

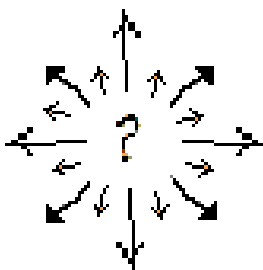
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I. SOME REFLECTIONS ON THE IMAGINATION OF OUR TIMES

Interview with Agnes Heller

Conducted by Nikolaos Vlahakis
(PhD Candidate, Sofia University)

1. You have interpreted modernity as “a world which draws on two sources of imagination: the technological and the historical”. You have also said that “Modernity has no foundation, since it emerged in and through the destruction and deconstruction of all foundations. In other words, modernity is founded on freedom.” and “freedom is the arché of the modern world.”¹ But by such a definition we understand that the only foundation of modernity is the non-foundation, insofar as modernity has to re-invent itself again and again.

Might such a definition not lead to a sort of a theoretical “anarchism” largely characterizing the postmodern condition and its relativism? And what are the main antinomies of this freedom in the “modern social arrangement”?

A.H. It will be difficult to answer your questions properly without writing a new book, or at least a long lecture...

With the seemingly self-contradictory thesis, that the foundation of modernity is freedom and freedom is a foundation which does not found, I meant in fact something very simple. In traditional well-founded societies,

¹ Agnes Heller, “The Three Logics of Modernity and the Double Bind of the Modern Imagination”, *Thesis Eleven* 81 (May 2005): 63-79.

the foundation played a double legitimating role: it legitimated both the existing hierarchical social order and the world interpretation of this order. Whenever the legitimating function of the foundation was questioned the social order was about to collapse. Once the statement “all men are born free” became accepted as foundational, no hierarchical order could be legitimated only by relying on the foundation, or, alternatively, some very different foundations could equally be considered adequate.

Foundation and the dominating idea normally coalesce, and this is the case also with freedom. However, contrary to the dominating ideas of traditional societies, no interpretation of freedom is excluded, not even the free choice of un-freedom, since every exclusion from interpretation would contradict freedom. (Not just atheism or skepticism was excluded from the legitimate discourse in the Middle Ages, but so was Epicureanism). From this follows that every project and their opposites can legitimately refer to freedom and that the concept of “truth” gets pluralized.

What, then, are the options in modernity (given the absence of firm foundation)?

First, self-foundation. A republic founds itself though a constitution. As the American Declaration of Independence formulates it, “We take these truths to be self-evident...” (Members of a well-founded republic sign the statement that everyone is equally born free, etc.).

Second: fundamentalism, the kind of world interpretation that identifies freedom with one concretely-defined fundament, no longer open to interpretation. These are the ideologies. Totalitarian states or movements use ideologies as their compass, which indicates the aim to destroy, whether the ideology is that of race, class, or religion. Anarchism can be a world interpretation, but an anarchist state or society is impossible. One could say, however, that a kind of relativistic way of thinking can support, even if only negatively, social or political processes, which open a way to a kind of mild or strict fundamentalism.

2. You have witnessed the main political events in Europe during the 20th century, as the century of this kind of modernity. In the aftermath of this era, what is your assessment of these events and the mainstream

theories which accompanied their appearance in history. Are they guided by the “Hegelian spirit of the Negation” as the main principle of this development? What is the main reason for the rise of various totalitarianisms during this century, in which freedom was the basic principle and demand?

A.H. The 20th century introduced itself by the original sin of Europe: World War I. Without the original sin of Europe, the whole century might have taken a different turn. In the wake of World War I and its peace, Europe became the practice ground of totalitarian states, the territory of unprecedented mass murder.

In the second part of 20th century, sooner or later, Europeans started to learn some lessons from their past. But historical traditions do not just disappear, for they leave their mark on collective memory. The 20th century has not become a closed book, just because we have entered the 21st century.

To use a psychological term: Europe has never practiced frustration tolerance. As long as there is no frustration, one can easily remain true to the republican interpretation of freedom. But heaven knows what European nations would do in case of a long lasting frustration, how they would answer? Would they long again for a new Führer?

This brings me to the question of historical and technological imagination. These establish, to use Castoriadis's term, the institutions of imagination. The institutions of technological imagination operate with an essentially homogeneous concept of truth: an empirical concept of true knowledge. To repeat Popper and Foucault: a scientific statement or theory can be both true and false. Moreover, theories or statements can legitimately participate in a scientific discourse with their own truth claims, if it is accepted that the claim can be also proven false. True knowledge is produced in discourse, but there are conditions for the participation in the discourse. All in all, both the political and the economic sphere subscribes to this concept of the “true” (i.e. the empirical, defined as the theoretical or narrative organization of interpreted facts). This is not the case in historical imagination, their institutions, nations, peoples, and communities included. They rely heavily on collective memory, narratives, on philosophies and

religions. (The truth concept of philosophy, religion and art is revelatory, if in religion revelation comes from God, in philosophy it is from argument or narrative, while, in art, the work of art itself reveals). Books on history have their own criteria of truth, a combination of the above mentioned two. The work or products of imagination are neither by themselves “good” or “bad” or even “evil”. Heidegger said that we are “enframed” by technological imagination, this evil grandchild of metaphysics. Yet, we are enframed in historical imagination as well, since we are imprisoned in the prison of our present. So also were our ancestors imprisoned in theirs. But since they had a fundament, they were unaware of the closure of their horizon, whereas modern men and women are, or can be, aware of it.

3. You use both terms—the technological imagination and the historical imagination—in the sense of Heidegger and Castoriadis as the “enframing” of the modern sense of truth. It is the dominating imagination of the modern sciences and this modern concept of truth which identifies truth with true knowledge (the correspondence theory of truth) and with the unlimited progression of knowledge, technology, and science. Here science is used as an ideology (in Habermas’s term) becoming (in place of religion) the dominating imaginary institution of the moderns. Is this concept still valid in postmodernity? What is the new role of the technology in the 21st century?

A.H. Maybe, I have answered this question already...

Where the unlimited progress of contemporary science is concerned, I have reasons to doubt it. Since nothing is unlimited, some time—we do not know when—the marvelous progress of science and technology must also stop. This, however, is not our business. Our business, rather, lies in something else. Namely, that in a divided world where there is no hope for any international or global institution of cooperation or justice, where ever new dangers appear every day on our horizon, and which threaten our world in all possible ways, only technology is really global. The only global

“thing” or institution of imagination all nations and peoples of the world share can, precisely because of this reason, benefit all and alternatively destroy all. I would not describe this as the antinomy of modernity, but as one among many antinomies that characterize the modern world. This is why the question can be raised, but not answered, whether modernity can survive. (I mention only in brackets that both art and entertainment also become more and more global.)

4. You have also developed the concept of “dynamic justice” as that socio-political aspect, constituting the normative foundation of an “incomplete ethico-political concept of justice”. Do you think this is the main element of a “discourse ethics” between rational subjects? Or, is this mainly a procedurally institutionalized situation of norms? In other words, is this a product of “*Sittlichkeit*”, as we know it from the German philosophical tradition, or of a legislative procedure instead based on socio-contractual mechanisms?

A.H. Dynamic justice is not a new phenomenon. We encounter it in the Bible and in philosophy from Socrates onwards. This kind of justice (contrary to static justice) does not query or test only the application of norms and rules of justice, but the norms and rules themselves. If you wish, it is a kind of language game: “not simply ‘this is just’ as you believe it is, but ‘something else would be just or more just’”. An exception in traditional societies, this language game of dynamic justice became the rule in modernity. This is why we have newspapers, program-based parties or even class-based parties. Contestation of justice is one of the main force-fields in modern societies. In times of peace, contestation goes on in discourse, demonstrations, strikes, and so on.

But to the question of “what is just”, there is no general, even less global, answer. We can come to an agreement, consensus in some instances, yet not, by far, in all of them, neither on the national or on the global level. Since justice is not a substance, like salt, one cannot measure the justice content of an institution or given measures. An institution is just, if the

overwhelming majority of people concerned believe that it is just. Even then, the minority will claim that it is unjust. And the majority can become a minority, of course. This is why a just society is not only impossible, but also undesirable. A society cannot be free where everyone agrees that all institutions and measures are fine, good, and just. Such a society would, in any case, be static, unchangeable, and not modern.

5. How could we see the “universalization principle” functioning within the broader framework of the era of globalization, in conditions of a “global justice” in a “world society”? Is that a “realistic utopia” as John Rawls has proclaimed?

A.H. Obviously, I do not share the attractive illusion of universal progress. Neither do I join the chorus crying decadence, regress. But I think, or rather hope, and hope not without reason, that within our world, *hic et nunc*, one can improve the situation of men and women with whom one shares the globe both materially and spiritually.

6. We watch the contemporary European economic crisis, which might undermine the European unification project’s realization of the Kantian “perpetual peace”. Do you share this opinion? What is your perception of this crisis? Do you believe we have to deal with a typical example of identity-crisis within our modernity?

A.H. Kant made the proposal of perpetual peace for republics (nowadays called liberal democracies). If all states of the world were liberal democracies, perpetual peace would be possible. But this situation is very unlikely to occur. At least, there is no sign of it. Thus, our world remains a dangerous place, as it always has been.

7. Lastly, I want to ask you about George Lukács and the influence he has exercised not only on Marxist philosophy, but on European philosophical thought in general. What is the actuality of his work today?

A.H. There is not one single Lukács, there are several.

First, there is the early Lukács, the author of *Soul and Form* and *The Theory of the Novel*. In my view, *Soul and Form* is the first and still-valid presentation of the so called “postmodern” view of modernity and, first and foremost, of modern literature.

Second, there is the Lukács of *History and Class Consciousness*, the author of the study on reification. This is in my view the only original work in Marxist philosophy, discussing (in the spirit of Marx) the greatest philosophical dilemmas of his age.

Third, there is the Marxist literary critic, who wrote a few splendid studies and some interesting interpretations of German classicism, yet who also developed seriously one-sided, dogmatic, and anti-modernist views on 19th century realism.

Fourth, there is the communist author, who, in his book, *Destruction of Reason*, on Nietzsche and more besides, slandered several philosophers whom he had adored in his youth.

Fifth: the teacher of a generation (myself included) who, in the classroom, dropped all of his dogmatism and encouraged us to think.

Sixth: An ideological helpmate of a lethal political regime, yet who also was an internal heretic of the same regime.

N.VI. Thank you very much Prof. Heller

A.H. My best wishes.

II. YET ANOTHER RETURN TO VICO

Vico's *Ius Gentium*

Thora Ilin Bayer
(Xavier University of Louisiana, New Orleans)

Abstract

Vico's *Universal Law* is, in essence, the first version of his *New Science*. In it, Vico interprets the *ius gentium* of Roman law as a form of actual natural law of the nations, in contrast to the ideal natural law of the philosophers. In the *New Science*, Vico transforms the static sense of *ius gentium* as it resides in Roman jurisprudence into his dynamic law of the ages of gods, heroes, and men that governs the cycle of "ideal eternal history," common to the life of all nations. This transformation of the *ius gentium* is what allows Vico to found his philosophy of history and, in so doing, to overcome the abstract conception of natural law held by the seventeenth-century natural-law theorists.

New Edition of the Universal Law

A new, highly readable English translation of Giambattista Vico's *Universal Law* (*Il diritto universale*) has recently been published in two volumes¹. The Latin text is translated by John Schaeffer and the "Synopsis," Vico's Italian introduction to it, is translated by Donald Phillip Verene. This translation originally appeared in three issues of *New Vico Studies* between 2003 and 2006. The *Universal Law* originally appeared in Naples in the 1720s prior to the *New Science* (1725 and 1730/44) and is nearly three times

¹ Giambattista Vico, *A Translation of Giambattista Vico's Il Diritto Universale/Universal Law*, 2 vols., trans. John D. Schaeffer (Lewiston, NY: The Edwin Mellen Press, 2011).

the length of the definitive edition of the *New Science*. This new translation replaces the translation of George Pinton and Margaret Diehl published under the title *Universal Right* a decade ago.²

The appearance of this new translation invites a further look at the importance of Vico's doctrine of jurisprudence for the interpretation of his *New Science*. It is in the second book of the *Universal Law*, "On the Constancy of the Jurisprudent," that Vico presents a first sketch of the *New Science* – "Nova scientia tentatur" ("A New Science is Essayed")³ – and it is in the first book, "On the One Principle and One End of Universal Law," that Vico states the principle that "*certum est pars veri*" ("the certain is part of the true"),⁴ which, along with his famous principle of "*verum ipsum factum*" ("the true is the made"), guides the construction of the *New Science*.⁵ Furthermore, it is in the third book of the *Universal Law*, the "Dissertations," that Vico advances his interpretation of the Homeric poems that became his "discovery of the true Homer" in the *New Science* and that incorporates his philosophy of mythology or doctrine of "poetic wisdom," upon which his philosophy of history of the common nature of the nations is based.

It is fair to say that the *Universal Law* is, in fact, the first version of Vico's new science realized through his interpretation of Roman law, which is subsequently formulated as the new science proper, in *First New Science* (1725) and revised and expanded into what is known as the *Second New Science* (1730/44).⁶ Any reader of the *New Science* rapidly realizes that Vico's axioms, by which he forms knowledge of the civil things of the world of the nations, is derived from an interpretation of Roman law. But

² Giambattista Vico, *Universal Right*, trans. Giorgio Pinton and Margaret Diehl (Amsterdam: Rodopi, 2000).

³ Vico, *Universal Law*, bk. 2, pt. 2, chap. 1.

⁴ *Ibid.*, bk. 1, chap. 82, sec. 2.

⁵ Guido Fassò, "The Problem of Law and the Historical Origin of the *New Science*," in *Giambattista Vico's Science of Humanity*, ed. Giorgio Tagliacozzo and Donald Phillip Verene (Baltimore, MD: Johns Hopkins University Press, 1976), 3-14.

⁶ Thora Ilin Bayer and Donald Phillip Verene, eds., *Giambattista Vico: Keys to the New Science; Translations, Commentaries, and Essays* (Ithaca, NY: Cornell University Press, 2009), pt. 1.

what is it in Roman law and Roman jurisprudence that provides Vico with the means to make his science of nations? If light can be shed anew on this question, much of the core of Vico's new science can be understood and, in so doing, will have been approached by his own principle that "doctrines must take their beginning from that of the matters of which they treat."⁷ The seminal article on this subject is that of the co-translator of the *New Science*, Max Harold Fisch—"Vico and Roman Law"—and the reader may wish to consult this in relation to the remarks that follow.⁸

The Conception of *Ius*

The key work for the comprehension of Roman law is the compilation of it enacted by the Byzantine emperor, Justinian I (c. 482-565), known as the *Corpus Juris Civilis* or *The Digest of Justinian*. The key term, at least for the interpretation of Vico, is *ius*, for which there is no perfect English equivalent. Alan Watson, the translator of the *Digest* into English, is quite clear that *ius* "cannot be exactly translated from Latin into English."⁹ A comment of Fisch's clarifies this point: "English uses the one word 'law' in two very different senses for which European languages have distinct and contrasting terms: Latin *ius* and *lex*, Italian *diritto* and *legge*, French *droit* and *loi*, Spanish *derecho* and *ley*, German *Recht* and *Gesetz*. The second term of each pair properly denotes enacted law, law which has been made by the authority of some lawmaking body, at some time and place; law, therefore, by will. The first term of each pair denotes the legal order, structure, or system, conceived as, ideally at least, a rational whole; law, therefore, by reason."¹⁰

The English word "right" may at first glance seem to parallel the first term of these pairs, but such a parallel is fundamentally mistaken. "Right" is not *ius* as Vico employs it. The title of the Pinton and Diehl translation of

⁷ Giambattista Vico, *The New Science of Giambattista Vico*, trans. Thomas Goddard Bergin and Max Harold Fisch (Ithaca, NY: Cornell University Press, 1984), par. 314.

⁸ Max Harold Fisch, "Vico on Roman Law," *New Vico Studies* 19 (2001): 1-28.

⁹ Alan Watson, ed., *The Digest of Justinian*, vol. 1 (Philadelphia, PA: University of Pennsylvania Press, 1998), bk. 1, n. 1.

¹⁰ Vico, *New Science*, p. xxviii.

Vico's work, then, is misleading. "Right", from which modern "rights-theory" is generated, is an ethical or moral quality that constitutes the ideal of moral propriety and involves various attributes, such as adherence to duty, obedience to lawful authority, whether divine or human, and freedom from guilt. It is something morally just, or constant with the light of nature, such as a natural right or more specifically something to which one has a just claim, something to which one is justly or naturally entitled. One way to designate the two senses of the English "law" that Fisch distinguishes is to consider "law" in lower case as enacted law and "Law" in uppercase as what the human institution itself is. Vico's assertion of "Universal" as attached to "Law" makes this sense clear, since Law that is universal is not enacted by any lawmaking body but is presupposed by such a body, as the standard that governs its lawmaking activity and is a conception of the authority – the authority of divine or human reason or both – upon which its authority depends.

Vico's *New Science* is written against the views of the seventeenth-century natural-law theorists, principally those of Grotius, Pufendorf, and Selden and to an extent against Hobbes. The seventeenth-century natural-law theorists, according to Vico, fail in two fundamental respects: they adhere to a conception of natural law as an abstract ideal of reason and they have a false conception of the origin of human society. The first of these Vico calls "the natural law of the philosophers" (*ius naturale philosophorum*), which he contrasts with the "natural law of the nations or peoples" (*ius naturale gentium*)¹¹ and which will be described below. The second of these is adherence to some version of what Hobbes calls a covenant, such that for the primordial human condition, life is "nasty, brutish, and short" and to escape from a condition in which the individual lives in a "war of all against all," a contract or covenant is framed from which human society arises at once in one piece. Whether this view is intended to describe an actual state of affairs or whether it is intended as only a hypothetical or speculative way of regarding the origin of human society, it is, in Vico's view, a false conception of society and of natural law upon which it depends. For a proper conception of natural law, upon which

¹¹ Vico, *Universal Law*, bk. 1, chaps. 136 and 156.

the origin and completion of human society depends, we must look to Roman law. Roman law, Vico holds, is a complete system of civil wisdom in accord with divinely created human nature. What is truly in accord with human nature and human reason is a manifestation of divine nature and divine reason.

The *Digest* preserves the distinction between *lex* and *ius*. *Lex* is a statute passed on the authority of one of the Roman republican assemblies; it can also apply to any piece of imperial legislation. It goes back to the earliest document of Roman law, the Law of the Twelve Tables (*lex duodecim tabularum*), which Vico interprets as arising piecemeal from agrarian law.¹² The *Digest* distinguishes between three kinds of *ius* – *ius naturale*, *ius gentium*, and *ius civile*. *Ius civile* is the body of laws directly applicable only to Roman citizens and in a wider sense it is used to mean the law as peculiar to any people or nation, i.e., positive law. *Ius naturale* is spoken of only once at the beginning of the *Digest* and is defined there as “that which nature has taught to all animals; for it is not a law specific to mankind but is common to all animals – land animals, sea animals, and the birds as well. Out of this comes the union of man and woman which we call marriage, and the procreation of children, and their rearing. So we can see that the other animals, wild beasts included, are rightly understood to be acquainted with this law.”¹³

Those in political philosophy today, immersed in the conception of natural law that Vico calls “the natural law of the philosophers,” will, perhaps, be astounded to find this definition of natural law in the text that underlies the whole tradition of Western jurisprudence. What is quoted here is the complete statement of it given at the beginning of the *Digest*, which then is left aside. Natural law or *ius naturale* is common to all animals. It appears to be that which governs the continuation of the species – the drive to procreate and rear young. By implication, it may also refer to the individual animal’s or group’s drive to sustain, protect, and defend itself against the adversities of existence. Marriage as a human institution reflects this natural drive and is the only example the *Digest* gives of it. Marriage is

¹² Fisch, “Roman Law,” 5-9.

¹³ Watson, ed., *Digest*, bk. 1.1.

also one of Vico's three "principles of humanity" in the *New Science*. The other two—religion and burial—would not be shared with the animals as they neither engage in worship or rites of augury or sacrifice, nor do they bury their dead. Marriage, as one of Vico's principles, would appear to fulfill more than its conception in the *Digest* as connected to *pudore* (modesty and shame) and is as Vico says the first friendship in the world. Viewed in a wider sense in the *Digest*, *ius naturale* can mean that a rule or principle in question can be thought to be based on everyday experience in the sense of "natural reason" (*naturalis ratio*). Thus, on Vico's view, it would be rooted in the *sensus communis* of humankind. But as Watson firmly points out: "Sometimes it refers [in the *Digest*] to the justice or fairness of a rule, but the view of natural law as a universal ideal order in any way contrasted with positive law is almost entirely absent."¹⁴

The *Digest* is predicated on the view that what the Greeks call *philosophia*, the Romans call *jurisprudentia*. The Greek love of wisdom is in this assertion taken in a Socratic sense as directed toward *phronēsis* or civil wisdom in the sense that, as Cicero in his famous statement says, Socrates brought philosophy down from the heavens and into the cities and homes of men. *Phronēsis*, or *prudentia* in Latin, for the Romans, is not to be sought in the *elenchus* but is realized in the law. Prudence is already there in the law and is discovered by consulting and interpreting it. What might be for the Greeks a matter of philosophical inquiry is for the Romans transferred into the activity of the jurisconsult, understood in a broad sense, as one who interprets the law in particular cases. Prudence in a particular case is derived from the knowledge of jurisprudence. In this activity, eloquence, the subject matter Vico taught, plays a crucial role. The truth to be sought is not something transcendent or speculative but something that applies with great plausibility to a particular situation or act, and which can serve as a guide in it.

Ius Gentium and Storia Ideal Eterna

Watson points out that at times *ius naturale* was merely a synonym for

¹⁴ Ibid., p. xxxiii.

ius gentium.¹⁵ It is this synonymous sense that Vico plays on in his formulation of the *ius gentium* as “the natural law of the *gentes* or peoples”, which he opposes to “the natural law of the philosophers.” The *ius gentium* was likely to have been originally applied to laws covering commercial dealings with non-Roman citizens who could not function in accordance with civil law. It came to be expanded to a more philosophical sense of the law common to all peoples or nations. It was that part of Roman law that was held in common with all other systems of law. Thus the *ius gentium* is that sense of the law that is present in the *sensus communis* of humanity, that is universal and that makes the human, human.¹⁶ It allows one nation with its own total body of laws to recognize the laws of another nation, although perhaps fundamentally different in character, nonetheless to be laws. The *ius gentium* is not an ideal conception of law; it is the idea of an actual natural law—the sense in which all systems of law are actually part of each other because they are extensions or reflections of human nature itself. As far as the Romans are concerned, of course, what constitutes the *ius gentium* is determined from what is written Roman law. But philosophically, the *ius gentium* is the master key to unlocking the “common nature of the nations.”

As a matter of Roman jurisprudence, the *ius gentium* is a static principle, a standard by which one could interpret or confront systems of law. Vico’s aim in the *Universal Law* is to understand Roman law in relation to the development of the Romans as a nation, to seek out the original meanings of the legal terms and customs out of which Roman law as a system of civil wisdom arises. In the *New Science*, Vico presupposes that if he has rightly understood how the Romans develop as a nation, he has rightly understood the principles by which any people comes into being and develops as a nation. Vico’s new science is a philosophy of history using Rome as its model. But the new science is also a science of the civil world, capable of standing as a counterpart to the new science of nature made by Galileo and Newton. In fact, the science of the civil world is truly science

¹⁵ Ibid.

¹⁶ Thora Ilin Bayer, “Vico’s Principle of *Sensus Communis* and Forensic Eloquence,” *Chicago-Kent Law Review* 83 (2008): 1137-43.

because, since human beings have made the things of the civil world from their own nature, they can in principle and in fact make a knowledge of what they have made – a *scienza*. But the science of the natural world cannot convert its objects into a complete knowledge, because the objects known are not made by the knower and are thus different in kind from the knower. The science of nature is actually a *coscienza* or a very exact form of “witnessing consciousness.” This inability in principle to penetrate the object known by the knower is the reason the new science of nature of Newton and Galileo rests upon experiment and why experiment is the secret of its success. In experiment, the knower comes as close as is both practicable and possible to making the object to be known.

As mentioned earlier, Vico’s science not only depends upon the principle of *verum ipsum factum*, it also depends upon the principle of *certum est pars veri*. This is the legal principle that the certain, which is a particular legal action or case, must be connected to a law that displays what is true of it. In the broader jurisprudential sense, this means that any positive law made by a legislative authority must rest not merely on the power of such authority; this authority must coincide with reason as the form of law itself. Otherwise ‘might’ in itself would simply make ‘right’ and, in such a case, ‘right’ would not carry the authority of being a manifestation of universal law. In the *New Science*, Vico employs the principle of the certain as part of the true to establish the philological-philosophical bond that he claims is the methodological basis of his science. All attempts at a science of the civil world have failed because of the pursuit of one side of this dichotomy over the other. Philology offers a knowledge of the ‘certains’ of the civil world, of the languages, customs, and deeds of nations at war and at peace.¹⁷ Philosophy offers a knowledge of the ‘trues’ of the civil world, the universals of human nature. Past attempts at a science of civil things have always failed by half, by placing one approach over the other.¹⁸ By incorporating the philological into the philosophical, Vico claims that he, in the *Universal Law* and later the *New Science*, completes the project begun by Pico della Mirandola in his *Oration on the Dignity of Man* and the

¹⁷ Vico, *New Science*, par. 7.

¹⁸ *Ibid.*, par. 140.

Conclusions it was designed to introduce.¹⁹

What is left for Vico, having overcome the “natural law of the philosophers” through the “natural law of the peoples,” is to replace the mistaken idea of a covenant as the origin of human society and government with a true account of the origin of the world of nations. To accomplish this and then fully to dismiss the views of seventeenth-century natural-law theory, Vico transforms the *ius gentium* into his doctrine of “*storia ideal eternal*,” “ideal eternal history.”²⁰ Taking the idea of three ages from Varro, as reported in a passage in the little-known *Natal Day* book of Censorinus,²¹ Vico conceives the idea of *ius gentium* as a law of the common development of nations. All nations originate through a *corso* through an age of gods, in which all things are full of gods, to an age of heroes, in which human actions are governed by the virtues embodied in the figures of heroes, to an age of men, in which the imagination (*fantasia*), necessary to the formations of gods and heroes, wanes and is replaced by reflective and abstract modes of thought and society is governed by laws, the meaning of which is whatever they can be made to mean by those who can manipulate them.²²

The *corso*, having begun in a barbarism of sense, ends in a barbarism of reflection through which things collapse and, in a providential pattern, each nation can rise again in a *ricorso*, with stages of ideal eternal history analogous to those of the original *corso*. History itself is a nightmare in which, as Vico states in his axiom sixty-six: “Men first feel necessity, then look for utility, next attend to comfort, still later amuse themselves with pleasure, thence grow dissolute in luxury, and finally go mad and waste their substance.”²³ This terror of history, like the terror of thunder that the proto-humans feel, who wandered the great forest of the earth following the biblical universal flood, is relieved only by the consolation of providence as

¹⁹ Giambattista Vico, *The Autobiography of Giambattista Vico*, trans. Max Harold Fisch and Thomas Goddard Bergin (Ithaca, NY: Cornell University Press, 1990), 156-57.

²⁰ Vico, *New Science*, pars. 7 and 349.

²¹ *Ibid.*, par. 52 and Censorinus, *The Birthday Book*, trans. Holt N. Parker (Chicago, IL: University of Chicago Press, 2007), sec. 21.

²² Vico, *New Science*, par. 31.

²³ *Ibid.*, par. 241.

the terror of thunder is relieved only by the realization that it is the presence of Jove. What is this consolation of providence? The realization that the ideal eternal history is a providential order is the realization that there is a jurisprudence of the human race. Vico's providence is not the eighteenth-century conception of a providential order in history in which there is a progression toward a norm. Vico is also not a historicist. Human beings do not simply make history. What they make is always governed by the *corso* and *ricorso* of ideal eternal history, which is not made by them but is impressed on them as a production of providence.

Vico's Narrative of Western Culture

Every nation proceeds through its *corso* and *ricorso* at its own rate. The 'certains' of the life of each nation differ, but the true in them—the pattern of ideal eternal history—remains the same from nation to nation, just as each nation's positive law is its own, yet part of its legal system is common to all nations as *ius gentium*. Vico has a narration of the *corso* and *ricorso* of Western culture. He separates sacred history from gentile history. The history of the ancient Hebrews is not subject to ideal eternal history. God appears and acts directly in the events of the life of the ancient Hebrews. God is not indirectly manifest as providence in the order of their national life as is the case with the gentile nations. The gentile nations arise after the universal flood as the great forests of the world dry out over two centuries and as the offspring of the sons of Noah increase physically, from the normal stature of the Hebrews to the size of giants, and disperse themselves throughout the regions of the earth. These *giganti* or *bestioni* are proto-humans, with very little power of memory and thus no culture, because culture depends on memory. They live in a state of sensuous immediacy in which, as Vico says, "they regarded every change of facial expression as a new face."²⁴ They have lost the power of language and the institution of family, allowing their offspring to be feral.

As the world finally becomes dry, these proto-humans suddenly confront a new phenomenon—thunderous sky and lightning. Until this new event, they have only experienced fear in the sense of *timore*, that is, fear

²⁴ Ibid., par. 700.

that is directed to some specific danger at the terrestrial level of the trackless great forest. Thunder as a phenomenon of a different order instills in them a fear of a different order – *spavento*, terror. This terror pervades their very existence and their bodies shake as the sky shakes above them and they perceive the sky as itself a great body just above the tree tops.²⁵ To relieve this terror, they utter the first word, Jove, which they pronounce onomatopoeically as *pa!* then doubled as *pape!*.²⁶ This first word generates memory in them, for they grasp that each roll of thunder and flash of lightning is the appearance of a single being – Jove. One moment of thunder is remembered and joined with the next to form the name. The power of the name takes them out of the pure immediacy of sensation and they name all the flora and fauna in their environment as gods. Once one thing can be named, everything can be named. The primary passion that humanizes the proto-humans is the terror of their own existence. This feeling is distinctively human, as it is not shared with animals, because animals have no such awareness of their own existence.

This terror is accompanied by the second distinctively human passion – modesty. This passion causes the first humans to flee into caves and form marriages between men and women and to procreate out of the direct presence of Jove. Juno is the goddess of marriage. Modesty is distinctively human, as animals are immodest and thus procreate openly. Not all the *giganti* or proto-humans respond to thunder as the Jove experience. Those who do, however, become the fathers of families and learn to take the auspices of Jove's actions in the heavens. From the founding of families arises Vico's third principle of humanity – burial of the dead. Burial establishes place as well as time, as through it the families create ancestors and lineage. The families create clearings in the forest and later found cities. Those giants who are not initially able to respond to thunder as Jove seek safety and, by attaching themselves to the families, they become *famuli*. In this way, social classes are formed.

Our knowledge of the first two ages, those of gods and heroes, of the *corso* of the West, comes from Homer, who is the consciousness of the

²⁵ Ibid., par. 712.

²⁶ Ibid., par. 448.

Greek peoples themselves. After Homer, the philosophers arrive and with the philosophers arises reason as the guide to action and with it, written law. Society is no longer governed by the power of *fantasia* to form its institutions as gods or to direct the conduct of individuals by the virtuous actions of heroes. Society sublimates the poetic wisdom necessary to these forms of life and commences government by decrees and legislations. With the weakening of the power of *fantasia*, a rational madness sets in, a barbarism of reflection in which the pursuit of wit creates a solitude of spirit and will and the bonds of the *sensus communis* unravel.²⁷

With the fall of Rome and the ancient world, there is a return of the populace to the forests. There are not the trackless forests after the flood, but the cities and families dissolve and become isolated. The *ricorso* begins with a return to religion and to the necessities of life. Religion is a reaffirmation of, but not a recreation of, the original Jove experience and its general implications. The *ricorso* is not simply a repetition of the *corso*; it is a re-enactment of its ages of ideal eternal history in new but analogous terms. The return to simple religious consciousness gives way over centuries to the heroic society of the feudal order of knights and kings of the High Middle Ages. At the end of this period, Dante appears as the “Tuscan Homer” to summarize in his poem the first two ages of the *ricorso*.²⁸

After Dante, arise the philosophers of what is now called the Renaissance. Philosophy recasts itself by recollecting and reconstructing the humanism of the ancients and merging it with the doctrines of Christianity and the Judeo-Christian tradition. Vico, as mentioned earlier in relation to Pico, sees himself as part of this Italian humanism. He is part of the third age of the *ricorso* of the West and his new science is a reaction to its barbarism of reflection. Vico does not regard the *ricorso* as progress over that of the *corso*. His presentation of the providential order of *corso* and *ricorso* allows us to grasp our own nature in history. The result is a doctrine of prudence that derives from the perception of providence in history. From the perspective of the new science, the individual can grasp that all in the human world is a cycle such that what is and what is to come is the result of

²⁷ Ibid., par. 1106.

²⁸ Ibid., par. 786.

what was. With this wisdom, the individual can act with prudence in the civil world, but the individual cannot change the providential order of history. This ability to base prudence on providence is the normative dimension of Vico's science; it is its *pratica*.²⁹ Like Vico's own temperament, the conclusion of the new science is melancholic, but aims to reflect accurately the nature of human events. And, as Vico declares in the final sentence of the *New Science*, this wisdom requires piety. Piety, like wisdom, is the ability to accept things as they are. The civil world, like the natural world, has an order that Vico's science has discovered.

Summary

In summary, my question has been to find what in essence Vico has taken from Roman law in order to make his new science. This can be determined by attending to the origination of the *New Science* in Vico's *Universal Law*. To arrive at his conception of ideal eternal history that is at the basis of his philosophy of history, Vico confronts seventeenth-century natural-law theory with a new conception of natural law by transposing the *ius gentium* of Roman jurisprudence into a conception of natural law as actually present within the world of nations and, by so doing, Vico projects a new comprehension of the origin of the world of nations and their individual development that determines their commonality. This new science of the civil world stands alongside the new science of the natural world that had taken shape in the preceding century. Looking forward, Vico is the founder of the modern philosophy of history, and with his poetic wisdom, the founder of modern philosophy of mythology and with these, taken together, the founder of modern philosophy of anthropology.

²⁹ Alain Pons, "Prudence and Providence: The *Pratica della Scienza nuova* and the Problem of Theory and Practice in Vico," in *Giambattista Vico's Science of Humanity*, ed. Giorgio Tagliacozzo and Donald Phillip Verene (Baltimore, MD: Johns Hopkins University Press, 1976), 431-48.

III. SCHOLARSHIP COMMITTED TO THE PUBLIC SHPERE

Mothering as World-Building and Other “Hera-cies”: Tracing the Liberal Arts Traditions in Support of Service-Learning and Public Engaged Scholarship

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Abstract

This article describes the author’s attempt to make sense of the creative tension between conservative and progressive perspectives on liberal education, and what this means for developing an engaged pedagogy that emphasizes service-learning and public engaged scholarship in the humanities and other disciplines. The author outlines the historical origins of the two main academic paradigms in higher education, and describes why the pragmatic-oriented sciences and social sciences are more likely to adopt service-learning and community engaged scholarship, and the humanities are not. However, the humanities-based academic paradigm offers its own justification for support of public engaged scholarship, and additional exploration of this tradition is warranted.

Introduction

“I would like to begin with an oath to the goddess Hera. My warrant for such an unorthodox beginning comes from Socrates, who swore “by Hera” when he was involved in speeches about the betterment of the young. The uttering of such an oath was almost as unorthodox for him as it is for me, though for different reasons. In the Greek world,

“by Hera” was a woman’s oath, Hera being the goddess who superintended childbirth and childrearing. The oath was taken up by Socrates – never one to scorn the wisdom of women and never one to stand upon convention. The oath was used by him to indicate his preference for private, philosophic education as against civic education.” – **Diana Schaub**¹

Is the true purpose of a liberal arts education private, as political philosopher Diana Schaub describes in the opening quote, or public? This question is often debated in the humanities, and is particularly relevant for those exceptional humanities scholars who seek to integrate service-learning and public engaged scholarship within their disciplines; it also has implications for public engaged scholarship as a whole, which can benefit from integrating aspects of the humanities tradition. In this paper I reiterate how the ideals of education practices devoted to private study have always been in productive tension with those promoting a more civically engaged liberal arts education. To illustrate this tension, I first reflect on Schaub’s interpretation of Socrates invoking the Goddess Hera, and then adopt Bruce Kimball’s language of the “orators” and “philosophers”² to outline some of the historical development of these two perspectives. I then consider frameworks that can support public engaged practice in the humanities while pointing to specific humanities concepts such as participation³ in *beauty*, *friendship*, and *practical wisdom* that can be retrieved to enhance service-learning and public engaged scholarship at practical and theoretical levels. While there is no universal consensus on

¹ Diana Schaub, “Can Liberal Education Survive Liberal Democracy?”, *Key Note Address at the American College of Academic Deans* (Charlotte, South Carolina, 2003).

² Bruce Kimball, *Orators and Philosophers: A History of the Idea of Liberal Education* (New York: Teachers College Press, 1986).

³ In Hans-Georg Gadamer’s work, for example, participation is the overriding and necessary linking activity or action that ties beauty, friendship, and practical wisdom together. Hans-Georg Gadamer, *Truth and Method*, 2nd ed., trans. Sheed and Ward, Ltd. (New York: The Crossroad Publishing Company, 1960/1975), 481.

terminology in this field,⁴ I define service-learning and public engaged scholarship as approaches to teaching, learning, and research characterized by participation in community-based environments to address community needs, integration of local and expert knowledge, the inclusion of academic texts, reflection, and hands-on work, and may include explicit goals for citizenship and character development as well as aspirations for social justice.

The ‘True’ Domain of Hera

There are (at least) two sides of the story of the private versus public purposes of education. Schaub believed Socrates considered education a private affair, and therefore he pledged an oath to Hera, the goddess of childbirth and childcare, activities that in ancient Greece, at least, occurred in the private domain of the home.⁵ To Schaub and others, education in the Socratic, liberal tradition provides space for sequestered philosophical examination and questioning under the guidance of skilled teachers, rather than being tainted with the affairs of the market place and civic, public square. As an example of this studied insularity, Schaub proudly recounted the tale of how she encouraged her students to focus on reading Pericles’ *Funeral Oration* and Plato’s *Apology* while the Twin Towers burned, challenging them to take comfort in old texts rather than attending to the media or on-campus grief counselors. She called for the protection of higher education from market forces, as well as political content, so that an elite group of liberally educated persons could provide a “needed aristocracy” to counterbalance “democratic mass society”.⁶ These persons seek to fulfill their highest nature and explore what it means to live as free human beings.

But what else might the goddess Hera, who reigned over the primary work of women in the home, say about the merits of private- and public-oriented education? I believe she might have appreciated the struggles of

⁴ Dwight Giles, “Understanding an Emerging Field of Scholarship: Toward a Research Agenda for Engaged, Public Scholarship,” *Journal of Higher Education Outreach and Engagement* 12.2 (2008): 97-106.

⁵ Schaub, “*Liberal Education*,” 1.

⁶ *Ibid.*, 6.

women around the world to simultaneously transform their personal circumstances while revolutionizing the public sphere. In the United States, we learned “the personal is political”⁷ during the second wave of feminism, where women organized for greater justice in the private realms. The movement found that “many apparently private women’s concerns...were in fact broadly shared social problems.”⁸ The issue of domestic violence, for example, was first taken up by women who shared with one another their private pain, in small consciousness-raising circles, usually held in people’s homes, and then took this issue up in the political sphere to challenge societal norms and local, state, and national laws.

On a personal level, I am reminded of Hestia’s round-the-clock commitments in the home, since I am now a mother of young children who demand much of my attention. While they were infants, it was difficult to take on any responsibilities outside of their care and what was necessary to earn income for our household to function. But the love of my children is also responsible for driving me out into the world again. I had always been interested in the issue of homelessness, and had previously worked with homeless mothers and their children on a community organizing project to improve housing options. But I was moved to devote myself to ending family homelessness after I became a mother myself, and learning from the literature that pregnancy and caring for preschool-aged children are major risk factors for homelessness.⁹ I carry an embodied sense of that vulnerability with me.

The connection between the private and public life realms was likely not lost on Socrates, who described his practice of improving the opinions (*doxa*) of young Athenians through one-on-one questioning as “the art of midwifery” or *maieutic*¹⁰ – the private craft over which the goddess Hera had dominion – but planted himself firmly in the public marketplace to do

⁷ Betty Friedan, *The Feminine Mystique* (New York: W.W. Norton and Company, 1963).

⁸ Aaron Schutz and Marie Sandy, *Collective Action for Social Change: An Introduction to Community Organizing* (New York: Palgrave, 2011), 65.

⁹ Peter Rossi, “Troubling Families: Family Homelessness in America,” *American Behavioral Scientist* 37.3(1994): 342-395.

¹⁰ Hannah Arendt, “Philosophy and Politics,” *Social Research* 57.1 (1990): 81.

this. Hannah Arendt wrote,

If we remain true to his own metaphor of *maieutic* [midwifery], we may say: Socrates wanted to make the city more truthful by delivering each of the citizens of their truths...To Socrates, *maieutic* [midwifery] was a political give and take, fundamentally on a basis of strict equality, the fruits of which could not be measured by the result of arriving at this or that general truth.¹¹

Through his dialectical or *maieutic* process, Socrates sought to help people “give birth” to what they already thought in order to speak more clearly about their experiences. In improving their political opinions in such an intimate way, Arendt proposed that Socrates was attempting to infuse a sense of friendship that was generally missing in the contested, competitive terrain of the Athenian polis, which ultimately became too antagonistic to sustain itself. While friends as individual persons are not equal or the same, through friendship, “we become equal partners in a common world – that they together constitute a community.”¹² Socrates may have hoped these enhanced bonds of community would minimize unnecessary conflicts and help avoid injustices inflicted by the many on the few. Arendt stressed the uniquely political implications of these friendships, and indicated that these bonds that Socrates sought to cultivate would lead to public actions to better support the common good. If people were articulate enough in communicating the truth of how the world opens to them through these friendly connections (their opinions or *doxa*), there could be rule among citizens without leaders. She wrote,

The political element in friendship is that in the truthful dialogue each of the friends can understand the truth inherent in the other’s position...This kind of understanding – seeing the world (as we rather tritely say today) from the other fellow’s point of view – is the political kind of insight *par excellence*...Socrates seems to have

¹¹ Ibid.

¹² Ibid., 83.

believed that the political function of the philosopher was to help establish this kind of common world, built on the understanding of friendship, in which no rules are needed.¹³

Arendt indicated that Socrates was perhaps the first *and* last person to describe the political importance of solitude and private contemplation, where one is in intense dialogue with oneself, as “the necessary condition for the good functioning of the polis,” not just for the select few, but for everyone.¹⁴ What seems private, one-on-one conversation with oneself, or with another, aimed at more clearly seeing the truth of one’s position, therefore has political implications. Of course, we can’t ask Socrates what he “really” meant by his oath to Hera. The word “heresy” – what Mary Daly might be tempted to call “Hera-cy” – originally meant “choice; of a view of life other than the norm.”¹⁵ Arendt’s interpretation of Socrates’ intentions for civic education might itself be considered Hera-cy.¹⁶ In a related vein, feminist scholars propose other Hera-cies, including explorations of how the “private” arts of midwifery, mothering, and nurturing and caring for others, which often take place in private homes, have implications for our participation in public life. Mothering and caregiving today no doubt involve more contested terrain than in Socrates’ day, and there are significant, socially-constructed differences which bear on these experiences based on race, class, cultural and ethnic heritage, and sexual orientation. But in a spirit that might be considered similar to Socrates, these scholars often use feminine speech forms, such as “maternal thinking” to describe relational experiences in which men and women are equally capable of engaging, but which draw on roles and experiences most

¹³ Ibid., 83-84.

¹⁴ Ibid., 89.

¹⁵ Ursule Molinaro, “A Christian Martyr in Reverse,” in *Hypatia’s Daughters*, ed. L. Lopez McAlister. (Bloomington, IN: Indiana University Press, 1996).

¹⁶ Arendt’s treatment of the distinctions between the public and private in her book, *The Human Condition*, are well known and widely cited. I reference her 1958/1990 piece, “On Philosophy and Politics,” where she described the *connection* between the aspects of the public and private, particularly through friendship, rather than the distinctions between the two realms.

typically associated with women in most societies. The private life realm, which these writers describe, is based on personal, caring relationships, and they share a concern for friendlier, social relationships in the public life realm suggested by Socrates when they question whether or not the private and the public life realms are really that separate and different from one another.

For example, Sara Ruddick emphasized that the experience of mothering and caring for particular others leads to the principle (but not the absolute rule) of nonviolence in the public life realm.¹⁷ Grace Clement asserts that the ethic of care can interact with and be connected to a concern for justice in the public realm.¹⁸ She notes that the ethic of care in the private life realm presides because our family and friends are particularly vulnerable to our actions and the choices we make; in the public realm, strangers are also vulnerable to our actions, although perhaps not to the same extent that our friends and family are, and we therefore have obligations to them as well. The ethics of care includes focusing on the particularities of a situation while taking into account abstract principles, considering the perspective of the “concrete other” or “concrete collective other,” the idea of “positive rights” of others, such as the right to health care, and a social connection to “those who have justice claims on us.”¹⁹ Nel Noddings describes how our relational self, which involves caring and personal relationships, is first nurtured in private homes; the quality of how well our relational selves are nurtured there impact society.²⁰ She advocates for better social supports to ensure that all children have the benefit of dwelling in adequate housing and caring homes, and proposes that children, well-cared for at home, learn to wander well in the world as adults to create a more just public world.

Nel Noddings considers education “a constellation of encounters,”²¹

¹⁷ Sara Ruddick, *Maternal Thinking* (Boston: Beacon Press Books, 1989).

¹⁸ Grace Clement, *Care, Autonomy, and Justice: Feminism and the Ethic of Care* (Boulder, CO: Westview Press, 1996).

¹⁹ Ibid., 85.

²⁰ Nel Noddings, *Starting at Home: Caring and Social Policy* (Berkeley and Los Angeles, CA: University of California Press, 2010).

²¹ Ibid., 283.

with particular roles to play in supporting the development of our relational selves. Her work has been used in service-learning and public engaged scholarship to imagine higher education comprised as centers of care where we care for self, others, and our natural environment, and where the educator functions in a nurturing as well as intellectual capacity. Robert Rhoades wrote, "If I am exposed to the inequalities suffered by others, and if I care about others, then I am more likely to engage in political and cultural struggle that leads to social transformation."²² Whether or not it is explicitly described this way, the practice of service-learning and public engaged scholarship are important ways education institutions bridge the gap between the public and private spaces in higher education. There is an affinity with goals of public engaged scholarship and the type of relational ethics the feminist thinkers describe as related to both the private and public life-realms where people interact on a personal level to deepen a sense of connection, which they feel for one another, and act for the public good. Additionally, the kind of democracy Socrates hinted at, where people engage in dialogue together, rather than having each citizen build their own rhetorical muscle to persuade others in large forums, has much in common with the deliberative democracy movement in service-learning and engaged public scholarship.²³ In a deliberative approach, we do not know what truths our students or we ourselves might arrive at through various encounters in community, but it is our responsibility as educators to help us all cultivate our sociological imaginations so that we do not simply reify existing inequalities through community-engaged experiences but interrogate them.²⁴

²² Robert Rhoads, *Community Service and Higher Learning: Explorations of the Caring Self* (Albany, NY: State University of New York Press, 1997), 94.

²³ See, for example, Nancy Thomas, "Educating for Deliberative Democracy: The Role of Public Reason and Reasoning," *Journal of College and Character* 9.2 (2007): 1-13.

²⁴ Arendt noted that sympathy and compassion are not enough for political action, and may even negate the ability for political action. All of our relationships we cultivate through these experiences can help develop political judgment, however. Through the academic components of service-learning, educators can help mine the political implications of these friendships that can move us to action, although the forms this action will take are not predetermined. See for example, Hannah Arendt, *Rachel Varnhagen: The Life of a Jewish Woman* (New York: Harcourt

Disentangling Private and Public in Higher Education

It could be fruitful to explore these connections between maternal thinking and public engaged scholarship further, but there remain fundamentally diverse views about whether or not higher education institutions should integrate the private and public purposes of education at all. The ongoing tension portrayed in Schaub's argument is relevant for the field of service-learning and public engaged scholarship because her perspective is in marked contrast with the basic assumptions of those engaged in the latter. Schaub drew on the work of Leo Strauss to support her understanding of the private purpose of a liberal education, including its emphasis on developing an aristocracy shielded from public life, current events and market forces; listening to conversations among great minds; and "supply[ing] us with experience in things beautiful."²⁵ Rather than retreating from the workings of liberal democracy and the work of the world, public engaged scholarship requires learners to intentionally immerse themselves in action and, increasingly, political action. There are calls for more service-learning work in the political sphere to enable us to exercise our civic muscle through public work,²⁶ and an emphasis on social-justice-based service-learning rather than the "charity" model.²⁷

Public engaged scholarship as a field has often defined its work as a departure from – and even a rejection of – the Socratic-Platonic liberal education that Schaub drew upon. Harkavy and Benson describe service-learning as an attempt to 'de-Platonize' education, and emphasize that the American pragmatic tradition, in particular the work of 20th century pragmatic education reformer John Dewey, is the true origin of this

Press, 1974); Mary Dietz. *Turning Operations: Feminism, Arendt, Politics* (New York: Routledge, 2002).

²⁵ Schaub, "Liberal Education," 6.

²⁶ See Harry Boyte, *Civic Agency and the Cult of the Expert* (Columbus, OH: The Kettering Foundation, 2009).

²⁷ See Sam Marullo and Bob Edwards, "From Charity to Justice: The Potential of University-Community Collaboration for Social Change," *American Behavioral Scientist* 43.5 (2000): 895-912.

pedagogy.²⁸ They wrote, “It can be fairly said: In the beginning there was Dewey.”²⁹ The central focus on Dewey and pragmatism continues,³⁰ and it is possible that humanities scholars who wish to make ‘the leap’ to public engaged scholarship may feel they need to discard their discipline’s allegiance to the modern Socratic-Platonic tradition. This may explain why professionals in the humanities continue to be under-represented in service-learning and public engaged scholarship. As George Handley noted, “it has not always been clear that service-learning and the humanities can work together, or even that they have common goals.”³¹ There has been little influence of the humanities on service-learning practice, with Edward Zlotkowski commenting, “Core humanistic disciplines...have contributed relatively little to the [service-learning] movement’s growth and increasing sophistication.”³² There are interpretations of the humanities which promote preparation to live a good life in society, but the basic argument for a private-focused education, proposed by Schaub and others, is rarely addressed directly by those who advocate for a publically engaged approach to education. It may be helpful to understand the origins of these two perspectives, which date back to antiquity and continue to the present day. Of the two perspectives, the more ‘public,’ humanities-based orientation of a liberal arts education evolved first, even though this perspective is

²⁸ Ira Harkavy and Lee Benson, “De-Platonizing and Democratizing Education as the Basis of Service Learning,” in *Academic Service Learning: A Pedagogy of Action and Reflection*, eds. Richard Rhoads and Jeffrey Howard (San Francisco: Jossey-Bass, 1998).

²⁹ Ibid., 11.

³⁰ See Marie Sandy, “Practical Beauty and the Legacy of Pragmatism: Generating Theory for Community-Engaged Scholarship,” *Interchange* 42.3 (2011): 261-285; and Lori Varlotta, “Confronting Consensus: Investigating the Philosophies that Have Informed Service-Learning’s Communities,” *Educational Theory* 47(1997): 453-476.

³¹ George Handley, “The Humanities and Citizenship: A Challenge for Service-Learning,” *Michigan Journal of Community Service Learning* 8.1(2001): 52.

³² Edward Zlotkowski, “Humanistic Learning and Service-Learning at the Liberal Arts College,” in *Developing and Implementing Service-learning Programs, New Directions for Higher Education*, ed. M. Canada and B. Speck. (New York: John Wiley & Sons, Inc., 2001), 89.

currently “outside of the norm.”³³ The very existence of these two traditions is not widely acknowledged. As Schaub noted, “Since the Enlightenment, the Athenian experience of the opposition between civic education and divine philosophizing has been forgotten.”³⁴

Competing Public and Private Paradigms for Education

To develop this framework, it may be useful to examine more closely the two lineages of the liberal arts traditions described by Kimball as the ‘orators’ and ‘philosophers.’³⁵ Socrates has often been claimed by both the orators and philosophers. However, for our purposes here, the orators include Sophists and Romans who are oriented toward the public good, such as Cicero and Seneca, and the lineage of the philosophers originates from the scientific Presocratics, and includes Socrates, Plato, and Aristotle. Education in the orators’ tradition emphasizes the cultivation of a community of learners, reflecting on tradition, and preparation for public democratic life, particularly through mastering language and texts, to focus on the ‘conventions’ of human life. In contrast, the tradition of the philosophers emphasizes the private contemplation of ‘eternal’ or ‘primary’ things, unfettered pursuit of truth, and systematic inquiry through the scientific method. The merits of the perspectives of the Sophists and the Socratic-Platonic philosophers were debated publicly and were a part of conversations about education during Greece’s “pedagogical century” from 450 to 350 B.C.³⁶ Both contain positive attributes as well as the possibility for dogmatism.

‘Roving Intellectuals’: The Orators’ Tradition

The public square was the heart of intellectual and public life in ancient Greece, and there were ‘roving intellectuals,’ who for a fee, would ask riddles, and attempt to perplex – and delight – the public with complex types of argument and debate; scholars point to this as the precursor to the Western educational system.³⁷ The ‘Sophists’ or wise men came from this

³³ Molinaro, “A Christian Martyr,” 1.

³⁴ Schaub, “Liberal Education,” 2.

³⁵ Kimball, *Orators and Philosophers*.

³⁶ *Ibid.*, 14.

³⁷ See John Dillon and Tania Gergel, *The Greek Sophists* (London and New York:

same tradition with the advent of democracy in 508 B.C., where they functioned as professional teachers to help people become effective participants in public life. A common theme considered by the Sophists was the tension between nature and the human realm, often referred to as “convention.”³⁸ While nature is ‘primary,’ the Sophists argued that the human realm is essential for the preservation of civilization, and therefore the actions of and among human beings should receive most of our attention. Most Sophists emphasized the question of how to live a good life individually and collectively, which they considered to be interconnected, and these innate capacities could be cultivated through the arts of deliberation and persuasion. They believed human individual and collective life can always be other than it is because humans have free will, and therefore the Sophists questioned all sorts of human conventions.

The ideal of beauty was intrinsically linked with public life in the Homeric tradition of the Sophists or orators, and therefore this education tradition emphasized poetry, the visual arts, music, ethics, as well as languages. In keeping with its perspective on the communal nature of knowledge and the purpose of learning as the cultivation of the human being, the orators’ tradition focused on the communication of knowledge through learning communities, and prepared students and scholars to act by cultivating good character and skills for participating in democratic forums. For example, Cicero in *De Oratore* wrote, “Thus I think that no one ought to be numbered among the orators who is not polished in all those arts that are proper for a free citizen.”³⁹ In practice, unfortunately, the orators’ tradition in education sometimes involved a rigid fixation on the past, an anti-intellectual stance toward new knowledge, while character and civic education often came to be associated with texts, not living people.

Penguin Books, 2003); and Geoffrey S. Kirk and John E. Raven, *The Presocratics* (Cambridge, England and New York: Cambridge at the University Press, 1969).

³⁸ See Dillon and Gergel, *The Greek Sophists*, and George Kerferd, *The Sophistic Movement* (Cambridge, England: Cambridge University Press, 1981).

³⁹ Kimball, *Orators and Philosophers*, 12.

Divine Philosophizing: The Philosophers' Tradition

The Presocratic philosophers represent another intellectual tradition in ancient Greece and Italy, which was concerned with the 'primary' natural world and "the coherence of things as a whole."⁴⁰ Topics of study for the Presocratics included mathematics, physics and other specialized sciences such as geography and medicine, and they were known for their secret or private learning societies.⁴¹ The impulse for the Presocratic tradition, and later on, the philosophers' tradition, starts with the observation that thinking requires a withdrawal from the world.⁴² Those most intensely devoted to thinking withdraw from human affairs in order to contemplate the eternal, inspired by a sense of wonder. Arendt wrote that the truths here are "much more adequately expressed in a glance, a sound, a gesture, than in speech,"⁴³ and described the space to which they withdraw as the 'contemplative' realm. This is the beginning of the idea of thinking – and knowledge – for its own sake. While the contemplative realm of the philosophers' tradition does not 'do' anything, it is important because its questioning impulse is what keeps the human world turning. Without these questions, the world as we know it would cease to exist. This idea is related to Schaub's notion that a sheltered education of the few indirectly supports a liberal democracy of the many.

Kimball emphasized that Socrates, like the Presocratics before him, advocated for the pursuit of timeless truth untouched by human affairs, and proposed that this removal from public life later became the hallmark for Platonic philosophy and the philosophers' paradigm of education. Plato and Socrates were both concerned with some of the themes taken up by the Sophists, such as how to live a good life or how to design a good society, but Plato, in particular, often proposed more private, less democratic solutions led by expert knowers with divine or specialized knowledge.

The philosophers' paradigm significantly influenced the development

⁴⁰ Kirk and Raven, *The Presocratics*, xi.

⁴¹ Constantine Vamvacas, *The Founders of Western Thought: The Presocratics* (New York: Springer, 2009). Trans. Richard Crist.

⁴² Hannah Arendt, *Life of the Mind* (New York: Harcourt Brace & Company, 1971).

⁴³ *Ibid.*, 31.

of the modern Western university system during the Age of Enlightenment.⁴⁴ It demanded autonomy from church and state to secure freedom for academics to pursue the truth of eternal or unchanging things (e.g. objects of scientific knowledge), knowledge for its own sake, value-neutrality, and radical doubt or skepticism. The post-Enlightenment university integrated teaching and research, created an environment for academics to pursue self-directed research, and included a practical orientation that privileged the natural sciences and often implied control over nature. Unfortunately, the ideals of this system also served to further seal the doors of the ivory tower, as research agendas were not directly connected with the needs or interests of society, but were most shaped by the desires – and dominant paradigms – of academics. Because they were considered to be value-neutral, Gregory Jay charges that Enlightenment ideals “in practice have often masked oppressive inequalities of power and recognition based on factors such as race, class, gender, rationality and sexuality.”⁴⁵

Reconfigured Arts and Sciences during the European Enlightenment Lead to a New Public-Oriented Philosophers’ Paradigm in the United States

In contrast to the earlier periods, the ‘humanities’ disciplines originally associated with the orators’ tradition – including literature, languages, the arts, history, rhetoric, music, ethics, and what we refer to as the academic *discipline* of philosophy – were conjoined with the sciences under the new university model in the West so that the competing perspectives of the orators and philosophers paradigms were—and still are—largely forgotten. To justify their existence during a time, in which they enjoyed less prestige, these disciplines, as well as the new social sciences, had begun to describe their work in terms of the methods of the natural sciences (e.g.

⁴⁴For what follows, see Richard Proctor, *Value-free Science? Purity and Power in Modern Knowledge* (Cambridge, MA and London: Harvard University Press, 1991).

⁴⁵Gregory Jay, “Service Learning, Multiculturalism and the Pedagogies of Difference,” *Pedagogy: Critical Approaches to Teaching Literature, Language, Composition, and Culture* 8.2(2008): 255-281, at 256.

Schleiermacher and Dilthey). They developed more specialized functions for their work in line with the ideal of thinking directed towards the pursuit of pure knowledge.⁴⁶ All of higher education, including the humanities, served more private rather than public purposes in this Enlightenment version of the philosophers' paradigm.

Even though the humanities disciplines were changing at this time, many, however, still regarded them as the most prestigious of all academic specializations,⁴⁷ and these disciplines formed the early foundation of higher education in the United States, with the earliest 'American' higher education institutions providing training in Greek, Latin and the classics.⁴⁸ After the American Revolution, however, higher education in the United States became closely aligned with the modern scientific model of the German university to "promote useful knowledge."⁴⁹ In contrast to the European universities, which provided access only to the elites, however, American higher education institutions began to include a populist orientation fairly early in their history, due in part to the need for an educated populace for a democratic, self-governing state.⁵⁰

The American populist orientation developed greater theoretical support through the development of American pragmatism. John Dewey took on the mantle of pragmatism for education reform, and coupled pragmatism's emphasis on science and the scientific method with his interpretation of democracy where individual fulfillment could only be achieved in collective life, and his conviction that all citizens needed to be educated to participate in our democracy.⁵¹ In this way, the conventional public purposes of education, such as citizenship education and preparation

⁴⁶ Proctor, *Value-free Science?*, 17ff, 75ff.

⁴⁷ Because of their geographic connection to the ancient Western civilization and its subsequent linking of higher learning with the medieval Christian church, the orators' tradition is currently strongest in the Latin countries and in religious higher education institutions, according to Kimball, *Orators and Philosophers*.

⁴⁸ Frederick Rudolph, *Curriculum: A History of the American Undergraduate Course of Study Since 1636*. (San Francisco: Jossey-Bass, 1977).

⁴⁹ Kimball, "Orators and Philosophers," 136.

⁵⁰ See Sandy, "Practical Beauty,"

⁵¹ Richard Bernstein, "Pragmatism, Pluralism and the Healing of Wounds," in *Pragmatism: A Reader*, ed. L. Menand (New York: Vintage Books, 1997).

for democracy that had long ago been connected to the orators' paradigm associated with the humanities, were now aligned with the practical, scientific goals of the philosophers' paradigm. This development brought into existence a new *public*, pragmatic philosophers' paradigm in the United States.

The practical, scientific-minded American universities influenced by Dewey began to be associated with greater public access and direct concern with the public good. One consequence of this was that institutions emphasizing the *private* philosophers' paradigm, including those focusing on the classics and other disciplines associated with the humanities were considered less democratic. Benjamin Fine, a farmer and a scholar, described this ideological battle:

They [institutions promoting the classics] argue for an education divorced from the practical aspects of making a living...Opposed to these aristocratic concepts are leaders of the "democratic" philosophy, men and women who believe in expanding the curriculum to include courses that deal with contemporary problems, that relate to student problems in his own community, that remove the aura of mystery and remoteness from the college program. These educators hold that a college education should provide direction for...working in a democracy.⁵²

At the turn of the 20th century, it was even implied that the traditional classics were a part of the legacy of "do-nothing traditions," a view espoused by prominent intellectuals such as Albion Small.⁵³ The longer tradition of the engaged, public-orientation of the humanities, as practiced in the orators' tradition, was overlooked. Today, the connections between public engagement, citizenship and science in higher education continue through the promotion of the public version of the scientific philosopher's paradigm in service-learning and public engaged scholarship. One

⁵² Benjamin Fine, *Democratic Education* (New York: Thomas Y. Crowell Company, 1945), 3.

⁵³ Giles, "Understanding an Emerging Field," 12: 97.

consequence of this is that most of the innovations in the field are in the sciences and social sciences, rather than the humanities. While the service-learning and community engagement field decries the private orientation of the post-Enlightenment philosophers' paradigm begun in Europe, they may not have considered that they may be promoting a more public version of that same structure.

While the orators' paradigm is not well known, glimpses of the orators' rhetoric remain. Reminiscent of the traditional values of the orators, the mission statements of many liberal arts colleges stress civic learning and character development and are "remarkably resonant with the aims of service-learning," according to Zlotkowski,⁵⁴ even though the faculty members in these disciplines tend not to pick up this resonance. Sometimes 'private-oriented' humanities scholars defend this position on grounds related to the Enlightenment ideal of education as the unfettered pursuit of research and knowledge. They may reject the goals of citizenship and real-world application within a liberal education, not only because the pre-Enlightenment tradition of the orators, which integrated democratic citizenship preparation with the humanities, is largely forgotten, but because the American Pragmatic ideal of liberal education connects issues related to democracy and practical work with the 'hard' and 'practical' sciences and not the humanities.

Toward a Humanities-based Approach to Public Engaged Scholarship

One way to support faculty, working in these disciplines, who might be interested in pursuing service-learning and engaged, public scholarship is to go deeper within the orators' tradition to find ways to mine creative, authentic humanities-based approaches to engagement. Several scholars offer perspectives conducive to this approach. Edward Said proposed humanistic and cultural work that engages *directly* with the concerns of everyday life rather than cloistering the humanities in elite enclaves.⁵⁵ He

⁵⁴ Zlotkowski, "Humanistic Learning," 93.

⁵⁵ Edward Said, "Opponents, Audiences, Constituencies, and Community," in *The Politics of Interpretation*, ed. W. Mitchell. Chicago and London: The University of Chicago Press, 1983); and Edward Said, *Humanism and Democratic Criticism*

criticized the non-involvement of the humanities, whose “doctrine of non-interference”⁵⁶ leads to conservative ends, and he provided an inclusive perspective on possibilities of the humanities that are “democratic, open to all classes and backgrounds, and as a process of unending disclosure, discovery, self-criticism, and liberation.”⁵⁷ In a similar vein, Martha Nussbaum links the goal of preparation for citizenship with the humanities in a way that embraces a broader populist educational mission.⁵⁸ She advocates for the kind of humanities education based on both the oratorical tradition of Roman Seneca and the spirit of philosophical inquiry based on Socrates to support the liberal education values of knowing how to question the decisions of oneself and others, empathy, the ideals of world citizen and stewardship for the good of society, and the value of the arts in learning.

We can clearly hear the orators’ tradition in the new humanism education movement,⁵⁹ which describes the symbiotic relationship between individual autonomy and collective humanity, and emphasizes that this connection must be explicitly nurtured over time through engaging and reflecting with others. The philosophical foundations of this approach includes the orators’ or “cultural-classic” tradition with the contemplative aspects of the scientific philosophers’ tradition,⁶⁰ along with the need to work for social change to transform existing political and social inequalities. It could prove to be a good theoretical foundation for humanities scholars who wish practice to engaged, public scholarship. I also propose considering some humanistic concepts, particularly those proposed by philosopher Hans-Georg Gadamer, which may connect the public and private realms in public engaged work in the humanities. Just as the experience of

(New York: Columbia University Press, 2004).

⁵⁶ Said, “Opponents, Audiences,” 8.

⁵⁷ Said, “Humanism,” 22.

⁵⁸ Martha Nussbaum, *Not for Profit: Why Democracy Needs the Humanities* (Princeton, NJ: Princeton University Press, 2010).

⁵⁹ Wiel Veuglers, ed., *Education and Humanism: Linking Autonomy and Humanity* (Rotterdam, The Netherlands, Sense Publishers, 2011).

⁶⁰ Nimrod Aloni, *Enhancing Humanity: The Philosophical Foundations of Humanistic Education* (Dordrecht, Netherlands: Kluwer Academic Publishers, 2002).

participation in teaching, learning, and research is essential to our understanding of service-learning and public engaged scholarship, *direct, embodied participation* is the essential component linking all of these concepts.

Participation in Beauty

Hans-George Gadamer maintains that beauty “finds its concrete form in participation (methexis),”⁶¹ and that beauty exists not only in the arts, but in our everyday life.⁶² The beauty of service-learning, and the scholarship of engagement, is that it can enable its learners and practitioners to “stand in a different relation to the world” through their participation in it.⁶³ The orators’ tradition emphasizes the public purposes of beauty, in particular. As Handley noted, there is a need to participate in work to support the arts in the lived spaces in our communities as partners for social change in service-learning.⁶⁴ This can enable us to cultivate empathy, and it can also further the goals of social justice. We sometimes hear alternative arguments from those who claim that ‘beauty’ is at cross purposes with concerns for the public good because it “distracts us from suffering.”⁶⁵ Rather than considering beauty a diversion or simply window-dressing, however, Elaine Scarry has argued that the call of beauty “intensifies the pressure we feel to repair existing injuries”⁶⁶ and encourages us to work toward ethical equality and social justice. We are responsible to that which we find beautiful, what Scarry referred to as “the compact, or contract,”⁶⁷ and she described the etymological connection between ‘fairness’ in beautiful things and ‘fairness’ in matters of justice. She wrote, “[T]hat beautiful things give rise...to fairness not just in the sense of loveliness of aspect but in the sense of a

⁶¹ Hans-Georg Gadamer, *Truth and Method*, 2nd ed., trans. Sheed and Ward, Ltd. (New York: The Crossroad Publishing Company, 1960/1975), 481.

⁶² Ibid.

⁶³ Elaine Scarry, *On Beauty and Being Just* (Princeton, NJ: Princeton University Press, 1999), 112.

⁶⁴ Handley, “The Humanities”, 52.

⁶⁵ Scarry, “On Beauty,” 58.

⁶⁶ Ibid., 57.

⁶⁷ Ibid., 90.

symmetry of everyone's relations to one another."⁶⁸ Because beauty is available to us through our senses in ways that abstract social relations are not, experience with beautiful things can help us recognize the beauty of equal social relations when they come into being.

Critically, the beauty of the arts accompany and serve as models for social justice work, and social movement scholars are beginning to tap into these connections. Some social movements might cease to exist altogether if they did not integrate art into their social change work.⁶⁹ The Occupy Wall Street movement is a recent example of how the arts were intertwined with a social change movement, which generated local and "virtual" art events, such as posters and other visual media such as video documentaries, puppet shows, poetry readings, performance-art happenings and dramatic "spectacles" or short plays.⁷⁰

Participation in Friendship and Scholarship

The orators' tradition emphasizes participation in a community of scholars, which in service-learning and public engaged scholarship, could extend nicely to include community partners as a part of learning communities. Early academic career or first-year service-learning experiences for humanities students could enhance the retention rate of students in these disciplines, while enabling them to enter in conversation with others who could shape their practice as arts and humanities practitioners.

Participation requires engaging with others from the perspective that we have something to learn, and that we may be wrong. Gianni Vattimo wrote that there is a meaningful relationship between Gadamer's ideal of participation and democracy, stating it "most faithfully reflects the pluralism of modern society that is best expressed, in the political realm, through

⁶⁸ Ibid., 95.

⁶⁹ Benjamin Shepard, *Play, Creativity, and Social Movements* (New York: Routledge, 2011).

⁷⁰ Richard Kim, "The Audacity of Occupy Wall Street," *The Nation*, November 15, 2011, 15-21.

democracy.”⁷¹ By thoughtfully engaging with others about their perspectives, we can begin to cultivate bonds of friendship. In terms of working to end social inequalities, Gadamer wrote that in the interests of “service to what is considered valid,” one can help solve a problem of another only if they are a friend, and willing to “think with” another rather than “do something for” that person.⁷² Friendships involve caring for the other and remaining open to the truth of our friends’ experiences. Understanding the role of participation for the humanities and social sciences is critical to community-based research endeavors. Gadamer described the “necessity of seeking an epistemological self-understanding which is not based on the credence of the natural sciences,” for these disciplines, because they are based on our participation in, rather than our objective distance from, the traditions in which they find themselves.⁷³ In an interview, Gadamer said,

[T]he ideal of objective knowledge which dominates our concepts of knowledge, science and truth, needs to be supplemented with the ideal of sharing in something, of participating in something...this possible participation is the true criterion for the wealth or the poverty of what we produce in our humanities and social sciences.⁷⁴

Each understanding based on our participation is brought forth in a new voice, and the role of the humanities and social sciences is to articulate those experiences.

Participation to Cultivate Practical Wisdom

Gadamer advocated for the kind of character-forming education that occurs outside or alongside the classroom and within the lived patterns of

⁷¹ Gianni Vattimo, “Hermeneutics and Democracy.” *Philosophy and Social Criticism* 23 no. 4(1997): 1-7, at 1.

⁷² Gadamer, “*Truth and Method*,” 278.

⁷³ Hans-Georg Gadamer, “Practical Philosophy as a Model of the Human Sciences,” *Research in Phenomenology* 9(1979): 74-86, at 74.

⁷⁴ Hans-Georg Gadamer, *Gadamer in Conversation: Reflections and Commentary*, trans. Richard Palmer (New Haven, CT: Yale University, 2001).

social life to gain experience in the “habit” of thinking and acting well, or ‘practical wisdom.’ He understood that we develop practical wisdom through experiential learning in multiple situations throughout our lifetimes, and recommended that it is best to cultivate this habit early, offering theoretical support for including direct service-learning and engaged public scholarship experiences early on in the educational careers of students and faculty for character development and citizenship preparation. Gadamer warned that detached, theoretical learning about social issues could desensitize us to the challenges of acting in particular situations when we are in them, and increase the likelihood that we will become arrogant. Practical wisdom, what the Greeks called *phronesis*,⁷⁵ cannot be ‘taught’ in the same way that the skills of the scientific method can, but must be practiced by each individual with regard to her current situation, and therefore always requires a concrete situation in which to practice. At the *individual* level, practical wisdom serves as a guide to assist an individual in making informed or good choices in one’s life, through ‘inner conversations’ with oneself and conversations with those we respect; the *collective* or political form takes place when citizens work to make choices for society as a whole, which often involves reaching conclusions jointly by participating in conversations, and coming to a greater understanding of the solidarities that connect us, despite disagreements or differences. There are no practical wisdom experts, according to Gadamer, as each one of us is responsible for cultivating this capacity, but we can learn from others who have nurtured this capacity in their own lives. In the context of public engaged scholarship, we would be encouraged to learn from many people who have cultivated practical wisdom, including our co-educator

⁷⁵ Jana Noel pointed out how different English translations of the word *phronesis* have led to different educational practices in “On the varieties of *phronesis*,” *Educational Philosophy and Theory* 31: 273-289. In her 2010 publication, Nel Noddings translated Aristotle’s concept of *phronesis* as character, and indicated that it was inadequate to capture the relational dynamics of her concept of the relational self. Other interpreters, including Gadamer, describe the relational, reflective give and take of the development of both the individual and collective forms of *phronesis* in more detail.

community partners.⁷⁶ We can – and should – learn to reflect on our experiences so that we might become more open to future experiences and guide future actions.

Concluding Sentiments

What appears private can be public, as we learned from feminist organizers working for social change, and what is public, in the orators' education tradition, can feel personal, as it emphasizes 'private life realm' values of friendship and understanding the lifeworlds of particular others. One of the compelling aspects of service-learning and public engaged scholarship is that it can provide an important bridge between the Western traditions of both the private and public life realms, by seeking to deepen friendship and understanding by nurturing cultures of care among those with diverse life experiences, and embracing civic or public education and action designed to serve the public good. More work is needed to consider ways the relational ethics of care can deepen public engaged scholarship, particularly as the field moves toward greater political action and calls for social justice work. Feminist thinkers identify ways in which 'marginal' values, commonly associated with the private life realm of maternal care, are relevant to the public life realm. In a similar way, I suggest that the forgotten values and concepts associated with the orators' educational paradigm can be relevant to our public engaged scholarship and service-learning based practices, which are based on a pragmatic version of the philosophers paradigm.

At present, liberal education can – and often does – fulfill both civic, public purposes as well as private purposes, but the proponents of each often co-exist in silos of practice that rarely cross ideological divides. In a twist of history, humanities scholars are more likely to emphasize the post-Enlightenment private tradition of education and are therefore less likely to be involved with service-learning and public engaged scholarship, which includes an explicit civic or public focus commonly associated with the

⁷⁶ Marie Sandy and Barbara Holland "Different worlds and common ground: Community Partner Perspectives in Campus-Community Partnerships," *Michigan Journal of Community Service Learning* 13 :1 (2006):30-43.

sciences and American pragmatism. However, we should consider that the root tradition of the humanities—the orators’ educational paradigm—emphasizes the public purposes of education, values developing communities of learners and communicating knowledge, and could embrace the cause of public engaged scholarship in a nuanced way. I sense that the new humanism movement could provide a base for the humanities disciplines to participate in public engaged scholarship and social justice work because it includes values from both the orators’ and philosophers’ paradigms; it could provide a theoretical home to these scholars. Specific concepts associated with the orators can also help create a humanities-based approach to service-learning and public engaged scholarship and enliven this area of scholarship overall, and I have touched upon a couple of those here, including participating in beauty, friendship, and the cultivation of practical wisdom.

There are benefits for including experiences in higher education where the distinct values of the philosophers and orators can be realized. As Schaub and others note, for example, the classics, as presented by the private-oriented post-Enlightenment humanities, do have important lessons to convey about how to live in the present and to “contribute to our understanding of the human condition as a whole.”⁷⁷ I suggest that identifying new ways to blend the public and private goals of liberal education could advance positive alternatives to our current practice.

⁷⁷Rossen Roussev, “Philosophy and the Transition from Theory to Practice,” *Telos* 148 (2009): 86-110.

Humanistic Knowledge, Service-learning, and Public Engaged Scholarship: Marie Sandy's Intersections with Hannah Arendt, Feminist Care Ethics, American Pragmatism, and Hans-Georg Gadamer

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Marie Sandy's interest in the philosophies of Hannah Arendt and Hans-Georg Gadamer has very much shaped her vision of service-learning and public engaged scholarship. Her article "Mothering as World-building and other 'Hera-cies': Tracing the Liberal Arts Traditions in support of Service-learning and Public Engaged Scholarship" is an example of just that. In it, she endeavors, quite ambitiously, to integrate key ideas of these two thinkers, as well as of feminist care ethicists and American pragmatists, in an attempt to substantiate a new role for liberal arts education and particularly for the knowledge of the humanities. The specific issue she has taken up here, namely, the "productive tension" between what she differentiates as "private study" and "a more civically engaged liberal arts education"¹ points immediately to Arendt's differentiation between public and private realms in *The Human Condition*.² Whereas, care ethicists' discussions of the social and theoretical significance of maternity, pragmatists' demand for the usability of scientific knowledge, and Gadamer's call for the participatory involvement of theory with practice, via prudence, have become Sandy's resources for building the bridge between the realms of private and public life.

Sandy's concern with the public-private distinction in academic

¹ Marie Sandy, "Mothering as World-building and other 'Hera-cies': Tracing the Liberal Arts Traditions in support of Service-learning and Public Engaged Scholarship," *Sofia Philosophical Review*, Vol. VI, no. 2, 2012, 27.

² Hannah Arendt, *The Human Condition*, (The University of Chicago Press, Chicago, 1958).

contexts appears to have been motivated by a conviction of the specific roles of intellectual culture and educational practice (primarily humanistic knowledge and general education) in the structure of modernity. This is most particularly tangible in the way she sees the area of “service-learning and public engaged scholarship,” to which she pledges her professional allegiance and efforts, as the academic avenue that will ensure a mode of productive co-existence of both the private and public realms. As she puts it,

I define service-learning and public engaged scholarship as an approach to teaching, learning and research characterized by participation in community-based environments to address community needs, integration of local and expert knowledge, the inclusion of academic texts, reflection, and hands-on work, and may include explicit goals for citizenship and character development as well as aspirations for social justice.³

One is immediately struck here by the broad range of knowledge and activities falling within the scope of service-learning and public engaged scholarship so defined. And yet, one is also reminded of a similar overarching role that some prominent contemporary thinkers have assigned to philosophy itself. Thus, Wittgenstein, Habermas, and Rorty reinvent the role of philosophy, respectively, as a thought-therapy ensuring the unproblematic publicity of the concrete language games,⁴ a mediating interpreter of expert knowledge on all levels of modernity,⁵ and a political emancipator of our society and culture from all forms of suffering and

³ Marie Sandy, “Mothering as World-building and other ‘Hera-cies’”, 28.

⁴ Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe, (Oxford: B. Blackwell & Mott, Ltd., 1967).

⁵ Jürgen Habermas, “Philosophy as Stand-In and Interpreter,” *Moral Consciousness and Communicative Action*, (Cambridge MA: MIT Press 1990); Jürgen Habermas, *Postmetaphysical Thinking: Philosophical Essays*. (Cambridge MA; London, England: MIT Press 1992); (Cf. Jürgen Habermas, “Die Philosophie als Platzhalter und Interpret,” *Moralbewusstsein und kommunikatives Handeln* (Frankfurt am Main: Suhrkamp Verlag 1983), 26, and Jürgen Habermas, *Nachmetaphysisches Denken: Philosophische Aufsätze* (Frankfurt am Main: Suhrkamp Verlag, 1988), respectively.

oppression.⁶ It is, therefore, not a surprise that Sandy will search for substantial philosophical support in her inquiry, in line with an “integration of local and expert knowledge” and “hands-on work.”

The beginning of this search is already indicated with the characteristic opening quote by Diana Schaub, which initiates a philosophical discussion of the public-private opposition in an educational context. More specifically, it addresses the peculiar symbolism associated with the status of the Ancient Greek goddess Hera as the patron of child birth and upbringing and its characteristic invocation by Socrates when discussing matters of education. Drawing on Schaub, Sandy first links what she calls the “true domain of Hera,” associated with the private home in Ancient Greek culture, with the intellectual endeavors of Socrates whom she takes as a promoter of private study, which is not “tainted with the affairs of the market place and civic, public square.”⁷ Sandy here recaptures the well-known position of Socrates that the truth should be pursued in a dialogue (or in a sense privately) and guarded from unexamined popular opinions (*doxa*). However, the link of this position to the symbolism of Hera is a somewhat unorthodox one: Socrates is here seen as “never one to scorn the wisdom of women”,⁸ rather than as associated with the infamous statement, conveyed to us by Diogenes Laertius and much detested by most feminists, namely, that he was grateful to be “born a human being and not one of the brutes, ... a man and not a woman,” and “a Greek and not a barbarian.”⁹ This will

⁶ Richard Rorty, “Philosophy as Science, as Metaphor, and as Politics,” in *Essays on Heidegger and Others: Philosophical Papers*, Volume 2 (Cambridge MA: Cambridge University Press, 1990); Richard Rorty, *Philosophy and the Mirror of Nature* (Princeton: Princeton University Press, 1979).

⁷ Marie Sandy, “Mothering as World-building and other ‘Hera-cies’”, 28.

⁸ As Plato’s dialogues tell us, Socrates has recognized Diotima of Mantinea as his teacher in erotics (*Symposium*) and Aspasia of Miletus as his teacher in rhetoric (*Menexenus*). In fact, Plato tells us that Socrates has learned his famous doctrine of the forms precisely from Diotima. We also learn from the *Apology* that Socrates has heeded and taken very seriously the opinion of Pythia, the oracle of Delphi. Plato, *Complete Works*, ed. John M. Cooper and D. S. Hutchinson, (Hackett Publishing, Indianapolis, 1997).

⁹ Diogenes Laertius, *Lives of Eminent Philosophers*, Volume I, trans. by Robert Drew Hicks (Loeb Classic Library, 1925), 33.

serve an important purpose in Sandy's query: it will secure a peculiar bond between her notion of mothering and the production of knowledge, i.e., between the workings of Hera and the intellectual endeavors of Socrates, the man who can most readily be called the arch-philosopher of the West and who likewise was never troubled to make his oath "by Hera."

What comes next is a discussion of characteristic points raised by feminist care ethics thinkers, as well as by Sandy's personal experiences, exemplifying philosophically (with an intended theoretical significance) a variety of passages between the realms of private and public, which present aspects or the aura of mothering as knowledge-significant and, by this, also as publicly significant. Sandy's examples point to controversial contemporary issues such as domestic violence, homelessness, health care, and social justice. At the same time, the linkage they convey between private mothering and public knowledge also points to their necessary connection with politics as the principal venue of their resolution. Here, therefore, is the point where Sandy intersects with Arendt's view of the significance of the political life and its interdependence with private affairs. As a result, she embraces Arendt's apperception of Socrates' endeavors, which he himself viewed very indicatively as a dialectical maieutic, as fundamentally political:

The connection between the private and public life realms were likely not lost on Socrates, who described his practice of improving the opinions of young Athenians through one-on-one questioning as "the art of midwifery" or maieutic – the private craft for which the goddess Hera had dominion – but planted himself firmly in the public marketplace to do this.¹⁰

Following Arendt, Sandy sees the specific art of maieutic practiced by Socrates as an infusion of friendship in the community, which in this way makes possible the appreciation of the opinions of others. Friendship thus becomes a politically significant phenomenon precisely in a transition between private and public, so much so that Sandy now claims that "(w)hat

¹⁰ Marie Sandy, "Mothering as World-building and other 'Hera-cies'", 29-30.

seems private, one-on-one conversation with oneself or with another to see more clearly the truth of one's position has political implications."¹¹

While outlining her Arendtian perspective, Sandy also intersects, more explicitly, with feminist care ethics. This becomes prominent in her introduction of the term "Hera-cy". The term is not explicitly introduced but is rather elusively presented via a reference to Mary Daly and in an association with the term "heresy," which, for its part, is introduced with its common meaning of 'unorthodox viewpoint.' Thus, one might gather that, beyond the immediate alliterative association, "Hera-cy," is a kind of "heresy" associated with the introduction of aspects of the private realm of care into the public realm of politics. Whereas this sense is not made evident in the text, it is nonetheless the one which can be read in the examples of "Hera-cies" that Sandy gives subsequently, the first of which is Arendt's view of Socrates' goal of friendship in "civic education."¹² Other of these examples include Sara Ruddick's apperception of "mothering and caring for particular others" as promoting "the principle of non-violence in the public life"; Grace Clement's point that care ethics promotes justice in the public realm including a consideration of the "'concrete other' or 'concrete collective other', the idea of 'positive rights' of others, such as the right to health care"; as well as Nel Noddings' view that "the quality of how well our relational selves are nurtured [at home] impact society,"¹³ but they do not amount to a clear-cut specification of the term. Nevertheless, while the term "Hera-cy" remains non-explicit but exemplified, it is obviously purported to convey an emancipatory meaning, which is revealed to us in Sandy's politically correct outlook – by means of a markedly feminist symbolism – towards the two realms of private and public:

In a related vein, feminist scholars propose other Hera-cies, including explorations of how the "private" arts of midwifery, mothering, and nurturing and caring for others, which often take place in private homes, have implications for our participation in public life.

¹¹ Ibid., 31.

¹² Ibid., 31.

¹³ Ibid., 32.

Mothering and caregiving today no doubt involve more contested terrain than in Socrates' day, and there are significant, socially constructed differences of these experiences based on race, class, cultural and ethnic heritage, and sexual orientation. But in a spirit that might be considered similar to Socrates, these scholars often use feminine speech forms, such as "maternal thinking" to describe relational experiences in which men and women are equally capable of engaging, but which draw on roles and experiences most typically associated with women in most societies.¹⁴

Based on her sense of Hera-cy, and drawing on Noddings and Robert Rhoades, Sandy can go on to clarify further her view of service-learning and public engaged scholarship. They are now understood as "important ways education institutions bridge the gap between the public and private spaces in higher education."¹⁵ In other words, by going through particular experiences of caring for others, one can arrive at a new sense of the political significance of knowledge and service. Thus, associating the Arendtian vision of Socrates as a promoter of a democracy of friendship with the "deliberative democracy movement in service-learning and engaged public scholarship,"¹⁶ Sandy now maintains that, due to the epistemically unestablished status of the truths to be encountered in a community-based learning or investigative environment, it is necessary to keep our minds open to alternative possibilities through a permanent deliberation. As she puts it, "it is our responsibility as educators to help us all cultivate our sociological imaginations so that we do not simply reify existing inequalities through community-engaged experiences but interrogate them."¹⁷

Having searched for a general philosophical perspective on the relation public-private, in which to project an interlinkage among the care of mothering, the publicity of knowledge, and the solutions of politics, Sandy

¹⁴ Ibid., 31-32.

¹⁵ Ibid., 33.

¹⁶ Ibid., 33.

¹⁷ Ibid., 33.

attempts to position within it also the workings of higher education. Now she endeavors to articulate the tension between public and private, which she identified in Schaub's stance with regard to the character of the academic disciplines contributing to the field of service-learning and public engaged scholarship. Whereas Schaub, drawing on Leo Strauss, has advocated the cultivation of an intellectual aristocracy that could counter the intervening forces of the market, Sandy now maintains that

Rather than retreating from the workings of liberal democracy and the work of the world, public engaged scholarship requires learners to intentionally immerse themselves in action, and increasingly, political action.¹⁸

According to Sandy, however, this active involvement with liberal democracy in public life has not applied equally to all the known academic disciplines. Particularly, those most closely associated with "the modern Socratic-Platonic tradition", the humanities, appear to have been most underrepresented in the field of public service and public engaged scholarship and this, as she suggests, as a direct consequence of the pragmatic turn that John Dewey and others made in the area of pedagogy.¹⁹ Sandy's intersection with the American pragmatism that demands educational solutions closer to practice and public life does not just present her with an argument that she could use against the Schaub-Strauss standpoint. On the contrary, it has made her realize, again with the help of Schaub, that whereas the two perspectives have had some history of tension, which has fallen into oblivion in the post-Enlightenment era, her stated goal to convey this tension as productive can be reached only through a new apperception of that history.²⁰

Sandy's historical analysis of the two perspectives draws on Bruce Kimball's very loose distinction between "orators" and "philosophers" and generally associates the former with the public realm and the latter with the

¹⁸ Ibid., 34.

¹⁹ Ibid., 34-35.

²⁰ Ibid., 35-36.

private one. Most emblematic here are “the perspectives of the Sophists and the Socratic-Platonic philosophers,” respectively, even though the different traditions they present are extended to include respectively the Roman orators and the Pre-Socratic thinkers.²¹ Sandy’s point, which is indeed a basic assumption, here is that,

Education in the orators’ tradition emphasizes the cultivation of a community of learners, reflecting on tradition, and preparation for public democratic life, particularly through mastering language and texts, to focus on the ‘conventions’ of human life. In contrast, the tradition of the philosophers emphasizes the private contemplation of ‘eternal’ or ‘primary’ things, unfettered pursuit of truth and systematic inquiry through the scientific method.²²

In the course of her discussion of these two perspectives, Sandy observes that while “the orators tradition prepared students and scholars for participating in democratic forums,”²³ “(t)he philosophers’ paradigm significantly influenced the development of the modern Western university system during the Age of Enlightenment.”²⁴ As a result of this influence, the post-Enlightenment university began perceiving itself and its workings in terms of “autonomy from church and state,” “freedom for academics,” “knowledge for its own sake, value-neutrality, and radical doubt or skepticism”; it also “created an environment for academics to pursue self-directed research, and included a practical orientation that privileged the natural sciences.”²⁵ For Sandy, this led to a specific estrangement of the university from public affairs, which she illustrates through Gregory Jay’s observation that the established ideals of higher education often covered up “oppressive inequalities of power,” as well as others based on “race, class, gender, rationality and sexuality.”²⁶ At the same time, there was another

²¹ Ibid., 36-39.

²² Ibid., 36.

²³ Ibid., 37.

²⁴ Ibid., 39.

²⁵ Ibid., 39.

²⁶ Ibid., 39.

consequence of Enlightenment ideals: whereas they generally appeared to direct higher education to “serve more private rather than public purposes,”²⁷ the humanities found themselves not only in the position of being least useful, but also of being most disadvantaged with regard to their putative contribution to service-learning and public engaged scholarship.

Still, in Sandy’s view, the reconfiguration of the academic disciplines ensuing from “the European Enlightenment” had different consequences in the United States – there a “new public-oriented philosophers’ paradigm” was established that conveyed also the orators’ view of the humanities.²⁸ Pointing to the traditionally “most prestigious” status of the humanities specializations in the American university and to the adoption after the war of independence of the German scientific model of “useful knowledge,” Sandy now perceives the “American higher education institutions” as taking “a populist orientation” towards the public realm with its “need for an educated populace for a democratic, self-governing state” and she “contrasts” it with “the European universities that provided access only to the elites.”²⁹ While her claim is not unproblematic,³⁰ her association of the “populist orientation” involved with American pragmatism does ring true. The pragmatic philosophers regarded knowledge as closely related to social and political practice and, particularly in the face of Dewey, promoted a vision of higher education that extrapolates the sciences from their academic reclusion to enhance the public realm and its mechanism of democracy.

²⁷ Ibid., 40.

²⁸ Ibid., 39-40.

²⁹ Ibid., 40.

³⁰ It must be noted first that Sandy’s meaning of “elite” is not specified here and therefore remains unclear. Second, the same applies also to the time period to which she refers. And third, her claim that “the European universities provided access only to the elites” is simply too strong and can be quickly countered with examples of people like Vico, Kant, Fichte, even Heidegger (and these come only from the philosophical tradition), who were able to educate themselves despite their non-elitist origins. The claim in question applies more fittingly only to countries like Russia, whose social system remained very feudal until late in the 19th century and beyond. Finally, it is to be noted also that, whereas it is generally true that American institutions maintained a “populist orientation,” high educational fees have kept and continue to keep much of the citizenship away from higher education and likewise from the public life.

Sandy further associates the educational perspective of American pragmatism with the orators' perspective upon the humanities, which she admits has been forgotten and is currently little known, and argues for a greater integration of the latter within the workings of the higher education. Pointing to the similarity of the mission statements of many liberal arts colleges to the orators' paradigm appropriated in service-learning and public engaged scholarship, she also identifies well-established scholars like Edward Said and Martha Nussbaum as advancing points conducive to the same paradigm. We can surely acknowledge here that Said's demand for the greater involvement of the humanities with everyday life and public affairs, and Nussbaum's perception of the role of the humanities and populist education in promotion of citizenship and empathy for the good of society, fittingly resonate with Sandy's Arendtian vision of the interdependence of public and private enhanced by humanistic knowledge.³¹

Thus, Sandy's philosophical search has led her to recognize a necessary role for the humanities, not only for bridging the public and private realms but also those of knowledge and practice, along with the necessity of philosophical competence that would supply also her own stance on the importance of Hera-tic knowledge.³² This necessity has led to her intersections with Hans-Georg Gadamer, the philosopher who has been perhaps most appreciative of the status of humanities in culture. Sandy gets from her encounter with Gadamer and his hermeneutics of participation an instrumentarium for perception of the aspects of humanistic knowledge, which she considers vital for bridging the public and private realms, or the orators and the philosophers' perspectives. The aspects at stake include the beauty she associates with the pursuits of the orators, the friendship she (along with Arendt) identifies with the goal of the intellectual endeavors of Socrates, the kind of scholarship of service-learning and public engagement, to which she herself aspires, and the ensuing from all these practical

³¹ Ibid., 42-43.

³² See Rossen Roussev, "Philosophy and the Transition from Theory to Practice: A Response to Recent Concerns for Critical Thinking," *Telos* 148 (2009): 86-110; as well as his *Philosophy and the Structure of Modernity: Fragments of Actualization*. (Sofia, Bulgaria: East West Publishers, 2005) (in Bulgarian).

wisdom. Sandy's perspective on hermeneutic participation is clear:

Just as the experience of participation in teaching, learning, and research is essential to our understanding of service-learning and public engaged scholarship, *direct, embodied participation* is the essential component linking all of these concepts.³³

This perspective encompasses the specific positions espoused by Gadamer, which she needs to support her stance on the interdependence of the public and private realms: that beauty becomes "concrete" in participation (*methexis*) and is to be found "not only in the arts, but in our everyday life"; that knowledge and scholarship are possible through caring participation in friendship in a community of individuals and scholars; that social inequalities can be adequately addressed only when one is able to "think with" another as friend; that the goal of education also requires learning something outside the classroom – what the Greeks called *phronesis* or practical wisdom.³⁴ The essential point Sandy adopts from her encounter with Gadamer is that, whereas "understanding the role of participation for the humanities and social sciences is critical to community-based research endeavors," a "detached, theoretical learning about social issues could desensitize us to the challenges of acting in particular situations and increase the likelihood that we will become arrogant."³⁵ Thus, Sandy rejects with Gadamer the possibility of "practical wisdom experts" and asserts that only "each one of us" can acquire "this capacity" and "learn from others" who have already done it "in their own lives."³⁶

Sandy thus accomplishes her task of laying down a new role for liberal arts education and the knowledge of the humanities, which is to promote service-learning and public engaged scholarship. The "productive tension" between the privately and publically apperceived roles of education, which she sought to elaborate, has been delineated in terms of a quite impressive

³³ Marie Sandy, "Mothering as World-building and other 'Hera-cies'", 44.

³⁴ Ibid., 44-47.

³⁵ Ibid., 47.

³⁶ Ibid., 47-48.

amount of cross-disciplinary scholarship. Bringing together the Arendtian perspective of political interdependence of private and public, through the feminist perspective of promoting a theoretical significance of the experience of care and the pragmatist vision of the interlinkage between knowledge and practice in democratic society to the Gadamerian philosophical apperception of the role of humanities and the value of participation and prudence in the communal life and scholarship, Sandy has advanced rather convincingly the idea she seems to covet most, namely, that of service-learning and public engaged scholarship. She has thus also apprehended the necessity of what, as already mentioned, I have tried to identify elsewhere as “philosophical competence,” which essentially involves humanistic knowledge and critical and creative philosophical thinking,³⁷ even though she has done so within her own and preferred terminology. Whereas, to my mind, she could have deepened her inquiry into and articulated more philosophically elaborately the Hera-tic nature of her own investigative perspective, it is equally helpful (meaning also Hera-tic) that she has ventured to identify its phenomena in a variety of other conceptions that fall more readily within the scope of her own academic interests. As she already has at her disposal the resources for such ventures in many directions, it will only remain for her to pursue them in her future work.

³⁷ See Rossen Roussev, “Philosophy and the Transition from Theory to Practice”; as well as *Philosophy and the Structure of Modernity*.

Foucauldian Resonances: Agamben on Race, Citizenship, and the Modern State

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Abstract

This paper analyses Michel Foucault's conception of the relationship between race and the modern state. Foucault claims that the modern state makes substantive assumptions about the racial identity of "legitimate" members of the body politic. Modern political power thus operates on essentially exclusionary grounds based on racial identity. This paper develops Foucault's analysis of the relationship between race and the modern state into a critique of Giorgio Agamben's characterization of the category of the sacred, *homo sacer*. Although Agamben offers an insightful account of how different groups are excluded in modernity, this paper argues that Agamben fails to consider how one's vulnerability to falling into the category of the sacred is mediated by one's racial identity. This paper concludes by showing the racialized way citizenship functions in modern states, even in a constitutional democracy such as the United States.

Introduction

Until the recent publication of the lectures that Michel Foucault delivered at the Collège de France in the mid 1970s, the question of the nature of race and racism in his analysis of the modern era had hardly surfaced, although there was some mention of Nazism and eugenics in *The History of Sexuality*.¹ In his lecture series, entitled "*Society Must be Defended*", he begins to engage the question of race and racism in modernity in a more systematic way. He employs a genealogical analysis of the concept of race, tracing its development through Western political

¹ Chloe Taylor, "Race and Racism in Foucault's College de France Lectures," *Philosophy Compass* 6, (2011): 746.

history. In order to investigate the modern concept of race and the accompanying form of racism to which it gives rise, he believes that it is crucial to emphasize the form of political power in modernity. He highlights in particular governmental rationality founded on biopower. In his discussion of these topics in his lectures, he has in mind the National Socialist state of Nazi Germany and pays little attention to other kinds of racism around the world, especially in the North American and postcolonial context.

In spite of the narrow focus of Foucault's lectures, there has been a recent flurry of research extending his analysis of race and racism to the North American and postcolonial context.² The recent engagement with Foucault shows that his work offers rich insights into the modern form of racism. His analysis is especially helpful for understanding how certain assumptions about racial identity characterize the foundation of the state and its relationship to the body politic. His work is also useful for showcasing how the concept of race is a contingent development that has assumed social reality because of certain historical and political factors. For Foucault, modern racism is linked to the emergence of modernity; it is tied to a particular distribution of political power, which is intimately connected with a certain hegemonic discourse or "regime of truth" that, among other things, makes the distinction between "them" and "us" on racial grounds. This distinction lies at the (bio-)political heart of the modern state. He argues that modern states that share a biopolitical model of power are essentially racist. Such a state necessarily excludes some groups and includes other groups on the basis of race.

Giorgio Agamben is a preeminent political theorist who develops Foucault's analysis of modernity in his book *Homo Sacer*. He borrows and expands upon Foucault's notion of sovereign power and biopolitics, exploring the way sovereign power distinguishes "them" from "us." It creates a legitimate body politic, as well as a new category of people: *homo*

² Ann Laura Stoler. *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press Books, 1995).

sacer, those who can be killed but not sacrificed.³ They are the people who fall outside the juridical order of the state and whose death would not count as murder under any circumstances. His exploration of *homo sacer*, however, has a theoretical lacuna that his predecessor, Foucault, would have found problematic: Agamben says little about the connection between *homo sacer* and race in modernity.⁴ Theorizing race in light of the sovereign power of the state is crucial for understanding the political history of the West and the United States in particular. Such an analysis could illuminate the factors motivating the historical exclusion of African-Americans and Native Americans from the “legitimate” body politic at the inception of the United States.

In this essay, my principal concern is to trace how racial identity influences the organization of the modern state and its relationship to the different racial groups that make up its body politic. I argue that sovereign power’s creation of a “legitimate” body politic, as well as the category of *homo sacer*, is profoundly influenced by racial identity. The foundation of a state often presupposes the category of “legitimate” citizenry, as well as those who are politically, economically, and socially disenfranchised on racial grounds. I hope to develop Agamben’s account of *homo sacer* by engaging Foucault’s conception of modern racism in his lectures, “*Society Must be Defended*”. Such an analysis brings to light the implicit normative dimension of citizenship with regard to race. It shows how the privileges of citizenship, which at least in the political history of the United States, amounts to the following edict: to be a full citizen, entitled to the privileges and protections of the state, is to be a white citizen.

In the first section of the essay, I present Foucault’s analysis of sovereign power, racism and the modern state. I discuss how the biopolitical model of governmental rationality replaced the sovereign model of power and how Foucault thinks it functions in modernity. In the following section,

³ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford University Press: Stanford, 1998), 73.

⁴ Agamben says little about race and he says even less about the status of women in modernity. This is something he shares with Foucault. Due to space constraints, this essay will only engage the question of race.

I present Agamben's account of *homo sacer* in the context of Foucault's formulation of the racialized foundation of the modern state. I show that Agamben's model is indebted to Foucault but departs from him in some fundamental respects, namely, by neglecting to account adequately for questions of race and racism in the modern state. I conclude the essay with a discussion of citizenship. Debates about citizenship in the United States betray serious anxieties about the racial makeup of American national identity. I hope to demonstrate the fruitfulness of Agamben's arguments once questions of race and racism are brought to the fore.

I. Foucault on Sovereign Power, Race, and Modernity

*Turks are conquering Germany in the same way as
Kosovars conquered Kosovo – with a high birth rate.*

Thilo Sarrazin, former Bundesbank board member

In his collected lectures in "*Society Must Be Defended*", Foucault traces the development of racism in continental Europe. In doing so, he offers a genealogy of the concept of race, which shows how it evolved through Western political history. He thereby highlights its historical contingency.⁵ As different governing models prevailed, they expressed their political power in new ways; as a consequence, race and racism took on new forms. Foucault begins his analysis of race with a discussion of sovereign power, which was the prevailing form of governmental rationality prior to the rise of modernity. Before moving on to a discussion of Agamben's notion of *homo sacer*, it is helpful, first, to articulate Foucault's account of sovereign power and how it is ultimately replaced by a new governmental rationality: biopolitics.

In *Discipline and Punishment*, Foucault identifies three key features of the governmental rationality of sovereign power: the spectacular display of power in the name of the sovereign, the use of myth as history, and the unity of the people and the sovereign. The exercise of sovereign power is most

⁵ Kim Su Rassmussen, "Foucault's Genealogy of Racism," *Theory, Culture, and Society* 28(34): 2011, 34.

evident in capital punishment. Punishment's aim – its “justice” – “was to deploy its magnificent theater, the ritual praise of force, on a corpse.”⁶ In committing a crime, the prisoner was neither expected to reform, to offer justifications for her wrongdoing, nor to express remorse. Rather, the prisoner surrendered her body to the spectacular force of sovereign power. The body was the focal point of punishment, there to be subject to horrific forms of state violence: torn, mangled, and ultimately annihilated. The prisoner's physical suffering and death were necessary to restore the political hierarchy of power that her crime had unsettled. Only the sovereign could intervene on the bodies of the citizenry and their property, but the citizens could not intervene upon each other, or more importantly on the sovereign himself.⁷ Crime was therefore a contestation of sovereign power, which only extremely violent capital punishment restored.

Understanding the unity of myth and history under sovereign power is important for grasping the eventual emergence of discourses of race. Foucault contends that the sovereign held a monopoly on truth. He employed a cadre of court poets and chroniclers who, in composing lyrical praise for the sovereign, were also writing the history of the state. That the mythological blandishments of poetry were taken to be history helped secure the sovereign's power; it bolstered the legitimacy of his rule, since the people could not appeal to history to contest it. Consequently, under the sovereign model of power, there was a unity between the history of the state and the history of the people. The people identified themselves as subjects of sovereign right and, at least at the discursive level, did not contest sovereign power's monopoly on truth.⁸ For “in general terms...until a very

⁶ Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (London: Penguin, 1991), 51.

⁷ Citizens' intervention upon the sovereign (e.g., regicide and treason) was of course the most offensive crimes. Citizen's crimes against each other were an indirect affront to sovereign power, but a direct affront warranted the most painful and violent punishment.

⁸ Foucault does not think the sovereign model of power created a completely complaisant citizenry. He remarks on instances when the people turned against the executioners dispatched by the sovereign to carry out capital punishment. These were contestations not at the level of discourse, but practices that countered the will of the sovereign.

late stage in our society, history was the history of sovereignty, or a history that was deployed in the dimension and function of sovereignty.”⁹

Once the sovereign model of power collapsed, warlike social and political relations emerged. The unity between the people and the state disintegrated. The people stopped identifying themselves with sovereign right and enlisted history as a weapon for contesting it, seeking political recognition based on their own unique social, historical, and political differences. Foucault writes that these struggles invoked the concept of race and ethnicity as a means for undermining state power, but these invocations were discontinuous and decentralized. “The discourse of race struggle...when it first appeared and began to function in the seventeenth century was essentially an instrument used in a struggle waged by decentered camps.”¹⁰ People began to speak from outside sovereign power – “from the side that is in darkness, from within the shadows”¹¹ – and offered their own politico-historical formulation of their identities, which amounted to a type of discourse that sought to affirm their race or ethnicity. In being discontinuous and decentralized, these discourses on race were not seeking hegemony and did not desire to take over sovereign power as the new governing body.

According to Foucault, with the emergence of modernity, the relationship between the discourse of race and the state takes on a perverse form. The modern state harnesses the discourse of race, which was once used to contest it, in order to bolster its legitimacy and power. “Race becomes the discourse of a centered, centralized, and centralizing power.”¹² This new form of governmental rationality demonstrates the “polyvalent mobility” of race discourses.¹³ Discourses do not have an essential meaning. A discourse that was at one historical moment progressive and challenged state power in another historical moment could be recuperated by the state

⁹ Foucault, “*Society Must be Defended*”: *Lectures at the Collège de France, 1975-76*, trans. David Macey (London: Allen Lane, 2003), 68.

¹⁰ *Ibid.*, 61.

¹¹ *Ibid.*, 69.

¹² *Ibid.*, 61.

¹³ *Ibid.*, 89.

and used to extend its legitimacy and power. The state began to employ a master narrative of race, arguing that the flourishing of the social whole required that the body politic maintain a single, clearly defined racial identity. Part of the functioning of the state was to disenfranchise or altogether eliminate the social elements that undermined the state's racial homogeneity. Although Foucault focuses on continental Europe in the mid-20th century, his analysis of the connection between the modern state and racism is not limited to Fascist states. He argues that the normative foundation of the modern liberal state also makes substantive assumptions about the race of the "legitimate" citizenry that constitutes its body politic, for both the Fascist state and the liberal state share a biopolitical model of governmentality that distinguishes legitimate from illegitimate members on the basis of race.

Maintaining a homogenous racial identity requires tremendous state intervention into the day-to-day lives of the citizenry at the biopolitical level. The state and doctors collude to monitor the birth and mortality rates, mental illnesses, and genetic heritage of the citizenry. Various statistics are kept and disciplines, government committees, and institutional practices are invented that oversee the biological makeup of the citizenry. These kind of governmental practices "create" an ideal population that at the same time identifies themselves as the state's legitimate subjects and right bearers. The historical moment when the modern state begins to use the hegemonic discourse of race is also the point at which biological racism takes shape and the kind of state racism that characterizes the Nazi state emerges. Although not all modern states endorse such an explicit and extreme form of racism, Foucault thinks that the normative foundation of the state, including liberal constitutional democracies, at least tacitly embrace racist (and racializing) forms of political power as a way of "normalizing" society. Foucault describes this development:

[Race] become[s] the discourse of a battle that has to be waged...by a race that is portrayed as the one true race, the race that holds power and is entitled to define the norm, and against those who deviate from the norm, against those who pose a threat to the biological heritage. At this point, we have all those biological-racist discourses of

degeneracy, but also all those institutions within the social body which make the discourse of race struggle function as a principle of exclusion and segregation and, ultimately, as a way of normalizing society.¹⁴

Charged with the defense of the “biological heritage” of the state, modern governmental rationality seeks to define and safeguard the “true race.” The disciplinary practices of institutions ensure that citizens conform to and ultimately identify with racial norms. “Subraces” that fall outside the normalizing master discourse on race are excluded as “illegitimate” members of the biopolitical state. “Foucault’s genealogy of racism is thus situated precisely at the point of the intersection of biopolitics and governmentality.”¹⁵ The biopolitical model of power underpins the functioning of a state whose essential objective is to distinguish “them” from “us,” enabling the flourishing of the social whole.

Modern racism is characterized by an internal bifurcation of those who are part of the social whole and those who are outside of it. Governmental rationality consequently acquires a new objective in modernity: “To defend ourselves against society.” The state is to defend society against “all the biological threats posed by the other race, subrace, and the counterrace.”¹⁶ The latter, in a totalitarian state, which is completely permeated by the biopolitical model of power, must die in order to preserve the unity of the social whole. In a liberal state, they often suffer a social, economic, and political death as the dregs of society.

¹⁴ Ibid., 61.

¹⁵ Rassmussen, “Foucault’s Genealogy of Racism,” p. 35.

¹⁶ Foucault, “*Society Must Be Defended*,” p. 61-2.

II. Agamben on *Homo Sacer*

The nation – the term derives etymologically from nascere (to be born) – closes the open circle of man's birth.

Agamben

Agamben's concept of *homo sacer* seeks to develop Foucault's account of the relationship between the subject and the modern state, but he departs from Foucault in several significant ways. For Agamben, sovereign power does not characterize the pre-modern era exclusively. Biopolitics does not replace sovereign power; the two are inextricably fused together. "The production of a biopolitical body is the original activity of sovereign power."¹⁷ Like Foucault, he is interested in how biopolitics excludes certain groups of people from the privileges and the protections of the state. Unlike Foucault, however, he fails to theorize the way racial identity profoundly influences the political disenfranchisement of *homo sacer*. Bearing Foucault's discussion of sovereign power, race, and the modern state in mind, this section evaluates how Agamben's conception of *homo sacer* fails to develop adequately the connection between racial identity and the category of the sacred. In the following section, I engage Foucault's lectures in "*Society Must Be Defended*" in order to expand Agamben's category of the sacred and show the racialized way citizenship functions in modern liberal states, particularly in a constitutional democracy such as the United States.

Agamben begins his discussion of *homo sacer* by analyzing the exclusion of natural life from politics. He traces this exclusion back to ancient Greece. In the ancient Greek city-state, natural life (*zoe*) is banned from politics because it showcases nothing distinctive about humanity, for it is what we share with plants and animals. Distinctive life assumes a cultural or social form as *bios*. As Hanna Arendt argues in the *Human Condition*, one of the necessary conditions for entrance into the political realm was property ownership and the effective management of a household. One's

¹⁷ Agamben, *Homo Sacer*, p. 6.

basic needs had to be met before one became a political agent. The reproduction of life occurred in the private realm and ostensibly did not concern politics. One entered the political realm by transcending the private realm, and by implication, one's own natural life, which was sublimated through political action in the pursuit of the common ethical good. One transcended *zoe* in order to exist as *bios* in the political realm.

Agamben questions whether bare life and politics were ever really separate in the political history of the West or even whether one can ever transcend one's own natural life. He ultimately hopes to show with his analysis of *homo sacer* that bare life lies at the *foundation* of politics, from the Ancient Greeks to the modern period, and that the ban is actually a type of inclusion. He introduces the notion of sovereign power, which judges bare life and decides who will be excluded from the juridical order. Exclusion actually amounts to a type of perverse inclusion in the state, since systematic oppression and disenfranchisement are normalized for a group of people by the state.

Contrary to the thinking of the ancient Greeks and Arendt, Agamben claims that the exclusion of bare life from politics actually serves to politicize, rather than depoliticize, it. Exclusion is "inclusive" because the ban on bare life provides a particular normative standard of humanity. The latter mediates access to the privileges and protections of the state through citizenship. Sovereign power judges man's physical being (*zoe*) and on that basis decides who merits the privileges and protections of full citizenship (*bios*). "In the 'politicization' of bare life – the metaphysical task par excellence – the humanity of living man is decided."¹⁸ The implication is that those who are not accorded full citizenship are not fully human. Those who fall outside the normative model of humanity are politically, socially, and economically disenfranchised; this disenfranchisement also constitutes a type of integration. As the juridical order withdraws from the lives of the people who fall into the category of *homo sacer*, biopolitics steps in and regulates the lives of these people. For Agamben, however, biopolitics is usually the politics of death and dying, rather than life. For his focus is on

¹⁸ Agamben, *Homo Sacer*, p. 8.

totalitarian states, in which biopolitical regulation usually results in the use of a state apparatus of death. The politicization of bare life justifies the annihilation of the group of people that sovereign power decides as being merely bare life and not fully human. Once natural life is exposed to the judgment of sovereign power it becomes bare life. As Catherine Mills puts it,

The question arises, then, of how life itself or natural life is politicized. The answer to this question is through abandonment to an unconditional power of death, that is, the power of sovereignty. It is in this abandonment of natural life to sovereign violence...that “bare life” makes its appearance. For bare life is not natural life *per se*—though it often confused with it in critical readings of Agamben, partly as a consequence of Agamben’s own inconsistency—but rather, it is the politicized form of natural life.¹⁹

Bare life is what is subject to “sovereign violence” without disturbing the juridical order, for bare life by definition falls outside it. Agamben equates biopolitics with thanatopolitics because part of the essential expression of biopolitical power involves deciding who will live and who will die insofar as one fails to meet sovereign power’s standard of humanity.²⁰

The assessment of political worth in general begins with a judgment of the physical body and mediates the value of natural life as such.²¹ As with Foucault’s conception of biopolitical governmentality, this results in the collusion of the state and doctors “in which the physician and the sovereign seem to exchange roles.”²² The state intervenes to assess the health of its (potential) citizens. Its treatment of the mentally ill, the terminally sick, and others with a physical handicap are good examples of how biopolitics works in the modern context. The totalitarian state exterminates a group of people

¹⁹ Catherine Mills “Agamben,” *Internet Encyclopedia of Philosophy* (October 10, 2005). Accessed at <http://www.iep.utm.edu/agamben/> on 5 May 2013..

²⁰ Agamben, *Homo Sacer*, 122.

²¹ *Ibid.*, 8.

²² *Ibid.*, 143.

who threaten the “health” of the state, whereas a liberal society sanctions the systematic oppression and disenfranchisement of a group of people by, for example, defunding mental health institutions and privatizing access to health care.

In both the liberal and the totalitarian state, there is a sense in which bare life is *produced* by sovereign power.²³ Which groups become associated with bare life is a result of sovereign power’s judgment. The category of bare life is thus as politically mediated as the category of citizenship. Bare life is no closer to “nature” than are juridical constructions such as citizenship. Bare life should not be confused with the natural life of *zoe*; it is *zoe* politicized. It is a political ascription divvied out by sovereign power. Biopolitics often uses natural fitness as the model for humanity. It invokes the concepts of able-bodiedness, pure genetic heritage, and general physiological vigor as the grounds for its evaluation of people. However, this model is a political construction and flourishes only within a certain constellation of political power – one founded on biopolitics. Like Foucault, Agamben shows how the concept of humanity as such is constructed and mediated by political power.²⁴ He illustrates how through the normalizing effects of biopower, certain subjects or populaces are constituted that either conform or fail to conform to the standard of humanity sovereign power proffers.

Agamben characterizes the category of the sacred in multiple ways. He sometimes thinks of it as referring to an isolated group: the euthanized, Jews under fascism, and the mentally and terminally ill. He also thinks of it in terms of the discontinuous effects of sovereign power insofar as the sacred is “disseminated into every individual body.”²⁵ Each person as a citizen still carries within themselves their kernel of “bare life” – physical existence as such, which is mediated by political structures, including

²³ Mills, “Agamben.”

²⁴ To be sure, Agamben retains an account of human life as such. He wants to hold on to and ultimately save the “sweetness” *zoe* that has been destroyed by biopolitics. Foucault is hesitant to endorse explicitly a normative account of human flourishing based on *zoe*.

²⁵ Agamben, *Homo Sacer*, 124.

citizenship, law, and rights. But those political structures cannot expel our bit of bare life. Sovereign power continuously redefines the normative standard of humanity. Its designation of *homo sacer* is not fixed. Because everyone carries within themselves their kernel of bare life, we *all* run the risk of falling into the category of those who must die. It is in this sense that Agamben thinks that we are all “living dead men [and women], [and potentially the] new sacred ones.”²⁶

If one places Agamben’s discussion of *homo sacer* in the context of Foucault’s analysis of modernity, an obvious question looms: how does racial identity mediate – or how is it mediated by – the category of the sacred? Agamben says little about how our racial identity increases our vulnerability to becoming “the new sacred ones,” or how the category exacerbates racial differences. This question becomes even more paramount in context of Agamben’s analysis of the state. Like Foucault, he argues that biopolitics is integral to the functioning of the modern state, but fails to explain what kind of assumptions about racial identity inform its foundation. We will now turn to these issues.

III. A Foucauldian Engagement of Agamben on Race, Citizenship, and the State

Agamben writes that in the modern era political differences begin to lose their relevance and meaning. As biopolitics permeates the practices and institutions of the state, political differences become more indistinct: the right and the left of the political spectrum, democracy and totalitarianism, freedom and servitude shed their clearly defined conceptual boundaries. He fails, however, to underscore one distinction that the modern era has rendered clearer: whiteness and non-whiteness.²⁷ This begs the question of how the foundation of the modern state – both in liberal and totalitarian societies – makes substantive assumptions about the racial identity of its “legitimate” body politic, a question that deeply concerns Foucault. Conservative political scientist, Samuel Huntington, argues that the core values and principles that constitute the heart of American liberalism are

²⁶ Ibid., 131.

²⁷ Ibid., 122.

neutral to race and that different racial groups can slowly assimilate to the dominant American political culture.²⁸ The burden is on immigrants not to come all at once and thus strain the assimilation process. As we have already seen, Foucault rejects the claim that the values, principles, and activities of the state are neutral with regard to race. For Foucault, it is not a matter of marginalized peoples assimilating to the political status quo, but a matter of the latter consistently excluding and targeting certain groups, often on racial grounds. His analysis helps us to reframe the problem from one about assimilation to one about the essentially exclusionary ways state power functions in modernity. But where does Agamben stand in this discussion?

To be sure, Agamben's work is an obvious contribution to the problem of state racism. His engagement with Fascism and the phenomenon of the concentration camp demonstrates his concern with anti-Semitism and shows that he thinks that the category of *homo sacer* relates in some way to race and racism. However, his discussion of bare life ignores the way racial identity makes one more vulnerable to falling into the category of *homo sacer*. Although he pays special attention to the lives of Jews under Fascism as part of the category of *homo sacer* and offers some insights into the concept of biological racism, he does not explicate how the decisions of sovereign power are mediated by racial identity. He also does not account for the manner in which the exercise of sovereign power often entrenches people into a racial hierarchy. In fact, he writes that "'racism' is not the most correct term for the biopolitics of the Third Reich."²⁹ Instead, the "care of life" is the most appropriate theoretical lens for grasping biopolitics.³⁰ So, several questions remain with regard to the relationship between *homo sacer* and race: What is the relationship between citizenship and race? Does race inform who "deserves" political, social, and economic disenfranchisement and thus death on Agamben's scheme? How is the construction of race associated with the political ascription of bare life? I will discuss each of

²⁸ Samuel P. Huntington, *Who Are We: The Challenges to America's National Identity* (New York, London, Toronto and Sydney: Simon & Schuster, 2005).

²⁹ Agamben, *Homo Sacer*, 146.

³⁰ Ibid.

these questions in turn and draw from Foucault's lectures in my analysis. Namely, I will assume – as did Foucault – that racial identity is an indispensable component of the way biopolitics works in the modern era.

As we've already seen, Foucault thought that the modern state exploited existent ethnic and racial differences as a means for consolidating its power. In doing so, it exacerbated those differences and made a single, homogenous racial identity the foundation of the state. For Agamben race is not "a simple natural given that had merely to be safeguarded."³¹ Whatever is taken to be natural is actually the result of sovereign power's judgment. "The novelty of modern biopolitics lies in the fact that the biological given is as such immediately political, and the political is as such immediately the biological given."³² If one thinks of this from the point of view of race, one sees that racial categories are neither natural nor are racial and ethnic differences inherently problematic. Only within a certain constellation of power, which affirms whiteness and disparages groups that fall outside that racial norm, does it assume a negative connotation. For Agamben, sovereign power distinguishes "them" from "us," the citizen from the sacred one. He believes that each of us – insofar as we continue to carry our kernel of bare life – is in danger of falling into the category of the sacred. Because we are constantly reevaluated by sovereign power and are always in danger of becoming the new sacred ones, we have to prove our worth as human beings, and, by extension, as citizens, in order to retain the privileges of full citizenship. Under Fascism, "even citizens of Aryan blood had to prove themselves worthy of German honor (which allowed the possibility of denationalization to hang implicitly over everyone)."³³ Yet, racial difference mediates the expression of sovereign power such that the danger of becoming the new sacred ones is not as diffuse as Agamben thought; once the state is founded, the danger is not equally parceled out to persons insofar as we are embodied and have natural life. His emphasis on the totalitarian state, where "all politics becomes the exception" and every citizen is haunted by the sacred, neglects what Foucault calls the "normalizing" effect

³¹ Ibid., 148.

³² Ibid.

³³ Ibid., 149.

of race discourse. In this context, sovereign power is not “absolutized” as a burden all citizens share equally but is concentrated on certain groups on the basis of their race and their historical exclusion at the inception of the state. The state has different relationships with different groups. Only with regard to certain groups is politics very close to “a state of exception.” The absence of full protections of citizenship and rights is a much more graded phenomenon than Agamben allows. It is graded in the sense that there are some groups who fall further away from the racial norm and as a consequence suffer more hardships than those groups closer to the racial norm. For the former group the effects of biopolitics feel more like a state of exception than for the latter group. All life is not in danger of becoming sacred in the same way and to the same degree.

Agamben writes that before the implementation of the Final Solution in Nazi Germany Jews first lost their citizenship.³⁴ In becoming bare life and sacred, they lost their standing within the juridical order. This suggests that for Agamben there is an implicit normative dimension of citizenship that is based on race. Although the category of the sacred is not limited to race and is much more comprehensive in its formulation of the “subhuman,” it is nonetheless profoundly informed by racial identity. In the case of the Jews, we see that the biopolitical exercise of power links citizenship with racial purity, for it illustrates how being of the Jewish faith was incompatible with being a German citizen. This suggests that on Agamben’s own account the laws themselves operate with substantive assumptions about race – in this case, in a biopolitical state the laws were meant to protect the racial purity of an *ethnic* German of the *white race*. Even though Germans too could have been “denationalized” – especially insofar as they aided those who were racially impure and, as a consequence, lost the privileges of their race – they were far less vulnerable to the detrimental effects of biopolitics.

Given the connection between *homo sacer*, bare life, and race, we can use Agamben’s framework to shed some light on the way discourses around non-white peoples in the United States historically took form. According to

³⁴ Ibid., 132.

Agamben, bare life is not fully human life. In the Aristotelian framework, bare life as *zoe* is associated with the merely perceptive soul of plants and animals. Politically *zoe* signifies total lack of civilization, rationality, and morality. In affirming African Americans as bare life, these discourses associated them with the chaos of nature, which is exactly the kind of racial stereotype that has shadowed African Americans for centuries. For example, one could argue that the ascription of bare life by sovereign power promoted racial stereotypes about the hyper-sexualized, animal-like black man and the brawny Amazon black woman. The portrayal of black life as subhuman in turn served to justify blacks' slavery and their subsequent systematic disenfranchisement from social, economic, and political life. These racial narratives make sense in the context of Agamben's analysis of *homo sacer*, for the latter by definition is not fully human. They helped push certain racial groups into the category of the sacred and the category then informed the racial stereotypes surrounding them.

Agamben emphasizes that the judgment of the physical body is "immediately political" such that race "is not a biological given" but a contingent historical construction. He also writes that race is not evinced by "measurable characteristics."³⁵ The new modern emphasis on biological heritage, which as a political category often transcends any "measurable characteristics," affirms difference (as subhuman degeneracy) at a more fundamental, almost metaphysical, level. Although the biological is "immediately" politicized, what Agamben fails to see is the consequences of that politicization "stick" when it comes to racial differences, especially when biopolitics serves to integrate groups into a racial hierarchy that is linked to the founding of the state.³⁶ The normative racial group that has full

³⁵ Ibid., 147.

³⁶ I do not mean to insinuate here that racial difference is somehow irreversible or impossible to overcome and minimize. What I mean to suggest here is that racial identity is much less permeable than other categories of the sacred. In the case of immigration to the United States, for example, European immigrants who suffered enormous prejudice in the 19th and 20th century eventually attained recognition before the American state and society in a way that African Americans never have. European immigrants' were eventually accepted as whites, with whiteness being one of the conditions for full citizenship and recognition before the law.

citizenship reflects the founding moment of the state when sovereign power “decided” on the racial makeup of its legitimate and illegitimate members. From the point of view of the biopolitical state, there is a sense in which the citizen and the sacred one are two different *substances* by virtue of their racialization, even though both are equally political constructions of sovereign power. At the inception of the United States, for example, the politicization of black life served to construct and affirm their racial identity in opposition to the “legitimate” citizen and at the same grounded their exclusion from the state as fundamentally different, inferior, and non-human beings. This puts not only blacks, but also other non-white immigrants in a more precarious position with regard to the category of the sacred in the United States.

Instead of the outright extermination of a people that occurred in Europe during WWII, biopolitics in the United States disenfranchises people without outright killing them. There were, of course cases, when outright extermination occurred, as with Native Americans during colonialization and the immunity enjoyed by lynch mobs in the American South. Yet, the racialized expression of sovereign power is evinced in more subtle but systematic ways. Agamben tends to reduce biopolitics to thanatopolitics without offering an analysis of the graded way biopolitics operates in the modern liberal state. Such an analysis would have to pay closer attention to the importance of racial identity as a mediating factor in the exercise of state power. Take for example the degradation of the black labor force that persists to this day, increasing income and wealth disparity between white, black and Latino households, the insistent attempts to discount the vote of certain racial groups. These are not disconnected episodes of racial injustice, but indicate an inherent and systematic problem in the political order that one could trace back to the normative foundation of the state.

If we see that citizenship and racial identity are intimately connected, we unravel how the contemporary discourse around immigration in the United States betrays certain anxieties about the racial makeup of American national identity. The debate on immigration reflects the historical exclusion of non-whites from the “legitimate” political body of the United States at its historical inception. In the context of the political history of the United

Sates, being a citizen is equated with being white, the normative model of humanity. Although neither Foucault nor Agamben saw integration into the state as the solution to exclusionary biopolitics, their assessment nonetheless help us identify the problematic manner by which the state relates to different racial groups and the constellation of political power that maintain those relations. Their work teaches us that we have to become more self-conscious about the oftentimes implicit normative foundation of the state with regard to race. It also proves the importance of engaging the state. The power of the state should not be ignored in its capacity to impact upon our lives. There is a need to reevaluate and contest its normative foundation, as well as juridical concepts such as citizenship, making them more open to difference and plurality, especially at the racial and ethnic level. Such a reevaluation would first have to confront the fact that, indeed, our state is not neutral with regard to its behavior toward racial groups and that it does privilege some groups more than others on the basis of race.

I would like to conclude by saying that I hope the arguments that I have offered here indicate the importance and the underlining meaning of the contemporary political discussions about American national identity. Anxieties about the perceived threat to the latter seem to come to the fore once different racial groups begin to vie for citizenship and the full protection of their rights, instead of staying in the shadows of our political history as the sacred ones. This is an especially pressing political problem in light of the fact that within three decades whites will no longer be the racial majority in the United States. It is therefore urgent that we reconstruct, as an open and ongoing political project, the meaning of American national identity without fear and apprehension of racial and ethnic differences, and perhaps also with some humbleness on the part of those who enjoyed certain privileges because they fit the dominant racial norm. Agamben believed that in an age when politics is biopolitics, totalitarianism would not leave us. What he failed to see is that unless we begin to transform the normative foundation of the state with regard to race neither will racism leave us.

IV. ANNOUNCEMENT

Master's and Doctoral Studies in Philosophy Taught in English at Sofia University

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Courses offered: Philosophical Anthropology, Ethics, Axiology, Philosophical Method, Truth and Meaning, Philosophy of Intercultural Relations, Social Philosophy, Continental Philosophy, Philosophy for Children, Philosophy of Culture, Logic in the Continental Tradition, Theories of Truth, Existential Dialectics, Philosophy of Subjective Action, Phenomenology, Renaissance Philosophy

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Duration of Studies: two semesters of course attendance plus a third

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Admission Requirements: Bachelor's degree in any field of humanities, social science, science, or professional disciplines. No tests or application fee are required (for citizens of EU/EEA and Switzerland applying for a state scholarship €16 fee is charged and an interview is held). No previous degree in philosophy is needed.

Tuition fee:

- 1) citizens of EU/EEA and Switzerland – €815 per school year
- 2) international students - €3 850 per school year

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A) **Citizens of the EU/EEA and Switzerland** are eligible for state scholarships carrying a 75% tuition waiver plus a monthly stipend beginning from the second semester.

B) Fulbright Graduate Grants are offered to **American citizens** as a form of very competitive financial aid; for more information see www.fulbright.bg. Furthermore, American applicants are eligible for Federal Loans; please check for more details at the Education Department web site, <http://www.ed.gov/offices/OSFAP/DirectLoan/index.html>; at Sallie Mae, <http://www.salliemae.com/>, and at the Student Loan Network, <http://www.privatestudentloans.com> and <http://www.discoverstudentloans.com>. It is possible for the American citizens to use some other sources of government financial assistance (please contact the Program Director for details).

C) Financial aid to **Canadian nationals** is provided in the form of Government Student Loans by the Province where they permanently reside.

D) **The Western Balkans citizens** are welcome to apply for Erasmus Mundus/BASELEUS Project scholarship carrying full tuition waiver and monthly stipend, <http://www.basileus.ugent.be/index.asp?p=111&a=111> .

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F) Financial aid for **Chinese students** is available within the bilateral Chinese-Bulgarian Cultural Agreement. Please contact the Chinese Ministry of Education for more information.

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extramural: €2440 per school year

2) international students - in residence: €6 500 per school year; extramural: €3 300 per school year

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B) Fulbright Graduate Grants are offered to **American citizens** as a form of very competitive financial aid; for more information see www.fulbright.bg. Furthermore, they are eligible for Federal Loans; please check for more details at the Education Department web site, <http://www.ed.gov/offices/OSFAP/DirectLoan/index.html>; at Sallie Mae, <http://www.salliemae.com/>, and at Student Loan Network, <http://www.privatestudentloans.com> and <http://www.discoverstudentloans.com>. It is possible for the American citizens to use some other sources of government financial assistance (please contact the Program Director for details).

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