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AN INQUIRY INTO THE POSSIBILITY OF AN ETHICAL POLITICS

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I.

One of France's most celebrated artists, Eugène Delacroix, once remarked that genius does not consist in the production of new ideas, but rather in continuing to advance the one dominant idea that what has already been said once or twice, or even many times, has not yet been said enough.¹ Of course, it is quite clear that I am no genius. But I hope that you and I can put our heads together and achieve at least a portion of the kind of insight that a true genius might have. We will do this by speaking and thinking about an old idea that, in my opinion, has not yet been said or thought about enough. And while I will soon express this idea out loud, I must caution you about the inherent treachery of my words – of all words, in fact – to the extent they are taken merely to represent what real human beings must desperately struggle *to think*. I believe that words cannot become proper ideas unless and until they hit home, in the mind and the heart, with the force of a thunderclap.

There are many different ways to give voice to the idea that is at stake for us this afternoon, but on this particular occasion I will borrow two lines of poetry written by Paul Éluard, a co-founder of the surrealist movement in the 1920s and one of France's greatest twentieth century poets.² His words might strike you as enigmatic at first, but at least they will serve to get us on our way:

*Quel est le rôle de la racine?
Le désespoir a rompu tous ses liens.*

Samuel Beckett, one of Éluard's translators and a great writer in his own right, translated this stanza into English as follows:

What is the role of the root?
Despair has broken all his bonds.³

Speaking prosaically, which is to say philosophically, Éluard and Beckett pose a question that is as simple as it is disquieting. *What is (or could be) the role of a root that has been uprooted, or, if you will, of a foundation that has been fractured?* A root anchors something to the ground. In the context of my remarks to you today, the root in question is supposed to anchor a certain type of human behavior to what is right or good by giving the consequences of

¹ ALBERT CAMUS, NOTEBOOKS 1942-1951 at 237 (Alfred A. Knopf 1964).

² SAMUEL BECKETT, THE LETTERS OF SAMUEL BECKETT 1929-1940, at 134, 137 n.4 (Martha Dow Fensfeld, Lois More Overbeck eds., Cambridge Univ. Press 2009).

³ *Id.* at 137 n.4.

that behavior the appearance of legitimacy. The name we have given to this sort of behavior is “politics.” Whenever and wherever individuals and groups struggle with one another over how they want the future to turn out, precisely then and there you will find politics in the largest sense of the word. Thus, I will define politics rather broadly to mean the self-consciously interconnected *social* lives of billions of human beings who are struggling with one another to prosper and coexist, right now, on this poor little planet. I aim to inquire into the role, in politics, of a root that has become rootless. More precisely, I would like us to think together, very slowly and deliberately, about what the title of my lecture calls “*the possibility of an ethical politics.*”

Possibility, not actuality: I will not ask what an ethical politics *actually* would look like in the unlikely event that human beings could somehow manage to harmonize the deafening discord of their countless passionate opinions about political arrangements and sing together and in tune. Nor will you hear from me about the need for solidarity directed towards building this or that mighty Tower of Babel on the national or international stage – some beautiful utopian end *à venir*,⁴ as the French say. In short, I will not attempt to sell you an ethical bill of goods today, so you can put away your checkbooks.

II.

“Ethics” comes from *ethos*, an ancient Greek word that originally had a double meaning. *Ethos* signified at once individual moral character *and* community custom. This ancient identification of personal morality with social custom is not really as incongruous as it might seem. For the Greeks, ethics displayed itself as right action by citizens whose characters had been molded from birth through education (*paideia*) in the moral customs of the community (the *polis*) in such a way that it became natural, habitual, and even instinctual for them to behave appropriately – that is, to behave with *ethos*, or ethically.

For us, however, the essential meaning of ethics has changed. The word no longer signifies character or custom, at least not primarily. Instead, ethics designates a sort of grudging sacrifice that individuals ought to make to others because of the existence of this or that moral norm. To put it bluntly, ethics today means an otherwise self-interested ego having an obligation to care for others even though that egoistical self does not already want to care for them. Indeed,

⁴ “To come”.

if you already have an emotional desire to care for someone else, then it is not possible for you to act ethically in the modern sense of the term. At best, you act *in conformity* with ethics – from instinct, like a dog wagging its tail in the presence of its master – rather than *because of* ethics, in the manner of a so-called “rational human being.”

The idea that there could be such a thing as an “ethical politics” can therefore seem paradoxical to us in a way that would not have seemed paradoxical to the ancients. When Michel Foucault, in a lecture at the Collège de France in 1975, inverted Clausewitz’s well-known aphorism in order to state that *politics* is actually the continuation of *war* by other means,⁵ he said something that no Greek would ever have thought of saying about social relations within his own community (*polis*). Foucault’s remark hits squarely upon the nature of the paradox to which I refer. Politics today seems to be about *struggle*, in solidarity with like-minded comrades, against the very “others” that ethics calls on us to care for beyond all calculations of sectarian gain and individual self-interest.

How is it possible to reconcile the idea of political struggle with the modern idea of ethics as care for the other? Perhaps you can understand now why my theme attempts to occupy a space for thinking that ought to come before any reflection on the contents of this or that particular political program, or even this or that “code of ethics.” I hope to go deeper in thought than most people, including myself, are used to going when they consider the political realm. In brief, the phrase “the possibility of an ethical politics” in my title refers to the problem of *grounds* and *grounding*.

III.

What is a ground? Speaking in terms of Éluard’s poem, the ground is what the root used to be rooted in, before despair broke all its bonds. Speaking non-metaphorically, the ground is what is supposed to give our hopes and dreams, including our political aspirations, the appearance of being worthwhile or even noble to pursue.

The ground is also what we say, in words, to others when we are asked to explain and justify ourselves. “*Why do you want to do X?*”, someone asks us. “*I want to do X because of Y,*” we reply, thereby hoping to surround the nakedness of our desire and the rapaciousness of our

⁵ MICHEL FOUCAULT, “SOCIETY MUST BE DEFENDED”: LECTURES AT THE COLLÈGE DE FRANCE 1975-1976, at 15 (Arnold I. Davidson ed., David Macey trans., Picador 2003) (1997).

will with the invincible armor of an objectively valid and good reason for acting. And of course this practice of rendering reasons is not only for others, it is also for us. We like to give reasons to ourselves. Maintaining confidence in the ground of our actions – indeed, in our entire way of life – is what lets some of us sleep at night. It is what we think will allow us to act, or fail to act, with a good conscience in the presence of the seemingly infinite human suffering that girds our planet. “Reasons” are grounds that let us discount or ignore other people’s pain, and permitting us to do *that*, I contend, is one of their most important functions, if not purposes, in the political sphere.

It is necessary to understand that there is a fundamental difference between a *ground* and *what* the ground grounds. Listen to this couplet, entitled “Without Why,” written in the sixteenth century by a German mystic who called himself Angelus Silesius:

The rose is without why: it blooms because it blooms,
It pays no attention to itself, asks not whether it is seen.⁶

It is obvious, but noteworthy, that roses never feel the need to articulate reasons for why they bloom. Nor do roses ever give themselves any such reasons by way of self-justification. From the point of view of a rose as such, it blooms . . . just because it blooms.

However, the rose’s own supreme indifference to its grounds does not imply that it is utterly without a ground. Angelus Silesius, for one, was not a rose, and *he* tells us that although the rose itself is “without why,” it is not without a “because.” Since the word “because” usually begins some sort of answer to the question “why,” there seems to be a contradiction here. The contradiction is dissolved, however, if we recall that the rose is not without a ground – not without a “because” – when it is considered from *our* point of view rather than its own. Unlike the rose, we like to explain and justify things. Roses are literally rooted in the ground, but we humans are relatively rootless beings who are constantly seeking to festoon ourselves and our world with verbal grounds that they do not presently have. The human being is truly the reason-giving animal, or *animal rationale*: the one animal, as far as we know, that yearns, rather desperately it seems, to furnish itself with reasons for understanding what it understands, and, more importantly, for doing what it does.

⁶ MARTIN HEIDEGGER, *THE PRINCIPLE OF REASON* 35 (Reginald Lilly trans., Indiana Univ. Press 1991) (1957).

One might say, in a Hegelian fashion, that a ground is something caused, something historical, becoming aware of itself in the guise of an idea. Yesterday's chaotic impressions somehow become today's good reasons for acting; whereas today's good reasons for acting risk becoming tomorrow's historical curiosities. But whenever a latent cause becomes a patent ground, it is important to pay close attention to the essential distinction between a ground and what it grounds. Every gardener knows that a rose bed is not the same as the plant and flowers that grow from it. The bed, the ground, needs to be what *it* is before the roses can be what *they* are.

Thus, it would seem that the question of ground is more primordial, more urgent even, than rootless speculation about the precise contents of any politics that aspires to be ethical. This is because such a question interrogates what must lie under any *possible* conception of the good or the right in political life in order to make it what it yearns or pretends to be, namely, an ethical politics.

IV.

What sort of thing *could* constitute the basis, the foundation – in a word, the ground – of an ethical politics for the twenty-first century?

Ever since Kant's day we have been taught to believe that something called "being principled" constitutes the very essence of being ethical. To be principled in Kant's sense means to act on the basis of *textual* grounds as opposed to yielding to merely transient influences such as passion and instinct. He called this textual ground the Categorical Imperative, according to which rational human beings are not supposed to do anything that they would not want everyone else to feel compelled to do under similar circumstances.⁷ For Kant and his intellectual descendents a good will is a law-governed will, and virtue is defined as a struggle against any natural inclinations that threaten to lead individuals away from doing what the moral law requires. On this view, if the prevailing political arrangements at a particular place and time somehow happen to be right or just as measured by the moral law, then willing disobedience to these arrangements is essentially the same as willing disobedience to the moral law. And as

⁷ IMMANUEL KANT, PRACTICAL PHILOSOPHY 73 (Mary J. Gregor trans., Cambridge Univ. Press 1996) (1785) ("There is, therefore, only a single categorical imperative and it is this: *Act only in accordance with that maxim through which you can at the same time will that it become a universal law.*").

popular opinion would have it, those who disobey what is right and good must be held to account; *they must be punished*.

It would seem that the definition of an ethical politics in such circumstances must always come down to threatening and inflicting pain on “bad” (or unlucky) transgressors regardless of any irrational feelings of pity or compassion our tender hearts may experience on their account. This kind of politics would be scandalized by the sort of radical compassion that the philosopher Emmanuel Levinas displayed when he said: “*There are cruelties which are terrible because they proceed from the necessity of the reasonable Order*” – cruelties which are manifested, as he put it, in “*the tears that a civil servant cannot see: the tears of the Other*.”⁸

Standing firmly against this sort of profligate softheartedness, Kant replies that even the individual members of a society about to disband forever, and who therefore cannot hope to gain anything in the future by the example of punishment, are nonetheless duty-bound to administer the death penalty to those among them who have been justly convicted of murder.⁹ Their duty calls on them to hang people whether or not they get any sadistic pleasure from doing so. Distinct echoes of this stern and uncompromising view of ethics can be heard in the contemporary hue and cry in the media against the fugitive film director Roman Polanski, who was recently arrested in Switzerland for a crime he committed thirty years ago – an admittedly odious crime, to be sure, but one for which even his victim has forgiven him.

Of course, it would be well to remember, with Wittgenstein,¹⁰ that there is no *logically* necessary connection between moral condemnation of a deed and the subsequent infliction of punishment on account of that deed. The one echoes forth in the manner of a *cri de Coeur*, whereas the other merely settles down into a *fait accompli*. But who knows? Maybe every murderer deserves to be hung; maybe Roman Polanski deserves to go to prison in California for what he did there. But whatever it is they deserve, their concrete situations bring into view a fact of great importance for our present investigations.

Let me state this fact bluntly and unequivocally. Even the most ethical politics imaginable coerces and must coerce the unwilling. The unwilling are those few (or even many)

⁸ EMMANUEL LEVINAS, BASIC PHILOSOPHICAL WRITINGS 23 (Adriann T. Peperzak et. al. eds., Indiana Univ. Press 1996).

⁹ KANT, *supra* note 7, at 474.

¹⁰ LUDWIG WITTGENSTEIN, TRACTATUS LOGICO-PHILOSOPHICUS ¶ 6.422 (D.F. Pears, B.F. McGuinness trans., Routledge & Kegan Paul 1949) (1922).

who refuse to accept the supreme excellence of the triumphant politics that dares to call itself “ethical.” Like Bartelby the scrivener, the eponymous hero in Herman Melville’s famous short story, such persons would “prefer not to” do what the ethical politicians say they *must* do.¹¹ When certain parents spank their children, they often think and say that they are doing it for the child’s own good. The same is true in politics. Did not one of France’s greatest thinkers, Jean-Jacques Rousseau, assure us that there will always be some (or many) human beings who must be “forced to be free”?¹² Those who embrace this way of thinking about the relation between the state and the individual – including the armies of technocrats in government agencies, lawyers in law offices, and cost-benefit analysts in think tanks – all tell us the same sort of thing. They tell us that there can be no social gain without someone, somewhere else, experiencing pain. For as the old French proverb says: “*On ne fait pas d’omelette sans casser des oeufs.*”¹³

This saying was a favorite of Lenin’s and Stalin’s, which is one of the reasons why in 1950, at the outset of the Cold War, the relatively soft-hearted philosopher Hannah Arendt felt compelled to write an interesting little essay entitled “The Eggs Speak Up.”¹⁴ Her essay makes the obvious, yet much neglected, point that the eggs which politics breaks in order to make the omelets we call our society, our economy, and our world sometimes “speak up” to us in voices that we cannot refuse to hear. For make no mistake about it: even the most peaceful politics imaginable is always coercive in the end because its primary instrument is law and legality, and law and legality are nothing if they do not make an implicit or explicit threat of force against those who resist.

There would be no market, no global capitalism, no business, and hence no business ethics or the study of business ethics, unless the armies and police departments of the world stood ready to apply force against those who threaten to disturb the present order of things by attempting to obtain what they want or need without first paying for it. “*La propriété, c’est le*

¹¹ HERMAN MELVILLE, *Bartleby the Scrivener: A Story of Wall-Street*, GREAT SHORT WORKS OF HERMAN MELVILLE 39-74 (Warner Berthoff, ed., Perennial Classics 2004) (1969).

¹² JEAN-JACQUES ROUSSEAU, THE SOCIAL CONTRACT AND DISCOURSES 195 (G.D.H. Cole trans., Orion Publishing Group 1993) (1913).

¹³ “One cannot make an omelet without breaking eggs.”

¹⁴ HANNAH ARENDT, ESSAYS IN UNDERSTANDING 1930–1954, at 270-84 (Jerome Kohn ed., Harcourt Brace & Company 1994).

*vol!*¹⁵ declared the nineteenth century anarchist Pierre-Joseph Proudhon. But even those who deny that property is theft must acknowledge that any institution of property rights which fails to communicate a threat of legitimate force to maintain it, at least at *some* level of popular consciousness, is as implausible in this day and age as using a skyhook to lift a building off its foundation. There are just too many needy and desperate others, whether dying of hunger and disease in the third world or begging in the streets of our cities, to contemplate enacting a thoroughly “voluntary” regime of politics – one that does not rely, at the end of the day, on various modes of coercion or the threat of coercion to accomplish its goals.

Pascal observed, in one of his famous *Pensées*, that while it is true that force without justice is tyrannical, it is also true that justice without force is ineffectual.¹⁶ Thus it is that coercive means can infect the end with a kind of poison in advance, just as an end that is too proud or scrupulous to employ any sort of coercion at all risks being as irrelevant as a shadow that a shadow dreams. I cannot forbear from mentioning in this connection the countless rapes, murders and dismemberments that have been perpetrated by the militant Janjaweed in Darfur: horrors that continue to this very day – and that *are* occurring at this very hour – despite the international chorus of well-meaning tongues that have clucked ineffectively for years against the human rights violations and genocide that are going on there. The idea that justice must arm itself in order to *be* just leaves us with the disturbing idea of an ethical politics that, at the end of the day, must involve coercion and violence in order to achieve anything at all.

V.

You will recall Delacroix’s remark that genius does not consist in the production of new ideas, but rather in advancing the dominant idea that what has been said before has not yet been said enough. Every schoolchild in France probably would be able to recognize his most famous painting, *La Liberté guidant le peuple*¹⁷ (1830), the original of which hangs on an honored wall in the Louvre. But there is one particular image in this painting that conveys an idea which is, I regret to say, as old as humanity, and I ask you to contemplate it with me for a moment.

¹⁵ PIERRE-JOSEPH PROUDHON, *WHAT IS PROPERTY?* 13 (Donald R. Kelley, Bonnie G. Smith trans. and eds., Cambridge Univ. Press 1994).

¹⁶ BLAISE PASCAL, *PENSÉES AND THE PROVINCIAL LETTERS* 102-103 (W.F. Trotter, Thomas M’Crie trans., Random House 1941).

¹⁷ “Liberty guiding the people.”

The idea to which I refer is *not* the one represented in the top half of the picture. There French Romanticism, at the very height of its power and influence, celebrates the hopes and ideals of the Revolution – *liberté, égalité, fraternité* – in a manner that could not be more stirring to the emotions. (By the way, it is not uninteresting that the artist put his own image in the painting, bearing a rifle just behind Liberty’s upraised right arm, thereby showing clearly where Delacroix himself stood on the matter of France’s revolutionary heritage).



No, the idea to which I refer is not about glory and transcendence – it is about suffering and death. It peers out at the viewer malignantly from the *bottom* part of the painting, where the ghastly, half-naked bodies of the dead are lying. Liberty and her companions are just about to trample these bodies under foot, and it would appear that they *must* trample them under foot to get where they are going.

Who are the dead and dying in this picture? Whatever the historical facts may be, I, for one, cannot bring myself to believe that as sensitive an artist as Delacroix intended to depict only heroes and martyrs at the bottom of his painting. The sufferings of heroes and martyrs are redeemed by the future success of their cause: eventually marble monuments and bronze statues will raise them from the dead, so to speak, like Lazarus. The anonymous millions whose sufferings and deaths are merely deemed necessary or useful for the great and glorious cause to succeed, or who just happen to be at the wrong place at the wrong time, have no such luck. The

memory of *their* sufferings is lost to history. *Their* shattered lives become the cobblestones over which history's winners march in triumph.

These lowly cobblestones include not only history's long list of failures and also-rans, but also the countless innocents – the so-called “little people” of the earth – who always seem to get caught in the crossfire of historical change. I mean not only the *literal* crossfire of wars and revolutions, but also the *figurative* crossfire of economic crises and upheavals, social dislocations, and environmental catastrophes. Military officers have given an antiseptic name to these sorts of victims – “collateral damage” – and just like quicklime thrown into a mass grave, this terrible term is intended to sanitize and hide what lies beneath it.

I am reminded in this connection of certain lines of poetry written in the nineteenth century by my countryman James Russell Lowell. These four lines are engraved on a plaque marking the melancholy graves of three nameless British soldiers who died on April 19, 1775, near the Old North Bridge in Concord, Massachusetts, where the first battle of the American Revolution was fought. They read as follows:

They came three thousand miles and died,
To keep the past upon its throne:
Unheard, beyond the ocean tide,
Their English Mother made her moan.

I must confess that whenever I have visited this historically important place I have always come away, not with a feeling of righteous patriotic pride in my country's victory there, but rather with a deep sense of sadness. This sadness comes from a recognition, which always dawns on me with special force in that place, of how much human suffering must be forgotten or ignored in order for a strong feeling of patriotism to grow and flourish in the human heart. For although these nameless soldiers died in a bad cause – royal absolutism and British imperialism – it is also the case that they were fathers, sons, brothers and husbands. The badness of their cause did not lessen the anguish and pain of those who loved them, and to whom they would never again return.

The philosopher and critic Walter Benjamin, who spent the last decade of his life in Paris, rightly observed that “something rotten” (*etwas Morsches*) is revealed whenever human beings believe that they are entitled to exercise the power over life and death in the name of politics and

law¹⁸ – as they may do, for example, when they administer the death penalty, sentence convicted criminals to understaffed, underfunded and violent prisons, enforce military conscription, or even evict defaulting tenants onto the mean streets of the city in the name of protecting the property rights of a landlord. One might cite, as another case in point, the recent wave of suicides by employees of France Telecom as a consequence of its “necessary” restructuring from an “inefficient” state monopoly to an “efficient” multinational company. Shall we reckon the lives of these sad and desperate souls as eggs that had to be broken so that France could become more competitive on the global stage? Shall we account for their deaths in this way so that we can forget them and their grieving families, and look forward in good conscience to the prospect of cheaper telephone rates and a higher standard of living?

The pain that must come from any imaginable politics brings me back to the problem of grounds – to the possibility of grounding an ethical politics – to the possibility of *rooting* it to its ground, so to speak. For without a ground, without a true and right reason for their sufferings and deaths, the forgotten people of the earth who perish so that the rest of us can prosper might, like angry ghosts, rise up from their graves and haunt us forever.

VI.

You will recall that Paul Éluard wondered out loud about the role of a root that has broken all its bonds. What did he mean by this? How has the root become rootless, or, if you will, the ground groundless?

Of course, the present always contains elements of the past from which it has emerged. It follows that the possibility of grounding politics in ethics – of making politics into something other than war by other means – cannot be understood today apart from its context in the long history of grounds and grounding in Western thought. That history is one in which the *location* of the ground, though not the idea of grounding itself, has very slowly but decidedly moved from **Nature** to **God**, from **God** to **Man**, and then from **Man** to someone or something called “**The Subject**.”

I will try to briefly recount that well-known but all-too-infrequently remembered history now, so that we can grasp, as clearly and plainly as possible, the origin of the despair that Éluard

¹⁸ WALTER BENJAMIN, REFLECTIONS: ESSAYS, APHORISMS, AUTOBIOGRAPHICAL WRITINGS 286 (Harcourt Brace Jovanovich, Inc. 1978).

mentions in his poem. I will then end my lecture with a question, for I fear that a question is the only gift that I am capable of presenting to you today. A question, not an answer: for I believe that it is in the very nature of answers to close off the mind and harden the heart in a way that would do violence to the memory of the countless human beings whose sufferings have, in one way or another, guided all of my thoughts this afternoon.

The story of how the idea of ground passed from nature to God, and thence to the modern human subject, usually begins with Aristotle. He employed the Greek term *to hypokeimenon* (literally, “that-which-lies-under”) to denote a given thing’s essence or substance. Aristotle placed this constant ground in opposition to a thing’s merely accidental “qualities” (*ta sumbebekota*), such as its particular color or size. The *hypokeimenon* of any given being, X, is what provides X its unity through time, and therefore what founds and supports its ultimate purpose, or *telos*, which Aristotle defined as that which each being inherently strives to become (its *entelecheia*).¹⁹ *To hypokeimenon* – the ground – is what makes each and every X (including human beings, their *polis* and their *ethos*) what they are “in virtue of being themselves.”²⁰

But where was this ground to be found? For Aristotle and the Greeks in general, an entity’s merely accidental qualities transpire in what holds as constant or as a rule for that entity: namely, in *the sphere of nature*. Nature, which the Greeks called *physis*, was not for them a realm that had to be created by anything outside of itself. In contemplating nature (including human nature, politics and ethics), the Greeks discovered what they took to be an eternal world-order that served as their principle of comprehension and evaluation of all things. They believed the universe was always in existence and will always continue to be in existence. The Greeks, and later the Romans, looked “outward” – to nature itself – as the measure and stable ground of all of nature’s beings. Mountain ranges, trees, animals, human beings and their various political arrangements, even the gods themselves: all these entities owed their particular modes of existence to this ultimate ground.

Although the ancient discovery of nature as the measure of what is and ought to be let reason begin to hold tradition and superstition to account (indeed, it was the origin of what we

¹⁹ ARISTOTLE, *PHYSICS*, ch. 9.1, at 192^a25-34 (David Bostock ed., Robin Waterfield trans., Oxford Univ. Press 1999).

²⁰ ARISTOTLE, *METAPHYSICS*, bk. II, ch. 3-5, at 1028^b33-1030^b14 (David Bostock trans., Oxford Univ. Press 1994).

call “science”), all too often it also led to the legitimation of historically delivered social inequalities in the political sphere. It did this by inducing people to believe that the social inequalities they saw in their everyday lives were natural and eternal features of the world. Thus, free adult males born in Athens were capable of being citizens by their very nature; Athenian women were destined to be mothers and keepers of hearth and home by virtue of their very nature; and slaves were forever slave-like on account of their very nature. In short, “nature” became a convenient reason in the ancient world for why some people could dominate other people with a clear conscience.

The proper home for the concept of ground in Western European thought shifted place with the advent of Christianity. Wedding the authority of Holy Scripture to the prestigious philosophical authority of Plato, early and medieval Christian thinkers radically upgraded the role of Plato’s demiurge, or creator, and downgraded his *idéas* to the status of mere creations. These thinkers interpreted nature as an *utterly* created thing (*ens creatum*), from top to bottom, and made God-the-creator into the omnipotent and ultimate ground of everything that is, including nature-as-a-whole and all of the beings, both real and ideal, that inhabit it.

The medieval schoolmen, following Thomas Aquinas, translated the word *hypokeimenon* as *subjectum*, which literally means “that-which-is-thrown-under.”²¹ This they placed in opposition to the term *objectum*, or “that-which-is-thrown-in-the-way-of.”²² It turns out that the medieval sense of the difference between the subjective and the objective was exactly the opposite of modern usage. For them, a *subjectum* was something that is capable of being thought about or acted upon independently of our knowledge or even our existence; whereas an *objectum* was that which is concretely experienced of something by a human agent through this or that power or faculty of perception. For Aquinas and the schoolmen, the objective was merely that which is thrown-in-the-way-of a human perception, whereas the subjective was what we would today call the “subject matter” itself: namely, reality, and most especially reality’s God, to whom all things refer, as Aquinas said, “as their beginning and end.”²³

The medieval mind also believed that nature and all possible ideas of it were brought into being by an unimpeachable and definitive Word of God that was uttered at the inception of

²¹ THE SUMMA THEOLOGICA OF SAINT THOMAS AQUINAS, pt.1, q.1, art. 7 (Fathers of the English Dominican Province trans., Encyclopedia Britannica 1952).

²² *Id.*

²³ *Id.*

creation. According to the first verse of the Gospel of Saint John, not only was this Word, this *Logos*, spoken by God at the beginning of the universe, it *was* God: “In the beginning was the Word, and the Word was with God, and the Word was God.”²⁴ Divine language and reason replaced eternal nature as the new ground of being. And while it is noteworthy that the Church somehow managed to derive from this ground a universal moral duty to submit to the various forms of ignominious earthly domination that prevailed during the feudal era, the most important feature of this “interpretation” of the divine *Logos* for present purposes was that for the most part it was not felt to *be* a mere interpretation. That is, for a very long time it was not this or that king or pope who kept you in your rightful place if you were a woman or a serf (or both), but God Himself taken as the ultimate *subjectum* of the natural and social order.

Now a truly comprehensive explanation of the rise of the modern subject would have to take account of the rich intellectual, cultural and political history occurring between the thirteenth and seventeenth centuries. In the interest of time, however, I will simply observe that the great René Descartes is usually credited with having definitively initiated the so-called “subjective turn” in Western thought. His skeptical methodological principle of doubting everything about which he was not absolutely certain led him to affirm the one thing he believed he could not doubt: the sheer fact that it was he who doubted, or rather, that it was he who was *thinking* in the mode of doubting. Descartes’ *cogito ergo sum* thus redirected thought’s gaze from what was “outside” (nature and nature’s God) to what was “inside” (the human mind). The ground began to shift from God to the thinking thing that is certain of itself. The “I” that thinks (*ego cogito*) became for Descartes and his intellectual descendents “the first principle of philosophy”: the one being that is more in being than any other being.²⁵

During the Enlightenment, and especially in the work of Immanuel Kant, Descartes’ “thinking thing” (*res cogitans*) grew into the new *subjectum* and ground of everything that is, or rather, of everything that can be thought about or experienced by human beings. In the guise of pure reason, Kant’s universal transcendental subject became a fixed and abiding self that comes

²⁴ John 1:1.

²⁵ See RENÉ DESCARTES, I THE PHILOSOPHICAL WRITINGS OF DESCARTES 127 (John Cottingham et al. trans., 1985).

hardwired with “forms of intuition,” “faculties” and “categories” that allow it to organize and make sense of its experiences.²⁶

Its unity secured, this self-certain human subject was poised to displace both God and external nature as the ultimate foundation of all possible knowledge and truth. The figure of the human subject embodied what C. Wright Mills called “the central goal of the secular impulse in the West: the control through reason of man’s fate.”²⁷ In this sense the entity called “Man” became the creator of its own reality, or rather, it became aware that it had *always* been the creator of its own reality without having realized it at the time. Indeed, the very concept of enlightenment implicitly denounced the medieval notion that individuals should submit without question or hesitation (i.e. without reason) to traditional sources of authority within a hierarchical social order that pretended to be God-given and eternal. With the appearance of a finite human *subjectum*, human beings no longer needed a pastor or holy book to supply them with a conscience, as Kant himself would declare.²⁸

Please do not misunderstand my meaning. I am *not* saying that after Kant people stopped believing in God – far from it. As we all know, the world is still full of millions, if not billions, of people who say they believe in this or that form of religion or religious fundamentalism. The real story of how the human subject got to be so powerful goes much deeper than any attempt to “prove” the existence or non-existence of God. God ceased being a plausible ultimate ground – or, as Nietzsche so famously put it, “God is dead”²⁹ – *not* because people stopped believing in Him, *but because after the Enlightenment belief in Him slowly but inexorably became optional*. Having religious faith was lowered from an unquestioned and unquestionable duty to the level of just one possible human value amongst many others. After Kant, the entity “Man” morphed into a self-enclosed rational monad: a being that could, at long last, “free himself from obligation to Christian revelational truth and Church doctrine to a legislating for himself that takes its stand upon itself.”³⁰

²⁶ See generally IMMANUEL KANT, THE CRITIQUE OF PURE REASON (Paul Guyer & Allan W. Wood trans., Cambridge Univ. Press 1998) (1781).

²⁷ C. WRIGHT MILLS, THE POLITICS OF TRUTH 95 (2008).

²⁸ KANT, *supra* note 7, at 145.

²⁹ FRIEDRICH NIETZSCHE, THE WILL TO POWER 45 (Walter Kaufmann ed., Walter Kaufman & R. J. Hollingdale trans., Vintage Books 1968) (1901).

³⁰ MARTIN HEIDEGGER, THE QUESTION CONCERNING TECHNOLOGY AND OTHER ESSAYS 148 (William Lovitt trans., Harper & Row 1977).

This fatal loss of divine prestige was reinforced by the rise of the secular state, which tolerated religion in general, but did not endorse any religion in particular. Once people were no longer imprisoned or burned at the stake for not believing in Him – once God became a mere preference or choice that individuals considered themselves free to accept or reject – His reign as the universally acknowledged ultimate *subjectum* of the universe was finished. If God had to go a-begging, so to speak, amongst human beings – if believing in Him was truly optional – then it is obvious that the one who actually is free to believe or not believe in the first place (“Man”) is *really* the ultimate, final ground.

In short, after the eighteenth century the human being gradually became the sovereign subject, and the concept of subjectivity was elevated to a cosmic principle, the very ground of rational grounding itself. With the advent of Hegel and Marx, the circle of subjectivity seemed to close on itself. Identifying the rational with the real, and the true with the whole of reality, Hegel dragged Kant’s abstract, transcendental subject into time and history in the form of Spirit (*Geist*), and he equated world history with the continuous Sisyphean labors of human beings to negate the given through concrete work aimed at actualizing their ideas.³¹

Marx, as we all know, turned Hegel on his head. He showed that moral law-giving of the type that Kant and his intellectual heirs advocated was not only hopelessly abstract, as Hegel himself had said, but also historically conditioned, that is, causally linked to the promotion of particular social interests. In the thesis that the religious, moral and legal ideas of an era are but ideological reflections of the oppressive social relations prevailing during that era, the concept of the human *subjectum* reached its apogee. If, as Marx claimed, “*man is the supreme being for man*,”³² then the norms and ideas peddled by bourgeois institutions such as religion, morality and law could be interpreted as false suns, as Marx put it, “about which man revolves so long as he does not revolve about himself.”³³

Quite apart from, or rather in conjunction with, the intellectual and political radicalism fostered by nineteenth and twentieth century Marxism, anthropology and sociological neo-Kantianism during the same period also subverted Kant’s claim that there exists but one universally rational, transcendental subject in the world that can serve as a pattern and measure

³¹ See generally G. W. F. HEGEL, PHENOMENOLOGY OF SPIRIT (A.V. Miller trans., Clarendon Press 1977) (1807).

³² KARL MARX, EARLY WRITINGS 52 (T.B. Bottomore trans. & ed., McGraw-Hill Book Co. 1964).

³³ *Id.* at 44.

for the rationality of all human beings.³⁴ In the positive social sciences, “categories of understanding” and “moral laws” were interpreted as culturally determined patterns of thinking that just happen to prevail at this or that particular moment in history, amongst this or that group of people.

This displacement of the universal by the particular ensured that the causes and conditions of patterns of thinking – whether historical, economic, psychological, or sociological – would jut massively into prominence for those eager to explain (and control) the social world. At the same time, the very prominence and respectability of scientific causal explanations of the lives of human beings rendered implausible the claim that any *particular* cultural pattern could constitute an objective, supra-historical ground of truth, knowledge and morality. The transcendental subject became the historical subject, and philosophical epistemology became the sociology of knowledge. The latter discipline, as Karl Mannheim so famously characterized it, “is concerned not so much with distortions due to a deliberate effort to *deceive* as with the varying ways in which objects present themselves to the subject according to the differences in social settings.”³⁵ This new way of thinking about knowledge and truth meant that philosophy had lost its “nimbus,” as Wittgenstein put it,³⁶ and painstaking inquiry into the particular became more respectable (and more fashionable) than starry-eyed speculation about the universal.

As a result of these trends, “the” human subject – (**and which human subject is that?**) – could no longer bear the massive weight of the world in the same way that nature and God, the two previous *subjecti*, had borne it.

Rather than serving as an absolute and unquestionable foundation, the human being became a specimen to be studied for its various habits and tastes. Science and technology discovered sociology and psychology, but lost speculative philosophy. Economic theory discovered instrumental rationality based on the probabilistic calculation of causes and effects, but gave up all pretence of being a science of *political* economy that is explicitly and

³⁴ See, e.g., Lewis White Beck, *Neo-Kantianism*, in 5 THE ENCYCLOPEDIA OF PHILOSOPHY 473 (Paul Edwards ed., The Macmillan Co. 1967).

³⁵ KARL MANNHEIM, IDEOLOGY AND UTOPIA 265 (Louis Wirth & Edward Shils trans., Harcourt Brace Jovanovich, Inc. 1985) (1936).

³⁶ See LUDWIG WITTGENSTEIN, PUBLIC AND PRIVATE OCCASIONS 342 (James C. Klagge & Alfred Nordmann eds., Rowman & Littlefield Publishers Inc. 2003).

unashamedly concerned with the ultimate aims of humanity.³⁷ In the form of such disciplines as cost-benefit analysis, econometrics, and law-and-economics, social science abandoned any effort to ground the rationality of human choices in anything beyond the sheer existence of un-analyzable individual preferences.

Of course, businesses struggling to succeed in global capitalism have eagerly learned the lessons taught to them by the positive social sciences. Why sell people what they need if you can make more money by selling them what they can be made to want? Eventually the dark science of advertising became a tool to create and manipulate new tastes and desires rather than a means of supplying useful information for the satisfaction of existing ones. Like Pavlov's dogs, who were trained to salivate at the sound of a bell, television and the internet have trained us to salivate after the images we see all around us of designer jeans, sexy cars, skinny fashion models, and expensive vacations in paradise. Wrinkle creams and tummy tucks; computers that talk to us and cell phones that can take pictures: all of this, and more, we have been conditioned to want and need. We may *feel* that we want and choose these things – we may *think* that we are free and responsible subjects – but judging by the countless billions their clients spend on various forms of advertising and spin-doctoring, the wizards of Madison Avenue and K Street behave as if it were otherwise.

It would appear that the entity that used to be called Man – that unitary rational subject of Kant's day – has in fact fractured into billions of consuming subjects, each with its own preferences and values. It follows, does it not, that the ground of any possible ethical politics has itself shattered into billions of grounds? And who or what can put Humpty-Dumpty together again once he has fallen from his wall? Who or what can bindingly posit, *definitively and without threatening even the slightest force or coercion*, that my desire to purchase a diamond ring for 10,000 Euros is any less worthy than a million starving Africans' desires to feed themselves, or thousands of Thai child prostitutes' desires to escape a way of life that degrades and destroys them? What universally binding Universal, lying beyond what I merely call "universal," vouchsafes the validity of the choices that I make and the habits and routines that I follow throughout the everyday living of my life?

³⁷ See 1 JÜRGEN HABERMAS, THE THEORY OF COMMUNICATIVE ACTION 4 (Thomas McCarthy trans., Beacon Press 1984).

As the Chilean philosopher Rolando Gaete has observed, the inherent legalism of mainstream ethical and political thought gives us the ideological image of “*the human subject as a sovereign agent of choice, a creature whose ends are chosen rather than given, who comes by his aims and purposes by acts of will, as opposed, say, to acts of cognition.*”³⁸ But, to put it mildly, the vociferous counterclaim that the ego is not *in fact* a master of its own house can be found everywhere in postmodern thought. Ever since Freud’s day, the self can no longer plausibly claim to be the author of its own destiny. No longer a transcendent and sovereign subject – no longer *the* ground – the self has become a fully embodied biological entity that is constantly being *subjected* to historical, symbolic and psychological forces. These forces seem to imprison the individual within a network of causal forces, like Pavlov’s dogs. They cut the will loose from any ground that it could reliably “choose” on its own by acting autonomously in the capacity of an ultimate *subjectum*.

It would seem that the Enlightenment’s beloved human *subjectum* has left the stage of history, and what has reentered it is an over-determined action or interpretation which merely “takes place,” so to speak, without any real ground but with plenty of causal influences that an observer could line up to explain it, should he or she be so inclined. Listen to what Nietzsche said about the subject. Listen to this “old” idea that still has not been said enough:

“The subject” is the fiction that many similar states in us are the effect of one substratum: but it is we who first created the “similarity” of these states; our adjusting them and making them similar is the fact, and not their similarity, which rather ought to be denied.³⁹

In his famous (or infamous) theory of will-to-power (*Der Wille zur Macht*), Nietzsche’s thought “completed” Western metaphysics, as Heidegger put it,⁴⁰ because it demonstrated the fact that philosophy had now run through the sphere of all prefigured possibilities of those beings that *could* occupy the position of an ultimate ground. Once the five-part series, **Nature—God—Man—The Subject—Will-to-Power**, had been written down brazenly and for all to see, *there was no going back*. All the bridges had been burnt, and there was nothing and no one left to try out for the role of Supreme Being, or Supreme Ground. It would seem that the little people of

³⁸ See ROLANDO GAETE, HUMAN RIGHTS AND THE LIMITS OF CRITICAL REASON 124 (Dartmouth Publ’g 1993).

³⁹ NIETZSCHE, *supra* note 29, at 269.

⁴⁰ See MARTIN HEIDEGGER, THE END OF PHILOSOPHY 95 (Joan Stambaugh trans., Univ. of Chicago Press 2003) (1969).

the world may suffer and die because of the arrangements that politics makes, but no one – or what is worse, *everyone* – has the right to tell them *why*.

VII.

Before I end, I would like to leave you with a question to ponder.

Nietzsche once said that the greatest danger of all direct questioning of the subject *about* the subject comes from the fact “that it could be useful and important for one’s activity to interpret oneself falsely.”⁴¹ For me, this danger has always had a distinctly ethical dimension. To interpret oneself falsely, and to interpret the grounds of one’s actions falsely, is a great temptation. It represents the will to deny what Max Weber rightly called the “tragedy with which all action, but especially political action, is truly interwoven.”⁴² Succumbing to false self-interpretation also consummates, with a vengeance, the will to deny the countless awful things that happen to the little people of the world every day – people who, I must now observe, no one has earned the universally acknowledged right to call “little” any more. For in today’s world each living self can claim the absolute right to consider itself just as big, just as important, as the next. Although some humans are rich and most are poor, considered from the standpoint of Paul Éluard’s *racine*, all human beings are indistinguishable subjects of politics and ethics. All of us find ourselves swimming alone, groundless, yet somehow bobbing along together in a vast sea of global humanity. And I, for one, am *thankful* that there exists no *binding* illusion of a stable ground, as there once did, to distinguish the little person from the big, or the unimportant life from the important one, in politics. Experience teaches that this sort of illusion has led, time and again, to a widespread willingness to inflict or tolerate the annihilation of millions.

But the liberation of the human subject from illusion has come at a steep price for anyone who yearns to ground individual human choices and actions on any sort of absolute. The logic books may say that *P* implies *Q*, but we now suspect, or rather *know*, that the linguistic signs “*P* → *Q*” appearing on a piece of paper can accomplish absolutely nothing unless some particular human being, as the ultimate *subjectum* of this or that unique and unrepeatable operation, actually pulls the trigger on that operation. Percival Arland Ussher, the twentieth century Anglo-

⁴¹ NIETZSCHE, *supra* note 29, at 272.

⁴² MAX WEBER, FROM MAX WEBER: ESSAYS IN SOCIOLOGY 117 (H. H. Gerth & C. Wright Mills ed. & trans., Galaxy Book 1958) (1946).

Irish essayist, described the trajectory of history that led to the coming-due of this fearsome price of individual ethical responsibility in a way that could serve as a summary of all that I have said up to this point:

In the eighteenth century the static world of antiquity had broken thread after thread that suspended it from the arch of heaven, until it hung by a single gossamer; now the last thread has snapped . . . [t]hen came a first collision, the Great War; and since then we have become a little still, a little frightened. Yet most are drunken with the intoxication of speed, though a few are trying to attach the careering world to some subjective absolute of the Beautiful or the Useful (which is like hoping to break one's fall by pulling at one's own garters).⁴³

The metaphor of a ludicrous yet pitiable attempt to break one's fall by pulling at one's own garters has, if anything, gained force in light of all that has occurred since Ussher first wrote it in 1938. The problem is not that this or that program for enacting an ethical politics cannot be imagined and sold to many people, or even most people. The real problem consists in becoming aware that no ground beyond naked consensus and habitual action on the part of countless individual *subjecti* lets any *particular* ultimate *subjectum* administer pain to the unwilling in good conscience and without having to take personal responsibility for the consequences. This fragmenting of the ground for the possibility of an ethical politics is sometimes taken to mean that human beings must now live in despair on account of the fact that they no longer have any *universally* binding reason to hope for a better future. Apparently this is how Paul Éluard and Arland Ussher saw things. But I am not so sure. It seems to me that once you dispel a pernicious illusion you never lose anything *real* that you ever had a right to count on in the first place.

Jacques Derrida once defined the “unrescindable essence” of ethics to be the unending process of casting doubt on responsibility, on decision, and most especially on one's own being-ethical.⁴⁴ To live in ethical doubt, to shun the comfort of certainty, is a difficult task. For there is a particularly potent form of anguish that can come only to those people who realize that they might actually be increasing injustice, even as they hope and believe that they are serving justice.⁴⁵

⁴³ See Percival Arland Ussher, *Three Essays, in* 124 NINETEENTH CENTURY AND AFTER 733, 737 (1938).

⁴⁴ JACQUES DERRIDA, *THE ANIMAL THAT THEREFORE I AM* 126 (Marie-Louise Mallet ed., David Wills trans., Fordham Univ. Press 2008).

⁴⁵ Cf. CAMUS, *supra* note 1, at 197.

No one *wants* to live in anguish. It would be so very nice, so very pleasant, to believe, completely and without doubt, in the truth value of the pretty fairy tales that our politicians and our ethicists keep on telling us, and that we keep on telling ourselves. But some of us cannot believe this way anymore. Some of us cannot close our eyes to the spectacle of rags or our ears to the cries of pain that the world keeps on producing, whether or not there is anyone there to behold them. Some of us have begun to suspect, with Michael Löwy, that “redemption requires the integral remembrance of the past, without distinguishing between ‘major’ and ‘minor’ events and individuals.”⁴⁶ So let me leave you with a question that keeps forcing itself forward in my mind. The question owes its form to a striking remark made by Albert Camus in one of his famous *Cahiers*.⁴⁷ I have never been able to forget this remark, or rid myself of the nagging question to which it leads.

Here is the question: *What if the possibility of an ethical politics requires one to do what no religion, no justice, and no ethics has ever done: **become concerned with the fate of the damned?***

⁴⁶ MICHAEL LÖWY, FIRE ALARM: READING WALTER BENJAMIN’S “ON THE CONCEPT OF HISTORY” 34 (2005).

⁴⁷ CAMUS, *supra* note 1, at 99 (“Meaning of my work: So many men are deprived of grace. How can one live without grace? One has to try it and do what Christianity never did: be concerned with the damned.”).