

A POLITICS OF THE ORDINARY:
WITTGENSTEIN AND NEW FAMILIAL PRACTICES

by

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INTRODUCTION: THE PROBLEMATIC OF THE ORDINARY

It is as though I had lost my way & asked someone the way home. He says he will show me and walks with me along a nice smooth path. This suddenly comes to an end. And now my friend says: "All you have to do now is to find the rest of the way home from here.

---Wittgenstein, *Culture and Value*¹

Inhabiting our relation to the ordinary, therefore, are opposed drives toward both its acceptance and its overcoming.

---Eldridge, "Introduction: Between Acknowledgment and Avoidance"²

This dissertation argues that Wittgenstein's appeal to return to the everyday and ordinary is instructive as a model form of political inhabitation. This may seem a surprising suggestion given that he never explicitly spoke about politics in his philosophical writings. But following a number of recent political thinkers, I believe his work can be instructive in elucidating a set of basic issues within the tension between embeddedness and critique in defining our new form of political inhabitation, as well as the place where this activity ought to occur. This sort of proposal is especially needed in light of our contemporary mode of democratic membership. The therapeutic return to the "ordinary" aims to register how we inhabit unresolved, ultimately groundless, and yet critical practices, which is the very basis of what modern political inhabitation must be like today. And to achieve this difficult mode of political engagement, Wittgenstein's

¹ Wittgenstein, *Culture and Value*. Trans. Peter Finch (Chicago: University of Chicago Press, 1984), 53. See footnote 33 for different translations.

² Richard Eldridge, "Introduction: Between Acknowledgment and Avoidance," *Stanley Cavell*, ed. Richard Eldridge (Routledge, 2003), 15.

work aims to dismantle the link between forms of inhabitation and a fixed, coherent customariness, and as such suggest how critical thought has requires that we engage more directly with our specific concrete practices, precisely so that it is possible for us to begin to live the fragile form of inhabitation that our modern life presents us with.

The majority of the Wittgensteinian scholarship has, for obvious reasons, focused on his attempt to ground in a Kantian fashion the bounds of sense in the *Tractatus*, or exploring our language usage that leads us into metaphysical confusions in the *Philosophical Investigations*. Indeed, it is widely accepted that Wittgenstein is chiefly concerned with epistemic and linguistic illnesses that the philosopher has contracted,³ not with assessing typical political concepts like the state, power, or justice. As Janik and Toulmin rightly remind us, “at a conscious level, Wittgenstein was barely interested in socio-political issues and certainly gave them no sustained or sophisticated attention.”⁴ His relevance within political thought has therefore been *indirect*; not as directly supporting an ideology, political concepts, or institutional arrangement, but in his perceived participation in a broad attack on philosophical justifications that some believe can lead to terrible political consequences. This concern has continued for the past few decades, and is what Alice Crary calls the “ongoing debate...about the significance of his work for political thought.”⁵ However, I believe we are now better able to reevaluate this otherwise calcified historical debate to consider more positive renderings of the political

³ Although some have used biographical information to suggest an ideological reading of his rather non-political writing. John Moran, “Wittgenstein and Russia,” *New Left Review* 73 (1972): 85–98.

⁴ For instance, he did not seem to express a concern over “whether a Danubian federation should be preserved or whether, on the contrary, the rival ethnic cultures of the region should secure their wholly sovereign states, each dedicated to the protection and maintenance of its own national culture.” Allan Janik and Stephen Toulmin, *Wittgenstein’s Vienna* (Touchstone Press, 1973), 74, 85.

⁵ Alice Crary, “Wittgenstein’s Philosophy in Relation to Political Thought,” *The New Wittgenstein*, ed. Alice Crary and Rupert Reed (London: Routledge, 2000), 118-146. Although Crary reminds us of Wittgenstein’s cryptic remark: “Our only task is to be just. That is, we must only point out and resolve the injustices of philosophy, and not posit new parties—and creeds.” (119)

relevance of Wittgenstein. And I argue that focusing on the difficult and elusive concept of the “ordinary” in particular is an interpretive key to discover Wittgenstein’s relevance for political thought, as a way to grasp a fundamental difficulty with current modes of political inhabitation, where political practices have wrongly been viewed as uncritical because merely “concrete” politics or because alienating and “abstract.”⁶

On the one hand, over the past few decades, there have been numerous debates over identity politics and nationalist causes, in each case constantly revisiting the importance of concrete forms of inhabitation and the specific practices that we participate in. The concern of these debates points out how political projects often act as forces that aim to deny concrete selves at the intersection of, e.g., various gender, ethnic, and economic practices; and that political rationalists impose a demand of universality that, among other things, seem coercive to our actual plurality. Moreover, mixed with these concerns were various complaints that a certain idealization of political life, indeed human life, rendered their political theories if not vacuous at least so immaterial that it was unclear how to then hook it back up with specific action.

On the other hand, there is a long, powerful tradition in political philosophy that has convinced many that without a certain network of certified critical methods, deduced from a system of fundamental concepts, we cannot help but reproduce the range of norms we are born into. Such core political concepts are supposed to allow one to stand outside of contingent practices one happens to occupy, and their objective status outside of history awaits us to discover them. Everything else besides linking universal concepts like freedom and justice to a broad theoretical architecture, or “regime” justification, is

⁶ In this way, I follow a number of new attempts to draw on his work for political inspiration, e.g., Jose Medina, Cresida Heyes, Linda Zerilli, Naomi Scheman.

just engineering to satisfy those universal concepts. It is the business of philosophical method to start from scratch and build up from a set of independent concepts, untainted by the practices one lives within, so that we can then legitimate the practices we participate in, and determine how, where, and to what extent we are failing to meet such standards. Such is the motivation of political rationalism and foundationalism.⁷

This is a familiar philosophical dilemma which Wittgenstein provides some insight into resolving. Revisiting this dilemma through his work on the ordinary and everyday as well as others who have drawn inspiration from his work, I argue, is significant in providing a philosophical political practice that expresses two difficult tasks at the same time as vital to political inhabitation: how one must take as central our concrete practices as open-ended and critical without any metaphysical appeals, as well as capture the strong desire to occupy a position expressing the dissatisfaction with how things stand in our existing practices. Both points are captured in a way that brings us back to our concrete practices in the form of the “rough ground” after having walked the “smooth path.”⁸ The ordinary is meant to critically engage the everyday practices that we participate in and somehow forget perhaps because of their everydayness. And yet at the same time Wittgenstein’s lesson is that the *way we inhabit* these practices is what it means to return to the ordinary, in a way that he helps to exemplify through his investigations.

One can be somewhat frustrated with the literature that has taken to be quite explicitly leaning on Wittgenstein and his concept of the ordinary, since unlike a number

⁷ I use roughly Oakeshott’s description of the political rationalist. Michael Oakeshott, *Rationalism in Politics and Other Essays* (Indianapolis: Liberty Fund, 1991), 6-7.

⁸ Ludwig Wittgenstein, *Philosophical Investigations* Trans. G.E.M. Anscombe (Englewood Cliffs: Prentice Hall, 1958), 107

of other debates, there is seldom a suitably clear *definition* that one can be for or against, attack or take on as one's own. One may desperately begin seeking a set of necessary and sufficient conditions to describe a term that is given such interpretive weight in this philosophical tradition. However, perhaps this says something about the kind of attitude that such Wittgensteinians have. For in carrying out a broad agreement with Wittgenstein's claims on meaning as use, needing to *have* that definition to which we all share a single is perhaps less important than being able share a series of concerns that encircle the issue in enough ways, from enough perspectives, so that their cumulative effect may press on the audience enough of what is being conveyed.

What is this notion of the everyday and ordinary as it pertain to politics, a term that would seem to be voiced by a critic as a means of disparagement? An enthusiastic if not misleading definition can be found in Thomas Dumm's opening definition in his recent book *Politics of the Ordinary*, and it reflects one way in which the brief enumeration of its synonyms or related concepts at best barely succeed in clarification: "Ordinary life, the life-world, the everyday, the quotidian, the low, the common, the private, the personal – everybody knows what the ordinary is. The ordinary is what everybody knows."⁹ Such an enumeration seems harmless enough, if not for the fact that his brief comments inevitably evokes more questions, as he says, "The ordinary gives us a sense of comfort; it allows us to make certain predictions about what will happen; it provides the context for the text we provide. The ordinary allows us to assume a certain constancy of life. It is reliable."¹⁰ And thus, one must ask in what sense is ordinary life that which everybody *knows*? And do we not need in our culture to have

⁹ Thomas Dumm, *Politics of the Ordinary* (New York: NYU Press, 1999), 1.

¹⁰ *Ibid.*

internal to our lives perhaps precisely the opposite of satisfaction, viz., a sense of *discomfort*? Whatever the ordinary and what Wittgenstein calls the “rough ground” must entail, one must be sensitive to what Stanley Rosen said, when speaking of Austin on ordinary language, that there is perhaps often an unspecified degree to which the ordinary has a regulative function.¹¹ And thus, we must ask ourselves if the ordinary is perhaps just a starting point rather than an endpoint to our investigation, as we learn how to “find the rest of the way home.”

The very term of the “ordinary” within even remote proximity to our political discourse may strike one as doomed and risky, too vague to be helpful, too susceptible to the ambiguity of common ways of speaking. For this reason Marcuse critically describes the methods of ordinary language philosophy as justifying “the chap on the street,” the “language of John Doe,” as if all of language is revealed with an “easy-going chumminess.”¹² And in many places especially in the United States, populism continues to make ideological appeals to the ordinary and everyday in ways that are unsettling because they are deeply insular and unreflective. Thus, it will be necessary to show how this description misrepresents the Wittgensteinian lesson. Even though my aim in this thesis is not to discuss simply the various ways groups struggling for power may battle over the ownership of this specific word, which plays into an American mythology of the simple, “ordinary person” of “Joe the plumber;”¹³ the results of my account may clarify

¹¹ Stanley Rosen, *The Elusiveness of the Ordinary: Studies in the Possibility of Philosophy* (New Haven: Yale, 2002), 1.

¹² Herbert Marcuse, *One Dimensional Man* (New York: Beacon Press, 1991), 175.

¹³ “...the commonplace mind, knowing itself to be commonplace, has assumed the rights of the commonplace and to impose them wherever it will.” Jose Ortega y Gasset, *Revolt of the Masses* (New York: Norton, 1994), 18.

such ideological moves quietly in the business of reifying a concept like this.¹⁴ After all, remember that Wittgenstein says, “When philosophizing you have to descend into the old chaos & feel at home there”, and I believe this is meant to reflect his attitude about the ongoing challenge that his investigations were meant to invoke in philosophy in our ongoing interrogation of the complex web of practices we inhabit.¹⁵

The existing literature that directly engages the ordinary often appears elusive. Even from someone who has perhaps taken more time than anyone to investigate this concept’s role in philosophy, Cavell responds to the question: “What is the ‘ordinary,’ then?” by saying “It’s not easy to say”.¹⁶ This is not just because, as he said elsewhere, that he views both Austin and Wittgenstein as esoteric writers. It is also because “those of us who have claimed responsibility of ordinary language procedures or profit for them, have not to my mind satisfactorily described their performance.”¹⁷ And it is either too easy or too wild a thought to speak of any value of the ordinary given that philosophy has typically taken such a strong stance against anything that may seem to fit its description.

For some, the concept of the ordinary seems to valorize common usage as if by some quantitative sum or the simple expression of some “silent majority.” Cavell says for him that: “I understand ordinary language philosophy not as an effort to reinstate vulgar beliefs, or common sense, to a pre-scientific position of eminence, but to reclaim the human self from its denial and neglect by modern philosophy.”¹⁸ For others it is an

¹⁴ This level of analysis is the work of, e.g., George Lakoff’s *Moral Politics*, as we saw during the last presidential election among tea-party conservatives.

¹⁵ Wittgenstein, *Culture and Value*, 65.

¹⁶ Stanley Cavell, “Politics as Opposed to What,” *Critical Inquiry* Sept (1982), 164.

¹⁷ *Ibid.*, 162. Although elsewhere, he appears more confident in leaving the term vague. Stanley Cavell “Knowing and Acknowledging,” *Must We Mean What We Say* (Cambridge: Cambridge University of Press, 2002), 238.

¹⁸ Stanley Cavell, *The Claim of Reason: Wittgenstein, Skepticism, Morality* (Oxford: Oxford University Press, 1979), 154.

ontological thesis of the political. But on my reading, the ordinary signals a task, a home that we have to find.¹⁹

In reviewing the key stages of Wittgenstein's adoption within political thought, I will show how the concept of the ordinary is a key interpretive lens for reading him politically. I will then propose a politics of the ordinary as being similar to but different from what common expressions of micropolitics, viz., a way of critically inhabiting specific often conflicting practices in way that attempts to rearrange power and ultimately gain it, not through the consolidation of power through new more enlightened institutions, but by performing a kind of therapy on ourselves, reconstructing our political subjectivity so that we can inhabit our various practices differently, especially those practices that we have, in some sense, become blind to.

In order to elaborate on these Wittgensteinian themes, I take his concept of the family from his reference to family resemblances as an entry point for depicting the politics of the ordinary in more general terms as well as to briefly explore a practice that arguably has been insufficiently examined in the philosophical literature. His concept of family resemblance can perform the dual role of understanding the logic of political practices and suggesting ways in which familial practices themselves might be an interesting object of political study. For the theme of home and inhabitation runs throughout his entire account of the ordinary and politics more generally. In particular, transnational adoption is a unique and rich practice that can be a new opportunity for a critical engagement with this most intimate of experiences, as another way we might

¹⁹ "...they confine too much their principles, and make no account of that vast variety which nature has so much affected in all her operations. When a philosopher has once laid hold of a favorite principle...[he] reduces to it every phenomenon, thought by the most violent and absurd reasoning." David Hume, "The Sceptic," *Selected Essays* (Oxford: Oxford University Press, 1998), 95.

reimagine political inhabitation. What I am calling a politics of the ordinary, therefore, is not an ideological proposal or ontological thesis, nor is it even easily situated within an existing political position, but is rather a kind of political thinking of particular interest to us within a modern, pluralistic society. The aim is to help us critically inhabit our complex fragmented practices so that we can participate in a political life that has grown distant and obscure.

Political discourse today is often still chiefly concerned with laws and procedures, and it sees the breakdown of political life as evinced by our inability to decide once and for all the institutions that would make all our conflict right. Politics is taken to be that dimension of life that tries to transform power into something new that can be acceptable to everyone in the polity, and the extent to which those issues become a concern requires that we find a place for them in those institutional paths, say, in voting, interest group formation, policy passing, which are the mechanisms of that transformation. At the same time, there has been increasing interest in how politics can function outside the most common institutional pathways, in a complex network of micropolitical areas of distributed power among people, and what counts as the domain of the political is best understood by starting empirically from the plurality of practices rather than starting with a set of basic assumptions that methodologically come prior to all empirical investigation.

My thesis draws together the “where” of politics and the path that Wittgenstein has tried to take in emphasizing the particular in our ordinary practices. I will argue that a politics of the ordinary is a political project that productively takes the same refocusing of the complex network of disparate practices as its starting point as Wittgenstein did for his analysis of other human practices, by trying to show the limitations and confusions of

starting from foundationalist assumptions as a theoretical anchor. This form of political inhabitation will both show the challenge of addressing the multiple practices as they appear in our complex form of life and the new possibilities of activating our agency across a network of familial practices. In so doing, I hope to contribute to this ongoing debate and help us find new ways of reinvigorating a case for politics in everyday life.

Chapter Outline:

Most debates about democratic membership and contemporary pluralism have in one form or another focused on the nature of agreement in a broad, varied society, and it is in this way that Wittgenstein's conception of the ordinary crosses path with politics. In **Chapter 1**, I revisit the criticisms that say Wittgenstein's conception of the everyday and ordinary supports a broad political conservatism. The conservative charge takes at least two forms, one substantive and one therapeutic, but each sees the result being an explicit or implicit way to maintain the status quo by means of a conception of "home" that is contained within these accounts. By revisiting these earlier criticisms, I try to show how Gellner and Marcuse's concerns set the stage for creating a more positive interpretation of Wittgenstein. I argue that their focus on political subjectivity constituted out of philosophical practice is the first step to revising a politics of the ordinary.

In **Chapter 2**, I turn to one of the more prominent recent political thinkers who use the concept of the ordinary for a reversal of the original conservative critique and a defense of a new, radical pluralism. Chantal Mouffe's position takes two parallel lines, each using a different aspect of Wittgenstein's challenge to philosophical abstraction. The first is her use of "reminders" of the political reality of power and conflict to evoke in her

audience what is lost in the dominant ideal political theory. I argue that these are meant to echo the kind of Wittgenstein's reminders in his grammatical investigations, now used in service of the confusions within political philosophy. In **Chapter 3**, I review Mouffe's account of agonism as defining the deeper political ontology born out of an epistemic lack in order to better capture the never-ending redefinition of a contemporary polity. Deep differences in contemporary political life are not the problem of a theory that has yet to discover the single line of identification to overcome pluralism. Instead the lesson of the ordinary is to inhabit this type of "constitutive tension." The democratic paradox expresses the competing core values of freedom and equality that her vision of political membership is then "grounded" in. While I agree with her on many things, I worry that defining her project as a political ontology may reproduce the expectation that politics is still within the realm of a single institutional apparatus rather than letting this lead to a broader range of what counts as politics.

While Mouffe notes her debt to Cavell's account of skepticism and responsibility as it pertains to occupying a groundless form of life, her ontological account risks obscuring how our political subjectivity needs to be inhabited. In **Chapter 4**, I argue that Cavell is also important for having us focus on the very notion of the ordinary, how the ordinary is also what is missable, forgettable, as if his entire corpus hopes to inspire the sense that our subjectivity is charted at every turn. The significance of how we overlook things because they are in the everyday, suggest to him the possibility of exploring our familial practices, specifically through our conception of marriage as a "constitutional" issue, just as much as directly contesting other regime justification accounts. I try to follow this line of thought concerning the familial because it parallels so much of our

image of the polity, with its conception of origins, blood, consent, and togetherness, while also putting the question of politics at the level of a variety of practices.

To expand on this conception of moving politics to the level of the ordinary I draw on Foucault's conception of a micropolitics. In **Chapter 5**, I pursue his concern with capturing political power in more diffuse and even more intimate settings as a way to discover new ways power is exercised through complex, local crisscrossing networks that we all participate in repeating or reshaping. Political energy and agency can start in various places and across many different contexts but the result needn't be the solidifying of those identifications that are then processed through the same institutional channels. I aim to connect with a more nuanced and dispersed conception of the constitution of the "we" in the formation of a citizenship through a web of related political practices.

Chapter 6 concludes this micropolitics of the ordinary by further exploring the concept of the image of the home and family through adoption, which has begun to be explored particularly by feminist theorists. The practice of transnational adoption is useful because it is an underexplored topic that crosses political discussions of exile and belonging, showing the minute ways politics power emerges into concrete practices. In addition, the concept of a home shapes many levels of our politics; and transnational adoption is one underexplored practice that helps us see issues of race, country, and family as they intertwine and mutually inform one another as ways to critically engage these "minor" practices for politics.

CHAPTER 1 DEEP AGREEMENT: THE CONSERVATIVE ORDINARY

It is what human beings say that is true and false; and they agree in the *language* they use. That is not agreement in opinions but in form of life.

---Wittgenstein, *Philosophical Investigations*²⁰

The emphasis is on the *therapeutic* function of philosophical analysis—correction of abnormal behavior in thought and speech, removal of obscurities, illusions, and oddities, or at least their exposure.

---Marcuse, *One Dimensional Man*²¹

Anyone who begins a discussion of Wittgenstein within political thought typically feels obligated to address the fact that his entrance into politics has a very curious history and one that is problematically entangled with claims of conservatism. The challenge for many has been to explain not just whether certain interpretations are right and wrong, but also, and perhaps more importantly, the reasons for which he has become an object of concern for politics in any form at all. Given that his own work never seems to touch on politics directly, it is perhaps an odd and unexpected result of his work that his teachings were seen as having serious implications for political thinking by virtue of the magnitude of his impact within philosophy and culture as a whole. Whatever one may think of this local interpretive debate about his alleged conservatism, the fact that it mattered so much

²⁰ Wittgenstein, *Philosophical Investigations*, 241.

²¹ Marcuse, *One Dimensional Man*, 170.

suggests that his work touched a nerve in philosophy that political thinkers were invested in addressing in relating general ontological and epistemic issues to politics.

In this chapter, I will revisit the somewhat enduring, although waning, suspicion that Wittgenstein's relevance for political philosophy is best understood as providing a rather troubling account of sociality that somehow limits political criticism and thus diminishes our political subjectivity. In reviewing the original criticism of his influence on politics, I have more than a historical interest in mind, that is, more than a desire to identify and criticize theorists who treated his work as a new way to defend a broad conservatism. This review of the debate also helps clear the conceptual ground for what I will propose as an alternative rendering of "the ordinary," a term that has been deeply interwoven into discussions of political subjectivity as a result of the initial controversy. The conservatism identified in this debate, I believe, attaches itself to this concept of the ordinary, sometimes implicitly, other time explicitly, as yet another way culture has broken with a much-needed tradition of rational politics, only to be replaced through a regressive adherence to a form of blind tradition as a depiction of our "home".

There are roughly two ways this conservative charge had been leveled against Wittgenstein, based on my analysis, which are not always differentiated: either (a) his work is said to directly authorize a contingent "form of life" through a proto-social theory, or (b) his work indirectly allows for the status quo to be perpetuated because his quasi-linguistic therapy dissolves any critical procedure that philosophy used to provide.

With respect to the first charge, I believe that a politics cannot be derived from concepts like "form of life," or "agreement in judgments," as a general shared basis for a community such that one can define that community as a politically relevant entity in the

way that conservatism desires. Here the “ordinary” critics represented was part of a philosophical explanation that allegedly would authorize a socially mediated space in which intelligibility is achieved at the expense of being absorbed into structures that contingently shape us. The confusion derives from positing a seamless community, with an emphasis on the arbitrary beliefs of a mass that valorizes its own beliefs because those practices are theirs, and thus becoming what Gellner called a “relativistic populism.”

In the second case, the result is the same even if the cause or origin is different. The danger was said to derive not from a theory of sociality per se but from a therapeutic procedure that deflated philosophy’s role too far. By helping to expand descriptivist values through the investigation of ordinary language, his work was perceived to be aligned with a positivism that participated in the reproduction of political subjects who are instructed to evade our critical practices as political beings precisely through their apparent neutrality with the very concepts that organize and mediate our social political lives. The ordinary, in this case, referred more to the methods that are put in the service of anti-metaphysical thinking but which have the result of perpetuating the status quo in focusing on existing reality rather than imagining new possibilities.

I explore these two forms of criticism and make explicit the different ways they bring Wittgenstein, however critically, into the realm of political thought. In so doing, I want to prepare the way for claiming that his concept of the ordinary and the everyday is in fact an importantly critical contribution to our return to the complex empirical reality and thinking the particular that is needed in contemporary political thought. I will offer reasons for taking the procedures associated with the Wittgensteinian “ordinary” are not remotely political regressive, and will suggest why this conservative charge, even if

wrong, is important in linking the conversation about imagining the constitution of the political subject with our account of the ordinary. This review of the conservatism will be the first step to defending a critical Wittgensteinian approach that aims to return us to the specificity of our ordinary practices in such a way as to make us better prepared to handle the complexity of our political form of life.

Embedded in Ordinary Discourse

Let me begin by revisiting the earliest readings of Wittgenstein that initiated the debate over his influence on political pluralism and conservatism. Precisely what the ordinary might mean is a central interpretive question for his relevance within politics. Sometimes the references are explicit, sometimes they are implicit, but however they appear, the concept of the ordinary has shaped these philosophical encounters and what was perceived to be at stake in questioning the his relevance within politics.

On most historical accounts of Wittgenstein's role in and for political thought, one often begins with a reference to Ernest Gellner, another European intellectual who relocated to England. Gellner was concerned with the philosophy's path as it was being developed at Oxford and his new country, which seemed to be forfeiting philosophy's claim to reason. What Gellner saw in Wittgenstein and others like him was symptomatic of a larger trend in the intellectual culture. His principal criticism was that Wittgenstein's philosophy had a vision of language which "locked" its users into a determinate field of perceptions, concepts and practices, with no hope of escape. This interpretation was read off claims such as the opening Wittgenstein quote *Philosophical Investigations* 241, in which Wittgenstein seems to be saying that human language and

our practices are based on some deeper totality of connectedness. For him to conclude that the type of agreement in question is not one of “opinions but in form of life” sounded like one is circumventing the normal rational process of weighing openings with a more basic agreement within a shared world we have with one another, through its general values and commitments, as the general condition for the possibility of any specific meaningful linguistic usage. A “form of life” is not just language in the narrow sense, a few concepts or rules we decide to work from, but the whole “community of like-minded souls, a community that shares interests, perceptions of salience, feelings of naturalness” which is prior to any specific usage.²² Or as Hacker put it:

To learn a language is to learn to perform a wide variety of acts and activities that characterize the culture of a linguistic community—to give orders and obey them, to ask for reasons for action and to justify actions by reference to reasons, to describe objects or to construct object from description, to guess, to report events, to explain stories, to crack jokes, to ask, to thank, to curse, to greet, to pray, and so on. Hence a language relates to a way of living, to the form of life and culture of a human community.²³

For Wittgenstein and many others, the reference to a “form of life” was meant to evoke the richness of our language that reductive representational theories were unable to capture.²⁴ He wanted to call attention to the fact that language extends beyond and is supported by a great deal more than the small examples that philosophers of language and epistemologists, guided by certain logical pursuits, had been interested in. However for others like Gellner, the appeal to “form of life” suggested something more sinister, a kind of primordial undercurrent of a linguistic community that we have to posit as facts

²² Jonathan Lear, “Leaving the World Alone,” *The Journal of Philosophy*, Vol. 79, No. 7 (Jul., 1982). 385

²³ P.M.S Hacker, “Wittgenstein and the Autonomy of Human Understanding,” *e-Journal Philosophie der Psychologie*. <http://www.jp.philo.at/texte/HackerP2.pdf>, 17.

²⁴ This is roughly what Charles Taylor meant when he says of Wittgenstein, “I consider him an honorary member of the HHH” Charles Taylor, *Human Agency and Language*, (Cambridge: Cambridge University Press, 1985), 290.

of culture. This return to the rich and complex array of ordinary discourse was made into an effort to force ourselves as philosophers to “remember” what the life we lived was like before we refined and unwittingly reified it within a peculiar academic discourse. What was at first a critical attempt to have philosophy reflect on its own assumptions, as a product of a kind of willed amnesia for the sake of a perceived philosophical demand, was interpreted by Gellner as taking on a decidedly moral tone. This type of agreement seemed to foreclose the possibility of critical engagement or rational alteration.

Gellner sought to characterize Wittgenstein’s attention to ordinary practices as the result of positing a general communal schema that allows practices to be intelligible, not through formal principles cognitively present (the failed project of his earlier work) but through what one might call a *non-cognitivist* account rendered as a way of living. This is also what some read to be Austin’s claim that a performative is located within a “total context.” The “ordinary” in ordinary language was then taken not to reflect any deeper principles or universal presuppositions, as the background condition for practices to function at all. That would be the rationalist ideal that would allow individuals to always have one foot outside of the mire of conventional beliefs, allowing one to use language without being shaped or constrained by its cognitive limitations. Thus, when one “knows a language” or “knows one way about,” this is because one has been, as it were, inducted into a social order that preceded the particular language user.

If one is initially hopeful about a move away from rationalist principles that govern a language and thought, which might seem to open up a degree of indeterminacy and freedom within our social practices without the constraints of a metaphysical essence to guides us, Gellner worried that something else is quickly reconstituted at a

deeper level of “agreement” at some non-cognitivist conception of a culture. Such are the social fibers that constitute a language in its organic unity, which implies that an intelligible speaker is either inside or outside of that social body one is part of, either one “gets it” or doesn’t—what Stanley Cavell and Naomi Scheman call the “Manichean” reading of Wittgenstein. Our agreement in a form of life is transformed into rules, which seems to escape the reach of rational criticism, and which is why Gellner feels justified in describing the meaning of the ordinary as supporting a “relativistic populism.”²⁵

I agree this certainly would be a deeply troubling portrayal of our condition as language users and ultimately as political beings. For this “deep agreement” becomes now a general ontological condition of the social in which one’s relation to others is one of sameness, the set of properties and beliefs that one must already “agree” to for intelligibility to take place. Out of this, a politics of belonging would reflect a view of the community that is made up of those who *are* you as given, who have the same properties that make you identical to them. This conception of community is present in myths of what Marcuse derisively referred to as the “average chap,” just as much as forms of multiculturalism that appeal to rigid cultural norms. This assumption has reappeared in some recent populist strategies, the purest form of which is expressed in a recent American congressional bid with the slogan “I am you”. Insofar far as a politician can represent you, you must already be part of them to have the same experiences, feelings, and concerns. Those in a community are expected to *be* part of a preconstituted circle whose boundaries are sharply defined, and those who claim membership in a group must live up to it authentically. This demand divides the general polity even more

²⁵ Ernest Gellner, *Language and Solitude* (Cambridge: Cambridge University Press, 1998), 161.

radically as not just disagreeing about specific issues. These groups live in unbridgeable worlds.

Gellner's criticism is that when we construct this general picture of the social, one does not directly advocate a given political position or ideology, but nonetheless provides a picture of agreement that contradicts what we assume is required for political criticism. It presents a social theory via language that would make it conceptually difficult to make sense of self-reflection that brings about a radically break with the taken for granted order, and implies the reproduction of one's own culture that one already is a member of. Alice Cray describes this as the *inviolability thesis*: viz., "a use-theory of meaning so that it prohibits external criticism of our form of life."²⁶

What blocks efforts to submit [anything] to criticism is that doing so would require us to undermine whatever critical or normative concepts we want to use in assessing it by bringing into question the practices within which they function and are intelligible. There is, on this extended use-theory of meaning, a logical barrier cutting us off from criticism of our language-game.²⁷

By positing a prior agreement for meaning that all of us in a culture always already share, Cray explains, there would then seem to be a contradiction to say both that all meaning ties back to the existing practices and then expect those very practices to somehow speak beyond their own limits. There seems to be a kind of epistemic closure that surrounds our efforts to think beyond our current state of affairs since the content of linguistic meaning is constituted out of the rules of existing usage. We are led to think that current practices can never change through rational criticism since they are subjected to standards that are already consistent with and arise out of those very practices that one would want to

²⁶ Cray, "Wittgenstein's Philosophy in Relation to Political Thought", 120. See also Christopher Robinson "Why Wittgenstein is not a Conservative: Conventions and Critique," *Theory and Event* 9:3 (2006).

²⁷ *Ibid.*, 120.

criticize. Any critical project would be either self-reinforcing or unable to break with the conditions of possibility for those practices to exist as they already do.

In short, the appeal to ordinary language and everyday practices, on Gellner's reading, seems to assume there is already *something* every one of the members of that community held in common, in a seamless community of likeminded people. And the "ordinary" is taken to describe the unproblematic space of linguistic mediation that we feel we can always refer back to you, as a collection of inherited beliefs and rules of usage that one effortlessly inhabits. And to the extent that a non-cognitivist picture of language depicts our practices undergoing any change, this seems not to occur through a concerted effort to interpret or critically interrogate those core "routes of interest" and belief structures. Such is read into the shared agreement and recognizing that this deeper agreement is "simply what we do."²⁸ Critics then conclude that the only political contribution was to implicitly support "unreflective or dogmatic appeals to criteria given by so-called 'ordinary language.'" ²⁹

The Authority of Ordinary Discourse

One response to this depiction of "deep agreement" was to simply embrace the non-cognitivist account of social practices. In this way, what some called a vice, others called a virtue. And for Nyiri, the appeal to the ordinary implies that existing discourse carried with it an "authority of everyday language." The disenchantment with obtaining a transcendent structure outside of a "form of life" was for certain political theorists the proper recognition of reason's limits. This positive spin to Wittgenstein's "implicit

²⁸ Wittgenstein, *Philosophical Investigations*, 124

²⁹ Juliet Floyd, "Recent Themes in the History of Early Analytic Philosophy" in *Journals of the History of Philosophy* vol. 47, no.2 (April 2009), 191.

social theory” was read as a new account after the linguistic turn to appreciate our deep agreement in customs, to which we better defer given that we have nothing else to appeal to. Nyiri claims that Wittgenstein is a conservative by accepting the authority of everyday language and sees that acceptance in one’s justification of it *because* it is concrete and has the strength of accumulated tradition. He quotes approvingly Klaus Epstein who said that “[Conservatives] believe that the individual reasoner should humbly subordinate his personal opinions to the collective wisdom of the race as expressed in customs and traditions.”³⁰

How this hierarchy is demonstrated, Nyiri never describes; he simply makes a gesture to deep agreements of perceptual and conceptual content that a community shares. The ordinary for him refers to that level of agreed upon customs that rationalists misconstrue, saying, “The essential characterizing marks of conservative experience and thought are a holding oneself fast to that which is immediately present and practically concrete.”³¹ He does this because of the additional presupposition of the culture as being unified through the accumulated experience of a community that one is either part of or, at risk of unintelligibility, outside of. This is what Pitkin and others described as a kind of Burkeanism. For such a conservative, the aim is to renew doubts that we can obtain a perspective outside of our concrete social limits of intelligibility. But this view goes further by taking this epistemic account of social embeddedness, and translates it into a political program. Nyiri argues that the “picture” of Wittgenstein’s “ancient city” is to

³⁰ “The habit of deference to what exists and reverence for what has developed are deemed more valuable human qualities than intellectual skill at constructing syllogisms” Nyiri quotes from *The Genesis of German Conservatism*, J.C.Nyiri, “Wittgenstein’s Later Work in Relation to Conservatism”, in *Wittgenstein and His Times* ed. Anthony Kenny and Brian McGuinness (Chicago: University of Chicago, 1982), 38.

³¹ Nyiri quotes Mannheim. J.C.Nyiri, “Wittgenstein’s Later Work in Relation to Conservatism,” 38.

stress precisely the “concrete multiplicity of human phenomena” and saying this is the lesson of the ordinary.³² This model of Wittgenstein’s polis reverses the search for a Platonic (utopian) city, as being able to obtain some metaphysical perspective from which to determine the true regime as well as more specific courses of action. It destroys the objective concept of reason on which a society could be based, but replaces it with a myth of a cohesive community. Nyiri transposes the unity of the metaphysical rational order to that of a race or nation.

The alternative to a polity defined around a single universal notion of reason is therefore imagined through the bustling scene of shoppers and workers, full of mundane conversation, orders and activities, as a design that lacks neat architectural lines.³³ The return to ordinary practices reflected “The idea of *original multiplicity*, of diversity.”³⁴ Quoting Epstein on the political connection between concreteness and plurality, with respect to traditions or communities, Nyiri says: “Conservatives...tend to emphasize the importance of variety, whereas their opponents stress general norms; they proclaim the need for compromise in a pluralistic universe...”³⁵ This is a little confusing to hear since many today would feel that pluralism requires something more radical than what Nyiri supports. This conservative already presupposes and incorporates a myth of original unity within those ontological entities (e.g., “the nation”), to make his form of “pluralism.” This type of conservatism, which both Gellner and Nyiri were referring to, although from different sides of agreement on the value of this conclusion, is what Isaiah

³² Ibid.

³³ Wittgenstein, *Philosophical Investigations*, 18.

³⁴ Ibid., 41.

³⁵ Nyiri quotes Epstein: “whereas their opponents seek the triumph of “right reason” everywhere and at all times; and while willing to acquiesce (albeit reluctantly) in natural historical changes, they insist that the artificial human manipulation of history can only affect society for the worse” Ibid., 13-16

Berlin reminded us of in the original counter-Enlightenment critique of modern liberalism, with its positing of an abstract political subject.³⁶ What this contingency and plurality entail, Nyiri says, does not translate into a willingness to shed those practices for another one counter to the authority of existing tradition. Rather it serves to show the *authority* of what happens to exist through its promised security. So multiplicity for him relies on a belief that a given society has taken its history from a “natural” organic relationship among its parts, which if broken would be “artificial.” And all of this, for Nyiri, goes back to his use of some “deep agreement.” That is why he makes the leap to then believe this anti-rationalist view in itself justifies our “subordination” to the “wisdom of the race.” Or more cautiously, one might say that traditions are the limited, insecure attempts to navigate the world, but for them this insecurity is best left to the traditions that have survived. For if you are adrift on a sea, better to work with the imperfect ship than to attempt to rebuild it from scratch.

By now we have become more accustomed to treating these earlier critics through a new lens. There have been various defenders of Wittgenstein who reject Nyiri and Gellner’s interpretation of his philosophical commitments. For example, Crary says that “Wittgenstein wants us to recognize that it is only in so far as we thus survey the use of a word that we are in a position to say whether a given projection of a word preserves its meaning.”³⁷ And this means that these critics start from a theoretical position that reveals their failure to sense Wittgenstein’s attempt to initiate a philosophical activity rather than to end that activity through some new ontological of social entities out of a theory of language, which could then in turn deduce implications for structuring a political

³⁶ Isaiah Berlin, “Hume and Sources of German anti-Rationalism,” in *Against the Current: Essays in the History of Ideas*, ed. Henry Hardy. (London: Pimlico, 1997)

³⁷ Crary, “Wittgenstein and Political Thought”, 138.

community. Conservative readings see his philosophical activity as bringing questions of the political to a close, a desire to end discussion rather than an invitation for new investigations.

Moreover, this abstract application of a general thesis about language seems to be rather counter to the general thrust of his *Investigations*, which is constantly resisting the philosophical tendency to reduce a large range of issues to a single deduction. Crary and others suggest that only with a special analysis—and this must be so of the specifically *political* context, too— “can we say whether the projection is a *natural* one, whether the connections with other uses of the word it respects are important.”³⁸ And at a minimum, refusing to be participants in and criticizing the basis of extant practices in our society, for instance, seems to be a key function not just of reasoning in general but also of our political citizenship in our current political vocabulary. It would seem quite confusing to say that we are supposed to defer this responsibility to the wisdom of the races given that our own political discourse suggest that we requires a modicum of reflective autonomy to engage in politics, to be educated in civic matters, and to participate in the electing of officials in a non-arbitrary manner, and not pass that burden to others, especially if this is based on some general thesis about our general presuppositions of language.

Wittgenstein’s procedures are chiefly designed to block the felt need that one has to obtain such an externalist standpoint. Particularly for Gellner’s criticism, it seems as if he is already starting from an external standpoint since to suppose there is a “barrier” in a strong sense, which acts as a conceptual wall blocking us from some other side, say, “the world,” or, some other community, living in a different world, is already to suppose that

³⁸ Ibid., 138. A similar notion is given by John McDowell, “Wittgenstein’s Quietism”, *Common Knowledge*. Volume 15, Number 3 (2009): 365-372.

there is an “other” that one has no access to. There is something even in this conservative interpretation that conveys a sense of loss due to its falling short of a metaphysical vantage point. The sense of closure that Geller’s conservative reading says too much. By simply denying the metaphysical standpoint one does not support a fixed view within a form of life—and it is precisely that assumption that later Wittgensteinians will focus on in their political interpretations. To make that kind of universal claim would require overreaching the limits of what a return to the ordinary could hold.

Nyiri also could be described as presenting a form of life as what one could point to as a whole as if he could move within those practices, say, purchase products, defend one’s honor, and at the same time, take on a higher philosophical perspective to declare it *as* a form of life whose validity is determined because of its being a tradition. In this way, he tries then to claim a double standpoint to say that such practices are *justified* in doing so because it traces back to lasting social norms. He supposes that criteria have their type of authority *because* they are from within a tradition, but the Wittgensteinian view would suggest that there is no general reason that would link how things stand to why one should or should not obey a *specific* rule. It is unclear if that even seems like an actual reason giving process, as we understand it, so much as a way to avoid or evade reason giving. In an ordinary context, Nyiri’s reference to the lack of grounding and citing that this is simply what I do as a *reason* does not naturally function as a relevant move within that game of reason giving, but performatively appears as a refusal to hear a claim about when and why one should try not to reach beyond one’s tradition as it exists.

Perhaps it is now easier to defend Wittgenstein against these conservative claims. It often feels somewhat exaggerated to hear Gellner’s and Nyiri’s claim that through

Wittgenstein, people are “positively vindicating their own common sense,” treating cultures as “terminal” and “self-justifying,” with the implicit view that “All deep questions are pathological.”³⁹ Questioning the specific philosophical problems that Wittgenstein focused on does not mean destroying any critical discussion. The ordinary should not be represented as that glue that is binding a whole culture together, as what makes us all the same and thus able to appeal to it *as* ordinary. Nyiri and Gellner’s conception of the ordinary is that we are said to feel *secure* in our ordinary practices because they are a sedimented layer of meaning, rather than, as I and others argue, insecure especially with regard to the kind of generalizing tendencies that their own criticisms seem to repeat. In this sense, defenders often may emphasize Wittgenstein’s *method* that spoke against philosophical abstractions in the domain of language, and that one should consider the type of therapeutic activity as more crucial than any general theses on language whose implications can supposedly affect political theory.

Therapy and Positivism

With that distinction in mind, I want to return to another claim of Gellner’s because I think it helps us go beyond the so-called “ongoing debate” regarding conservatism. For it’s important to see that even this older debate has at least two permutations. As we just saw, one view is that Wittgenstein offered a proto social theory with his conceptualizing a form of life that is required for intelligible communication to occur, and that such an account seemed to contradict any political project that could seriously contest the status quo. But Gellner has also emphasized the *procedure* exemplified in following Wittgenstein’s investigations, which seemed to give a priority

³⁹ Gellner, *Language and Solitude*, 161, 168, 169.

to ordinary discourse over a more robust philosophical method. This concern now focuses on the break down of philosophical *method*, rather than a competing theory that conflicts with a critical project. Wittgenstein is said to have made the philosophical enterprise itself cave in because he has “grown tired of serious thinking and invented a doctrine which would make such an activity unnecessary.”⁴⁰ And yet Wittgenstein began his *Investigations* saying: “I should not like my writing to spare other people the trouble of thinking. But if possible to stimulate someone to thought of his own.”⁴¹

On Gellner’s therapeutic or procedural reading, the ordinary is not just a seamless ontological structure of a given social order manifest in our language. It is a property of the procedures one takes philosophy capable of, and that activity is what Gellner fears leads to a political quietism. In particular, the focus on descriptions of our actual usage seemed to reflect a presumption of clarity and objectivity: “The neutralism follows from the general conception of Linguistic Philosophy has of itself and of thinking in general.”⁴² Gellner interprets the kind of method reflected in the *Investigations* to be the same motivation that drives positivism. Through this reduction of what reason can pursue, the ordinary is believed to claim for itself a neutral position by virtue of claiming only description rather than a deeper explanation that Wittgenstein sees as the common pursuit of so much philosophy: “systematic indulgence in the generalized form of the Naturalistic Fallacy, the inference from the actual to the valid.”⁴³

⁴¹ Wittgenstein, *Philosophical Investigations*, vi.

⁴² “Philosophy is the clarification of concepts, the elucidation of meaning: such clarification, such elucidation does not determine truth or validity of the concepts or proportions analysed. ‘Philosophy leaves everything as it is.’” Ernest Gellner, *Words and Things: An Examination of and an Attack on Linguistic Philosophy* (London: Routledge, 2005), 245.

⁴³ *Ibid.*, 203.

In his *Words and Things*, Gellner makes an argument that Marcuse would adapt and expand on later. Concerned not with a general social theory per se but rather the politics of language that results from this method's focus on ordinary usage, Gellner says, "Thus linguistic philosophers have shown that, contrary to what Orwell thought, a cult of *oldspeak* can muzzle thought at least as much as invented *newspeak*." ⁴⁴ This reference to Orwell means to invoke the concern with a certain conceptual laziness; which is ironic since Wittgenstein was so emphatic about his concern with clarifying the confused ways we speak, worrying that we fall into the trap of letting certain abstractions rule over us in a way that arguably echoes some of the core issues Orwell mentioned in "Politics and the English Language". To make this criticism Gellner suggests a form of quietism in a way that also repeats what Orwell said of Stuart Chase (that he and others "have come near to claiming that all abstract words are meaningless, and have used this as a pretext for advocating a kind of political quietism"⁴⁵) but now making it apply to philosophers like Wittgenstein. The specific corruption Gellner sees is now in how we are told to merely describe the grammar of a set of concepts and practices, not as an actual claim for or against those very concepts or practices, as if what one was doing was not somehow a *move within* the game ("To specify the general rules of the game describable as 'political thinking' is not to take sides in it or to make moves within it; to specify the rules of chess is not to play chess"⁴⁶). We are supposed to give an internal account of those rules and norms that shape our actions. On this basis, Gellner concludes, "the claim to ethical, political neutrality was made not only by Linguistic Philosophy proper, but also by the

⁴⁴ Ibid., 246-7. He is referencing the concerns of George Orwell.

⁴⁵ George Orwell, "Politics and the English Language", *George Orwell: In front of your nose, 1946-1950*, (David R. Godine Publisher, 2000), 139.

⁴⁶ Gellner, *Words and Things*, p.245 my emphasis.

philosophies which preceded it, such as logical positivism. The claim is equally invalid and for similar reasons.”⁴⁷ For we cannot escape our implicit stance for or against our society’s actions or our political decisions simply by claiming that our own intellectual activity can stand outside of it, through our description of ordinary discourse. That would simply forfeit the responsibility we have and allow some other persons or forces to take on that role.

Put in a historical context, this linking of description and positivism was at least common at the time Gellner was writing. In the mid twentieth century, an anti-metaphysical project that was allied with claims of “description” often took a certain positivist shape. At that time Plamenatz recounts hearing often that “ Political philosophy is dead... killed by the logical positivists and their successors who have shown that many of the problems which exercise the great political thinkers of the past were spurious, resting on confusion of thought and the misuse of language”.⁴⁸ There were significant attempts to validate a burgeoning social scientific discipline. Arlene Saxonhouse recounts how Robert Dahl in his landmark book *A Preface to Democratic Theory* expressed excitement about the growing movement in the social sciences for politics to take all evaluative and normative concepts out of research in favor of those that theorize the “real world” through empirical methodology.⁴⁹ Given this intellectual environment within

⁴⁷ Ibid., 245

⁴⁸ John Plamenatz, “The Use of Political Theory” *Political Studies* 8 (1960), 37.

⁴⁹ *The Oxford Handbook of Political Theory*, edited by John S. Dryzek, Bonnie Honig, and Anne Phillips (OUP, 2006), p 844-5. William Connolly also recounts how in politics and government departments in the U.S. there was pressure to adopt “a new science of politics” so that notions of evaluative and prescriptive ideas were being overcome by being bracketed. “What these schemas had in common was the promise, first, to offer rigorous explanations [sic] with predictive power; second, to anchor these explanations in observational acts in order to resolve differences between contending explanations; and, third, to avoid metaphysical speculation and the murky, ‘subjective’ domain of ‘value judgments.’ “ William E Connolly “Participant-Observation in Political Theory” in *The Oxford Handbook of Political Theory* (Oxford: Oxford University Press, 2006), 827-9.

political thought, it was perhaps no great surprise that thinkers were being squeezed from many different disciplinary directions, as if everyone marching toward a neutral scientism to replace confused metaphysics, and assessment of all the contributing forces to this movement in culture could be difficult to discern.⁵⁰

But this criticism misconstrues the point of “description” in Wittgenstein. The contrast he saw was not against prescription—that is the dichotomy that guides the so-called neutralism of descriptions for positivists; in fact, given his broader notion of language, one might believe that the range of what language does certainly includes things such as orders, advice, beliefs, convictions, as well as many other uses which all govern normative discourse. Gellner imposes the differentiation of description against the positivists denial of prescription in their effort to obtain a neutral discourse. But the descriptive emphasis for Wittgenstein was actually directed against *explanation*, particularly in those contexts in which the philosophical tendency had been towards reductivism. For him, an emphasis on descriptions was meant to suggest a need for a greater empiricism against rationalist abstractions.

There appear to be two types of statements that are the basis for Gellner’s concerns. The first is the plea to return to our ordinary or everyday usage.⁵¹ The second is the centrality of descriptions when he says: “philosophy may in no way interfere with the actual use of language; it can in the end only describe it. It cannot give it any foundation either; it leaves everything as it is, and no mathematical discovery can advance it.”⁵² The

⁵⁰ Ruth Lane writes how Pitkin’s account suggests a rapprochement between political theory and social sciences, in “Pitkin’s Dilemma: The Wider Shores of Political Theory and Political Science,” *Perspectives on Politics*, vol 2. No. 3 (2004), 459-473. Similarly, Joshua Foa Dienstag writes of Wittgenstein as guiding us in the fact/value distinction, in “Wittgenstein Among the Savages: Language, Action and Political Theory.” *Polity*, Vol. 30, no. 4, (summer, 1998), 579-605.

⁵¹ Wittgenstein, *Philosophical Investigations*, 116.

⁵² *Ibid.*, 124.

contrast here seems rather to be with an empiricism that one can be guided by when investigating our actual empirical practices over against false abstractions. That philosophy “leave everything as it is” says more about the impotency of many abstractions that the discipline tries to create. Again: “Philosophy simply puts everything before us, and neither explains nor deduces anything. Since everything lies open to view there is nothing to explain.”⁵³ Wittgenstein is not contrasting his method against a discourse that has prescriptive or evaluative language; it is with a methodology that absorbs the actual concrete usage into abstractions because of its claim to truer explanations. “We must do away with all *explanation* [my emphasis], and description alone must take its place...the problem are solved, not by giving new information, but by arranging what we have always known.”⁵⁴

When one looks at the context in which Wittgenstein makes these statements about description, much of this confusion can be resolved. His primary concern was contrary to the positivist aspirations. For example, in discussing one of the earliest attempts at description in a primitive language, and examining how we may discuss the “slab” as signifying some content, Wittgenstein suggests that reducing to “tools” the assortment of “hammer, pliers, a saw, a screw-driver, a rule, a glue-pot, glue, nails and screws”⁵⁵ obscures the more particular functions they perform. The guiding purpose of evoking these descriptions is to be a *non-reductive* method. Moreover, he describes much of the problem afflicting philosophy as derived from a certain scientific bias that has shaped philosophy. “Our craving for generality has another main source: our preoccupation with the method of science. I mean the method of reducing the explanation

⁵³ Ibid., 126.

⁵⁴ Ibid., 109.

⁵⁵ Ibid., 11.

of natural phenomena to the smallest possible number of primitive natural laws.”⁵⁶ Far from a spirited positivism and neural scientism, Wittgenstein suggests that this appropriation of common scientific methodology has caused much of our metaphysical confusion. “This tendency is the real source of metaphysics, and leads the philosopher into complete darkness. I want to say here that it can never be our job to reduce anything to anything, or to explain anything. Philosophy really is 'purely descriptive'.”⁵⁷

From this starting point regarding Wittgenstein’s return to the ordinary, we can see that we were never meant to take descriptivism as a way to evade the responsibility of critically engaging our investment in language. It is meant to signal how scientism has been, in fact, responsible for some of the deepest confusion within philosophy itself, in determining the sort of concepts it would treat as significant and the broader context in which our concepts may find a home. Wittgenstein’s view could be best seen as starting from a doubt about whether we see things all that clearly, often entangled in a number of expectations that motivate us. The ordinary descriptions would therefore not be the product of self-evident social facts easily available, but would be the means by which (and there may be many “therapies” to get us there) to recall those aspects of life that are open to the investigation but which somehow have been obscured precisely by certain scientists and metaphysical expectations through our own daily usage.

Marcuse’s Empiricism of the Ordinary

Herbert Marcuse extends Gellner’s criticism of the concept of the ordinary as it appears within this moment in political philosophy, but in a way, I believe, that

⁵⁶ Wittgenstein, *The Blue and Brown Book* (London: Harper Torchbooks, 1965), 18.

⁵⁷ *Ibid.*, 18.

ultimately would shape how many recent political philosophers aim to redefine the Wittgenstein's role within political thinking. Marcuse's version of the criticism is more enlightening because it suggests, even if in a rather oblique way, how the concept of the ordinary could be used to play a role in a critical politics within ordinary life.

For the most part, Marcuse echoes Gellner in his suspicion that the methodology of most ordinary language philosophers betrayed a desire for scientism, recalling the objects of their analysis as "broken atoms," of language. As such, one can better sense the specific methodology he has in mind, viz., the somewhat desiccated approach to parsing out actual usage as a schoolhouse grammarian would. More importantly, the language being explored was for him abstracted from the social world in which they find a home. For this reason, he argued that the efforts to return to the ordinary through such a "therapy" was simply "the redescription of thought which helps to coordinate mental operations with those in the social reality..."⁵⁸ If philosophy no longer was able to project out beyond the limits of the existing social world, but merely described it, and by means of marginal linguistic cases that "analysts" were prone to do, then this method's purpose to do away with philosophical confusions also would hide the validation of existing life insofar as its investigation *of* ordinary language would never quite touch it.

Similar to Gellner's second criticism, the issue is less about the inviolability thesis mentioned earlier and more about the *material effects*, the irrational "muzzling," as diminishing the powers of political agents. Put in overtly sociological terms, he believed Wittgenstein would help to maintain a culture in which a new generation of political agents could believe in the weakness of reason through their disenchantment with philosophy's explanatory power. As such, the ordinary language evoked in the context

⁵⁸ Marcuse, *One Dimensional Man*, 70.

of philosophy works to diminish philosophy's own power to provide a concept of reason that could contest the status quo.⁵⁹ In this sense, Marcuse's concern is with the *constitutive* quality of philosophical therapy on us as political subjects. Marcuse is concerned explicitly about the way in which philosophy's demise constitutes a new diminished subjectivity by no longer letting philosophical criticism touch society.

Marcuse's criticism of ordinary discourse does not mean that description from within our own form of life cannot carry with it powerful insights for politics. For him, the issue is how to portray the truly critical spirit: "The most banal examples of speech may, precisely because of their banal character, elucidate the empirical world in its reality, and serve to explain our thinking and talking about it—as do Sartre's analyses of a group of people waiting for a bus, or Karl Kraus's analysis of a daily newspaper."⁶⁰ So now, we see an opening in that for Marcuse there is room for procedures that "describe" the most banal, ordinary conditions of the language we inhabit in our everyday lives, so long as they *show* something about the conditions that made this so. When they are able to disclose something about the world we occupy in such a way as to shatter the complacency we have with them in our everyday lives, that could have critical import.

In other words, I read this not simply as a simple criticism but more positively as a challenge to pose for whether the ordinary through Austin and Wittgenstein fails to perform the critical task of showing the internal disruptions within the social world. It is true, as mentioned at the start, Wittgenstein is at a disadvantage here since he did not directly engage in political discourse, and was only indirectly pulled into political theoretical discourse; but Marcuse now suggests what *could* be a way to reinterpret the

⁵⁹ Ibid.,190.

⁶⁰ Ibid., 181.

ordinary in this political context. Thus, as critical as he is of “therapy,” Marcuse does not actually deny that philosophy has a therapeutic task; in fact, he believes this is especially needed where there is the persistent threat of media and cultural indoctrination. Language is important for him so as to preserve a place for “the explosive historical dimension of meaning” and the internal tensions below the surface of normal life.⁶¹ But he worries that the procedures of ordinary language philosophy seem particularly unable to capture “the real universe of ordinary language [which] is that of the *struggle for existence*.”⁶² It’s not ordinary language in itself that is problematic but whether Wittgenstein’s work can return to the “real universe of ordinary language” as a place of a “struggle.”

Parenthetically, since Marcuse lumps Austin together with Wittgenstein, there is evidence that Austin too shared this feeling at some level. Austin said, “Certainly ordinary language has no claim to be the last word, if there is such a thing.”⁶³ Austin thinks that if we actually pay attention to the various, complex instances in ordinary language, we will see a real dynamism. Whether in legal or more mundane cases, we are constantly putting pressure on the ordinary language that currently exists. “Hence, it is necessary first to be careful with, but also to be brutal with, to torture, to fake, and to override, ordinary language.”⁶⁴ A little further in speaking of not of law but of psychology, Austin says, “Hence its own special and constant need to supplement, to review, and to supersede the classification of both ordinary life and the law.”⁶⁵ He wants us to look more empirically at our language, and in doing that, to be more sensitive to

⁶¹ Ibid.,198.

⁶² Ibid.

⁶³ J.L. Austin, *Philosophical Papers* (Oxford: Oxford University Press, 1990), 133.

⁶⁴ Ibid., 337.

⁶⁵ Ibid., 337.

how “our assortment of models will include some, or many, that are overlapping, conflict, or more generally simply disparate.”⁶⁶

For Marcuse the motivation of the turn to the ordinary is just as important as the form of the analysis itself: “the analysis [of Sartre and Kraus] does not terminate in the universe of ordinary discourse, *it goes beyond it* and opens a qualitatively different universe, the terms of which may even contradict the ordinary one.” The political value of attending to ordinary discourse is in our ability use it to “transcend [any specific disruptions in experience] towards the factors which make the situation and the behavior of the people who speak (or are silent) in that situation.”⁶⁷ This concern is captured in Marcuse’s account of two different kinds of empiricism. On the one hand, the *positive* conception holds that “the empiricism of linguistic analysis moves within a framework which does not allow...contradictions—the self-imposed restrictions to the prevalent behavioral universe makes for an intrinsically positive attitude.”⁶⁸ On the other hand, the *negative* conception of empiricism holds that we are embedded within social behavior and its structures have internal contradictions.

Orienting itself on the reified universe of everyday discourse, and exposing and clarifying this discourse in terms of this reified universe, the analysis abstracts from the negative, from that which is alien and antagonistic and cannot be understood in terms of the established usage. By classifying and distinguishing meanings, and keeping them apart, it purges thought and speech of contradictions, illusions, and transgressions.⁶⁹

Thus, if the purpose of returning to ordinary language is to dig into the calcified assumptions that culture imposes on us and makes it now possible to orient ourselves to

⁶⁶ Ibid., 350.

⁶⁷ Marcuse, *One Dimensional Man*.177. my italics.

⁶⁸ Ibid., 171.

⁶⁹ Ibid., 186.

everyday life in a new critical way, seeing these “contradictions, illusions, transgressions,” then once again philosophy can find a role to protect us from conformity.

Even though it is true that the actual method displayed in the *Philosophical Investigations* and elsewhere in Wittgenstein’s work do not directly follow the method that Marcuse might seem to be looking for; this does not mean that Marcuse’s concerns cannot be aligned with Wittgenstein’s own project. It is worth saying a word about Wittgenstein on grammar at this point. Without getting embroiled in debates on his use of concept,⁷⁰ we can say that his concept of grammar was taken to consist of rules of usage, but not in the school-book way nor the purer logical way found in his earlier work. By the time of his later work, Wittgenstein has a broader conception of the grammar expressing the condition for the possibility of meaningful expressions, and that our interest with philosophy is not in the deduction of metaphysical content from specific word constructions but helping us reflect more clearly on the rules we have inherited. Our attention was to focus on what it is about language that allows certain things to appear as they do, what is the conditionality of language that makes possible sense through signs to occur: “Essence is expressed in grammar...Grammar tells what kind of object anything is. (Theology is grammar).”⁷¹ For him, the meaning is contained in the rules—rules that we together create and share—that give rise to the meaning that we express in our usage.

Moreover, for Wittgenstein this broadened notion of grammar as the varied standards of use that allow meaning to appear as it does, is meant to indicate a method about how to bring ourselves back to the rules that we participate in, the conditions for the already existing phenomenon of our ordinary linguistic communication. Wittgenstein

⁷⁰ For a deeper discussion see, e.g., Michael Forster, *Wittgenstein on the Arbitrariness of Grammar* (Princeton: Princeton University Press, 2004).

⁷¹ Wittgenstein, *Philosophical Investigations*, 371, 373.

says the following. “I can know what someone else is thinking, not what I am thinking. It is corrupt to say ‘I know what you are thinking’, and wrong to say ‘ I know what I am thinking’ (A whole cloud of philosophy condense into a drop of grammar).”⁷² This remark aims to reverse the Cartesian certainty located in the presence of thought, through the individual subjective thinker. But it also suggests that this rejection could come through a sense of the strangeness of speaking and reversing the grammar that we normally operate with; for there is hardly ever a need to tell someone I know what “I am thinking” as a general point—at most, it would serve a specific point when I say “I (at least) know what I am thinking since you appear to be confused all the time.” And this seems to then help us arrive to where Wittgenstein is leading us, viz., to feel the pull towards clarifying when such expressions would make sense, to reinforce his point about needing to return to the actual context of usage we hold *with* another speaker.

For critics this grammatical exercise is wrongly seen as expressing the confidence that Wittgenstein may have in appealing to the particular grammatical rules, while for others it might express more of a question as to what is at stake when we are willing to take on a radical revision of the rules that organize the meaning we believe to have. I would argue that we have readers like Cavell who want to balance the appeal to grammatical claims against supposing one could ever talk otherwise than the way we do. And thinkers like Scheman, Zerilli, to name a few, see Wittgenstein as allowing us the opportunity to find a path between excessive relativism and conventionalism. For instance, Zerilli says that “my claim will be that both deconstructive and pragmatic appropriations of Wittgenstein misread this notion of the common [or ordinary], attributing to it either too much solidity or too little stability, and consequently missing

⁷² Ibid., 222.

what is distinctive in his ongoing interrogation of the philosopher who sits in each and ever one of us.”⁷³

In conclusion, I have reviewed two variations of the original conservative critique in order to offer reasons for thinking that the conservative criticism of Wittgenstein is misguided. I have pointed to specific paths which I think help explain the trajectory that Wittgenstein in political thought has taken: the contrast of substantive social theory vs. a therapeutic account, the conventionalists depiction of the ordinary vs. a critical stance towards the context of usage. In so doing, I have also tried to explore the particular way in which Wittgenstein has been dragged into political thought through the issue of critical subjectivity. In fact, in many ways the positive receptions of Wittgenstein in recent years have in some manner tried to address Marcuse’s final empiricist challenge and find a way to see Wittgenstein as a resource for a critical struggle with engaging the present.

⁷³ Linda Zerilli “Wittgenstein: Between Pragmatism and Deconstruction” in *the Legacy of Wittgenstein*, ed. Ludwig Nagl and Chantal Mouffe (Peter Lang, 2001), 26.

CHAPTER 2 DEEP DISAGREEMENT: MOUFFE'S POLITICAL ORDINARY

The civil status of a contradiction, or its status in civil life: there is the philosophical problem.

---Wittgenstein, *Philosophical Investigations*⁷⁴

Modern democracy's specificity lies in the recognition and legitimation of conflict and refusal to suppress it by imposing an authoritarian rule.

---Mouffe, *Democratic Paradox*⁷⁵

If we fast-forward a few decades from some of those initial conservative critiques, many of the initial concerns that first were pinned on Wittgenstein have begun to fall away as new thinkers revise how his work can be viewed as an important contribution to philosophy as a whole that indirectly informs their own thinking about politics. That list is as diverse as philosophy itself, e.g., Rorty's Wittgenstein as it relates to his ironic liberalism, Cavell's Wittgenstein as it a kind of romantic liberalism, or Lyotard's Wittgenstein as a critical postmodernism, and there many others whom I will not be able to remotely cover in this thesis. And yet the very fact that the variety of new interpretations and creative uses of his work has swelled over the years is a testament to the enduring sense that his philosophical insights cannot be ignored even as it pertains to the sphere of political thought.

This chapter leaps ahead historically from the previous chapter to analyze an important contemporary political theory that provides a fairly direct reversal of the earlier interpretations of Wittgenstein as politically conservative, claiming to have finally

⁷⁴ Wittgenstein, *Philosophical Investigations*, 125

⁷⁵ Chantal Mouffe, *Democratic Paradox* (London: Verso, 2000), 103.

realigned him to the kind of critical empiricism that Marcuse first chastised him about and which now new thinkers are suggested he was advocating for all along. More than the reactive or defensive responses that simply protect Wittgenstein against critics, new efforts argue that his work actually contributes to a decidedly radical politics. While many voices have emerged which suggest that Wittgenstein is a radical or rebellious thinker,⁷⁶ Chantal Mouffe is arguably one of the most influential recent political theorists who has made this claim for democratic thought; and has done so explicitly drawing on the concept of “the ordinary” as a way to frame a dimension of how contemporary politics should cope with the issue of deep pluralism and disagreement. She argues that this concept serves to summarize the particular mode of inhabitation that we, in a new democratic space, have to learn to see as unique challenge we must embrace.

I see two separate but interrelated aspects of Wittgenstein’s thought that Mouffe claims to have a direct importance for political thought in her account of him being a radical. The first is what I will call her “realism” (referring to the sense of realism found in mainstream political theory rather than metaphysical theories within philosophy) while the second is her “ontology”. Briefly put, the former aims to challenge the confused assumptions of philosophical methodology found in a range of contemporary political philosophers by relying on a methodology similar to Wittgenstein’s grammatical reminders as a way to reinforce the inevitability of conflict and power. The latter ontological claim makes a purportedly deeper point about the very “logic” of our normal human practices that defines an enduring “constitutive tension”, which is being obscured by the mainstream political theoretical inquiry (which she defines as Anglo-American

⁷⁶ e.g., Jose Medina "Wittgenstein as a Rebel: Dissidence and Contestation in Discursive Practices", *International Journal of Philosophical Studies* Vol. 18 (1) (2010), 1-29.

Kantian constructivism). This “logic” is no more and nor less than the actual complex form of life we actually inhabit, which is held together not by a hierarchy of principles but rather by a web of intersecting and overlapping political principles.

While in the next chapter I will explore the second aspect of her radical thesis, in this chapter I will begin exploring her extension of Wittgenstein’s methodology for the purposes of her political analysis, as a way to support a political realism against what she believes are ineffectual and abstract political theories. I argue that this aspect of her thought is best understood by aligning it with the Wittgensteinian claim that “The work of the philosopher consists in marshaling reminders for a particular purpose,”⁷⁷ and that her specific purpose in all those moments is to evoke the “reality of power” and raise the stakes of what recent foundationalist political philosophy obscures in its theoretical zeal to ground the norms of a polity. I agree that her attempt to provide reminders of what is lost in a certain form of abstract political thinking can be a new contribution to developing Wittgenstein in political thought as well as addressing the concern that political philosophy is somehow missing its opportunity to truly intervene in political matters. And yet I will raise some doubts about the specific way her reminders appear, sometimes ringing hollow as merely preaching to the choir or falling on deaf ears to those whom she attempts to address.

Reminders of the Ordinary

The fact that Wittgenstein did not directly engage political matters might suggest the limits of what we can draw from his thinking given his insistence on thinking through specific contexts and practices. Whatever else we may think of his reading of

⁷⁷ Wittgenstein, *Philosophical Investigations*, 127.

Wittgenstein, McDowell makes this important point in saying that this return to the ordinary is such that we cannot make a point of “generality for remarks like [Philosophical Investigations section] 127 and 128.”⁷⁸ That is, “it is not to be expected that a single judiciously administered reminder will quiet the felt need for substantive philosophy all at once. So it goes for political thought.”⁷⁹ We cannot preemptively decide what can be solved or dissolved from the outside: “This kind of philosophy needs a precise and sympathetic appreciation of the temptations it aims to deconstruct.”⁸⁰ If there are reminders for political philosophy, one would need to actually draw out those lessons from within political discourse itself. This in part is how we should read an aspect of Mouffe’s reference to the reality of power.

Mouffe suggests that the post-Rawlsian and Kantian focus of most political philosophers today seem to be detached from a large territory of political life due to their search for political foundations. What I call “reminders” are her numerous attempts to appeal to concepts of power, struggle, disagreement in the face of certain philosophical perceived needs. And in this sense, her repetition of the “reality” of power follows for her a broadly Wittgensteinian approach of showing what has been missing in foundationalist theories. On this reading, then, Mouffe’s invocation of the “reality” of political struggle is not going to be done through a general thesis about linguistic meaning being open or closed and deducing a series of clear political consequences therein. Rather she is trying to follow the method of *showing* theorists why they must acknowledge those features of

⁷⁸ McDowell, “Wittgensteinian “Quietism”, 365.

⁷⁹ Ibid., 367,

⁸⁰ See also Martin Gustafsson, “Perfect Pitch and Austinian Examples: Cavell, McDowell, Wittgenstein and the Philosophical Significance of Ordinary Language”, *Inquiry* vol. 48 no. 4, (August 2005), 367.

politics as they quietly transpose the very subject they claim to be studying for the sake of other philosophical needs for pure foundations.

A common expression of Mouffe's is this: "In coming to terms with pluralism, what is really at stake is power and antagonism and their ineradicable character."⁸¹ Elsewhere she says that what so much post-Rawlsian normative theory is unable to do is properly grasp the nature of actual politics and conflict. Again, she makes a similar point regarding "third way" politics of Clinton and Blair, which on her view tried to usher in the end of ideology era and a new phase of agreement between the Left and the Right: "what is missing in such a perspective is any grasp of the power relations which structure contemporary post-industrial societies."⁸² Each of these moments in her work echo a mantra of hers about a particular blindness of the reality of power and struggle in our philosophical discourse. What is interesting about these refrains is *how* she employs them in order to weight the impact of saying "what is *really* at stake" and the "*reality* of power." These comments, I believe, are attempts to remind her audience as political philosophers what may be obscured from their methodological expectations as they search for foundations to legitimize a regime or other common political theoretical needs.

In calling to mind this reality of political conflict, Mouffe doesn't elaborate on this issue in a journalistic way, as if the sheer enumeration would somehow invoke the seriousness of her claim. She speaks of power as Wittgenstein make his grammatical remarks, as if all one has to do is appeal to what one *already knows* but has in some sense forgot. If she thought it were new knowledge, the enumeration of facts or the linking of this claim to some other theoretical claims on which it depends would make sense. But

⁸¹ Chantal Mouffe, *Democratic Paradox*, 21

⁸² *Ibid.*, 15.

instead she uses the technique of repetition and redescribing the consequences of what leaving the concept of power out would have on us as political thinkers, asking whether we truly can do without having the reality of power within our language game of politics, as well as to what extent that has happened in political philosophy.

In this way, we can approximate Mouffe's reminders with the concept of "political realism." Realism here refers to an account of political life where political action has to be able to respond to psychological and historical constraints and actual practices and go beyond the elaboration of abstract ideals.⁸³ The core concern of political realism for Mouffe is with the elevation of ideal theory found in mainstream political philosophy to a status divided from the empirical conditions of us as political beings. The empirical is jettisoned to the social sciences, history, and other merely "descriptive" disciplines; and this move then carves out a theoretical space for political thinking to operate wholly separate from whatever is that crude empirical reality, making it easier to mythologize a time when all of the struggles and tensions we currently experience somehow fade away.

A helpful illustration of this confrontation of ideal and realist (or non-ideal, as it is sometimes called) theoretical commitments is visible in how Samuel Freeman criticized Geuss's realist book *Philosophy and Real Politics*.⁸⁴ Freeman raises two concerns that seem to me to be typical of the criticism of political realism and any kind of empirical concerns too strongly made internal to political philosophy, and the kind of challenge that Mouffe similarly faces in calling up as reminders of her vision of the ordinary.

⁸³ There are many forms of realism, e.g., Bernard Williams also calls himself a kind of "political realist;" Bernard Williams, *In the Beginning Was the Deed* (Princeton: Princeton University Press, 2005) 3

⁸⁴ Raymond Geuss, *Philosophy and Real Politics* (Princeton: Princeton University Press, 2008).

The first way Freeman interprets such realist notions is to see realists committing an obvious conceptual error, a kind of category mistake. For example, “a normative political philosopher might reply that Geuss confuses political philosophy with political science,” Freeman says. And this is because “the role of a moral conception of justice is not to understand contemporary social and political relations and institutions, but to reform them by providing an ideal of social and political relations.”⁸⁵ Power is a concept that works theoretically at a different level and is processed by a different discipline through a division of labor. This division helps delineate the empirical claims so as to preserve the non-ideological status of their own role in guiding political practice. Philosophical reason has the task of discovering the ideal that guides political life.

Freeman’s second criticism of realism, which relies on the former claim, is that such realism cannot be properly critical because “Geuss’s realist or critical theory itself relies upon evaluative claims” which it fails to properly account for.⁸⁶ This argument uses a common strategy of *moral presupposition*: “the political reality is that some general normative principle or set of standard for distributing economic and other social benefits and burdens is inevitably going to be relied upon in making these decisions in any society.”⁸⁷ Freeman argues that if you are prepared to act in some way or defend a political position, then even if you don’t realize it, you are presupposing some general principle that has yet to be justified and is the principle task of political philosophy. One is concerned with these political issues only because one already has some implicit

⁸⁵ Samuel Freeman “Review” *Ethics* (Oct 2009), 177. . see also John Gerring and Joshua Yesnowitz on how normativity has ‘returned’ to political science, questioning its pretense of its scientific status, in “A Normative Turn in Political Science” *Polity* vol 38 no.1 (Jan 2006).

⁸⁶ *Ibid.*, 177.

⁸⁷ *Ibid.*, 182.

conception of justice that evaluates those conditions. One must make evaluative claims that something is unjust or worth fighting against, and this is a purely normative claim.

Geuss and Mouffe realize that their insistence on the reality of power must face the powerful tradition in political philosophy that has convinced many that without certain philosophically certified critical methods, deduced from a system of foundational concepts, we cannot help but reproduce the parochial range of values that we are born into. The “political rationalist,” as Oakeshott describes it, “frames the theoretical choice as *either* simple inhabitation *or* rational autonomy and the institutions that support it.” To achieve the latter, the rationalist demands an “independence of mind on all occasion, for thought free from obligation to any authority save the authority of “reason.”⁸⁸ The rationalist claims to be an “enemy of authority, of prejudice, of the merely traditional, customary or habitual.” And this is supposedly achieved through “a set of principles which he will then attack or defend only upon rational grounds.”⁸⁹ Whatever material conditions we face are all grouped into a set of things we inhabit effortlessly and thoughtlessly; and it is then the business of clear philosophical method to start from scratch and build up from a set of independent and unadulterated concepts in order to legitimate ideal concepts.

One response to the rationalists is to show the confused presupposition of this theoretical division. For example, Geuss says that, Marx and Engels were “explicit antiegalitarians [in the sense that they]...held that abstract equality as a social ideal was philosophically incoherent.”⁹⁰ Similarly, Marx said, “By Freedom is meant, under the

⁸⁸ Oakeshott *Rationalism in Politics and Other Essays*, 6.

⁸⁹ *Ibid.*, 7.

⁹⁰ Raymond Geuss, *Philosophy and Real Politics*, 76.

present bourgeois conditions of production, free trade, free selling and buying.”⁹¹ The Marxist position was that in concrete political life we do not come together *as* “free and rational agents,” but rather “*as* shopkeepers, landowners, proletarian, and so on—that is, as living individuals with commitments, ties and interests.”⁹² Who is after all against equality, autonomy, or the freedom from alienation *per se*? Or rather we might ask: what is contained in that “*per se*”, or “in theory”? What these rationalists fail to appreciate, according to Geuss, are the existing material conditions in which those supposedly laudatory ends are made concrete. And in that sense their theory is dangerous.

To further elaborate on “realism”, one can see the problem through the lens of what Charles Mills raises in investigating the dominant tradition of social contract theory. In *The Racial Contract*, he reminds us that by removing the descriptive component of normative theorization in this philosophical tradition and “by providing no history, contemporary contractarianism encourages its audience to fill in a *mystified* history, which turns out to look oddly like the (ostensibly) repudiated history in the original contract itself!”⁹³ What is the nature of this encouragement? Without certain narratives and concrete practices, one does not have a clear picture of the determinate shape such theories would take, what one precisely “agrees” on. Agreement requires more determination than is given by ideal theories, how it affects us *as* shopkeepers, landowners, consumers; and if one does not give empirical determinations--and expose the actual power formations that exist--the fear is that one simply allows for these forces

⁹¹ Karl Marx “Communist Manifesto,” *Karl Marx: Selected Writings* ed. David McLellan (Oxford: Oxford University Press, 2000), 257.

⁹² Linda Alcoff, *Visible Identities: Race, Gender and the Self* (Oxford: Oxford University Press, 2005) 147.

⁹³ Charles Mills, *The Racial Contract* (Ithaca: Cornell Press, 1999), 122. See also Thomas McCarthy, “Political Philosophy and Racial Injustice: From Normative to Critical Theory,” in S. Benhabib & N. Fraser, eds., *Pragmatism, Critique, Judgment* (Cambridge: MIT Press, 2004), 147-168.

to exert themselves in our world, under the theoretical cover of those ideals parading as already agreed upon. According to Mills, this has occurred historically, where there has been an embarrassing history of complicity between racial injustice and political theorists, e.g., Locke's claim of liberty and his famous comments about America as being a vacant land while investing in the slave trade, or Kant the humanist, who spoke of human autonomy at the same time as he spoke about the inferiority of certain races.⁹⁴ It is in this sense that critical race theory with its focus on the historical and empirical argues that racism is not just the failure to live up to philosophically certified norms, but may be a product of our very refusal to theorize political oppression in its concrete form. The foundationalist assumption is that the empirical reality of political conflict and decisions are somehow external to the basic political norms that are philosophically relevant; whereas Mills and other critical theorists are showing that these empirical matters cannot be externalized in the way that Freeman and others suggest.

Moreover, if we follow Wittgenstein's lessons, we can think more carefully about what it is the rationalists think we actually agree to on their terms. For them, it is as if we come to agree on some general norms without knowing what the actual determination in specific contexts could even mean. By contrast, when Wittgenstein speaks of agreement in terms of "form of life", that prior "agreement" is not through some abstracted norms or rules—it is not a set of rational patterns of thought that exist beyond our history—but rather the whole range of specific, contextual practices that cannot be automatically generalized or carried over to new contexts. Forcing us to resist the temptation to speak of an abstracted form of agreement is what Geuss, Mills and Mouffe seek to impress on us, and which on my reading align with the lessons of the ordinary from Wittgenstein.

⁹⁴ Richard Delgado, *Critical Race Theory: Introduction* (New York: NYU Press, 2001)

While Freeman and rationalists argue that without first justifying a set of general principles that organize political society we cannot begin to consider specific conditions, Geuss, Mills, and Mouffe argue in the opposite direction: that without a focus on our concrete practices, one is not yet clearly capturing the actual determinate form those principles must take in which power is manifest. One is not living in a state of freedom or oppression “in theory,” but only within specific contexts and practices, just as we do not speak as a language user as such, but as participants in a form of life, through specific usage and language. This philosophical and political standoff centers, I think, on the fact that the rationalist and the realists both raise the stakes of which side may be blinder to certain normative harms. The return to ordinary practices reverses the direction of where critical thought has to move; no longer as increasing dissatisfaction with our present universal principles to justify institutions, but through these reminders of power, a constant interrogation into how idealized norms find their determination in practices. “There is, however, a theme or sentiment that unites realists at the threshold” William Galston says, “the belief that high liberalism represents a desire to evade, displace, escape from politics.”⁹⁵

Material Consensus

For Mouffe, the same realist concern can be approached through her commitment to the return to the ordinary; and her echoing the centrality of power should be taken as her own attempt to provide a therapy (however effective we think it may be) in the same spirit as the reminders that Wittgenstein was aiming to achieve now directed at a

⁹⁵ William A Galston, “Realism in political theory,” *European Journal of Political Theory* vol. 9 no. 4 (October 2010), 385.

foundationalist enterprise in political philosophy. Such reminders are not at any point meant to even describe the totality of “real” social relations, as nothing but conflict, sites of power, and struggle, much less to deny normative claims in any form. They are meant to contest the need to remove ourselves from those ordinary practices because of political philosophy’s felt need to start from universal principles.

Mouffe says that “there will always be disagreement concerning *the way* social justice should be *implemented* in these institutions.”⁹⁶ In the context of her criticizing the likes of Rawls and similar Kantian political philosophers, her point can mean at a minimum that normative theory cannot remove itself from the empirical if that has the effect of misunderstanding the nature of what “agreement” could be justified. But she goes on to make a somewhat stronger claim, again referring to Kantians, that “The well-ordered society is only apparently free of antagonism, violence, power and repression “*because* they have been made invisible through a clever stratagem: the distinction between simple and reasonable pluralism.”⁹⁷ That is, the vision of an actual stable convergence of political persons *requires* the illusion that power is gone, or somehow transformed into some higher form of political society.

Consider when Wittgenstein first begins to discuss how we understand the meaning of generic words like “table” and “chair,” and then says, “now think of the following use of language: I send someone shopping.”⁹⁸ We are pulled away from a certain conception of grasping those words *in general* and are forced to remember the words relation to particular cases. Even in those cases, I think we are led to sense the limitations of even those descriptions in capturing the actual vocabularies we inhabit. So

⁹⁶ Mouffe, *Democratic Paradox*, 113.

⁹⁷ *Ibid.*, 31.

⁹⁸ Wittgenstein, *Philosophical Investigations*, 1.

we do not learn that “a game consists in moving objects about on a surface according to certain rules...” and then supplement how chess satisfies these conditions. We only observe how to, say, make moves with board games—certain language games—when we have a specific active involvement. So if it is true that “How he takes the definition is seen in the use that he makes of the word defined,”⁹⁹ then the deep division between the rationalist-application model and the Wittgensteinian model becomes more apparent. For in the latter case, we do not say that we all basically agree on a rule *simpliciter*, even if we use it differently, that “in principle” we hold all these things to be self-evident, and then it is of instrumental employment to bring them into concrete usage. We clearly do not for him learn concepts that way. We do not all just agree on liking “games,” even if you like bridge and I like hopscotch and you like jeopardy.

Given the overdetermination of any such principle at a fairly high conceptual level, this tension is always going to be a problem for any political principles. What happens, then, is that movement from abstraction to concrete practices is obscured as needing no critical involvement in the way that the first level of abstraction demanded. That is why Mouffe says that political theories ignore the importance of the “decision” within that indeterminacy: “It allows Rawls to present as a moral exigency what is really a political decision.”¹⁰⁰ Put differently, this philosophical move in its focus on generic ideals hides how the precise determination occurs through a kind of *default* translation of the basic principles and removes the responsibility and ownership of such decisions. Thaler and Sunstein make a similar more mainstream version of this point recently in their investigation into “nudges” while arguing that choices are influenced by the material

⁹⁹ Ibid. 29.

¹⁰⁰ Mouffe, *Democratic Paradox*, 24.

context shaped by a “choice architect”. Whether due to this person or other environmental determinations already in society, there is a default that challenges any simplistic conception of, say, libertarian freedom as well as social determinism.¹⁰¹

In their illustration, to take a mundane example, a cafeteria manager knows that the placement of food items will influence purchases by up to 20%. What should she do? If she puts apples at eye level, is one being paternalistic by making them more likely to be taken? But if she doesn't, she also recognizes she is actively diminishing the possibility of healthy purchases. To guess what purchasers really want is itself problematic, since evidence suggests that individual desires are not pre-given but are influenced by an array of external factors like placement on shelves, which after all is the reason for this being a problematic decision she must make. If the manager tries to simply maximize profits for the school, this conflicts with other values even if in the interest of solvency. One might try a lottery, to be most neutral, but this has a tradeoff, because even if this seems fairer, this neglects how previous decisions have been made that decide the pool of foods to be processed for a lottery. Even if she decides not to make a decision, this will simply mean either that the specific architecture of choices are then chosen by the people who are stocking the shelves (someone else) or the procedures will follow the same institutional prerogatives that have been occurring over the years and set up prior to her acquiring the job. In a real concrete context there are likely to be default ways of applying the overlapping, ambiguous rules. Ignoring *how* a rule is variously put into practice does not obviously dissolve one's responsibility; there has been an implicit “decision” that is now hidden from view if we think justificatory practices work “above”

¹⁰¹ Richard H. Thaler and Cass Sunstein, *Nudge: Improving Decision About Health, Wealth, and Happiness* (New York: Penguin, 2008), 1-4.

that merely empirical level. It simply allows certain standard defaults to function as they have been, but now under the cover of abstract justification. What is agreed upon in abstraction is then carried over to the non-ideal conditions, as if it had not then transitioned into the exercise of power in a mythologized form. The point is that the choice architect (here the manager) is not able to absolve herself from the *decision* that she makes within specific contexts; it is not a simple application of some rule.

This type of criticism against philosophical consensus within the particularly political context that Mouffe is reminding us of could be described as the *problem of ideological cover*. Tanesini makes this point by saying that “in Mouffe’s view, we should not even aim to resolve all conflicts. Not only is an ideal community impossible; we should not even strive to achieve it.”¹⁰² The force of this “should” derives from recognizing that it is impossible for us to avoid concrete determinations and to be able to rest on specific institutional paths since historical circumstances evolve and the rules of employment can change over time with different effects. A “post-political” conception of politics runs the risk of being blind to how power divisions still are entrenched in material conditions that are far from ideal, falsely believing that we have already overcome those conditions of deep conflict. For this reason, “The critical flaw of the attempt to modernize social democracy by Third Way theorists [i.e., those who believe we have entered a post-ideological political agreement on principles],” Mouffe writes, “is that it is based on the illusion that by not defining our adversary, one can side step fundamental conflicts of interest.”¹⁰³ This recognition is what Geuss describes in “Discontents of Liberalism,” as a core feature of the Marxist tradition: “Apparent public

¹⁰² Alessandra Tanesini, *Wittgenstein: a Feminist Interpretation* (London: Polity, 2004), 126.

¹⁰³ Mouffe, *Democratic Paradox*, 111.

consensus is merely the false (and thin) ideological cover that hides a chasm of division that is deep and unbridgeable as anything in the human world can be.”¹⁰⁴ Such conflicts are not overcome or sublimated, but persist even as theorists refuse to hear them as legitimate concerns because they claim that they are in the business of being objective theorists.

This ideological illusion appears, for instance, in the recent form of idealizing a concept of “conversation” and “dialogue” as the rationally and morally acceptable form of social exchange in politics. When put into practice, we risk allowing the existing political power to hide behind a veneer of neutrality. This skepticism is echoed when Piccone and Ulmen say: “Despite all the rhetoric about openness though ‘undistorted communication’ and interminable dialogue participation in discussion and deliberations is conditional on the prior acceptance of unchallengeable rules concerning a formal rationality and modes of discourse which automatically exclude all but those intellectuals and professionals fully initiated into the predominant jargon.”¹⁰⁵ This concern also echoes Iris Marion Young’s criticism of deliberative models of politics for being too focused on a single form of political engagement, viz., “rational” debate, again often motivated by trying to distill that one pure form of political engagement that is untainted by struggle and conflict. But without meaning to, if these rationalist politics prioritize modes of discourse that follow a formal debate as what true justifiable political engagement is, that discursive requirement can lead to the inadvertent silencing of certain political actors because they do not have the ability to engage in ways that are deemed

¹⁰⁴ Ramond Geuss, *Outside Ethics* (Princeton: Princeton University Press, 2005), 19.

¹⁰⁵ Paul Piccone and Gary Ulmen, “Uses and Abuses of Carl Schmidt,” *Telos* Winter (2002): 132- 3 See also Nicholas Meriwether’s, “Discourse Ethics and the Problem of Oppression,” *Telos* 119 (Spring 2001), 99-114.

properly rational.¹⁰⁶ Even certain forms of political participation like demonstrations, as we see in various marches on European austerity measures and the “wall street protestors” around the country, actions that use their physical presence more than their debating skills to present their case, are then automatically deemed illegitimate. This is particularly important since the very groups who are the ones most disempowered are often those who have nothing but their bodies left to use.

Thus, if one treats idealized norms in an abstract manner, one may obscure the specific way in which they are made concretely political and, as it turns out, be *less* critical.¹⁰⁷ I have tried to amplify Mouffe’s series of reminders to show what is at stake in obscuring the complex ordinary practices we are part of, and as such indicate that where political thought ought to focus its attention is on the critical interrogation of the specific practices, which are located at the intersection of where generalized norms are necessarily made concrete, tested, and evaluated in their actual usage. This “realism” as I have described it is best understood in particular kinds of reminders, which aim to indicate what certain philosophical methods risk obscuring due to their own set of assumptions about philosophical discourse. That said, I do think that Mouffe does not make explicit the nature of her claims about the reality of power, and it is by way of a theoretical reconstruction that I am suggesting that we think of her claims in a Wittgensteinian light. She never explicitly speaks of these as reminders in the way that we have seen in Wittgenstein’s “grammatical” reminders, now directed towards political

¹⁰⁶ Iris Marion Young, “Communication and the Other: Beyond Deliberative Democracy,” *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton: Princeton Univ Press, 1996), 122.

¹⁰⁷ Scheman notes that this issues appears also in epistemology “traditional epistemologists often criticize naturalized epistemology for losing normativity—but properly understood naturalized epistemology is more, not less, normative, for the same reasons mentioned here politically.”

discourse and practice as a new kind of therapy needed within political theory. While I do think that her insistence on the limitations of Freeman is important, I believe a more explicit framing of the philosophical motivation is crucial to avoid misinterpretation. Indeed, the fact that a number of critics of Geuss, Mouffe, and Mills, to name a few, all seem to repeat the problem of moral presupposition suggests the limitations of her claims are for her critics without putting the “reality of conflict” in a different light. Otherwise, those claims about the reality of power are always seen as summary empirical remarks rather than a claim about the necessity of the empirical in political philosophy.

CHAPTER 3 DEEP DISAGREEMENT: MOUFFE'S POLITICAL ONTOLOGY

Put it in a Wittgensteinian way, there is a constitutive tension between their corresponding “grammars” found when we remain *within the ordinary*, a tension that can never be overcome but only negotiated in different ways.

---Chantal Mouffe, *The Democratic Paradox* ¹⁰⁸

So far I have described one use Mouffe makes of Wittgenstein's concept of the ordinary as it pertains to showing the loss we incur as a result of presuming that we can inhabit a world in which power and conflict no longer exist. Understanding her reminders within this context of political philosophy helps capture why critics incorrectly see her as merely describing power according to their schema of normative theory versus empirical science. Descriptions of this sort are not presumed to be empirically neutral; rather they function as reminders of a phenomenon that philosophy itself for certain methodological reasons, as it has been known to do, had become blind to. Mouffe's evocation of the “reality” of power and conflict was aimed specifically at the political philosophers who have forgotten the weight of that reality.¹⁰⁹

However, Mouffe goes beyond “reminders” when she suggests that something else is also shown from Wittgenstein's embracing of groundlessness, defined as the “constitutive tension” that all our practices must learn to inhabit. In many ways, she shares the postmodern view of incommensurate language games as defining the kind of conflicts that continue to exist in our society, particularly within the landscape of contemporary pluralism; and while she never makes an explicit alignment with Lyotard

¹⁰⁸ Chantal Mouffe, *Democratic Paradox*, 5.

¹⁰⁹ This is how she tried to contribute to what Freeden said was how we “reconnect political theory to the domain of politics.” Michael Freeden, “What should the ‘political’ in political theory explore? *Journal of Political Philosophy* vol 13. No. 2. (2005), 113, 115.

(in fact she seems to distance herself from what has been targeted as postmodern),¹¹⁰ her ontology of tension bears a strong similarity to his various discussions of metanarratives and the differend. For her the implied ontology from Wittgensteinian insights provides supports what she see as particularly crucial in thinking democratic politics.

For Mouffe, Wittgenstein helps us grasp the “logic” of our practices through the “family of structures more or less related to one another”¹¹¹ rather than through a deductive mode of thinking that is dominant in political philosophy. This “familial” structure—a new way to conceive of the home of politics—is what Mouffe is concerned with when she contrasts her view against mainstream liberal democratic theory and claims that “liberal democracy” may be “united not by a common essence but by a multiplicity of what Wittgenstein calls “family resemblances.”¹¹² In one conceptual move, she tries to tie together the concept of family resemblances, inhabiting the ordinary, the ontology of conflict, while locating power still within the decision of the political body as it coalesces to make decisions about its constitution.

In this chapter, I will explore how Mouffe uses quite explicitly Wittgensteinian concepts to support her thesis about the ontology of political pluralism, and uses his concept of the familial structure as the basis for how we can redefine an “image” of a democratic polity as an empty place of indeterminacy and responsibility. We have witnessed an increasing number of political actors pose challenges to the possibility of constituting a polity that allows for deep differences of identity. It is often felt that these political eruptions send a disappointing signal that we have yet to ground ourselves in the right model that could solve these problems philosophically. These tensions for

¹¹⁰ See Chantal Mouffe, *The Return of the Political* (London: Verso, 2006), 74-77.

¹¹¹ Wittgenstein, *Philosophical Investigations*, 108.

¹¹² Chantal Mouffe, *On the Political* (London: Routledge, 2005), 10.

democracy come from “without,” in the form of immigration and expanding global networks, and from “within,” in the form of citizens challenging the terms under which individuals constitute the political community they find themselves part of. While in its broad form the question of political pluralism is nothing new, such claims have a deeper force with the expansion of what democratic politics has come to allow as its own.

What have become known as “new social movements” from multiculturalism and feminism, as well as forms of conservatism and nationalism, all are contesting what a concrete plurality for politics looks like, focused on what Stephen White describes as a “distinctive concern with the question of identity.”¹¹³ The challenge posed by “identity” based movements is whether our political community can internalize these challenges of political membership without themselves reproducing the very simplification they criticize in others. These movements ask how we can imagine an identity of a democratic society that by definition represents itself as divided. According to Mouffe, the new “logic” of the ordinary helps us reimagine what is a viable political ontology.

While I agree with her appeal to the ordinary as defining a constitutive tension, I will suggest that her attempt to distance herself from so-called postmoderns (and their supposed inability to sanction “decisions”) reveals where she implicitly leaves the locus of power, even if it gets reorganized, which is somewhere like traditional state apparatus and mass politics that is able to bring the conversation to a close, however temporarily. I will try to show what is persuasive about her account of the ontological ordinary but at the same time limiting in this use of the idea of the ordinary as the general tension which seems to be absorbed back into a set of political institutions of historically democratic

¹¹³ Stephen K. White *Sustaining Affirmation: The Strengths of Weak Ontology in Political Theory* (Princeton: Princeton University Press, 2000)

procedures. As such, she seems to remain at the level of a public sphere now simply made more flexible, rather than questioning the space of where politics itself is located, in a time when the location of politics is equally as important as the flexibility of the “we” of a demos.

Terms of Wittgensteinian Discourse

Let me point to two core Wittgensteinian concepts that informs Mouffe’s argument for a radical democracy and political agonism, and thus completing the reversal of the original conservative interpretation. Each could be seen as the content for what is the “ordinary” in Wittgenstein’s thought that attracts her and finds a place in a non-conservative politics. They consist of the following: (a) the concept of family resemblances and language games, and (b) the notion of showing a deeper level of indeterminacy as not a problem to be solved but a condition we have to learn to inhabit.

(a) The concept of “family resemblances” in this context places a distrust of the demand that political identities (groups based on sex, race, gender, liberal democrats, the state) require an exact, unchanging content in order to be coherent. In discussing the failures of the Left, Mouffe states that what it stands for does not have to be understood as single and predestined. “Say we try to define an ultimate content of the Left,” she says, “which underlies all the contexts in which the word has been used: we shall never find one which does not present exceptions. We are exactly in the field of Wittgenstein’s language games: the closest we can get is to find ‘family resemblances’”¹¹⁴

This would mean, for example, that it is perfectly intelligible for her to claim that “the Left” could hold that the state should move to act against spheres within our civil

¹¹⁴ Mouffe, *Hegemony and Socialist Strategy*, 179.

society because specific oppressions must be corrected; while at other times hold that the two spheres should be separated, keeping the state out because it is the very source of the problems. The content of a political position would never be in relation to being for or against some particular set of actors a historically, as if the content of power could never shift and reconfigure. Even J.S. Mill in his opening remarks in *On Liberty* proposes as much when speaking of a new age where the greatest threat may come not from the state but from public opinion. In fact, it's possible that in our current historical condition, the main worry of coercion, oppression, injustice, etc., principally derives from non-state actors. The assumption that the state still has the power it had could deflect our attention away from economic relations, the expansion of corporate power and consumer culture as well as others depending on the historical circumstance.

As such, when she speaks of the Left, she claims one need not have an identical set of commitments towards the main actors in politics which hold together a politics, as if a philosophy one must hold transcends the present. What organizes political projects for the Left, she suggest, does not have to be derived from a system of essential terms universally applicable to all political debates and conditions, but rather the “partial fixations of identities” at a historical moment.¹¹⁵ Any given political identities are best conceived not as all sharing a single property (e.g., all have been economically oppressed, all dehumanized and alienated, all lacking individual liberties, and so on) but as part of a family of similar concerns that shape the political moments. She does not provide any guidance on precisely where those lines are drawn because the notion of resemblance here means to suggest that the overlaps cannot be determined in advance.

¹¹⁵ Mouffe, *On the Political*. 78.

Particularly in our historical context, she argues that we need a theoretical picture that can grasp how “no identity is ever definitively established, there always being a certain degree of openness and ambiguity in the way the different subject positions are articulated.”¹¹⁶ Mouffe suggests this can be seen, for example, in the “communist enumeration” based on a notion of equivalence, which “supposes the operation of the principle of analogy among literally diverse content.”¹¹⁷ The concept of family resemblances helps her theorize certain aspects of the political subject, being constituted by a “multiplicity of subject positions,”¹¹⁸ which is now directed towards her own liberal democratic account. Politics is always concerned with agency, and in that vein she says, “one of the crucial questions at stake is the creation of a collective identity, a ‘we.’ In the question ‘what shall we do?’, the ‘we’ is not given but rather is a constitutive problem.”¹¹⁹ This constitutive openness is not a mistake or a conceptual confusion; rather it places a demand for active participation in the creation of the yet to be solidified groupings that constitute new political membership.

Mouffe then applies this conceptual flexibility beyond such political identities and on to the explicit constitution of political regimes as identifying those identities. The “logic” of family resemblance is not just for her how to conceive of the alliances of solidarity in an evolving political landscape; but for her also expresses the “core” political commitments within liberal democracies, too. Here she shifts to the *norms* on which the polity is based, the basic rules of agreement within a political system. Thus, “liberal democracy” too may be “united not by a common essence but by a multiplicity of

¹¹⁶ Ibid., 12.

¹¹⁷ Mouffe, *Hegemony and Socialist Strategy*, 110.

¹¹⁸ Mouffe, *The Political*, 12.

¹¹⁹ Ibid., 50.

what Wittgenstein calls ‘family resemblances.’”¹²⁰ Even though liberals supposedly advocate individual freedom, she worries that many still are mistaken to think that “when you put [all the divergent norms] together, they constitute an harmonious and non-conflictual ensemble.”¹²¹ For her, liberalism is treated as a doctrine that, once coordinated with all relevant theoretical concerns, promises to provide a coherent solution to the enduring problem of political life, to find that single property that unites us once it is found. For her, liberalism is simply part of a set of converging but still unresolvable pieces of the liberal democratic puzzle.

In the *Democratic Paradox*, Mouffe focuses on how the “conflictual ensemble” can refer to the two components or principles of “liberty” and “democracy.” We should reframe our expectation about the type of a unity that is born out of our allegiance to these concepts. Thus, when she refers to “the constitutive tension between their corresponding ‘grammars’”, she means that the tension between the commitments of liberalism and democratic rule, for example, may never be “solved” but only renegotiated. And the form of togetherness that one achieves is as a people who are *committed to that renegotiation*. This is not to say anything goes, as if one regime is as good as the next. It is to suggest that the form any tradition takes like ours being committed to values of freedom and democratic sovereignty, in fact, have contained within itself many potential formulations, and political philosophy should give up the need to solve those formulations as a primary objective *in advance*. Mouffe rejects this desire for a perfect unity and suggests that a Wittgensteinian picture allows us to seek a home in a political identity that accepts *working through* whatever grammatical tensions

¹²⁰ *ibid.*, 110.

¹²¹ *ibid.*

there may be—not as a mere failure of knowledge at this point in time, but as the actual status of us as critically engaged philosophically and politically.

(b) Wittgenstein's ordinary also represents a deeper groundlessness of practices that philosophy has sought to deny. Mouffe says that "Antagonism, far from being an objective relation, is a relation wherein the limits of every objectivity are *shown*—in the sense in which Wittgenstein used to say that what cannot be *said* can be *shown*."¹²² This is a distinction that appears in Wittgenstein when speaking of the difference between the logical form and a specific proposition. So when he says in the *Tractatus*, "what can be shown, cannot be said,"¹²³ he means to suggest that the form of it is not depicted but displayed. For Mouffe, her meaning seems to be that that some basic "form" of a political relation is displayed but has a characteristic different from "saying that" something is the case. This is true in grammatical discussions since they are not about facts about what are the case, but rather what allows such things to be said at all, that is, with reference to the conditions of possibility of making certain claims or in conceptualizing a political form of life at all.

When they speak of the logic of the political, Laclau and Mouffe claim to be registering something deeper, a social "logic" to theorize politics. By "logic," Laclau says, "I understand the type of relations between entities that makes possible the actual operation of that system of rules."¹²⁴ This notion of "logic" here is "ontological," a term that Mouffe invokes against the merely "ontic," to capture the level at which it is meant to be working. The ontic in this usage seems to be about the particular identities, beliefs,

¹²² Mouffe, *Hegemony and Socialist Strategy*, 125.

¹²³ Wittgenstein, *Tractatus Logico-Philosophicus* trans. D.F. Pears (London: Routledge, 2001), 4.1212.

¹²⁴ Ernesto Laclau, "Constructing Universality," *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left* ed. Judith Butler, et al. (London: Verso, 2000), 283-284.

sentiments, concerns and interests, as they coalesce; the ontological is the conditions of possibility for those specific political relations and formations. The ontological is she believes is the level of “grammar” that Wittgenstein refers to as part of that form of life, which we inhabit despite the various tensions it may contain. Thus, one must already presuppose the possibility of bending or transformation as the sort of ontological claim that is needed to make possible new horizons of political engagement.

This alignment of showing is meant to capture, as it were, the level at which the notion of “constitutive tension” and “agonism” is meant to be located. She translates the groundlessness of practices as defining “the political” as the empty ontological space where identities are rearticulated. This is where she moves from taking his investigations as a form of critique of a false theoretical picture, to a deeper substantive claim about the very structure of our political form of life that informs here picture of contemporary democratic politics. She does not simply dissolve previous theoretical illusions, but produces a substantive account out of this groundlessness in suggesting the limits of discursive regimes and an irreducible “agon” to which political theory has often become blind.¹²⁵ Indeed, “there are many ways in which the democratic ‘language game’ –to borrow a term from Wittgenstein –can be played, and the agonistic struggle should bring about the meanings and fields of application for the idea of democracy to be radicalized.”¹²⁶ And what she tries to show is that the acceptance of a constitutive tension is a key starting point for her to reimagine a radical democratic politics of possibilities.

Ever a translator into the mainstream political theoretical landscape, Mouffe says this ontology provides the “deeper” basis for rethinking the logic behind the tension

¹²⁵ See Lyotard’s concept of *the differend*

¹²⁶ Mouffe, *On The Political*, 33.

between individualists and communitarians. The former cannot grasp the nature of communities, but the latter cannot understand pluralism. And thus, for her it is not enough to suggest each of their failures; there needs to be a theoretical alternative that can internalize what each might contain without risk of theoretical contradiction.

That's very much what the idea of radical and plural citizenship is concerned with, because, of course, the idea of citizenship basically implies commonality - we are in it together as members of a political community. But, of course, we are in it together, but we are different...*and this togetherness cannot be just limited to what we have in common* [my emphasis].¹²⁷

For the notion of “togetherness” to seem intelligible, Mouffe thinks, presupposes an alternative ontology, a conceptual shifting to “make possible” understanding the relation between principles like freedom and equality, or among different identity positions, which she finds in the concept of the “family resemblance.” This is why her agonism holds that “any social objectivity is ultimately political and has to show the traces of the acts of exclusion which govern its constitution.”¹²⁸ This is a strange sort of “ground”; for it takes a view of “lack” that is the paradoxical the very commonality in which our ability to rearticulate the open-ended political identities is the condition of our ongoing inhabitation, a form of togetherness that is not limited to what we have in common in advance. Mouffe argues that one can appeal to a common conception of the good, a common rational or other capacity we all share and come to realize is our own, and yet this absence or lack (out of which we engage in an ongoing and shared struggle) can paradoxically be the converging point for a new politics.

¹²⁷ My italics. In an interview with Mouffe and Laclau. <http://anselmocarranco.tripod.com/id68.html>

¹²⁸ Mouffe, *Democratic Paradox*, 21.

Dissensus or Ontological Agonism

Struggle and deep divisions are clearly the stuff of politics. It has been possible to read Mouffe as just making a contingent empirical claim, suggested in ambiguous statements like: “precisely the kind of disagreement which promotes the stuff of politics and it is what the struggle between left and right should be about.”¹²⁹ Her critics do not deny the existence of conflict; but they treat it as something to be overcome through the proper political order. Thus, for her agonism refers to that deeper claim aimed at an assumption in political theory that functions roughly at the same level of generality, to a more basic level of conflict for picturing basic political membership.

To clarify her concept of “agonism” as defined at the level of “the political,” we might make a distinction between *dissensus* and *agonism*, terms which have a family resemblance, but with an important difference. Dissensus here is the condition in which there is an ongoing, deep lack of consensus among members of a political community about various policies, laws, forms of collective action. Agonism refers to there being no deeper unity that can transform even these struggles into mere surface phenomena; and her appeal to the Wittgensteinian ordinary is an attempt to suggest that there is no deeper basis that can trivialize these differences within politics as moments on the road to progress awaiting a philosophical road map.

This distinction can be clarified, I think, by considering Dryzek and Deveaux’s recent criticism of her agonistic democracy.¹³⁰ Dryzek, for instance, argues that “political agonism” is misleading at best when used to address contemporary situations of political conflict, and at worst it tends to foster violence in ways that are not obviously for the

¹²⁹ Mouffe, *Democratic Paradox*, 114.

¹³⁰ Monique Deveaux “Agonism and Pluralism” *Philosophy and Social Criticism*” vol 25. No.1 (1999),2.

good. He argues that the gains of democracy are being dangerously challenged by “identity politics, sometimes in murderous form”, and for him theories of agonism contribute to legitimating and supporting such politics.¹³¹ He has in mind nationalist causes like “Republican and unionists in Northern Ireland; any number of separatist movements,” a combination of religious and ethnic conflicts such as “Palestinians versus Israelis” and religious versus secular forces, such as “Islamists versus secularists in Turkey and Algeria” not to mention “Christian fundamentalists versus liberalism in the United States.”¹³² It’s doubtful that Mouffe wants to be associated with this kind of conflictual politics. Of course, if we had a perfectly smooth running sphere of respectful debate such as Mill had envisioned in *On Liberty*, where difference of opinions could be useful precisely because others would rationally weigh new ideas and experiences with what they currently held, then promoting “conflict” in that form would be easy. But it’s precisely because we do not have shared commitments that there is a worry about securing a political order and an acceptable form of social conflict.

This is especially so if, as Deveaux notes, “it seems equally as likely that a model of politics that emphasizes conflict and disagreement could lead to the entrenchment of social and cultural group identities” rather than the openness that Mouffe seems to desire.¹³³ As Sunstein pointed out, in the United States an increasingly rigid sense of belonging or “group polarization” can emerge if we promote procedures towards disagreement.¹³⁴ This difficulty is expressed not just at the level of creating an “echo”

¹³¹ John S. Dryzek, “Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia,” *Political Theory* vol.33. No.2 (Apr, 2005), 219.

¹³² *Ibid.*, 219

¹³³ Deveaux, “Agonism and Pluralism,” 15.

¹³⁴ See Cass Sunstein, “The Law of Group Polarization.” *Journal of Political Philosophy*, 10 (2002): 175–195.

chamber, liberals buying liberal books, conservatives their books, all preaching to the choir. Even online technologies have aided in this polarization, according to Sunstein in *republic.com*. And it seems that the political conflicts we have seen in our country reflect precisely the sort of unproductive conflict that would lead us to the same concerns as Deveaux's. As such, we might be left wondering if Mouffe's validation of conflict implies an "invisible hand" that is meant to transform potentially lethal conflict into the best form of it in a lively democratic space (like Adam Smith's magic to turn self-interest into the best interest of all). For critics, it is unclear where her agonism lies on this landscape of concrete political concerns, and if so, how it could ever be productive.

As such, her critics could say that they know perfectly well the reality of power and force, and it is precisely because of its vivid nature that one is concerned to temper agonistic human relations. They might say that it is precisely agonists who fail to see the reality of power, for otherwise the question of normative legitimacy on procedures would grip them more. Moreover, to the degree that she softens to what would count as the actual expression of agon, that agonism merely is the specific *form* that pacifies conflict, the lines get blurred between these different models of democracy. Then it starts to look, Deveaux says, more and more like how standard liberal models of democracy process difference. After all, "Liberals... acknowledge the fact of deep pluralism and disagreement in liberal democratic states and go some distance in developing proposals for political institutions that can respect citizens' differences."¹³⁵ So it's unclear that the result of Mouffe's claim differentiates her from other political theories that simply try to find the best mechanisms to mediate these conflicts, but with the one difference being that we are left even more in the dark without knowing that mechanism in advance.

¹³⁵ Deveaux, "Agonism and Pluralism," 16. Think of, for instance, the Gutman and Thompson's work.

What I think Dryzek and Devaeux do is help show not the necessary incoherence of her “model” of democracy, but to press on the *level* at which her agonism is meant to function and to clarify how a particular balance between fluidity and solidity is translated into her political project for radical democracy. I think this ambiguity is a result of Mouffe’s attempt to move between the ontological and ontic level, between her agonism and political realism. The level of her analysis may seem to prevent her from saying anything *directly* about actual conditions such as those Dryzek poses when she claims to be speaking about the conditions that make possible a certain kind of politics, and yet she takes herself as intervening in precisely such worldly events. Given this ambiguity, Dryzek’s ultimate criticism she corners her into is that “agonism may feature plenty in the way of authentic democratic communication, but is hard to apply to any divided society in the real world.”¹³⁶ This charge is particularly damaging to Mouffe since this is precisely where she thinks her non-agonistic opponents are most vulnerable. This is the basis for her criticizing political rationalism for being unhelpful in such contexts: “This is why democratic theory is so badly prepared to grasp the nature of mass political movements as well as phenomena such as nationalism.”¹³⁷ Out of this confusion, this ontological language allows critics like Richard Wolin to say, “This attitude [of treating our legitimated institutions with suspicion] has meant an adieu to real-world politics in favor of airy and speculative discussions of ‘the political’.”¹³⁸

What seems to be lost in this exchange is *why* Mouffe feels compelled to refer to an ontological level when so much of her philosophical support comes from thinkers who

¹³⁶ Dryzek, “Deliberative Democracy in Divided Societies,” 238. To draw out this contextualist interpretation, one might use the heuristic distinction from Helmut Dubiel’s article “Cultivated Conflicts,” *Political Theory* vol.26 No. 2 (April 1998), 210.

¹³⁷ Mouffe, *On the Political*, 6.

¹³⁸ Richard Wolin, *The Seduction of Unreason* (Princeton: Princeton University Press, 2006), xv.

want to emphasize the particular and concrete. When she refers to the ontology of agon, it's because her "reminders" are of limited use. We shouldn't think this is a metaphysical claim; she locates her concerns within explicitly historical developments of modern democracy. But the constitutive tensions of the ordinary are not simply referring to practical newspaper headlines, but a confusion at a deeper level which she wants to replace as "the notion of a symbolic form that institutes society".¹³⁹ For Mouffe, what can overcome the philosophical need to harmonize society may require a new picture that has the former properties of conceptualizing our political identity in its basic form.

As such, the concept of "the political" is meant to operate at the level of a *political regime*. When Mouffe and Laclau say that they are defining a deeper "logic," this is not about a positive picture of human nature, but the lack of such a picture to ensure the shape of the regime that has emerged according to this revolution. But it still is a general condition that we are thrown into, "the *negation* of an objective position to an underlying positivity," which makes a certain form of politics possible.¹⁴⁰ "For democracy to exist," that is, to make it *possible*, she says, "No social agent should be able to claim any master of the foundation of society."¹⁴¹ Mouffe appeals to Lefort: "In this view, modern democratic society is a society in which power, law and knowledge experience a radical indeterminacy...[The Democratic revolution] led to the disappearance of a power that was embodied in the person of the prince and tied to a transcendental authority." With modern democratic politics, "A new kind of institution of

¹³⁹ Daniel Steinmetz-Jenkins, "Claude Lefort and the Illegitimacy of Modernity," *Journal for Cultural and Religious Theory* vol.10 no.1 (Winter 2009): 102.

¹⁴⁰ Mouffe, *Hegemony and Socialist Strategy*, 126.

¹⁴¹ Mouffe, *Democratic Paradox*, 21.

the social was thereby inaugurated in which power became an ‘empty place.’”¹⁴² As Lefort says, “*the phenomenon implies an institutionalization of conflict*” in such a way that politics now has to be understood as constituted from a lack of a simple political unity.

The locus of power is an empty place, it cannot be occupied—it is such that no individual and no group can be consubstantial with it—and it cannot be represented. Only the mechanisms of the exercise of power are visible, or only the men, the mere mortals, who hold political authority. We would be wrong to conclude that power now resides in society on the grounds that it emanates from popular suffrage...it marks a division between the inside and outside of the social, institutes relations between those dimensions, and is tacitly recognized as being purely symbolic.¹⁴³

Agonism is the expression of the basic political struggle once we deny the deeper *philosophical* mechanism to translate all those differences into some deeper commonality, and as such, to avoid the teleological justification that guides any specific conflicts. For her, the expression of the Wittgensteinian ordinary is “the modern impossibility of providing a final guarantee, a definite legitimation”.¹⁴⁴

Even if we have moved beyond the image of the king, as well as the secular conservative’s appeals to its own representation of a unified social body, the most recent attempt to unify the political body is through some *constitutional* principles. Rawls and others suggest that, bracketing all other basic forms of political association, this new bond is supposed to ground a “thin” political community. By focusing on basic principles to ensure freedoms and tolerance of others, along with a minimal degree of government protections for the worst off, one hopes to find an association that can be the core identity for politics to override all other less differences in response to contemporary pluralism.

¹⁴² *ibid.*, 2.

¹⁴³ Claude Lefort, *Democracy and Political Theory* (Oxford: Polity Press, 1991), 17.

¹⁴⁴ Mouffe, *Democratic Paradox*, 2

Mouffe's concern with such a constitutionalist approach is not simply that it is somehow coercive to what some see as their concrete plurality, because, as defenders point out, it does try to speak to the value of pluralism so long as it can at the same time tolerate the plurality of others. For Mouffe, the issue is whether this single appeal to basic freedoms and justice can speak to a core feature of the democratic revolution through an implicit teleological framework. That is, while one may be in favor of many of the gains that are captured in appealing to liberties secured as rights as well as principles of fairness, it is unclear this can be the *only* line of political association.

Political agonism for Mouffe emphasizes how both liberal and democratic aims are essential but are not "solved" in their practical manifestation; and given that fact, we must be prepared to undergo a constant renewal of what it means to be both liberal and democratic, as played out in the concrete practices that mediate indeterminacy between those two concepts. This kind of political community internalizes the very break with itself in setting itself up as a polity, i.e., "the moment of rule is indissociable from the very struggle about the definition of the people."¹⁴⁵ This locates the basic relation to others (one's membership as a citizen) in the same polity as the continuous "struggle for the definition of the people" rather than as a consensus on the content of a single meaning. Struggle over the definition of a people is not an exception to the rule of the people; it is internal to it. And in this way, "the political" represents a "togetherness" that does not search for an absolute ground of a deeper rational consensus.¹⁴⁶

The constitutive tension she spends the most time on is how, first, liberal rights are by definition a moral claim that extends to *all* persons as persons. They express moral

¹⁴⁵ Mouffe, *Democratic Paradox*, 56.

¹⁴⁶ *Ibid.*, 26.

justifications for granting certain freedoms and assurances against other powers just by virtue of being a human being. They stand behind at a very general level both state functions as well as other human obligations for how we treat others. But democratic sovereignty requires by its very nature the limitation of the extent of the coverage of security and power, as defined by a defined group of persons who are members of a specific polity that is traditionally aligned with territorial sovereignty. A democratic led society understands itself through autonomous rule, in which whether by voting or other associated mechanisms, a kind of togetherness is established out of which the basic powers that cover citizens are made legitimate. This paradox takes the form it does because, on the one hand, for many liberalism supports democratic sovereignty and stands as a partial justification for the rationale of having popular sovereignty with certain rights. And yet democracy must shut its borders to preserve itself as a sovereign community, and not become an abstract cosmopolitanism, both for the sake of institutional viability but also in how it defines itself *as* a people. Whether in city-states or contemporary nation-states, this always is part of its claim to sovereignty. More than just a practical devise, it seems required for the very normativity of democratic rule in expressing the will of the people. This dynamic tension of expanding out and retracting in is what's uniquely important about the "we" that liberal democracies represent.

In this way, liberal rights ground democratic rule while paradoxically at the same time those rights are limited once instituted through the concrete mechanisms and organization of power. As Max Pensky puts it in terms of constitutional scope:

All modern constitutions offer membership according to a schedule of rights, and these rights are justified in terms of universal, rather than merely local or parochial, attributes of members. . . . The normative force of democratic constitutions coherently demanding the extension of inclusion to all persons while

simultaneously retracting that inclusion to all members of a set of arbitrarily designated persons in order to actually succeed in *constituting* a polity.¹⁴⁷

The concept of “the political” for Mouffe is trying to show why the deeper democratic aspirations may require reimagining the political world we inhabit through our sense of the scope and dynamism of the “we” under construction. The reconstitution of political subjects is not something imposed on a democratic group from without but rather required from within its own unique status. Otherwise one is always treating the persistence competing ideological and conceptual needs as at best an unfortunate philosophical compromise, and that the ideal one always is seeking is some potentiality that hides behind temporary challenges.

This constitutional tension, as Mouffe and Pinsky describe it, would then suggest that by appreciating the “competing grammars” from the liberal and democratic tradition, we can begin to see pluralist claims differently. For example, these new social movements are just one more attempt to define who is part of the community and on what terms, which is not reducible to one justificatory line of assent. The various political identities are not attempts to produce mere niche interests *at the expense* of the political community. They are not rowdy particular concerns that, if allowed into the political conversation, are merely practical measures to gain solidarity of political power. The very efforts to constantly redefine the scope of our political “we” in its most basic form, through its various manifestations, are internal to a new groundlessness of political subjectivity. For what defines this democratic political community is precisely the commitment to revising the “we” at its most fundamental level, even if there is not the resolution of certain competing political grammars to a single theoretical voice.

¹⁴⁷ quoted by Seyla Benhabib *The Rights of Others* (Cambridge Univ Press, 2004), 176.

“Democracy”, Lefort says, “inaugurates the experience of an ungraspable, uncontrollable society in which the people will be said to be sovereign, of course, but whose identity will constantly be open to question, whose identity will remain latent.”¹⁴⁸ The relevance for Wittgenstein’s lesson of the ordinary is on Mouffe’s reading an effort to imagine a picture of political society that is not fixed, where we are constantly in the process of *rearticulating what the criteria* for what our actions may be.

There is no single formula for the political agents in such a political system. “For democracy to exist,” Mouffe says, “No social agent should be able to claim any mastery of the *foundation* of society.”¹⁴⁹ The open-endedness she sees in this political vision of liberalism and democracy is not total fluidity nor total closure; it is the constant but sometimes stabilized negotiation of the scope of the “we” through core markers of the regime on the basis of liberty and democracy. This is a kind of dynamism that tries at once to maintain the paradoxical unity of competing political grammars, since at various moments identities may be solidified for certain purposes. In short, these two seemingly contradictory moments found in various theories, reflect not a decisive failure of a political theoretical account, but a real live challenge that we must inhabit within modern political life. Thus, for Mouffe, “liberal democracy” may be “united not by a common essence but by a multiplicity of what Wittgenstein calls “family resemblances.”¹⁵⁰

Family Resemblances

I am quite sympathetic to Mouffe’s overall project of a more pluralistic politics, both in redefining the lesson of the Wittgensteinian ordinary as well as the broader

¹⁴⁸ Lefort, *Democracy and Political Theory*, 304.

¹⁴⁹ Mouffe, *Democratic Paradox*, 21.

¹⁵⁰ Mouffe, *On the Political*, 10.

philosophical position that such conceptual tensions should not simply lead to the abandonment of concepts in tension with others purely on the basis of a certain rigid logic that political philosophy presupposes. Wittgenstein does say a great deal about the nature of our agreements that helps us begin to explore new forms of togetherness. And I do think that the concept of family resemblance has a particularly important role in describing the unique contribution that his work can provide thinkers of political thought. But while I am generally sympathetic with Mouffe's project of pluralistic politics, I do think that she too quickly focuses on a quasi-institutional paradigm that does not seem warranted and implies her own assumption about where political power lies.

I largely agree that referring to the notion of family resemblance at a deeper level, in competing "grammars" like liberalism and democratic theory, might block a certain reductive strain in political philosophy. Typically on her reading, which seems true, one is either going to see a contradiction between the two accounts of political theory such that one has to decide which one is *truly* committed to; otherwise, one has to find some creative theoretical maneuver to make one resolve back into one, keeping the claims of both while basing one on the other (such as you find in discussions of value pluralisms à la Isaiah Berlin). Reducing those differences into a single concept, as philosophical theorization is often trying to do, is mistaken for reasons Wittgenstein and others have suggested. It is true that the set of things in one grammar does not have to match another grammar from a set of necessary and sufficient conditions. There may be a kind of relaxed alignment between the two sets on a Wittgensteinian view—what some now call a polythetic relationship of sets—but Mouffe has the tendency to elevate that tension as if

it were in itself a value of family resemblance concept. But it's rather less obvious that Wittgenstein clearly prefers such tension for its own sake.

One may get the impression that Mouffe hopes to take on a generalized ontology of constitutive tension as itself a kind of proto-social theory that can perform the role that the conservative ontologists use it for but now with a different more unstable account. But then her own attempt to speak of the deeper tensions as ontological sound relatively anti-Wittgensteinian even as she claims to carry on his philosophical instruction. And so the value would depend on the specific ways in which those competing grammars of liberalism and democratic sovereignty could perform specific tasks in our political life. To address this, it seems to me, Mouffe seems to rely on our already existing feelings about liberal norms and democratic norms of sovereignty and equality; and as such, she is placing herself squarely in a fairly typical regime justification discourse. There is no emphasis given, as I think is warranted, to say that the lesson of the ordinary is to be quite explicit in viewing the possibility of such theoretical concerns being carried through a wide set of overlapping concrete practices; and these may not even resolve into the kind of tension between two philosophical concepts of liberty and equality.

The norms that are channeled through our political associations still exist by means of those institutional processes that “internalize” that conflict. Uneasy about the attempt to dissolve distinction like the Left and the Right, Mouffe says “the left/right opposition is the way in which legitimate conflict is given form and institutionalized.”¹⁵¹ This brings us to the fact that for Mouffe the *locus* of politics is never quite challenged. The radical nature of her politics lies in the indeterminacy of the language games that are played out, crisscrossing and overlapping each other; however, there is not much to think

¹⁵¹ Mouffe, *Democratic Paradox*, 117.

that the actual site of politics is much different than the Rawlsians she tries to critically engage with. Mouffe often refers to the variety of new social movements, and the disruption that causes to traditional politics. Her project is meant to take the side of pluralism and exploration. But her politics still focuses on the normal site of politics even if the actual condensation of the values or norms that govern that space may be open to renewal. It does not seem prepared to radically change where politics lives.

Consider when Mouffe revisits Rawls's claim that those who are not liberals are in his sense not reasonable. A similar point for her is made when "Schmitt indicates that even in modern democratic states, where a universal human equality has been established, there is a category of people who are excluded as foreigners or aliens, and that there is therefore no absolute equality of person."¹⁵² While Mouffe agrees with Rawls, she wants to remind him that drawing this line is not simply the emanation of a moral truth; rather "this is an expression of an eminently political decision."¹⁵³ Her reference to the "decision" is a common thematic within her work to express the limits of what normative ideal theory often claim as its moral imperative. The key for her is not to overcome the ideological divisions within side or hide this fact. The one time she invokes Cavell is to refer to his criticism of Rawls for bringing the conversation of justice to a close, and saying that doing so is a "decision which cannot be simply presented as mere application of procedures and justified as the only move that we could make in those circumstances."¹⁵⁴ Mouffe's appeal to Cavell on responsibility, however, is ambiguous since she wants to treat the decision itself as a contingent but necessary moment in politics, and yet Cavell's emphasis is more about a dissatisfaction one has in that act *as*

¹⁵² Ibid., 41.

¹⁵³ Ibid., 25.

¹⁵⁴ Ibid., 75.

individual citizens, wanting to maintain the ongoing discussion as internal to what it means to see oneself as part of a polity. But Mouffe seems to emphasize the necessity of that act, when she differentiates herself from postmoderns in her acceptance of “reconciliation,”¹⁵⁵ that politics cannot just be critical of existing beliefs but must nonetheless go beyond that critique.

This is a key moment which I think shows the difference between her own use of the indeterminacy of these political concepts that inform our political community and the specific *way* politics is routinely carried out. It may be true that Rawls is wrong to see the way we bring a conversation to a close as philosophically justified rather than a temporary “decision.” But at first, in this reference, Mouffe says of Cavell that this is a “personal choice.”¹⁵⁶ But as a personal choice decision could hardly matter. It matters when it is a position of power, often institutional, or a certain person *who* does this. And *where* does image of the decision appear? It is through the enactment of the foreigner within a democratic power, say, around citizenship: “the moment of closure” for a political people.”¹⁵⁷

Surprisingly, Mouffe does not say much about Lyotard that is very helpful even though the core commitments she has about the indeterminacy of political concepts are somewhat similar. But her silence I think can speak to the emphasis she places on the part of Wittgenstein she can fit in her politics. In fact, Mouffe often seems quite critical of Lyotard: in his concern with liberalism and its roots in the Enlightenment¹⁵⁸ or the

¹⁵⁵ Ibid., 134.

¹⁵⁶ Ibid., 75.

¹⁵⁷ Ibid., 43.

¹⁵⁸ Mouffe, *Return of the Political*, 9, 41.

apparently overly fragmented concept of the subject,¹⁵⁹ even though both of them are open to the indeterminacy across different conceptual vocabularies. The concept of opposing language games is a key concept that Lyotard uses when investigating, for example, “the differend,” a case of conflict between parties that cannot be equally resolved for the lack of higher order rule or principles that can mediate both. By contrast, litigation is a dispute that can be resolved since the parties involved already converge on their agreement about the terms by which to assess the claim. Not only has one been in some sense been wronged in a differend, but one has lost the power of the vocabulary to be able to speak of that wrong to another. And as such, this disempowerment can be both the literal and figurative diminishment of one’s political being. I bring this up here not to engage in the nuances of Lyotard’s study on the concept of a victim, but to show by way of contrast, what Mouffe is trying to display as within the realm of politics. The kind of “constitutive tension” seems to be rather pacified precisely because Mouffe still has faith in the institutions to moderate and ameliorate the conflicts that exist today. If she were to view the difference as “deeper” in the sense that Lyotard means it, she would be less hopeful that the existing liberal and democratic institutions are prepared to transform antagonism into agonism as so easily manageable. In this way, when she refers to the “decision,” however temporary, of dividing “friends” from “enemies,” the sense of this division is not taken as violent as in fact many people experience it as.

Mouffe doesn’t seem to move beyond the central political power of the state and mass politics. When she tries to advance her own “agonistic model of democracy,”¹⁶⁰ against other form of deliberative democracy models, for example, she still speaks of the

¹⁵⁹ Ibid., 78.

¹⁶⁰ Mouffe, *Democratic Paradox*, 80.

legitimacy as grounded in something like a will of the people consolidating around a decisions—which can only mean the usual institutional apparatus of the state or a collective effort very much like mass politics. In differentiating her agonism from mere agonism, Mouffe says that “this requires providing channels through which collective passions will be given ways to express themselves over issues which, while allowing enough possibility for identification, will not construct the opponent as an enemy but as an adversary.”¹⁶¹ What are those channels except roughly the ones to which we already have access, the procedural means by which we deflate our passions because one is assured that the conflict has been transformed into a contest that recognizes the legitimacy of that very conflict. In this sense, the activity and location of politics seems fairly traditional and starts from a reassurance in the existing institutional apparatus to perform the tasks we want out of political engagement, and that, in fact, the disappointment we feel with politics can be quelled with the knowledge that we might all have new opportunities to constantly redefine the status of our political identity. The disenchantment we may have of politics, for her, is tempered enough to avoid bleeding too far over into where we engage in politics in ordinary life.

Thus, the ordinary becomes on Mouffe’s account our ability to inhabit as a new political space the conflicting “grammars” of the various political theoretical models, like liberalism and democracy, so that one can internalize that space of renegotiating that indeterminacy as part of its definition of the political. And yet that constitutive tensions is made concrete through decisions, that these actors in a sense commit to is through the consolidation of power through laws, whether deciding who is a foreigner, or who gets certain rights, and so on. The perceived problem of current politics is in the inability to

¹⁶¹ Ibid., 103.

accept the ongoing conversation of competing political models, while also allowing for the institutions to pacify, even if temporarily, the consolidation of those overlapping grammars. For her, a radical Wittgensteinian politics is defined through the overlapping of political practices through a kind of “family resemblance”, but while still keeping this political project as reinvigorating existing institutional processes.

CHAPTER 4 CAVELL ON THE FRAGILITY OF THE DEMOCRATIC ORDINARY

Their procedures [viz., Austin's and Wittgenstein's] present themselves as *returning* us to the ordinary, a place we have never been.

---Stanley Cavell, *Philosophy the Day After Tomorrow* ¹⁶²

Turning from Mouffe's political theory back to Stanley Cavell and his influence on the discussion of Wittgenstein for political thought may seem a rather zigzagging path. But I wanted to first explore a clear attempt to reverse the original conservative critique and find a new kind of quasi-substantive ontology (radically opposed to the conservative picture) as a new kind of "ground" for a political enterprise. Now I want to revisit the other path that was first addressed in the conservative critique, viz., the therapeutic path, which is more than the reminders that we saw in the previous chapters. For it is in this vein that we can understand Cavell's particular contribution to political philosophy in showing a kind of political subjectivity from our "return" to the ordinary.

In this chapter, I explore some aspects of Cavell's tentative engagements with political philosophy again using the concept of the ordinary as the guiding thread and following Wittgenstein's idea that philosophy "is not a body of doctrine but an activity."

¹⁶³ In one sense, Cavell's most direct engagement with political philosophy is with Rawls, where he focuses on investigating our understanding of basic agreements that guide Rawls' assumption the kind of principles we need to preserve in a polity. Similar to Pitkin's desire to activate a philosophical therapy for political thinking, what is needed for Cavell is not a new vision to legitimate a regime but rather a way of working on

¹⁶² Stanley Cavell, *Philosophy the Day After Tomorrow* (Harvard University Press, 2005), 10.

¹⁶³ Wittgenstein, *Tractatus*, 4.112.

ourselves to reimagine the conception of a political home. But this leads him not to devising a new ontology, but exploring products of culture that shape the way we mutually define our personal and political home.

I will first explain what Cavell's interest in the "conversation of justice" as it relates to the ordinary. The "ordinary" as a "place we have never been", I believe, complements the view of democracy as an "empty space" but resists presenting it as a new ontology. The representation of a political community will always be indeterminate in ways that are internal to democratic political membership because of the fragility of consent or agreement. But for Cavell, the community itself depends on being able to answer each of its citizens in the kind of agreement Wittgenstein has us explore. The kind of justificatory conversation that we first see in discussions of rule following and criteria is internal to what's unique about subjectivity in a democratic politics that can unite a community as a "we." This conversation is meant to speak to this *responsibility* placed on all democratic citizens throughout our ordinary lives, but not just so that we are open to the vulnerability of ordinary language without a deeper foundation to ground it, but also to discover how we are called upon to explore a wide and varied scope of practices that shape our models of political community, to explore what may now become political among us.

Instead of seeing Wittgenstein as holding a set of commitments that, if one were to trace out their implications, necessarily leads to some radical political project or a reform of the political landscape, Cavell calls upon us to work on the philosophical attachments we have that constantly treat things as beyond the scope of philosophical interest, battling the tendency to define a whole realm of inquiry as what can be

dismissible. The concept of the ordinary here aims to work through the vulnerability of our place in language, but following Wittgenstein's suggestion that there are many therapies to continue the spirit of his work, one must be open to seeking new sites of where the language game of politics is played ("places we have never been"). For Cavell, this can lead us into many new paths well beyond the institutional focus that Mouffe work on; and it is for this reason that he explores the intersecting themes of remarriage and democratic citizenship.

Pitkin on Therapy and Bureaucracy

If we are to consider how the Wittgensteinian return to the ordinary can be used for political thought, it's worth saying a word about Hanna Pitkin, who many years ago tried to provide one of the first positive reading of him for politics. This helps confirm one's suspicion about the two trajectories (substantive vs. therapeutic) of his thought for political thinking, first made as a criticism and then put into a positive project. While Pitkin focuses on one aspect of his philosophical therapy, Mouffe ultimately saw the ordinary as tantamount to a substantive claim of groundlessness so that she could define a new picture of political community at the ontological level.

It is significant, I think, that when Pitkin revisits her influential book *Wittgenstein and Justice* in her Second Preface nearly two decades after the first publication, she admits her ongoing difficulty in capturing precisely how her own book is at all located within political theory. She suggests that the significance goes beyond a simple claim of linguistic sociality as defined in earlier conservative debates. Her initial attempt to clarify the core of her project stalls momentarily until she describes the importance of ordinary

language philosophy, via Austin, Wittgenstein, and Cavell, as having a therapeutic value. Pitkin states that, as for Cavell, there is a crucial connection between Wittgenstein's project and Freud's project because they both offer a sort of "analysis" that, in some sense, "cures neurosis" through "methods of indirection, designed to liberate their practitioners from constraints that are in some sense self-imposed."¹⁶⁴ To reach the theme of politics, though, "one must note that self-imposed obstacles to thought are not merely individual and neurotic but also the widely shared and social, collective rather than idiosyncratic blind spots. For the latter, 'self-imposed' means not what I impose on me, but what we imposed on us, on each other."¹⁶⁵

As such, the value of ordinary language analysis for Pitkin comes from "becoming aware of what our presuppositions are,"¹⁶⁶ which has the result of avoiding philosophical and political "reification." The therapeutic work aims not at presenting a new worldview that can be laid out by the systematic philosopher, but at avoiding the problem of locking us into a single framework to then be carried out by the general public. Cavell puts it in this way in an early article of his:

One does not want it, for example, to become merely another ideology—in the words of George Orwell, another of 'the smelly little orthodoxies which are now contending for our souls.' If philosophy could keep ideologies from changing the world out from under lives, could help to let us grow into our future, knowing it as we go, that would be change enough, and important enough.¹⁶⁷

And yet, I think Mouffe comes close to performing a similar task when she claims to provide a new ontology, what Stephen White called a "weak ontology", when she is still

¹⁶⁴ Hannah Pitkin, *Wittgenstein and Justice* (Berkeley: University of California Press, 1972), xii.

¹⁶⁵ *Ibid.*

¹⁶⁶ *ibid.*

¹⁶⁷ Stanley Cavell, "Existentialism and Analytical Philosophy," *Themes out of School: Effects and Causes* (Chicago: University of Chicago Press, 1988), 221.

convinced that we need a new ontology to replace the previous role a telos used to provide for the Kantian philosophers she criticized.

The limitation in Mouffe's thinking is that it still restricts the concept of politics through a kind of public sphere in which, while the constitution of that unity may be composed differently through new articulated voices, and while the procedures may be not quite as rigid as other, Kantian accounts, she does still implicitly rely on the notion that the place of politics seems to be in a more or less defined space. In particular, one cannot help but get the sense that she envisions an ignited and rejuvenated populace whose success would be seen in the type of mass activities that we have seen through traditional activism.

By contrast, Pitkin claims that the focus on the therapeutic rather than on, say, designing institutions derives from a view about the kind of political life we live in today. The centrality of this therapy arises because of a different assessment of the specific political predicament, which is voiced in Vaclav Havel's 1979 essay which Pitkin quotes from. The concern is our "post-totalitarian system" of politics which relies not on "terror" but on "routinized administrative bureaucracy and on the habitual, cynical apathy of the population."¹⁶⁸ Her understanding of what needs to be addressed in political thought today arises from the belief that the condition of politics has changed, and therefore resistance to political power may require a different set of tools given the different form political power has taken. This concern is illustrated for Havel in how a shopkeeper who displays a political poster out of obligation is really saying "I am obedient...[I want] to be left in peace."¹⁶⁹ Based on this, Pitkin's claim about the importance of therapy against

¹⁶⁸ Hannah Pitkin, *Wittgenstein and Justice*, xx.

¹⁶⁹ *Ibid.*

metaphysical thinking is thus relevant for this political landscape where our collective problem is how to enlarge our efforts to seeing how we wish to be released from the burden of constant criticism because the sources of power are so varied.

For Pitkin, this focus is consonant with Arendt's 1960s warning that "Bureaucracy is the form of government in which everybody is deprived of political freedom, of the power to act; for the rule of Nobody is not no-rule, and where all are equally powerless we have a tyranny without a tyrant."¹⁷⁰ To the extent that philosophy gets involved, it is not through justifying a general theory of political relations; but by preventing us from being alienated from political engagement or released from the critical activity that we were warned about in the earliest debates on conservatism. The consequence would be that "there is no citizenship, and no public forum," which one would wish to restore. Pitkin says that this means for your average citizen: "the truth of their own experience; they do not trust their own eyes and ears." And citizens become "ideal victims of complete manipulation."¹⁷¹

In the exchange between Rawls and Cavell, which I will turn to, I think we see a clearer conception of how a Wittgensteinian "constitutive tension" may show what is desirable and unique about a democratic political life that has a form of commonality without defining once and for all the precise boundaries of the political "we." It is a little difficult to know what Mouffe sees as the specific activity of living out those constitutive tensions other than the institutional procedures we already are acquainted with. The one time Mouffe focuses her attention on Cavell, and she quotes him saying: "this absence of the victor helps articulate the fact that, in a democracy embodying good enough justice,

¹⁷⁰ *ibid.*

¹⁷¹ *ibid.*

the conversation over how good its justice is must take place and must also not have a victor, that this is not because agreement can or should always be reached but because disagreement, and separateness of position, is to be allowed its satisfaction reached and expressed in particular ways.”¹⁷² But what are those particular ways? How broad a net may this be? What is the “home” that she depicts?

Rawls on Rules and Agreement

One of Cavell’s most sustained engagement with politics is when he engages Rawls, especially in his discussion within *Conditions Handsome and Unhandsome*, where he spends his time both challenging Rawls’s need for defining the basic principles of a society once and for all as well as exploring the impact of closing the conversation of justice by appealing to a certain philosophical picture of rule following. The purpose of this engagement is to question the particular method that *replaces* the responsibility of ordinary persons with the activity of the theorist to adjudicate the rules of society. Moreover, Cavell questions whether we can locate this very responsibility within an isolated sphere of regime legitimation debates as commonly conceived. He says: “I suppose I do not want to accept my society “once and for all” as I do the principles of justice: society, judged by those principles, may come to forfeit my loyalty. But how would the principles carry the revolutionary potential of consent, or consent forfeited, if I did not at the same time give my consent to society?”¹⁷³

Following Cavell, I believe there is an interpretation of grammar, rules and the structure of agreement that informs Rawls’s philosophical expectations of politics, and

¹⁷² Mouffe, *Democratic Paradox*, 75

¹⁷³ Stanley Cavell, *Conditions Handsome and Unhandsome: The Constitution of Emersonian Perfectionism* (Chicago: University of Chicago Press, 1991), 107.

those of others like him, in terms of the kind of answer that could satisfy our political debates over the shape of a political community we want fulfilled. What makes Rawls's position congenial to both Cavell and Mouffe, even as they challenge his theoretical edifice, is that he often portrays his position in a way that does not claim to be above history in proposing a picture of political community, but rather occupies a position of "sharing one's fate." Unlike certain moralism found in other accounts, Rawls is not attempting to divine the basic principles of all political life. This is also why Cavell says that they both are interested in a "conversation of justice" among those who already share a tradition and language. The importance of this conversation may not just be to give a "systematic framework of constitutional democracy," though that may be important, too. Democratic membership poses a philosophical question in that the polity needs to "know itself to maintain a state of...good enough justice."¹⁷⁴ And the way it comes to know itself is informed by engaging others in a dialogical process.

It may be helpful then to revisit Wittgenstein because the very picture that Rawls and others import to treat the question of political justification and pluralism seems to derive from his work on rules. Wittgenstein is, among other things, a touchstone for how many conceive of an intelligible community one is part of. To contrast this difference in philosophical approaches though, the place to begin is to stress the difference between "rules" and "criteria." It is not enough to suggest, as Winch did, that "all behavior which is meaningful (therefore all specifically human behavior) is ipso facto rule-governed."¹⁷⁵ This is because, as Cavell says, "a common life requires not merely that we follow rules

¹⁷⁴ Ibid., 3.

¹⁷⁵ Peter Winch, *The Idea of Social Science and its Relation to Philosophy* (London: Routledge, 1963), 52.

(of grammar, etiquette, law, and so on), but that we agree in *how* to do so.”¹⁷⁶ And that reflects an evolving set of judgments and contextual employments that make up what it means to actually know how to feel at home in a game. It is this mistake that first appears in Rawls’s early essay “Two Rules” which, while being an attempt to clarify a stronger utilitarian defense, also arguably shapes his conception of defending a particular set of political rules and criteria. While originally it speaks to a distinction within utilitarianism, I hope that it can also clarify a problem that Cavell sees wrong in Rawls.

In that essay, Rawls’s main focus is to respond to criticisms of the utilitarian position, and he launches into a discussion of rules for our practices; but his response speaks to his commitments about the basic rules of a polity. For example, a utilitarian seems to be committed to the idea that, in the context of promise keeping, one was never in a position to say what one means. It’s not just that if someone makes a promise to you, you can never be sure that the other person will keep it because it will always be open to further consideration about the likely consequences. It means rather that the very conception of promises is not even possible. This problem for Rawls was due to the failure to make a distinction between two kinds of justification, mistakenly seeking one in the context of the other.¹⁷⁷ The distinction is approximated when he imagines a case where a father is being questioned about his son who had been arrested. If he was asked, “why was your son put in jail yesterday?” he would answer “because he broke the law.” But if the father were instead asked, “but why do people put other people in jail?” he might answer “It’s because we need to protect innocent people from those who are willing to do harm to others.” Rawls says that “ these are two very different questions,

¹⁷⁶ Stanley Cavell, “Availability of Wittgenstein’s Later Philosophy,” *Must We Mean What We Say?* (Cambridge: Cambridge University Press, 2002)

¹⁷⁷ John Rawls, “Two Concepts of Rules”, *The Philosophical Review* 64 (1955): 14-15.

and it is the latter that asks “why we have the institution of punishment: why do people punish one another rather than, say, always forgiving one another?”¹⁷⁸

Having divided these as two kinds of tasks of justification, one about a case that falls under a practice and another about the practice itself (i.e., “a system of rules which defines offices, roles, moves, penalties, defenses and so on, and which gives the activity its structure”) Rawls argues that we cannot then say that we are “entitled without restriction to bring utilitarian considerations to bear in deciding whether to keep *his* promise;”¹⁷⁹ for that would confuse two different contexts in which we are asking for reasons for some general norm. His conclusion is, “It is a mistake to think that if the practice is justified on utilitarian grounds then the promisor must have complete liberty to use utilitarian arguments to decide whether or not to keep his promise. The practice forbids this general defense; and it is a purpose of the practice to do this.”¹⁸⁰

We are asked to postpone that moment of reflection. Rawls says, “...if one considers what the practice of promising is one will see, I think, that it is such as not to allow this sort of general discretion to the promisor. Indeed, *the point of the practice is to abdicate one’s title to act* [my emphasis] in accordance with utilitarian and prudential consideration in order that the future may be tied down and plans coordinated in advance.”¹⁸¹ And in his appeal to rules, Rawls describes this as generally true of any and all practices (presumably including political practices) that are shaped by rules. Think, for example, of those law and order justifications of criticizing protestors in their daily lives because that is not how, when and where one is suppose to question a practice. We are

¹⁷⁸ Ibid., 5-6

¹⁷⁹ Ibid 16.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

told that if you want to contest the practice, one must do so through systematic and appointed rule procedures; that this is the purpose of voting or legislative processes; and the everyday lives that we lead are similarly meant to carry out what we have consented to in our acceptance in those other designated spheres.

So for Rawls, this confusion derives from mistaking two conceptions of rules. The *practice* conception of rules, by contrast, holds that “a practice necessarily involves the abdication of full liberty to act on utilitarian or prudential grounds.” Siding with the latter, he continues to say that rules of practices are “logically prior to particular cases,” and that this is so “because there cannot be a particular case of an action falling under a rule of a practice unless there is a practice.”¹⁸² Drawing on the Wittgensteinian concept of a game, Rawls imagines a game of baseball and says that without its rules of play, certain actions cannot be taken *as* moves in the game; that one can of course throw a ball, run or swing with some piece of wood, but you need rules to “steal base, or strike out, or draw a walk, or make an error, or balk.”¹⁸³ In this sense rules are logically prior; and thus, it seems to follow that to even begin to debate certain moves within a game, one must already have those general rules in place as agreed upon.

This distinction seems illustrative of what critics like Mouffe and Cavell take him to be advocating in his later argument for his principles that overcome deep pluralism. For Rawls, it is part of the concept of constitutional principles to abdicate the right to continue to question the shape they take. And so while Rawls starts off with an explicitly political justification within history, his hypothetical position alters the nature of one’s

¹⁸² Ibid, 25.

¹⁸³ Ibid.

consent. It is no longer something that one actually can see for oneself, but it is what one that is agreed upon in advance, but by whom?

The mistake is to see normative questions like promise keeping and the norms of Rawls's political community as akin to the rules in baseball. Defining rules in this way misses the type of "agreement" or consent possible within certain contexts, what is specific to those normative practices.¹⁸⁴ To illustrate the kind of arguments relevant to existing rules, Rawls imagines a person who says, "it would be better on the whole to have four strikes." The analogy would be closer, Cavell says, if we imagined a person who had swung at the ball and then said "it was an inconvenient pitch." Then we would say there is some question about his competence in "playing a (competitive) game" at all.¹⁸⁵ It is certainly true that in one sense, as Cavell says, "in competitive games... what counts as a move is settled by the Rule of Play. That is essential to them, common to all... that such things are settled and known in advance of play by all players is what allows games to be practiced, as well as allows certain person to do what umpires and referees do..."¹⁸⁶ So there is logical priority in that sense.

However, the problem is that some things are not like this: "that moral conduct cannot be practiced in *that* way, that you cannot become a moral champion in that way, and that no one can settle a moral conflict in the way umpires settle conflicts is essential to the form of life we call morality."¹⁸⁷ The fact that certain moral or normative considerations appear in the form that they do make them particularly resistant to this

¹⁸⁴ "The man who is philosophically puzzled sees a law in the way the word is used, and trying to apply the law consistently, comes up against cases where it leads to paradoxical results" Wittgenstein, *The Blue and Brown Book*, 27.

¹⁸⁵ Pitkin, *Wittgenstein and Justice*, 166.

¹⁸⁶ Cavell, *Claim of Reason*, 296.

¹⁸⁷ *Ibid.*

analogy of settling the rules of play for a society. Elsewhere he describes his efforts as exploring how it is that “while general agreement with these claims [of what we should ordinarily say when] can be ‘imputed’ or ‘demanded’ by philosophers, they cannot, as in the case of more straightforward empirical judgments, ‘postulate’ this agreement.”¹⁸⁸

This is the problem of using the practice conception to draw a direct analogy to the problem of institutional justification. Certain dis-analogies suggest themselves, and perhaps the central one is that insofar as Rawls takes these all as instances of practices as a system of rules, it is then unclear how we can relate to the offices within specific institutions to the generic sense of ‘practice’ that Rawls employs. As Cavell suggests, “if it [viz., moral conduct and awareness] is an office, it is one any normal adult is competent to hold.”¹⁸⁹ That for him is what is embedded in Wittgenstein’s interest in the ordinary, how we are competent enough speakers by virtue of being ordinary language speakers. Even Rawls’s contract account of liberal democracy is meant to express basic normative demands to all those concerned, and hence it must be *addressable* to each one of us. It is a form of address that cannot be so easily abdicated. In carrying out this demand, we must be prepared to ask to what degree and what sense this is *my* political community, that you speak for me and I for you.

More generally, rules by themselves typically cannot determine usage. Cavell says, “we learn and teach words in certain context, and then we are expected, and expect others, to be able to project them into further context. Nothing insures that this projection will take place.”¹⁹⁰ But this is even truer when it comes to the context of justifying

¹⁸⁸ Stanley Cavell “Something out of the Ordinary” *Proceedings and Addresses of the American Philosophical Association* vol 71 no.2 (nov 1997): 23.

¹⁸⁹ Cavell, *Claim of Reason*, 297.

¹⁹⁰ Cavell, *Must We Mean What We Say*, 52.

institutions. “No judge or rule,” Cavell says, “knows better than we, and we have no rules that will decide the issue or that will rule one of us out as incompetent to decide. This is why there is moral argument between us, why it has its forms.”¹⁹¹ This “form” is to say that the kind of disagreement we have, within those tensions that structure the community we both feel inside and outside of, shows not the need for a better consensus below our obvious dissensus. That is why democratic authority is not likely to be captured by appeal to “rules” as Rawls would suggest, but is perhaps better illustrated in Cavell’s image of a conversation. He says, if we are “finding of mutual happiness *without a concept*, then to articulate its basis may be said to be a recurrent point of conversation that constitutes the friendship.”¹⁹²

Cavell worries that Rawls too quickly does away with the complexity being raised by the initial moral concern *between* individuals, failing to recognize that “actions are not moves” within most serious normative discussions.¹⁹³ He summarizes this point, in a way that will resonate with his later, more sustained criticism of Rawls’s argument for a constitutional pluralism:

a moral reason can never be a *flat* answer to the competent demand for justification. If a moral question is competently raised, then a moral response *must* allow a discussion whose conclusion will be the fuller articulation of the positions in question. . . . if it is ever competent to raise a question about whether you ought to keep a promise. . . . then the answer cannot simply refer to rules.¹⁹⁴

¹⁹¹ Cavell, *Conditions Handsome*, 114.

¹⁹² *Ibid.*, 32.

¹⁹³ Cavell, *Claim Of Reason*, 309.

¹⁹⁴ *Ibid.*, 303.

Rawls does admit that “relatively few actions of the moral life are defined by practices,”¹⁹⁵ but it does seem that his attempt to provide once and for all principles reflects this very ambition.

When Rawls says that in response to a child who did not keep a promise for the right reason, we would “correct him” but this cannot be sufficient for an adult for whom this normative question is raised. This is one problem Cavell has with the “scene of instruction” in Kripke’s reading of Wittgenstein: “since this is seen as a power of exclusion..[it] is an expression of political power”¹⁹⁶ For there, it might be said that his assertion of the teacher who says to the child “this is what I do” as an assertion of *right*, is an appeal to authority. In hitting bedrock this could reflect *exasperation* towards the child as a child incapable of knowing what he knows, but it could also show the *frustration* the teacher ought to have towards herself, her failure and impotence. To treat this only as a skeptical “solution”, Cavell argues, misses that the lesson is not what kind of cognitive puzzle piece we can fit to bridge that gap between the two. It is about how we come to perceive dealing with what looks like a gap between the teacher and student, when there is no shared concept.

“What a sentence is called senseless, it is not as it were its sense that is senseless. but a combination of words is being excluded from the language, withdrawn from circulation.”¹⁹⁷ By this, I take Wittgenstein to mean that, a particular arrangements of words are not as such without meaning, but are being *accused* of senselessness. In that way one expresses an order or advisement about what is in circulation. Just before that

¹⁹⁵ Rawls, “Two Concepts of Rules,” 32.

¹⁹⁶ Cavell, *Philosophy the Day After Tomorrow*, 203.

¹⁹⁷ Wittgenstein, *Philosophical Investigations*, 500.

remark, Wittgenstein makes clear he does not mean to be playing the school teacher grammarian saying you can't say this because it is not the rules.

But when one draws a boundary it may be for various kinds of reasons. If I surround an area with a fence or a line or otherwise, the purpose may be to prevent someone from getting in or out; but it may also be part of a game and the players be supposed, say, to jump over the boundary; or it may show where the property of one man ends and the another begins; and so on. So if I draw a boundary line that is not yet to say what I am drawing it for.¹⁹⁸

So presumably there is a context in which that activity falls; and to the extent that we return to “what I am drawing it for”, we are invited to avoid treating a sign as the “pure intermediary between the propositional signs and the fact, or even to try to purify, to sublime, the signs themselves.”¹⁹⁹ We drive the question back to contextual usage and what is gained or lost in suggesting the circulation of certain usage change or end.

For this reason, we might attempt “to introduce a hesitancy in the way in which we habitually dwell among our concepts of culture, of everyday life, or of the inner.”²⁰⁰

Veena Das suggest this through Cavell's interpretation of the *Investigations* as offering a different “scene of instruction.” The point is how this better leads us to think of culture, a task she claims most anthropologists have failed to do, which has only been “formulated as a question of socialization as obedience to a set of normative rules and procedures.”²⁰¹

What we might see instead is not so much the mysterious leap in this scene of instruction, but the way in which the one is prepared to hear the other, whether in frustration or exasperation. And with Rawls, if they are unprepared to hear that much, they are also unprepared to give the sort of reasons that the other will hear. When the problem of pluralism is to speak to all those who are competent enough to raise the objections, then it

¹⁹⁸ Ibid. 499.

¹⁹⁹ Ibid. 94.

²⁰⁰ Veena Das, “Wittgenstein and Anthropology” *Annual Review of Anthropology* vol. 27 (1998):172.

²⁰¹ Ibid., 174.

cannot be enough to treat them as incompetent to the degree that one appeals to rules “flatly.” So the sort of justification for a person who raises the pluralist challenge could not see the response as formed adequate the original concern. This does not yet speak to the exact institutions that Mouffe thinks pacify original disagreements; it remains for now at the level of the political subject who may or may not engage in politics anywhere.

The Apparent Insignificance of the Ordinary

Whatever differences Cavell’s proponents may have, they often share a certain view of his own fate within philosophy. For example, Garrett Stewart laments “the regrettable undercirculation of Cavell’s ideas.”²⁰² Concerns of his unjust marginalization within the discipline have pointed to a number of causes: his resistance to giving simple theses (perhaps reminiscent of his Wittgensteinian roots), his interdisciplinary interests (seeing Shakespeare as important as Descartes in thinking about skepticism), but perhaps the most widely referenced cause is his writing style, which Stephen Mulhall describes as the result of occupying the modernist condition and how writing to an audience reflects the very absence of any philosophical conventions that the writer can take for granted.

However, beyond this literary expressionist rendering of his style and explanation for his difficulty, another explanation may be turn out to reflect the broader theme of the ordinary Cavell has investigated. His own philosophical concerns and the manner in which he enters them into the field of philosophy can be seen as carried throughout his autobiographical remarks, viz., the *significance* of what he aims to speak of as mirroring the problematic concept of the ordinary in how philosophy has treated its interests and

²⁰² Garrett Stewart, “The Avoidance of Stanley Cavell” *Contending with Stanley Cavell*. Ed., Russell Goodman (Oxford: Oxford University Press, 2005), 140

concerns as dismissible, as an “experience missed.”²⁰³ This theme is carried through his investigation of skepticism and its “disparagement of, or its disappointment with, the ordinary”; even his unexpected evocation of Astaire as not trivial but about the trivial.²⁰⁴ It is as if he knows that the spirit of philosophy has often worked to diminish the apparent relevance of certain expressions and interests, his own being no exception.

The appeal to ordinary language in Austin and Wittgenstein has helped him to confront the way in which, within philosophy itself, their methods and interests were not simply taken as incorrect, but insignificant, beside the point. Reflecting on his essay “Knowing and Acknowledging”, Cavell says that his concern was that “the ordinary is discovered not as what is perceptually missable but as what is intellectual dismissable, not what may be but what must be set aside if philosophy’s aspirations to knowledge are to be satisfied.”²⁰⁵ As such, embedded in almost every aspect of Cavell’s thought (when he invokes Fred Astaire to Austin), I take the concept of the ordinary to be raising more than the vulnerability of the language that we inhabit. It also raises the question of how one’s voice is registered by us, and where, even at its seemingly unextraordinary moments. For Mouffe, the ordinary only registers its philosophical significance when it participates in a broad ontological claim about how to incorporate competing principles such as liberty and equality. By contrast, Cavell is perfectly comfortable moving in even more minutely into particular culture practices; in fact, following even more closely the sense in which Marcuse suggested the a therapy could be made properly political. In speaking of his cinematic interests, Cavell writes: “the fragment of film I have chosen

²⁰³ Cavell, “Something out of the Ordinary,” 25.

²⁰⁴ Ibid., 25, 26.

²⁰⁵ Cavell, *Philosophy Day After Tomorrow*, 12.

readily allows itself to be dismissed as inconsequential; but to my mind that fact precisely fits it to be a memorable enactment of the ordinary as what is missable.”²⁰⁶

That which is dismissible is for Cavell so much of the world we inhabit, and in so doing, philosophy acts to dismiss us; and the reason why this is problematic is that it has made him feel that “I am left physically blind to most of the necessities of my life.”²⁰⁷ For this reason, he has been interested in what philosophy is uninterested in as it pursues its vision of objective disinterestedness. Cavell has tried to raise the question of the ordinary through a discipline that has been increasingly professionalized to say that “no event of the public street, or of the private apartment, is unworthy of philosophy.”²⁰⁸ The ordinary is not an unmediated direct connection with the world we had all along; it is the judgment of our everyday life that has been abandoned by philosophy because it does not conform to theoretical expectations that philosophy itself demands. If we no longer can be secure in knowing in advance the criteria for *relevance*, say, what is relevantly political, then we cannot a priori close off what at first seems insignificant.

With an allusion to Cavell’s early essay the “Availability of Wittgenstein’s Later Philosophy,” Robert Pippin criticizes his effort and claims that the ordinary is in fact “unavailable.” He attributes to Cavell’s support of the concept and its place in his work through the idea of “... Wittgenstein’s assurance that ordinary language is all right, that the extraordinary character of philosophy is evidence of pathology...”²⁰⁹ But when Cavell speaks positively of “the ordinary,” we should expect him to be deploying that term in the spirit of what he says of Emerson: “ the power of turning our words against

²⁰⁶ Ibid., 10-11.

²⁰⁷ Ibid., 2.

²⁰⁸ Ibid., 3.

²⁰⁹ Robert Pippin, “The Unavailability of the Ordinary,” *Political Theory* vol.31 no.3 (June, 2003), 337.

our words, to make them ours.”²¹⁰ He is trying to define it away from precisely the conservatives that had first initiated it as a matter for politics. So when we brings those words back to their everyday use, this is not to suppose what they stand for is correct. It is principally to question the philosophical desire that made those words that we use alien to ourselves because they couldn’t satisfy a certain criteria and withdraw it from circulation. The sense in which we bring our words back to us means to notice that they have left us.

For this reason, Cavell speaks often of finding one’s voice through the Romantic aspiration of the individual as an achievement, not a fact but a goal that can be frustrated in philosophy’s attempt to deny the ordinary. “Meaning what one says becomes a matter of making one’s sense present to oneself. That is the way I understand Wittgenstein’s having described his later philosophy as an effort to bring words ‘back’ to their everyday use...”²¹¹ The sense in which we are *not* present to ourselves is not that we must preserve some unmediated connection with who we are, a form of intuitionism. It is that whole spheres of our lives are not even addressed, dismissed as outside the scope of professional and thus serious theorization. For Cavell, there is something important about the very concept of the ordinary in that it helps call to mind what we must investigate as what is lost in philosophy’s attempt to repudiate ordinary practices in the name of its enterprise. A hint of this comes out when he say, “the ordinary is some-thing Emerson and Thoreau mean in their devotion to the thing they call the common, the familiar, the everyday, the low, the near.”²¹²

In the case of Austin, the concept of the ordinary was important for Cavell because it helped him explore the very naturalness of certain aspects of ordinary

²¹⁰ Ibid., 8.

²¹¹ Cavell, *Must We Mean What We Say*, xxxiii.

²¹² Stanley Cavell, “Politics as Opposed to What,” 162.

language, how and in what sense meanings carry the weight that they do for us, whether it is truly possible to reject them as if we escape any inhabitation within those linguistic practices. In the case of Wittgenstein, Cavell claims that the point of evoking distinctions within ordinary language was not to suppose that by virtue of being common concepts in usage their content are therefore right, but that even in this repudiation of the ordinary we see something about ourselves: “The intuition I had taken away from my first useful encounter with the *Philosophical Investigations* that the repudiation of the world is as internal to what ordinary language is as its revelation of the world”.²¹³ If “philosophy has no special or privileged discourse in which to level its challenge,”²¹⁴ then our relationship to ordinary language must be such that this fear of the uncertainty is possible. It is not a justification for the content of ordinary language, it is a quest for better understanding why it was so natural for ordinary life to be open, in certain ways, to that which would deny its relevance and repudiate it. “The ordinary for them *is* what skepticism denies (hence in a sense invents).”²¹⁵

Wittgenstein is interested in “observations which no one has doubted, but which have escaped remark only because they are always before our eyes.”²¹⁶ The fact that it is a struggle to keep focused on our ordinary lives is itself significant. As Michael Wood described in “Why Astaire,” the interest that Cavell has in the ordinary is, in part, a version of what George Eliot once called “the fact of frequency”. “Do we ‘recognise what we are capable of in the undramatic, repetitive, daily confrontations’ to which these

²¹³ Ibid., 162.

²¹⁴ Ibid., 160.

²¹⁵ Stanley Cavell, *Philosophical Passages: Wittgenstein, Emerson, Austin, Derrida* (London: Blackwell, 1995), 47.

²¹⁶ Wittgenstein, *Philosophical Investigations*, 415.

more visible stories call attention?”²¹⁷ Is it possible to bring our philosophical energies to those aspects of our lives? After suggesting some reasons for why philosophy itself has helped mask our ordinary lives through the particular motivations and methodologies, Cavell then asks us to consider the many ways we contribute to this hiding. For him, reminders take many forms as when Elizabeth Bennet receives a letter from Darcy and realizes she has been blind, “as if until then her existence had been denied, had suffered the polite skepticism – the little deaths – of everyday life.”²¹⁸

The larger point is not only to find the minute ways the theme of skepticism can infiltrate our lives, but also to explore the other ways philosophically significant issues are before our eyes, through multiple, winding, networks and channels, which wait to be told they too are of significance--“[the] sense of a continuing effort to recognize the extraordinariness within the ordinariness of our lives”²¹⁹ This would be missed upon Rawls as well as, I think, Mouffe who battle over in the basic principles that are seen to underwritten all of a just society. In this sense, philosophy may be unable to help us think critically about those very aspects of our lives that we directly inhabit. As Espen Hammer summarizes that through Cavell’s conception of the ordinary, philosophy arises within the context of our everyday lives while suggesting that “there is no subject of human concern that in principles escapes the potential interest of philosophy.”²²⁰ This is why the scope of Cavell’s ordinary moves even beyond Mouffe’s radical democratic politics as it consider the scope of the political imagination.

²¹⁷ Michael Wood, “Why Astaire”, <http://www.lrb.co.uk/v27/n20/michael-wood/why-praise-astaire>

²¹⁸ Cavell, *Philosophy the day after tomorrow*, 128.

²¹⁹ *Ibid.*, 202.

²²⁰ Espen Hammer, *Stanley Cavell: Skepticism, Subjectivity, and the Ordinary* (London: Polity 2002), xi.

Remarriage and the Postponement of Consent

The return to the ordinary, therefore, suggests a certain openness to multiple paths and methods for philosophical discovery. The most obvious examples of this for Cavell have been his attempt to regain a hearing for writers like Thoreau and Emerson who over time have fallen outside the scope of many philosophy departments. But this return also appears through themes Cavell finds in the cinema, and while I do not plan to engage heavily with his work on the cinema, I mention it since this aesthetic interest does suggest the scope of where he claims philosophy may pursue its interest in our daily life. Whereas Mouffe's saw the concept of the ordinary as defining the ontological groundlessness of a democratic people, Cavell treats the concept as defining the complex path through which we can critically engage our present culture.

This reality of language is embedded in a broader social context in which one lives: "That everyday language does not, in fact or in essence, depend upon such a structure and conception of rules, and yet that the absence of such a structure in no way impairs its functioning, is what the picture of language drawn in the later philosophy is about."²²¹ And while nothing insures that a specific meaning or practices will continue as it has, what is of interest is how it does: "that on the whole we do [understand] is a matter of our sharing routes of interest and feeling, modes of response, sense of humor and of significance and of fulfillment..."²²² This suggests that philosophical interests have to be willing to dive into a variety of practices, how they intersect with each other, to explore what it means to shares those routes of interest critically.

²²¹ Cavell, *Must We Mean What we Say*, 48.

²²² *Ibid.*, 48.

Even as he returns to representations in the cinema, Cavell has a broadly political interest in drawing out themes of how these moments in our culture are equally important for the constitution of the polity. If we recall, Cavell's description of the conversation of justice with Rawls as well as Kripke's account of rule following did call upon an account of the relationship of the teacher and the child as a relationship potential of power. In order to portray this representation of the polity, Cavell evokes the relationship of "any competent adult" who can ask these questions, rather than the image of the teacher and the child, which could symbolize a vertical hierarchy. This reverses the initial Rawlsian thought that we require "an ultimate agreement as prerequisite of a successful or peaceful common life," and sees this instead as an ongoing process.²²³ What representation could be found in our culture of such a bond? One approximate image here could be the image of the family as the community in miniature. Cavell focuses his discussion on the image of the family as spouse and partner (to equals) through the notion of marriage and remarriage, rather than as parent-child (or caregiver and receiver).

Before entering that specific relationship, we might have in the back of our mind the *Crito*, in which the familial bond is used to frame the conception of consent at a double level. There the question of consent could not be in the form of a normal contract, because as everyone knows very few members of a political community do in fact enact explicit contracts like those naturalized as adults (foreign-born citizens). But there is still a question of one's actual commitment in speaking of the sort of consent Socrates has offered, when he is confronted with the fact that he has drawn on the assistance of the polity, which taken cumulatively may not be a simple written consent but does suggest an

²²³ Andrew Norris, "Introduction: Stanley Cavell and the Claim to Community", *The Claim to Community: Essays on Stanley Cavell And Political Philosophy* ed. Andrew Norris (Stanford: Stanford University Press, 2006), 4.

implicit endorsement. While some read the dialogue as the nascent expression of a contractual justification, we can maybe also read it as stressing precisely the falseness of this option in its simplistic form. The consent is not something I can simply withhold as sufficient for annihilation of my bond. It is both too strong and too weak to think our consent could do that, much less be an expression of my right to exit, which in being unable to enact the terms of that bond seems like a false power.²²⁴ In a sense, I cannot wholly escape that inheritance; I definitely cannot pretend to leave my society, and yet that very community still desires my acceptance. Such a community is inseparable from the “*search* for the basis upon which it can or has been established.”²²⁵ Our political community constituted by “a representation that is always vulnerable to your or my repudiation” which Cavell sees as the kind of tentative agreement that Wittgenstein helped him come to see.²²⁶ This is not to say that one’s single repudiation is enough to undermine a community, since it may just mean one’s isolation and exile from it, or its own indifference to the recognition of certain people. But the attempt to search signals the desire for the community to be responsive to such a desire for explaining itself.

The problem of consent is a key theme for Cavell’s discussion of the political community. Cavell rhetorically asks, “how would the principles carry the revolutionary potential of consent, or consent forfeited, if I did not at the same time give my consent to society?”²²⁷ Here seems to be a new difficulty: if I give my consent, then I am part of that society for which I am allowed to give my consent; but if refuse my consent, then I must be part of it too in the sense that one refuses something one is already part of. We might

²²⁴ Balibar makes this point about how different people experience borders differently. Etienne Balibar, *Politics and the Other Scene* (London Verso, 2000),

²²⁵ Norris, “Introduction,” 3

²²⁶ *Ibid.*, 2.

²²⁷ Cavell, *Conditions Handsome*, 107.

say that one's withholding of consent is expressing my chastisement of the society but chastisement of it as mine, i.e., as what I wish to stand up for as what I endorse. This is not simply about whether I should disobey, but rather in obeying certain laws which in our present moment I must do to a large extent, what in doing that *compromises* me? What embarrasses me? In what sense can I still claim this as my community, even as I reject it, reject it in favor of pushing it to be something better. This is the condition of my acceptance and refusal for Cavell's conception of this conversation of justice.

These sorts of questions appear for Cavell in a Wittgensteinian light, not through a single philosophical privileged discourse but one that comes from our entire form of life as we inhabit a language and community. What and where might we find images of democratic agreement that shape the "feelings and modes of response" that would make another image of the polity project move forward into the future and sustain itself? Turning to representations of the familial is hardly new. I will later suggest some lesson of my own in the other familial practices that overlap with the complex constitution of our evolving polity. For now the affective bond that Cavell evokes is not the paternalism of the laws that we often hear, or even the maternalism that supposedly characterizes some political sentiments in the United States, as George Lakoff suggested. Rather, the familial bond that figures society is approximated when one considers the consent of (re)marriage, and how in addition to the various external threats it may have, it has its own *internal* threats.

Cavell's description of marriage does not reflect a standard liberal conception of persons who are held together as wholly independent stakeholders in a mutually beneficial enterprise--"the central idea underlying the English Law of Contract is that of a

bargain.”²²⁸ and then apply it elsewhere analogically. When he speaks of marriage, in the more explicit attempt to draw it into political theory in contrast to other contractual models such as Rawls’s theory of justice, Cavell says he is interested in remarriage in order to understand an aspect of marriage itself, to see if that reunion is not for understanding remarriage alone. Cavell explores the type of frustration we have with these *returns* (return to the ordinary and everyday) by looking to familial practices, “a miniature of the covenant of the commonwealth,” which much like other myths of the origin of a political community look to mirror itself through the feelings and modes of responses through our most intimate relationship.²²⁹ His appeal to the “miniature” should echo the Platonic suggestions of the miniature representations (in *Crito* or in *The Republic*). Through these miniatures, Cavell thinks we can see the sort of consent that we have already in some sense within our ordinary culture.

What is remarriage? “The title “remarriage” is concerned with “a somewhat older pairs’ efforts to overcome a threatened divorce...and to get together *again, back* together.”²³⁰ The relationship under strain is one that is already in existence like our own political life but one we have some how drifted from, no longer convinced of its place in our lives. It raises an issue of how we grasp the constitution of such bonds as a “return”:

The idea of the genre [that we see in popular cinematic culture] is, according to me, that the bond of marriage has become unrecognizable or invisible...projecting the idea that what constitutes marriage lies not, as it were, outside of marriage (in church, state, sexual satisfaction, or the promise of children) but in the willingness for marriage itself for repeating the acknowledgement of the fact of it, as if all genuine marriage is remarriage.²³¹

²²⁸ Ibid., 104.

²²⁹ Ibid., 105.

²³⁰ Ibid., 103.

²³¹ Ibid., 104.

All genuine consent is perhaps a re-consent; its own condition reflects the need for its renewal. As a “constitution” of a community, the focus shift from a “founding,” even if there may be as a matter of fact a time when something has begun (a declaration of independence, or declaration of fidelity as a promise). It’s in the notion of a reunion.

In *Pursuits of Happiness: The Hollywood Comedy of Remarriage*, Cavell says that looking to the constitution of the family through marriage is important but not necessarily obvious: “it is not remarkable to be told publically that the integrity of society depends upon the integrity of the family.”²³² This is the spirit behind arguments around such social determinants of health and wellbeing tied to the maintenance of a “normal” family, say, against single mothers, gay families, and the like. “But it is something else to be told that the integrity of society is a function of the integrity of marriage, and vice versa, where marriage is validated neither by a family nor by the law,”²³³ that is, not validated by something “external” to it, but by the continual acknowledgement of the people within the marriage itself. This “internalist” account is carried throughout this investigation of this representation in miniature of a democratic society. In this sense, Cavell suggests that “the fate of the marriage bond in our genre is meant to epitomize the fate of our democratic social bond...”²³⁴ The notion of consent or contract as it is played out expresses what “constitutes lawful society, the doctrine that replaces the divine right of kings.”²³⁵ This internalist conception of marriage’s validation for those involved cannot be justified outside to them, but must be internally through them. Again, Mouffe

²³² Stanley Cavell, *Pursuits of Happiness: The Hollywood Comedy of Remarriage* (Cambridge: Harvard University Press, 1984), 193.

²³³ Ibid.

²³⁴ ibid.

²³⁵ ibid.

tries to get to the theme of a new political space through an ontology of lack, whereas Cavell gets to this theme through our actual familial practices.

How the commonwealth suffers when its citizens through an unhappy marriage are forced to stay together is explained for him through Milton's argument regarding divorce; where Cavell says, "It is as if the commonwealth were entitled to a divorce from such a member, but since from a commonwealth divorce would mean exile, and since mere unhappiness is hardly ground for exiling someone, the commonwealth is entitled to grant the individual divorce, hoping thereby at any rate to divorce itself from the individual's unhappiness."²³⁶ That is, a commonwealth could "divorce" itself from those who enact divorce, but it doesn't because the commonwealth wishes to accept its citizens' desire for happiness even at the expense of increasing instability, that discord can breed concordance. Then like divorce there is a desire to be remarried, to reunite the bonds that were lost. We cannot simply cast these members out for that kind of division since divorce at the political level would mean exile. It also suggests that the recognition that divorcing others rather than demanding one "stay together" aims to bring satisfaction to those failures of association so that in turn, the unhappiness would not be perpetuated by forcing one to stay together; and therefore the commonwealth's sacrifice of internal divisions is precisely what allows it to sustain its own claim to a "we" so long as it aims for remarriage.

On the Rawlsian view, however, one is trying to "say to one another that they are cooperating on terms to which they would agree if they were free and equal persons whose relations with respect to one another were fair."²³⁷ Such would be an abstracted

²³⁶ Cavell, *Conditions Handsome*, 15.

²³⁷ *Ibid.*, 13.

relationships that one *should* live by. But Cavell doubts whether that insofar as I isolate this one line of justificatory assent, I therefore give my consent to a society, in all its aspects. As he says, what if “I cannot keep consent focused on the successes or graces of society; it reaches into every corner of society’s failure or ugliness.”²³⁸ How many instances of society’s rule can be accepted on the basis of some hidden basic principles? We are asked to accept some set of rules that, as foundational, are supposed to allow us to ignore the various, complex, and minute ways that our dissatisfaction persists. I may well not give my consent to the ugliness of political discourse, of institutionalized racism, or bellicose actions towards other people whatever constitutional principles I agree with. The question of political justification seeks a knowledge that describes how in coercing people through penalties and physical restrictions one can be assured that one is doing nothing wrong. The basic political question, therefore, is typically, “do I obey the officer?” or “can I coerce others and feel above reproach?” But on Cavell’s perspective, the question is often more importantly posed in a way to which one might answer, “*Not in my name.*” It is the expression not of whether I can commit violence on others and feel in the right, or if the state can do the same and feel “above reproach.” It is about being able to commit to society as a whole, as it stands, when the opposite is not to exit the society but rather *deny* it--in the way that Cavell conceives of the dependence of all agreement in the Wittgensteinian paradigm. This all comes out in his interpretation of criteria, since as I take it, our refusal does not destroy that political bond, but our *stance* towards it, which again in some sense requires us to consent to it for it to have the force that it claims on us. Perhaps this consent is especially needed in what some have suggested is an increasingly bureaucratic society, where there is either an apathy or a

²³⁸ Ibid., 107.

massive distrust of what politics could express; but it is also needed to express the multiple ways a democratic society replaces the conception of the king or the Leviathan with one that speaks to the people.

What we see emphasized here is what Cavell refers to the “dimension” of politics that is his perfectionism, meaning that he is less interested in justifying the rules that we are supposed to live by, less interested in giving arguments for laws that would justify why a people should be happy to be united and stay together. In the context of pluralism, Shusterman is right in saying that what Cavell’s contribution to political theory does most is to speak to our democratic character and responsibility as a citizen rather than any particular institutional arrangements. There is a tendency to make this point too strongly, if one suggests that the constitutional principles are, by their very nature, going to inhibit one’s democratic character. Echoing his earlier comments on rules, Cavell says, “Whatever the court (or anyone in the office of umpire) decides does not enforce my judgment of you (e.g., that you are morally incompetent) but replaces my need to judge.”²³⁹ So to the extent that our relationships to our rules mean to forfeit my need to judge, then the kind of citizens that we may reproduce may now have an effect that Gellner and Marcuse first worried about, even if now the source of this uncritical political person derives from legalism rather than a relativistic populism. This concern echoes Pitkin’s earlier warning over the “character to keep the democratic hope alive in the face of disappointment with it”²⁴⁰ as signaling how institutionalized and bureaucratic powers are “only as strong, just and effective as the individuals who animate, apply and criticize

²³⁹ Ibid., 114.

²⁴⁰ Ibid., 56.

them.”²⁴¹ What we are as people, who have inherited this condition of needing to decide between one another the terms of the life that we could lead together, cannot appeal to any rule without also showing our particular failure to treat others as persons who should call upon us to speak to them concretely in an ongoing effort at consent.

The concern is not about the problem of institutions qua institutions--which is not to say that institutional justification is not important, but in how we use them, say, as “above reproach.”²⁴² When one excludes people from having the same standing as others, or coerce them to do something for the greater good, and in so doing be “unashamed,” we believe our actions to have already been redeemed, and we are the executors of a moral force. The suggestion is to recognize that, as Stephen Mulhall summarizes, “the reach of such commitments and relationships is always in the course of being determined, and so must in fact be fixed by us “having no a priori rule or concept to do that adequately.”²⁴³ What Rawls risks doing on this view is not to answer the problem of political association once and for all, but rather “relieves us of the *responsibility* of having constantly to define and redefine their limits as our moral relationships with others develop and alter under the pressure of new circumstances and unforeseen actions.”²⁴⁴ And as such, relieves us of the difficult task in negotiating the fragility of such a consent, which is the burden citizens have in a deeper democratic stance just as much as it is in marriage. What is “internal” to our political bond is similar to the internal need of our familial consent of remarriage. *Being* a citizen in a democracy in the fullest sense involves more than

²⁴¹ Richard Shusterman, “Putnam and Cavell on the Ethics of Democracy,” *Political Theory* vol. 25 no.2 (April 1997), 203.

²⁴² *Ibid.*, 18.

²⁴³ Stephen Mulhall, *Stanley Cavell's Recounting of the Ordinary* (Oxford: Oxford University Press, 1994), 180.

²⁴⁴ *Ibid.*, 181.

“hypothetically” assenting to a set of pre-social contractual relations; it involves a constant *reaffirmation*. In this sense, the earlier question that Marcuse and Gellner pose reemerges, i.e., the central concern is the attempt to define what some might call a new kind of political subjectivity, or a new mode of democratic membership. The conversation of justice is, as I have argued with Cavell, one way this democratic membership is sustained as having an explicit question about the “we” as internal to its definition; and this is reflected through such representations of remarriage.

This Cavellian excursion into the concept of remarriage and the constitution of a democratic polity helps describe what a “return” means to him. When he speaks of “returning to the ordinary”, he is quick to qualify this by saying it’s “ a place we have never been.” By this he seems to mean that the ordinary symbolizes not a definite place like the object of nostalgia for a homeland that one has simply vacationed from. It is a place we have lived in but have been blind to (as what is missable and trivial) in the sense that certain lessons within ordinary life already are available to us but have been trivialized outside of philosophy: “conditions for felicity, or say appropriateness, are not given a priori but are to be discovered or refined, or else the effort to articulate it is to be denied.”²⁴⁵ This is why it is so important to explore as many spheres of life as possible, and for him the internal demands for remarriage, of a return within marriage, helps to give a depiction of the sort of activity internal to our difficult form of life.

I agree with Cavell drawing on the lesson of the ordinary to be opening a space for looking into an array of already existing practices as lessons for the sort of political community that we take as our own, given that for Wittgensteinian our practices are connected through a series of multiple overlapping relationships. There are some limits,

²⁴⁵ Cavell, *Philosophy Day After Tomorrow*, 18.

as I'm sure Cavell is aware of, in speaking of only the "internal" notion of the concept of remarriage and consent. Our practices are forms of political engagement not just through the negotiated concept of a democratic ethos of consent, but also the specific conditions of power that shape any of our cultural practices where power is more explicit. For this issue we need to draw on other resources beyond those that Cavell focuses on, such as Foucault's conception of a micropolitics. Cavell himself understands his internalist discussion is only a "dimension" of what political philosophy could be in search of. Cavell's inquiry never tries to investigate the specific configurations of power to which concrete persons are subjected. However, this is crucial for us to activate the kind of political subjectivity that even, I think, he wishes to promote.

Thus, Cavell holds a unique place within the history of Wittgenstein's role in political philosophy in part because he saw in him a particularly therapeutic resource for "returning to the ordinary". Even when he argues over certain interpretations of rule-following, his aim always seems to project out behind the limits of that narrow linguistic debate, to a question of subjectivity and the scope of what philosophy is willing to investigate which has a bearing for thinking about our commitment to a political community. Cavell's response is not simply to dissolve philosophical problems as false problems. It is to find new ways to inhabit ordinary life and recognizing this might take us down many paths, through the whole whirl of our form of life, asking us to consider what it means to terms of agreeing to a community that desires our consent. This is why he turns to the constitution of the family bond of remarriage as itself representing the internal needs of the constitution of the polity. These overlapping practices of democratic

membership and spousal consent suggests the multiple levels at which political bonds are imagined and constituted out of other ordinary practices.

The Non-Generalized Human

There is one concern I would like to mention that I have with Cavell's focus on the generic language of "the human" and as he seems to directly acknowledge various differences.²⁴⁶ His discussion of the concept of the ordinary seems to always occur with the concept of the human, and so he may be inadequate for investigating the non-generic human perspective. Of course Wittgenstein's concept of family resemblance, which Cavell and really any Wittgensteinian agrees with, aims to rid us of a very specific *form* of commonality that philosophy is prone to search for, viz., the metaphysical essence.²⁴⁷ And yet, while this allows Cavell to dodge the search for an essence, he still is interested in searching for "common" traits that exemplify the human.

What are those traits? I won't list all the ways the human appears for him, but to name two that are more common themes than most in his work. (i) *skepticism*: "skepticism is neither true nor false but a standing human threat to the human."²⁴⁸ (ii) *perfectionism*: "One can think of romanticism as the discovery that the everyday is an exceptional achievement. Call it the achievement of the human."²⁴⁹ For Cavell, the lesson of Wittgenstein's ordinary is not simply *that* there is no foundationalist criteria for knowledge and thus no "essence" of the human as commonly sought after. The lesson

²⁴⁶ I thank Naomi Scheman for drawing this concern out explicitly.

²⁴⁷ Cavell, *Claim of Reason*, 187-88.

²⁴⁸ Cavell, *Conditions Handsome*, 24.

²⁴⁹ Cavell, *Claim of Reason*, 463. "Kant's perfectionist friendship as the finding of mutual happiness without a concept, then to articulate its basis may be said to be a recurrent point of the conversation that constituted the friendship" Cavell, *Conditions Handsome*, 32.

centers on our ability to share the loss of the security that philosophical theories used to promise, given that there is now "no formal criterion of philosophy."²⁵⁰

In the *Claim of Reason*, Cavell tries to articulate how the fact that we lack the criteria that could easily unite a group around shared meanings means we, in the end, have to rely on those very people for whom it is a problem:

Wittgenstein's source of authority never varies in this way. It is, for him, always we who "establish" the criteria under investigation. The criteria Wittgenstein appeals to —those which are, for him, the data of philosophy —are always "ours", the "group" which forms his "authority" is always, apparently, the human group as such, the human being generally. *When I voice them, I do so, or take myself to do so, as a member of that group, a representative human*[my emphasis].²⁵¹

This is what makes people uncomfortable. On the one hand, the lack of criteria to adjudicate differences immediately alerts one to the potential folly of saying that one could ever *be* a "representative human." But at the same time, he is prepared to say that he speaks *as* a representative human. This is why he immediately admits:

Two questions are immediately to be expected: (i) How can I, what gives me the right to, speak for the group of which I am a member? How have I gained that remarkable privilege? What confidence am I to place in a generalization from what I say to what everybody says?: the sample is irresponsibly, preposterously small.²⁵²

Thus, he recognizes the potential danger of speaking in this mode. However, he believes that the issue is not so much *whether* one speaks on behalf of others (as if discourse of criteria cannot help but do that), so much as *how* one speaks, whether one is cautious or arrogant, sensitive or presumptuous, inviting or authoritarian. Consider how he describes the different kinds of conversations between the parent and child vs. two human adults.

²⁵⁰ Ibid., 168.

²⁵¹ Ibid., 18.

²⁵² If I am supposed to have been party to the criteria we have established, how can I fail to know what these are; and why do I not recognize the fact that I have been engaged in so extraordinary an enterprise?" Ibid., 18.

To speak for oneself politically is to speak for the others with whom you consent to association, and it is to consent to be spoken for by them—not as a parent speaks for you, i.e., instead of you, but as someone in mutuality speaks for you, i.e., speaks your mind. Who these others are, for whom you speak and by whom you are spoken for, is not known a priori, though it is in practice generally treated as given. To speak for yourself then means risking the rebuff—on some occasion, perhaps once for all—of those for whom you claimed to be speaking; and it means risking having to rebuff—on some occasion, perhaps once for all—those who claimed to be speaking for you.²⁵³

His view I think is that one cannot help but speak for another in a sense—especially in the type of criteriological scenarios under question. His project is distinguished from a view that also denies a simply universality of the human but which then turns around to say that all we must do, then, is speak about *your difference from me* as the ultimate political project; that you cannot speak for me being of who *you are*. However, just as he is not against discussion of principles a la Rawls, but just the way we enter that conversation (“perfectionism... lies not in excusing democracy for its inevitable failures or looking to rise above them, but in teaching *how to respond* to those failures, and to one’s compromise by them, otherwise than by excuse or withdrawal”²⁵⁴) so, too, I believe Cavell does not believe the greatest problem is whether one can speak on behalf of others, but the “modality” of the conversation.

Appealing to criteria is not a way of explaining or proving the fact of our attunement in words (hence in forms of life)... it is an appeal we make when the attunement is threatened or lost. Official criteria are appealed to when judgments of assessment must be declared; Wittgensteinian criteria are appealed to when we "don't know our way about", when we are lost with respect to our words and to the world they anticipate.²⁵⁵

²⁵³ There are directions other than the political in which you will have to find your own voice—in religion, in friendship, in parenthood, in love, in art—and to find your own work; and the political is likely to be heartbreaking or dangerous. Ibid., 27.

²⁵⁴ Cavell, *Conditions Handsome*, 18.

²⁵⁵ Ibid., 34.

As such, Cavell's emphasis is that we, at best, can only make an appeal. When the question of criteria arises it is precisely because there is no manual or answer to solve the problem of our shared identity. The Wittgensteinian moment reflects a time when we are unable to simply *indicate* a list of rules to follow.

Thus, in the context of skepticism, "the human" refers to the *condition* we find ourselves in where our share a threat of meaning loss, and our responsive to this condition towards our criteria is the bond that might holds us together while always risks uncoiling. Through his perfectionism, "the human" refers to an *achievement* in our most mundane, ordinary encounters where we are performing the extraordinary task of creating ourselves by negotiating the criteria of our meaning with one another, and by attempting to *reconstitute* the "we" that is not yet. Following Emerson, it is "oppositional, critical" or aversive.

But does this not still miss the particularity of discursive subjects? As such, Cavell's discussion of the human seems prepared to give voice to those who have been voiceless in his articulation of the condition of the lack of criteria that we experience. And yet, he is prone to speak of the *trope* of the feminine voice, or the voice misrecognized or unheard through the literary imagination rather than the "actual" voices of concrete persons.

While I understand the sensitivity to the cooption of actual voices and evading the actual expression of concrete persons, I'm not convinced this is the biggest issue. First, (a) since difference is described as an existential condition, this makes it sounds as if, at least *prima facie*, *as humans* we have an *equal* relation to that condition—whereas it seems to many feminists and others have a particular threat of isolation. One may feel as

though this *generalized* skepticism does not speak to their *particular* voicelessness rather than skepticism as a whole. And in this leveling of the playing field, as it were, I worry that Cavell's own position may not adequately assure those of this limitation.

For example, while I cannot say that Cavell directly speaks problematically towards the topic of my concern about new familial relations, since to be fair while he speaks about the "feminine" in a way that feminists could arguably have more content for objection, he never adequately speaks about the familial bond between the parent and the family to explore quite a number of very specific, complex criteria that are being rearticulated as we speak. He touches uncritically on the familial relation not just in the marital bond (of two equal humans) but also the parental bond (of two unequal humans), which reflects his reimagining the "scene of instruction." In his discussion of the lesson of the ordinary, this places the depiction of the adult of consensual maturity as the space in which the ordinary search for criteria is being formed—in distinction from the relation between the child and the parent. As such, I am inclined to worry, that the particular *way* he speaks of this relationship betrays his tendency to abstract the particular people even as he seeks to "return to the ordinary" and replace them with "figures," conceptual substitutes that fulfill a certain role—here the repetition of familial authority or mutual understanding. But why can't the image of the child and the family be as equals too who are also part of the complex relationship of co-creating the culture around its existence, and redefining the terms under which, the criteria for, their mutual acknowledgment? Is this shaped by his use of a familial trope? Indeed, the parent child relationship almost seems a better candidate to discuss our stance towards our community, in that in both cases we "are thrown" and yet there is a question of how each member stands towards the

other. The genre of remarriage is forced precisely because we continue to assume that parental relations cannot be a discussion about the “we”.

Second, (b) In addition, I would like to extend Cavell in, again, beginning from his notion of transformation of the everyday through a critical engagement with the particular practices we inhabit, especially those where the very criteria is in question (which has become increasingly important in expanded conversations about political identity); and this is the sense in which I took it to be a micropolitics—a critical interrogation of our own investment and repetition of sentiments, habits, the whole whirl of our form of life, as it is manifest in our everyday life. However, somehow in Cavell’s discussion the notion of power seems to dissipate. I raise this because it sometimes seem as if his engagement is only “after” other political discussion (“restricting my attention to those in position of relative advantage”—i.e., not those in condition of poverty, economic victimization, tyranny.²⁵⁶) Cavell’s focus seems to be on those situations in which a certain amount of political autonomy and safety has already been secured; it’s as if this were a project that works off the scaffolding of other projects. Whereas micropolitics and what I am wanting to focus on is a sense that, in fact, the conversation of justice as he puts it, or the critical working through our shared criteria that has to be determined by the ongoing renegotiation of how the “we” is, is not something *afterwards*. Politics may have to *begin* with these very questions, as embedded in our ordinary practices; that it is on the basis of our endorsement or refusal in those “minor” sites of human activity that get magnified, transposed, and reorganized for the purposes of later institutional imperatives. I sense that this, too, is within his work, but those times he engages with Rawls politically, say, on the criteria on the basis of which we come together through shared

²⁵⁶ Cavell, *Conditions Handsome*, xx.

meaning, seem to accommodate a certain kind of generalized discourse. For him, that, too, is a kind of preliminary phase for political thinking, an “opening” for particular discourses to continually contest each other as the thoughtful expression of what democracy should allow. For this reason, I believe Cavell’s own work has to be supplemented.

CHAPTER 5 THE ORDINARY AS MICROPOLITICS

There is no locus of great Refusal, no soul of revolt, source of all rebellions, or pure law of the revolutionary. Instead there is a plurality of resistances, each of them a special case.

---Foucault, *Power/Knowledge*²⁵⁷

It is in the spirit of focusing on the plurality of our ordinary practices that we inhabit and with which we are in need of critical engagement, while not seeing those practices as subsumable under a generic attribution for a universal account of institutional legitimacy, that I see a natural affinity between my interest in the ordinary and Foucault's micropolitics. By rejecting the single normative starting point, and looking to the unique appearances and evasions of power through a variety of underexplored practices, the many ways we are subjected (constrained and simultaneously gain agency), micropolitics can detect new possibilities for political engagement at the level of the subject. Critical engagement from his analysis expands the scope of where political life already seems to function and therefore can be reactivated by us as political subjects.²⁵⁸

The concern of political apathy drives some of these questions of legitimating our political institutions. According to a recent 2012 study, the United States ranked 120th of 169 countries for voter turn out; and citizen turnout has consistently declined for the past

²⁵⁷ Michel Foucault, *Power/Knowledge Selected Interview and Other Writings 1972-77* (New York: Vintage, 1980), 95-6.

²⁵⁸ Some other interests in connecting Wittgenstein and Foucault. E.g., Cressida J. Heyes, *Self-Transformations: Foucault, Ethics, and Normalized Bodies* (Oxford: Oxford University Press, 2007). Judith Bradford "Word and Worlds: Some thoughts on the Significance of Wittgenstein for Moral and Political Philosophy" *Feminist Interpretations of Wittgenstein* Ed. Naomi Scheman and Peg O'Conner. (College Park: Penn State University Press, 2002).

40 years.²⁵⁹ This suggests to many that political involvement in the most basic democratic process reflects a weakening of the freedom contained within the rational consensus of such procedures. However, as depressing as these statistics are, it raises the question of whether those procedures limit the most crucial role of being a political subject. Perhaps our activation at the moment of electoral participation and political activism comes too late. The focus on those moments may misrepresent the daily reproduction of power.

I argue that a politics of the ordinary can be viewed as exploring the same level of complexity in our overlapping practices, by means of our investments in the minute ways in which power continues to circulate anonymously, effortlessly, where we nonetheless feel at home, but have somehow become blind to. Foucault's micropolitics has been criticized in ways that should already be quite familiar, and the frequency of this response mirrors the frequency of the assumptions it aims to contest. For such criticisms fail to see his analysis as trying to expand the scope of "practices of freedom" as his attempt to find where political power flows and also where we can grab it, negotiate its deployment, find ways to make it our own, which stretch beyond the main political institutions. Foucault's concept of the microphysics of power does not show that greater social control necessarily invades our personal sphere (what some interpret to be the "personal is political"), assuming one is an isolated individual in need of protection. On older models of "sovereignty," any act of mediation "gets in the way" of individuals' achievement of personal power; and this reflects how many today feel disempowered. Following Foucault, I argue that the exercise of political activity now is focused on various practices in order to go beyond the philosophical desire to always see coercive

²⁵⁹ Rafael Lopez Pintor, Maria Gratschew and Kate Sullivan, "Voter Turnout Rates from a Comparative Perspective," <http://www.idea.int/publications/vt/upload/Voter%20turnout.pdf>

powers as an external threat rather than the specific conditions of where power can be negotiated. We are now given the task of finding new ways to be politically engaged and bring “the political” into *everyday life*.

When we are ready to see power’s manifestation as multiple and varied, we can respond to doubts about how and *where* politics must be carried out. This is important in a time when a major political threat within democratic societies may not be an external one, but rather a polity’s willingness to constitute itself through various internal divisions. Is it the case that politics must be channeled through bureaucratic institutions as a contest for elite control and not expressed through various practices of everyday life, whether our attempt to reshape our perceptions, habits, practices are not failures to properly satisfy our convergence on a single public sphere but is precisely the intensification of the sphere of democratic politics.

This will lead, as I will argue in the following chapters, to the recent literature on transnational and transracial adoption, which can be another important micropolitical intervention. Feminists have for long explored the way power has been exercised within the family or “private sphere” as a way to combat the subtle mechanisms of power; and uncovering the forces that “divided, distributed, selected, and excluded in the name of psychiatry and of the normal individual,”²⁶⁰ as Foucault says, is one way to challenge existing discourses through broadening our conception of politics. Transnational adoption is an example of how we can explore an approach that I claim comes from Wittgenstein’s return to the ordinary and Foucault’s micropolitical analysis. Identities are constituted out of ordinary practices in such a way that, to see their political potential, one must see how

²⁶⁰ Michel Foucault, *Language, Counter-Memory, Practice: Selected Essays and Interviews* ed. Donald F. Bouchard (Ithaca: Cornell University Press, 1980), 229.

persons are constituted out of very specific legal, social and political forces. Our conceptions of home, exile, and one instance of the tension between government and globalism mutually inform new practices that bear on political pluralism.

Micropolitics of the Ordinary

I believe that the political content of the “ordinary” should be seen as a concept similar to what is driving the concept of a micropolitics, both in its openness to the complexity of the type of conceptual unity we expect immanent within our overlapping practices, and in the therapeutic emphasis on undoing certain confusions that we have imposed on ourselves by falling prey to certain theoretical images translated across intersecting practices. Despite the efforts of Cavell’s discussion of consent within our ordinary practices, there is still an ambiguity in how the ordinary is disconnected from power, disconnected from a fundamental shift in how politics might be carried out today.

The concept of a micropolitics is often taken as having its origin in Foucault’s work on medical and juridical institutions, although the concept has definitely been given added intensity and creative power through his French contemporaries such as Deleuze and Guattari. Through this concept, Foucault identified a particular activity of shaping a populace that may be judged to be outside the normal sphere of political life, that is, in that space of ordinary daily practices that could appear to be extra political, but which for us today may even more strongly than other mechanisms of the state shape the sphere of power that we live through on a daily basis. As such, his analysis begins with the concept of *power*, rather than through normative principles that are allegedly manifest in political

institutions, which have the intellectual baggage of state-centric issues of legitimacy. Foucault shifts our attention to the complex constitution of the political subject.

In speaking of power, Foucault admits later that his earlier work was extremely cautious about speaking of the power within the institutions he was examining. We do find a few brief instances, however, in his work *Discipline and Punish*, where he gestures towards the concept of power that is driving various genealogical analyses. The notion of a *micro-physics of power* appeared very briefly but has had wide-ranging effect on his thinking about power within concrete practices. First, his statement about “the political investment of the body and the micro-physics of powers”²⁶¹ points to the more subtle ways power functions, how the ways the institutions organize bodies went far beyond simple coercion since they often were entangled within practices that many believed to be part of the modern progress of knowledge. He also suggests that whatever the micro-nature of the power in punitive practices might be, they were part of a much larger network of shaping persons, and were not micro in the sense of being isolated.²⁶² As such, he says, “The history of this ‘micro-physics’ of the punitive power would then be a genealogy or an element in a genealogy of the modern ‘soul.’”²⁶³

Critics have focused on what might be called the *facticity* of power, that is, the constant and ubiquitous nature of power as it appears in Foucault’s work. For example, the critic Rochlitz says, “Foucault does not ask what it is that makes the problematization of the past ‘problematical.’” And “Narrowly dependent on the present, his critical theory is neither willing nor able to explain criteria in the name of which it attacks certain

²⁶¹ Michel Foucault, *Discipline and Punish: the Birth of the Prison* (New York: Vintage, 1995), 139.

²⁶² *Ibid.*, 26.

²⁶³ *Ibid.*, 29.

historical forms of power, knowledge, or subjectivity.”²⁶⁴ This derives from the same misunderstanding that we saw in the earlier section on the realist response to certain kinds of normative political thought, in which all problems must be responded to through a foundational knowledge that guarantees how we can overcome the injustices in the world. Similar to what we have considered before in one of the principal efforts of Austin and Wittgenstein, Jeremy Moss’s sympathetic essay, “Foucault, Rawls and Public Reason” argues that Foucault’s reluctance to talk about normative concepts like justice and freedom is more about his reluctance to engage in the theorization of justice in general. Similar to Wittgenstein’s work, there is no “outside” standpoint from which we can base our knowledge; instead we must be willing to work from within the complex, overlapping practices to make philosophical progress.

What Foucault finds in these microanalyses of different social institutions is the wide-ranging and complex overlapping practices that are structured as a form of power. The concern is less about *the existence* of power (although that is the first insight for those institutions believing to express a moral status outside of power), but *its modality*. One particularly clear description of his concern is found in the *History of Sexuality*, where he concludes that power must not be theorized as simple vertical hierarchy:

Power must be understood in the first instance as the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization: as the process which, through ceaseless struggle and confrontations, transforms, strengthens, or even reverses them; as the support which these force relations find in one another, thus forming a chain or a system, or on the contrary, the disjunctions and contradictions which isolate them from one another; and lastly, as the strategies in which they take effect, whose general design or institutional crystallization is embodied in the state apparatus, in the formulation of the law, in the various social hegemonies.²⁶⁵

²⁶⁴“We cannot jump *outside* the situation,” Foucault says, “and there is no point where you are free from all power relations. But you can always change it.” Foucault, *Power/Knowledge*, 167.

²⁶⁵ Michel Foucault, *The History of Sexuality: an Introduction* (New York: Vintage, 1990), 92-93.

The depiction of power for Foucault is best opposed to the image of the dam, a finite limit against which unruly forces exert pressure; and being a limit itself, has a breaking point when those forces are deep and wide enough to overcome, to overpower, that limit. That description reflects for Foucault a singular force that is simple, static, and constructed external to one's own being; for only in being outside one's own self would one be trying to destroy it as a threat. This view of the "institutional crystallization" is embodied in the various theories that see political power as governed by *order*, with a definite location and spatial unity; and that the opposite of the existing order would be decomposition, the total upheaval of a social body--what he equates with a traditional notion of revolution.

By contrast, the depiction of power Foucault evokes with multiplicities of force is, for one, an organic and evolutionary model, where "power" is not about limits as much as it is about unity or control through *equilibrium*. In this way, Deleuze's reading of Foucault is crucial, and suggests viewing society as an ecosystem of various forces that have their own domain of abilities and restrictions. The language of ceaseless struggle also reflects the discourse of evolutionary biology and ecology, a world in which we are dependent and having pockets of stability, even though there is a greater world of flux, and perhaps even more important, that trying to be static is itself a form of death, that every organism out of necessity must continue to adapt, strive, in relation to the entire "system" it is part of. For Foucault, this new depiction of power appears as a result of our attending closely to the actual discourses of prison, delinquency, sexuality, etc., that we have an intimate connection to as speakers in a society where these concepts and

practices circulate. Power is not something that one has over others; it is the accumulated effect of a variety of activities only some of which are within our direct control.

Foucault's concept of power would have direct relevance both for political theorists in thinking about the forces that one participates in as well as acts against.

[An understanding of power] must not be sought in a unique source of sovereignty from which secondary and descendent forms would emanate; it is the moving substrate of force relations which, by virtue of their inequality, constantly engender states of power, but the latter are always local and unstable....”²⁶⁶

As such, power is not thought of as domination, whether for good or evil. In avoiding the language of sovereignty, Foucault presumably would not think of power as captured by those who aim to organize a society around a system of defensible ideal values. That is, from the perspective of both the victim and the judge, the one harmed and the one believing to be above reproach, power is a simple hierarchy. The forces are rather a plurality of relations that do not have a singular origin but are immanent in a system of overlapping practices. This could mean that it is more difficult for those instruments of coercion to monopolize their ability to control.

Power is everywhere not because it embraces everything, but because it comes from everywhere. And “Power,” insofar as it is permanent, repetitious, inert, and self-reproducing, is simply the over-all effect that emerges from all these mobilities, the concatenation that rests on each of them and seeks in turn to arrest their movement . . . power is not an institution, and not a structure; neither is it a certain strength we are endowed with; it is the name that one attributes to a complex strategical situation in a particular society.²⁶⁷

So when the critics assesses these claims in isolation from the entire approach as shown in Foucault's work, *the type of power* is then carried over from that earlier depiction of sovereignty or fixed limits, and then simply imported into claims about the systematic ubiquity of power in our society. It is on this basis that critics sense that Foucault and are

²⁶⁶ Ibid.

²⁶⁷ Ibid.

leaving no room for real social change, so long as the presence of power is so complete. On my reading, Foucault rejects both the worry that there are a handful of individuals making decisions for society behind closed curtains, and that there is some unconscious all-encompassing ideological spirit that makes puppets out of all of us. Power is found in a wide variety of sources that we ourselves participate in.

At the same time, Foucault's description of power has a way of itself becoming fairly abstract to the point where we risk asking theorizing about his *concept of power as such* instead of going to his more specific, historical engagements with institutional themes of sexuality, madness, and juridical punishment. When he speaks of power as the generalized field of relations, the specificity of power beings to dissipate; they sense in which power *as political* starts to morph into an actual *physics*, in the sense of forces in the broadest sense of the term, such as one may find in gravitational forces without any political content. This is not unlike the danger sometimes felt in theorizing the centrality of context for Wittgenstein. And as such, the way in which this becomes a question of *political power* as a question of *freedom* can easily be lost.

If the first similarity to Wittgenstein's ordinary is in the emphasis on practices both in the complex, overlapping structures against the type of hierarchical structures that political philosophy imposes through its form of conceptualization; then the second similarity is what may be called the *therapeutic* nature, that is, how the aim is to make us change ourselves in the recognition that what holds us to these pictures is often more than the purely rational core that some political theory implies. Foucault is at his best when he does this through the specific genealogies of sexuality, madness and punishment; and it is equally so that Wittgenstein's own *Investigations* were only able to attack a very small

philosophical problem, even though as I argue I believe the spirit of his return to the ordinary ought to lead us to the critical engagement with the context of practices, and history is of course itself part of the context.

The concept of power typically is viewed through the liberal model of state violence, as an external force that blocks the exercise of the agent's freedom.²⁶⁸ How do we begin to change viewing these external powers as some body trying to invade, as it were, one's own corporal integrity, and instead see these various practices as the sphere of underdetermined constraints that allow for very particular options in constituting one's agency? Wiler promotes this reading of the micropolitical question as hinging on looking at political subjectivity by saying, for Nietzsche and Foucault, that

Nietzsche's ontology of power relations to the micropolitical domain. 'Micro' here refers to a *constitutive* level where subjects and meanings are formed and dissolved, while 'macro' refers to the level where previously constituted subjects related to one another taking up places perhaps in an egalitarian contest of interest or perhaps in hierarchies of status."²⁶⁹

Similarly, as Deleuze says, for Foucault a political transformation occurs in the reorganization of the "who" that is able to assert itself and see membership as itself a political struggle. Without this further analysis of the political subjectivity that is constituted out of the language that we inhabit, politics arrives too late.

Deleuze describes the task of this type of political analysis and practice if we follow the broadly Foucaultian analysis of new modalities of power, in the chapter "Micropolitics and Segmentarity":

In short, everything is politics; but every politics is simultaneously a macropolitics and a micropolitics. Take aggregates of the perception of feeling type: their molar organization, their rigid segmentarity, does not preclude the

²⁶⁸ *Power/Knowledge*, 184.

²⁶⁹ Nathan Wider "The Relevance of Nietzsche to Democratic Theory: Micropolitics and the Affirmation of Difference" *Contemporary Political Theory*, 2004, 3, 190

existence of an entire world of unconscious micropercepts, unconscious affects, fine segmentations that grasp or experience different things are distributed and operate differently. There is a micropolitics of perception, affection, conversation, and so forth.²⁷⁰

The sense in which “everything is political” is perhaps better expressed as the range of human life, down to the most intimate, “persona”, feelings have the *potential* for having a political register. It is not, I believe meant to say that literally everything we see is in itself necessarily politically, literally participating in the repetition, consolidation or changing of power over others in some way. It is simply that even those affects, unconscious or not, function as the breeding ground for what makes individuals prepared to endorse institutions and individuals who can exert power over others.

What creates the need for this level of analysis is the sense that much of our “higher” and more visible political beliefs and actions have their origin in a network of lower level or hidden structures. This becomes a problem both for a politics of strategic gathering of larger masses as much as those that aim to conduct politics solely through deliberative activity in the public sphere. This relationship is at the same time bidirectional: “great binary aggregates such as the sexes or classes...cross over into molecular assemblages of a different nature, and that there is a double reciprocal dependency between them.”²⁷¹ That is, whatever is rooted in our daily lives at this micro-level can be the basis for larger political entities that are the more common starting point for political discussions (class, parties, nations, government), and vice versa.

²⁷⁰ Gilles Deleuze and Felix Guattari, *A Thousand Plateaus* Trans. Brian Massumi (University of Minnesota, 1987), 213. “After 1968, Foucault personally rediscovers the question of new forms of struggle, with GIP (Group for Information about Prisons) and the struggle for prisoner rights, and elaborates the “microphysics of power’ in [*Discipline and Punish*]. He is then led to think through and live out the role of the intellectual in a very new way. Then he turns to the question of a new subjectivity, whose givens are transformed between HS and TUP, which this time is perhaps linked to American movements.” Gilles Deleuze, *Foucault* tr. Sean Hand (Univ of Minnesota Press, 1988), 125.

²⁷¹ *Ibid.* 213.

For Foucault, a political practice begins to take a very different form when the concern is not whether the political groups we are interested in are rigid or fluid, static or mobile. Micropolitics sees itself as simultaneously trying to disrupt those “molar” or larger entities that gain their attraction, their self-evidentness, through the collection of habits and affects that shape us within “ordinary” life. For example, Deleuze’s analysis had an explicit concern with the problem of fascism (which I mention only to account for his his interpretation of micropolitics not to explore fascism as such here), and sought to understand how categories that treat the political as a type of state or government connected to an investment in a way of life fed by the microintrusions into the everyday. For him “fascism [as a macro phenomenon] is inseparable from a proliferation of molecular focuses on interaction... *before* beginning to resonate together in the National Socialist State. Rural fascism and city and neighborhood fascism, youth fascism and war veteran’s fascism, fascism of the Left and the fascism of the Right, fascism of the couple, family, school, and office...”²⁷² The phenomenon of political fascism was not, in other words, the simple expression of a totalitarian state; nor was it the consolidation of a specific ideological set of beliefs that one defended; but rather was a “cancerous body” in that the origin of its corruption first appeared at the microlevel. Institutional fascism was only possible with “everyday behavior, the fascism that cause us to love power, to desire the very thing that dominates and exploits us.”²⁷³

This “level” of political activity, in short, focuses on the constitution of the political subject. The need of this focus is because “it’s too easy to be antifascists on the molar level, and not even see the fascist inside, the fascist you yourself sustain and

²⁷² Ibid., 214.

²⁷³ Michel Foucault, “Preface” *Anti-Oedipus*, trans. Translated by Robert Hurley, Seem Mark, and Helen R. Lane (University of Minnesota Press, 1983), xlii.

nourish and cherish with molesculs both personal and collective.”²⁷⁴ After all, everyone can say they are against being a member of that political party; it is much different to prove one does not enact and reproduce the practices, habits, feelings that gave rise to those politics; just as it is easy to say one is not racist and would not be part of the old violent racist groups, and yet maintain many of the same feelings and habits of those political sentiments that are expressions of racial resentment, superiority, distrust, disgust--what is captured under the work of micro-aggressions in critical race theory.

Micropolitics saturates cultural life, helping to set the stage for macropolitical action. Do you seek to include gays in the military? End capital punishment? Reorganize subliminal orientations to poverty by people in the middle class? Micropolitics in and around the dinner table, the church, the movie theater, the union hall, the TV sitcom and talk show, the film, the classroom, and the local meeting set the table for macro-policy initiatives in these domains by rendering large segments of the public receptive or unreceptive to them.²⁷⁵

Similarly, as Linda Alcoff notes, there are a number of empirical studies that show the sort of daily, pre-reflective biases that many operate with and that shape our view of such neutrality. Two studies are worth pointing to as samples, both of which speak precisely to those who do not consider themselves to be racist or biased in any particular way. For example, a high number of people, African Americans included, who take the IAT (Implicit Association Test) associate whiteness with presumptive innocence and blackness with presumptive guilt. These subconscious habits arise through a myriad of practices: “whether we lean forward in conversation or turn slightly way, whether we maintain eye contact, whether we are tense or relaxed, whether we are expressive, smile, make jokes, or are awkward and stumble over our words.”²⁷⁶ Another study done at the

²⁷⁴ Ibid., 215.

²⁷⁵ William E. Connolly “Film Technique and Micropolitics” *Theory and Event* 6:1 (2002)

²⁷⁶ Linda Alcoff, “Sotomayor’s Reasoning”, *Southern Journal of Philosophy* vol 48, issue 1 (Mar 2010), 130.

Center for Behavioral Studies at Stanford University, directed by Claude Steele, explores the “stereotype threat” among educated undergraduates. The experiment asked volunteers to discuss the topic of love, or race, with a third subject who has yet to arrive. In some cases the two white male subjects participating are told the third person is a black male, and other times they are told it will be a white male. Then the psychologist leaves the room and asks them to arrange the chairs for the third person arriving there soon. The finding was this: white males will arrange the chairs close to each other at a much higher rate if either the topic of love or the third person is white, and they will arrange them farther apart when the topic is race and the third conversant is black.²⁷⁷ This points to the range of subtle, subconscious affects towards people that exist in everyday behavior and are likely ignorant of, illustrating how biases may at times influence our actions without our knowledge, operating at the micropolitical level of shaping political subjects.

Micropolitics aims to work at this level of the small, ongoing, investments we have in ways that seem insignificant because below the realm of the public sphere. Starting at the “molar” level of fully formed political subjects may too easily allow us to reproduce concepts that assume the present “assemblages” or large scale organizations, as if it were natural that power must be put in dramatic conflict between those political entities. This focus on the diversity and complexity of the micro-level allows one to consider how power may be structured in ways hidden from view because they are seen as “missable”. This return to our varied micro-practices allows one to avoid trying to find “where all the other points melt together”.²⁷⁸ It makes a politics harder to assume there is a power “out there” to battle, but also harder to assume there is already a political power

²⁷⁷ Ibid., 129.

²⁷⁸ Deleuze, *Thousand Plateaus*, 224.

“in ourselves” (e.g., through common lines of class, sex, gender, race, etc., as a self-evident political group). Deleuze say that “Foucault’s analysis of ‘disciplines’ or micro-power (school, army, factory, hospital etc.) testifies to these ‘focuses of instability’ where groupings and accumulation confront each other, but also confront breakways and escapes, and where inversion occurs.”²⁷⁹ When one returns to these ordinary practices through the variety of practices, we can achieve new kinds of political engagement. And it is also through them, in their specific manifestation, that we can even assess what if any “escapes” are available.

Practices of Freedom

Those “disciplines” are just as much a part of our political context as those that are focused on through normal political ideological positions of Mouffe’s agonism. This suggest two things with regard to Foucault’s view that we must seek new “practices of freedom”: first, it says that political agency is insecure and cannot be given through a single political bond; and second, it says that we may have new opportunities to engage at the level of politics that alters the general relationship we have to a political community. Our critical engagement with those various practices is not simply failures of a single public sphere; but the expressions of a kind of political activity in contemporary politics which reflects the type of power that circulates today. That is, how these various associations are not just passively forced on us but how in our active participation we may express a new form of political membership and agency.

Foucault says that viewing power as so pervasive that it is the “outside” of agency does not mean we are “trapped” in a discourse. Instead we must think of “it is a struggle,

²⁷⁹ Ibid.

but what I mean by *power relations* is the fact that we are in a strategic situation toward each other.”²⁸⁰ says, “I should like to trace the genealogy of problems, of problematics. *I do not mean that everything is bad, but that everything is dangerous*, which is not the same thing. If everything is dangerous, then there is still something we can do.”²⁸¹ Again Foucault unnecessarily slides into the dramatic in saying that “everything” is dangerous, as if everything really is political; but again more simply, given the range of potential sources of political power, the concern is more that everything *could* be a new source of power to be resisted or exercised. But this cannot be determined abstractly; it must be done empirically. Freedom is defined through its material context, generating specific power relations that a subject can activate as participating in the exercise of political engagement depending of course on the particular practice. His position is not necessarily empowering or disempowering as such. There are clearly risks in trying to solidify or fragment. Thinking at this level of risk, strategy, in an undetermined field of possibilities reflects the peculiar pathos of politics.²⁸²

Certain arrangements of subjection, no doubt, may be “negative”. This comes out in Foucault’s discussion of the violence committed in the penal system and the medical practices with regard to sexuality, which he strongly believes to be destructive to those persons. And yet he never gives a simplistic condemnation of any of these practices he investigates. “Why should an archaeology of psychiatry function as an anti-psychiatry,

²⁸⁰ Michel Foucault, “Sex, Power and the Politics of Identity,” *Ethics, Subjectivity and Truth volume 1* ed. Paul Rabinow (New Press, 1994), 167.

²⁸¹ Ibid.

²⁸² “Liberalism teaches respect for the distance of self and ends, but by seeking to secure this distance too completely, liberalism undermines its own insight. By putting the self beyond the reach of politics... it misses the *pathos* of politics and also its most inspiring possibilities.” Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982) 183.

when an archaeology of biology does not function as an anti-biology?” he asks.²⁸³ To be against a whole discipline or a whole society is superficial and confusing. Rather the aim is to point out how the seemingly safest and authoritative collection of, say, knowledge practices under science, which “concern our bodies, our lives, our day-to-day existences” are not themselves wholly neutral or outside of power. They are not reducible to crude expressions of power; but they nonetheless are located within power relations. Whether they really are expressions of power, and to what extent, is itself an empirical matter which can be examined historically as he did within his genealogy or through a careful analysis of its present manifestation.

It is commonly understood that Foucault focused his attention on the concept of power, voicing his concern that most other political philosophers fail to do so at all or with sufficient rigor. This blindness speaks to the lack of attention to how our concrete practices are shaped by theoretical decisions in the name of “knowledge” which itself contributes to and even sustains certain political forces. When Foucault says that “knowledge initially implies a certain political form in its presentation. In a history course, you are asked to learn certain things and to ignore them...”²⁸⁴, this may give the impression that he refers to a simple form of silencing, a procedural problem that could be corrected by good Millian transparency. But Foucault’s point about knowledge/ power goes further, in part, through the structuring of the content of our education. For example, history is often taught in favor of the existing upper class because the narrative focuses on a battle among “dynastic disagreements”, not because the common folk are not in any way mentioned, but because of the specific explanatory framework given to their actions

²⁸³ Foucault, *Power/Knowledge*, 187.

²⁸⁴ Michel Foucault, *Language, Counter-Memory, Practice: Selected Essays and Interviews*. Ed. Donald F. Boucard (Ithaca, Cornell University Press, 1977), 219.

diminish their claim to power. Popular movements “are said to arise from famines, taxes or unemployment...as if the masses could dream of a full stomach but never of exercising power.”²⁸⁵ Assigning the motivation of actions in such a way can shape the intelligibility of claims about a group of people wanting, desiring, power. Power through practices of knowledge reproduction can act not as a form of coercion, but as a subtle force that defines certain social events as naturally flowing from certain centers and is made an intelligible property of a few.

An analogous description appears in the conception of the immigrant making their way into a country that cannot yet see them as their own. Just as the poor may not be understood as seeking power, but are seeking basic needs of life, desperately seeking handouts rather than demanding something, as agents, from people they believe to be cheating them; so too are the immigrants in their discontent said to be acting as the result of anonymous forces like poverty, unemployment, and other matters the policy folk call “social determinants of health” as if it would be wrong and impossible for *them* to attempt to gain power that others have, to be seeking to accumulate any kind of power through the coordination of efforts. *Citizens* who have power can demand power; immigrants are explained in terms of being weak, fleeing economic desperation, at most receiving handouts like unlucky vagrants. How do we, Foucault asks, allow some people to speak of contesting others for power, where is that possible, for whom is it a concern?²⁸⁶ This is one of the results of not talking concretely about power, not in the sense of the realist concerns mentioned before, but in how descriptions of historical events or practices shape the very power granted to individuals politically.

²⁸⁵ Ibid.

²⁸⁶ See Nancy Frazer’s Nancy on the matter of the depoliticizing characteristic of the bureaucratic definition of needs.

This problem of discussing power is often that the “desire for power” is restricted by the norms that a humanist culture supports, according to Foucault, in that power is seen roughly as what Michael Waltzer described as the problem of “dirty hands.” That is, your normative standing as a person seems to depend on your explicit or implicit refusal to seek power. Heroic stories of dynastic conflict give way to the institutionalization of moral progress, which individuals perform a practical role in perpetuating. For Foucault, many of us have to relearn *wanting* power, even if that does not take the form of power as assumed by his critics, crude or enlightened violence, which sees it only as the diabolic force that morality somehow pacifies (think agonism from antagonism, or Kant’s perpetual peace vs. Machiavellian power). As such, there may be a reeducation of the form power takes so that people may be unashamed in wanting to take it, for those who are in various ways denied it while others are able to wield it.

For this reason, initially, Foucault had explored how conceptions of power are taught within educational institutions, which often seem to instruct us to avoid it in the name of morality. To the extent that its present, that revulsion for obtaining power starts early and unknowingly enlists even more participants in supporting the existing power structures. Initially the response would be to fight that from within those very institutions, critique their own apparent neutrality through a higher level of reflective engagement through specific cases of knowledge serving a special set of interests. However, reflecting on the diffusion of the events of May 1968, Foucault became skeptical of academia’s role and more convinced of the need to expand our investigation into “full range of hidden mechanism through which a society conveys its knowledge and

ensures its survival”.²⁸⁷ Evidence piled up that attacking a single institution was insufficient, even if the schools did contribute to how power is perceived and distributed. The inefficacy of working just against the schools suggested that the more complex network of practices hold power and perceptions together.

The repressive role of the asylum in locking people up was certainly brutal but obviously so; Foucault’s interest was in the less obvious ways that were deemed as nothing but the progress of humanity through multiple practices:

the influence of psychiatry extends beyond this to the activity of social workers, professional guidance counselors, school psychologist and the doctors who dispense psychiatric advise to their patients--all the psychiatric components of everyday life which form something like a third order of repression and policing.²⁸⁸

To the extent that one would even uncover and make us more critical about psychiatric practices, for instance, one had to see the broader web of perfectly ordinary professions that live and work by reproducing their own legitimacy. Even broader than a single domain, that is why “we must engage it on all fronts--the university the prisons, and the domain of psychiatry.”²⁸⁹ Here is where we must look into mundane professionalization through which power shapes our lives, and the many studies of the prisons and the medical establishment are just samples of where power can flow beyond the center of the normal institutional apparatus of the state.

This type of analysis tries to awaken the idea that a political theory may not require taking on the task of validating another party or ideological substitution, forming its own mass grounded in a universal cause. Instead of developing an account of how the political order ought to be, based on a picture of traditional governmental mechanisms

²⁸⁷ Ibid., 228.

²⁸⁸ Ibid., 229.

²⁸⁹ Ibid., 231.

that “exhaust the field where power is exercised,”²⁹⁰ micropolitics analyzes and gives voice to “particularized power,”²⁹¹ and works to battle the various mechanisms of control in present society through specific interconnected practices specially through those that are most hidden. This broader and more specific politics is especially needed if power is not concentrated in one location, or around one center of power; if it is the case that “a wide range of professional (teachers, psychiatrists, educators of all kind, etc.) will be called upon to exercise functions that have traditionally belonged to the police.”²⁹² As a consequence, the desire to change the power in various practices begins with the many struggles against multiple centers of power.

This parallels the broadly Wittgensteinian spirit in looking away from hierarchical relationships and towards the various crisscrossing network of practices. In our modern democratic condition, there is a fundamental shift in how power and its organizing principles are constituted. For Foucault “what we need is a political philosophy that isn’t erected around the problem of sovereignty...we need to cut off the King’s head.”²⁹³ When the problem of sovereignty guides the question of who should have political power, as it does in mainstream political philosophy, we subtly repeat the sense of there being a single public sphere around which all our political energies move. Democracy in that way tries to substitute for the king a new institutional apparatus. However, micropolitics is focused on critically assessing the various beliefs and desires that allow power to continue to function as it does, in specific contexts.

²⁹⁰ Ibid., 231.

²⁹¹ Ibid., 216.

²⁹² Ibid., 212.

²⁹³ Foucault, *History of Sexuality*, 88.

Foucault says: “Each struggle develops around a particular source of power (and the countless, tiny sources-- a small-time boss...a prison warden, a judge, a union representative, the editor in chief of a newspaper.”²⁹⁴ Micropolitics begins from the recognition that we all are caught in specific, localized networks of power that contribute to the power exercised in other areas: “women, prisoners, conscripted soldiers, hospital patients, and homosexuals have now begun a specific struggle against the particular powers...that are exerted over them.”²⁹⁵ This describes why it is so challenging to effect real change; power can reconsolidate through various sites even when one practice has been altered. But it also more positively may suggest the many spaces that individuals can activate their political agency when more common sources of political engagement are now seen within reach of the ordinary person, beyond the distant institutional powers or voting practices that ordinary people are disconnected from.

As such, the importance of speaking about power is not to portray, as some imply, a defeatist starting point, much less is it meant to be devoid of any normative content. This becomes clearer in Foucault’s later work, moving from *Discipline and Punish* to his genealogy of sexuality. In the latter, he was clearly interested in trying to capture the way we may *exercise* our freedom within new arrangements of power, how in our struggle within those particular practices, we are positively engaged in those political projects that are available to us and which, often in unseen ways, ripple out to other overlapping practices. By returning to these ordinary micro-practices we are able to find new ways to achieve the possibilities of agency within the particular landscape that we occupy. So in

²⁹⁴ Foucault, *Language*, 214.

²⁹⁵ *Ibid.*, 216.

my attempt to speak to the *where* of politics, I argue that the micropolitical is trying to find new ways to create an active democratic membership.

Power is no longer to be viewed through the liberal model of state violence, as an external force that blocks the exercise of the agent's freedom.²⁹⁶ Instead of viewing external powers as some body trying to invade, as it were, one's own corporal integrity, here we are asked to negotiated the underdetermined constraints that allow for certain options that are constituting one's agency. That is why power is meant to point to modes of "subjection", where the political subject is two-sided in that power can both restrict and create capabilities for political persons. "We cannot jump *outside* the situation," Foucault says, "and there is no point where you are free from all power relations. But you can always change it."²⁹⁷ These microanalyses were a way for him to investigate how we become "subjects" so as to see power not as the occurrence of conflict between two external powers warring against each other, but a struggle that no single force has total control over and which we can attempt to become critical towards.

For Foucault the groups in May of 1968 "relied on new methods of action, such as the tactic of provocation which served to reveal the weaknesses of the established order rather than to overthrow authority and take power." Poster continues, "They developed new organizational forms, notably the Action Committee which was radically democratic and was oriented toward the enactment of new kinds of social relations rather than toward mobilizing the strength of the revolt."²⁹⁸ In response to this particularized focus, some have condemned this account as being *apolitical*. This criticism presumes an obvious distinction of outwards facing and inward facing activity, beginning with a prior

²⁹⁶ Foucault, *Power/Knowledge*, 184.

²⁹⁷ *Ibid*, 167.

²⁹⁸ Poster, 7. A similar recounting appears in Deleuze's reflections on May 1968 in *Foucault*.

conception of the location of politics. In *Nietzsche and Philosophy* Deleuze describes the “therapeutic” function of his philosophical analysis in these terms: “The aim of critique is not the ends of man or of reason but in the end the Overman, the overcome, overtaken man. The point of critique is not justification but a different way of feeling: another sensibility.”²⁹⁹ In this way, to theorize the “micro” in the Foucaultian sense is not to restrict the scope of how many political agents form a cohesive group, as if the very discussion of the state forces us to a ‘macro’ level, nor is it in contrast to the macro-politics of global politics. It is to attend to the fact that what makes us pliable subjects, open to acting and seeing the landscape in a certain way, is not simply going to change through new arguments for state legitimacy, voting, mass revolts; but through a reorganization of desires and our habits formed out of *how we inhabit* our concrete practices. The point of a micropolitics is work on ourselves so that we inhabit our ordinary practices differently and more critically.

Foucault’s micropolitical analysis has an affinity with the work of Wittgenstein both in its focus on specificity and in what could be called its therapeutic emphasis vis-à-vis his conception of how subjectivity is constituted through our various practices. In the former case, the situated, contextual, concrete within the complex fabric of everyday human practices is set in contrast to a common philosophical need to subsume these under a higher level explanatory concept that we have contingently become accustomed to historically. In the latter case, what is understood broadly speaking as the therapeutic project of philosophy involves special techniques of working on oneself to change the cognitive and perceptual illness that must be carried out through this thing we call critical philosophy. Micropolitics refers to the way in which this type of activity, whether

²⁹⁹ Gilles Deleuze, *Nietzsche and Philosophy* (New York: Columbia University Press, 1983), 88.

through the genealogical analysis of the penal system or of medical practices, or other attempts to bring about change through one's own complicity to political power, has a direct political significance in setting the stage for what other political theorists are prepared to be concerned with only institutionally. This type of politics no longer believes that it must direct all practices through the state, or any other institutional mechanism and procedures that validate the consequences of power that individuals experience, but can and must start with the political subject.

CHAPTER 6 POLITICAL IDENTITY AND ADOPTION PRACTICES

When philosophers use a word...and try to grasp the *essence* of the thing, one must always ask oneself: is the word ever actually used in this way in the language game which is its original home?

---Wittgenstein, *Philosophical Investigations* ³⁰⁰

...to seek adoptive parenthood—especially across lines of nationality, race, and ethnicity—both requires and helps one to think beyond essentialisms of gender, race, ethnicity, culture and even the body.

--- Homans, “Adoption and Essentialism” ³⁰¹

I will now turn to an underexplored practice that can be seen to have political significant because of its unique contribution to organizing a set of beliefs and sentiments that shape our vision of a community, viz., the familial bond of adoption that has a unique set of overlapping histories, concerns, motivations, that shape how we imagine what the United Nations calls “the most basic unity of society.” Recall that for Cavell the remarrying pair do, in a sense, find themselves to be already married, i.e., find their connection to each other as a part of who each of them already is but stand at risk of being lost, and isolated. However, the particular threat of isolation, lack of community, identity disruption and refound, isn’t the same as the way in which a child finds her or himself as a member of a family; nor is it the same mechanism for loss or potential that is to be found in the relationship of consenting adults. As I will argue, the picture of transnational adoption can be particular helpful in suggesting where we may look to in

³⁰⁰ Wittgenstein, *Philosophical Investigations*, 116

³⁰¹ M Homans “Adoption and Essentialism,” *Tulsa Studies in Women's Literature*, 2002
Quoted by Shelly M. Park *Mother Queerly, Queering Motherhood*, (SUNY Press, 2013), 70.

attempting to reorganize our desires, routes of interest, beliefs as they converge on this microcosm of our political community, as it relates to its own particular threats and constructs of power as well as its unique tension between givenness and autonomy.

The ability to answer questions about who we are, how we stand towards others, the influence of those that in some way precede us and are part of us, is a constant theme in political thought. This concern has especially become prevalent over the past few decades in debates around the role of identity in political discourse, but it also stretches beyond that debate since the understanding the various meanings of “we” as it relates to our understandings of who wields power, where it flows, through what channels and mechanisms, and how individuals may play a role in its reproduction.

What I am calling a “politics of the ordinary” is a politics of the “plurality of resistances” within our complex form of life, which can only be seen in tracing out the empirics specificity of the practice. This does not mean, counter to direct democrats and classical republicans, that the loss simply demands the attempt to regain that sphere by various efforts to consolidate citizenship through one channel; although it shares the desire for “active” participation in politics, even as it locates the central issues of politics not at the level of rational engagement in the public sphere, but in the plurality of engagements with ordinary micropractices, microaggressions, microagency. Individuals in modern society need to explore the richer notion of the “political” through participation in specific practices that directly affect them, and this is how we interpret the deeper aims of political pluralism. Pluralism is not asserting the need to be represented according to the pre-political membership of a social body, but rather calls on us to attend to the variety of practices that attempt to widen the potential for our involvement. Allowing the

institutions as they exist to process everything, given their overly bureaucratic character, as Pitkin pointed out, will fail to meet the challenges of contemporary politics.

This familial image appears at a crucial point in the *Investigations* which aims to clarify how philosophical concepts are typically organized around a misguided logic:

I can think of no better expression to characterize these similarities than “family resemblances”; for the various resemblances between members of a family: build, features, color of eyes, gait, temperament, etc. etc. overlap and criss-crossing in the same way.³⁰²

The “family” is perhaps better understood not as inheriting a simple, essential unity, as when people trace their lineage, their blood, claim a title, legal and property rights, social status, but rather as the way certain aspects may relate one to others in a web of resemblances without needing a single derivation. In fact, the actual role of adoption, especially in transnational and transracial adoption, exemplify this. The fact that this model of the family beings with the image of biological and cultural matters is even more radical than the simple cultural model—imagine if he had portrayed these attributes without any biological traits; for it implies that the family is *equally* defined as such by means of *any one of* these types of traits. And this is precisely the way in which we are to initially think of adoption, and then, more concretely, how we can begin to explore the specifics of any kind of *particular family*.

In this chapter, I will review how the philosophical topic of adoption has largely been focusing on anti-essentialism and functionalist account, which uses the image of the family as no longer tied to old ties of blood and belonging, but that which is formed from someone’s acting *as* the parent (as figured through adoption) and who is above all else a good parent in action. This is meant to move away from mythical origins of blood ties. I

³⁰² Wittgenstein, *Philosophical Investigations*, 67.

will then suggest, in expanding on m politics of the ordinary, what the adopted experience can show as the complex political structure such an identity may occupy when we consider the range of consequences of proliferating this practice. Adoption does not provide a simple story of humanitarian and cosmopolitan progressivism or post-modern constructivism; in fact, the practice itself reflects, as do many other practices, a tangled web of relations. There are, in fact, ways in which biological attributes still fulfill a crucial role. The key is to understand how that itself is the product of a complex web of motivations and aspirations as defined in our history. Adoption as an evolving familial practice can help elaborate on the significance of what it means to return to the ordinary, as we investigate the political implications of this otherwise under-investigated practice. In doing so, we better grasp the familial basis that is the “rough ground” of the ordinary.

Adopting Identity as Anti-Essentialism

If we first turn our attention now to the topic of adopted identities, what lessons can we draw from this Wittgensteinian notion of familial belonging? A recent collection entitled *Adoption Matters* signals new interdisciplinary efforts to bring to light the importance of the practice of adoption for thinking through a range of philosophical topics concerning identity, the family, maternity, familial belonging, and citizenship. As Haslanger and Witt note,

Although the family is often thought to be the basic and natural form of social life for human beings, adoption highlights the powerful role that law and politics play in shaping families and our ideas about those families”—indeed in revealing how deeply politics is shaping even the most intimate of spaces.³⁰³

³⁰³ Sally Haslanger and Charlotte Witt, “Introduction: Kith, Kind and Family” *Adoption Matters: Philosophical and Feminist Essays* (Ithaca: Cornell University Press 2005), 1.

Given the political theoretical energy over the past few decades within feminism, it is no surprise that feminists have decided to explore the issue of adoption more directly as an ethical and political concern of the highest priority. By extending a common anti-essentialist form of social criticism, some of them have drawn their attention to this concept of familial relations as an exception to the essentialist notions of biological origin. Haslanger and Witt say, “Our pronatalist culture tells women that having children is the only way to become a real woman, a fulfilled person, a true adult, or a valued citizen”³⁰⁴ Adoption can for some help contest that in its legitimation of a purely non-biological construction of the fundamental bond of familial intimacy.

In many ways, our culture is still shedding its archaic views of reproduction, that sense of the family repeating itself through generations as the one thing that stays the same among a changing world. In *Not Far From the Tree*, Andrew Solomon recently explores this through a variety of inherited identities in which parents come to grips with their children turning out to take a life of their own. The myth of inheritance is that a new being is born out of oneself and will reflect that image one has of one self.

There is no such thing as reproduction. When two people decide to have a baby, they engage in an act of production, and the widespread use of the word reproduction for this activity, with its implication that two people are but braiding themselves together, is at best a euphemism to comfort prospective parents before they get in over their heads. In the subconscious fantasies that make conception look so alluring, it is often ourselves that we would like to see live forever, not someone with a personality of his own...parenthood abruptly catapults us into a permanent relationship with a stranger...³⁰⁵

³⁰⁴ Martha Gimenez, “Feminism, pronatalism, and motherhood”. In *Mothering: Essays in feminist theory*, ed. Joyce Trebilcock. Totowa, (N.J.: Rowman & Allanheld, 1984). Also The existence of pronatalist pressures can compromise women’s ability to make truly autonomous decisions about having children (Meyers 2001). Diana Tietjens Meyes, “The rush to motherhood—Pronatalist discourse and women’s autonomy”. *Signs* 26(3) (2001): 735–73.

³⁰⁵ Andrew Solomon, *Not Far from the Tree* (New York: Scribner, 2012), 1.

Adoption, it seems, displays even more clearly the falseness of the perceived mythical ties of biological inheritance. For Solomon, an anxiety emerges most powerful when the parents are forced to recognize a substantial difference between themselves and their children, and is at the core of the problematic situation where children who are deaf, physically challenged, autistic, transgender, and in a sense adopted (even though it is what one “chooses”) since one is frustrated with the other for not being the identical image of one’s own self (not having any one of those traits that *mirrors* the parent). The practice of adoption forces one to accept the validity of that familial bond at the same time as it demands that one acknowledge a wholly different human being.

Much of the recent feminist discussions of adopted identity seem to center on a nature-culture archetype, where the explicit rejection of biological essence puts into relief what is internal to the familial bond.

The experience of adoption reveals that all parenthood is fundamentally adoptive, for adoption is not just a poor copy of a sterling original but rather...the copy that reveals there is no original, no tenable distinction between copy and original. Even biological parents must make an active choice to keep and bear the children they bear. There is no purely natural or physical parenthood or even maternity.³⁰⁶

It is still common to speak of one’s “real” parents as synonymous with the biological origin; common usage repeats this expectation. And yet, as Homans says, adoption represents the familial bond where blood kinship is discarded.³⁰⁷ The reason why adoption would therefore be important for feminism on one feminist account is that it shows, yet again, the shallowness of defining identity through an essentialist conception

³⁰⁶ Homans, “Adoption and Essentialism,” 265

³⁰⁷ D. Cornell has even suggested that we should treat our child-parent relationships precisely on this contractual model, based on greater degree of symmetry. Drucilla Cornell, “Adoption and Progeny: Rethinking Family Law, Gender and Sexual Difference,” *Adoption Matters: Philosophy and Feminist Essays* (Ithaca: Cornell Univ Press, 2004), 21.

of biology and organic belonging. Parenthood is therefore fundamentally not based on a corporeal relationship to the body.

As such, such an account would treat parenting as divided from genetic history and entirely identified with the activity, say, between parent and child. Identity is seen as following a kind of theoretical functionalism (of how we *do* things, what we *do* with another human being) rather than an essentialism (some mystical bond whose substance individuals share, who “carry on” some traits). The former is tied to the belief that parenting is the most significant relation vis-à-vis caring for another being. An identity is constituted out of the activities one engages in, the roles one plays towards him or her.

In a recent article, Susan Bordo expresses that continued invisibility of adoption through a personal confession about her own initial attitude about child bearing/child rearing, in trying to have a child and how it revealed her own complicity in the myths of maternity. She recounts the pain she felt in being unable to conceive a child, and then realizing that she was being held captive to misguided norms, because the interest in parenting was not exhaustive within a biological bond. “Adoption never occurred to me,” she admits, “my fantasies of being a mother were completely entangled with the desires to be pregnant, give birth, and reproduce our flawed but precious family line.”³⁰⁸ Of course she knew *of* adoption; it was not a foreign idea; but it was not part of the normal set of possibilities that organized her perceptions and desires. Represented through her anxiety was the still lingering “umbilical mythology” which harbored the sense that biological reproduction was the source of personal fulfillment, the ideal goal one was to achieve. This mythology is reflected perhaps even more strongly when one considers the existence of elaborate medical procedures some women elect to have in order to have a

³⁰⁸ Susan Bordo, “Adoption,” *Hypatia* vol 20. No. 1 (Winter 2005): 230.

biological child at all costs, that adoption even when visible may still appear to be a compromise to “normal” reproduction, and as such a kind of personal failure that can only partially be compensated for. Here is one of the last sites of biological mythology that holds onto a vision of sameness passed on by virtue of one’s being.

Bordo argues that even though certain demands on women’s body have been lifted to some extent (through the increasing presence in the workforce, the gradual integration of sites of power that were previously dominated by men, in short, the ability to overcome much of the weight of the maternal body), at the same time more subtle desires and feelings persist and in other ways which protect one’s reliance on traditional conceptions of maternity. In a similar vein, Shelly Park says, “adoptive relationships, when brought out of the closet, have the potential to queer the family by openly resisting both heterosexuality and repro-narrativity.”³⁰⁹ What makes adoption philosophically and politically significant for them is how the enunciation of this *other* bond may break more thoroughly the essentialist paradigm of child bearing for women. And presumably, although they do not emphasize this, this practice may also in turn disrupt the adopted child’s own desire to seek out the attainment of this myth which some argue causes an unnecessary anxiety too.³¹⁰ This “coming out” would aim to relinquish the power that these mythologies hold over women and adoptees within culture. We are to “destabilize the distinction of mothers, fathers, and people who are ‘childless’ so as to create even more variety of ways that all persons can participate in caring for children.”³¹¹

³⁰⁹ Park, 202

³¹⁰ Ibid., 217.

³¹¹ Patrice DiQuinzio, *The Impossibility of Motherhood: Feminism, Individualism, and the Problem of Mothering* (New York: Routledge, 1999), 248.

The full impact of this familial estrangement as experienced in adoption practices is yet to be assessed; but the possibility of its impact seems great given the increasing visibility of adoption. According to a leading policy expert on adoption, Adam Pertman estimates that six out of every ten Americans have been touched by this conceptual altering familial practice: they have either adopted a child, been adopted, placed a child up for adoption, or had a friend or family member who has been adopted.³¹² With the increased number of adoptions, this practice could provide added pressure on traditional conceptions of identity within an evolving plural community where archaic biological attributes appear to be so resistant to revision. The prevalence of this practice could well make it a candidate for spurring such a reflection on broader notions of family and culture, and worth highlighting as part of a feminist politics to unsettle out most cherished, unreflective assumptions of identity.

Use and Contingency

While I agree with the importance of looking to adoption as a significant point of entry for thinking about the persisting desires of the biological family as it relates to the body, there should be a cautionary note about what might seem like a conceptual linking of a broad functionalism (how we *do* things) with an anti-essentialist political paradigm. If practices are constituted out of activity rather than some essentialist property, we may have to moderate the expectations of the effects of anti-essentialist criticism.

The type of theoretical critique Homans, Bordo, and Park risk falling into, is what Linda Zerilli describes as distinctive of certain postmodern accounts. Critics determined

³¹² Adam Pertman *Adoption Nation: How the Adoption Revolution is Transforming Our Families -- and America* (Cambridge: Harvard Common Press , 2011).

to apply a tactic of conceptual estrangement risk slipping into an overly rationalistic assumption about the *basis* of changing those very conceptions of maternity or family. What that strategy typically attempts to show is that, while before we relied on a false *conception* of, say, “woman,” now we can disabuse ourselves by giving a set of reasons that show why there is no clear definition of “woman”. However, as Zerilli describes it, we may very well accept an adoption and still evade changing our concrete practices around the family that are somehow connected. Even now that someone sees the umbilical mythology for what it is, does that immediately efface the desire? What would it take to recognized our desires over that? The focus on “use” fails to appreciate the micropolitical structure of desires in actual practices. Practices already have built into them the ability to continue to function within a looser, flexible logic. As such, for example, Zerilli questions a critique that proceeds exclusively by documenting “the logical and empirical exceptions to [e.g.] the rule of sex and gender in an attempt to prove that sexual dimorphism is a fraud, and so too is every effort to define woman.”³¹³

We cannot assume that the mere production of “cognitive dissonance” would be sufficient to upturn those practices and the desires its produces. After all, there are many ways to follow a rule; and one may in fact read these non-biological practices as precisely showing their *abnormality*, that is, to push it into the realm of estrangement supposes that there already has to be enough cognitive force preparing one to see it as a potential moment of conflict rather than something absorbed into a prior conceptual framework. Or as well, one may take what I would call the humanitarian view of adoption for which the notion of family is not disrupted because one can still preserve the *priority* of biology

³¹³ Linda Zerilli, “Doing Without Knowing: Feminism's Politics of the Ordinary,” *Political Theory* vol. 26 (Aug 1998): 436. She says that “for Simone de Beauvoir, a woman, to deny that women exist would be like effacing the conditions of her speech, like ceasing to exist,” *ibid*, 441.

even if one is willing, for extreme cases, *allow* for adoption to occur. Such adoptive identities can be read as the relatively unimportant halo around the core concept of the “real” family stands, with the standard of biological kinship. Beizer claims that the adoptive maternal body, e.g., “*makes visible* the irrelevance of consanguinity to family bonds and the reality of alternatives to conventional family structures.”³¹⁴ However, it is mistaken to believe that the critique of society’s practices *must* generate the hoped for outcome. The Wittgensteinian ordinary accepts gaps simultaneous with a structured set of practices that have existed *in spite* of them.

The conceptual tension does not show a theoretical problem that needs to be solved or will be changed, and could very well indicate a false expectation of this very practice as yielding a desired political result. Moreover, echoing Wittgenstein, one may ask: “Is an indistinct photograph a picture of a person at all? Is it even always an advantage to replace an indistinct picture by a sharp one?”³¹⁵ In the case of adopted children, there are a few ways in which the identity may be blurry. The affective quality of the relationship would seem to be linked to different social expectations. While we can potentially attach that sentiment of love to different people, family for many is unique; and yet adoption sits in *between* our expectation of the mystical bond of a family and a constructed friendship, between automatic heritage and other relations that need to be made and sustained. Far from being simply the manifestation of relativistic communal bonds, adoption sits at the intersection of a number of related but overlapping practices,

³¹⁴ Quoted by Park. Janet Beizer “One’s own: Reflections on motherhood, owning, and adoption.” *Tulsa Studies in Women’s Literature* 21, no. 2(2002) 248. My italics.

³¹⁵ Wittgenstein, *Philosophical Investigations* 71. See also Naomi Scheman, “Queering the Center by Centering the Queer: Reflection on transsexuals and sexual Jews,” in *Feminists Rethink the Self* ed. Diana Tietjens Meyers (Westview Press: 1997). 142.

where biology does in fact matter but for certain purposes that may be normatively legitimate due to the complex ways in which we *belong* to others.

The Micropolitics of Home

Micropolitics aims to work at yet another level of the missable and works to do more than provide new arguments for ambiguity. It tries to understand the particular organization of ordinary practices within institutions, laws, social beliefs, perceptions and practices that can perform a political function of exerting power. The language of “home” is not simply a metaphor. It expresses a structure that organizes our deepest beliefs, aspirations, fears. Such a home can be a place of security, or a place of need, a place of comfort and understanding; above all, a place of inheritance and belonging.

Let’s consider two complications first for the pure anti-essentialist. When we resist moving too quickly into drawing positive political implications from some anti-essentialist account, we are better able to dig deeper into the complexity of the various practices. The practice of adoption is no exception. We can now better see what Foucault described as the various risks, tactics, tradeoffs, from a micropolitical perspective with respect to adoption practices that some feminists see as contesting notions of the family. The first issue is whether anti-biological essentialism may not inadvertently too quickly assume the irrelevance of certain aspects of adoption practices. Some theorists are careful to make the distinction between origins as *determining* such relations and those origins as *having some* relevance, since after all it could still be that our practices hold those biological relations as having some normative import. There is nothing that requires us to think biological relations have no value just because we want to avoid the essentialist

worry within traditional conceptions of the family. I do not think we have to nor should we think that the biological attribute is entirely a fiction, especially with respect to that complex adoption triad (i.e., biological parent, adopting parent, adopted child), and yet the preference for a simple anti-essentialism shuts this discussion down prematurely.

This counter-biological movement among some feminists has an interesting place within actual adoption practices, which might be obscured when the debate remains at the level of essentialism. For many decades, from at least the 1960s into the 80s, adoption, however useful as a social practice it may be, was understood as a secret, whose shameful origins were buried. And in a manner parallel to how Foucault discussed in his history of sexuality, this silence happened at the same time as a discourse emerged in which an increase in talking *about* it appeared, for a new group of people began theorizing its place within society, while monitoring its proper development in life. Counselors, social workers, and specialists instructed families to avoid bringing the secret up because it would only cause harm and reinforce differences; their biological origin should not be spoken of, and through a magical discursive construction, become healthy. Of course this is particularly challenging in cases of transracial or transnational adoption where differences are clearly visible; but even in those instances, it was often advised that those discussions of origins were to be avoided at all costs, almost like the polite restrictions on dinner conversations regarding politics with opposing family members: an open secret.

However well intentioned, the total denial of biological relations seems to reflect a strategy that has a long, somewhat checkered history, and is not as straightforwardly progressive as some theorists suggest. An adopted child who was at all curious about their biological family was regarded now as seriously at risk of some problematic

development for even the curiosity. Perhaps without realizing it, some feminists may be rejecting biological relevance with much greater implications, having nothing to say to those interests of one's *history* save that this behavior is problematic, implicitly agreeing with the diagnoses that medical discourse treated an interest in biology to be a pathology. Far from being unable to speak of the irrelevance of biology, medical discourse within adoption institutional practice has continually asserted its problematic status through certain mechanisms to deny the biological in very specific ways, at least in its expression. It would be more accurate to say that desperate attempt to speak of the irrelevance of biology was variously mixed with the suspicion that it really was relevant.

This willingness to pathologize any kind of discussion of one's biologically related past could be because of maternal emphasis *on the side of the adopter* for these feminists rather than the voices of adoptees. And yet this total obscurity around anything biological would also be unable to take seriously the specific difficulty, say, that the biological mother, who gives up the child for adoption, has to her child; that even if there is no longer the same stigma surrounding the practice, there can still be a trauma of some sort that suddenly disappears when biological origins are seen as merely a theoretical confusion that can be easily discarded. At what cost, in other words, is the simplistic anti-biological attitude? Does this not now suggest how that biological mother in her way has been silenced? To treat this entire matter as an anti-essentialist critique dissolves the very real psychological difficulty that the mother had to bear.

Beyond establishing the pathology regarding a curiosity of one's origins, it is difficult to entirely dissolve the sense that there is some relevance in blood identity because of other normative concerns, even if we are unsure how far that extends. There

are a myriad of contexts in which norms that seem to latch on to biological relations have some important bearings. For if those were tossed out completely, we might be inclined to support what looks like a rather dubious policy of Plato's *Republic*, in which we had the license to create a class of guardians through a kind of forced state adoption for the good of the nation. If we were to imagine a blind process through a lottery system, would we simply be concerned about what happens to children afterwards as what is fundamentally parental? This is not a fantastic theoretical construction but is at the heart of international law, with respect to the protection of children in broken societies, in which new parents or humanitarians may feel justified in having the moral authority to trump any other relation. This is at least the spirit of some "humanitarians" who see themselves as playing the savior. An appeal to practices as such would not get one very far in charting a course on the importance of various claims that the biological has. The deepening of international adoption norms has become fairly well secured at least since the 1993 international agreement, at the Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, where biological kinship is *always* prioritized above all others. A high threshold is set in order to *override* the prior claim from biological parentage. This is not, at least on one reading, because of a traditionalist essentialism of biological identity; it is rather the product of a certain normative concerns that are attached to the biological relationships, which is the equal danger of too quickly assuming that we can transplant individuals into new contexts without any loss.

In this respect, I believe I am roughly in accord with Linda Alcoff's claim about the importance of "flesh," insofar as the aim that many anti-essentialists seem to have does not require a total renunciation of the body. There are crucial moments when the

biological status plays an important function, or at the very least should be heard as a fair concern to be voiced. For example, with respect to maternal and female bodies,

We can acknowledge the importance of reproduction without falling into determinism by recognizing, for one thing, that one's individual reproductive experiences and choices do actually play a large role--not always a central role...in one's individual purposes, projects and sense of self.³¹⁶

And she suggests that there is room for acknowledging this role because there is no "mere body," that is, whatever importance the body has is embedded within the practices and interpretations that inform the body's role in our societies. But nor is there a mere "role" that is constructed ex nihilo by culture with no contribution from the history of the body. In adoption, the fact of one's genetic appearance into this world shapes the question of one's inheritance.³¹⁷ As such, a Wittgensteinian approach would be understood in more careful examination of all the overlapping practices, weighing each important together and being prepared to have a critical discussion of their weight.

In addition to the overlapping concerns of biology with adoptive practices, we should also pay close attention to the economic modality, which might be obscured if we too quickly leap to positive norms of anti-essentialism. Consider single mothering, which was often the cause of many adoptions. There is no doubt that the acceptance of single motherhood (in the sense of non-marital childbearing) in general--either from the standpoint of women releasing their children into adoption, or, say, women adopting children from the pool that is available--is less taboo than a few generations ago. Real cultural progress has been made in that women may no longer, on the whole, receive or expect to receive the level of stigmatization in the past. New modes of family making

³¹⁶ Linda Alcoff, "Dreaming of Iris," *Selected Studies in Phenomenological and Existential Philosophy* vol 33, (2008): 8.

³¹⁷ Janet Farrell Smith "Analyzing Ethical Conflict in the Transracial Adoption Debate: Three Conflicts Involving Community" *Hypatia*, Vol. 11, No. 2 (Spring, 1996), 1-33.

emerged from the desire to make room for their own self-development, professionally and personally, as well as a broader criticism of the norms that began in the private sphere of the family. The basis for such a denunciation seems now an archaic conception of the family, in which the aim is often to restore a pastoral state of nature.

The explanation for this simultaneous increase and decrease of the stigma in the single mother is because the adoptive practice should not be viewed in isolation. In a telling personal narrative about her experience with adoption, Drucilla Cornell aligned herself with a generation of well-educated modern professional women who were committed to redefining the family, both by waiting to have a child and by being open to having an adopted child. This generation of professional women has helped to alter the acceptability of new forms of family construction and personhood. Charlotte Witt and Sally Haslanger note that the number of white women who receive adoptions was disproportionate, and that this may suggest “a strong bias in adoption agencies and amongst social workers in favor of white, heterosexual married, middle or upper class couples as the first choice for a placement.”³¹⁸

There is a recognized high demand to place “adoptable” children, so the terms of acceptability is no longer defined by genetic heritage, but now organized specifically around *class* in the sense of the ability to pay and be a provider. Balibar once said that a national border is experienced differently, depending on whether you are an economic elite who see these borders as inconveniences that one passes on vacation, or you are someone of minimal means and see a border as an impossible limit to one’s movement. Similarly, the familial relation is not just the practice of being free of metaphysical concepts; it is a practice that is embedded in economic relations and obeying legal norms

³¹⁸ Haslanger and Witt, *Adoption Matters*, 5.

that prescribe who has an adequate and safe household. As such, the adoption practice is uncomfortably tied to an economic relation not in the simple case of overt baby consumerism but in the acceptability of the idea that one's right to parent is a function of one's economic power. Standards for the family are aligned with economic stability. As such, how "radical" is this new alignment of motherhood via adoption truly in all cases? Consider the fact that adoption costs can easily run over \$10,000. It's true that single motherhood may no longer be stigmatized to the extent that previous generations experience, where birth had to be hidden under the cover of night. But now that the cultural acceptance has dissipated, the rationale for keeping the child is one of *economic strength*. The shame one would have in giving up a child is not due to sexual vice or carrying a kid out of wedlock, as the symptom of a cultural and even political disempowerment, but now can be attached to those who cannot afford a child. Conversely, to convince others of being a responsible parent and keeping the child is then an assertion of one's ability to survive in today's economy.

In this way, the progressive story that anti-essentialists try to paint is not so clear. The familial practice is in part a function of one's *purchasing power*. It is equally unsettling because there has been both an uneasy reliance on money to have the adoption process function smoothly. There is no need to rehearse the types of egregious abuses that follow the emergence of baby markets. An entire regime of international law has codified around this concern, to provide global processes to decrease the chance that babies become a commodity. The problem I'm raising at this moment, though, is that even in a country in which great strides have been made in the adoption practices, there is a disproportionate power one has to *have a family*. The problematic cases are not those

where one has literally contributed to baby theft. The cases that unnoticed are those that are adopted by those who are well meaning, genuinely nice, loving parents; but in which these intersection of practices have a bias towards certain people and their capabilities.

These two examples, of the biological imperative and the economic imperative, is meant only to serve as an example of the entangled web such considerations of adoption are likely to raise, and to break up the idealization and fetishization of anti-essentialism that often appears in discussions of identity politics in general as well as the discussions of adoption in particular. I do agree that the broader move in denaturing the family is crucial given the expansion and blurring of political bonds. The ideal of the modern secular state in its liberal form is that we have moved beyond blood and belonging, and there are positive consequences of this new representation of our political home. However, this attempt to explore just two example of adoption practices aims to more raise the sort of concerns about our contextual constraints that appear once one raises a particular practice up to light to see the complex intersection of family, blood, and the law; where home is linked with certain priority of biological and economic power.

Cosmopolitan Humanitarianism and Governmentality

From the universalistic, humanitarian discourse surrounding the seemingly non-political practice of transnational adoption, it would seem as if adoption practices are simply the instantiation of a long, historical process that has finally balanced generosity, cosmopolitanism in the most intimate way. The perception is that behind the color-blindness, nation-blindness, familial-blindness, there is a convergence on the gradual progression of an normative project that has started to reach its completion, where anti-

racism is institutionalized both the highest level, across countries, and at the lowest, within that most private spheres in the family. This is reflected in some of the broad description of international law that has expanded the institutional protections over this globalized practice of transferring humans in morally safe ways.

Power on this typical interpretation is that which exists outside, against that rarefied realm of normative consciousness that is still struggling to be realized, and has its defenders within the now growing body of international law (new Hague agreement) and agencies, practitioners, social workers, psychiatrists, and our peculiar baby culture. For example, in 2010 some Russian officials supposedly “used” the issue of transnational adoption as a tool to punish the U.S. for the Tennessee case of a woman sending a child alone back on a plane and led to the closing of adoption relations. “Russian fascination with cases like this is an echo of the 1990s, when things were really bad,” says Tatiana Gurko, a family expert with the official Institute of Sociology in Moscow. “... It really shouldn't be politicized.”³¹⁹ The question of politics on this view only appears when the practice is tainted by the struggle of global strategy; the default assumption is that it is normally a non-political practice. However, a micropolitical perspective starts with the view that no practice itself is necessarily so pure even in its normal operations, and we have to be alert to obscuring these tensions. In fact, transnational adoption is a simultaneously pull between humanitarian discourse and new forms of nationalism.

What form does this take with transnational adoption? “Transnational adoption,” as I will use it, refers to practices of transferring legal and ethical duties to a new parent or parents for the purpose for raising children who are somehow orphaned, to a new

³¹⁹ Fred Weir, “Death of Russian-born boy in US reignites adoption debate”, May 23, 2012. <http://www.csmonitor.com/World/Europe/2012/0523/Death-of-Russian-born-boy-in-US-reignites-adoption-debate>

country in which cultural, racial, and geographical distances are crossed along with boundaries of state sovereignty. For this reason, this kind of adoption is more than just the transferring of parental rights; but also involves additional complications, often with certain racial and ethnic and political differences that take a particularly global perspective, and especially via institutions, organizations, and laws that cross national borders. And while intercountry adoption is becoming an increasingly common term, emphasizing the bureaucratic oversight that is afforded, transnational adoption still captures the more complicated set of practices because the personal and political identity has certain tensions that run across countries and cultures.

In recent years there has been a shift to a new paradigm, in which the South Korean government—one of the longest standing adoption nations which also has historical been linked to the largest provider of adopting parents—has made active, although ambiguous, steps towards reshaping the popular image of such adoption practices. For example, it has explored in the past two decades how to offer a new legal political status to those adopted Koreans who are now adults reared elsewhere. These adopted children from all over the world, although especially in the United States, are classed as “overseas Korean.”³²⁰ This legal title is given to these class of persons who have neither a simple designation of blood ties to that country, i.e., no “biological” family with the state sanctioned titles and rights, and yet the nation still claims to have a latent relationship to them on the basis of blood, which it is now willing to make good on.

This delicate balance to reconfigure their conception of citizenship-kinship has led to the problematic description with the peculiar title of “ambassadors.” But adopted

³²⁰ Due to its historical importance, I focus on the transnational adoption practices and politics with regard to South Korea; although other countries have increased in recent years from, e.g., across South America, in Russia and in China.

persons may only appear to have a particular historical identity which would allow them to straddle two worlds. Such a “retroactive and optimistic rendering of adoptee histories as productive of harmonious international economic and political relations is not always appreciated,” as Kim rightly notes, “and is sometimes resented by adoptees whose biographies are fundamentally marked by a lack of agency...”³²¹ It neglects how the land that they have come to know as their own is not obviously “theirs” in the way that would grant them the authority to be an ambassador, so long as they are viewed as what some have described as a “perpetual foreigner.” But however accurate we see such claims of ambassadorship, there is an interesting attempt on the part of the Korean state to inform its own sense of political boundaries in and through ambiguous identities of this sort. That is, not just in terms of a single normative line of political association defined by rights or democratic rule, but the larger set of practices that may appear precisely on various lines of ambiguity. What is the nature of this ambiguity and thus contested site of the image of the political community?

On the one hand, the state tries to be more liberal in their conception of familial identity, recognizing the relative weakness of blood to culture; but it may also reinforce the quasi-essentialist belief that there is an inexplicable connection to their “nation” that allows adoptees to tap into at a later date, even without real practical knowledge of those places. “[B]ecause international adoption replaces biological with social parenthood and involves the transfer of citizenship to incorporate adoptees as ‘overseas Koreans,’” as Eleana Kim puts it, “the state must honor the authority and role of adoptive parents who

³²¹ Eleana Kim “our Adoptee, Our Alien: Transnational Adoptees as Specters of Foreignness and Family in South Korea. *Anthropological Quarterly* vol 80. No.2 (Spring, 2007): 552.

raised them, even as they invited adoptees to reclaim their Koreanness.”³²² At the same time, it is not arbitrary who it claims to have an implicit connection with on the basis of which a new political association is possible. The result, it seems to me, has been a state policy that is increasingly founded in the contemporary political landscape. The state’s response is not necessarily incoherent, but simply reflects a complex, evolving conception of kinship, as well as an uncertainty with its role in the protection and maintenance of kinship bonds. It is precisely these kinds of evolving pictures of association with a conflicted image of itself where a political community tries to reconstitute itself.

So let’s look and see what happens in a set of adoption practices within this specific transnational context where there is a complex negotiation of state and its subjects, regarding this one internally conflicted relation. With regard to the recent overtures from the South Korean government to the new “overseas Koreans,” there is an ambiguous development of the conflicting criteria and motivations that defined such a practices that is constituted through politicized relations. The government has hosted over the past decade various cultural events through the Overseas Korean Foundation (OKF), a division of South Korea’s Ministry of Foreign Affairs and Trade. These events were meant to function as a welcoming educational platform in response to a variety of concerns. One problem in the state’s symbolic image and a highly visible public relations concern is that South Korea appeared to be an “exporter” of its children. This looked bad from an inside and outside perspective. To change course, it decided to admit a kind of guilt of past actions, and often in tearful moments asked for forgiveness, promising to restore relations to these individuals in the future through such “educational” programs.

³²² Ibid., 497.

These events seem to have functioned in a few ways. Such programs often used a national narrative that adoption practices were at one point in time needed when the state had relatively weak economic conditions. There was a “humanitarian crisis” after the Korean War, and then other economic demands made it a necessary evil, which they are now in a strong position to “correct.” This narrative is, as some have argued, factually false given that for over the past few decades South Korea has continued to sustain high levels of transnational adoption while obtaining fairly strong economic performance.³²³ Some have also argued more strongly that there always was an unstated rationale for this practice for the purpose of managing the population. Some have reported \$15 to \$20 million that this transnational adoption program brought in, and thus a “cost effective way of dealing with social welfare problems.”³²⁴ This is not a strange suggestion given that, although different in its political context, China has been using adoption implicitly to deal with its internal population problems, with the side effect of its one-child policy.

Whatever actual underlying state motivations were, this narrative covers over the internal norms that defined the alternatives to the possibility of single motherhood as a possible choice. In this way, this explanation deflects attention onto something, which the society does not really wish to take responsibility for. But perhaps especially important in this context, we may also see that the narrative rests on a dubious conception of the entire process as itself abnormal, and for that they are perhaps ashamed, given that it forced its children into a family whose status is second rate to the natural rearing of kinship. Its invitation to, partially, bring these persons back in has the strange effect of still acting to

³²³ Ibid., 509.

³²⁴ Ibid. 64.

express their foreignness. It attempts to rectify the past by restoring its own ethnic image so as to retain a homogeneous story of kinship-citizenship.

Second, it has been suggested that the state also may have an interest in its demographic projections for its work force. And even if the actual numbers of adoptees willing to endorse this overseas status are small, it may nonetheless provide a component to a larger state initiative to ensure sustainable populations in its borders. Over 197,000 South Korean children were adopted in South Korea between 1955 and 1998; and 150,000 of them have been sent overseas.³²⁵ And the birth rate is relatively low similar to many developed western countries. There are conspicuously low replacement fertility rates (1.08 in 2006). Kim notes the paradox of adoption is that even as birth rates drop, adoption is continually sending 2,000 children a year abroad with no obvious slackening of pace. To begin to alter the cultural motivation for giving up children to transnational adoption would require now altering cultural perceptions of single mothers, i.e., a whole framework of social norms on domestic adoption, to strengthen population growth.³²⁶ In fact, compared to alternatives like increasing global immigration, domestic adoption may ironically have a more conservative result. Despite its “challenge” or “defamiliarizing” of family conceptions of kinship, it may provide *greater* homogeneity and allow an easier retention of the myth of homogeneity to convince Koreans to “keep their own.” So even if there are aspects in which such programs and public declarations of wishing to extend new lines of political membership, there also appear to be state-centered motivations that work towards the slowing down of its own internal cosmopolitanism.

³²⁵ Ibid., 63

³²⁶ Ibid., 503

Lastly, the state wishes to find new resources to continue to make itself competitive in the economic global system. One recent attempt was the *segzehwa* project, announced during the 1994 APEC summit and its matriculation into the OECD. This project for some has been viewed as a political maneuver within a political and economic crisis.

[the government] proactively appropriated globalization discourse to boost the nation's competitiveness in light of new global economic pressures. As a form of diaspora politics, *segzehwa* involved a reaching out to the then 5.3 million Korean 'co-ethnics' (*tongp'o*), who are construed as sharing a common substance and conceived of as members of 'hanminjok,' or the [one] Korean people. Coming on the heels of the devastated economic crisis of 1997-98 (IMF crisis), this legislation was broadly considered to be a government attempt to attract foreign investments from affluent Korean Americans.³²⁷

How successful these efforts were is difficult to tell. This initiative derived in part from a not uncommon belief that adoptees were sent to have a "better life" in the West, where in fact experiences were highly varied. With a similar economic motivation, the government also promoted a growth in the English language education market during the 1990s. A number of Korean adoptees were offered two year long work visas as a way "to regain one's cultural heritage," but the main work available would be as English teachers. It just so happens that they would also serve a crucial economic educational function. In a globalized work force, English is a valuable commodity, and it is extremely important to have native English speakers to educate young Koreans into the global workforce. While at times the state would speak of purely benign efforts to win back some lost bond with the motherland for them, this was belied by the fact that visas were awarded more easily to those who were able to speak English and provide these resources to Korea, notes

³²⁷ Ibid., 506

Kim. That is, one's attempt to restore such a relationship was not categorical, but was conditional on whether those lost children could serve a useful economic function.

South Korea, in short, has had motives to appear ethical, to retain a homogeneous narrative of its citizens, and to remain competitive within a world economy, all of which have shaped its evolving recognition of certain individuals as part of its political community. These complex and competing motivations now shape the attempt to revise certain traditional assumptions of the kinship and citizenship nexus in what has traditionally been an extremely homogenous society. The government now attempts to reach out and grant status to those individuals who have for most of their lives had full citizenship and political identity through their new adopted country. This suggests, as Kim says, we need the "production of alternative forms of belonging." Her conclusion is that we should have instead our "intimate relations based on mutual care and shared interest are in formation, superseding the more problematic kinship tropes proffered by the state or represented in popular nationalist ideologies."³²⁸ But isn't the state doing more than just *superseding* either identities? Isn't the issue precisely the kind of complexity where various practices overlap?

Besides, it is not at all obvious that the state itself has control over the practices and the symbolic representation of its community that it wishes to convey through their nationalist promotions. This lack of power on the part of state agenda is visible in the negative reactions of the adoptees to these state overtures. This was evident in two ways: First, the particular tone and emotional rhetoric at some of these "reunions" was one of loss and a kind of familial duty to recuperate that loss. It was an uneasy sentimentalized attempt to speak of a lost bond to a motherland, whose affection awaits them. This was

³²⁸ Ibid., 501.

part of the scene at the 3rd International Gather of Korean Adoptees, a conference held since 1999 to provide an opportunity for Korean adoptees from around the world to return to Korea and meet others like them. In his opening comments, Minister Kim expressed “declaration of love,” but did this with “expression of ambivalence and trepidation,” unsure about how these adopted children would receive him. It was a scene of affection based in familial longings for a past that had somehow been severed. But the problem is that these formal expressions from the state use the difficult rhetorical register of familial kinship while at the same time realizing that these adoptees have little in common with Korea, which only reinforces the ambiguous relationship both have to each other. Transnational adoption seems to reflect a kind of denaturalized kinship in recognizing their contractual status, while it at the same time reconstitutes them through traditional discourse in continuing to use the kinship language that animates this legalistic tradition it so uncomfortably battles against. These sentimentalized expressions are not *simply* using an archaic motherland rhetoric because the context is already that of a larger set of state policies that recognize their “special status,” having full citizenship elsewhere, and who may in fact largely identify with their new country of “residence.”

At the 2001 OKF summer program, the president of that organization spoke of the attempt to “begin to feel the breath of Korea’s rich culture.” But participants put on their bus the title “the orphan bus,” which betrayed the experience of the cultural education at work at the “2001 Summer Cultural Awareness Training Program for Overseas Adopted Koreans.” Participants began to complain that they felt they were being made into a spectacle. The task was to train them into traditional foods and customs, ancient palaces, a folk tale version of Korean life; while at the same time discouraging “experiencing

contemporary urban South Korean life” except to present “the ROK’s military prowess at the Demilitarized Zone.”³²⁹ While this might seem an unlikely strategy given that one might expect trying to “bridge” cultures by starting with something of greater familiarity, it fits with the attempts to perpetuate national myths. If the state was trying to make them feel welcomed, the media spectacle may have also just reinforced the sense that they were “tourists.” If participants found these attempts in “cultural training” to be suspect, and at time self-undermining, one may reconsider the kind of power that the South Korean government uses is not at all clear. And reinforces how they must negotiate identity in ways that may not come easily. This is perhaps especially so in the practices surrounding the constitution of the family, that are used to find itself as the final authority prepared to integrate those internal differences.

Moreover, if we fix our sights on the specific convergence of practices, then we might see resemblances among transnational adopted persons and diasporic identities. How much would have to wait for further discussion. Again, this complex identity is already partially defined through legal practices within international global migration. Such persons have been linked to the legal status that defines them as “deserted,” without determinate family status in order to obtain their new legal and familial status. They often must be legally “orphans” to prevent wrongly taking someone else’s child—this is why, in fact, there is usually a reluctance to authorize mass adoptions in the wake of natural disasters (a problem during the Haiti crisis), and if there is not sufficient time to verify, as parents may turn up later. As such, certain international legal designations already group them in the same family of victims, abandoned due to exigent circumstances. Moreover,

³²⁹ Kim, “Wedding Citizenship and Culture: Korean Adoptees and the Global Family of Korea,” *Social Text* 74 vol. 21 no. 1 (Spring 2003): 58.

the legal status also overlaps with other concerns of global migration in that forms of human trafficking have been discovered within transnational adoption.

In some contexts, it has become profitable global business, and there are stories of mothers being pressured to give up their children to meet certain demands of a global market. As Lisa Cartwright describes, this is “the problematic nature of a system where children of poor countries become commodities and their images become advertisements in a global market.”³³⁰ Adoption overlaps with at least two practices: the economy of human trafficking and the philanthropy of deserted persons. While analyzing this form of diasporic identity may defamiliarize our concepts of identity, and as a consequence radiate outward into our sense of a global society, there are still overlapping power relations at work that may resist a powerful alliance of such exiled and deterritorialized political persons. After all, these new identities are partially being constructed by the very state that some theorists might think are going to be undermined. Having spoken of the global dimension, we should be cautious in thinking this necessarily evokes a perfect “cosmopolitan” identity floating free from state power, as the ideal of exile. Basch and Schiller are right to say that all these attempts to “transcend” a boundary and offer “deterritorialized” nation-state should not assume they are outside networks of state politics. On the contrary, the status of such complex citizenship is “regulated, managed and legislated by state power.”³³¹ They are not saying that the state has simply top-down created new categories that one must follow. This is in part, of course, due to the simple fact that many of potential “overseas Koreans” do not even know about such a legal status they could obtain (i.e., special residence and work visas). Nor does this mean that

³³⁰ Ibid., 83.

³³¹ Ibid., 499.

such identities that are constructed out of state practices cannot subvert those state interests at the same time. This is just to say that we must not assume that while identities have a certain ambiguous status, they do also function within forms of governmentality. These practices are part of a web of relations connected to state power and new forms of citizenship.

In the case of transnational Korean adoption, it's clear that much of the ambiguous legal, political, and affective conceptions of familial identity are not just in contrast with the state, but grow out of concerted efforts by the state. This to me suggests that these new forms of identity and citizenship *neither* clearly go against *nor* are they in direct alignment with state policy; but are part of an evolving set of practices that are overdetermined. The practices we just saw may originate in a sovereign country, but also reach out and shape the status of those in other countries, not as a way to claim sole citizenship over the other, but to recognize these revisable and open-ended possibilities. This minor citizenship status cuts across any simple national boundaries, while still functioning through state policies. The single model of citizenship has come under strain, and this is just another way it happens along lines of the familial relationships not easily captured in the focus on the single "public sphere" or even certain multicultural politics. A political community is usually defined within a set of legal and political structures that constitute as part of a people, and what such policies do is suggest that the citizenship that one has in another sovereign political community is not wholly determined by its one's acceptance of all the rights and duties of the state, but can also be affected by various other relationships, however small and slight, that another country can orchestrate to appeal to other intersecting attachments of those citizens.

Transnational adoption is a particularly salient case of the larger trend of diasporic flows and state policies that can reveal the specific difficulties of how a certain group of individuals are shaped in their citizenship. But for it to be fully politicized would require the participants to see these constraints *as* one of unified concerns for the sake of action, in the way that some have done with regard to access to adoption records. It reflects the mutually defining tension of functionalism and biologism in the attempt to return to an impossible past, as well as universalism and nationalism. This difficulty balance occurs roughly though what Aihwa Ong describes as a transnational process of “disembedding a former set of localized relations in the homeland nation and re-embedding in overlapping networks.”³³²

Micropolitics is not a description of political phenomena that are interested in answers to the problem of political sovereignty. The focus on the mechanism of the state as the instantiation of that form of power is not the sole or even the greatest concern. This is due to the fact that political beings are actually constituted through the multiplicity of practices. While this does not in any way deny the existence of such a thing as a state, it questions typical ways of framing power against itself, in terms of anarchy or the stability of that political entity that we are supposed to compete to gain access to.

A politics of the ordinary which works at the micropolitical level asks us to consider the various mundane ways in which we are formed as political beings. This focus parallels the type of emphasis on the everyday or ordinary in Wittgenstein, exchanging the higher order political rationality that is meant to ground political life for a focus on the complex network of practices, and its myriad of intersecting concerns. What

³³² Aihwa Ong, “Cyberpublics and diaspora Politics Among Transnational Chinese.” *Interventions* 5 (2003) 87. Quote in Toby Alice Volkman “New Geographies of Kinship,” in *Cultures of Transnational Adoption*. Ed. Toby Alice Volkman (Duke University press, 2005)

this picture consists of is the ubiquity of politics, viz., the uncertain and contestable space in which we are meant to constantly challenge what this “we” is. Micropolitics is an attempt to investigate how that contestability occurs in micro-spaces within our life (through medical practices, juridical and penal practices, sexuality, the family).

Individuals in modern society need to regain the richer notion of the “political” through participation in critically interrogating the specific practices that directly affect them, and that this is the deeper aim of political pluralism. Politics is not asserting the need to be “represented” according to the pre-political membership of a social body. A politics of the ordinary aims to criticize and reimagine the kind of political subjects that we are capable of being and becoming.

CONCLUSION

The attempt to bring Wittgenstein's thought into political thought has had a long, complicated history that reflects the context in which philosophy drew its inspiration in that particular historical context. My thesis argued that the unique contribution his work had for political thought centered on the concept of the everyday and the ordinary, both from the earliest critics to the most recent advocates. If we trace the origins of how his work was pulled into political thought, we see critics using this concept to frame the specific way in which Wittgenstein's influence has to be confronted. It was then through a reversal, as new interpreters of Wittgenstein's importance appeared over the years, that new interpretations of the ordinary became a potentially positive force.

There are as many interpreters as there are innovators, and Wittgenstein's recent political interpretations are no different. I explore Mouffe's engagement as it is one of the most influential accounts and is explicit about the role of the ordinary as driving her interpretation. I explored how her reminders of power through supplying certain political realist insights work against a dominant teleological progressivism in normative political philosophy; and then explored her ontological claims against these very theorists by seeing the ordinary as defining a weak ontology of empty space within a form of life that is groundless, insecure, and in need of ongoing negotiation. I then suggested that showing attaching the ordinary to her ontology lends itself to reproducing the institutional sites of politics as their focus. One may internalize the ongoing negotiation of the democratic polity while leaving obscure the varied networks of sites of our political engagement beyond the explicit power struggles as traditionally conceived.

Going back to Cavell's influence, I drew out the more varied way in which our political subjectivity may be constructed through a new form of political inhabitation. The political is often seen as a distinct set of activities that function in its own sphere, sometimes idealized as the public sphere where individual autonomy is coordinated with joint decision making, unique institutions of power that inculcate a people as a nation. Cavell makes more explicit how philosophical confusion is significant precisely because it is so persistent, that the ordinary importantly signals the way in which philosophy isolates certain themes as not just wrong but insignificant. The theme of the ordinary lets us explore how the whole range of practices may be philosophically relevant. Where politics may turn is itself as indeterminate as the rest of the criteria we share. And the quest of the ordinary for a politics is being open to seeing politics potentially anywhere.

This led me to suggest that the politics of the ordinary is a kind of micropolitics to emphasize how we should investigate the various overlapping practices that often are below the radar, and in particular, what appears through the family within politics, how "the most basic unit of society," as the United Nations calls it, both is seen as isolated from politics and at the same time intertwined with many different levels (state, federal, global) in the complex functioning of politics. My investigation into the many ways in which the concerns of adoption overlap with many different issues and concerns, and that a reorganization of our desires towards that practice has the potential to stretch beyond a simple anti-essentialism to a wide range of intersecting concerns. In that analysis, I was only able to make a few suggestions and draw some relationships of interest to me; but which I hope showed the type of work that a politics of the ordinary, in focusing on the particular and contextual, could contribute to. As such, the politics of the ordinary is not

interested in the result of applying general policy or theoretical account. It tries to help us critically imagine the families that we literally and figuratively are constituted out of in order to explore new forms of political inhabitation.

My thesis aimed to defend Wittgenstein's concept of the "ordinary" as a unique conception of "home" which can model a form of political subjectivity crucial for our complex form of contemporary life. I use the term of the "ordinary" as the guiding thread both in understanding Wittgenstein's original reception and in describing the major extensions of his work for political thought. And I concluded this investigation by using the case of the complex overlapping practices and concerns within transnational adoption. The politics of the ordinary describe a Wittgensteinian model for critically transforming our everyday life as how we should enter into our lives "politically"—in negotiating the world we live in together.

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