Interview
Nina Power
Author of One-Dimensional Woman

Gillian Rose Prize Dissertation
The role of the common law jury as direct deliberative mechanism for the democratic self-legitimation of law
Valerie Whittington

Articles
Political Consumer Activism and Democratic Legitimacy
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Is the autonomists’ notion of the ‘social factory’ still adequate?
Craig Gent

Books Reviewed
Signs and Machines by Maurizio Lazzarato
Ethical Subjects in Contemporary Culture by Dave Boothroyd
Political Solidarity by Sally J. Scholz
On the Reproduction of Capital by Louis Althusser
Henri Lefebvre on Space by Lukasz Stanek
Normalizaing the Balkans by Dušan I. Bjelić
Studies in Social and Political Thought is a peer-reviewed biannual journal produced by postgraduate students, many of whom are based at the University of Sussex. The journal seeks to foster and promote interdisciplinarity in social and political thought, in addition to providing a publishing platform for junior academics.

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This issue of SSPT was made possible by a contribution from the
Centre for Social and Political Thought at the University of Sussex.

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contents

Volume 24 Winter 2014

Interview

Nina Power - Author of ‘One-Dimensional Woman’
Elizabeth Vasileva .......................................................... 3

Gillian Rose Prize Dissertation

The role of the common law jury as direct deliberative mechanism for the democratic self-legitimation of law: an analysis of the function of the common law jury in the light of a reading of Habermas’s social and legal theory
Valerie Whittington ...................................................... 15

Articles

Political Consumer Activism and Democratic Legitimacy
Martin Beckstein ............................................................ 41

Is the autonomists’ notion of the ‘social factory’ still adequate?
Craig Gent ................................................................. 65

Reviews

‘Signs and Machines: Capitalism and the Production of Subjectivity’
by Maurizio Lazzarato
Lukas Slothuus ............................................................. 79

‘Ethical Subjects in Contemporary Culture’ by Dave Boothroyd
David Martinez ............................................................ 84

‘Political Solidarity’ by Sally J. Scholz
Jack Isherwood ............................................................ 87
On The Reproduction of Capitalism’ by Louis Althusser
Angus Reoch ......................................................... 91

‘Henri Lefebvre on Space: Architecture, Urban Research, and the Production of Theory’ by Lukasz Stanek
Gisele Eugenia O’Connell ........................................... 96

‘Normalizing the Balkans: Geopolitics of Psychoanalysis and Psychiatry’
by Dušan I. Bjelić
Kristina Gosheva Ilieva ............................................. 100
Elizabeth Vasileva: Hello Nina, thank you very much for agreeing to do an interview for *Studies in Social and Political Thought*. I would like to start with a short overview of what you do at the moment. Our first question touches on liberal feminism and your first book, *One-Dimensional Woman*, in which you drew on Marcuse. You have been lately involved a great deal in anti-racist activism and the critique of state police. That might seem to some like a big jump. Could you maybe tell us a bit about what has happened between *One-Dimensional Woman* and now?

Nina Power: *One-Dimensional Woman* came out in 2009, but it was actually mostly written quite a long time before that and was drawn from a blog I had. That book seems quite distant to me now in many ways. I think it’s very much analysing a situation that is now over or has been transformed in certain ways, following the global economic crash. So it was almost like summing up an era that is, I think, much more brutal now in a lot of ways. All these images, for example of feminised labour, are still relevant, but I think it’s much harsher. You don’t even need an ideological consumerist supplement any more. It’s just more like survival now.

I guess politically what happened was that I was involved in occupations in several universities, like the Middlesex occupation where I did my PhD. The philosophy department was getting closed down and there was an important occupation in April that year. The management was very heavy-handed, banning professors from visiting the campus, as well as journalists - it was quite extreme. But it seemed like a precursor to other actions and obviously, that year, there were many other student occupations which built up to late November and December and the student protests. Finally, there was the student march on 9th December 2010, when things became extremely violent and many people were hurt and arrested. It was after that that I started thinking more seriously and systematically about police and state violence. I wouldn’t say it was totally unrelated to my feminist work, but I was probably more politically disengaged in that earlier
work. I think I was more cynical and trying to analyse some sort of cultural phenomena in some way, without necessarily providing or thinking about its political response particularly. *One-Dimensional Woman* is more of a polemic and it was supposed to be an intervention, not a programme.

After 2010 I was involved with *Defend the Right to Protest*, doing court support and activism around defending people. That made me start thinking a lot about the law, studying law, and trying to understand what the state is doing in a more proximate way - not least because we don’t have that much choice about our proximity to the state, which makes it immediately, on some levels, a non-theoretical question.

**EV:** Proximity to the state is indeed a very practical question. It has become quite obvious with the current rise of exposure of racist practices, which was brought to light with Ferguson, and since then it feels like it has escalated massively. We constantly hear about new people being killed, new hate crimes being committed, and it could be a strong basis for a state critique.

**NP:** What we were trying to do in 2010 was to tie together thinking about state violence during a protest or student protest with state racism and violence in custody and to say: well, look, they are all part of the same continuum and patterns of behaviour. There have been many deaths in custody for decades, but the last time any police officer was prosecuted in UK was in the late 60s. There have been hundreds killed, thousands actually, and campaigns such as *United Family and Friends Campaign* have been working for years to try to get some form of justice or recognition after the deaths of family members. Therefore, we ended up supporting many of those family and friends and supporting UFFC. Part of the reason we helped organise the recent *Ferguson Solidarity Tour* was because there seems to be a new recognition of this global quality of police violence, of the systemic racist police violence everywhere. We wanted to try to tie it back to the campaigns that already exist in the UK and to say to people here: ‘we have our own Ferguson happening all the time’. The people who spoke on the tour were mainly family members and people campaigning in this country. It was about making links between the two countries primarily, and about noticing the similarity in racist police behaviours: no-one getting prosecuted, the struggles the families have to face and all of those sorts of things. What you mentioned is more a global recognition of the way in which police have actually always behaved, but it has been tied into a series of global narratives like #Blacklivesmatter and ‘I Can’t Breathe’, slogans which are geographically transferrable.

For me, the difficult question is about ever getting any form of justice
anywhere. The Ferguson protests which shut down highways and shopping malls went on for 200 days. They were incredible protests and I think one of the interesting things about them is that they are not protests about something, they are protests to shut things down, to stop things working. They are not symbolic protests, they are literally ‘we have to stop the system from carrying on, however we do that’ - whether it’s shutting down airports, malls, or shutting down banks. I am very interested in these forms of absolute direct interventionist actions, which try to point out that the normal everyday workings of things are, in a way, part of the problem: the fact that things just go on, that there is never any recognition of the systemic nature of police violence and so on. This was another reason why we decided to work on the Ferguson tour - the moment you start looking at police violence, immediately one of the main questions that comes up is police racism. It would be absolutely hypocritical of us to be a protest campaign and not pay attention to that. It is not a liberal human rights campaign; we are trying to look up the worst excesses of the state, and who gets punished in the worst possible way. We have been trying to do work in this respect. For example, we held a workshop on prison abolition, which also brought up the question of immigrant detention centres and mental health institutions; and we tried to make links to the ways people are deemed to be excluded and the ways in which they are treated.

**EV:** The recent paper you presented as part of the *SPT* research seminar series was about the notion of mass subjects and the concept of ‘the public’ more generally. You conceptualised two notions of the public – one abstract in whose name things are done, the public order, which is ‘non-existent but omnipresent’, and the second as the public that takes over the streets, ‘embodied but constantly repressed’. In relation to that, I was thinking about the London riots and other protests like the ones you just mentioned, when people try to stop things from happening. More specifically, I was thinking about how you often get in newspapers that first type of public - shop owners, ‘ordinary people’, who couldn’t go to work because of a protest, the ‘other public’ that have been prevented from going about their daily lives by the protesters. I was wondering, how is it legitimised to prevent that public from doing these things? Why is one particular struggle so important that it is worth rioting and destroying people’s property? Could that be answered by what you just said about links and building solidarity?

**NP:** Yes, I think so. I also think that you have to say that, historically, all kinds of bottom up action don’t really get anywhere without disrupting the normal course of things. If you think about civil rights or suffragette protests,
these were disruptive processes that involved violence against property, for example. One thing that happened in the London riots, in order to try to counter this very imposed narrative that somehow it was about attacking small business keepers (which it really wasn’t, and if you think about the composition of London shops, there aren’t very many small businesses left) was that a riot wiki was set up which recorded the streets and detailed which shops had been attacked. It was basically always chain stores. It was not the poor little old man with his shoe shine business who was attacked - while this was obviously the narrative that reactionary sentimentalists wanted to promote. There was a real attempt to counter that narrative and point out the places that were attacked and a lot of them were loan shops and banks, casinos - places that explicitly were about the economy. Especially where I was, places that had to do with the repressive aspect of money were mostly the things that got attacked. I think the question of disruption should be looked at on a case by case basis - whatever strategy you use, what you would achieve by blocking this, what you will demonstrate by stopping something moving or stopping something happening. It’s hard to answer in the abstract.

Looking at ethics in protests, some of the interesting cases that people have actually won legally are cases in which they have been found to be preventing a greater harm. For example, there were those women who broke in and damaged the Hawk jets that were going to be used to bomb East Timor, and they were acquitted because they argued that they were preventing a greater harm. It is interesting that even the law can sometimes recognise that property damage is not always the worst thing in the world, even though it is completely geared towards protecting private, or, actually, mainly commercial property. The police didn’t give compensation to the businesses that were damaged in the riots, so it’s not as if they abide by their own false image either.

EV: It’s an interesting problem, this one of the two publics and of who has the right to disrupt other people’s lives. It is complicated because it’s hard to make that distinction both theoretically and practically - people who might be at the protest might also be the children of people who turn up to clean up the streets after the riots. The two publics actually bleed into each other and the boundaries between them are not that clear, especially when you see your protest as being about social change that will benefit everyone. For example, when you protest against racism, it’s not just about you; it’s about everyone living in a more equal society.

NP: The point of a protest is that it draws attention to the fact that the
ongoing smooth running of the everyday is actually completely subtended by these forms of repression and representation. They are not opposed, but it is the very thing that allows this to carry on and to reproduce itself. It’s dependent precisely on these sorts of violence and exclusion. I think that it is the moments that bring that to the fore which are important, and it’s vital to defend that.

EV: It is interesting to hear your attitude towards protests – it seems to me that a lot of academics and activists seem to treat each other with suspicion. Academia is seen by activists as a rigid hierarchical structure, while activists themselves have been constructed as subjects of study which the philosopher should not get too close to. How do you understand the relation between activism and academia?

NP: I don’t like false oppositions. I do understand activists’ suspicion about academics; I less understand academics’ suspicion about activism. It’s certainly true that a lot of academics, even if they work on something radical, are probably not interested in practical projects, although many of them are and are involved in specific campaigns or will always be at protests. I guess some people are worried about their position or don’t want to stick their neck out, or something like that. Maybe some people are just a bit settled. I don’t really like the term activist though - it implies that there is this separate group of people who are active and everyone else is doing nothing, or they are ‘passivists’ or whatever the opposite would be. That just seems wrong. I’m not an activist because I want to be ‘an activist’, I’m an activist (if we must use that word!) because I care about things, and a lot of people care about something, whether it’s their local library and/or austerity and/or benefit cuts, and so on.

EV: What about the place of academia within activism?

NP: I think there is something, maybe you can call it duty if we were to talk about ethics. I certainly feel like I have a duty to defend students who are protesting against the fee increase, because that is something we all believed in, we all marched together and we are all on the same side. It’s a question of mutual support and solidarity. I don’t see how we could have not supported the students who were fighting. We were all fighting the same way, it was just that some people got punished unduly harshly. I think the onus is on people who weren’t to support them. It seems obvious to me that if you have a shared political position or a shared political goal, you defend the people you are struggling with. That just seems obvious. But again, of
course, plenty of academics who were against the fee rise didn’t necessarily support students who were being prosecuted. What can you say about them? For me it was kind of inconsistent, and I think if you are an academic you maybe have a duty to think about how your work might relate to what is outside, and to be vigilant and wary about attacks on freedom - whether it is academic freedom or physical movement. It seems to me that it should come with the job.

**EV:** What about the other way around, if you are an activist what place does theory have in activism? Do you have a duty to know the theory behind your actions?

**NP:** The usual way we separate theory and practice is wrong as well. Obviously, if you are involved in particular actions or you go to court, that’s a horrible learning experience which forces you to reflect theoretically on what the state is doing. I don’t see how one can just say there is blind action on one hand, and high theory on the other - political things that happen reinforce or maybe alter your world view to some point. I definitely became more ‘radical’ after 2010, because I had seen what the police were doing and that then informed my work - being more interested in the law from a practical perspective, which then sent me back to my theoretical work. I wouldn’t make this separation at all. I know some activists might be like ‘don’t give me theory,’ but I would say probably that their political positions, being anarchist or libertarian, is deeply theoretically rooted even if they don’t want to state it. It’s a more complex picture for everyone.

The more we have of political action and theory the better. I don’t like this idea that it is one or the other, or that there is scarcity. If we have a good theory about our practice and a good practice that feeds back into the theory, that’s great. I don’t see why there should be a strange rivalry - that would seem to defeat the point of our politics. I’m all for more of everything, as long as it makes sense and it’s useful.

**EV:** Some of your works explore the notion of the subject through Badiou and Balibar’s transindividual. Could you go over that for us a bit?

**NP:** This was my PhD which I finished now seven years ago, and I’m still working pretty much in the same area, but this is where the law has come in and changed things a bit. I’m still looking at theories of the collective subject, whether these are more abstract, Marxist or postmarxist conceptions of the transindividual or the multitude, for example. And that combined with thinking about mass collective subjects in practice, like ‘the crowd’, ‘the
protest’. I’m interested in how those two things might link together, how the state conceives or conceptualises them, and I’m trying to put them all together. Not just say ‘oh, here is a theory about the multitude, isn’t that nice, it’s an ontological theory about communism’, but to say ‘ok, fine, but how do we really get divided into groups and how are groups treated? And how is the bourgeois liberal subject - the named bourgeois liberal subject - in court treated as part of a group, as part of a collective action or particular position? I think you can’t really look at one or the other, for example, and I try to make those links between more abstract Marxist theories and others.

I went to see Etienne Balibar speak last night. He gave a paper on the concept of the multiversal, in relation to questions of universality. He tried to think of concepts that go beyond universality, and it was fairly abstract, very theoretical. I was a bit frustrated because I wanted him to link it back to real suggestions about how capitalism shapes our lives and maybe how our conception of the universal comes from exchange value - it’s not just some term that happens to be around in this tradition - and then also to think about universal and multiversal in practice; what are they? Are they groups, are they subjects, classes? It’s a term he wants to resurrect instead of ‘the universal’. On that level there is some frustration.

I think there are academics who only want to look at Jacques Rancière, Alain Badiou and so on, even though these figures are political and do political work themselves, particularly Badiou. The people working on them in the UK don’t necessarily want to speak about things like law and how the state actually works in the UK. They are happy to look at the concept of the police in Rancière, but are not interested in how the police actually work in London. But it makes much more sense of the ideas if you apply them to concrete situations. It’s neither to say only theory nor only practice: it’s the same. It’s always about how it relates to concrete relations and institutions. We can talk about Rancière’s concept of the police forever, but that doesn’t tell us anything about the police. Without being vulgar or naive, I think that, on one hand the more empiricist approach can learn from theory and theoretical constructs, and that, on the other hand, a pure theoretical approach is just going to be talking to itself. I’m interested in this style that tries to combine both somehow, that doesn’t give up on theory at all. Precisely the opposite: it would try to mobilise theory in a way that tells us something more than what we can simply get by just looking at the structure of the Metropolitan police alone. This is my current (condensed) project, I suppose; to draw theoretical and political conclusions about those things.

EV: I agree that this should be the aim of theory, but there are a lot of people who just like to do theory for the sake of theory. I always feel like it’s often
unnecessary, but it is their choice. I cannot really object if that’s what people want to do.

**NP**: It’s interesting if you spend more time with people who have no choice but to deal with the state. The idea of just being an academic, it’s a very specific thing to be. There are people who are forced to have relations to the state but might rather sit at home and read Hegel. They don’t have the choice. You wouldn’t say to them: ‘you are less intellectual because you have to spend time in court’. This idea of removing yourself from a political context, only liking theories of communism, I don’t understand what that might be in reality. I suppose I’m not in that position anymore, so I can’t really relate to it. It seems to be a position of wilful self-preservation.

**EV**: Perhaps this could be related to universities turning into businesses selling products to students as customers rather than centres of knowledge?

**NP**: The class composition of universities has always been pretty bourgeois, but I think what happened in the 60s has been terminated and it’s now really hard to be a working class person and get all the way to getting a PhD. It’s almost impossible, whereas before that there was a moment of two-three decades when that was a possibility. You have class reproduction through academia as well. It’s hard for students if they are working all the time and have families, to be fully immersed in the university outside their modules and that’s part of how things are. But it means you can’t have an image of the student as pure student. The student is always a worker as well.

**EV**: Did you see that Chile has just introduced free education, as well as Germany last year.

**NP**: Places like Chile obviously had very important mobilisations over months and months, and years. This is what it takes. It takes years, massive public support, setting up bases in neighbourhoods, all that work - and we just don’t have that here. A large number of people supported the students but didn’t come to the streets. We didn’t win.

**EV**: Is there a sense that the outcome has been politically exploited in some way, and do you think this disrupts the idea of solidarity with Chile, as an example?

**NP**: I’m not a purist on this. If some political movements, like Syriza, do good things, they do good things. The fact that they are not perfect
communists doesn’t matter so much. I don’t have the fantasy that people should just suffer until we can have perfect communism. Some of the things we want might come from a left-wing or a socialist government, and not a communist one. It does not mean these things are not good.

**EV:** So you think it’s important to vote in elections, maybe to prevent UKIP from getting more seats?

**NP:** People always make a big deal out of elections, but I always think that voting just takes ten minutes. If there was a mass call for spoiled ballots, as has happened, or if people refuse to vote as a political protest, then sure. Whether you vote or not doesn’t mean that you can’t be involved in quite extreme radical actions. I don’t really care one way or the other about voting. But if there were a Syriza party in the UK, I would vote for them. They are all war-mongering, horrible capitalists and some are more or less explicitly fascist than others, but at the end of the day they are all basically the same.

**EV:** What about the elections in Greece? Perhaps the recent elections were an example of the public taking control over public life?

**NP:** It’s great. I know some of the people who advised Syriza. Some of them are academics, and it’s interesting to see that people who have written about politics and philosophy and people like Costas Lapavitsas are there. These are people who I have a great intellectual respect for and they have great politics. It would be very interesting to see what happens and whether it would be Greece on the whole that gets trashed by the rest of Europe. If it were the case, I don’t think it would be Syriza’s fault. It would be whatever action Merkel and the others want to take. That’s the dangerous situation. But we shall see.

**EV:** This type of international solidarity between cultures and ideologies is very interesting -especially between ideologies. People in the UK often seem to avoid self-identifying strongly with a particular position, but you can find plenty of solidarity going across borders. It seems that the focus is more on specific struggles than on ideological convictions.

**NP:** This is a difficult question and I don’t really have an answer. The more you work on issue campaigns, the more the question of how you link it back to a more theoretical political position becomes an open question. In our campaign we don’t all have the same politics. Our politics may be very similar, but a lot of people in the group are lawyers and people who have
different positions about the riots and the actions people are taking, and what the best way to achieve change might be. But we are all nevertheless united in terms of what our aims are in the campaign. So it is possible to work with people who don’t agree on absolutely everything, i.e. strategies, aims, theory. It’s actually important to do that as well, because otherwise you just end up having an echo-chamber conversation with your two friends, and you all have the same theory. That’s fine, but it won’t necessarily force you to confront real issues. For example, one real issue is that many of the family members of people who died in custody want to pursue legal avenues, in order to get justice - even though it’s extremely unlikely if you go through IPCC, the civil prosecution or CPS to prosecute a police officer. It’s one way of doing it, but what this means is that you have to be very measured. If you are in this position, you can’t give talks in which you call people to take over the streets. On the contrary, other people want there to be more direct recognition, more vocal or radical action. They don’t want to pursue legal avenues. We thus have to constantly think about the best way to help and support families in what they want to do. If we are too ultra-left, we can’t work with them, the lawyers and the families; but then the more revolutionary people can just be like ‘fuck you, reformists’. So it’s a really difficult question because there are genuinely very good reasons why people have these different relations to the state, explaining what they want to do and how they want to proceed. It’s not about having a set solution, but just to say that it’s an ongoing process - how you negotiate these different desires.

**EV:** I guess it depends on your desired outcome. If you want to help these people materially and do the things they want to do and have a victim-oriented approach, you may need flexibility with your ideas of politics or engagement. You need to leave it open for people, especially if you are a privileged person helping non-privileged people.

**NP:** Definitely. But it doesn’t mean that you are not committed to other forms of action or change. The fact that some people pursue the legal routes doesn’t mean that they would not support systemic change as well. Again, I don’t think these things are mutually exclusive. You pursue one strategy one time, but that does not mean you don’t have a bigger goal.

**EV:** This all leads up to my last question. I was wondering if you could reflect on the things you have rejected on your way. What led you to these particular theories and places, this specific type of activism?

**NP:** I feel that I was forced by circumstances to get more involved.
Something obviously happened: what happened to Alfie [Meadows], and that people were arrested and sent to prison. The protest itself was very violent. At the time, it seemed like I had to get involved and do something. I was so angry and upset by what was happening. It felt like I couldn’t do otherwise - I had to do this. I guess I might have rejected along the way people who moan all the time - but that’s not a very political category; people who are constantly politically pessimistic, as an excuse for not doing anything, or people who don’t leave anything to chance and say ‘this is bound to fail’. In terms of theory - probably because I’m not a very good academic from the standpoint of what it means to be a good academic per se - I had a tendency get really bored. I would read something one year and think ‘this is really interesting’, and then the next year read something else. I never really understood people who have been working on something for thirty years - it’s just so boring. It is mainly a question of temperament: read Rancière for nine months, read Badiou for two years, that sort of thing. I guess the point is to be, hopefully, able to keep those ideas, or whatever is important, from them whilst also seeing their limitations and not end up being a Badiouian or Rancierian, and be whatever.

I understand what it’s like to inhabit a theoretical universe, like a Marxist one for example. We think through these terms all the time but, at the same time, I hate that model of academic admiration or worship. It just seems completely counter-productive for politics - how could you organise horizontally and then somehow worship someone. It doesn’t make sense. I probably don’t take anything seriously, even though I read people very seriously. I wouldn’t take everything they did or said as gospel. I find it quite interesting to put different approaches together, for example I recently wrote something on Federici and Bifo trying to think of the relationship between social reproduction and care of the body, along with things like Bifo’s image of the network brain and psychiatry. It’s much more interesting to do that, contemporary feminist work next to Badiou, queer theory and Rancière. At the same time I don’t like a lot of interdisciplinary theories or work, so I guess I’m contributing to things I don’t like. But I just find it conceptually and politically interesting to try to forge positions that move between supposedly discrete parts of contemporary theory.

Nina Power (N.Power@roehampton.ac.uk) is an academic and activist with a wide range of interests, mostly philosophy, art, feminism and politics. She is the author of One-Dimensional Woman (Zer0, 2009), and also writes for the Guardian, Radical Philosophy, Wire and Film Quarterly among others. She is currently teaching at Roehampton University and the Royal College of Art.
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This interview was conducted in person, recorded, and later transcribed. In the interests of clarity and academic integrity, all interviewees are invited to edit their responses after transcription.
The role of the common law jury as direct deliberative mechanism for the democratic self-legitimation of law: an analysis of the function of the common law jury in the light of a reading of Habermas’s social and legal theory.

by Valerie Whittington

This paper was awarded the Gillian Rose Memorial Prize for Social and Political Thought 2013, awarded to the best essay from the MA in Social and Political Thought at the University of Sussex. The following is a shortened version of the original dissertation.

Abstract

The concept of legitimacy is examined (I) through a reading of Habermas’s work on communicative action, and through a reading of the opening chapters of Between Facts and Norms. The claim that legal juries function in a manner similar to a ‘parliament’ is rejected in favour of a claim that they exercise a decentred ‘particle’ of popular sovereignty. (II) An analysis of the jury’s lifeworld origins is undertaken and, (III) the essay then considers the democratic function of the operation of ‘jury equity’ whereby juries may produce ‘perverse’ decisions, or as described in the USA – jury ‘nullification’ whereby juries bring in verdicts that go against overwhelming evidence.

Introduction

In his theory of modernity, Jürgen Habermas (1996, p. 40) makes reference to the capacity of money and power to have a pernicious effect upon the legitimacy of law, so that the legal sub-system ends up providing legal justification for transactions secured by an illegitimate operation of the economic and administrative systems ‘behind the backs’ of the citizens of a society. This has important ramifications for democracy and its operational effectiveness. If true it undermines the legitimacy of law and the authority of the democratic state that underwrites its coercive power. It also throws
into question the operational effectiveness of metasocial mechanisms for the ‘self-legitimation’ of law which aim to be invulnerable to forms of strategic and instrumental manipulation. This essay explores the question as to how juries as direct, democratically constituted bodies, engaged in deliberative communicative action aimed at achieving consensus, bolster legitimacy within the common-law legal system. The idea is developed through a reading of Habermas’s constructs of the ‘lifeworld’ and the ‘public sphere’ which are largely missing from the academic literature on legal juries produced by jurists. It is suggested there is ground to be gained in both directions: for the theoretical understanding of juries and for the further development of the understanding of the interaction between Habermas’s concepts of ‘lifeworld’, public sphere and legitimacy. The exploration gives ground for further study of the theoretical and practical issues surrounding the use of citizens’ juries as direct deliberative democratic forms.

(I) What is legitimacy according to Habermas and how is it constructed in the legal context?

In its broadest sense legitimacy is concerned with the ‘rightness’ of a claim, imperative or action. Legitimacy as an aspect of communicative action is concerned with commands, orders and imperatives: it gives a speech act authority which suggests it ought to be obeyed. In this sense it has a ‘normative’ aspect standing ‘behind’ the claim that it should be obeyed, which suggests it can be justified by reference to universally applicable norms. Norms in moral theory are universals and Habermas argues that in the ‘postmetaphysical’ era when external validation cannot be sought from an infallible divine source, norms must be legitimated by other means.

Like rules, legitimacy can only have meaning within society: “to think one is obeying a rule is not to obey a rule…it is not possible to obey a rule ‘privately’: otherwise thinking one was obeying a rule would be the same thing as obeying it” (Wittgenstein, 1953, p. 81, cited by Habermas, 1987, p. 17 – 8). Legitimacy only functions in a context of intersubjectivity (Habermas, 1987, pp. 1 - 76). Without language and its structuring of subjectivity through the different linguistic relations of the pronouns ‘I’ and ‘me’ (and we) there could be no context of communicative action to enable the making of ‘validity claims’ through statements asserting truth,rightness or sincerity of expression. Without communicative action there could be no context for dissension, which Habermas claims is operationalised through communicative freedom and gives interlocutors the power to accept or reject any claim. Habermas associates this freedom with the fundamentally non-coercive nature of communicative action because validity claims are always
open to rejection (Habermas, 1996, p. 119 and p. 127). Habermas weaves subjectivity, intersubjectivity, language and claims to validity into ‘personhood’ but does not reduce this to a mere theory of ‘consciousness’ because he steers away from the individual towards an intersubjective construction and finally towards objective processes of rationalisation and systematisation. Fundamental to the derivation of this intersubjective legitimacy is Habermas’s theory of discourse.

**Discourse and legitimacy**

Discourse according to Habermas is governed by rules that underwrite its basic logical coherence; normative rules that govern its reliability, such as the rule requiring that speakers are sincere, and that they undertake to justify their assertions or explain why they won’t, and rules that try to ‘protect’ discourse to ensure power cannot prevent the success of the ‘better argument’. If operating, these rules “direct participants towards a rationally motivated consensus” (Finlayson, 2005 p. 43 onwards). The rules for the ‘ideal speech situation’ include that every subject has competence to speak; everyone is allowed to question any assertion; everyone is allowed to introduce any assertion; everyone is allowed to express his attitudes, desires and needs and no speaker may be prevented, by internal or external coercion, from exercising those rights. These rules are *idealizing* because they direct speakers towards a rationally motivated consensus: “A discourse in which the voices of all concerned are listened to, in which no argument is arbitrarily excluded from consideration and in which only the force of the better argument prevails, will, if successful, result in a consensus on the basis of reasons acceptable to all” (Finlayson, 2005, Kindle, 36%, page 44 of 137, Loc 934 of 2607). Whether or not the parties actually agree is not in fact relevant provided they ‘could’ agree to the terms of the discussion. As considered below this is problematic as the theory appears to rely upon a ‘universal’ norm that sets out the terms of discourse that leads the theory back towards the problematic justification for the moral universal norms mentioned above.

In the legal and political context:

According to the discourse principle, just those norms deserve to be valid that could meet with the approval of those potentially affected, insofar as the latter participate in rational discourses. Hence the desired political rights must guarantee participation in all deliberative and decisional processes relevant to legislation and must do so in a way that provides
each person with equal chances to exercise the communicative freedom to take a position on criticisable validity claims. Equal opportunities for the political use of communicative freedoms require a legally structured deliberative praxis in which the discourse principle is applied. Just as communicative freedom prior to any institutionalization refers to appropriate occasions for the use of language oriented toward mutual understanding, so also do political rights- in particular, entitlement to the public use of communicative freedom- call for the legal institutionalization of various forms of communication and the implementation of democratic procedures. These are meant to guarantee that all formally and procedurally correct outcomes enjoy a presumption of legitimacy. (Habermas, 1996, p.127)

Hugh Baxter (2011) has claimed that Habermas’s ‘discourse principle’ is inconsistent with his theory of procedural legitimacy: “Ultimately, the shift to the procedural focus cannot save Habermas’s discourse principal. Procedural norms are positive legal norms, and as such, they are within the scope of the discourse principle” (Baxter, 2011 pp. 97-98). Being within the scope of the discourse principle means they are tied to at least one norm – that of the Discourse principle itself. Baxter claims that the democracy principle – the discourse principle as applied to laws – still contains an (impossible) universal element within it. “If procedure is to bear the weight of legal and political legitimacy, then procedural norms, above all, would have to qualify as legitimate. Given the discourse and democracy principles, that seems to require that the legal norms that constitute and regulate the democratic lawmaking process must themselves be capable of receiving the citizenry’s universal assent” (Ibid.). It is accepted here that it is difficult to imagine how this could ever be realised. Perhaps in a ‘decentred’ modern society in which all normative ‘agreement’ occurs, the ‘universal’ agreement on the Discourse principle which clearly cannot be achieved ‘at once’ and ‘forever’ might better be regarded as ‘fractured’ and ‘parcelled out’ agreement that must accept the limitations of its own formation across time and in a variety of locations. Whatever the solution, the problem will not be solved here but it is acknowledged and it means that what follows must be prefaced with a presumptive ‘If we accept the discourse principle then…’

When Habermas links communicative freedom to the right to participate in rational discourses and connects both with political deliberative and decisional processes, he envisages an ‘ideal’ set of conditions in which discourse will take place. If this occurs – if the procedural criteria of discourse are achieved – then what results from this discursive
arena will be *presumed* to be legitimate. Habermas’s theory of legitimation is based upon an ‘ideal speech situation’ that guarantees non-coercively the success of the better argument, where “[u]nder conditions of ideal deliberation ... ‘no force except that of the better argument is exercised’” (Held, 2006, p. 238). It is worth noting that David Held here quotes from Habermas’s 1976 text *Legitimation Crisis*. In later texts Habermas revised his position on force via a pragmatic political turn to the effect that if ‘force’ is to be employed then reasons must be stated. Finlayson (2005) notes that by *Between Facts and Norms*, Habermas has developed a democratic principle (D) that specifies the necessary condition of the validity of action-norms that holds also for legal and moral norms so that ‘Only those laws count as legitimate to which all members of the legal community can assent in a discursive process of legislation that has in turn been legally constituted’ (Habermas, 1996, p. 110). The coercibility of these norms does not rely upon actual agreement but only upon its ‘amenability to consensus’: “a norm is legitimate only if all members of the legal community can assent to it, and they can do so because it has been produced by a formal decision-making body which incorporates deliberation and discourse, is open to input from civil society, and conforms with legally instituted system of rights....The democratic principle only implies that legitimate laws must merit the assent of all members of the legal community; not that they must actually find it... ”; “Habermas’s theory of law, like his theory of morality, relies heavily on this distinction between what is in principle amenable to assent, and what in practice finds such assent” (Finlayson, 2005, Kindle, 75%, p.116 of 137, Loc. 1960 of 2607).

**Law, Legality and Legitimacy**

Legitimacy in its very broadest Habermasian sense concerns the rightness of imperatives at the level of the individual speech act, or ‘command’, but it is also phylogenetically related to the legitimacy claims of ‘law’ in the juridical realm and ‘sovereignty’ in the political realm, the differences being how legitimacy is achieved and enforced in each field. In the legal and political realms the significance of legitimacy is that it carries with it coercive force: the fact that coercion is employed to enforce legal and political commands backed by norms, contrasts with communicative action, where agreement is achieved intersubjectively and consensually. For Habermas the absence of a metaphysical validation of law in the post-metaphysical era has given rise to a split between the facticity and normativity of law. This is reflected in the division in the use of the terms ‘legality’ and ‘legitimacy’ (Habermas, 1988, pp. 97–100). Legality is found in the form of positive law...
and operates in accordance with clear and discoverable legal rules produced within the context of a supportive state apparatus that claims legitimacy from the operation of free and fair democratic processes. In what follows the historical legal development of the jury system – its positive aspect – is not considered, however it is taken that its legitimating capacity needs to be understood in its legal context and this changes depending upon historical and cultural factors. An Athenian style jury of male citizens or a colonial jury that excluded the indigenous population would not be considered legitimate in a modern liberal democracy. For an exploration of the pernicious ‘legitimacy’ of the colonial jury see Richard Vogler’s “The International Development of the Jury: The Role of the British Empire” (2001; in Hans, 2006).

In the first chapter of Between Facts and Norms, Habermas sets out a socially integrative role for law and addresses the problematic question of how law can fulfil that function aimed at the stabilisation of society in the post-metaphysical modern situation of “a predominantly secular society in which normative orders must be maintained without metasocial guarantees” (Habermas, 1996, p. 26). He concludes “along with Parsons and Durkheim,” that this stabilization cannot be effective simply on the basis of the instrumental “reciprocal influence of self-interested actors”. Habermas claims that purely instrumental and self-interested action does not have the capacity to integrate and stabilise society without the intersubjective influence of communicative action aimed at achieving consensus. However in a modern, diverse and pluralist society discursive non-coercive communicative action alone is insufficient to achieve this integrative goal when the archaic bonds and the “ties of sacred authorities” have been loosened. A new kind of norm is required to fulfil the integrative challenge: a norm capable of bringing about “willingness to comply simultaneously by means of de facto constraint and legitimate validity” (Habermas, 1996, p. 27). In effect Habermas is casting around for a norm that can re-unite facticity with its normative validity to restore the authority lost by the absence of divine assurance under conditions where the poles of action oriented to success (instrumental action) and action oriented to understanding (communicative action) have been driven apart to produce a “perceived incompatibility of facticity and validity” (Habermas, 1996 p. 27, italics in original).

Habermas found his solution, in a return to Kant’s Doctrine of Recht and the system of rights “that lends to individual liberties the coercive force of law” (Habermas, 1996 p. 27). This line of connection to individual rights which justify coercive protection, is taken from The Metaphysics of Morals/Doctrine of Recht. It offered Habermas a bridge to the ideals of autonomy; private and public: “In the legal mode of validity, the facticity of
the *enforcement* of law is intertwined with the legitimacy of a *genesis* of law that claims to be rational because it guarantees liberty. The tension between these two distinct moments of facticity and validity is thus intensified and behaviourally operationalized” (Habermas, 1996, p. 28). As a consequence, Habermas claims that the coercive aspect of law legitimised in this way provides two possible performative attitudes that satisfy the demands of both: 1) rationally choosing actors who *expect* enforcement and so comply - for whom the law has de facto validity and 2) actors who want to reach understanding and seek normative recognition with others - for whom the law achieves normative legitimacy capable of inducing respect (Habermas, 1996, p. 31).

**Autonomy and legitimacy**

In Habermas’s theory, autonomy remains a key legitimating concept for law because law protects each citizen’s self-legislation as a private individual (Kant’s morally autonomous Enlightened subject obeying the self-given ‘moral law’ within). It is that which Kant, in Habermas’s reading, calls upon coercive power to defend and it is simultaneously that which for Habermas will secure rule acceptance. The rules must be self-given and in a democracy the laws must be written by those who live under them. This self-legislating role requires at the very least *the possibility of* participation in political activity, such as voting or standing for office, and has implications for the possible legitimacy of laws passed by the representatives of the people under a constitution (Habermas, 1996, p. 110). However the democratic constitution proposed by Habermas must function in the social condition of complexity and ‘modernity’, in which illegitimate power relations based on ‘interest’ seek to inhibit and interfere with the mechanisms that provide democratic legitimacy both to the state and its laws. This situation is intensified under a representative system where the citizen’s participation is reduced to ‘acclamation’ in elections. In the modern representative democracy it is suggested that parties use the mass media to manipulate the electorate to create an unthinking party allegiance, and in which system, voters are effectively reduced to the condition of consumers (Habermas, 1991, p. 176). The public sphere is denuded and the effect of organized interests turns legislators into the agents or principles of parties (not simply ‘political parties’ but also those of special-interest groups) (Calhoun, 1992, pp. 26-27).

The role of the state is vital to protect both private and public autonomy against “the overpowering of the legal system by illegitimate power relations that contradict its normative self-understanding”, but this is difficult to achieve in a context where the system-steering and integrative mechanisms of money and administrative power operate ‘behind the backs’
Institutions of private and public law make possible the establishment of markets and governmental bodies, because the economic and the administrative system, which have separated from the lifeworld, operate inside the forms of law....

Often enough, law provides illegitimate power with the mere semblance of legitimacy. At first glance one cannot tell whether legal regulations deserve the assent of associated citizens or whether they result from administrative self-programming and structural social power in such a way that they independently generate the necessary mass loyalty.

The less the legal system as a whole can rely on metasocial guarantees and immunize itself against criticism, the less scope there is for this type of self-legitimation of law. (Habermas, 1996, p. 40)

The above is quoted at length because it is precisely in this arena that the role of the jury can be comprehended within the common-law legal framework as a communicative and democratic mechanism for the legitimation of law. But what does it mean to speak of any system as ‘self-legitimating’? It requires that there should be a mechanism internal to a system that accords it validity, in some senses as a formal constitution does a state, or as a ‘procedure’ does in Habermas’s theory. Using this construction, it is suggested here that the jury is a mechanism which works in a similar fashion for the ‘uncodified’ common-law.

This is problematic however from a Habermasian perspective because of the case-law basis of the common-law that appears uncertain, revocable and endlessly amendable. If this revocation and amendment occurs in the absence of a valid claim to legitimacy then the positivity of law “[forfeits] its capacity for social integration” (Habermas, 1996, p. 38). Habermas leads the search for law’s legitimacy back to its origin in the legislative process and as a consequence the entire common-law, in Habermas’s system for legitimating the law, appears undemocratic. To understand why that is, we need to consider what makes for a ‘legitimate’ legislative process for Habermas, and this means considering ‘popular sovereignty.’

Modern democracies have decentred societies, where economic action, typified as “the decentralized decisions of self-interested individuals in morally neutralised spheres of action,” (Habermas, 1996, p. 83) relies upon positive law to secure liberties by coercive means in order to permit it to ‘get on with business’. The administration also needs positive law to enable it to
manage its welfare responsibilities. Leaving open the motives for compliance, “[t]hese laws draw their legitimacy from a legislative procedure based for its part on the principle of popular sovereignty. The paradoxical emergence of legitimacy out of legality must be explained by means of the rights that secure for citizens the exercise of their political autonomy” (Habermas, 1996, p. 83). Additionally, democratic legislative procedure can only draw its legitimating force from a process where citizens “reach an understanding”. This process whereby citizens reach understanding upon ‘rights’ is the forging of ‘popular sovereignty’, but these two aspects give rise to quite different political structures depending upon the emphasis placed upon them. The liberal tradition structures its ideal State around ‘individual rights’, and the Republican tradition around ‘popular sovereignty’. Habermas (1994) however tries to offer a procedural ‘third way’ that keeps both traditions in sight.

The ‘third way’ proposed by Habermas in “Three Normative Models of Democracy” introduces his discourse theory and takes elements from both liberal and republican traditions and “integrates these in the concept of an ideal procedure for deliberation and decision-making” (Habermas, 1994, p. 6). This “proceduralist” method (Habermas, 1996, p. 135) triangulates ‘practical reason’ expressed in “the rules of discourse and forms of argumentation” with both “universal human rights” and “the ethical substance of a specific community”: “In the final analysis, the normative content arises from the very structure of communicative actions” (Habermas, 1994, p. 6). Habermas suggests this ‘shift’ of the normative weight into discourse makes for a better ‘fit’ with society and the state under the condition of modernity. It offers a “constitutional answer to the question of how the demanding communicative forms of democratic opinion-and will-formation can be institutionalized” (Habermas, 1994, p. 7). The multiple connections between state and “peripheral networks of the political public sphere” thus reflects the decentred society of the complex postmetaphysicial modern world (Habermas, 1994, p. 8).

The significance for legitimacy is that administrative power is produced through a sluice of “a public use of reason and a communicative power” (Habermas, 1994, p. 9) that feeds into and programs it. Public opinion “worked up via democratic procedures, cannot ‘rule’ of itself but can only point the use of administrative power in specific directions” (Habermas, 1994, p. 9). As a result “[d]eliberation is certainly supposed to provide a medium for the more or less conscious integration of the legal community,” as contrasted with a republican position where “the self-organization of the legal community, is not at the disposal of the citizens in any way” (Habermas, 1994, p. 9). Furthermore, “the only law that counts as
legitimate is one that could be rationally accepted by all citizens in a
discursive process of opinion-and will-formation” (Habermas, 1996, p. 135).

Public opinion produces influence, influence produces communicative power and via elections communicative power is
transformed into administrative power. This “suggests a new balance
between the three resources of money, administrative power, and solidarity,
from which modern societies meet their needs for integration” (Habermas,
1994, p. 8). For Habermas this has a normative implication because “the
integrative force of ‘solidarity,’ which cannot be drawn solely from sources
of communicative action, should develop through widely expanded and
differentiated public spheres as well as through legally institutionalized
procedures of democratic deliberation and decision-making. It should gain
strength to hold its own against the two other mechanisms of social
integration – money and administrative power” (Habermas, 1994, p. 8). It is
precisely as ‘a legally instituted procedure of democratic deliberation and decision-
making’ in which all citizens can potentially participate that the jury
functions, and that is why the claim is made here that it is part of the
arrangement of mechanisms envisaged by Habermas as providing social
integration and legitimacy. It is also this reading of the ‘separation’ of
democratic power between its ‘external’ legitimation by public opinion and
its manifestation in administrative acts that leads to the claim here that the
jury operates as a ‘public sphere’ as opposed to a ‘mini’ parliament exercising
legislative sovereignty in its own right. In this way it forms part of the “‘self’
of the self-organizing legal community” that “disappears in subjectless forms
of communication that regulate the flow of deliberations in such a way that
their fallible results enjoy the presumption of rationality.” If this is not to be
an ‘exaggerated’ claim, no better in foundation than the rhetorical claims to
the value of the jury made by sympathetic common-law jurists, then
Habermas’s claim for the capacity of ‘procedure’ to legitimate must also hold
good. It is acknowledged here that that claim itself is problematic.

The question of how successfully procedure legitimates law and how
law functions as a mechanism for social integration is challenged by John
Sitton (2003) in Habermas and Contemporary Society. Sitton offers criticisms of
Habermas’s theory from a Marxist perspective. He argues that the
lifeworld/system distinction “obscures our ability to grasp the extent to
which global capitalism is a political construction” (Sitton, 2003, p. 151). In
his analysis the application of ‘law’ appears a weak alternative to political
praxis and analyses of power. Hugh Baxter (2011) in Habermas: The Discourse
Theory of Law and Democracy is also unpersuaded by Habermas’s distinction
between lifeworld and system (Baxter, 2011, pp. 97-98, p. 177). How
effectively the jury achieves or contributes to this process of integration will
not be considered, nor how able the law is at countering the illegitimate operation of money and power. This essay will focus upon elucidating how it is possible to make the claim for the jury that it can contribute to this process. The operation of money and power in society and the relations of these systems to the legal system would need a comprehensive critique which is not offered here, and it is acknowledged that any judgement upon the democratic effectiveness of the jury would necessarily have to be postponed until such a fuller account could be undertaken.

Juries and autonomy

In the UK the jury operates within the common law and therefore is part of the legal sub-system and yet its personnel are not of the system. The jury exercises a form of autonomy within the system whereby the citizenry, drawn directly and randomly from the lifeworld, act as a check upon the development of the separate interests of law as a system per se because juries cannot be compelled to their decisions by judges or any other personnel of the legal sub-system. If illegitimate power is the province of money and (administrative) power, and if the legal system is in danger of immunizing itself against criticism (by its own internal mechanisms of self-justification found in universalising theories of justice), overly pressurised as it is by “the secular pressure of the functional imperatives of social reproduction” (Habermas, 1996, p.40), then the jury might be considered an acceptable democratic alternate mechanism for the self-legitimation of the legal system which would then not depend entirely upon the elected legislature for its legitimacy. The necessity for such an internal mechanism is understandable in the context of the common-law system where law is not only the product of Statute law made by the legislature, but is also found in cases and is ‘judge-made’. The jury is not external to the legal system; rather it sits in court, determines the outcomes of cases and is involved directly in the application of ‘common-law’ concepts derived from case-law. It will be seen below that for some commentators the jury should have no business with the ‘law’ but should be restricted to acting as an instrument solely for the determination of fact. However even this task is impossible in a common-law court without the necessity for the jury to engage with ‘judge-made’ law. For example, jurors must apply the mens rea concepts of ‘intent’ and ‘recklessness’ that are only defined in case-law and which the judge must explain to the jury. In earlier incarnations the jury was also expected to rule on the law (Gobert, 1997, pp. 35–45; Abramson, 1994, Ch. 2), and in this capacity as source of validation, it is claimed here that it provides the law with an alternate directly democratic and communicative internal
mechanism for self-legitimation. In 1649 the English radical Leveller John Lilburne demanded jury trial on charges of treason against Cromwell. Lilburne successfully defended himself, and won over the jury to acquit him arguing that juries had the right to judge both the facts and the law (Brailsford, 1983, p. 601). Lilburne faced down his judges with the claim: "You that call yourselves judges of the law are no more but Norman intruders; and indeed and in truth, if the jury please, are no more but ciphers to pronounce their verdict" (Brailsford, 1983, p. 598; Gregg, 1961, p. 299). Lilburne appeared to envisage the jury as exercising something akin to popular sovereignty.

The claim to the jury’s democratic legitimacy in the modern context is founded upon the equal opportunity to participate in decision making afforded by the jury system (Abramson, 1994, Ch. 3). In the context of a parliamentary representative democracy the jury is not associated with popular ‘sovereignty’ per se. The jury works in an intersubjective and communicative fashion in the Habermasian sense. It seeks to achieve a consensus between participants in a uniquely constructed ideal speech situation which complies with Habermas’s rules of discourse. Being drawn randomly and directly from the lifeworld, with its autonomy protected by statute and case-law, it is - in theory - rendered immune to the influence of systemic power in the form of money or administrative power and also in effect immune to the legal ‘system’ because its right to be the sole arbiter of fact is protected: Bushell’s case 124 Eng. Rep. 1006 (C.P. 1670). Ideally the random selection of jurors neutralises the influence of ‘interest’ because in a diverse and pluralist society the jurors will present a cross-section of interests. Seen in this way the jury becomes an ‘ideal’ self-legitimating mechanism for the law as it endorses the law in its ‘factual’ nature as determinative and coercive, yet it simultaneously dispenses validity and acceptability in its role as defender of individual rights in court and in its embodiment of civil public rights. The role of the jury throughout the history of the common law system has been championed on these grounds.

This history and the claims made for the jury’s popular democratic pedigree is often cited but seldom elaborated in a theoretical fashion by common law jurists. Abramson (1994) is a typical example of a thoroughly researched study that is rich in case-law and historical detail but largely empty of theoretical analysis. If however we analyse the role of the jury through Habermas’s theory of legitimacy it offers a theoretical underpinning that avoids the resort to ‘higher’ law or to ‘Justice’, or to the claim that the jury operates beyond the reach of law in an entirely autonomous region of its own in such a way that the ‘popular sovereign’ idea perhaps suggested by Lilburne and also by Patrick Devlin (1956) who characterised the jury as
a ‘mini-Parliament’ are revealed as overstatements. From the elucidation of Habermas’s theory of legitimacy above, the jury appears as a constituent element *within* the legal sub-system with a claim to be a mechanism of uncoerced self-legitimation. Uncoerced, in the sense that its deliberations and conclusions are not under the control of money or administrative power even though the condition of jury ‘service’ is itself coercively enforced albeit with provisos permitting non-attendance in certain situations.

II How juries function as a type of self-legitimating mechanism within the legal system.

*Lord Thomas of Gresford:* My Lords, I happened by coincidence to be reading a summing-up on Sunday, and I shall quote what the judge said to the jury. I think it is helpful to see how democratic principles are applied to a jury... The judge said:

“You stand in between the state and the accused person. Trial by one’s peers has a long history in our jurisprudence as being the most tried and tested method of determining guilt or innocence of one’s fellow citizens. It is an important right. Each of you will have come to the court bringing with you all of your lifelong experiences, coming from a cross-section of society, as to how people behave in our society, as to what is acceptable and unacceptable, and, most importantly, each of you brings with you, your innate common sense”.

Extract from Hansard: 20th March 2007 Col 1191 6.30pm: on the second reading in the House of Lords of the Fraud (Trials without Jury) Bill.

The above quotation is very typical of observations on the advantages of juries made by those who support the use of juries in the criminal justice system. Juries fulfil not only a practical role as determiners of fact, but also a symbolic role as representatives of the citizenry and arbiters of the *mores* of the citizens. Cross-sectionality which is seen as so important from the representational point of view, vies for prominence as justificatory democratic ideal with that of the jury as a location of deliberative collective reasoning. The call for impartiality and fairness as *epitomised in the selection process* can overshadow the relevance of cross-sectionality itself for *deliberation* (Abramson, 1994, Ch. 2; pp. 101-102, p. 140).

This section will explore how the concept of ‘lifeworld’ provides a theoretical framework for the understanding of how juries operate and why they are of particular value in relation to the deliberative process in the criminal trial. While the role of the jury as a deliberating body has been
explored by numerous empirical researchers, the theoretical grounding for the ‘value’ of jury trials is not usually elucidated in any more than the most general and vague normative terms as to what makes for a ‘good’ ‘participatory’ democracy without situating this within the wider democratic system. Why precisely should an ‘ordinary person’ be suited to the role of juror? Why do you need more than one of them? And, why does a judge not serve just as well instead?

Schutz (1974) identified the lifeworld as “that province of reality which the wide-awake and normal adult simply takes for granted in the attitude of common sense”. It is the arena that is unproblematic (Schutz and Luckmann, 1974, p. 3–4). As part of this, individuals take for granted that others are endowed with consciousness essentially the same as theirs. The philosophical problem as to what constitutes the ‘real’ is de-problematised as it is simply an assumption made in the ‘natural attitude’ that the world is the same for others as it is for oneself (Schutz and Luckmann, 1989, Ch 6; pp. 99-100). In this way the outer world of objects is ‘intersubjective’ as it is brought into a “common frame of interpretation” (Schutz and Luckmann, 1974, p. 4). Individuals experience their lives within specific ‘situations’ (Habermas, 1987, p. 127): they relate to themselves by developing a memory narrative involving these previous situations, and each life, although unique to each individual, is also experienced alongside the lives of others in a mediate ‘we’ relation as a result of a “general thesis of reciprocity of perspectives” (Schutz and Luckmann, 1974, pp. 60-61). This also leads to potential for development of a typification of people (Schutz and Luckmann, 1974, pp. 68–92).

When considered in conjunction with the theory of communicative action, juries in the context of intersubjectivity bring their entire lifeworld experiences to bear upon the trial. Jurors sit together, they watch and listen silently side by side on the jury benches, and (in theory) without discussion during the case. At this point in the trial each juror is alone with their own lifeworld experiences which help them to interpret what is put before them. At the level of communicative action they must make decisions as to whether they can take something as a fact, for example whether or not to believe that an eyewitness was correct when they identified the defendant in an identity parade although their initial sight of the defendant during the offence was in limited light and for a short duration – they are being asked in this instance to agree or disagree with an assertion that might be characterised as ‘true’ or ‘false’ and to help them with this they will draw upon their own experience of meeting someone at night, or their ‘general knowledge’ of how hard it is to recognise someone after only a brief encounter, or even the now widely publicised unreliability of eye-witness accounts. Likewise when a
defendant claims they acted in self-defence and the judge has explained that
the law requires the defendant to have been both justified in using force in
the circumstances and to have used only reasonable force in those
circumstances, a juror is considering a claim to justification that requires
them to assess the ‘rightness’ (the legitimacy or illegitimacy) of the action
taken, and to do this again they must rely upon general knowledge that will
suggest whether they or ‘most people’, or a confident fit man of 40 with a
height of 6’5”, would feel threatened by his girlfriend screaming at him so
that he had to grab her round the neck to stop her hitting him. And finally
although by no means least, the jury, by virtue of the necessity to ascertain
the facts, will have to assess the ‘truthfulness’ of all the witnesses and in this,
perhaps in more than any other area, it is clear that juries bring their life
skills (and potentially their prejudices) in ‘reading’ people to bear. Research
shows that jurors continue to watch participants in ‘off-stage’ moments too
(Rose, Seidman Diamond, and Baker, 2009). So, it is clear that juries are
engaged in a ‘situation’ that requires ‘life-world’ general knowledge and
they also practice all three varieties of communicative action. Each has the
communicative freedom to accept or reject the validity claims presented, yet
together they share the purpose of arriving at a consensus in the process of
deliberation.

In reaching an agreement on the verdict under the supposedly ‘ideal’
speech situation of the jury room, a jury in England and Wales has two hours
to achieve unanimity, much longer to achieve a majority, but if they cannot
achieve agreement, then as a ‘hung’ jury that has failed in its task it will be
discharged and a fresh trial commenced with another jury. Some
experiments have been undertaken in the USA enabling jurors to deliberate
during the course of the trial rather than restricting deliberation to the end. This
research was undertaken to see whether it helped juries cope with extensive
and complex evidence notable in fraud trials (Seidman Diamond, Vidmar,
Rose, Ellis, and Murphy, 2003, 2006). Despite the occasional high profile
disaster, such as the Vicky Pryce case (Rozenberg, 2013a, 2013b), the jury is
an extremely efficient mechanism to reach consensus. In only 0.6% of jury
trials in the UK are juries unable to achieve a conclusive unanimous or
majority decision (Thomas, 2013, Crim. L.R. 6, 483-503; citing herself 2010,
at fn. 49). The variety of crime ‘situations’ is effectively infinite; a diversity
of facts, individuals, and varying strengths of evidence that it is almost
impossible to imagine an ‘expert’ who could confidently undertake the
complex judgements that jurors make if he or she had to undertake the same
alone and without the subsequent assistance gained though discussion with
others. The ‘ideal’ speech situation of the jury room deliberation envisages
a group engaged in seeking a unified (public) consensus without concern
for their individual or group ‘personal’ interests. This may seem an
idealistically tall order, but empirical researchers note that for the most part
juries do succeed in this task because, as noted above, the number of ‘hung’
juries is small. This is particularly so in the UK where the majority verdict is
permitted in criminal trials after a minimum period of two hours (The
Criminal Justice Act 1967 c.80 s.13 as incorporated into The Juries Act 1974
c.23 s.17).

Experts and laypersons

Every normal adult is in full possession of general knowledge. The individual
differences in general knowledge are only minor: in any case they have hardly any social relevance. Every
normal adult can be considered typically to be highly competent. Further since only a relatively limited portion of the
social stock of knowledge consists of special knowledge, all problems which have the status of being able ‘in principle’ to
be mastered are also typically mastered by everyone. The lifeworldly reality is relatively easy for everyone to survey...
Only rarely in the routine of life do problem situations arise in which the factor of being a layman is prominent. Therefore
competence in general knowledge must play a predominant role in the apprehension of oneself. (Schutz and Luckmann,
1974, p. 325)

There are many criticisms that can be levelled at the assertions in this
passage and certainly contemporary social theory which emphasises
difference and the cross-roads nature of subjectivity and identity would take
issue with the notion of ‘generality’ per se and the resort to ‘normalcy’ as a
guide to likely generality. That every normal adult is in ‘full possession’ of
general knowledge or that the differences between adults are negligible is
certainly doubtful, and Schutz elsewhere admits as much: “Everyone, that is, every normal adult, knows that his knowledge is not ‘complete’, and he
knows some things better than others. This consciousness of not knowing,
and knowing the varying quality, is the basic correlate of the social
distribution of knowledge” (Schutz and Luckmann, 1974, p. 320). In relation
to the role of a jury it is precisely the mixture and diversity of the generality
of knowledge and individual specialisms (which will be found in jurors as
much as in any other section of the public) that fits the jury precisely for the
job they do.

It is arguable that it is precisely in the ‘rare’ occurrence of the ‘problem
situation’ of a crime and the existence of disputed versions of this that the factor of being a lay person is ‘prominent’, so that in this instance the lay person is unusually the ‘expert’. In the special case of the jury it is clear that a ‘single’ lay person expert would be unsuited to the task of utilising their general knowledge because ‘general knowledge’ as it is found in any individual will be incomplete. As Schutz observes, despite the generality of knowledge, not everyone is introduced to the same general knowledge, but “rather learns the version belonging to the class into which he was born” (Schutz and Luckmann, 1974, p. 326) so that knowledge acquired throughout a life will be differently acquired between individuals dependent upon the social circumstances of their acquisition of that knowledge. The socialization of individuals in their subjective acquisition of general knowledge is essentially individual in nature, and access to different ‘general’ knowledge depends on the social structure and its stratums.

No individual can access ‘general knowledge’ in an unproblematic fashion on their own, and the necessity of communal agreement upon its contents becomes necessary if the term is to have any meaning at all. ‘General’ knowledge only coalesces into an identifiable object through the agreement between parties to a discussion – it has no other way of instantiation. It might be said that general knowledge is not ‘general’ as such but coalesces in a specific instantiation, such that the statement “a person would take off her coat if the sun were shining and it was a hot day in the absence of any other reasons not to” remains a simple assertion in the absence of intersubjective agreement to acknowledge its claim to validity as a general proposition. Once it has received this ‘agreement’ it could then be identified as ‘general knowledge’. It is by nature intersubjective and discursive which is why a ‘jury’ (just as a group of friends together talking) becomes an ‘expert’ at its instantiation.

This unstable non-rational, non-systematized ‘lifeworld’ element is criticised by both positivist and realist legal theorists who see impartiality and certainty as keys to a Justice that is denied by the unpredictability of juries and ‘creative’ wayward judges using dubious methods of ‘distinguishing’ to get out of following previous case-law (see Lord Reid in R v National Insurance Comrs, Ex pp Hudson [1972] AC 944, 966 quoted by Lord Hoffmann in A v Hoare [2008] UKHL 6 at para. 20). These elements are inveighed against as dangerously ‘arbitrary’ and anathematic to law both as system and as a mechanism for doing justice by stabilising expectations because it permits within law a mechanism for creating exceptions.

This process appears to hand the jury, along with autonomy, a form of popular sovereignty dressed up with the personality of the demos. This is clearly an inflated claim and sounds like the univocal and impersonal
‘People’ of totalitarian states. See Habermas’s reference to the ‘plebiscitary-acclamatory’ form of ‘regimented public sphere’ (Habermas, 1991, preface p. xviii). It resembles the extreme end of a Republican reading that regards as possible the unification of citizens under a form of general will. A transcendental ‘demos’ does not reflect the discursive and intersubjective nature of the jury. Neither does the aggregation of individual positions supposed by Liberalism offer a plausible description of the jury’s capacity for reaching unanimous agreement. While it is evident that the jury in this analysis draws on its life-world origins to justify its autonomy (to decide independently of outside influence the facts of a case), its manifestation of a form of ‘public autonomy’ needs further elaboration. This can be done by locating the jury in the realm of the public sphere. The jury has in its origins (from its historical restriction to those with property) a bourgeois pedigree. This property requirement was finally only abolished in 1972: the Criminal Justice Act 1972 c.71 consolidated in the Juries Act 1974 c.23 (Gobert, 1997, p. 115-6). Gobert observes that a similar movement happened around the same time to ‘re-classify’ offences in such a way as to send more people to the Magistrates’ Court and so away from the jury. Gobert sees this as Parliament’s ‘sabotage’ of its own democratic reforms that only around 2% of criminal cases end up in the Crown Court where juries sit. This figure has not changed in the years since Gobert made this observation. Over 90% of all criminal cases in England and Wales are heard entirely in the Magistrates’ Court (MoJ, 2013) Further research would be required to substantiate whether there are grounds to speculate that the erosion of confidence in the jury runs in parallel with the historical deterioration of the bourgeois public sphere traced by Habermas in his early work. That the limitation of the role of the jury has occurred simultaneously with its ‘democratisation’ warrants further examination. It may be that the ‘autonomy’ of the jury, its ‘permission’ to act as sovereign, was initially sanctioned by its early class (and gender) credentials. In this respect the jury has some claim to be considered as a constituent part of the ‘bourgeois’ public sphere described by Habermas.

To see the jury as a public sphere brings with it the powerful criticisms that have been levelled at this concept. Nancy Fraser (1992) has criticised the Habermasian ‘ideal’ public sphere as of weak democratic value given its original historical limitation to bourgeois white men, and that even where drawn from a wider plethora of groups in modern society the public sphere is incapable of ‘bracketing out’ the disparities of social inequalities between interlocutors. She argues that the idea of ‘bracketing out’ is a typically liberal solution:
Liberal political theory assumes that it is possible to organize a
democratic form of political life on the basis of socioeconomic
and sociosexual structures that generate systemic inequalities…
[T]he problem becomes…how to insulate political processes
from what are considered to be non-political or prepolitical
processes, those characteristic, for example, of the economy, the
family, and informal everyday life. (Fraser, 1992, p. 121)

She cites the analysis of Jane Mansbridge; “the transformation of ‘I’ into ‘we’
brought about through political deliberation can easily mask subtle forms
of control…. Subordinate groups sometimes cannot find the right voice or
words to express their thoughts, and when they do, they discover they are
not heard” (Fraser, 1991, p. 119). While the concept can be revitalised by a
re-reading of the idea of the public sphere as made up of numerous and
overlapping spheres, this also returns the idea of ‘interest’ into the public
sphere and as such it becomes a potentially fractured space of moral and
political disunity as opposed to an arena for the achievement of consensus.
The experience of the inability to find juries that will ‘bracket out’ social and
sexual differences in the context of racially segregated and patriarchal
societies has dogged analysis of the jury system in both the USA and the UK.
Jeffrey Abramson (1994, pp. 108-118) offers numerous examples of racial bias
evident in jury empanelment and deliberations in the USA. For what it may
be worth, although there is great concern in the USA for the way in which
race is treated in their criminal justice system, empirical research carried out
in the UK has concluded that in the British context juries do not appear to
discriminate on the grounds of race (Thomas, 2010, p. ii). This can be
contrasted with the public debate in the USA over the acquittal of the man
accused of killing Trayvon Martin: see Charles M. Blow (2013).

III The operation of ‘jury equity’ in decisions that reject overwhelming
evidence

_E.P. Thompson in “Writing by Candlelight” (1980)_
The English common law rests upon a bargain between the Law and
the People. The jury box is where people come into the court; the judge
watches them and the jury watches back. A jury is the place where the
bargain is struck. The jury attends in judgment, not only upon the
accused, but also upon the justice and humanity of the law…. (Auld,
quoting Thompson, 2001, Ch.5, para. 99)

Despite this quotation from E. P. Thompson, in the paragraphs that
followed Lord Justice Auld in his Review of the Criminal Courts of England and Wales (the Auld Review) spoke out strongly against the capacity of juries to bring in perverse verdicts, which fly in the face of overwhelming evidence. Against this view, Lord Denning had criticised the pejorative use of the term ‘perverse’ verdict as ‘impertinent’ (Gobert, 1997, p. 63). Unpersuaded by the rhetoric of those such as Devlin (1956) or Denning, Auld weighed in heavily on the side of those who say it is no business of the jury to go changing the law by means of nullification (Auld, 2001, Ch.5, para 105). Auld wanted jurors to be legally required to rule on the basis of evidence. For an opposed position to Auld see Michael Zander (2005, p. 14, fn. 21). Auld stated that Juries are not as Devlin claimed a ‘mini’ parliament and that they have no business acting like one when acting as ‘finders of fact’ in criminal tribunals. While Lord Justice Auld’s position is a respected one held by many within the English legal system, it fails to consider those theories of participatory democracy in which this action of juries might be found to be legitimate upon acceptable theoretical grounds. However, the use of the word ‘parliament’ confuses the process of nullification with legislation and so misrepresents the effect of jury ‘nullification’. No laws are cancelled by jury nullification, the same law remains in force after the decision and even in respect of that decision there remain avenues of appeal which lie entirely under the jurisdiction of a professional (and in the UK non-elected) judiciary. A mere jury decision in a trial court of first instance is no precedent for any court to follow and thus it does not and cannot produce a substantive ‘common law’. The only ‘precedent’ set is the continued possibility for such decisions by juries in future, and that is an already existing precedent of long standing in the English common law: see Bushell’s Case (1670) which was itself the result of an appeal court decision sanctioned by a judge in a higher court. In some instances juries’ refusals to apply laws they disliked led to subsequent repeals of legislation, which rather argues for the legitimacy of the nullification process than otherwise. Laws, from those punishing people who aided and abetted escaping slaves, to prohibition, to the extensive use of the death penalty in England produced regular ‘nullification’ verdicts by juries and as such contributed to movements that led to formal changes in the law by the legislature. See nullification used by juries against The Fugitive Slave Act in Abramson (1994, pp. 77–85) and Gobert (1997, pp. 33–35). Rather than view this as ‘illegitimate’ it might be better understood as a mechanism whereby the citizen ‘influences’ the legislative process. The jury in this context can be seen as ‘jurisgenerative’. Jurisgenerative communicative power, that no one is able to ‘possess’, underlies the administrative power of government. It operates as a form of political power: Habermas takes the following from Arendt; “Power springs up between men when they act
together, and it vanishes the moment they disperse”. This is axiomatic for the ‘power’ operationalised by the jury (Habermas, 1996, p. 147). In this light, nullification is the exercise of communicative freedom; it allows for the emergence of political power rather than the exercise of an already constituted power (Habermas, 1996, p. 149). In this sense if there is ‘sovereignty’ exercised by juries then it resembles the idealised dispersed sovereignty which Habermas claims is appropriate to the modern decentred state. In “Popular Sovereignty as Procedure” (1988), Habermas sees the need for sovereignty to be proceduralized and fractured, dispersed throughout society – so that it is “parcelled out over many stages: the process of proceduralized opinion-and will-formation must break down into numerous smaller particles. It must be shown that political morality is exacted only in small increments” (Habermas, 1996, p. 487). This ‘particle theory’ of sovereignty described by Habermas offers a more fitting metaphor for the jury’s exercise of popular sovereignty, saving it from the hyperbole of both advocates and opponents alike.

If the above interpretation is accepted then it is clear that juries do not ‘legislate’ even when they make the implementation of a law ineffective. The jury might be said in these contexts to ‘dis-approve’ a law. This will raise the legitimacy of the law in question as a matter for subsequent debate and consideration by the legislature. This interpretation saves juries from the otherwise dubious claim to a form of “sovereign normless decisionism” which would allow for the “free rule of the exception”, in an apparently normless law reminiscent of Carl Schmitt’s decisionism (Scheuerman, 1994, p. 40, pp. 68-80). Juries, however, do not single-handedly decide upon the legal or moral norms reflected in law, but they bring them back into the public sphere for re-consideration. In this way juries make the ‘legitimacy’/’legality’ separation recognisable and bring the legitimacy of a specific law again into processes of deliberation in the public sphere.

One possible solution to the ‘perversity’ of juries might be to force them to abide by their oaths to try the case on the evidence alone, which Lord Justice Auld did suggest. Yet there are numerous ‘old’ cases where juries in delivering their judgements, in the days in England when they provided reasons for these, were very careful to word them with ‘lawyerly’ economy. There were several attempts by the jury in Bushell’s case 1670. Initially they returned a verdict worded “Guilty of speaking in Gracechurch street”. After being bullied, locked up and threatened by the judge, they finally bit the bullet and returned ‘not guilty verdicts’, for which the judge fined them for bringing in a verdict contrary to the evidence (Abramson, 1994, pp. 68-73). Quite apart from the practical difficulties of Justice Auld’s suggestion, there
is some justification to say it would be unacceptable to force jurors to abide by their oath if their autonomy is to be taken seriously.

Historically jurors were called upon to deliver verdicts according to their conscience, not merely in line with evidence (Gobert, 1997, p. 18-19). The old law of ‘conscience’ can be closely associated with the idea of autonomy. To require jurors to go against their ‘consciences’ is to remove their autonomy in an unacceptable fashion when a matter seems not a matter of mere ‘legality’ but goes to the heart of ‘legitimacy’. This would be when the law in question, or its application to the facts before them, provokes the question as to whether its brute application is justified, whether it is ‘right’. In the case of Clive Ponting the judge told the jury that the ‘interest of the State’ was equivalent in our Parliamentary democracy, to the ‘interest of the government of the day’ and that Ponting had ‘no defence’ when he disclosed information about the sinking of the General Belgrano to an elected Member of Parliament for the opposition. The jury acquitted and rejected the judge’s ‘correct’ elucidation of the law that Ponting had no defence and they must convict. The jury’s acquittal appeared to endorse a much broader view of ‘the interest of the state’ and its constituent personnel. The judge relied in his argument upon the ‘fact’ of elections (and inevitably by implication the constitutional import of the operation of the Parliamentary version of sovereignty as being an effective majority in the House of Commons) to underwrite his argument that “[i]nterests of the state, I direct you, means the policies of the state as they were in July 1984” (Ponting, 1985, pp. 190-191). If juries in circumstances such as this were required to ‘abide by their oath’ against their conscience then their autonomy would be forfeit. As Ponting himself noted: “a jury left with no practical option but to convict ... has become a charade” (Ponting, 1985, p. 185). In the Ponting case to require the jury to convict, when they could not but perceive themselves as fair arbiters of what is and is not ‘in the State’s interest’ because they themselves were called to sit effectively in their capacity as members of a public who legitimate the State during elections, seems itself perverse.

The above consideration of ‘perverse’ verdicts suggests that they do not detract from trial by jury. Rather they offer the common-law an internal mechanism of self-legitimation through ties to the public sphere facilitated by jury decisions however controversial. If the jury is disallowed the capacity for rejecting the case of either side then the essential discursive importance of the capacity to say either ‘yes’ or ‘no’ to any validity claim is undermined in such a way that communicative freedom is denied. The theoretical capacity to ‘reject’ any validity claim is integral to communicative theory and its expression in communicative power. If the jury are only to be permitted to ‘acclaim’ a legally ‘correct’ verdict then their position becomes analogous
to the ideal ‘automaton’ judge imagined by Weber, (Scheuerman, 1994, p. 71) or that of the denuded ‘voter’ identified by Habermas in Transformation of the Public Sphere and in “On Political Participation” where the cynical manipulation of the ‘apathetic majority’ within electorates at election times produces “ersatz public spheres” subservient to party mass management (Habermas, 1991, pp. 175-6). It is precisely the capacity of juries to autonomously reject or accept freely that establishes their authoritative significance and permits the claim that they underwrite the legitimacy of the legal system. Denuded of this capacity they are worthless even as determiners of fact.

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Political Consumer Activism and Democratic Legitimacy

Martin Beckstein

Abstract

This article discusses consumer activism not as an ethical, but as a political phenomenon. A political concept of consumer activism implies, first, that consumers sometimes express support or opposition to products and services or consumer and business practices at least partly in order to advance nonmarket agendas, and, second, that consumer activism in the economic sphere occasionally has palpable impact on the organization of social life. Early contributors to the debate were optimistic that political consumer activism might be able to extend democracy into the economic sphere. In recent years, however, scholars have increasingly voiced misgivings about this, arguing that political consumer activism may suffer from a democratic deficit: it may amount to an impermissible form of vigilantism or facilitate the illegitimate conversion of market power into political power. This article systematizes and reassesses these concerns, focusing in particular on arguments that dispute the compatibility of political consumer activism with liberal democracy as a procedural ideal. I conclude that political consumer activism does not face problems to do with legitimacy in this regard, most importantly because money does not play a more important role in market-based politics than in official democratic processes. Political consumer activism takes many forms, yet it is hardly ever about voting with the pocketbook.

Introduction

In Rob VanAlkemade’s 2007 documentary What Would Jesus Buy? a young girl is asked about the Messiah’s hypothetical shopping preferences. After a moment’s reflection, she answers: ‘The X-Box 360!’ Two things are going on in this scene: first, entertainment, with an unsuspecting interviewee being
lead up the garden path by a rhetorical question. Second, a slightly paternalistic case is made for ethical consumerism by suggesting that mature and reflective individuals must overcome infantile naïveté and understand that our consumption behavior ought to be shaped by moral considerations. While moral philosophers have good reason to address consumer activism and discuss the moral duties (and their limits) that individuals have when entering the marketplace, to political philosophers, the relevance of this activism is not beyond doubt.

Politically speaking, some authors claim, consumer activism matters little, arguing that it is more about feeling good than doing good (Blühdorn, 2006: 36; West, 2004: 1; Žižek, 2010: 236). But what if consumer activists could occasionally make a difference and generate effects that have an impact on social life? Should we, then, welcome consumer activism as a novel kind of political participation—one that carries democracy into the economic sphere? Might consumer activism be a good substitute for conventional forms of political participation, such as elections or party membership, that are in decline? Although early contributors to the debate have answered these questions in the affirmative (Hertz, 2002; Inglehart, 1997; Norris, 2002), recent scholars have raised doubts. For instance, Føllesdal et al. (2006: 295) ask their readers not to forget that ‘political consumerism can go wrong.’ Stolle and Hooghe (2006: 284) remark that political consumer activism has ‘truly worrisome democratic implications.’ For Hussain (2012: 112), finally, political consumer activism may well amount to an ‘impermissible form of vigilantism’ that cannot claim ‘a rightful place in the practices of a liberal democratic society.’ This article reassesses these concerns, focusing in particular on arguments that dispute the compatibility of political consumer activism with liberal democracy as a procedural ideal.

The suspicion of democratic illegitimacy is not self-explanatory. Because consumption choices, even if motivated by normative considerations other than price–quality evaluation, are traditionally understood to be a private affair, the first section of this article accounts for the political relevance of consumer activism. The growing relevance of consumer activism in affluent societies is highlighted and a concept of political consumer activism is established that provides criteria for distinguishing it from non-political practices of ethical consumerism. On this basis, the second section explains why political consumer activism cannot lean on the same justification as other informal kinds of political participation such as demonstrations or even lobbying: political consumer activism is not always geared towards official processes of democratic legislation, but instead often seeks to circumvent or even replace it. It is necessary, then, to question the normative justification of political consumer
activism. The third section systematically reassesses whether political consumer activism infringes on the procedural values of democratic morality. The concluding section summarizes that the suspicion of illegitimacy does not withstand scrutiny, and spells out two implications that follow, one concerning the popular and misleading equation of political consumer activism with shopping for change and one concerning the allegedly antagonistic relationship between political consumer activists and business and state actors. Thus, investigation into the compatibility of political consumer activism and the procedural values of democratic morality proves to be important not only to counterbalance the remarks of recent critics. It also helps us to broaden our understanding of political consumer activism and relativize the impression that it is ultimately about voting with the pocketbook. Finally, this broadening of our perspective on political consumer activism may serve to shift the attention of future inquiry from economic actors to state actors, to the ways by which governments politicize economic life, and thus to foster market-based political activism.

1 – From ethical consumerism to political consumer activism

In debates about political economy, the economic sphere is usually considered a site of activism. The logic of the market, it is often suggested, crowds out normative considerations that go beyond price–quality evaluations. Instead of being embedded in social life, the economy under conditions of modern capitalism is disembedded. What’s worse, the economy enmeshes other spheres of the social world by imposing a market logic and ‘imprisoning’ citizens’ attempts to improve it (Polanyi, 1977: 10; 2001: 57–68; Lindblom, 1982: 327; see also Dahl, 1985: 101; Dunn, 2007: 6; Gilpin, 1987: 77; Habermas, 2004: 500; Laclau and Mouffe, 1985: 161). The idea that there is a trend towards the commercialization of social life is certainly plausible. At the same time, it is obvious that views that generalize the dominance of the logic of the market in the economic sphere and elsewhere are highly questionable. On the one hand, feminist economists have emphasized that economic relations in today’s affluent societies are not wholly organized in a market capitalist way. Transactions in household economies, neighborhood markets, or file-sharing networks are commonly displaced into the ‘informal’ fringe of economic life precisely because they do not exhibit the characteristics of either market or capitalist relations (Gibson-Graham, 2006: 56; see also Watkins, 1998). On the other hand, neither does the ‘formal’ economy consistently operate according to the self-regulating logic attributed to markets. Wolfgang Streeck’s (2012) recent remarks on commercialization in the late 20th century instructively elucidate
this point.

Streeck is alarmed by the observation that the logic of the market is increasingly colonizing social life. In particular, he fears that the market substantially commercializes our societies by exporting personal taste and temporary idle preferences as the guiding principles of action to all other social spheres. Social identities run the risk of becoming structured ‘by weaker and looser ties, allowing individuals to surf from one identity to the next, free from any pressure to explain themselves,’ with the result that democratic politics stand to be transformed into politainment, with citizens buying public goods rather than negotiating policies that fit into a collective project (Streeck, 2012: 36, 44–6). Hence, like critical scholars before him, Streeck apprehends that the self-regulating mechanism of the market enmeshes social relations, whereas it should be the other way around. Yet Streeck’s analysis does not stop there. In addition to the commercialization tendency in public life, he observes that economic relations have also undergone significant transformations in late modernity, and that these transformations have created new opportunities for sociation (‘Vergesellschaftung’) within the economic sphere.

The economic stagnation of the early 1970s, Streeck explains, was due to a widespread saturation of society with mass-produced, standardized consumer durables. To overcome this stagnation, production had to adjust to the more exacting demands of consumers while the advertising industry did its bit to develop consumers’ sense for more exacting desires. Technological progress made a number of shifts possible: from Fordism to post-Fordism, need-supplying to want-supplying economies, sellers’ to buyers’ markets, saturated to affluent societies; and the diversification and customization of products created unprecedented possibilities for individuals in the economic sphere to ‘link up with others and thereby define their place in the world’ (Streeck, 2012: 35). These new opportunities for sociation might be problematic for various reasons, as Streeck is eager to underline, but they nevertheless open up room for aesthetic and normative considerations that go beyond price–quality evaluations. Hence, the economic sphere, in particular under conditions of late modern capitalism, is a potential site for activism.

Empirical data confirm this consideration. At least since The Body Shop founder Anita Roddick made a fortune by selling animal-friendly cosmetics, a significant number of consumers display a willingness to take ethical factors into account when making purchasing decisions. Today, this willingness seems to be more prevalent than ever in affluent societies. Surveys conducted in the Unites States, Australia, Europe, and elsewhere show that growing numbers of people claim to have brought their
consumption behavior in line with normative commitments (Cowen and Williams, 2000; Littler, 2009: 29, 76; Pattie et al., 2003: 446; Pattie et al., 2004: 78). In addition, statistics indicate that markets for ‘ethical’ products, services, and funds are booming (Fairtrade International, 2011; Lee and Vihinen, 2005: 4–5; see also Celent, 2007). These empirical trends suggest that the consumer can no longer be adequately characterized either as ‘rational egoistic economic man’ or a ‘dupe of hidden persuaders.’ Scholars have therefore urged us to consider conceptions of the consumer as an ‘activist’ or ‘moral agent,’ and, most remarkably, as responsibility-taking ‘citizen-consumer’ (Micheletti et al., 2006: xiv; Scammell, 2000: 354).

The notion of a citizen-consumer gives expression to the idea that consumer practices might be a concern not only for moral philosophers but for democratic theorists too. However, consumption behavior does not become a political phenomenon simply because consumers take normative considerations into account when entering the market place. As such, a conceptual distinction is required to differentiate political consumer activism from ethical consumerism.¹

The term citizen-consumer—the label denoting the potentially political role of the consumer—is apparently inspired by the consumer-sovereignty hypothesis in economics: if consumers in the market are like the people of a democratic polity by virtue of their commanding supply, so the underlying consideration seems to state, then consumption on an individual level is similar to going to the polls. Boris Holzer accordingly writes:

[T]here is a remarkable structural homology between democratic elections and consumptions choices [...] the act of shopping allows for the timely expression of highly specialized and individualized preferences—including aesthetic, religious and political ones. For the individual consumer, political consumerism comes close to a ‘very immediate democratic process’ (Holzer, 2003: 413; quoted in Nava, 1991: 168). ²

However, Leo Strauss (1988: 14) made clear that ‘buying a shirt, as distinguished from casting a vote, is not in itself a political action.’ Strauss is right, because the vote is a share of sovereignty, and therefore a political instrument, whereas buying a shirt is a market transaction without a guaranteed political impact. At the same time, the political value of suffrage resides primarily in its capacity to symbolize citizens’ egalitarian entitlement to political participation. In terms of power, a vote matters little in modern mass democracies given that the one-person-one-vote rule simultaneously guarantees a minimal share of power and limits the influence it can
maximally achieve to \(1/n\). The political impact of market transactions, in contrast, is determined neither in regard to what they minimally achieve nor what they might maximally achieve. Now, if we are to avoid restating the truism that everything is political, which is analytically worthless after all, the point of political consumer activism cannot be simply to imitate democratic elections. Instead of secretly adding \(1/n\) to the collective count of aggregate demand, the goal must be to motivate other agents to modify their consumption behavior, to influence how business actors provide which products and services, to address policymakers, or to impact in other ways upon social life. Thus I suggest that we think of ethical consumerism as consumption behavior that is primarily introverted, as expressed in the advice offered by Gandhi, who said that we should be the change we want to see in the world. Simply buying, individually, a fair trade product falls into this category of ‘introverted’ ethical consumerism. Political consumer activism, in contrast, aims at advancing some partisan agenda by surpassing the additive arithmetic of an individual action’s impact and triggering multiplicative effects on social life, for instance by organizing a boycott. That said, an activist’s public aspirations must also be realistic, that is, the activist’s hope of influencing social life must be based on a reasonable strategy as well as a somewhat plausible theory of causation. The normative question arising from the phenomenon of political consumer activism, in contrast to ethical consumerism, is thus not in the moral desirability of various partisan agendas, but rather in the result of making inroads on the organization of social life.

2 – Why might political consumer activism suffer from a democratic deficit?

The question of whether political consumer activism is democratically problematic plausibly rests upon the assumption that politics in a liberal-democratic society should generally comply with certain procedural values of liberal democratic morality. Even though there is considerable room for discussion about how democratic and liberal principles are best implemented in practice, it is fair to say that the political systems in Western affluent societies by and large meet the requirements of non-ideal democratic theory. Accordingly, ‘formal’ kinds of political participation such as voting, petitioning, running for office, or parliamentary debate are legitimate in these societies by virtue of taking place in a consolidated liberal-democratic political system. Many ‘informal’ instruments of political activism, such as demonstrations or moderate forms of lobbying, are also democratically unproblematic as long as they do not infringe upon existing law. Even
though they are not an immediate part of the official political process of
democratic lawmaking, they are still geared towards it. Many examples of
political consumer activism work by exactly the same logic, for instance,
when consumer activists advocate stricter legal regulations of foreign trade.
As such, such political consumer activism can claim a rightful place in a
liberal-democratic society. Yet what about forms of political consumer
activism that are not geared towards official processes of democratic
lawmaking?

For a long time political theorists were not aware of the existence of
political activism that aimed to influence social life without being related to
governmental decision-making. More accurately, such activism was not
conceptualized in terms of politics. Sidney Verba and Norman S. Nie’s (1962:
2) oft-cited definition of political participation, for instance, says that
activities of private citizens acquire a political quality if they are ‘more or
less directly aimed at influencing the selection of governmental personnel
and/or the actions they take.’ However, since Carl Schmitt challenged state-
centric conceptions of politics by pointing out that politics had been
centralized within the official sphere of politics only under absolutism,
scholars have increasingly acknowledged the diffusion of the political to
actors outside and inside the nation-state. And it is worth mentioning that
Verba and Nie themselves admit (in the paragraph following their definition)
that political activism does not always need to take a detour through
governments: ‘attempts to influence the authoritative allocations of values
for a society […] may or may not take place through governmental
decisions.’ Ways of influencing the authoritative allocation of values in a
society, outside of governmental decisions, may simply circumvent
democratic legislation, or additionally aim to replace democratic lawmaking.
New modes of governance such as public–private or private–private
partnerships set standards that potentially serve as functional substitutes for
state-based law. In any case, political activism that does not take a detour
through democratic legislation but instead establishes social norms
surrounding what may and may not be done, motivate norm compliance by
the promise of social recognition, and set negative incentives against non-
compliance by the threat of social ostracism or by exerting bargaining power.

Not least because of the additional leverage of financial pressure,
major political philosophers consider extra-legislative ways of influencing
social life especially problematic if they grow out of the economic sphere.
Michael Walzer (1983; 1984: 322), for instance, made a famous case for more
effectively ‘walling in’ the economic sphere. Liberal democratic societies, he
argues, ought to make greater efforts to prevent transformational
processes¾‘social alchemy’¾by which economic power is converted into
political power. In cases where the exercise of political power cannot be fully contained within the sphere of politics, democratization is needed. For instance, the managerial structures of companies must be democratized, according to Walzer, because some companies constitute ‘private governments’ due to their sustained ‘control over the destinations and risks of other people.’

Benjamin Barber (2004; 2007: 290, Ch. 7) has concluded that political consumer activists who evade the official political process weaken democracy instead of strengthening it, even if animated by the best intentions. He therefore thinks that we must ‘restor[e] the sovereignty of citizens over consumption.’ For Waheed Hussain (2012: 112), finally, the legitimate use of political consumer activism must at least be restricted: consumers must ‘treat their buying choices as […] a kind of ongoing, informal prologue to formal democratic lawmaking.’ Only by fulfilling this ‘proto-legislative requirement,’ does political consumer activism ‘respect the privileged position of formal democratic politics and […] can therefore claim a rightful place in the practices of a liberal democratic society.’ Otherwise, it simply amounts to an ‘impermissible form of vigilantism.’ The message from these three thinkers is clear: the economy is a site that allows for the exercise of political power; and to be legitimate such economic exertion of political power must be integrated into the process of public will-formation preceding democratic legislation—at least unless they do not themselves comply with the principles of liberal democracy.

The next section assesses whether extra-legislative forms of political consumer activism are indeed prone to infringing on these principles.

3 – Suspensions of democratic illegitimacy

The literature suggests that (extra-legislative) political consumer activism infringes on three principles of liberal democracy in particular: first, political consumer activism does not provide a setting that facilitates deliberation, so that any political outcomes are not determined by reasonable arguments; second, people do not enjoy equality of opportunity when trying to influence issues of common concern by means of political consumer activism; finally, political consumer activism can indirectly, yet effectively, deprive persons and groups of their basic liberties. In what follows, I consider each concern in turn. If the concerns withhold scrutiny, we shall have reason to oppose an unrestricted use of political consumer activism and will be in a position to specify which forms of political consumer activism are democratically problematic.
3.1 Politics without discussion?

Ideally, in a democracy, political outcomes should be determined by the best argument. Yet political consumer activism that does not aim to inform democratic lawmaking in this way, critics feel, and often does not even initiate debate. Political consumer activism is about shopping, not arguing, for change (See e.g. Hussain, 2012: 120-1; Streeck, 2012: 35; Teorell et al., 2007: 342). Such generalizations, however, are invalid. It is fair to say that regional or fair-trade labels do in fact invite the consumer to enter into a dialogue, arguing (if cryptically) that the labeled products are preferable to others on the grounds of lower pollutant emissions from transport or better labor conditions for workers. To give a second example, culture jammers do not simply destroy or negate a company’s advertisement but rather challenge the advertiser’s effort at persuasion by parodying the original message and adding a critical thought for consideration (e.g. ‘McDonald’s¾I’m lovin’ profit’). Quite generally, political consumers rather frequently employ shaming strategies that aim to rhetorically entrap firms by revealing corporate lip service and highlighting failures to comply with their own philosophy. The deliberative quality in many cases of political consumer activism is certainly disputable, but it cannot plausibly be denied in toto.

Drawing on Albert O. Hirschman’s famous distinction, we have to at least admit that ‘voice-based’ forms of political consumer activism are far less problematic in this regard than ‘exit-based’ forms:

Some customers stop buying the firm’s products or leave the organization: this is the exit option. As a result, revenues drop, membership declines, and management is impelled to search for ways and means to correct whatever faults have led to exit. The firm’s customers or the organization’s members express their dissatisfaction directly to management or to some other authority to which management is subordinate or through general protest addressed at anyone who cares to listen: this is the voice option. As a result, management once again engages in a search for the causes and possible cures of customers’ and members’ dissatisfaction. (Hirschman, 1981: 4)

Accepting this distinction for a moment, we can infer that an absence of deliberation is characteristic of exit-based forms of political consumer activism. In boycotts and buycotts or conscientious everyday shopping behavior, consumers withdraw from a relationship with one provider in favor of a relationship with another, without giving explanations to either
side. They might not even send a clear signal about their changed preferences, but simply stop buying. Later I will suggest that the concept of the ‘exit option’ misses something important if it is applied to political consumer activism without modification. At this point, it suffices to highlight that Hirschman’s distinction implies that political consumer activism, even if it is sometimes essentially non-deliberative, cannot be ruled out simply on the basis of the procedural value of democratic deliberation. Exit is not just an option in the market, but in the political sphere, too. Put in more general terms, the official political process in democracy does not always include deliberation. Neither is it clear that all politics in a democracy are deliberative, and nor why they should be. A functioning democracy requires a decision procedure, and deliberation is ill-suited for that purpose. Because it ‘is simply unrealistic to expect any moderately large group to come to complete consensus, however long they talk together’ (Goodin 2012, 108; see also Przeworski 1998, 141), deliberation must be supplemented by some non-deliberative procedure such as voting. In their capacity as voters, citizens cast ballots without giving reasons. For other practices of official politics deliberation is inessential. Protesters in a demonstration, for instance, need not weigh arguments; they may simply signal their opposition to a policy in order to raise awareness or energize supporters. Campaign volunteers may simply ask for signatures or money from people who already have sympathy for the campaign. Deliberation plays an important role in official politics, but it cannot hope to exhaust it, not least because arguments by themselves cannot make decisions or take actions—which is to say, rule—but only inform political action and decision-making (Walzer, 1999). Ideally, the decisions of campaign volunteers, protesters, and voters to become politically active are the result of a rational process of discussion among free and equal citizens. The same applies to decisions on the part of political consumer activists to support or oppose a business practice, and there is insufficient reason to assume that boycotters and conscientious shoppers would be less susceptible to dialogical reasoning than voters. Perhaps the more problematic difference between voters and consumers is that the former cast a ballot, whereas the latter vote with the pocketbook.

3.2 What money can buy

Citizens should have the same opportunity to influence political outcomes, yet political consumer activism is biased towards the well off, critics claim (Hussain, 2012: 118; Stolle and Hooghe, 2006: 284). Given that money is unequally distributed among people in a society, the analogy between consumption choices and democratic elections, which underlies the notion
of the citizen-consumer, is indeed as cynical as Ludwig von Mises’s (1940: 260; cf. 1998: 271-2) provocation: ‘democratic elections are an imperfect attempt to simulate the market order in the sphere of politics. In the economic sphere no vote is cast in vain.’ If pennies are the votes of the economic sphere, we must conclude that the market is a plutocratic, not democratic order that entails the government of money, for money, and by money. However, the question is whether the analogy is also flawed in regard to what assumed to be the relevant power resources in the two domains (sphere of politics: votes; economic sphere: money). More generally, we must consider whether opportunities to influence political outcomes through political consumer activism are really substantially less equal than those entailing participation in the political sphere.

The procedural value of political equality delegitimizes a number of ways and means by which privileged actors could (and sometimes do) try to shape political outcomes. At the same time, the procedural value of political equality does not prescribe equal influence. ‘Democracy,’ as Michael Walzer (1983: 309) puts it, ‘requires equal rights, not equal power. Rights here are guaranteed opportunities to exercise minimal power (voting rights) or to try to exercise greater power (speech, assembly, petition rights). Citizens may legitimately try to ‘amplify’ their voice and ‘appropriate’ other person’s votes by engaging in discussion and demonstration, or by organizing campaigns in the run-up to elections. The disproportionate exertion of political influence is a necessary and desirable result as long as opportunities are to be granted.

While the economic sphere does not offer a guaranteed opportunity to exercise minimal power, it offers plenty of opportunities to exercise greater power, and formally speaking, those opportunities are equally offered to everybody. Due to the grossly uneven shares of wealth in most Western societies, it is certainly true that the well off can more easily seize opportunities to exercise political power, meaning that there is no fair equality of opportunity. However, in the official process of democratic politics, citizens are also unevenly endowed with the resources necessary for exerting disproportionate influence, such as rhetorical talent, networking skills, free time, access to officials, education (i.e. the various stocks of individual, human, and social capital), and, mutually reinforcing, wealth. There is every reason to alleviate poverty of all kinds, and more should be done to curb respective oligopolies; yet the difference between forms of participation in the political sphere and political consumer activism is one of degree in regard to the unequal distribution of power resources, not one of kind.

Some readers might insist that wealth in financial and productive
capital is more suitable to distorting democratic processes than individual, human, or social capital, and therefore argue that the preceding discussion does not suffice to rule out the objection against extra-legislative political consumer activism via the norm of political equality. I do not intend to put an end to this debate but simply to warn against falling prey to an anti-materialist prejudice that overrates the influence of money in politics as compared to other resources of power and considers it independent from them. The idea that one can buy an election with money in Western affluent societies is an obvious oversimplification of complex processes, and even accepting the kernel of truth that lies in this proposition, it should still be remembered that it is usually more efficient to raise money for an election campaign than to invest one’s own. Analogously, an ‘ethical’ product is better promoted by organizing a boycott than by privately purchasing it in bulk. Also to be taken into consideration is the fact that, historically, political activism in the economic sphere has primarily been associated with the underprivileged. According to Machiavelli (1998: 15, I.4), one of the most efficient ways for common people to make themselves heard in Ancient Rome and the Renaissance city states consisted in disturbing the ordered life of the market place. In addition, boycotts were first systematically organized by the then (in effect) disenfranchised African Americans (e.g. the boycott of slave-produced goods in 1830, or the Montgomery Bus Boycott in 1955). In the face of these experiences, one problematic aspect of political consumer activism might be that it offers opportunities for political participation to people who are not in the possession of full citizenship rights, such as adolescents and transnational activists.  

3.3 Withholding money, undermining liberties?

Perhaps the role of money in political consumer activism is problematic in another, namely negative regard. Forms of political consumer activism such as boycotts (or divestment) lend weight to social pressure in that not only is social recognition withheld, but sales revenues too. In contrast to other ways of exerting social pressure such as hate speech, market power is used in a strategy of siege warfare that threatens loss of income, and perhaps bankruptcy. Thus, the use of financial pressure may allow political activists to effectively exact compliance even with social agendas that essentially contradict liberal-democratic principles. To illustrate this problem, scholars have referred to the 1933 Nazi boycott of Jewish shops in Germany. The ‘Don’t buy Jewish’ campaign, Hussain (2012: 117–8) argues, ‘deprived members of the Jewish community of their religious freedom by making it exceedingly difficult for them to practice their religion openly and to
associate with their co-religionists. Many eventually had to hide their beliefs and affiliations. Less extreme but still indicative of this problem with political consumer activism are contemporary popular boycotts of companies in the name of liberal cosmopolitan labor standards. Scapegoating a company for non-compliance with non-juridified (i.e. non-legally binding) ethical standards, consumer activists betray the promise that the market is free to all comers who respect local law and thus deprive the company’s owners of their economic liberty. In addition, they violate the principle that prosecution must not be selective by imposing a fine on a particularly visible and therefore vulnerable company in isolation. In the face of such examples it seems not unreasonable to demand that liberal democracies find ways to bar political consumer activists from placing their bargaining power and state-guaranteed property rights in the service of partisan causes. ‘If the public condition does not allow a group of individuals to enact certain rules through legislation, then it should also prevent them (in some way) from imposing these same rules on society through nonstandard uses of their market powers’ (Hussain, 2012: 122).

Contrary to the initial impression, however, the 1933 Nazi boycott of Jewish shops is not a good example for supporting the argument, and the reasons why this is so cast doubt on the validity of the argument the example is meant to illustrate. The boycott, taken in isolation, did not affect members of the Jewish community in the way Hussain suggests. The Nazi press soon admitted that the campaign had not yielded the desired effects. In fact, the sales of Jewish shops were thought to have increased on average (Friedländer, 2007: 34). Moreover, it is very likely that the boycott had been orchestrated from behind the scenes by the Nazi regime, which deliberately attempted to abolish the liberal social order. To this purpose, the regime issued racial laws incrementally, starting a week after the boycott. Hence, it was the regime that effectively (and by means of legislation) deprived members of the Jewish community of their basic liberties, not some political consumer activists (through nonstandard uses of market power).

Leaving the historical case aside, it is difficult to see how political consumer activism could possibly have the problematic effects Hussain warns about. First of all, it should be noted that most liberal democracies today do include means to prevent the promotion of discriminatory social norms. Racist boycotts (as well as non-market-based agitation against religious or ethnic minorities), are illegal under hate crime law (in post-world War Two Germany with §130 StGb ‘Volksverhetzung’). Second, the rules enacted through extra-legislative political consumer activism differ in an important respect from the rules enacted through legislation: the costs of violating social norms are substantially lower than the costs of violating legal norms. An influential food critic may refuse to include non-vegetarian
restaurants in her rankings in the name of animal rights, and successfully campaign for fellow food and gourmets critics to do the same. Meat-serving restaurants would be ostracized by a vegetarian hegemony, but the option of non-compliance with the vegetarian norm and counter-activism (i.e. buycotts) would remain unimpaired as long as vegetarianism is not enforced. Moreover, we should be clear, boycotts do not inflict financial harm; boycotts do not show on the liabilities side of the balance sheet of firms but only as unrealized expected revenues. The product of a boycotted firm, for the most part, simply fails to appeal sufficiently to its potential target group.

Finally, we need to take into account that even boycotts—as an extra-legislative form of political consumer activism—are more about sending warning signals (voice) than changing consumption habits (exit). The boycotter’s route to success is to ‘alert customers,’ much in the way Hirschman (1981: 24) describes the exit function from a management perspective: ‘The alert customers provide the firm with a feedback mechanism which starts the effort at recuperation while the inert customers provide it with the time and dollar cushion needed for this effort to come to fruition.’ However, the difference between alert consumers and political consumer activists lies in the fact that boycotters exploit the insights of economic theory and capitalize on companies’ expectation of the existence of ‘inert (yet mobilizable) customers.’ Activists mean to raise fellow consumers’ and providers’ awareness in equal measure; the call for boycott, as it were, supports the firm in its search for the precise cause of customer withdrawal that boycotters themselves caused in the first place. Were boycotters to mobilize all customers at once the activism would be bound to fail, because the firm would be ruined before it could identify and amend the contested business practice. In other words, exit-based forms of political consumer activism is essentially a non-verbal form of communication, and the relationship of exit-based political consumer activists and firms is one of strategic cooperation through an interplay of exit and voice options, rather than a unilaterally-imposed monetary penalization.¹³

4 – Diversifying citizens’ repertoire of contention

In sum, there is little indication that political consumer activism infringe on the procedural values of democratic morality under the conditions of a liberal order even if it is not limited to informing governmental legislation. Political consumer activism might be problematic from other perspectives that have not been considered in this article. Yet with this proviso in mind, it can be concluded that there is no reason to restrict the legitimate space for
consumer activism to ‘waiting rooms’ for official democratic processes. Rather, we should further inquire how the liberties available in ‘under-regulated’ market economies could complement traditional channels of political articulation. Josiah Ober’s (2008) interpretation of ancient Greek democracy—namely that democracy meant majority rule to its enemies, while its advocates stressed that citizens were endowed with ‘a capacity to do things’—is a useful starting point for this endeavor, given that the diversification of citizens’ repertoire of contention is one of the more promising tools for increasing this capacity today. This is especially so if we believe that even established liberal democracies require further democratization, or acknowledge that political systems, in a changing world, must reinvent themselves in order to remain faithful to their principles. For this purpose, I consider two implications of the previous discussion especially important.

First, we should avoid overrating the role that money plays in political consumer activism and, relatedly, refrain from misunderstanding political consumer activism as a form of voting with the pocketbook or shopping for change. The titles of pertinent books, book chapters, and articles are telling when it comes to this widespread misunderstanding: Supermarket Activism, Political Virtue and Shopping, Politics in the Supermarket, Politik mit dem Einkaufswagen (‘Politics with the shopping trolley’), Radical Consumption: Shopping for Change, Shopping for Justice (Baringhorst et al. 2007; Hertz 2002: 145–58; Hilton 2009: Ch. 8; Littler 2009; Micheletti 2003; Stolle et al. 2005). Nothing is wrong with a sharp focus, but none of these studies limits itself to practices of shopping. Instead, ‘shopping’ is employed as pars pro toto for diverse forms of political consumer activism, ranging from supermarket activism over boycotts/buycotts, anti-consumerism (e.g. aggressive recycling, saving, downshifting), anti-commercial iconoclasm, and culture jamming, right up to socially responsible investment, shareholder meeting activism, and certification and labeling schemes. These heterogeneous ways of expressing normative support or opposition to products and services, or consumption and business practices, are poorly described as purchasing decisions. Yet more important than accurate terminology, when we employ a rhetorical device that uses a part to stand for the whole, is making sure that we desist from eventually also thinking the whole through the part. After all, approaching political consumer activism through shopping entails the risk of believing that political consumer activism is about purchasing power and exit rather than organizational talent and voice; that it concerns routine behavior rather than short term events; that it operates within the sector of manufactured goods, rather than the sector of services; that it is a phenomenon of the official economy, rather than grey or black markets and
therefore necessarily reproduces capitalism, and so forth. In short, taking into account the variety of forms of political consumer activism requires a rethinking in terms of both depth and breadth.

Second, we should rethink the relationship of consumers to producers on the one hand, and democratic governments on the other hand, in a less antagonistic way. In regard to the consumer–producer relationship, I have already suggested that even boycotts can plausibly be interpreted in terms of a playful, cooperative dialogue. Here, I want to add for consideration that this cooperative spirit also underpins the relationship between consumers (as well as producers) and democratic governments. The fact that political consumer activism often seeks to circumvent state-based legislation must not lead us to overlook the role of governments in providing enabling structures for extra-legislative forms of activism, especially as governments in affluent societies appear to be increasingly proactive in this regard. For about two decades governments have aggressively promoted a re-territorialization of politics into the economic sphere. Recall, for instance, how the British and German governments facilitated New Public Management ideals and privatization policies in the mid-1990s. Arguing that state administrations willingly shrunk the space of politics by transferring the provision of public services to the private sector would be to miss the dialectical nature of the underlying stratagem. Inspired by the Third Way, the administrations employed actors from the private sector with the performance of public tasks—not in order to abandon these tasks, but rather to place them, as it were, at arm’s length from the government’s main remit (Burnham, 2002; Freeden, 2002; Hobson, 2004). There is of course much controversy about whether the stratagem worked out well in practice. Yet while it may be true that governments were downsized as a result, the same cannot be said of the space of politics, as business has increasingly become implicated in policy-making and consumers are entrusted with the tasks of monitoring and implementation. Among other things, the British and German governments have spent millions establishing platforms for consumer–producer dialogue, mobilizing consumer and corporate social responsibility activists, or dragging consumers and business actors into the firing line in yet other ways. Examples include Labour’s 1999 ‘Are you doing your bit?’ campaign, the 2003 ‘Fair Feels Good’ campaign by the Schröder administration, or the 2011 ‘Echt gerecht. Clever kaufen’ initiative under Merkel. Similarly, the contracting-out of policy-making (such as, for instance, the British Department of Health’s 2010 decision to have policy on alcohol and diet-related diseases written by drink manufacturers and fast-food companies such as Diageo, PepsiCo, McDonald’s, and Kentucky Fried Chicken), testifies to a remarkable eagerness among government officials to experiment
with the simultaneous privatization of governmental competencies and responsibilization of economic actors.

These examples show that penetration of the political sphere by the logic of the market is accompanied by an increasing politicization of economic relations. They also cast doubt on accounts that see market-based political activism as the result of economic agents seizing power and attempting to fill governance gaps. While certainly true in parts, the other half of the story might be that the politicization of economic relations is part of an educative therapy prescribed by governments aiming to rehabilitate hyper-acquisitive business people as well as privatistic consumers. If so, political philosophers will have to confront Walzer with Polanyi and reconsider whether the democratic cause is better served by governments isolating the economy from social life or re-embedding the economy in social life, by aligning all politics to governmental legislation or by pluralizing the sites of political contention.

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Endnotes

1 For similar considerations, see Clarke (2008).

2 A similar claim is made by Micheletti (2003: 16).

3 The forms and strategies of political consumer activism are manifold, ranging from customer activism and boycotts related to anti-consumerism and culture jamming to transnational standard-setting bodies and labelling or certification schemes. It is important to keep in mind this heterogeneity when talking about political consumer activism—a point that will be enlarged upon in the conclusions section.

4 My distinction between ethical consumerism and political consumer activism is based on that given by Hussain; but it diverges from that account in two regards: First, I stress the importance of a somewhat plausible theory of causation, because otherwise we would have to conceptually integrate practices such as praying for change into the repertoire of the contention of citizens. Second, as will be made clear in the concluding section, I refrain from conceptualizing political consumption practices as purchasing decisions. However, Hussain (2012: 111) defines political consumer activism (in his formulation: ‘social change ethical consumerism’) as purchasing...
decisions that are taken in order ‘to advance some moral, social, environmental, or other nonmarket agenda’ by ‘chang[ing] the way that other people behave.’


6 Cf. Walzer (1983: 294–301). A more moderate position can also be found in many studies that address the ‘democratic deficit’ of nongovernmental organizations and the new modes of governance more generally. See, in particular, Swyngedouw (2005).

7 It is interesting to note that the same logic feeds Milton Friedman’s (1970: 125) famous critique of corporate social responsibility initiatives. Managers who try to advance nonmarket agendas, he argues, are ‘seeking to attain by undemocratic procedures what they cannot attain by democratic procedures.’

8 Hussain (2012: 122 fn. 16) makes this claim explicit.

9 For the logic and strategies of culture jamming see Klein (2010) and Lasn (2000).

10 A well-documented case illustrating that political consumer activism is not politics without discussion is the Nike Sweatshop email. In 2000 the Nike corporation launched the Nike iD campaign, an online service that provides personalized shoes, claiming to be ‘about freedom to choose and freedom to express who you are.’ Jonah Peretti challenged the corporation’s word and requested a pair of shoes customized with the word ‘sweatshop’ on the sides. Nike, unsurprisingly, refused his request. Yet because Peretti’s product order did not contradict the guidelines of the Nike iD campaign, the corporation was forced to resort to rather tenuous arguments (‘material ... we simply do not want to place on our products’), and the email correspondence made its way around the world, reaching more than 11 million email accounts, according to estimations. See Peretti (2006).

11 Given the present discussion’s focus on the procedural values of democratic morality, this consideration is not pursued further.

12 A similar argument is made by Micheletti (2008: 26–7).
The impurity of exit-based forms of consumer activism has also been noted, however with critical intent, by Patrick West (2004) and Ingolfur Bluhdorn (2006). They argue that ‘new’ forms of political participation such as political consumer activism should be primarily understood in terms of a complacent conversation with fellow citizens, rather than an earnest attempt to actually change something.

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Is the autonomists’ notion of the ‘social factory’ still adequate?

by Craig Gent

Abstract

This article enters the conceptual space which exists between current explorations of ‘accelerationist’ political theory and more established ideas from the autonomous Marxist tradition. It argues that the negative relationship to technology implicit in the classical autonomist theorization of the ‘social factory’ stands opposed to fundamental autonomist understandings of capitalist recomposition when compared with contemporary experience. By drawing upon accelerationist discourse and arguing that a change of stance is necessary in order to understand the relationship between work and technology, this article argues that the ‘social factory’ is now an inadequate theorization of political possibility in the present.

Introduction

The contemporary state of what we might call ‘late capitalism’ has dramatically shifted the balance between work and leisure, according to cultural theorists such as Fisher (2013), who argue that with the insertion of digital technologies into work and everyday life, there is now little or no escape from work. On this account, work spills beyond the boundaries of the workplace, encroaching into every corner of life, facilitated by digital communicative technologies which pay no regard to the ‘work-life balance’. The idea of the expansion of the workplace across all social life is not new. This notion is articulated most notably by theorists in the autonomous Marxist, or autonomist, tradition, who argue that the idea of the ‘social factory’ can be identified as a defining characteristic of post-Fordist capitalism. Here, post-Fordism is broadly taken to denote the mode of capitalist production and work relations which have developed predominantly in the global north since the 1970s. The autonomists further argue that shifting away from the prior Fordist model of the assembly line, the factory and the regimented work relations therein, the paradigm of post-
Fordism, spanning the “totality of contemporary social production” (Virno, 2004: 61), is characterized by its emphasis on communication, affective labour and ‘virtuosity’, which can be observed in modern cross-workplace emphases such as customer ‘service’, ‘likeability’ and the generation of purchasing desire (ibid.: 57).

At the heart of the autonomist discourse around the social factory is a normative position which argues that the expansion of the ‘workplace’ is a negative phenomenon, necessarily eroding our personal time and asserting ‘work’ as the dominant mode of subjectivity. This suggestion has been carried into many contemporary debates in both activist and theoretical circles, concerning the growing prevalence of digital technology in our work lives, and indeed in providing a means of extension for work into everyday life. I am interested in interrogating this formulation, particularly through engaging with the emerging ‘accelerationist’ discourse, which argues for a ‘properly’ Marxist attitude towards technology as a necessary condition of any development beyond capitalism (Srnicek, 2013). In particular, I want to explore the idea that the autonomist negative critique of the social factory is inconsistent with the fundamental autonomist analysis of labour as the motor of capitalist recomposition, and that the latter analysis instead reveals the potential for a communicative and educative engagement with digital technologies that, rather than leading to a ‘social factory’, might actualize a latent potential for recomposition towards post-capitalist objectives. If, as Gorz (2012: 8) argues, our socialism cannot and should not be “reduced to the restoration of the pre-modern, undifferentiated unity of the individual, community and functional spheres of paid work and self-determined activities”, then we should be taking up the challenges presented to us by digital communicative technologies in work, and articulating the possibilities for the reduction of work through technology’s diffusion and repurposing.

In order to examine the idea of the social factory, I want to locate it within the condition of ‘post-Fordism’ and explicate what these concepts are both absorbing and denoting. In particular, I will discuss the conflicting contemporary articulations of the role of digital technology within the ‘social factory’, which seem to revolve around a tension over whether we are losing or gaining something through the process of informatization. My argument is that the normative assumptions of the social factory are reactionary, demonstrating an instrumental view of technology as an agent in the ‘hollowing out’ of the social. Instead I want to advocate an altogether more positive orientation towards what I call a communicative view of technology, which locates the role of technology in the creation of a new rhizomatic and cooperative multitude that in fact ‘fills in’ the social. These two conceptions present a tension and, I argue, are each based on one aspect of a dual-effect
arising from the intersection of digital communicative technologies and work. These two aspects must be schematized and separated out. Rather than being seen as directly opposed, I propose that we view them as playing out on the different terrains constitutive of the assemblage of historical motors Marx identifies as operative in the transition from feudalism to industrial capitalism, and which are currently underlyng the present transition through late capitalism. By conducting this inquiry, I want to contribute to the current discussions on technology being generated by the nascent accelerationist Marxist project, arguing that a contemporary autonomist project must view the insertion of digital communicative technologies into work as presenting possibilities for future (post-)capitalist recomposition and social change through the repurposing of these technologies, the creation of new technologies and the generation of new social imaginaries.

**Life’s work: the social factory**

As this article is concerned with the intersection between digital technology and the changing nature of work, it seems pertinent to operationalize the term ‘work’ as it has no universally-accepted parameters as a concept. For reasons of efficacy I will adopt the term as it is used by Andre Gorz. It should be made clear, as Gorz (ibid.: 54) notes, that “‘work’…represents a sociohistorical category”. Therefore I will use work in the sense conditioned by contemporary capitalism. ‘Work’ is not, then, intended to refer to *poiesis* in the sense of “the activities of subsistence, reproduction, maintenance and care performed within the household” (ibid.: 53), since these forms of activities are not regarded as ‘work’ proper on capitalist terms (contestable as that might be). Gorz outlines two essential properties of ‘work’: “1. It must be performed in the public, not the private sphere. 2. It must be intended for others as social, not private individuals” (ibid.: 54). Therefore the reason *poiesis* should not be considered work does not refer to whether it constitutes paid work, i.e. wage labour, but rather because ‘work’ “is done in the public domain and appears there as a measurable, exchangeable and interchangeable performance; as a performance which possesses a use-value for others, not simply for the members of the household community carrying it out: for others in general, without distinction or restriction, not for a particular, private person” (ibid.: 53). This notion of work, though a product of capitalist sociohistorical conditioning, is not without caveats: for one, it has its roots in the early industrial working class, and as this article will cover, work in post-industrial society has a very different character. Gorz raises an apposite point which will be of significance when this article turns
to the discussion of the sociohistorical changes being played out on the terrains Marx identifies as driving epochal shifts:

The question, however, is to what extent this conception of work, handed down to us essentially by the skilled industrial workers of the nineteenth century (workers who were still close to artisan production, and had a complete grasp of manufacturing procedures and the products to be made), can apply to the largely de-materialized, pre-determined, specialized work which is the predominant form in today’s macro-social space – a form of activity which has no purchase or influence either on the way it is performed or on the final purpose it is to serve, and is commonly referred to simply as ‘work’. (ibid.: 55-56)

The notion of work outlined here will further demonstrate its efficacy when later discussing digital technological developments in the way we interact with work, particularly in the issues raised by Berry (2011) on data streams.

In the contemporary experience of work, technology is ubiquitous. From the dependence on computers both on the shop floor and throughout the logistics chain to the provision of company smartphones with their constant state of readiness both in terms of the device (sleep mode) and the user (push notifications), “digital technologies open a completely new perspective for labour” (Berardi, 2009: 75). Indeed the centrality of technology within work has drawn observations about the changes these technological developments have brought to the experience of what it means to work. Referring to the prevalence of smartphones, Mark Fisher (2013) notes, “email means that there is no such thing as a workplace or a working day. You start working the minute you wake up.” This current mode of work within post-industrial, ‘late’ capitalism can be referred to as post-Fordism. ‘Post-Fordism’ is so-called because it denotes a development from ‘Fordism’ which was characterized in its epitome by the factory assembly line. Where the Fordist production line was marked by its ‘rigidity’, the advent of post-Fordism was characterized by a new ‘flexibility’ (Fisher, 2009: 33). This break away from rigidity can be observed both in the practices of the workplace, and in terms of the ‘boundaries’ of the workplace, or the divide between ‘work’ and ‘life’. Let us take each in turn.

In terms of the ‘workplace’ itself, where Fordism denotes the industrial, blue-collar ontology of factory-based manufacturing work, post-Fordism instead denotes a more service-oriented mode of work, with a heavy focus on communicative and affective labour, or what Virno calls
‘virtuosity’; and a strong emphasis on digital, communicative technologies through the informatization of work (Hardt & Negri, 2001: 280). This is not to deny that the manufacturing of products still accounts for a sizeable, if diminished, proportion of work carried out within late-capitalist society. While the notion of post-Fordism does assert that we are living in a post-industrial mode of capitalism, this is not to suggest industrial production is resigned to history, but rather that its dominant position as the primary mode of work has been supplanted by communicative capital, aided by the reduction in the number of industrial jobs with the rise of automation in factories, but more importantly a qualitative alteration in the work carried out by the worker in those workplaces. Where the Fordist mode was driven by Taylorist principles of scientific management and the repetition of simple tasks, the crucial difference in post-Fordism is that “while the material production of objects is delegated to an automated system of machines, the services rendered by living labour, instead, resemble linguistic-virtuosic services more and more” (Virno, 2004: 58). Where the services of living labour within Fordism could be typified by piece-work and a strict separation of tasks, “in post-Fordism, when the assembly line becomes a ‘flux of information’, people work by communicating” (Fisher, 2009: 34).

The emphasis on flexibility and communication is also central to the second way in which post-Fordism departs from Fordism. A key observation of post-Fordism is the perceived expansion of work beyond the parameters of the physical workplace and into all corners of life. Within the ‘social factory’, so characterized by affective linguistic-virtuosity is our working life that “there is no longer anything which distinguishes labour[-time] from the rest of human activities” (Virno, 2004: 102) in terms of our mental disposition. In this sense we are ‘attending to work’ all the time. This constant work-subjectivity is continually aided and maintained by digital communicative technologies which blur the distinction between ‘work’ and ‘life’, the publicly-performed and private. Technologies which can be regarded as ‘intimate’ such as our smartphone (Berry, 2011: 149) are simultaneously used to organise, administrate and perform our multiple subject-identities of ‘employee’, ‘job candidate’ and ‘lover’, providing a constant in threading together the various conditions of ‘precarity’ that we must learn to live in. As Marazzi identifies, these communicative technologies have been crucial to the establishment of post-Fordism, the present conditions both requiring and emerging from “an increased cybernetization of the working environment” (Fisher.: 33). With the growth of the social factory, we can also then see the development and production of the ‘socialized’ worker-subjectivity: such a subject is constantly connected to both public ‘work’ life and private life simultaneously, while “the factory
is, with the indispensable aid of information technologies, disseminated into society” (Dyer-Witheford, 1999: 80).

What is being absorbed by the emergence of post-Fordism and the development of the social factory? Virno (2004: 98) argues that post-Fordism demonstrates a recomposition of capitalism which is, in its own deformed way, meeting and rearticulating the demands made by the labour force towards the end of Fordism during the 1970s. This analysis reflects what has come to be known as the ‘Trontian inversion’ at the crux of autonomous Marxism. In his 1965 essay *The Strategy of Refusal*, Tronti argues that where an orthodox or Leninist reading of Marx holds that the labour force is conditioned by the movement of Capital, it is rather the case that “capitalist power seeks to use the workers’ antagonistic will-to-struggle as a motor for its own development” (Tronti, 1965). Labour is therefore the force which moves Capital through capitalist recomposition in response to the desires and actions of the labour force. As we can see, and hence why Virno chooses to use the term ‘deformed’, the capitalist recomposition into post-Fordism has both enabled and limited the labour force. Alongside the development of the flexibility and freedom of work desired by labour comes precarity and nomadism (Fisher, 2009: 28). Yet there is a question mark over how we should interpret the social factory in this case. As much as it could be argued that the social factory and the situating of digital communicative technologies at the centre of life are the articulation of working class desires through capital, there also appears to be a normative assumption within the notion of the ‘social factory’ that the expansion of work beyond the workplace is an ‘encroachment’ into social life which is emblematic of the insidious expansion of the logic of commodification into every realm of life (Crary, 2013: 3). Two things are being played out here. On one hand there seems a repositioning of work as the central and dominant mode of life, while on the other there seems to be a diffusion and flexibility which represents a release from the strict rigidity of the Fordist epoch. While the social factory has its benefits as a concept in helping us visualise the spread of work from the factory outwards, it also carries with it the reactionary normative suggestion that work is better off being reduced through its containment rather than its diffusion.

**Two perspectives on technology**

The central point of contention between the conflicting positions we can see emerging relates to two differing conceptions of the relationship between work and technology. On one hand, the instrumental view of technology argues that the role played by digital technologies in post-Fordism is driven
by economic rationality and is ‘hollowing out’ society. On the other hand, the communicative view of technology is arguing that digital technologies are changing the way we experience work such that our creative and cooperative possibilities are expanded, and therefore that technology is actually serving to ‘fill in’ or provide gains for society.

We can plainly observe ways in which digital communicative technologies have been purposed to benefit capital. It has been noted that technology is optimized towards “the maximisation of output/profit” (Dyer-Witheford, 1999: 147) and that digital technologies are also used and monitored within a ‘dispersed corporation’ for the purposes of control (Fisher, 2009: 22). Crary (2013: 11) is also quick to denounce the ‘economic imperative’ that comes with the development and spread of new technologies. However, it cannot be said on the basis of technology being used for capitalist ends that the expansion of digital technologies can only serve to benefit capital, for at the same time we can observe work becoming more diffuse and communicative in character, leading to new subjectivities filling the void left behind by the Fordist industrial worker. While from an instrumentalist point of view we might see the notion of the “computationally supported subject” (Berry, 2011: 147) as somehow detracting from or compromising the subject, from a communicative standpoint we can instead view this notion positively as a ‘computationally enabled subject’. Next to the bleak imperatives of the instrumental standpoint of technology, a communicative standpoint presents new possibilities. Rather than lamenting the decline of the industrial labour force and the subjectivity of the industrial worker, we can instead look to technology and communication as tools for developing an intellectual and inventive labour force (Negri, 1989: 116; Hardt & Negri, 2001: 292).

Franco ‘Bifo’ Berardi (2009:88), a prominent autonomist, argues that while the “dissemination of the labour process” to dispersed individuals through digital technologies might seem ‘formally autonomous’, they are “actually coordinated and ultimately dependent.” As an example of this dependency, he asks us to consider cellular phones: “The cellular phone is left on by the great majority of info-workers even when they are not working. It has a major function in the organization of labour as self-enterprise that is formally autonomous but substantially dependent…. [It is] constantly coordinating and localizing in real time the fragments of info production. Cellular phones, the most important article of consumption of the last decade, provide this very function at a mass level” (ibid.: 89). In this sense, it is argued that while work may be dispersed in terms of proximity, we are in fact attending to work just as much, if not more, than if we were engaged physically at a workplace. While we are ‘formally autonomous’, the fact that
‘fragments’ of production – tasks, updates, communications – reach us in real time wherever we are, means we have not left the workplace but taken it with us. Fisher (2013) describes this in comparison to the relative burden the Fordist worker was tasked with: “Most of us find ourselves compulsively gripped by the imperatives of communicative capitalism (to check email, to update our statuses). This mode of work makes Sisyphus’s interminable labours seem quaint; at least, Sisyphus was condemned to perform the same task over and over again. Semio-capitalism is more like confronting the mythical hydra: cut off one head and three more grow in its place, the more emails we answer, the more we receive in return.” For Crary (2013: 3) the logical, and intended, progression of this is towards the 24/7 sleepless worker, constantly available to attend to the whims of economic opportunity.

Srnicek, of the emergent accelerationist school, contends that it is simply naïve to posit that “technology has been reduced to a particular capacity” (Srnicek, 2013), however the autonomist claim is even stronger: it is argued that this hollowing out of social life goes beyond our capacities and activities just as workers, “but as students, consumers, shoppers, and television viewers [we] are now directly integrated into the production process” (Dyer-Witheford, 1999: 80). If anything this presents us with a far bleaker picture in which we are constantly ready to perform for the benefit of economic ends, each “lived day…subject to a semiotic activation” (Berardi, 2009: 90) because “we are the commodities; so that any time not spent selling ourselves is wasted time” (Fisher, 2013). Although the hollowing out of society being described can be expanded beyond the role of worker to the role of consumer, this account still maintains a basic normative assumption that the expansion of communicative technology necessarily results in the expansion of the profit motive. Srnicek (2013) responds that it is reactionary to say that “every technology is bound to only serve the function of extracting surplus value. The political conclusion that’s drawn from this is then what makes it a reactionary viewpoint: in order to get beyond capitalism, one has to destroy its infrastructure”. Here Srnicek highlights an important point. These concerns around the social factory, the expansion of work and the mediation brought by communicative technologies all come from a position of some notion of progressing to post-capitalism. How then are we to imagine progress beyond our present condition? We seem faced with a choice of either destroying the infrastructure of capitalism, which would surely denote a regression, or we are forced to engage with the present processes in order to see how they can be repurposed or ‘accelerated’ through. Possibilities arise if we try to understand the effects of the expansion of digital technological processes as ‘filling in’ rather than ‘hollowing out’ social life. If we instead look at what these processes and
mediations do provide us, perhaps we can then generate a more positive account of what is at stake.

Speaking of the internet, Virno (2004: 43) refers to the world-wide web as a “common place”, whereas Hardt & Negri (2001: 291) note the “continual interactivity” it facilitates. While none of these theorists would deny the existent capitalist purposing of these technologies, they are not willing to reduce technological advances merely to economic benefits. Instead, as work becomes ever-more characterised by communication and informatization, this allows the worker to be part of an interconnected network which provides new opportunities for creativity and different forms of cooperative intelligence which are more virtuosic and “immanent to the labouring activity itself” (ibid.: 294). Therefore while we can observe that through the deterritorialization of production the labour force finds itself in a “weakened bargaining position” (ibid.: 295), this is only insofar as we can judge strength of the labour force qua industrial power. As Gorz (2012: 8) is quick to note, “the social actors pressing for...development are no longer, first and foremost, the rapidly declining class of industrial workers.” Therefore both in order to maintain clarity in our discussions and in order to reflect the true present situation of things, we need to regard the working class as ‘multitude’ rather than ‘people’, or in other words as a theoretical concept rather than a ‘snap-shot picture’ to be equated “with certain habits, with certain usages and customs” (Virno, 2004: 45). Constrained by a rigid notion of the social factory and the reactionary, instrumental stance towards technology, Berardi simply cannot accept that possibilities for post-capitalism, for the reduction of work, can arise from the technological diffusion of work though society, instead seeing is as a direct encroachment of the social by the factory which simply must be constrained. He asks, “Why does this new kind of worker value labour as the most interesting part of his or her life and therefore no longer opposes the prolongation of the working day but is actually ready to lengthen it out of personal choice and will?” (Berardi, 2009: 79). Here Berardi, while identifying a new kind of worker, fails to acknowledge the changing nature and experience of work, typified by linguistic-virtuosic activity through which “our economic and social reality is defined less by the material objects that are made and consumed than by co-produced services and relationships” (Hardt & Negri, 2001: 302). While within this framework, the burden of success or failure of work is “judged in reference to current continual output” (Berry, 2011: 150), this form of production “can be distributed and...feed into other shared work” (ibid.: 151). With this in mind we can observe a developing inversion of the original early-modernity notion of work, as in the workhouse, which “referred not to a creative or productive act but to the activity in so far as it entailed pain,
annoyance and fatigue” (Gorz, 2012: 53), and seems to correspond more closely to the outmoded normative assumption of the experience of work as upheld by Berardi.

Resolution

While we do not want to reduce the technological mediation of work to a solely unitary function of maximizing surplus value (Srnicek, 2013), we can clearly see there does exist a degree of instrumentality and optimization towards economic ends at some level. Similarly, while we can agree with Negri that through communicative technologies, “capitalism has succeeded in liberating desires and subjects to some degree…capitalism restrains these liberating forces at the same time” (ibid.). How then are we to resolve this friction?

In the fourth footnote of chapter 15 in *Capital*, Marx (1976: 493) identifies six terrains upon which sociohistorical epochs shift and evolve: technology, the relation of man to nature, the modes of production, the reproduction of daily life, social relations and mental conceptions of the world. Rather than being seen as separate spheres, these terrains should be seen as forming an assemblage or ecology of moments which coevolve (Harvey, 2010: 196), linked through the modes of production which guide social evolution (ibid.: 192). With post-Fordist capitalism as the mode of production, we can begin to schematize and map out the effects upon each of these terrains. With digital communicative technologies plotted on the terrain of technology, we can separate out the instrumental as being operative on the terrain of the reproduction of daily life and the logistics contained therein, while as has been highlighted by Negri, social relations are characterized by their communicability. Hence we can maintain a communicative notion of digital technologies, while also observing the tendencies towards both instrumental and economic reason between the terrains of the reproduction of daily life at the level of work and the mode of production which maintains a dual character, reducible neither to instrumentality, nor wholly to communicative procedures, even if they do constitute an increasingly conspicuous part of the means of production through the virtuosic competencies of living labour (Virno, 2004: 61), which maintain a balance between the creative and intelligent manipulation of communication and information on one hand, and the routine-symbolic work of data handling on the other (Hardt & Negri, 2001: 293).² Vitally, “these elements are...not static but in motion” (Harvey, 2010: 192) which leaves room for new possibilities and recompositions through movement across and between these terrains.
Perhaps most interesting from the perspective of progression towards post-capitalism is possibilities opened up by different mental conceptions of the world in relation to the other terrains. Certainly a new mental conception of the world is what Fisher (2009) is advocating in his provocation against ‘capitalist realism’, and the generation of new imaginaries in relation to technological development is at the centre of the accelerationist project (Williams & Srnicek, 2013). Indeed we can see this kind of interplay between terrains in our mental experiences of technological developments such as the digital streams which have replaced the model of web ‘pages’, generating a new technological imaginary in the process (Berry, 2011: 143). Where our prior usage of the internet was based on internet retrieval (ibid.), data streams operate in real time, are co-creative and “constitute a new kind of public” (ibid.: 144), and naturally as this imaginary takes root new models and augmentations of existing streams are almost certain to emerge. The assemblage of terrains comprising the sociohistorical motor does not only allow us to resolve the friction between instrumental and communicative interpretations of technology, but it also creates the conditions of possibility for the shared normative intention to progress to post-capitalism. As Rainer Land (1990: 633-4) states, “For it to be possible for development to be shaped and directed, the most important point is that processes of innovation and selection should be tied in to the aspirations and life interest of individuals, i.e. that procedures of political participation should be established which allow individuals to bring the ‘autonomized social machine’ into line with – and place it in the service of – their life interests.”

The development towards post-capitalism is possible because of the degree of contingency across these terrains, particularly in the application and benefits of digital technologies. Contrary to Crary, technology is not the life- (and sleep-) stripping tool of squeezing every last ounce of surplus value from society (Crary, 2013: 5). As I have argued, technology cannot be essentialized in either its application or outcomes, nor is it reducible to economic imperatives. While it may be true that many industrially-applied digital technologies are “policed in such a way as to guarantee order and profits” (Hardt & Negri, 2001: 298), this demonstrates precisely that they are contingent on multiple factors, or else they would not need to be policed into getting the ‘right’ outcomes. Indeed this reflects our current reality in terms of radical social change as articulated by accelerationist theorists: at present, “our technological development is being supressed by capitalism, as much as it has been unleashed” (Williams & Srnicek, 2013). However if it is the case that communicative technologies and ‘techno-habitats’ are expanding beyond the control of capitalist authority (Dyer-Witheford, 1999: 84), this provides the opportunity for a repurposing of those technologies and
habitats, in order “to limit the field in which economic rationality may find
expression” (Gorz, 2012: 8). Of the issues discussed in this article there are
two significant contributions which can be made. Firstly, what is regarded
by the accelerationists as a properly Marxist idea of technology encourages
a positive engagement with digital technologies both in terms of their
repurposing and creation, breaking with the normatively negative stance
towards technology implicit in the characterization of the social factory. On
this account, “the improvement of the built environment is a necessary [but
not sufficient] condition for the emergence of a post-capitalist society”
(Srnicek, 2013). However, as no one terrain on the assemblage driving
sociohistorical change “prevails over the others” (Harvey, 2010: 196), there
also needs to be a positive engagement with the idea of communicative-
virtuosic work as it is found within post-Fordism. It is precisely because
“work ceases to constitute a special and separate praxis…different from
those criteria…which regulate non-labour time” (Virno, 2004: 102-3) that we
can observe that post-Fordism is articulating the desire for the reduction of
work through the capitalist mode of production. In ceasing to be separate,
in dissolving work qualitatively into the social, post-Fordist communicative
capital is articulating that desire as far as it can within bounds of the wage-
relation and economic logic of capitalism. It is for this reason Virno so
famously declares post-Fordism to be “the communism of capital” (ibid.: 110).

If “the transformation of work – of all work – into an autonomous
activity was, according to Marx, the meaning of communism as a lived
historical horizon” (Gorz, 2012: 56), then we should be repurposing digital
technologies in our favour in order to drive further capitalist recomposition.
If within post-Fordism “productive cooperation is a ‘publicly-organized
space’” (Virno, 2004: 63) this presents its own opportunities for cooperation
and the percolation of desire, which can generate new mental conceptions
of the world. As has been noted, this was a key factor in the shift to post-
Fordism: “The disintegration of stable working patterns was in part driven
by the desires of workers – it was they who, quite rightly, did not wish to
work in the same factory for forty years” (Fisher, 2009: 34). As a result,
“today we participate in a more radical and profound commonality than has
ever been experienced in the history of capitalism” (Hardt & Negri, 2001:
302). In any case it must surely be said that the changing nature of work and
the role of digital technologies therein open up new possibilities for
multitudinal organization and future recomposition, and therefore also that
the autonomists’ notion of the ‘social factory’ is an inadequate theorization
of the political possibilities in late capitalism.
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Endnotes

1 It is worth noting that David Harvey later identifies seven terrains, citing the seventh – legal and political superstructures – from an earlier footnote in Capital (Harvey, 2010: 194).

2 It would be interesting to conduct further research on the division of labour across class lines within the intersection of communicative work and digital technologies. It strikes me that the informatized work which provides most flexibility and creativity seems to be expected more at a higher class level, whereas the lower classes often see flexibility manifested as precarity and virtuosity as a means of survival rather than a realm of creativity in a positive sense.

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Reviews

*Signs and Machines: Capitalism and the Production of Subjectivity*  
by Maurizio Lazzarato  

By Lukas Slothuus

In *Signs and Machines: Capitalism and the Production of Subjectivity*, Maurizio Lazzarato reevaluates contemporary critical theory’s analysis of revolution and capitalism. He wants to answer Lenin’s perennial question of “what is to be done?” and problematise the process by which revolution happens: “revolutionary possibility can always be identified by the impossibility it makes real” (2014: 20). Today, after 1968 overturned the party and the unions are “completely integrated into capitalist logic” (2014: 22), Lazzarato argues that contemporary critical theory is outdated and does not adequately consider the production of subjectivity, especially through machinic enslavement, as the primary driving force of neoliberalism. He revives Félix Guattari’s argument that the crisis beginning in the early 1970s, subsequently leading to the advent of neoliberalism, was a crisis of subjectivity. Hence, it is a crisis detached from a social reality of commodities; an abstract crisis that subsequently lead the way for the logic of neoliberalism to permeate all aspects of life. Lazzarato seeks to apply this insight to the current crisis and thus calls for a fundamental restructuring of critical theories of capitalism.

Based on Guattari’s untranslated 1984 seminar *Crise de production de subjectivité*, Lazzarato seeks to elevate one component of Deleuze and Guattari’s theory of the production of subjectivity, namely ‘machinic enslavement’, to a level equal, or even prior, to their concept of ‘social subjection’ that informs contemporary theorists from Badiou and Rancière to Žižek and Butler. By utilising the critiques of structuralism advanced by Deleuze, Guattari, and Foucault, Lazzarato wants to politicise the production of subjectivity in general and machinic enslavement in particular and eventually advance these as the defining enabler of neoliberal capitalism. Written before but published after his Anglophone debut *The Making of the Indebted Man: An Essay on the Neoliberal Condition* (2013), *Signs and Machines* lays the groundwork for the theoretical notion of the indebted man who is the outcome of the machinic enslavement advanced in this work. To readers unfamiliar with Lazzarato’s work, reading *Signs and Machines* neatly introduces his thought and argument. To fully appreciate the nuances of *The Making of the Indebted Man*, *Signs and Machines* thus functions as a necessary
framework within which to situate the debtor/creditor relationship.

Lazzarato’s starting point is his claim that political economy is identical with subjective economy (2014: 8). He locates the weakness of capitalism in the production of subjectivity, a task which neoliberalism cannot adequately perform: contemporary subjectivities are residues from early capitalist stages (religion, class, categories of sexuality, gender binaries). Today, the production of subjectivities takes place primarily through machinic enslavement, most apparent in the phenomenon of the indebted man and entrepreneurial subjectivation - the process by which every individual is turned into an enterprise (immortalised by Jay Z in Kanye West’s ‘Diamonds From Sierra Leone (Remix)’: “I’m not a business man / I’m a business, man”); complete with internalised risk-taking previously done by the state apparatus, as well as immiseration: unemployment, precariousness, instability, and mass clinical depression.

This “entrepreneur of the self” is the “last avatar of individualism” (2014: 24), above all structured by the debt condition which shapes social relations under neoliberalism by means of indebting the individual not to God but to money with all the guilt and misery that follows. The “despotic superego” is at work (2014: 53) in relocating the blame from corporations to the individual. Deleuze delineated the shift from factory to corporation and the accompanying shift in subjectivity (1992), and Lazzarato extrapolates from this to suggest that capitalism is developing certain new tensions which it can subsequently exploit. Thus, after Foucault’s society of discipline and Deleuze’s society of control, Lazzarato proposes a society of enslavement whereby organs, faculties, and individuals are controlled by a collective assemblage.

The immiseration of the worker is nothing new, but Lazzarato’s political application of Guattari’s theoretical framework allows for an understanding of contemporary capitalism’s driving forces; above all machinic enslavement. Machinic enslavement refers to the governing of variables by a technological assemblage to ensure the equilibrium of the whole, in which the individual submits as a gear or cog in the financial system. As constant capital replaces variable capital, society becomes machinic: “capitalism is essentially a series of machinisms” (2014: 34). It is based on the notion of asignifying semiotics, which Lazzarato argues is the defining feature of neoliberalism, and spends a significant proportion of the book attempting to explicate (2014: 80-94). Key examples of asignifying semiotics are currencies, stock listings, computer languages (2014: 80) and these, together with machinic enslavement, prevent the kinds of political ruptures that could overcome capitalism.

The work expands Guattari’s influence by tracing a path to Foucault
and subsequently developing a political theory which incorporates both. In particular, this prompts Lazzarato to take issue with Rancière’s outdated position on political action. In the illuminating and original final chapter of the work, Enunciation and Politics, Lazzarato builds a case in support of Foucault’s concept of transvaluation over Rancière’s Platonic philosophy of argumentation and interlocution to reach a society of equality. In the chapter Conflict and Sign Systems, Lazzarato establishes an analysis of the semiotic regime that governs the media apparatus, and consequently politics. Partly a critique of the Habermasian communicative action ideal, it sets the scene for the rebuttal of Rancière.

In Rancière’s universe, the 2005 Paris riots were not political because the suburban youth did not adhere to the Agoran ideal of performative speech, a clearly problematic position shared in part with Žižek. In Lazzarato’s view, the Platonic model was beneficial in the 20th century but is inapplicable to the political reality of today: “The struggle for “an other life” and “an other world,” the fight for political transformation and the transformation of the self”, he says, “must go beyond both political representation and linguistic representation” (2014: 225). For Rancière, equality is necessary and sufficient for an emancipated society whereas for Foucault, equality is a necessary but insufficient criterion. Lazzarato thus critiques the lopsided focus on equality, which in liberal theory has witnessed a resurgence with Piketty, and argues that capitalism will not break through social democratic demands.

Hence, the problem with Rancière, and the Left more generally (2014: 239), is their insistence on trade unionist, republican-type social democracy as a solution to the problems of capitalism, when such a model represents the neater class structure of the 20th century Global North but not the current one. Instead, due to the prevalence of immaterial labour and the debt condition, old structures of democratic socialism are bound to fail, and a new politics must be imagined. Thus, it might not come as a surprise to learn that Lazzarato supports insurgent tactics: “we must pass through points of nonsense, through the asignifying and non-discursive which in politics manifest themselves in the strike, revolt, or riot” (2014: 223). Asignifying semiotics, the non-discursive and the enunciated provide an avenue for creating the ruptures he seeks. The signifying and discursive are obstacles to a revolutionary rupture, and therefore must be eliminated.

A major issue for Lazzarato is the continued reliance by critical theories on analytic philosophy, structuralism, Lacanianism, and “a certain type of Marxism” (2014: 224), all of which depend on linguistics and traditional semiotics. This hinders the possibility of revolutionary change because “only a rupture with the mode of subjectivation” can establish “new forms of life” (2014: 223), and subjectivation is established and sustained by
these linguistic paradigms. Furthermore, Lazzarato’s problem with contemporary critical theories on a more practical level is that they play a central role in preventing those ruptures from occurring. Here, he turns to an analysis of Foucault, nonetheless still informed by Guattari, and uses the example of the intermittent workers’ struggle in France in 2005. The intermittent workers momentarily created a rupture in the system of machinic enslavement that keeps them under control. By challenging the monopoly on problematization and delineation of the “horizon of interpretation” (2014: 144) held by the media assemblage, and thus the semiotic regime that governs individuals’ lives, they threatened the semiotic regime. Moreover, Lazzarato uses this example to criticise the French Left’s approach to the working class. By “defining a framework that sets the limits of the possible” (2014: 144), the Left invariably prevents revolution, and thus aids in programming the system, instead of exploring the possibility of the impossible. Progressive slogans today “do not open up onto new worlds” and hence do not create subjectivation processes. Explained in the words of Deleuze, “there is no need to fear or hope, but only to look for new weapons” (1992: 4), and Lazzarato initiates a crucial discussion of the modes of political action available to direct this struggle.

The work is heavily influenced by Deleuze and Guattari in advancing a semiotic-political analysis of capitalism. Lazzarato invokes their distinction between being and becoming to explain the distinction between subjectivation and enslavement. Subjectivation refers to the state of being a certain collection of identities whereas enslavement refers to the immanent process of becoming a certain extra-individual entity that dismantles identities (a point oft forgotten in critical theories, according to Lazzarato). The strength of capitalism lies precisely in this dichotomous harmony between the individual and extra-individual of social subjection and machinic enslavement, respectively. However, a major shortcoming of the work is its uneasy oscillation between high theoretical commentary on Deleuze and Guattari’s ontology and the practical political philosophy that Lazzarato advances. As such, the book’s longest chapter, Mixed Semiotics, could reasonably be omitted without weakening the political argument.

At its best, the book is clear, hard-hitting and original but occasionally descends into postmodern ramble. In addition, the copy-editing is sloppy: there is no distinction between single and double quotations to distinguish semantic emphasis from quoting other works. Coupled with selective referencing, this blurs the line between especially Lazzarato’s and Guattari’s contributions. Unless this is a deliberate stylistic-theoretical decision (which would need to be explicitly justified), it makes the work less enjoyable and more difficult to read closely, especially if Lazzarato is to be established as a theorist in his own right rather than a Guattari scholar. Nevertheless,
Lazzarato’s writing style on the whole lends itself well to the complex arguments he is setting forth and the book is a welcome contribution to a revaluation of contemporary critical theory. The translation of continental European works of theory is important in fostering dialogue between various approaches to the political and with the publication of *Signs and Machines*, Semiotext(e)’s Foreign Agents series continues to underline its significant contribution to heterodox social and political theory.

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**Bibliography**


Ethical Subjects in Contemporary Culture
By Dave Boothroyd

by David Martinez

Professor Dave Boothroyd’s work deals with difficult issues with discursive clarity. Ethical Subjects in Contemporary Culture is a complex book: it can be interpreted in several ways as it raises a variety of questions. Thus, it could be relevant to people with different scholarly interests (i.e., cultural studies, gender studies, ethics, sociology, philosophy, media and film). In this text, Boothroyd discusses the Levinasian ethical subject in relation to other authors such as Nietzsche, Heidegger, Derrida, Bataille, Foucault, Irigaray, Deleuze, Badiou and Nancy. Levinas is discussed with reference to the early texts and the two main mature works: Totality and Infinity and Otherwise than Being. In addition, more traditional philosophers such as Hegel, Kant and Husserl come to the fore whenever the discussion leads towards relevant issues. As examples of where these authors are recalled, (but of course not the only ones), in the case of Hegel, Boothroyd contrasts his conception of the dialectic of recognition, that is, of me by the other, with the Levinasian recognition of me of the Other. In the case of Kant and Husserl, they come to the scene when Boothroyd discusses the relationship between the passivity of sensibility and the intentionality or spontaneity of the ethical subject.

The philosophical discussions addressed in the book have the aim of developing the Levinasian understanding of the ethical subject. According to the author, the “Subject cannot be approached independently of the cultural context in which it is embedded” (2013: 2). Otherwise, the subject would be outside space and time; she would be pure transcendence and would not be traceable in the realm of human existence and community. Thus, through the elucidation of the ethical subject Boothroyd moves towards the discussion of different spheres or actual situations in which the ethical subject is encountered in her nudity and passivity. Among the topics analysed, Boothroyd highlights sexual difference, new media communications, censorship, suffering and violence. As the book discusses the importance of the empirical and cultural character of the ethical subject, then it is quite understandable that one possible path of inquiry is the one followed here, in which the ethical subject is discussed in her actual materialization as a body in relationship with different cultural or ethical subjects (subjects now in plural referring to topics). Thus, the book is definitely relevant and interesting to all those scholars working in the area of cultural studies. Moreover, it is also relevant to scholars interested in the
philosophical debates and issues surrounding Levinas. However, it is not an introductory contribution to the discipline; rather, it raises different questions and problems that are part of the scholarly discussion concerning Levinas’s oeuvre.

One of the issues discussed is the Levinasian concept of ethical passivity. As Boothroyd states, “[w]hen Levinas ‘theorises’ sensibility he often expresses it in the hyperbolic language of absolute passivity” (2013: 83). This point is important because in the literature it has been argued that in the concept of enjoyment in Levinas there is some sort of activity taking place. In the life of ‘enjoyment’, the egoist existent embodies the ‘arbitrary’ freedom of economic existence. Thus, the existent is understood as it is stated in Totality and Infinity: “without ears like a hungry stomach” (2011a: 134). Furthermore, freedom in this reading would be a pre-condition of responsibility. This thesis would be explained through Levinas’s figure of the subject that could not not welcome the other with empty hands, and as a consequence activity would be the principle of passivity. This criticism is developed, for example, in Radical Passivity edited by Benda Hofmeyr, in which she argues that in Levinas one witnesses a movement from egoism and freedom to ethics and the subjection of freedom, which is commensurate with Levinas’s move to radical passivity (2009: 21). In a nutshell, the main point of this criticism is that in the early Levinas, the life of enjoyment works as the pre-condition or principle that explains responsibility.

Boothroyd’s book could help to address this recurring criticism. He states that “Levinasian passivity expresses the idea that the ‘meaning’ or ‘sense’ of sensibility is decided elsewhere –passivity is a decision which is not mine, and it reverses my ‘being-in-my-skin’ into ‘being for the other- it comes to me from the Other” (2013: 84). Furthermore, the text discusses two possible readings of Levinas’s philosophy, structured around the dialectic between immanence and transcendence. The vast majority of readings regard Levinas as the philosopher of transcendence who focuses on infinity and the other. However, “[t]he Levinasian thinking of the same is rarely a focus” (2013: 5). The criticism that argues that in the so-called early Levinas the immanence of the existent is the condition of possibility for the ethical relationship concerning the other, is a reading in which Levinas would remain on the side of the same. The subject in her pre-ethical freedom generates a place in which the disclosing of the other takes place. Thus, the other becomes a totality within the same and Levinas is not advancing that much if he is put alongside the thinkers of the same. Boothroyd’s development of sensibility as the basis for ethics is useful to address this issue. The impact of the other disturbs the ethical subject, and the suffering of the other results in a doubling of suffering. The suffering of the subject due to the suffering of the other. Ethical sensibility it is not just a structure
that has a contact with the other, sensibility affects the life of enjoyment. As a consequence, if there is a principle at all, it is the principle of the radical passivity of sensibility. However, sensibility is not a principle; at least considering the focal center of Otherwise than Being (2011b), in ‘Substitution’ the relationship with the other is anarchical, without conditions of possibility and as a recurrence of the event of the face-to-face encounter. This raises the further issue of whether in Levinas there is a movement – considering the early works and the later ones – towards avoiding the burden of the language of ontology. Of course this is the case, and to understand this issue it is necessary to recall Derrida’s ‘Violence and Metaphysics’, a text that was seriously addressed by Levinas, and that triggered the development of new concepts such as the difference between the saying and the said. In Levinas, neither the other nor sensibility is a condition of possibility. That would be to return to transcendentalism, transcendence would become a theme, a principle, and again the return to the same. Levinas’s philosophy from its origins aims to overcome this ontology. His success in this respect will remain an important philosophical issue, and Boothroyd’s book contributes to this.

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Bibliography


It is clear that the question of solidarity has been a long-standing concern within the history of social and political thought. Sally J. Scholz’s book *Political Solidarity* (2008) offers an intelligent contribution to this literature. According to Scholz, political solidarity is a relation that unites a collective of individuals who are collectively responding to a situation of injustice, oppression, social vulnerability or tyranny (Scholz, 2008, Kindle loc.197-199).

The author argues that political solidarity is ultimately founded on an individual’s moral conscience, their commitment to collective action and their sense of collective responsibility in challenging oppressive social structures and relationships (Scholz, 2008: Kindle loc. 480). Significantly, this definition means that participants in solidarity struggles do not necessarily have to share common goals, occupy the same geographical location or even be personally acquainted.

Given this conceptualization of political solidarity, it is unsurprising to learn that Scholz’s intention is to illustrate how a wide range of people with different ideological beliefs and motivations can co-operate in order to advance a mutually shared social justice cause.

This is an important point as Scholz’s account of political solidarity shifts the emphasis from supposed traits which a group holds in common, to the process of collective action itself — as Scholz argues “Instead of group consciousness causing the collective action, collective action in political solidarity causes group consciousness” (Scholz, 2008: Kindle loc. 1867).

Consequently, Scholz insists that we should not base the identity of a solidarity group on the basis of shared experiences of injustice and oppression. This is because whilst there might be significant overlap between those who personally experience injustices and those who subsequently participate in a solidarity movement, those who do not experience injustice — that is, people who occupy relatively advantaged and privileged positions in prevailing relations of injustice — can belong to solidarity movements as well.

The first-personal experience of injustice is therefore not a necessary condition for participation in a solidarity movement as people who are comparatively advantaged or privileged social backgrounds are capable of
participating in political solidarity alongside participants who are oppressed.

Instead, the author insists that making a commitment to political solidarity simply demands a willingness to scrutinize one’s own life choices and one’s actions and inactions — in order to understand the extent of one’s own implication and complicity in institutions of domination, to determine possible means of resistance and to identify ways of tracing the relationship between relations of oppression and one’s own life circumstances (Scholz, 2008: Kindle loc. 872-874, 883-885, 928-930).

Accordingly, Scholz argues that it is vital for all participants in a solidarity movement to examine their own conscience and actions in order to discern whether there are any contradictions between the values one commits to as part of a solidarity group and the nature of one’s interactions with other people in the movement (Scholz, 2008, Kindle loc. 1973). This especially involves “unlearning some deeply ingrained behaviors or thought patterns” as well as a renunciation of the privileges which come with being relatively advantaged in certain aspects of one’s own life (Scholz, 2008, Kindle loc. 1975).

Interestingly though, Scholz notes that it might be expedient for people who occupy relatively privileged social positions to strategically use their superior social status and material resources to advance the aims and causes of the solidarity movement. Indeed, Scholz claims that it might actually be advantageous for a solidarity group to be composed of members who are beneficiaries of oppression on the grounds that they might be better suited to communicating with people who disagree with the ambitions of the solidarity movement.

Another interesting aspect of Scholz’s account of solidarity is that it stakes positive moral obligations on individual members of a solidarity group which orientate the manner in which political activism is conducted. These moral obligations are multifaceted and context sensitive, yet serve to underpin the principle that solidarity movements should not use tactics and strategies which are morally inconsistent with their own motivations and intentions.

Significantly, Scholz also stresses that political solidarity necessarily presupposes a vision of co-operation in which individuals recognize that their actions are interconnected and interdependent vis-à-vis actions and inactions of other actors, and that their actions and inactions inherently have political import and significance. (Scholz, 2008: Kindle loc. 1919). This is an important point as Scholz notes that it can be difficult for individuals to understand how their own lives are implicated in relations of injustice via the operation of oppressive identity ascriptions, practices of self-deception or bad-faith, as well as a general absences of knowledge about political
In addition, a commitment to solidarity also involves a willingness to particulate as part of a collective which acts in concert and to publicly differentiate oneself from other social groups and communities that are not part of the solidarity movement. This does not involve a ‘spatial dislocation’ necessarily but it rather constitutes a public statement that one’s commitment implies that “one will live in society in a different way” (Scholz, 2008: Kindle loc. 1021-1024).

Another central duty of solidarity movement participants according to Scholz, is their willingness to engage in public social criticism. The author stresses that social criticism is a wide-ranging activity which involves the critical examination of social customs, laws, social modes and religious and cultural rituals. In particular, social criticism aims to critique particular social practices, to measure them against a society’s self-espoused values or to question these values altogether, to awaken awareness in response to these inconsistencies, and to establish and sustain communities of resistance (Scholz, 2008: Kindle loc. 1351).

Moreover, social criticism also inherently questions the various values and ideals which animate the solidarity group in order to ensure that its tactics and strategies do not further entrench or re-produce relations of domination they are attempting to resist or inadvertently prevent potential allies from participation.

Interestingly, Scholz also suggests that social criticism within solidarity movements can be an important means of examining the differences and commonalities between participants in the face of deep disagreement — that is, social criticism can be a problem-solving device which can resolve conflicts which might frustrate the solidarity group’s capacity to effect social change (Scholz, 2008: Kindle loc. 1370-71). From this point of view, social criticism is important for a solidarity movement as it can ensure that individual contributions are not subsumed by a collective mind-set (Scholz, 2008: Kindle loc. 1425).

Finally, Scholz argues that there are a number of duties between members of solidarity movements and non-participants — that is, towards the wider community irrespective of whether its members belong or not to oppressed social groups and communities (Scholz, 2008: Kindle loc.1425-1427). According to Scholz, there are three primary duties in this regard — to act according to one’s conscience, to negotiate in good faith and to act in a “morally coherent manner” with reference to the ends of the movement (Scholz, 2008: Kindle loc. 1437-1439).

In conclusion, Scholz presents an interesting account of political solidarity that articulates compelling critiques of other conceptualizations,
and which articulates a compelling original account of this complex practice and ideal. Indeed, in particular it offers a plausible normative account of how solidarity movements can include a wide range of participants from very different social backgrounds and who share different ambitions and goals. Moreover, it also provides an invaluable resource into the perennial problem of how social justice movements can ethically negotiate the inevitable asymmetries of power between them.

If there is one limitation to this book though, it lies in its predominantly conceptual focus at the expense of including empirical case-studies of solidarity movements negotiating these problems, albeit Scholz does passingly make reference to a number of social movements such as the Polish Solidarity Movement. Indeed, in particular the insights of the fifth chapter — in which Scholz discusses the involvement of people who are relatively privileged or advantaged in solidarity movements — could have been significantly enhanced by referencing some of the moral and political difficulties historically faced by solidarity movements, and how these difficulties were negotiated.

This question has become particularly pronounced in the face of interesting experiments in civil disobedience, direct action and horizontal democracy in the wake of the financial crisis and subsequent economic turmoil — for instance the global Occupy Movement, the Arab Spring and the 15M movement in Spain. It would therefore be an insightful exercise to apply Scholz’s normative conceptualization of solidarity to these empirical case studies in the future.

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Louis Althusser’s posthumous work *On The Reproduction of Capitalism* (Verso, 2014) has finally been translated and published in English in its entirety for the first time. Originally published in France in 1995, five years after Althusser’s death, it represents the French theorist’s first detailed response to the events of May 1968, and his attempt to develop a structural Marxism from the ground-up. As the title indicates, Althusser attempted to construct a comprehensive theoretical project to ascertain precisely how it was that capitalism functioned in France. Every theoretical tenet was defined, questioned and put into action, from the means and relations of production to the notion of philosophy itself.

Unfortunately, Althusser never managed to complete this project. This book is not a ‘lost classic’, but the first entry into an aborted theoretical project. There is little we can learn from this text that we did not already know about Althusser’s theoretical system. Its importance lies chiefly in the famous ‘Ideology and Ideological State Apparatuses’ essay which has been available in English since 1971. Yet it is not entirely clear what the reader learns from this book that they could not have picked up from that essay. This is due to the deliberately comprehensive nature of the text: far from being a compilation of essays in the vein of *For Marx* or *Reading Capital*, Althusser in 1969 attempted to make sense of the May uprisings by constructing an overview of the process of reproduction of capitalism itself which left him little room for theoretical innovation outside of the analysis of ideology.

Nonetheless, for those without a background in Marxism, Althusser’s text is well-served as an introduction to the issues at hand. After a rather bizarre inquiry into what philosophy is, Althusser goes on to repeat the standard Marxist orthodoxies concerning the means and modes of production, before embarking on his famous investigation of law, the state and ideology. Those who haven’t read ‘Ideology and Ideological State Apparatuses’ will benefit from the more gradual introduction to these concepts, but may still find it difficult to understand Althusser’s rather abstract formalism.

To his credit, Althusser was keen to develop a theory of the state which extends beyond its formal borders, as well as beyond its monopoly of legitimate force. Its materiality does not simply reside within its formal
limits, but is rather best understood as comprising of two separate fields of influence, Repressive State Apparatuses (RSA), and Ideological State Apparatuses (ISA). While the former are largely predictable – the police force and the army – the latter are myriad in number, ranging from schools to families. Far beyond the pretensions of ‘public’ and ‘private’, of some formal separation between ‘civil society’ and ‘the state’, Althusser demonstrates how virtually every institution in the modern capitalist system is dedicated to the reproduction of production relations.

The argument is developed further in the critique of ideology. Typically understood in terms of Marx and Engels’ *The German Ideology*, as the justification and legitimation of the ruling class, Althusser suggests that Marx’s decision not to publish this title indicates that he himself knew that his own theory needed critique. For Althusser, ideology is located in the Freudian unconscious, as an ahistorical dimension of humanity that makes individuals ‘act all by themselves’: ideology “represents individuals’ imaginary relation to their real conditions of existence” (2014: 181). In one of his most influential insights, Althusser demonstrated how it is through ideological rituals that individuals come to ‘interpellate’ themselves as distinct ideological subjects: ideology is not something we come to ‘believe’ but it is rather something which prefigures our sense of self. This is what makes the average worker such a good French Catholic.

Yet in his extensive discussion of RSAs and ISAs Althusser tends to recreate the limits of form that he simultaneously demolishes. Just as Althusser is telling us that formal boundaries of state and society misdirect us from an underlying continuity between the two, he then proceeds in the same breath to spin a new Weberian web with an enthusiastic differentiation between ‘political’ and ‘associative’ ISAs. Certainly, repudiating an undialectical opposition between state and civil society allows us to reveal the manifestation of state ideology outside its own formal institutions through a broad range of social institutions which work to shape and construct our identities as state-subjects. Yet while ISAs are institutions which we can clearly delimit and discuss (schools being the predominant example), at no point does Althusser particularly address the state itself, beyond its existence in a disparate set of repressive and ideological institutions. In discussing the pervasiveness of the state, Althusser seems to accurately find its traces in every institution, without actually addressing the ghost that makes the machine operate. It leaves us without a precise understanding of what makes these ISAs part of the state, outside of their ideology-producing faculties. Althusser asserts that the differentiation between public and private is meaningless, yet he ignores the fact that the state is primarily constituted through such divides (Bratsis, 2006); indeed,
their oppositional nature is often fruitfully exploited as an active strategy by state-actors (Mitchell, 1999). By neglecting these issues, Althusser implicitly reifies the state as some hidden institution which we can eventually uncover once we see past its ideology, rather than as a complex social institution which is reproduced through the relations of production.

Althusser’s critique is not superficial, but it fails to capture the dynamics of the capitalist society he describes. He is keen to repudiate the formalistic ‘topographical’ conceptions of the base-superstructure model, by which the latter is seen as merely a ‘reflection’ of the former. Instead of being separate levels or instances of society, Althusser discusses how the superstructure actively intertwines with and reproduces the base. Yet, this still leaves us with an isolatable ‘economic’ dimension of society which is simply constituted through political and legal means — how is this different from vulgar economism? In his discussion of revolution, Althusser points toward the French revolution’s success at undermining the ISAs to such an extent that what remained for the masses was to confront the ‘hard core’ of the state’s repressive apparatuses directly. Yet, this is not a theory of revolution; Althusser reminds us that this is determined by the base. This being the case – the superstructure as a site of conflict, but not the source of revolution – what is the point of this theory? Understandably, one cannot start a revolution out of nowhere, but Althusser seems to have no explanation of popular uprisings in the slightest. Capitalism reproduces itself, undoubtedly through complex, institutional means, yet at no point are we truly given an explanation as to how or why this could be changed, short of waiting for every French worker to join the PCF and read Althusser. It is simply put off into the never-never of ‘in the last instance’, which is precisely why Althusser found himself eclipsed by the May uprisings.

Surprisingly, Althusser is at his best when at his most humanistic, in those moments throughout the text in which he details the ways in which the ordinary French worker becomes inculcated into a system of conflicting and layering ideologies and systems of domination. Otherwise, his reliance on formalistic explanation diminishes the strength of his argument. Althusser’s constant emphasis on minutia is undermined when one is precisely unsure of the point he is trying to make: the force with which he develops basic Marxist truisms leads the reader to be confused between what is accepted and what is being proposed; what is Marx’s and what is Althusser’s? Ultimately, one realises that they are precisely the same thing.

Indeed, Althusser would have found much common ground with Simone de Beauvoir’s character types in The Ethics of Ambiguity, detailing the ways in which individuals come to identify with and bind themselves to their social roles. In such a framework we can see the character type of Louis
Althusser, as chief theorist of the Communist Party, delivering to the party and the masses his carefully formulated scientific theory of revolution, discernible through the correct form of Marxist-Leninist philosophy. This is not groundless conjecture or *ad hominem*: Althusser explicitly defends the role of ‘the party’ as the instrument of revolution, and the key role of philosophy within said party. For him, the argument has to be clear, comprehensive and scientific: this is literally the tool with which we will achieve revolution. Even his most original contributions are presented as a “considerable risk...which, while they are in perfect conformity with the theory and practice of the Marxist-Leninist workers movement, had not yet been stated in systematic theoretical form” (2014: 2). His frequent attacks on anarchists and humanist Marxists are indicative of Althusser’s conviction of the role of the PCF in the forthcoming revolution. Socialist theory is thus a game of incredibly high stakes which we cannot afford to get wrong, and Althusser is fully convinced of his own importance.

With this in mind, his dogged adherence to Marxism-Leninism(-Althusserianism) is much clearer: Althusser can only really be understood as codifying a science of history. If we take Althusser’s commitment to the Communist Party as the agent of revolution seriously, we are left with the question of what is Althusser’s philosophy; what makes it so uniquely central to the workers’ movement? Of course this is the very question that Althusser poses at the beginning: “What is Marxist-Leninist philosophy? In what does its originality consist? Why is it a revolutionary weapon?” (2014: 2). Althusser asks us to give him due credit to explain these theories in time, and perhaps, had his working group behind this book and other projected companion books not fallen apart, then he might have been able to. Yet, given the very real contradictions emerging from the post-May haze of Marxism, it is doubtful whether such a comprehensive critique could truly have eventuated, as its downfall was internal rather than external.

Thus, it is difficult to review this title as a comprehensive whole. Not only is it missing its second volume, but crucially, it relies on a then-forthcoming but unpublished text by Etienne Balibar, *Schools*, which Althusser at several moments refers to as truly explicating what an Ideological State Apparatus appears to be in practice. Several such other books were also to be developed. As the two separate prefaces (by Balibar and Jacques Bidet) make clear, the publication of *Reproduction* should be seen as an exegetical task, one which encourages us to reread and re-evaluate Althusser.

However, such a task appears to have already been underway since the 1980s. While few theorists today openly identify as ‘Althusserian’ — indeed authors such as Poulantzas have been dismissed on such grounds —
many would happily align themselves alongside figures such as Slavoj Zizek and Judith Butler, whose uses of Lacanian-Marxism are greatly indebted to Althusser. We betray the now-widely used concepts of ideology and interpellation if we do not understand how Althusser came to reconstruct a theory of Marxism far outside the comfort zones of contemporary orthodoxy. This needn’t come with a blind acceptance of Althusser as a personal or political figure: his tension between orthodoxy and radicalism left him an alienated figure even before his personal tragedies. Indeed, too often are we concerned with redeeming past theorists as a totality of self, attempting to justify personal and political contradictions (Adorno readily springs to mind), that we construct these individuals in our own reflection rather than accepting their contingency as human beings, something incidentally Althusser himself was incapable of illuminating.

At any rate, the highest tribute possible has already been paid by his former pupil and subsequent opponent, Jacques Rancière, who explains his reluctance in repudiating his former mentor: “Althusser had misled us, yes, but he had also opened up paths that we might never have known without him…Was it not also Althusser who cleared the way for a Marx who was neither the guarantor of Soviet state power nor the partner of theologians and armchair philosophers?” (2011: XIX). Without Althusser critical theory would be far poorer, and it’s on the back of attempts such as this that we begin to understand our own capacity to theorise and change the world.

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Henri Lefebvre on Space: Architecture, Urban Research, and the Production of Theory
by Lukasz Stanek

by Gisele Eugenia O'Connell

Henri Lefebvre (1950) was adamant that philosophy should be viewed as a “critical conscience on real life.” Lukasz Stanek’s ‘Henri Lefebvre on Space’, does justice to Lefebvre’s philosophical reasoning by arguing that his theoretical project on space emerged from lived experience in urban development, planning and architecture. According to Elden (2004) there have been three primary readings of Lefebvre, which include the political-economic accounts spearheaded by David Harvey, the post-modern geographies of the 1980’s cultural shift, and the recent attention to Lefebvre’s urban empirical work. Stanek’s account neatly falls into this third and current constellation of Lefebvrean interpretation. As an architect and former student of philosophy himself, Stanek’s account is mediated through a lens of his own empirical engagements with ‘Nowa Huta’; a Polish town constructed under the Communist regime (see Elden’s interview with Stanek, 2014). As such, he endeavours to bring certain sensibilities to the praxis which consolidated Lefebvre’s philosophical reasoning. Guided by Lefebvre’s ‘Production of Space’ as the basis of a critical analysis, Stanek’s intellectual biography is not only theoretically rigorous and conceptually grounded, but displays impressive mastery of the philosophical traditions which informed Lefebvre’s conception of space. Lefebvre’s social thought is grounded first and foremost within the French Marxist tradition, while never divorced from its passionate attachment to post-War German philosophy. The theoretical sophistication of Stanek’s work, positions it alongside other accounts which sketch a genealogy of Lefebvrean social thought (for other work see Goonerwardena, 2008; Merrifield, 2006; Elden 2004; Shields, 1999).

Stanek sets out to subvert the predominant view that Lefebvre’s “theory of a production of space” has been a “projection of his philosophical position” by arguing instead that his philosophy of space, arose from a dialectical engagement with space itself (vii). The contention that his theoretical project proceeded from the “real to the possible,” is elaborated through a series of three thematic chapters which engage the “Voice” of Lefebvre’ on “Research, Critique, and Project” (P xvii). This chosen thematic structure not only complements Lefebvre’s insistence on rhythmic and
cyclical narratives, but effectively negotiates the inter-relationships of his trans-disciplinary research. Firstly, we learn that Lefebvre’s shift in intellectual focus from agrarian peasant communities in the Pyrenees, to the processes of urbanization, must account for the direction taken by institutionalised urban research, commissioned by the Centre d’études sociologiques (CES) in 1950’s France. This organisation offered him not only financial assistance at a time of hardship, but a platform for scholarly outlet and academic pursuits. The point Stanek makes is both subtle and convincing; Lefebvre’s theory and practice on space was influenced and guided by his engagement with architects, planners and urban institutions from the outset. Stanek develops this argumentation through Lefebvre’s ‘Voice’ on ‘Research’ whereby he suggests that Lefebvre’s concept of space as both “produced and productive” emerged from “concrete research” undertaken on both the practices of ‘dwelling’ and ‘grands ensembles’ while in the ‘Institut de sociologie urbaine’ (ISU), (p.82). These spatial forms of dwelling at the centre of his research were symptomatic not only of the post-war housing crisis in France, but what Lefebvre’s regarded as the privatization of “everyday life” in the emerging consumer society. By focusing on inhabited practices and the rhythmic transformation of spaces in the Pavillon, Stanek is able to contextualise Lefebvre’s theory within a critique of dominant architectural paradigms: namely structuralism and functionalism. In particular to this section, Stanek delineates between space as a commodity for consumption, and space as appropriated and transformed, as the two predominant ways in which Lefebvre came to understand space as “perceived, conceived and lived” (P.89). This, Stanek argues, provided the basis for Lefebvre’s theoretical account of space as a “concrete abstraction” bearing the same paradoxical qualities of ‘being’, as commodity and labour held for Marx (P.134).

Stanek goes further in Lefebvre’s ‘Voice’ on ‘Critique’ to argue that Lefebvre’s lived engagement with urban planning, bolstered his critique of 1970’s French philosophies of urban space. Although theories of space existed in 1970’s French psychoanalysis, phenomenology and so on, Lefebvre was critical of the chaotic bricolage and fragmented understanding of space, which it produced. Stanek shows however, that Lefebvre offers a trans-disciplinary reading of space principally influenced by Hegelian Marxism. This was crucial for Lefebvre, Stanek argues, as it shifted the dominant discussions in the 1970’s from ontologies of the spatial, to an “epistemology of the urban”; a framework which captures the radical alterity of urbanization. Thus, while although space is conceived of as an abstraction differentially experienced by class, gender, age, memory and so on, Lefebvre was eager to embrace its multiplicity, advocating the need to effectively keep
urban space “open” to all (P.127). In Lefebvre’s ‘Voice’ on ‘Project,’ Stanek emphasises how the urban ‘field’ held significant potential for Lefebvre in investigating social and spatial developments. In particular, Lefebvre’s was eager to explore the various conjunctures which ignite a revolutionary potential within and through urban space. Stanek analytically isolates specific concepts such as ‘centrality’, ‘dwelling’, ‘scale’ and ‘difference’ which Lefebvre maintained were crucial to the emergence of various urban ‘moments’ such as the Paris Commune. Central to Stanek’s argument is that a dialectical engagement with urban architecture, which Lefebvre referred to as a “formation of the senses” or a “pedagogy of the body” was not only indispensable to the lived experience of urban society, but part of the immanence of urban revolutionary potential (P.250).

One of the delicate matters both addressed and effectively defended by Stanek, is the accusation that Lefebvre’s social thought abandoned its Marxist orientation, which, as Stanek argues, “misguided much of the Anglo-American reception” of his theory (P.51). The crisis of orthodox Marxism in the 1960’s was a recurring theme in Lefebvre’s thinking and as such, is given considerable attention in the opening chapters of Stanek’s analysis. Undoubtedly, the unfolding of a theory of urban space illuminated multiple incompatibilities with a Marxist class position. Yet Stanek refuses to shy away from its resulting polemics, and successfully defends Lefebvre’s Hegelian Marxism by couching it in terms of a revisionist and dialectical approach. At the forefront of the criticisms discussed by Stanek, is the accusation by Manuel Castells that Lefebvre was nothing more than a “bourgeois ideologist” whose theory was in discord with Marxism given its emphasis on urban ecologies as opposed to capitalist industrialization. In Castells view, Lefebvre’s theory therefore “violates Marxist premises” by attributing agency and social change to the “form of the city” rather than social action itself (P.53). Conversely however, Stanek shows that despite these evident criticisms, Lefebvre’s revisionist understanding of Marxism demonstrates how social change occurs as result of lived experience in the consumption and appropriation of urban space. Thus, Stanek concludes that Lefebvre’s theoretical insight provides us with an understanding of social change which is unrestricted by notions of economy or ideology but captures the dialectical process of dwelling in everyday life.

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Bibliography


by Kristina Gosheva Ilieva

‘Normalizing the Balkans’ explores the role and language of psychoanalysis in Eastern European politics. It appears that the reference to psychiatry in the title of the book is misleading as the author rarely discusses psychiatry per se, and uses it interchangeably with psychoanalysis, a usage justified by his claim that ‘the line between the two disciplines began to blur’ after the First World War (p. 125).

The main argument of the book is that psychoanalysis has been formed from Sigmund Freud with an approach that pathologises the geographic positionality of Eastern Europe. The author claims that the language of psychoanalysis is conformist, racist, colonialist and Orientalist, specifically towards Eastern Europe in relation to the West. This, it appears, has remained the case beyond Freud and up to the present, with examples of psychoanalysis-influenced scholars of Eastern European origin who have continued to use the same language of ‘consent’ and ‘conformity’ in line with Western neoliberalism. Even further, the political organisation of Lacanian psychoanalysis in Slovenia is argued to have reshaped the Yugoslav ‘Marxist’ society and lead to the birth of Europeanised Slovenia in 1991, with intellectual orientation towards psychoanalysis: in the search towards the construction of subjectivity.

The structure of the book is based around four psychoanalysts (in the first 5 chapters) who are claimed to have shaped the politics in the Balkans – Sigmund Freud, Jaques Lacan, Julia Kristeva and Slavoj Žižek. The scholarly and political positionality of these figures is discussed. The next two chapters, returning to the critique of these intellectuals, advance notions of the impact of psychoanalysis on the politics of immigration (chapter 6) and on its appropriation by military geopolitics and colonial psychiatry (chapter 7). The last chapter, allegedly departing from psychoanalysis, presents views that there are in fact ‘family resemblances’ within the Balkans, collected together by shared joy, images and sensual experiences (pp.168-169).

Key points made by Dušan Bjelić relate to the importance of space, geography and belonging in the development of social theory. The author argues that Freud (as well as the other selected international intellectuals) did not theoretically defend the position of their national or ethnic belonging. Bjelić analyses the individual and academic trajectory of the selected
intellectuals as identity disorientation, a ‘psychological split’. The author argues that Freud’s own ‘psychological split’ - between being an Eastern European Jew and living in Enlightenment-influenced Aryan Viennese society, prompted a split between ‘the East’ and ‘the West’ in Freud’s life and work (pp. 32-33; pp. 39-40). The theme of the ‘split’ – psychological, between civilised and archaic, between reason and emotion, and Europe’s split geography – leads, in Bjelić’s view, to a theoretical and political justification for the break-up or ‘splitting’ of Eastern European societies.

Related to this is another overarching theme, namely, that psychoanalysis has not only a political but also ‘rational’ orientation against heterogeneity (in the Balkans). In comparison, which the author does not offer, in post-rationalist social theories (e.g. in Pijl, 2009) this psychological split has been theorised as fundamental to a de-centered self, allowing for the pivotal place of emotions and for arguing against a Cartesian rationalist agency.

In my view, Bjelić’s work effectively puts forward the need to study geopolitics and psychoanalysis together. It is at times difficult to follow, largely because he criticises the language of psychoanalysis while himself using psychoanalysis for his justifications. Although the critique of the role and discourse of intellectuals is important, as Antonio Gramsci has theorised, Bjelić is not analysing the role of these intellectuals outside of the field of psychoanalysis. His methodology could be summarised with ‘[m]oving concepts back and forth from Freud’s therapy room to German racialized geography’, an approach which, according to Bjelić, makes ‘genealogy transparent’ (p.160). This criticism apart, his work is rich in the personal facts and biographies of intellectuals influenced by psychoanalysis. The book might be useful for people interested in the history of the break-up of Yugoslavia. It also offers an attempt to a much-needed critique of psychoanalysis.

Students of the social sciences may be disappointed by the fact that there is only one mention of the Frankfurt School in the book, in a sentence mentioning that Marcuse employed psychoanalysis in his critique of Western civilisation (p.41). In contrast to Marcuse, however, the author denies this potential in psychoanalysis.

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Bibliography

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