity of fate differs from a nation in four crucial respects.

First, while both a solidarity of fate and a nation are pre-political, they involve vastly dissimilar theories of obligation. It is true that my responsibilities as a member of a solidarity of fate apply foremost to my companions. Indeed this is an integral part of its function: A bounded and discrete setting for sacrifice, I have argued, is an indispensable soil for cultivating the moral personality. Thus where I must choose in expending my finite energies between two individuals, one my companion and the other not, my responsibility lies with the former. Yet nationalism extends this line of thinking much further. For as a nationalist, not only will I prioritize my compatriots. If given the choice, I will elect to advance their interests even when it requires *actively harming* the interests of outsiders. Indeed in the extreme I will proactively ruin and exploit others merely for my nation's material benefit; I will conquer and plunder, colonize and enslave, and send the captured booty home to the fatherland.

[153] *PU*, 135.

A second and related difference between nations and solidarities of fate is how they conceive of an individual's moral responsibility as a member of society. According to Buber, the nationalist suffers from a similar social pathology to the moral spectatorship we saw in Levinas: In the same way that a moral spectator outsources her ethical judgment to the structural logic of state institutions and market forces, the nationalist outsources her judgment to whatever is deemed to be in her nation's interest. She renounces any accountability she may have to individually evaluate and act upon her moral circumstances. "The collectivity," Buber writes, "hold[s] the person who is bound to it bound in such a way that he ceases to have complete responsibility."[154] The solidarity of fate, by contrast, refuses any such outsourcing of responsibility. It "rejects the 'We' of group egotism, of national conceit and party exclusiveness," a "mingled, marching collectivity" that accommodates "only as much life from man to man as will inflame the marching step."[155] It recognizes the necessity of maintaining a capacity for individual moral judgment. And, if necessary, it demands that one exit. Buber stresses this point by reinvoking his marriage metaphor: "The man who is living with the body politic is quite different [from the nationalist]....He is bound up in relation to it, betrothed to it, married to it, therefore suffering his destiny along with it...but not abandoning himself blindly to any of its movements, rather confronting each movement watchfully and carefully...If it is the crowd...he does not put up with it....[He] is given, not given over."[156]

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[154] *BMM*, 80.

[155] *OJ*, 211; *BMM*, 31.

[156] *BMM*, 64-5, cf. 70, 76. Buber's foremost example of such recusal in his scriptural commentaries is Isaiah. Isaiah strongly councils against Israel forging alliances with the neighboring nations, regarding it as relinquishing confidence in God's direct rule. When Israel spurns his advice and engages in *real-politik*, Isaiah's response is described by Buber, building off the Hebrew *sheket*, as "keeping still." Isaiah does not attempt to undermine his monarch's decision; but he does not actively support it, either. Thus his refusal to act is itself an act. *PF*, 136, cf. Isaiah 30:15.

According to Buber, this divide over responsibility is rooted in a third and more basic distinction between the solidarity of fate and nationalism: Their underlying conceptions of the self. For both Buber and Levinas, a fully realized human being is an "open" self. She is willing to be vulnerable, to commit herself completely to another, and to make sacrifices for that other without any expectation of reciprocity. A "closed" self, by contrast, existentially isolates herself. While she interacts with people, she refuses relations that might risk changing who she is in a foundational sense. In Levinas' terms, she shuts her door to the other. In Buber's, she has no "Thou."[157] Levinas associates such a self, via Kojève, with Hegel. Buber associates it with Heidegger. Heidgger's human being, he argues, is so preoccupied with preserving her "authentic" existence from the homogenizing tendencies of the crowd—what he calls the "generally human" or "one" [*das Man*]—that she shuts herself off entirely from deep forms of commitment. She refuses precisely the kind of uninhibited giving to another person that is required to earn genuine selfhood.[158] Yet what she achieves, Buber argues, is neither a pristine "self-being" nor the most "real" form of existence. It is a radically incomplete personhood.[159]

And it is precisely into the cracks and fissures of her identity that a nationalist zeal can seep through. A nation is an idea, an abstraction, an artificial construct. It has no existence outside the minds of its loyalists. An open self in the Levinassian sense, enmeshed in concrete relations with other people, knows that her loyalties lie with flesh and blood human beings. She

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[157] *BMM*, 172.

[158] *BMM*, 166.

[159] In this sense, my conception of the self and its relationship to a solidarity of fate also differs from the kind of self and community proposed by Michael Sandel through his critique of Rawls in *Liberalism and the Limits of Justice*. For Sandel, my duties to a given community "go beyond the obligations I voluntary incur....They allow that to some I owe more than justice requires or even permits, not by reason of agreements I have made." I have emphasized, by contrast, that one's entry into a solidarity of fate, like one's commitment to another in marriage, *is* chosen and potentially reversible. And while it is true that the self that arises from our acts of sacrifice toward other people is not the "deontological self" of Rawls (or Kant), it is a self that, like the prophet, remains in an important sense independent of its community's public norms and beliefs. *Liberalism and the Limits of Justice*, 2nd edition (Cambridge: Cambridge University Press, 1998), 179.

embraces a "'We' which arises from the real relationships of its components"—a solidarity of fate.[160] Thus a nation, as a mere thought-entity, holds no attraction for her. For a closed Heideggerian or Kojèvean self, however, the idea of a nation is highly seductive. Its symbols, songs, and narratives plug the yawning gap in her personality left by her failure to enter into a genuine relation with another. And so now she "clings desperately to the collectivity."[161] Enraptured by the thought of participating in a greater history and sharing in a greater consciousness, she at last "resolves" to enter into life with others.[162] But this national life, birthed in abstraction, is not the face to face of genuine solidarity. It is the shoulder to shoulder of martial "bundling," a mass of loosely connected and incompletely formed human beings. And under its standard, she—bereft of a solidarity of fate, homeless of a setting for sacrifice—offers herself instead on the false altar of national interest. But this submission, Buber insists, is not real sacrifice, not a real giving of oneself for another. It is merely a "collective egoism"—that is to say, an "egoism with a clear conscience."[163] And she herself is a mere "cog in the 'collective' machine."[164]

This leads to the final difference between these notions of solidarity: Unlike a nation, a solidarity of fate has no purely abstract existence.[165] As a nationalist, my commitment is not only to my countrymen as individuals. It is also to the "nation" in an abstract sense. Like a

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[160] *OJ*, 211.

[161] *PU*, 132.

[162] *BMM*, 171.

[163] *PU*, 73.

[164] *PU*, 132.

[165] Buber defines Judaism in almost exactly these terms: "We must not understand Judaism to be an abstraction." *OJ*, 4. It is also how he defines his (highly libertarian) socialism: "Socialism can never be anything absolute. It is the continual becoming of human community in mankind, adapted and proportioned to whatever can be willed and done in the conditions given." *PU*, 56.

citizen in Rousseau's body politic, I as a nationalist believe that my national entity has some kind of quasi-autonomous reality apart from the individual people that make it up. It thus becomes possible for me to speak of it as having a "national interest" and its people a "general will." And so I can advocate for its so-called "collective needs"—which, given that the nation is a mere idea, are in principle infinite—over and above the needs of real human beings. A solidarity of fate entirely rejects this idea. True, its particular assemblage of individuals may be bequeathed by history. And it may practically organize itself under a name or referent. But unlike a nation, a solidarity of fate's referent has no normative purchase in itself. It is significant merely as a term of denotation. Where normative significance does lie is with the concrete, actually existing people, apprehended *as people*, who are contained within it. Their distinct, flesh and blood personages, not their identity qua an abstract category, are what have moral relevance. Consequently, there is no risk that I will be able to exploit this abstraction for egoistic ends—my solidarity of fate's or my own.

To describe the solidarity of fate, Buber draws an analogy to marriage. Yet as we step back from the phenomenology of the individual to the Archimedean point of the theorist, a better description might be Walter Benjamin's image of a constellation. Benjamin's own reason for culling from the constellation metaphor is to find an alternative epistemology to the Kantian "concept."[166] Concepts are highly useful, allowing us to apprehend broad swaths of social reality by reducing its objects to a certain set of their common features. But as we have already seen though Levinas' critique of Hegel, they also hold dangers, especially when applied to the human realm. By smoothing over the variegated texture of social life, they risk effacing the uniqueness of its real human inhabitants. Nationalism magnifies this danger. For not only does it use a concept—the nation—to stake out a certain kind of identity; it reifies and militarizes that

[166] Walter Benjamin, *The Origin of German Tragic Drama*, *op. cit.*, 34-5.

conceptual identity, crowning it with a dangerous (and false) normative halo. What the constellation metaphor offers, therefore, is a radically different form of social epistemology. Instead of seeing in phenomena nothing more than their generalizable features, a constellation makes a pattern out of whole, existing objects. Thus like stars, we participate in a solidarity of fate while retaining our distinctness and particularity. And like a constellation, a solidarity of fate exists only as the combination of its discrete elements. It may not be altogether surprising, therefore, that the original meaning of fate itself refers to an alignment of stars: Neither bound together by *a priori* necessity, nor assembled from the infinity of space, but somehow meant to find one another in their very independence—assuming, of course, that someone chooses to look.

The prophet is the one who chooses to look. And when she does, she sees that her solidarity of fate, despite having no existence independent of its human elements, nonetheless has the capacity to produce a kind of social surplus. In the language of our metaphor, she sees that her constellation of committed people can imbue their lives together with a luminescence that exceeds what they produce as individuals. In Buber's own language, "the sum does not exactly divide; there is a remainder...and this remainder is what is essential."[167] This collective remainder—or radiance—is a solidarity of destiny.

THE SOLIDARITY OF DESTINY

Like the solidarity of fate, the solidarity of destiny is my own term. But as with its sibling, I believe that it helps to bring together elements of Buber's thought that are normatively significant, but might otherwise remain submerged within his exegetical narratives or scattered through his many writings. Defined plainly: *A solidarity of destiny is a solidarity of fate whose members embody the theopolitical spirit, actively striving to rid all domains of their lives of*

[167] *BMM*, 204.

interpersonal dependence. All human beings are bound up in relations of unequal power. In different social roles they play the part of lord or subaltern. What makes participants in a solidarity of destiny different is how they react to these roles. Rejecting the idea that dependence is an immutable part of social reality, they seek instead to transform all their relations—on a real, objective, and structural level—into ones of non-dependence. And in circumstances where effecting this deeper change is practically infeasible, they strive to make it such that their subordinates, to the extent possible, do not experience their dependence *as* dependence. A solidarity of destiny is thus the theopolitical extension of a solidarity of fate. Building on the moral personality it facilitates, it expands the Levinassian practice of putting vulnerability first from the ethical dyad to society as a whole. It infuses the totality of our lives with Rousseauian-nomadic freedom as non-dependence. It represents the full realization of Buber's theopolitical spirit, his "religious" alterative to Schmitt's political theology and concept of the "political." And its method for realizing solidarity is not secularization, but *imitation*. "The religious character of [a] people," Buber writes, "consists emphatically in that....it is destined for something different—that it should become a true people, the 'people of God."[168]

The solidarity of destiny develops in two stages. In the first, a group of individuals already joined in a solidarity of fate come to grasp the basic theopolitical idea: That no human being is entitled, as a matter of strict normative principle, to make another human being dependent upon her will.[169] This theopolitical spirit having been internalized, they advance to the second stage: A true solidarity of destiny, a constellation of people joined together in non-dependence through the concrete exercise of *hesed*—selfless acts of goodwill, loyalty, and

[168] *OJ*, 207.

[169] Buber is explicit that entering practicing theopolitics requires a pre-existing community. See *KG*, 126.

kindness modeled mimetically on the deity's own acts.[170] And by taking seriously the meaning of divine rule, their solidarity of destiny thereby also earns a signifier generally reserved for the divine alone: holiness. Thus whereas Levinas looks to the Jewish idea of holiness to develop an *ethical epistemology*, Buber expands its use to an *ideal for solidarity*.[171]

Effecting the first stage of the solidarity of destiny, for Buber, is the task of the prophet. The prophet is a member of his people, bound to their solidarity of fate; he is not an otherworldly figure. Thus in formulating his message, he does not "stretch his hands out and away beyond creation"; he takes stock of his people's character as they have been bequeathed to him in the present—deceptive, violent, covetous, idolatrous.[172] The message itself, however, is always fundamentally the same: God is king of heaven *and* earth.[173] Yet to this fundamental theopolitical idea, the prophet inserts a caveat: Cognitive and cultic recognition of divine kingship has no value in itself. It must be accompanied by the right kind of behavior toward others. "Why do I need your numerous sacrifices?" Isaiah records God as asking Israel, rhetorically.[174] But this being the case, the question then arises: What *is* the right kind of behavior? If human beings are meant to express their awareness of divine kingship not only on the altar but throughout the human world, what does this look like? Isaiah's own answer, common in the prophetic literature, calls for the practice of *tzedakah* and *mishpat*, words often

[170] Buber himself uses somewhat different language to describe these two stages, and also sometimes does so in the reverse order that I have given here: "If the first biblical axiom is: 'Man is addressed by God in his life,' the second is: 'The life of man is meant by God as a unit.'" *OJ*, 218.

[171] These concepts of holiness are not at all mutually contradictory; and both, I believe, can be legitimately sourced in Jewish texts.

[172] *BMM*, 65.

[173] *PF*, 78-80.

[174] Isaiah 1:11.

translated as "justice" and "righteousness." But the figure who may be Buber's preferred prophet, Hosea, favors a different term: *hesed*.

Though *hesed* is often rendered as "lovingkindness," Buber argues that it is in truth an "almost untranslatable concept."[175] His strategy for explaining it is thus to compare it with the other two. When Isaiah adjures the people to halt their empty sacrifices and instead "observe *mishpat* [justice] and perform *tzedakah* [righteousness]," he is speaking of duties in a normative sense, both legal and moral. Consequently, they are simultaneously human and divine obligations: While justice and righteousness manifest in the world, they are ultimately binding because they are commanded by the deity; by obeying, therefore, people serve God at the same time that they serve other human beings. *Hesed*, by contrast, "is not demanded as something to be done to God" at all. It is not a duty, not "commanded" in the strict sense of the word. Instead, it is performed as a gift that is unasked for and unreciprocated, a "general goodwill manifested to all."[176] *Hesed* is visiting the sick, attending to the dead, and clothing the naked. It is the act of hospitality, of Abraham opening his tent to strangers.

Hesed is also manifested in the more quotidian but no less important *refraining* from actions that are technically allowable but harmful. And this is where its role for diminishing dependence becomes especially clear. For it is precisely these kinds of actions—perhaps permissible according to the moral and legal letter, but nonetheless cruel and socially damaging—that are made possible by power inequities and relations of dependence: undermining a person's reputation by carelessly gossiping behind their back; paying less to an undocumented worker than to a documented one; insisting that an employee with a sick child pull overtime in order to keep her job; refusing, like the inhabitants of Sodom, to welcome

[175] *PF*, 114.

[176] *PF*, 114.

outsiders. Thus if *mishpat* and *tzedakah* might be retranslated, in a Kantian cadence, as the juridical duty of "right" and the ethical duty of "virtue," *hesed* might be retranslated, in a Levinassian one, as putting vulnerability first.[177] *Hesed*, in short, is what theopolitics looks like at the level of social practice. It is how human beings can act in a way that recognizes the real illegitimacy of interpersonal dependence, even in societies in which such dependence cannot be fully eliminated in practice. It is the dispositional manifestation of the Rousseauian-nomadic ethos.

But if we do not treat one another with *hesed* because it is a divine command, why do we do it? Buber posits a different and deeper reason: in order to imitate God. Though ascribed to human beings, *hesed* is foremost a divine attribute. As Maimonides famously argued, the very fact that the world exists and is populated by human beings can only be understood as an "overflow" [*shefa*] of divine *hesed*. "*Hesed*," he writes, means "practicing beneficence toward one who has no right at all to claim this from you." Indeed in this sense the world is not only a *reflection* of the deity's *hesed*. In so far as God continually permits it to exist, it *is hesed*, a constant extension of divine beneficence: "This reality as a whole—I mean that He, may He be exalted, has brought into being—is *hesed*."[178] For Buber, therefore, recognition of divine kingship manifests not only in a feeling of normative constriction from a distant, all-powerful sovereign. It equally manifests in a mimetic impulse, a desire to model one's attributes and actions after those of the divine. And foremost among those attributes is *hesed*. "There is [with *hesed*]," Buber writes, "no concept of reciprocity between God and the people, but rather one of

[177] This distinction is Kant's organizing principle for his *Metaphysics of Morals*, which is divided into two parts: "Metaphysical first principles of the doctrine of right," which concerns the state and its juridical structure; and "Metaphysical first principles of the doctrine of virtue," which concerns the individual and her duties.

[178] Moses Maimonides, *The Guide of the Perplexed, Vol. 2*, trans. Shlomo Pines (Chicago: University of Chicago Press, [1190] 1974), 3:53, p. 631.

conjunction between God and the people: A divine and human, divine-human, virtue."[179] *Hesed* is thus neither an *obligation* to God, nor a *secularization* of God. It is the ultimate *imitation* of God.

Yet to this Buber adds a crucial caveat: Though we imitate God through *hesed*, we are only able do so in the context of a deep commitment to a constellation of other people—that is, as members of a solidarity of fate. He conveys this through a critique of the prophet Ezekiel. Unlike Isaiah or Hosea, Ezekiel prophesizes from within the Babylonian exile, a context that Buber believes is critical. For in Ezekiel, he notes, a subtle but momentous shift takes place in the tone of prophetic writing. The pre-exilic prophets, precisely because they were so relentlessly withering in their criticism, thereby implied that collective moral and religious rejuvenation was practically possible: The Israelites could revive their nomadic antipathy to dependence; they could cease exploiting one another; precisely as a people, sharing fate and bound to one another in solidarity, they could once again recognize God's exclusive sovereignty.

In Ezekiel this hope disappears. While the prophet recognizes the possibility of *individual* redemption, of singular persons turning back to God and reforming their behavior, he regards such cases as heroic exceptions. Israel as a *solidarity*—practicing *hesed*, giving to one another, restraining from exploiting one another, mitigating relations of dependence—is beyond retrieval. Thus for Buber, Ezekiel's attitude reflects a cosmic rupture in Israel's constellation. It shows that its "old idea of solidarity has broken down.": "In the atmosphere of the catastrophe...men rise up against the very suggestion that they should suffer and perish for the guilt of others."[180] Ezekiel, he argues, effectively abandons the possibility that a solidarity characterized by the theopolitical spirit and freedom as non-dependence—a solidarity of

[179] *PF*, 114-5.

[180] *PF*, 185.

destiny—can be achieved through human efforts alone. A righteous "remnant" may survive to bear God's message in the abstract. But such a remnant is not a solidarity of fate; it is no more than a "sum of individuals."[181] And no mere sum of individuals, Buber insists, can realize a solidarity of destiny. Only when human beings breathe the theopolitical spirit together—mutually recognizing the illegitimacy of human rulership—is a broader social transformation possible: "The people is not a sum of individuals addressed by God; it is something existing beyond that, something essential and irreplaceable, meant by Him as such, and answerable to Him as such."[182]

KANTIAN ETHICAL COMMUNITY AND THE SOLIDARITY OF DESTINY

In this sense, I believe that Buber's critique of Ezekiel is equally a critique of Kant's theory of solidarity based on the ethical community. It is not an attack on liberalism, of which Buber, as I show below, was ultimately a supporter. But it is a rejection of a certain strain of atomistic liberalism that would reduce a given society to nothing more than a collection of individuals. Buber does not refer to Kant directly in his discussion. Nor does he refer to Hermann Cohn, the great neo-Kantian and scholar of Judaism who was Buber's intellectual forbearer in Germany. Yet it was Cohen who, in *Religion of Reason out of the Sources of Judaism*, had sought to show the essential synchronicity of Jewish thought and Kantian ethics. And it was Cohn who had lavished special attention and praise on Ezekiel, crediting him with "transmitt[ing] to religion the God of the individual man."[183] Like Ezekiel, Kant, according to

[181] *PF*, 186.

[182] *OJ*, 216.

[183] Hermann Cohen, *Religion of Reason Out of the Sources of Judaism*, trans. Simon Kaplan (Atlanta: Scholars Press, [1919] 1995), 22.

Buber, was right to speak of the moral improvement of humankind. Where he erred was in directing himself to the individual and personal responsibility rather than to solidarity *as* solidarity. Their division centers on the concept of holiness as a normative ideal. For Kant, holiness is an ideal for the *individual*, and can only be achieved through God's grace. For Buber, it is an ideal for the *collective* and is realizable by unaided human efforts. By entering into a covenantal relationship [*brit*], a constellation of individuals can transform their solidarity of fate from a mere *setting* for sacrifice into one characterized by sacrificial *practice* in the form of *hesed*: a solidarity of destiny. And by imitating the deity, they can make their solidarity of destiny itself into a model for imitation: a *goy kadosh*, a "holy people."[184]

Buber's argument against Kant is twofold. To begin with, he rejects Kant's moral-developmental psychology. Without question, Buber agrees with Kant that human beings must retain their capacity for independent ethical judgment. Unlike Schmittean militants or nationalist partisans, they cannot outsource their sense of right and wrong to their collective and its interests. But at the level of developmental psychology—on the question of how a self grows into the fullness of personhood—Buber is far apart from his predecessor. The relevant unit for ethical striving and perfection, he insists, is not the independent autonomous agent. It is a solidarity of fate. And the "I" itself is constituted not out of a pristine kernel of divine-like spontaneity. It is formed in dyadic partnership with other people, by the deep, existential participation of one's full self with other selves in ongoing relations of sacrifice. Achieving genuine personhood for Buber, like Levinas, thus requires not only membership in a rational

[184] In this sense Buber's thought bears similarity to a long line of other German-Jewish thinkers, including Moses Mendelssohn, Abraham Geiger, Heinrich Graetz, Hermann Cohen, and Leo Baeck, who conceived of Judaism as the vanguard of universalist "ethical-monotheism." What makes Judaism distinct, by this view, is merely that it arrived at this idea first and (ideally) provides a model for its practice. See Leora Batnitzky, *Idolatry and Representation: The Philosophy of Franz Rosenzweig Reconsidered* (Princeton: Princeton University Press, 2000), 32. As noted, Buber distinguishes himself from this tradition by refusing to confine Judaism's message to a narrowly "ethical" realm.

ethical community in the Kantian sense. It requires commitment to a solidarity of fate that transcends reason alone.

This moral-developmental disagreement provides the foundation for a second and more critical divide: over the meaning of holiness, and with it, the ultimate possibility of solidarity itself. For Kant, holiness provides a regulative ideal for an individual's moral will. It refers to a state in which a her faculty of moral choice [*Willkür*] consistently decides to follow the moral law rather than a non-moral maxim. Of course God's will, which always chooses the moral law, is by definition holy. And so (as I have previously argued) what this means is that Kant's theory of solidarity, is in effect, if not in intention, a kind of *imitatio dei*: As more human beings approach divine holiness of moral will, their lives together will be increasingly denuded of relations of dependence ("unsocial sociability") and filled with virtue. Buber also makes holiness into the end of his theory of solidarity. But whereas Kant locates the potential for holiness within the individual and only sees its social *effect* as manifesting in society as a whole, Buber finds its potential within a group of people *itself*, taken as a group. Whereas Kant understands *imitatio dei* to be the implicit task of every individual moral actor, Buber understands it to be the task of each solidarity of fate. And, most critically, whereas Kant conceives of solidarity without dependence as realizable only through an inexplicable change in human nature itself—a transcendent, miraculous act of divine grace that uproots our radical evil—Buber conceives of it as realizable by human efforts alone, through a "covenantal relationship" or *brit*.[185]

[185] Buber also differs from Kant in a third important way that I have already discussed: On the autonomy of politics as a sphere of value and action. Buber firmly rejects the Kantian view that juridical coercion is justified instrumentally for its function in providing a protected space for the moral life. The political sphere *itself*, Buber insists, must be equally reformed to minimize relations of dependence. It cannot be merely accepted as it is.

The *brit* for Buber solves two problems that arise with *hesed* as a practice of imitating God, one having to do with social coordination, the other with moral content. *Hesed* is the *sine qua non* for mitigating relations of dependence. It is both sacrifice and forbearance, at once the attribute of the moral personality that induces us to give to the other without reciprocity, and the attribute that leads us to refrain from exploiting the other even when it would be within the letter of the law. It is also a divine attribute. Theoretically, then, practicing *hesed* should mean imitating the deity, mirroring one's own actions on divine actions. Yet if *hesed* is derived through imitation, such an object of imitation must be shared. The concept of God that people have must be the same. For otherwise, what a person might believe to be an unmitigated act of kindness and goodwill modeled on the deity may appear, to its recipient, as inappropriate, infantilizing, or condescending. Our efforts toward diminishing dependence could be experienced by the other *as* dependence. Acts of *hesed*, therefore, require a common mimetic object. In Buber's language, they necessitate a shared "center" from which they can derive a public orientation and set of social expectations.[186]

A second difficulty has to do with *hesed*'s content. "Goodwill," "kindness," and "loyalty" all seem like good things. Yet to define them mimetically also introduces significant risks. Imitation is pre-conceptual and pre-rational. It does not ask about the *truth* or *justification* of the object that it imitates; it only asks about the *image itself*. Like a young child, who imitates her parent without first inquiring into her nature, so too any naive emulator. And herein lies the risk. A child imitating a parent is (generally) benign. But as an inherently non-rational endeavor, mimesis has the potential to be extremely dangerous if the object being imitated is corrupt, cruel, or violent. For example, in the infamous Stanford Prison Experiment, a group of participants tasked with playing the role of prison guards quickly internalized the impression

[186] See for example *IT*, 45, 100, 115.

they were given of how a guard should act, leading them to berate, beat, and sadistically torture their prisoners.[187] As Jonathan Glover has noted, people assigned to killing squads imitated one another as a way to psychologically break through their initial moral qualms.[188] More than half a century ago Adorno and Horkheimer pointed out that Hitler drew the massed Nazi crowds into a frenzy through his "mimesis of mimesis," a kind of public performance of the primitive.[189] And it was precisely with these pathologies of unthinking imitation in mind that Habermas, as we saw earlier, attempted to domesticate mimesis via the "linguistification of the sacred," to safely channel its moral potency into discursive solidarity.[190]

The *brit* is Buber's answer to both of these difficulties. He explains how through a reading of the so-called "Eagle Speech," delivered by Moses to the Israelites shortly after they depart from Egypt:

> You have seen what I did to Egypt, and how I bore you on eagle's wings and brought you to Me. / And now, if you listen well to My voice, and observe My covenant [*brit*], then you will be to me a treasure among all the peoples, for the whole world is Mine. / And You will be to Me a kingdom of priests [*melekhet kohanim*] and a holy nation [*goy kadosh*].[191]

For Buber this text has three functions. The first is to clearly state the theopolitical idea. Unlike other nations, where a privileged group of elites cluster sycophantically around their ruler, Israel

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[187] The experiment was conducted in 1971 with funding from U.S. Office of Naval Research and using college students as its subjects. Although originally planned for between one and two weeks, it was ended after six days because of the abuses. For more on the study from its original architect, see Philip Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil* (New York: Random House, 2007). For a critique of the study's methodology, see Thomas Carnahan and Sam McFarland, "Revisiting the Stanford Prison Experiment: Could Participant Self-Selection Have Led to the Cruelty?" *Personality and Social Psychology Bulletin*, Vol. 33, No. 5, May 2007, 603-14.

[188] Jonathan Glover, *Humanity: A Moral History of the Twentieth Century*, *op. cit.*, especially 47-118.

[189] Theodor Adorno and Max Horkheimer, *Dialectic of Enlightenment*, *op. cit.*, 150-3.

[190] See chapter 4.

[191] Exodus 19:4-6.

as a whole is spoken of as a kind of divine entourage. The text's second function, however, is to stress that this position is entirely contingent on correct behavior. Israel has no intrinsically elevated status. Its "holiness" is stated in purely conditional terms: "*If you listen well to My voice and observe My covenant*." Yet even if, in Buber's words, "it is impossible to express more clearly and unequivocally" that Israel does not have "any monopoly over their God," the text's third function is to make clear that Israel *is* somehow different.[192] Something has transpired to separate it from the rest of the nations.

This event is the miraculous liberation from Egyptian slavery. Unlike Kant, Buber has no interest in the theological questions surrounding miracles—how they bear on naturalistic causation, human freedom, and the like.[193] Nor is he in the slightest bit concerned about whether they really took place. His interest instead is in the role they play in forging relations of solidarity. For a person who believes that she has experienced a miracle, the incident leaves a profound mark on her consciousness. What makes Israel's "holy event" [*Heilies Ereignis*] uniquely profound, therefore, is its collective form. Assembled on the shore, the band of freed slaves witnesses the impossible: A wind blows all night; the waters "split"; and each side stands apart from the other like a wall, allowing the Israelites to pass through on dry land and escape the Egyptian army unharmed.[194] Their response, as narrated by Exodus in the "Song of Sea," is immediate, spontaneous, and spoken in unison: "*Zeh Eli*"—"This is my God!"[195]

This moment, for Buber, is Israel's true *brit*: A declaration, made jointly by a constellation of individuals, attesting to their mutual recognition of the deity as a mimetic model

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[192] *MOS*, 106.

[193] It is true, however, that Buber adopts as his own view that the events of Israel's liberation can be explained in purely naturalistic terms. See *MOS*, 74-9.

[194] Exodus 14:21-2.

[195] Exodus 15:2.

for *hesed*. The group of Semitic nomads who had arrived at the Sea of Reeds were already joined in a solidarity of fate. They had shared both the suffering of slavery and the joy of redemption. They were bound to one another in a deep and non-rational sense. But as a congregation of individuals, their constellation still lacked something critical. Their lives together furnished a setting for sacrifice; yet they did not yet know what sacrifice really meant. They had met the social, psychological, and existential conditions necessary to begin treating one another with *hesed*; yet they lacked a model for *hesed*'s meaning. Thus what the exclamation of *Zeh Eli* signified above all was that Israel had found its model. To be sure, the splitting of the sea represented the ultimate expression of power over nature. Yet it equally and more importantly represented the ultimate expression of *hesed*. From the perspective of the onlookers, the ruler of the universe had suspended nature's causal laws in order to save a lowly band of former slaves from the most powerful nation on earth. Like a king freeing his servant, it represented an unexpected act of kindness that, by definition, must go unreciprocated.

And so with their mutual experience of the miracle, the Israelites have a model to imitate. They have an blueprint by which to reconstruct their moral personalities and a mirror to hold up for self-evaluation. They have a "center." The *brit* binds the people to one another at the same time that it binds them to the deity. It provides them with both a shared object for imitation and fills in the content for them to imitate. Just as God showed *hesed* to the Israelites in their state of total dependence as slaves, the Israelites are enjoined to show *hesed* toward every "individual dependent on others, lacking securing, subject to the might of the mighty." Just as God rests on the seventh day, so too all of Israel—men and women, children and beasts, as well as the "tired, exhausted slave"—will rest on the seventh day.[196] They are "not to oppress the widow and the

[196] *PF*, 54.

orphan, the stranger and the poor"; their charge is to "practice *hesed*."[197] When drought strikes, not only does the entire congregation fast in solidarity—women and men, poor and affluent, those stricken with the famine's hunger and those fortunate enough to still have food to eat; a great internal change sweeps across precisely those "bound up with the lower things of this world," who spend their lives exploiting the weak and dependent.[198] They fast, and they act with "spontaneous sacrificial action," that is, with *hesed*:

> Among those who pray [for rain] there are also great sinners like the man who hires out prostitutes and dances and beats the drum at their feasts, but in the midst of all this sells his bed to save from prostitution a woman whom he sees weeping because her husband is in prison and who can think of no other way of setting him free than by becoming a prostitute.[199]

Put another way, then, a *brit* is a public, joint commitment to diminishing dependence. And without strictly obligating *hesed* (something which would undermine its very nature as unbidden sacrifice), it defines it in practice through the mimetic model of the deity.

The centrality of the miracle for forging the *brit* also brings out the distinctiveness of Buber's solidarity of destiny vis-à-vis its alternatives. For Kant, as we have seen, the miracle provides an analogue with which to understand our faculty of moral choice [*Willkür*] as

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[197] Versions of this of ethical mandate appear all over the Bible, though this exact wording is from Zechariah 7:9-10.

[198] Buber hints here at another sense in which human dependence is at issue: Israel's land lacks rivers, and so produce there is extracted not via human dependence on other human beings—in the semi-slavery of irrigated agriculture—but via human dependence on the deity's gift of rain. Israel's natural terrain thus colludes in preventing it from becoming what Karl Wittfogel famously referred to as a "hydraulic empire," a form of despotic regime characterized by centralized administration and forced labor at large-scale irrigation. In Buber's words: "[God] has given all lands servants to serve them. Egypt drinks from the Nile, Babylon from the rivers, but things are ordered otherwise in the land of Israel; there the men sleep in their beds and God sends down the rain to them." Martin Buber, *On Zion: The History of an Idea* (Syracuse: Syracuse University Press, [1952] 1997), 41. Hereafter "*OZ*." Karl Wittfogel, *Oriental Despotism: A Comparative Study of Total Power* (New Haven: Yale University Press, 1957).

[199] *OZ*, 42-3. This discussion of the laws of fasting can be found in the Babylonian Talmud, Tractate Ta'anit ["Fasts"] (Jerusalem: Oz Vehadar, 2011). Buber has a reputation for disdaining Rabbinic law [*halakha*], and so on face his laudatory comments about the laws of fasting may come as a surprise. At the same time, it may be that this reputation is overblown, for here he makes a statement that can hardly be read with any equivocation: "The *Halakha* tries to preserve the essence of Sinai." *OZ*, 39.

spontaneity. Yet as a secularized divine attribute, Kantian spontaneity comes to human beings in a fallen state—as radical evil.[200] And so for Kant we can never succeed in realizing the ethical community without an *actual* miracle: An act of divine grace. The miracle metaphor was likewise crucial for Schmitt, staging the sovereign's "decision" as the inscrutable act of a volutarist deity. Yet birthed in pure power transcending reason, Schmittean decisionism gives rise to a form of commitment based on the groundless antagonism of friends and enemies—existential violence with a theological halo. Against Kant, therefore, Buber insists that human beings themselves, without divine assistance, can bring about a society denuded of dependence. They look to God not for secularization, but imitation; as a source not for bestowing grace, but for *modeling* it as *hesed*. And against Schmitt, he argues that we can have a mutual commitment transcending reason without succumbing to decisionism and agonistic violence. The word "Israel," he insists, cannot be equated with any "Great Beast," nationalist or political.[201] As a constellation rather than a reified concept, it is an aspiration and an ideal to be realized, not a mark of "chosenness" or assured divine favor.[202] No one is born "holy"; none are automatically a part of Israel's solidarity of destiny. Indeed one who attempts to bypass Israel's theopolitical meaning and exploit its title for collective or individual egoism, Buber insists, "does not belong

[200] Buber himself attacks the idea of the human being as radical evil. *BMM* 77.

[201] *OJ*, 209. Throughout his writings, Buber emphasizes that the concept of "Israel" is not a given but refers to a normative ideal that the people to which it refers only incompletely fulfill. See e.g. *OB*, 216; *OJ*, 207.

[202] Buber understands this to be how the Bible understands the error of Korah and his followers. As recounted in Numbers (16:1-35), Korah, a Levite and so a man with priestly stature, assembles a group of people to rebel against Moses and Aaron's leadership. They frame their argument against the pair in egalitarian terms: "You have too much! For all the community, they are all holy, and in their midst is the Lord, and why should you raise yourselves up over the Lord's assembly?" Buber understands Korah's argument to hinge on the concept of "holiness." In Korah's view, holiness refers to a kind of autonomic divine favor, a special "chosen" status that is inherent in a person and irrevocable. Those who hold such a view of holiness, Buber argues, believe that God will necessarily be with them in whatever they do, and thus they can imbue their actions with a post facto divine sanction. *MOS*, 187.

to Israel."[203] Thus whether through Israel or another solidarity, every person must earn her status as a member of God's retinue. A solidarity of destiny "only exists as 'the Lord's people,' in actual fact," when its actually-existing human members live up to their charge to practice *hesed*.[204] And when this is heeded, "it is impossible to make an idol of the people as a whole."[205]

THE ESSENTIAL "WE": FATE, DESTINY, AND THE PUZZLE OF LIBERAL SOLIDARITY

"And the lad ran to tell Moses and said: 'Eldad and Medad are prophesying in the camp!' / And Joshua son of Nun, attendant to Moses from his youth, spoke out and said, 'My lord Moses, restrain them!' / And Moses said to him, 'Are you jealous for my sake? Would that all the Lord's people were prophets!"

-Hebrew Bible, Book of Numbers[206]

"Abraham said to God: I looked at my astrological sign and saw that I am not able to father a child.

The Holy One answered: Abandon your star-gazing, for Israel is not fated by any constellation [mazal]."

-Babylonian Talmud, Tractate Shabbat[207]

I began this chapter with a question left unanswered by Levinas: What is the collective dimension of our deep solidarity? Who is included when we practice solidarity as sacrifice? Where do we draw our boundaries? Or put another way, if ethics as negative theology, the open self, and putting vulnerability first define the relation of "I" to "Other," what allows us to say "We"? To answer this question, I turned to Martin Buber's writings on philosophy, politics, and Judaism. Buber was an unsystematic thinker, but embedded in his scriptural commentaries and

[203] *OJ*, 207.

[204] *PF*, 19.

[205] *PF*, 128.

[206] Numbers 11:27-9.

[207] Talmud Bavli, Tractate Shabbat, *op. cit.*, 156a.

existentialist tracts is a highly original program for defining and delimiting our commitment to others.

This program, I showed in the chapter's first part, arises from his critical engagement with Carl Schmitt's political theology. Rejecting Schmitt's concept of the "political," in which group solidarity arises in moments of existential violence between friends and enemies, yet also refusing both quietist anti-politics and Weberian value-pluralism, Buber hints at an alternative political solidarity that he calls "religious." I uncovered this religious-political solidarity through a close analysis of his writings on Hebrew scripture. Buber identifies in Israel's nomadic past a Rousseauian valorization of non-dependence which entirely rejects the legitimacy of any human being exercising coercive power over another. To transpose this nomadic ethos into settled life, Buber argues, early Judaism innovated the idea of God's kingship: When all people are mutually dependent on divine rule, none are dependent on merely human rule. Yet this form of political organization—what Buber calls "theopolitics"—was inherently unstable, threatened internally by egoistic defectors and externally by conflict with other peoples. The stance exemplified by the prophets, for Buber, was thus to keep the *spirit* of theopolitics alive even when it was no longer *institutionally* viable due to the advent of human kings and the secularization of the political sphere.

The arena in which the prophet takes his stand, I argued in the chapter's second part, is the very one that defines the collective dimension of our deep solidarity: solidarity as fate and destiny. No human being, Buber emphasizes, can choose her hour. Nor can she fully control her society's attributes. Nonetheless, it is critical that she commit to *some* group of people, to aching for their sufferings and delighting in their joys. For only by doing so can she engage in the forms of committed, sacrificial practice that are necessary for developing her moral personality. I

defined this as first element of a solidarity of fate: *providing a setting for realizing solidarity as sacrifice*. We commit to a group of people in a way that exceeds our rational interest, and despite the fact its norms and sociological reality may not reflect what we would arrive at through unvarnished reason. This is the solidarity of fate's second element: that *our commitment to other people transcends reason alone*. Even so, a solidarity of fate, I emphasized, is not merely friendship; nor is it a constrictive illiberalism or a chauvinistic nationalism. At the phenomenological level it resembles marriage: A relation that is voluntary and permits exit, yet is rooted not in reciprocity but non-rational commitment and sacrifice. At the theoretical level it resembles a constellation: A group of individuals joined together in fate without relinquishing their particularity or hypostasizing their unifying referent. And, like a constellation, its members are together capable of creating a collective dynamic that is more than the sum of its parts: a solidarity of destiny.

The solidarity of fate's final element is thus to *provide a foundation for realizing a solidarity of destiny*. To begin with, the members of an existing solidarity of fate internalize the theopolitical spirit. They reject in principle the legitimacy of anyone making another person dependent on her will. Next, they move from theory to practice, facilitating the diminution of dependence through *hesed*: acts of sacrifice, both in activism and forbearance, that go beyond what the letter of the law requires. United in a covenantal relationship [*brit*] and looking to the deity as a mimetic model, they are together capable of realizing the ultimate *imitatio dei* of holiness, not in the Kantian singular, but the plural: a "holy people," a solidarity of destiny that is itself a model for imitation by other solidarities of fate.

Buber certainly answers Levinas' question; yet in the very same stroke he also raises a dilemma so grave as to risk undercutting his theory entirely. The objective of this dissertation

was to provide a solution to the puzzle of liberal solidarity and an answer to Schmitt's challenge. It was to find a form of solidarity appropriate to liberal polities in a secular age, one in which religion, for both sociological and normative reasons, cannot be relied on as a source of public commitment and motivation. To avoid the motivational deficit of constitutional patriotism, it was to be pre-political; to avoid the pathologies of nationalism, it was to define itself apart from ethnicity, culture, and territory; and to avoid the violence of Schmitt's solidarity based on the concept of the "political," it was to channel non-rational commitment away from violent forms of self-transcendence. Its modus operandi was not to be secularization but imitation. And its product was not to be political theology but deep solidarity. On face, this is exactly what Buber has provided with the concepts of solidarity as fate and destiny. Joined with the solidarity of sacrifice, these concepts form a deep solidarity. They combine to secure solidarity and honor the individual, while simultaneously accounting for the fact that the most profound sources of our commitment to one another surpass what can be achieved through reason alone.

Yet in his earnest search to find an alternative to political theology for solving the puzzle of liberal solidarity, Buber seems to have arrived at an answer that is equally unworkable: theology itself. So committed was he to rejecting the logic of secularization that, to paraphrase Weber, he seems to have run back into the open arms of the churches.[208] Granted, this accusation applies to only half of Buber's theory. Theology has no direct bearing on the solidarity of fate. To enter into one entails only a non-rational commitment to a given constellation of people; it requires nothing in the way of religious phenomenology or doctrine. To enter into a solidarity of destiny, however, does appear to insist on a religious vantage. The font of the theopolitical spirit, after all, is the recognition of God's kingship; the meaning of

[208] "To the person who cannot bear the fate of the times like a man, one must say: may he rather return silently, without the usual publicity build-up of renegades, but simply and plainly. The arms of the old churches are opened widely and compassionately for him." Max Weber, "Science as a Vocation," in *From Max Weber*, 155.

hesed is arrived at through an *imitatio dei*; and a *brit* comes into being through the collective experience of a miracle. Instead of offering a new secular theory of liberal solidarity, therefore, Buber's theopolitics seems not only romantic but reactionary. It threatens to banish us back to a premodern age, one defined by a devout public culture and the illberal collapse of the distinction between different spheres of life (state, civil society, and family) and value (economics, ethics, politics, aesthetics, and religion). We may achieve freedom from certain forms of dependence with theopolitics. But it will be at the cost of our more prosaic but no less important freedom as liberal citizens.

And so with our question to Levinas resolved, we must now direct three more at Buber himself. First, can we champion the theopolitical spirit—a stance which rejects the legitimacy of human coercive power—without God? Second, is it possible to do so while still affirming liberalism's institutional structure, and in particular, its "art of separation" between different spheres of life and value? And finally, by what means can we realize a solidarity of destiny without a divine model for *hesed*?

To answer the first question, it must be recalled that theopolitics is first and foremost a negative gesture. Its basic message is less that God rules than that any rule *aside* from that of God—that is, any merely human rule—is at base illegitimate. It is true that if a monotheistic deity did exist, theopolitics would say that this deity is entitled to exercise coercive power. Human beings would be obligated to follow its injunctions. This, after all, was the original purpose for innovating the idea of divine kingship itself: To make the nomadic antipathy to dependence on the will of another human being compatible with life in a settled and economically stratified civilization that cannot but be organized by positive law. But the original Rousseauian-nomadic ethos animating theopolitics is not this affirmative embrace of divine law.

It is the denial that any human being can ever rightfully coerce, exploit, or dominate another. It is the utter rejection of human dependence. In fact, as Ernst Kantorowicz has famously demonstrated in his study of medieval political theology, it was precisely to avoid letting slip this theopolitical message that the proclamation "The king is dead" was always and instantly followed by "Long live the king!" and the commencement of a new reign.[209] Had a pause been permitted, it would have undermined the public perception that the regime is part of the natural order. It would have revealed that when the king sends his soldiers to kill and die, punishes and tortures his subjects, and seizes his peasants' crops, he does so not with the blessing of God, but with no authority at all. He acts with a groundless violence—a violence that, to paraphrase Benjamin, furnishes its own "end" and provides its own justification.[210]

In an important sense, therefore, liberal democracy, as a form of political organization that is self-consciously human in origin, is actually *more* conducive to the theopolitical spirit than any pre-modern regime. Indeed it is no coincidence that, as Eric Nelson has shown, the first stirrings of modern liberal ideas about sovereignty, beginning with the writings of the Monarchomachs and extending through Hobbes and Locke, frequently used readings of Gideon's refusal of the kingship in I Samuel to undermine any human claim to the throne.[211] And today of course there exist no serious efforts to base the legitimacy of a regime on anything aside from the merely human. In this Habermas—who is otherwise too quick to dismiss Schmitt's challenge to liberal *solidarity*—is certainly right that "democratic *legitimacy* is the only one available

[209] Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton: Princeton University Press, [1957] 1997), 412. For a study of how this "carnal" conception of sovereignty continues into our own time and politics, see Eric Santner, *The Royal Remains: The People's Two Bodies and the Endgames of Sovereignty* (Chicago: The University of Chicago Press, 2011).

[210] Walter Benjamin, "Critique of Violence [Gewalt]," in *Walter Benjamin: Selected Writings, Vol. 1, 1913-1926*.

[211] Eric Nelson, *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Cambridge: Harvard University Press, 2010).

today."[212] (Only God rules, so) no human being is entitled to rule: This is the central teaching of theopolitics, with or without the parenthesis.

This is not to say that practicing theopolitics today is simple. And it is in this complexity that we find the answer to the second question we posed to Buber: How a theopolitical spirit that rejects any real distinction between spheres of value in favor of a "religious" consolidation can be compatible with a liberal pluralism which vehemently opposes any kind of unitary social ideal, and whose very basis is, in Walzer's words, that "principles of justice are themselves pluralistic in form."[213] To put the problem even more starkly: Theopolitics appears just as antithetical to liberalism as the Schmittean "political." Whether the "total state" or the "jealous God," a single source of value is meant to infuse every aspect of our lives. Totality, seemingly, replaces diversity.

The answer to this latter challenge lies in a distinction we have already seen: Between *theopolitics* as a normative ideal and the *theopolitical spirit* as an orientation toward one's own polity and society. Theopolitics in the abstract is principled and uncompromising. It teaches that no human being, at any time, in any sphere of activity, ever has the right to make another dependent on her will. In the Hebrew Bible this is the stance of the judges and is embodied foremost by Gideon: "I will not rule over you, neither shall my son rule over you. The Lord shall rule over you."[214] The *history* of theopolitics, however, teaches that such a condition of total non-dependence is unfeasible. It tells of a people who tried to sustain their lives in a condition of radical egalitarianism, who cyclically fallowed their fields and freed their slaves,

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[212] Jürgen Habermas, "'The Political': The Rational Meaning of a Questionable Inheritance of Political Theology," *op. cit.*, 24, my emphasis.

[213] Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Book, 1983), 6.

[214] Judges 8:22-3.

then backslid into idolatry, had stretches of real success, but ultimately failed, succumbing to egoistic defection, the craving for security, and the all-too-human need for a tangible semiotics of secularized political power. They showed both the promise and paradox of theopolitics: That precisely the voluntariness that endows it with such freedom also makes it uniquely fragile; it persists in practice only as long as it persists in the minds of its adherents. Yet although theopolitics' fall was inevitable, it would be wrong to call it tragic. For precisely because it went unrealized, it created a unique space for individual judgment, decision, and moral personality: the prophetic stance. The prophet does not call for the direct imposition of theopolitics. As Buber writes of Elijah, "he serves his God as a nomad, but he has no nomadic ideal."[215] Instead, he provides a clear and steady voice for the theopolitical spirit, reminding king and people alike of the wrongfulness of human dependence.

It is this prophetic stance that exemplifies the theopolitical spirit today. Like the prophet, who does not challenge the idea of human rule itself but rebukes its hubris, our charge is *not* to replace the secular liberal state with the modern equivalent of direct divine rule (i.e. anarchy), but to engage in an ongoing, dynamic, dialectical relation with the powers that be in every sphere of value and activity. [216] To engage in revolutionary violence would turn us into the agents of the very forms of coercive power that we protest. In the name of theopolitics we would undermine theopolitics. Our task instead, therefore, is to chasten and reprimand, to ensure that no powerful person or institution understands herself or itself to have any kind of inherent right

[215] *PF*, 80.

[216] Buber also does speak in more institutional terms about how the state's role can be gradually scaled back to make room for more organic and spontaneous forms of social and political organization. *PU*, 104, cf. 40. But he never proposes eliminating the state entirely or suggests that such a thing might be possible.

to its power. This, Buber insists, is the "*nabi* [prophetic] attitude—with or without the application of the term."[217]

Of course there are important differences. Israel's prophets had to contend with kings who, in their vast dominion, were always in danger of succumbing to self-deification—of believing that their status was an entitlement and the power they exercised over their people was really their own. We as citizens of liberal regimes must vie with far more subtle and depersonalized efforts to naturalize hierarchy: the supposedly immutable "laws" of the market, the rationalizing forces of bureaucracy, and the heavy hand of dominant cultural norms. As Buber puts it, in a veiled reference to Weber, such "dogmas of gradual process" give the impression that interpersonal exploitation is as necessary and immutable as in any medieval political order.[218] They leave no room for the belief that human dependence can be diminished. They turn our constellation with others into a binding astrological sign; they transform our solidarity of fate into a fated solidarity.

Thus despite these differences, our responsibility is essentially the same: To give voice to the theopolitical spirit in a society that always risks stifling it beneath calcified layers of human dependence. It is to insist that no social or political order is written in the stars or beyond transformation. And it is to reinforce the idea that every human being "is placed in freedom, and that every hour in which he, in his current situation, feels himself addressed is an hour of genuine decision."[219]

Yet even if to be a prophet in the present entails some amount of pragmatism and reconciliation, it is not realism. It requires accepting aspects of the world as it is, yet it has a

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[217] *OB*, 134.

[218] *IT*, 57.

[219] *OJ*, 219.

deeply idealistic vision of the world as it should be. While we affirm as a matter of *normative principle* that no person is entitled to make another person dependent on her will, we recognize the *practical necessity*—at this time and in this place—of such forms of dependence. Company managers need to assign work to their subordinates; military commanders need to give orders to soldiers; parents sometimes need to say "no" to their children. To deny that these things are necessary would be genuinely utopian—not because the value they espouse is wrong, but because working for it in any kind of direct way is. But, simultaneously, we must affirm that the goal of non-dependence *is* possible. We must labor toward it—but with our backs turned. We sustain the distinction between spheres of value institutionally and structurally; dispositionally, however, we espouse the theopolitical spirit, allowing it to define all of our relations with others. "No factory and no office is so abandoned by creation," Buber writes, that it is insulated from the possibility of a "sober and brotherly glance," from an awareness of "faces and names and biographies," from the treatment of each individual not as a "number with a human mask but as a person."[220] With such small practices we compliment—but do not replace—liberalism's "art of separation" with ancient Judaism's art of *integration*. And as foils, not to kings, but to naturalizations of all kinds, we constantly reaffirm the basic theopolitical message: That interpersonal exploitation is not a necessity, but a choice; that true freedom is not lordship over others, but mutual non-dependence; and that "destiny is not a dome pressed tightly down on the world of men," but a deep solidarity of lives shared together in the practice of sacrifice.[221]

This brings us to our final question. Realizing a solidarity of destiny requires practicing *hesed*. It entails both giving to and refraining from exploiting others beyond what is strictly required. At the same time, *hesed* is defined not by any moral code or formula, but mimetically.

[220] *BMM*, 37-8.

[221] *IT*, 57.

We learn how to do it by having a model. For the ancient Israelites, according to Buber, this model was the deity itself: With the miraculous splitting of the sea, the people shouted "*Zeh Eli*"—"This is my God!"—and, joined in a covenantal relationship [*brit*], undertook an *imitatio dei*. Yet we live at a time in which we cannot point to the same God, and, more importantly, we *should not have to point to any God at all*. But that being the case, what, if not the deity, can provide a model for *hesed*? How can we bring about a solidarity of destiny in a secular age?

Buber's answer is to reverse the order implied by the question: Rather than begin with a centralized, miraculous moment of theophany, we must start from the scattered examples of *hesed* that already exist in our midst. When we have created a society in which human beings do not see themselves as morally entitled to exploit one another, than divine rulership will be reinstated in *effect* even if it is not restored in *cognition*. We will once again have a *brit* and a "center."

At this point it is important to be clear. Buber is *not* saying that human beings will or should come to actually *believe* in the deity itself. He is not arguing for a renewed faith. Far from it: Few things raise Buber's ire more than contemporary manifestations of religion. Like the prophets to whom he looks for inspiration, he fiercely opposes any kind of religious piety unconnected with concrete ethical behavior. And so, counterintuitively, what makes a community "religious" for Buber has nothing to do with its abstract belief. What matters is its practice as a solidarity of fate and destiny, how it embraces and elevates the hour in which it finds itself:

> Even those communities which call the spirit their master and salvation their Promised Land, the 'religious' communities, are community only if they serve their lord and master in the midst of simple, unexalted reality, a reality not so much chosen by them as sent to them just as it is.

Faith has no bearing on realizing the solidarity of destiny for Buber. A secular constellation of people can be more "religious" than a superficially religious one so long as they practice *hesed*.

Buber's argument is made possible by the particular way that human history has unfolded: For although *hesed* obtained its *original meaning* from religion—in the collective experience of a miracle and the feeling of divine immanence—it persists as an ethical *ideal* even in a secular present stripped of any mimetic-theological model. *Hesed*'s content came initially from an image of the deity. By deriving from God's actions certain implied attributes, the Israelites arrived at a behavioral archetype: Make sacrifices for the suffering; show kindness to the bereaved; practice forbearance to the dependent and vulnerable. With the loss of divine immanence during what Karl Jaspers called the Axial Age, the idea of a deity who performs open miracles gradually faded away.[222] God was reconceived as a distant and transcendent ruler holding sway over a mechanistic and predictable universe. And then this idea of God, too, eventually came to be seen as unnecessary. If the world persists according to its own laws and on its own power, the idea of a divine being (apparently) contributes nothing. Yet through this entire process of secularization, the original model of *hesed* remained. In a process that echoes Hans Blumenberg's idea of secularization as "re-occupation" (in which modernity is forced to respond to questions and problems that have been generated in former, religious ages of human history) the texture of contemporary moral, social, and political life, having been irrevocably shaped by *hesed*, creates a space by which it can persist on its own power.[223] God might be dead or forgotten; His mimetic model is not. Its moral archetype remains vital in all human beings who strive to shed their daily lives of relations of dependence. And it remains effective in any

[222] Karl Jaspers, *The Origin and Goal of History*, trans. Michael Bullock (New York: Routledge Revivals, [1949] 2011).

[223] Hans Blumenberg, *The Legitimacy of the Modern Age*, *op. cit.*, especially 48-9, 64-9.

"social pattern...from the pattern of family, neighborhood, and settlement to that of the whole community," which keeps alive the theopolitical spirit.

In an early essay on Hasidism, Buber observes that while the movement was often associated with mysticism, this "magical element" was in truth peripheral and unimportant. Like Israel's prophets, its "old/new principle" was not primarily spiritual but practical: That the absence of God's *presence* did not entail the end of God's *meaning*.[224] Hasidism recognized that we as a species can no longer rely on miracles for salvation and divine archetypes for ethical life. We must do the work of realizing deep solidarity ourselves. We must take responsibility for our own destiny.[225] And yet what Hasidism also perceived is that our destiny in an important sense *is* God's destiny. "You think I am far away from you," says the Hasidic deity, in Buber's words, "but in your love for your neighbor you will find Me."[226] When we truly practice *hesed* in all our relationships, we effectively restore a condition of divine sovereignty. We take responsibility for God's fate in the world."[227] We ensure that human beings do not see themselves as morally entitled to exploit one another. We drain our social relations of coercion. We act *as if* we live under divine rule in practice even if we remain secular in consciousness. We rebuild "God" without God. "The *yikhud*," Buber writes of the Hasidic idea of divine unity, "means the ever-new binding together of the spheres that strive to be apart, the ever-new

[224] *Mamre*, 70.

[225] In this way, the Hasidic message is for Buber a restatement of the prophetic one; it "completes and widens the ancient teaching of Israel." *Mamre*, 106.

[226] *OJ*, 212.

[227] *Mamre*, 70.

betrothal of 'majesty' and 'kingdom'—through man."[228] This is our "essential We." And this, for Buber, is ultimately the point.

Hesed is thus the means for realizing deep solidarity in a secular age. It is the vehicle for practicing theopolitics and diminishing dependence. Through it, the real, tangible meaning of divine kingship can be transposed from the cognitive to the experiential, from the intellectual apprehension of the deity to its manifestation in our palpable relations with others. When we practice *hesed*, the dependence of one human being on the will of another is not only denied legitimacy in principle; it is concretely mitigated in "the totality of lived life."[229] Holiness—"true community with human beings"—appears not as a purely moral or "strictly "religious" concept, but a "theopolitical" one.[230] What was previously an unsown setting for sacrifice now welcomes its inhabitants. Through our commitment to one another, a new center forms that is "transpiculous to the light of something divine."[231] And our *imitatio*, undertaken not in the lonely night of the Kantian self, hand on heart, facing off against the stars, but in the illuminated togetherness of a constellation, shines with a "radiance" that is itself mimetic model—a "kingdom of priests," a "holy destiny," a solidarity of destiny—for all other solidarities of fate that choose to look.[232]

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[228] *Mamre*, 85.

[229] *KG*, 109.

[230] *OJ*, 111; *OZ*, xviii.

[231] *PU* 135.

[232] *PF*, 136 and 99, respectively.

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