

September 2021

## Wordtrade Reviews: We are Land that Cannot be Said

### Contents

Wordtrade Reviews: We are Land that Cannot be Said.....	1
Editorial Appraisals:.....	4
<b>WE ARE THE LAND: A HISTORY OF NATIVE CALIFORNIA</b> by Damon B. Akins (Author), William J. Bauer Jr. [University of California Press, 9780520280496].....	4
<b>CALIFORNIA EXPOSURES: ENVISIONING MYTH AND HISTORY</b> by Richard White, photographs by Jesse Amble White [W. W. Norton & Company, 9780393243062].....	12
Reviews.....	12
<b>THE VISIONARY STATE: A JOURNEY THROUGH CALIFORNIA'S SPIRITUAL LANDSCAPE</b> by Erik Davis, photographs by Michael Rauner [Chronicle Books, 9780811848350].....	18
<b>THE PORNICIFICATION OF AMERICA: HOW RAUNCH CULTURE IS RUINING OUR SOCIETY</b> by Bernadette Barton [NYU Press, 9781479894437].....	23
Reviews.....	23
Seeing Raunch Culture: "It's Hijacking Our Lives without Us Even Knowing".....	25
Feminist Values as Antidote to Raunch Culture.....	26
<b>A FEMINIST THEORY OF REFUSAL</b> by Bonnie Honig [The Mary Flexner Lectures of Bryn Mawr College, Harvard University Press, 9780674248496].....	27
Reviews.....	28
The Bacchae's Arc of Refusal and the Tragedy of the City.....	29
Gaslighting on a Global Scale.....	36
<b>DEMOCRATIC AND AUTHORITARIAN POLITICAL SYSTEMS IN TWENTY-FIRST-CENTURY WORLD SOCIETY, VOL. I: DIFFERENTIATION, INCLUSION, RESPONSIVENESS</b> edited by Anna L. Ahlers, Damien Krichewsky, Evelyn Moser, Rudolf Stichweh [Global Studies & Theory of Society, Transcript Publishing, 9783837651263].....	42
<b>"HARD POWER" AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS</b> by Peter Kempees [Series: International Studies in Human Rights, Brill   Nijhoff, 9789004425637].....	46
The European Convention on Human Rights and 'Hard Power'.....	47
Understanding of 'Hard Power' for Purposes of this Study.....	49
Other Exercise of 'Hard Power' Relevant to this Study.....	51
Background to the Concept 'Hard Power'.....	51

‘Hard Power’: a Definition.....	52
Object of this Study .....	52
Method and Approach.....	53
<b>METAMORPHOSES</b> by Emanuele Coccia, translated by Robin Mackay (Polity Press).....	55
<b>IF GOD IS A VIRUS</b> by Seema Yasmin [BreakBeat Poets, Haymarket Books, 9781642595017].....	57
Reviews .....	57
Editorial review:.....	58
<b>THE DISINFORMATION AGE: POLITICS, TECHNOLOGY, AND DISRUPTIVE COMMUNICATION IN THE UNITED STATES</b> edited by W. Lance Bennett and Steven Livingston [SSRC Anxieties of Democracy, Cambridge University Press, 9781108823784] Open Access.....	59
Reviews .....	59
Excerpt: The Origins and Importance of Political Disinformation.....	60
How Did We Get Here? .....	62
Why The Institutional Crisis? .....	63
About This Book .....	63
<b>THE HUMANITY OF PRIVATE LAW: PART I: EXPLANATION</b> by Nicholas J McBride [Hart Publishing, 9781509911950].....	67
Rejecting the Same Reason Requirement.....	70
Rejecting a Right to Independence.....	72
Final Thought.....	75
<b>THE PROCEDURAL LAW GOVERNING FACTS AND EVIDENCE IN INTERNATIONAL HUMAN RIGHTS PROCEEDINGS: DEVELOPING A CONTEXTUALIZED APPROACH TO ADDRESS RECURRING PROBLEMS IN THE CONTEXT OF FACTS AND EVIDENCE</b> by Torsten Stirner [Series: International Studies in Human Rights, Brill   Nijhoff ISBN: 9789004463127] .....	76
Structure of This Volume .....	79
Sources of the Law of Facts and Evidence in International Human Rights Proceedings .....	79
<b>A HISTORY OF DATA VISUALIZATION AND GRAPHIC COMMUNICATION</b> by Michael Friendly and Howard Wainer [Harvard University Press, 9780674975231] .....	81
Reviews .....	82
A Long History.....	84
Overview .....	85
Re-Visions.....	86
Chronology versus Theme.....	87

<b>ARISTOTLE ON PRESCRIPTION: DELIBERATION AND RULE-MAKING IN ARISTOTLE'S PRACTICAL PHILOSOPHY</b> by Francesca Alesse [Series: Philosophia Antiqua, Brill, 9789004385382] 89	
<b>IMAGINATION AND ART: EXPLORATIONS IN CONTEMPORARY THEORY</b> edited by Keith Moser and Ananta Ch. Sukla [Series: Value Inquiry Book Series, Philosophy and Religion, Brill, ISBN: 9789004435162] .....	91
Essay: The Metaphysics of Creativity: Imagination in Sufism, from the Qur'ān into Ibn al-'Arabī by Ali Hussain.....	106
Introduction .....	107
Akbarian Muhammadology .....	109
Akbarian Christology, Creativity and Imagination.....	112
Conclusion .....	117
<b>ARTHUR DANTO'S PHILOSOPHY OF ART: ESSAYS</b> by Noël Carroll [Series: Philosophy of History and Culture, Brill, 9789004468351] .....	120
<b>IN SEARCH OF BEING: THE FOURTH WAY TO CONSCIOUSNESS</b> by G. I. Gurdjieff, edited by Stephen A. Grant (Shambhala Publications, Inc.) .....	126
<b>THE BEST OF ALL POSSIBLE WORLDS? LEIBNIZ'S PHILOSOPHICAL OPTIMISM AND ITS CRITICS 1710-1755</b> by Hernán D. Caro [Series: Brill's Studies in Intellectual History, Brill, ISBN: 9789004218468] .....	128
<b>THE ENIGMA OF FICHTE'S FIRST PRINCIPLES (DAS RÄTSEL VON FICHTE'S GRUNDSÄTZEN)</b> Herausgegeben von David W. Wood [Fichte-Studien, Brill Rodopi, 9789004459786] .....	136
Preface: Fichte's First Principles and the Total System of the <i>Wissenschaftslehre</i> .....	137
The First Scientific Principles of the <i>Wissenschaftslehre</i> .....	138
§ I First, <i>absolutely unconditioned foundational principle</i> .....	139
The Sub-Disciplines of the <i>Wissenschaftslehre</i> .....	140
The Total System of the <i>Wissenschaftslehre</i> .....	142
<b>WHAT CAN'T BE SAID: PARADOX AND CONTRADICTION IN EAST ASIAN THOUGHT</b> by Yasuo Deguchi, Jay L. Garfield, Graham Priest, and Robert H. Sharf [Oxford University Press, 9780197526187] .....	144
Review .....	144
Dialetheism .....	145
East Asian Philosophy .....	147
Background on Madhyamaka .....	148
Where Are We Going?.....	149
The Book's Coda.....	150

### Editorial Appraisals:

Some qualified reviewers offer their own brief evaluation of the book. Otherwise most of our content represents the authors'-editors' own words as a preview to their approach to the subject, their style and point-of-view. <>

## **WE ARE THE LAND: A HISTORY OF NATIVE CALIFORNIA** by Damon B. Akins (Author), William J. Bauer Jr. [University of California Press, 9780520280496]

*"A Native American rejoinder to Richard White and Jesse Amble White's CALIFORNIA EXPOSURES."*—*Kirkus Reviews*

### Rewriting the history of California as Indigenous.

Before there was such a thing as "California," there were the People and the Land. Manifest Destiny, the Gold Rush, and settler colonial society drew maps, displaced Indigenous People, and reshaped the land, but they did not make California. Rather, the lives and legacies of the people native to the land shaped the creation of California. *We Are the Land* is the first and most comprehensive text of its kind, centering the long history of California around the lives and legacies of the Indigenous people who shaped it. Beginning with the ethnogenesis of California Indians, **WE ARE THE LAND** recounts the centrality of the Native presence from before European colonization through statehood—paying particularly close attention to the persistence and activism of California Indians in the late twentieth and early twenty-first centuries. The book deftly contextualizes the first encounters with Europeans, Spanish missions, Mexican secularization, the devastation of the Gold Rush and statehood, genocide, efforts to reclaim land, and the organization and activism for sovereignty that built today's casino economy. A text designed to fill the glaring need for an accessible overview of California Indian history, **WE ARE THE LAND** will be a core resource in a variety of classroom settings, as well as for casual readers and policymakers interested in a history that centers the native experience.

### Reviews

"A Native American rejoinder to Richard White and Jesse Amble White's **CALIFORNIA EXPOSURES**. . . [And] a welcome contribution to Native studies and the rich literature of California's first peoples." —*Kirkus Reviews*

"In what seems an overdue departure from standard histories, Akins and Bauer's comprehensive account places indigenous people at the heart of California's story."—*Boston Globe*

"**WE ARE THE LAND** is an astonishing work of scholarship, storytelling, and solidarity. . . . It will set the standard for the many other stories of the People waiting to be told."—*Sierra Magazine*

"Combines lyrical storytelling with academic narration to foreground Indigenous oral stories. . . . The book's well-researched micro-histories coalesce to create a necessary rewriting of Californian history."—*Civil Eats*

"Akins and Bauer have written a classic. . . . A relocation of the region's indigenous peoples from a history based on their erasure to a history based on their preeminence."—*CounterPunch*

"This is a history of personal stories. Many make for painful reading. All are to the point."—*Geography Realm*

"The colonial assault on California's Native communities has come in many toxic forms, including the many bad history books that have painted Indigenous Peoples as doomed and now vanished. With **WE ARE THE LAND**, Damon Akins and William Bauer offer a powerful tonic. This masterful history presents the experiences of California Indians as marvelously complex, grounded in land and place, and most of all *continuing*, from the days of Indian autonomy before the Spanish through the maelstrom of the Gold Rush and on to the conflicted, postindustrial American present. A remarkable and welcome accomplishment, this book will change the way we understand California's Indians and California's history."—Louis S. Warren, author of *God's Red Son: The Ghost Dance Religion and the Making of Modern America*

"Damon Akins and William Bauer have succeeded brilliantly in writing the first ever comprehensive history of Native California. Centering Indigenous perspectives and deep connections to place, **WE ARE THE LAND** provides an erudite and moving account of California's Native peoples as explorers, adapters, workers, visionaries, artists, activists, sometimes victims but always survivors, and an enduring part of California history."—Jeffrey Ostler, author of *Surviving Genocide: Native Nations and the United States from the American Revolution to Bleeding Kansas*

"An ambitious project to reclaim California history as inherently Indigenous. Grounded in land and place, it is not so much a history but rather--and rightfully--histories, interwoven stories of peoples created in and of the land. This is a long-awaited and monumental book."—Terri A. Castaneda, author of *Marie Mason Potts: The Lettered Life of a California Indian Activist*

"This book is a must-read for anyone interested in California history. Bauer and Akins have produced a powerful and richly narrated history of the Indigenous experience from time immemorial to the present. From cover to cover, this book values Indigenous voices and knowledge systems to produce an incredibly engaging story of our collective past. **WE ARE THE LAND** is high narrative and scholarship at its best!"—Kent Blansett, author of *A Journey to Freedom: Richard Oakes, Alcatraz, and the Red Power Movement*

"This monumental effort seeks nothing less than reimagining California's history. It's an important contribution not only to California but also a template for other regional, national, and global histories. Simply put, this book is a breathtaking, sweeping, and inspiring read."—Natale Zappia, author of *Traders and Raiders* and co-author of *Rez Metal: Inside the Navajo Nation Heavy Metal Scene*

## CONTENTS

List of Illustrations

Acknowledgments

Introduction: Openings

1. A People of the Land, a Land for the People  
Native Spaces: Yuma
  2. Beach Encounters: Indigenous People and the Age of Exploration, 1540–1769  
Native Spaces: San Diego
  3. "Our Country before the Fernandino Arrived Was a Forest": Native Towns and Spanish Missions in Colonial California, 1769–1810  
Native Spaces: Rome
  4. Working the Land: Entrepreneurial Indians and the Markets of Power, 1811–1849  
Native Spaces: Sacramento
  5. "The White Man Would Spoil Everything": Indigenous People and the California Gold Rush, 1846–1873  
Native Spaces: Ukiah
  6. Working for Land: Rancherias, Reservations, and Labor, 1870–1904  
Native Spaces: Ishi Wilderness
  7. Friends and Enemies: Reframing Progress, and Fighting for Sovereignty, 1905–1928  
Native Spaces: Riverside
  8. Becoming the Indians of California: Reorganization and Justice, 1928–1954  
Native Spaces: Los Angeles
  9. Reoccupying California: Resistance and Reclaiming the Land, 1953–1985  
Native Spaces: Berkeley and the East Bay
  10. Returning to the Land: Sovereignty, Self-Determination, and Revitalization since 1985
- Conclusion: Returns  
Index

Excerpt: On August 4, 2011, Native and non-Native activists extinguished their "sacred fire" at Glen Cove, near Vallejo, California. Three months earlier, the land protectors built the fire to protest the city of Vallejo's proposal to bulldoze a burial site, which Ohlones call Sogorea Te, to make way for a city park. When the land protectors put out the fire, they marked the end of a long but successful campaign to claim Ohlone lands in the Bay Area. For twelve years, Bay Area Natives and their allies resisted the city of Vallejo's proposal to develop the land. When city officials finally decided to consult California Indians, they contacted the Yocha Dehe Wintun Nation and Cortina Indian Rancheria, whom the Native American Heritage Commission of California identified as the "most likely descendants" of those interred at Glen Cove. City officials did not reach out to Ohlones, who have lived in the Bay Area since their creation, in part because the Ohlones are not a federally recognized tribe, as the Yocha Dehe and Cortina Bands are. In April of 2011, Vallejo city officials announced their intention to go ahead with

plans to build a public park, with a parking lot, restrooms, picnic tables, and paved walking trails. Chochenyo and Karkin Ohlone Corrina Gould led scores of Native and non-Native People to occupy Glen Cove and prevent the city from building the park. The land protectors' "sacred fire" burned at the center of tents and two tepees. Dozens of people kept up the vigil to protect the land and Ohlone ancestors. "Sogorea Te is one of the last burial grounds still on open land where we can actually touch our feet to the ground and say our prayers the way we're supposed to and pass that teaching on to the next generation," Gould said. Protectors set up tables laden with food, sat down on the earth, and enjoyed one another's company. After nearly one hundred days of occupying the site, the Yocha Dehe and Cortina Bands brokered a deal between the protectors and the city of Vallejo. The three parties agreed to a "cultural easement," like a cultural right-of-way, that guarantees Yocha Dehe and Cortina Bands joint governance over the burial sites without transferring ownership. Protectors celebrated guarding one of the last visible burial sites in the Bay Area.

To many non-Indians, stories like the Ohlone protecting Glen Cove seem as if they came out of nowhere. Despite the long and rich history of Indigenous People in California, historians, anthropologists, and everyday people disconnected California Indian history from California history. Histories of California mention that Indigenous People lived within the current state boundaries and perhaps discuss the amazing diversity of languages, cultures, and political bodies. California histories recognize that Indigenous People lived in and worked at the missions established by Spanish colonists on the California coast. Yet California Indians often disappear from those histories after the demographic catastrophe of the California Gold Rush, in which the population of California Indians declined from about 150,000 to 30,000. In the twentieth century, many people believed California Indians vanished. Some Californians expressed amazement, and sometimes anger, when California Indians seemingly reappeared on the political scene when fighting for gaming rights in Southern California, to protect land at Glen Cove, or to challenge cherished stories about the state's Catholic missions. Histories that ignore how California's Indigenous People lived within the state boundaries for centuries, maintained relationships with the land, and shaped the state's history undermine the sovereignty of contemporary California Indian communities. We hope this book contributes to efforts to correct the misperceptions that exist about California Indian, and California, history.

Rather than being peripheral to or vanishing from California history, Indigenous People are a central and enduring part of the state's history because of their relationship to the land. Before the arrival of Europeans, California's Indigenous People developed and maintained relationships with the land and other peoples across the region that was not yet California, Arizona, Nevada, Oregon, or Mexico. When Europeans first arrived, California Indians sailed out to meet and trade with them, striving to incorporate these newcomers into preexisting social, political, and economic relationships. Beginning in the 1760s, though, Spaniards, Russians, Mexicans, and, especially, Americans attempted to control California and divorce Indigenous People from the land. All four colonial nations sponsored policies that uprooted Indigenous People and communities from the lands in which they were created, and all four deployed violence, in the form of slavery, genocide, and an administrative state bent on eliminating California Indian people. Yet California Indian people, nations, and lands remain. California Indians have built and rebuilt communities, developed practices to maintain ties with the land, and remade policies intended to separate them from their homes. At times, California Indians hid to survive, but they never left.

By titling this book **WE ARE THE LAND**, we do not mean to hearken back to antiquated beliefs about Indigenous People as an intrinsic part of the natural world. Rather, the title evokes the two parallel arguments we put forth in the following pages: California is both a place and an idea. As a place, California has always been and remains Indigenous land, and Indigenous People are central to the history and future of the place. Creators made Indigenous People at specific locations. Indigenous People ground their ways of knowing in those places. They developed strategies to work on, with, and protect the land. One cannot separate Indigenous People from the land that makes up California. But as an idea—or, as it was often described, a dream—that colonial entities brought with them, "California" represented a natural abundance of resources to be exploited; it could not be Indigenous land. Spain, Mexico, Russia, the United States, and the state of California extracted resources from Indigenous communities and appropriated the land. Colonists took the abundant resources often associated with California from the state's Indigenous People. In this sense, policies intended to dispossess Indigenous People of the land also directly attacked Indigenous Peoples' identity and existence.

For many Californians, the region's history stretches back only 150 years. People misunderstand the settler invasion of Indigenous California as California history rather than as an unsustainable and disruptive episode in it. This book recenters Indigenous People's fight to retain their land in the place that is California, as a way of challenging the idea of California. When we take a less compressed historical view, we see the continuity and persistence of Indigenous communities as they adapted to dramatic changes. We see the people of a specific place changing as the place itself changed. As "California" becomes California, Indigenous People become California Indians. We see a different California, and we see a future those communities are building there.

We Are the Land is divided into ten chapters. Chapter 1 describes the creation of California. Rather than treating Indigenous People as isolated and historically static "tribelets," this chapter examines how Creators made the land and the People, how the People worked with the land to survive, and how People lived with one another. Any examination of Indigenous Peoples before the arrival of Europeans is difficult. The chapter attempts to provide a holistic understanding of early California peoples by foregrounding Indigenous knowledge.

Chapter 2 explores the historical era commonly known as the "age of exploration." Rather than retelling the romanticized first encounters between "civilized" sailors and "savage" Indians, or dwelling on the brutal exploitation of Native Peoples, this chapter positions itself on beaches, hillsides, and riverbanks to examine Indigenous People as explorers and discoverers cautiously observing and then engaging with European travelers. In the early sixteenth and seventeenth centuries, Native Peoples studied newcomers to their land, such as Juan Rodriguez Cabrillo, Francis Drake, and Juan de Oñate. Following these initial encounters, Native Peoples scrutinized Europeans indirectly, as European manufactured goods followed consumer demand into Indigenous communities via preexisting trade routes that linked much of western North America. Diseases also traveled these trails, harming Native People. Often, Indigenous Peoples left their homelands and joined other peoples in response to these new illnesses. The discovery of new technologies and sicknesses produced conflict as well as cooperation. Some Europeans captured Indigenous People, causing them to prey on others for captives to replace the dead or to trade with other peoples. In the dynamic process of adaptation and resistance, Natives expanded into the territories of other native communities in an attempt to secure marketable goods. Far from being a static period in California history, the period immediate to the creation of the Spanish missions featured

pulsating trade networks, cross-cultural encounters between different Indigenous nations, and technological innovations far beyond the purview of European witnesses.

Chapter 3 explores the relationship between Indigenous People and Spanish colonists. It avoids the perspective of looking over the shoulders of Spanish priests and soldiers who came to the area in the late eighteenth century, in favor of considering the Spanish missions from the perspectives of Indigenous communities. Missions posed significant risks to Indigenous People and their relationship to the land. Priests brought strangers to Native communities, disrupting established and delicately managed political relationships and contributing to the spread of the diseases the missions hosted. The missions' domesticated livestock devoured the People's food and trampled the places where the People harvested plants for their baskets. Despite these dangers, Indigenous People sometimes left their communities and moved to the missions and other Spanish settlements. At other times, Spanish officials forced Indigenous People to the missions and presidios. Other Native People created new social, economic, cultural, and political relationships with the Spanish at missions, presidios, and pueblos. Spanish communities offered new kinds of food and trade items, which Native leaders used to provide for their people. The priests, who did not become sick when many Indigenous Californians did, preached a different religion with an obvious power. From the viewpoint of the countless Indigenous communities along the California coast, the Spanish missions offered a host of risks and opportunities.

Chapter 4 focuses on the period of Mexican independence from Spain and the drive to secularize the missions. It begins by describing Native Peoples' relationships with Russian fur traders, American merchants, and Franciscan missionaries in the emerging regional market for trade goods. These new markets increased the demand for Indigenous labor, natural resources, and new commodities. The dynamic relationships among these various actors created new spaces in which Indigenous People asserted their power. Some leveraged political instability to resist the pressures placed on their communities, such as the Chumash, who rebelled in 1824. Others, such as Pablo Tac and Pablo Apis, two Luisenos who followed very different paths, acclimated themselves to the new cultural and economic landscape and the markets it created. Most California Native Peoples fell somewhere between these poles, leveraging their labor power to resist increasing attempts to limit their freedom. Growing American interest and presence in the area hinted at further drastic changes on the horizon.

It is exceptionally difficult to see the middle of the nineteenth century as anything but horribly destructive to California's Native Peoples. But it is also critical to resist the victimizing tendencies implicit in such a focus. Indigenous People suffered greatly, but they are more than just victims. Chapter 5 tracks how they resisted attempts at their wholesale destruction. Native Peoples ultimately survived the transition to American rule and the Gold Rush by creatively asserting what power they had through their labor, limited acts of violence, and—less frequently, but importantly—the law. Despite the dynamic political and demographic changes to California, Indigenous Peoples' land and labor remained vital concerns in the new state. The Constitution of 1849 wrestled with Indigenous Peoples' citizenship, labor, and rights. The 1850 Act for the Government and Protection of Indians attempted to retain Indian labor while limiting Indian sovereignty and mobility through indenture. The State Land Commission and the eighteen federal treaties signed, but ultimately not ratified, in 1852 sought to quiet Indian claims to land in a way that advantaged settler society. The 1850s and 1860s were incredibly destructive times for Indigenous People in California, as they faced extermination campaigns and a system of slavery that eventually brought tens of thousands of them under its provisions. This chapter also focuses on

collective acts of resistance, such as the Garra rebellion of 1851, and individual ones, such as Indigenous workers killing their employers. Other Indigenous People retreated from contact with Americans, turning the state's diverse geography into sites of refuge and resistance.

Chapter 6 explores the unmistakable direction of demographic changes that occurred in California in its first two decades after statehood. California would be an Anglo state. While California Indian labor remained critical in some industries, it declined in importance overall as Anglo interest shifted from labor to California Indian land. These changes forced Indians to deploy new strategies, such as pooling their resources to purchase land where they could resist and negotiate the demographic changes in the state or leveraging non-Indian benevolence to their advantage. High profile evictions, dispossessions, and disputes, such as those at Temecula, Round Valley, and Capitan Grande, brought California Indians to the attention of reformers across the nation. Change meant actively seeking rancherias and reservations as sites for temporary forays into the local wage-labor economy and as refuges from reliance on it. It also meant fighting dispossession in the courts and on the ground.

Chapter 7 traces the growth in California Indian—led political and legal activism in the early twentieth century to illustrate the changing power relationships California Indians faced across the state. Increased non-Indian awareness of the challenges they faced, as well as growing interest in their languages and material culture, gave California Indians traction in their efforts to assert control over land, labor, and citizenship. The impulse to mobilize refracted through the distinct circumstances Indigenous People faced across the state, producing divergent outcomes. California Indians fought the allotment of their land when it cut against their own landholding patterns, as it often did in the southern part of the state. Where allotment furthered Indian claims for land, they tended to support it, as often occurred in the northern part of the state. Chapters 6 and 7 together trace the long arc of Indian activism before it emerged into the public eye.

Chapter 8 tracks the emergence of a legal, political, and cultural California Indian identity. The forces that brought California Indians from all over the state and nation into contact with each other, and the legal challenges Indians mounted, meant that California Indians actively created a statewide identity that built on local communities without subsuming them. The "Indians of California" collectively sued the federal government for the loss of their land. While the victories they won were tokens in terms of actual compensation, the organizational work in which California Indians engaged paid bigger dividends. The federal government, through its termination policy, sought to break apart that identity to diminish California Indians' power.

Chapter 9 follows the experiences of California Indians from the onset of termination to the era of self-determination. It highlights the different path tribal nations—such as the Pit Rivers, Round Valley Indians, and the multinational protesters at Alcatraz—took to make claims on Indian land in California. Pit Rivers initially looked to the courts. Round Valley Indians hosted and negotiated with Governor Ronald Reagan to prevent a dam from flooding their reservation. Those at Alcatraz occupied the former federal penitentiary, located in San Francisco Bay. Although all three groups experienced varying levels of success, they each influenced other California Indians as they argued for respect and self-determination. California Indians living on reservations and rancherias weighed the costs and apparent benefits of terminating their relationship with the federal government. The American Indian Historical Society, led by Cahuilla Rupert Costo, battled in the 1960s to alter the negative perception of California Indians that

permeated statewide elementary textbooks. Porno Tillie Hardwick successfully sued to reverse the termination of the Pinoleville Rancheria, winning a court decision that set a precedent for other tribes in the 1980s. Finally, a small, impoverished group of Indians in Southern California opened a bingo hall, ushering in a period of unprecedented political and economic growth for California Indians.

Chapter 10 examines the ways in which California Indians transformed their social, economic, political, and cultural practices after the development of Indian gaming. In 1980, the Cabazon Band of Mission Indians in Palm Springs opened a bingo and poker hall on their small reservation. This action produced two decades of conflict. State officials attempted to stop Indian gaming, while California Indians fought to expand their gaming operations. After successful lobbying, California Indians secured the right to operate casinos on their reservations. The resulting economic boom in California supported and expanded various programs of ethnic renewal, convinced many California Indians to return to their reservation homelands (reversing more than a century of diaspora), and enabled other groups to launch efforts to repurchase ancestral homelands. Meanwhile, other tribal nations have pursued the tortuous path of federal recognition to reclaim indigenous lands and assert their sovereignty. Yet the struggle over land continues. California Indians, recognized and unrecognized, have fought for indigenous landuse rights on off-reservation and off-rancheria sites across the state, such as the Ohlones' effort to protect gravesites at Glen Cove, which led to the establishment of the Sogorea Te Land Trust to act as a legal entity to represent Ohlone interests. As we move through the twenty-first century, empowered California Indian nations are returning to their homelands, invigorating their economies, and flexing their political power.

Spatial vignettes interspersed between each chapter make the California Indian presence more visible in some of the state's most populous, important, and iconic places. These short segments interpret Yuma, San Diego, Sacramento, Ukiah, the Ishi Wilderness, Riverside, Los Angeles and the East Bay, and even Rome, Italy, as Native spaces across time. By emphasizing these places, we resist the erasure of California Indians. The vignettes connect the region's diverse geology, topology, ecology, climate, and flora and fauna to the institutions that wove the people and the land into a state.

Characterized by the twin themes of flux and abundance, the broad geological forces that formed California supported distinct forms of Indigenous life. In the Atsugewi, also called Pit River, creation story, Kwaw and Ma'Kat'da struggled with each other over the mist, the dough with which they kneaded a world. Kwaw created; Ma'Kat'da destroyed, and in that creative destruction, they created the California landscape. Thirty million years ago, the Pacific, North American, and Farallon tectonic plates collided and created the region's mountains and craggy coastline, as well as the region's climatic, topographic, and geological diversity. Mountains captured rain and served as barriers to migration. The interstitial spaces of the coast created refuges for peoples and animals. The climatic and topographic diversity facilitated and condensed seasonal rounds and trade routes, allowing Indigenous People to develop sedentary communities with distinct lifeways. In a Pomo creation story told by William Benson, Marumda formed the world out of wax, shaping specific habitats to support distinct life. Rivers served as thoroughfares for fish. Fire regimes regenerated oak groves and basket-making materials. The abundance of flora and fauna supported Porno life. Scientists, however, point to the sedimentary settlement, which formed the Central Valley's rivers and wetlands and served as a source for food, as well as providing the grasses and forbs used for baskets. The grasslands and foothills nurtured the oak forests and acorns critical to native diets. Alluvial deserts in the south, and massive granite uplifts in the central and north,

formed barriers to migration and shaped cultural patterns. The vignettes peel back the present to look into the past and examine how these forces shaped California Indian communities. They also bring the past into the present to emphasize California Indian persistence. <>

## **CALIFORNIA EXPOSURES: ENVISIONING MYTH AND HISTORY** by Richard White, photographs by Jesse Amble White [W. W. Norton & Company, 9780393243062]

Winner of the 2021 California Book Award (Californiana category)

A brilliant California history, in word and image, from an award-winning historian and a documentary photographer.

“This is the West, sir. When the legend becomes fact, print the legend.” This indelible quote from **THE MAN WHO SHOT LIBERTY VALANCE** applies especially well to California, where legend has so thoroughly become fact that it is visible in everyday landscapes. Our foremost historian of the West, Richard White, never content to “print the legend,” collaborates here with his son, a talented photographer, in excavating the layers of legend built into California’s landscapes. Together they expose the bedrock of the past, and the history they uncover is astonishing.

Jesse White’s evocative photographs illustrate the sites of Richard’s historical investigations. A vista of Drakes Estero conjures the darkly amusing story of the Drake Navigators Guild and its dubious efforts to establish an Anglo-Saxon heritage for California. The restored Spanish missions of Los Angeles frame another origin story in which California’s native inhabitants, civilized through contact with friars, gift their territories to white settlers. But the history is not so placid. A quiet riverside park in the Tulare Lake Basin belies scenes of horror from when settlers in the 1850s transformed native homelands into American property. Near the lake bed stands a small marker commemorating the Mussel Slough massacre, the culmination of a violent struggle over land titles between local farmers and the Southern Pacific Railroad in the 1870s. Tulare is today a fertile agricultural county, but its population is poor and unhealthy. The California Dream lives elsewhere. The lake itself disappeared when tributary rivers were rerouted to deliver government-subsidized water to big agriculture and cities. But climate change ensures that it will be back—the only question is when.

### Reviews

A work of art that brings an evocative intimacy and lucidity to California’s past. — Jack E. Davis, author of *The Gulf*

A master class in how to interpret California landscapes past and present. — William Cronon, author of *Nature’s Metropolis*

Richard White’s California history is brilliant and dark. — Anne Hyde, author of *Empires, Nations, and Families*

In this ingenious, entertaining book, Richard White, the preeminent chronicler of the American West, alters our understanding of how the Golden State came to be. — Geoffrey C. Ward, author of *A First-Class Temperament*

Richard White's brilliance is his ability to excavate history from myth. With wit, grace, and wisdom, he has written an inimitable, indispensable history. — Miriam Pawel, author of *The Browns of California*

Masterful explorations of the Golden State by a leading historian of the American West. — Kirkus Reviews (starred review)

White tells his stories with economy, but nevertheless with considerable nuance, subtlety, wry humor, and in fierce confrontation with the unvarnished truth. As its title puns, *California Exposures* is a powerfully muckraking work, in the great California tradition of Upton Sinclair, Carey McWilliams, and Mike Davis. If one has time for only one book on the history of California, this one stakes a strong claim to being it. — Wade Graham, Santa Barbara Independent

Every page of this book displays history as surprising, confounding, unsettling, and—more often than the cynical might expect—spirit lifting. — Patty Limerick, author of *The Legacy of Conquest*

A deeply original work. No one who reads this book will see the state's landscape in the same way again. — Claudio Saunt, author of *Unworthy Republic*

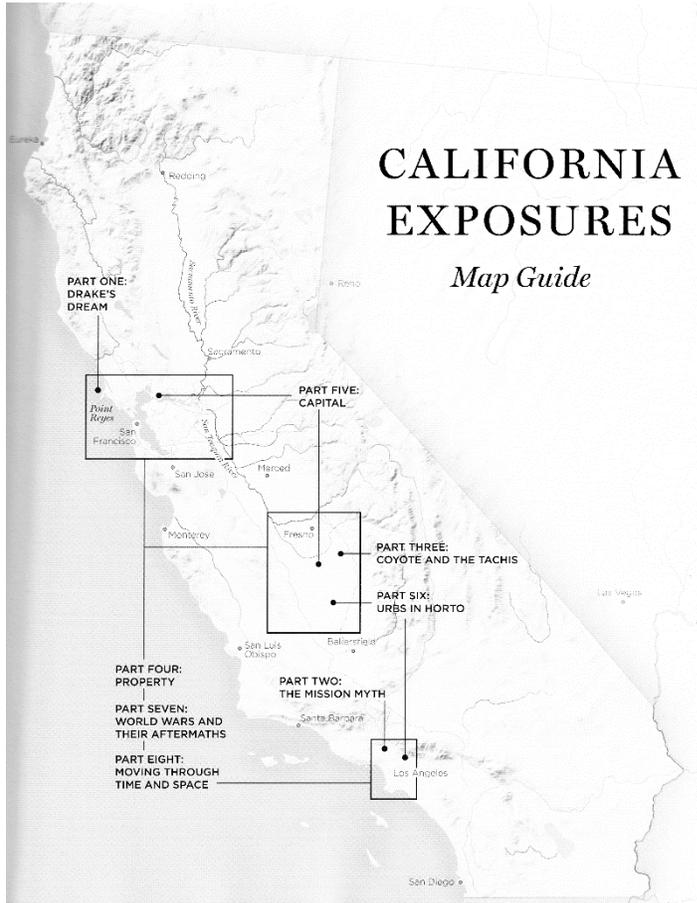
A highly original, important rumination on myth and history, images and words, memories and meaning. This is a beautiful book. — William Devereil, Director, Huntington-USC Institute on California and the West

## CONTENTS

### MAPS

### PREFACE

PART ONE	DRAKE'S DREAM
Chapter 1	Is Seeing Believing?
Chapter 2	What Drake Meant
Chapter 3	Drake's Plate: Finding Drake
Chapter 4	Drake Stories
PART TWO	THE MISSION MYTH
Chapter 5	Walls and Palms
Chapter 6	The Virgin and the Gabrieleños
Chapter 7	Huertas
PART THREE	COYOTE AND THE TACHIS



Chapter 8	Wild Horses and New Worlds
Chapter 9	When the Legend Becomes Fact
Chapter 10	Genocide
PART FOUR	PROPERTY
Chapter 11	Cadastral Landscapes
Chapter 12	The Shafters: A Point Reyes Genealogy
Chapter 13	Braided Rivers, Braided Lives
PART FIVE	CAPITAL
Chapter 14	Carquinez Strait
Chapter 15	Mussel Slough Country
Chapter 16	Tenants
PART SIX	URBS IN HORTO
Chapter 17	Citrus
Chapter 18	Allensworth
Chapter 19	Corcoran
PART SEVEN	WORLD WARS AND THEIR AFTERMATHS
Chapter 20	Cotton
Chapter 21	World War II
Chapter 22	Peopling the Darkness: Abandoned Houses and the Stories They Tell
Chapter 23	Bob Hope and the

Indians

PART EIGHT	MOVING THROUGH TIME AND SPACE
Chapter 24	Moving Water: The Crisis of the San Joaquin Valley
Chapter 25	Restoring the Past
Chapter 26	San Gabriel River

Conclusion

EPILOGUE  
 ACKNOWLEDGMENTS  
 NOTES  
 ILLUSTRATION  
 CREDITS  
 INDEX

Excerpt: This book is a collaboration between a historian and a photographer who happen to be father and son. Relations between the present and past are fraught, but so too are relations between fathers and sons. We do not necessarily agree on the work a photograph can do. Jesse White has no illusions that his photographs are simple slices of reality. He selects, he frames, he alters, and he reacts. He regards a photograph as an artifact of a moment, a captured slice of time that was different before the now often metaphorical shutter clicked and will change again the second after it clicked.

I do not deny that this is true, but I also think, as I will explain, that every photograph reveals a history because every element in the frame existed before the photograph—often long before the photograph. Starting from a photograph, I can tell a story of a place by attaching the elements of the photograph—trees, buildings, land, animals, roads, levees, and more—to documents in archives, books, other photographs, maps, and memories. Our work focuses on three places, with remnants of a fourth. In moving back and forth from place to place, I use the photographs to tell stories. When I stitch the stories together, the result is a montage that is also a history—a peculiar and very partial history—of California.

D Ranch on Point Reyes, the Tulare Lake Basin, and the lands of the cojoined San Gabriel and San Fernando missions are not the usual vantage points for writing a history of California. None of them, except perhaps the missions, are iconic; but all of them are revealing. As I deciphered the photographs, I began to realize that they are like tree rings in that big events and trends have left traces on them.

It is easiest to define the book by what it is not. It is not a photography book, although the photographs are at its center and without them there would be no book. It is not an art history book, which would focus more narrowly on the photographs themselves and on the photographer. Nor is it a conventional history, for in no histories that

I know does the narration proceed from the photographs. Usually, photographs illustrate the historical text. They are decorative.

The book can be read as a collage, but I intend the collage to function like the frames of a graphic novel whose illustrations are an intrinsic part of the narrative. I would like to claim R. Crumb's *Short History of America* as an inspiration, but I cannot since I looked at it carefully only when this book was nearly complete, though I claim it as an analogy.

I put photographs at the center because I am pursuing a particular way of looking and seeing. I want to see the past in the present. I do not mean in museums, although Jesse took some of the photographs in museums. I do not mean at historical sites or in archives, although Jesse has photographed historical sites, and I have spent considerable time in archives. I mean seeing the past in plain sight, in the quotidian places where we live, work, and travel. People cannot recognize the importance of the past, and of history, if they cannot even see it and recognize how pervasive it is.

If this sounds like proselytizing, then so be it. I have spent my adult life teaching and writing about history in ways that now often seem quixotic. History has become less and less important in the schools and in public discourse and public policy. It seems irrelevant to daily life even as I cannot imagine daily life without it. We ignore at our peril the dead who walk among us, jostle us, constrain us, and enable us.

Traces of the dead surround us. The dead have made things, broken things, planted things, and killed things. The sum total of their actions and thoughts, along with what we have added and what nature has provided, constitutes our world. Our societies, economies, politics, and cultures are composed mostly of what the dead have done. We, like our world, are their progeny. Subtract the works of the dead, and the world would be diminished and unrecognizable. This is why history matters. Without history, we are

strangers in a strange land, never understanding what we are seeing and unable to grasp how it came to be there.

In everyday life, the past remains visible. It not only can be photographed, but virtually every photograph of our contemporary world is a historical photograph.

Why? The photographer's arrangement of the elements of the past, as Jesse insists, might be of the moment and vanish the instant it is captured, but the elements themselves endure for varying amounts of time. These elements are fragments of once-more-complete pasts. They lead away from their present configuration and into the past, into earlier and different configurations.

But if the past is everywhere in our lives, why not just look around? Why do we need photographs? We need them because photographs allow us to concentrate. They corral our attention away from the flux of vision that is always rushing us on to the next scene. This book is an extended exercise in expanding a lived experience and recovering context.'

The lived experience, more unconventionally, includes my own. This is not the first time I have encountered many of the places in this book. History is just one way that humans approach the past; memory is another. The personal does not belong in all histories, but I think it belongs in this one.

I have several techniques, not wholly compatible, for using photographs. Some are more elliptical than others. I excavate, I dismember, and I associate. What I do with the photograph determines how a chapter unfolds. When I excavate, I usually concentrate on digging down into a particular place. In others I follow the references I find in the image; I can move far from the site of a given photograph. Just as Jesse sometimes employed a drone to take a photograph, sometimes my views can hover above the photograph's subject as I seek a panoramic view. The result is that the chapters, like the photographs, are not all of a kind. The asymmetry arises from the technique.

The premise of my excavation is that a modern photograph represents the temporal top layer of a sedimentary construction that extends below it. I am engaging in a kind of historical archaeology without the shovels. Going through the sediments yields a history. The logic is spatial, and the goal is to recover what was on the site of the photograph at various times in the past. For this I often use old maps as well as old photographs and contemporary descriptions.

No sedimentary layer is pure. All around us are erratics, as geologists call deposited materials transported by glaciers from somewhere else. Space—the site captured in the photograph—always reflects time. When viewers concentrate on a particular space, they inevitably move backward in time.

My second technique, dismemberment, approaches a photograph the way a coroner approaches a corpse. Dismembering a photograph isolates and explores a single element or group of elements. Coroners use parts of the body or alien objects present in the body to construct a larger story, a history of what turned a body into a corpse. The disease, the bullet, the split cranium all point to things beyond the body itself. Similarly, isolating and following the elements in a photograph can carry me to other places and to people connected to but separate from the places I am describing. I find these elements compelling because no matter how wispy they might seem, the photograph led me to them.

Dismembering thus leads to the third technique: association. Association often connects me to previous attempts to understand and shape California's past. I have found that I am hardly the first person to think that he can see the past. Americans have not only told stories about California almost as soon as they arrived, but they have preserved the past, re-created the past, memorialized the past, pictured the past, and reenacted the past. All of these activities claim a visualized past in order to shape a future. The mythic stories of California are like the fogs at Point Reyes where this book begins. They can seem to obscure the actual landscape until you realize they are parts of the landscape.

## ORGANIZATION

Taken together, the chapters proceed roughly chronologically as most histories do; but within chapters, time bounces around. Each chapter begins in the present (or rather the near past)—the moment the metaphorical shutter clicked—before darting off into various sectors of the past. The guides to the narrative's path are the brief introductions of each part.

I fully recognize that in harnessing photographs to history I need to hold the reins tightly. These powerful images would just as readily pull the narrative along as myth, by which I mean timeless stories that differ from history.

My first section is an examination of myths, and I do not use myth pejoratively. Myths are not so much falsehoods as explanations. Myths, as Richard Slotkin has written, are representations that collapse into a single emblematic story the assumptions and values of a culture. History and myth both aspire to tell why things and people are the way they are. But where historical stories tend to be particular, contingent, and relatively open-ended—anything can happen—myths seek universal meanings and claim to explain why things have to be how they are.

The very framing, and thus meaning, of landscape photographs is mythic: wide open spaces, men to match the mountains, home sweet home. Once a myth makes a photograph its host, the line between myth (an explanation) and reality (what it explains) nearly vanishes.

While writing this book, I began to recognize that the three mythic stories about the origins of California that appear in the book's photographs—Sir Francis Drake and discovery, the mission myth, and the gold rush myth—are all just variants of a larger Anglo-Saxon myth of California that is remarkably hard to shake. It is the myth of the preordained white man, the idea that California always awaited the white men who would give the state its proper form. Another set of myths belongs to Native California. They revolve around the character known as Coyote. My goal in examining these myths is not to debunk them but to historicize them, treating them as consequences rather than causes.

The first three parts of this book examine myths and then yield to parts focusing on property and capital. Their chapters usually concern the simultaneous process of dividing and allocating land and the new connections that the movement of people and capital forge between what has been severed.

The last parts seek to reunite the myths and the culture they inform with the economic and social realities of modern California. Here the span between the taking of the photographs and the pasts they reveal are foreshortened.

This book began as a wager between Jesse and myself. I bet I could turn his photographs into a history of California. I have lost the bet—what follows is too partial to be a complete history. The book is more a proof of concept than the complete history of California I envisioned. The time and topics that the book covers are critical, but they are not complete. I touch on the state's deep racial divisions, but Watts, for instance, lies outside the frame. I spend time on technological innovation, but Silicon Valley, where I teach, lurks only around the edges. The rise and rapid decline of the state's educational system and Proposition 13, which precipitated the decline, receive only glancing mention in the book. The state's frequently peculiar politics sometimes enters the story, but more often does not.

The photographs led me to pursue five themes. The first is the mythic structure of California—the California Dream—that California politicians still refer to. The second is environmental transformation, for better or worse, which accelerated rapidly with American conquest and whose consequences pose immense challenges today. The third is California's self-image as a land of individualists and its reality as a creature of the state—both the state and federal governments. The fourth is the hybrid nature of the place, not only in its environment but in its population. That today California is a majority-minority state with no single racial or ethnic group forming a majority was not inevitable, but it was foreshadowed in the nineteenth and early twentieth centuries. California's American history began in 1848 when the United States annexed Mexican territory, and more than any other part of the United States, California has grasped the Pacific and Central and South America as essential to its identity and future. It is no wonder that Asian and Latino immigrants and their descendants form such a large proportion of the state. The fifth theme is the dynamism of the California economy, which began less with the gold rush than the agricultural developments of the nineteenth and early twentieth centuries. Economic promise and individual opportunity have been hallmarks of the California Dream since the gold rush, but large periods of the state's history have been marked by dangerous levels of economic inequality.

I may have lost the wager with Jesse, but few bets have proved more profitable to me. I am astonished at what a photograph can reveal. I do not have to pretend that it reveals everything. In California, as elsewhere, history will never displace myth and memory. Its goal is not to eliminate them but to encompass them. <>

***A TIMELESS OLDIE WORTH A SECOND LOOK:***

## **THE VISIONARY STATE: A JOURNEY THROUGH CALIFORNIA'S SPIRITUAL LANDSCAPE** by Erik Davis, photographs by Michael Rauner [Chronicle Books, 9780811848350]

With a rich cultural history and Hollywood stars publicly attesting to a wide range of faiths, it's no surprise that California's spiritual landscape is as diverse as its natural surroundings. **THE VISIONARY STATE** weaves text and image into a compelling narrative of religion, architecture, and consciousness in California, from neopaganism to televangelism, UFO cults to austere Zen Buddhism. Acclaimed culture critic Erik Davis brings together the immigrant and homegrown religious influences that have been part of the region's character from its earliest days, drawing connections between seemingly unlike traditions

and celebrating the diversity of California's spiritual composition. Michael Rauner's evocative photographs depict the sites and structures where these traditions have taken root and flourished. **THE VISIONARY STATE** is a landmark look at what is likely the most varied locale for religious activity anywhere.

## CONTENTS

Introduction

Envisioning California

### ARCADIA

Coyote Tracks

Mission Bell

Saints Come Marching

Divine Winery

Houses of the Spirits

### THE TABERNACLE OF NATURE

Denser Sunshine

Temple Craft

Rock and Hawk

Wayfarer

Peak Experience

### GO EAST

Land of the Setting Sun

Theosophy and Its Discontents

Hare Ramakrishna

Swami's

Buddha Towns

### THEME PARK OF THE GODS

Babylon

Mayaland

The Rosy Cross Parade

Small World After All

### THE SMILING CHRIST

Sacred Scientists

Unity Fire

Saint Angelus

Loved Ones

OC Superstar

### CALIFORNIA CONSCIOUSNESS

Cleansing the Doors

Druids and Ferries

Life Springs

Beat Zen, Green Zen

The Electric Onion

Our Father of Darkness

### WEIRD SCIENCE

Eyes on the Sky

Space Brothers

Sci-Fi Gnosis  
 Mind Labs  
 LADYLAND  
 Magic Is Afoot  
 In Guad We Trust  
 Kalifornia  
 DIY  
 The Alchemy of Trash  
 Thou Shalt Renew  
 Pretzel Logic  
 Temple Burn  
 Luna  
 Heretics  
 Coda: Sundown  
 Selected Bibliography  
 Index  
 Acknowledgments

Excerpt: When I'm abroad, I usually tell people I am from California rather than the United States. I'm not just trying to be clever, or to slough off the increasingly heavy load of being an American in foreign climes.

I actually identify that way. I was born in the Bay Area in June of the Summer of Love and grew up in Del Mar, a town of university profs, oddballs, and longhairs name-dropped by the Beach Boys in "Surfin' U.S.A." When I was a teenager, my family moved to Rancho Santa Fe, into a rambling ranch house that lay about a mile from the Spanish Revival mansion where the Heaven's Gate UFO cult later committed mystic suicide. Since 1995, I have lived in San Francisco, where in the fortuitous year of 1847 my great-great-great-grandfather I. C. C. Russ disembarked with his family from the Loo Choo. My roots are here, in this rootless place.

When I tell people I'm Californian rather than American, I'm also letting them know something about the forces that shaped me. Like Texas and New York City, California seems in some ways separate from the rest of the United States, a realm apart. Even as a little kid, I knew that my home was different: the granola state, the land of fruits and nuts, the space-case colony with a moonbeam governor that collected, like a dustbin, everything in America that wasn't firmly rooted down. Time has not dulled this reputation. We Californians are still routinely mocked for our flakiness, our self-obsession, our fondness for fads and health regimens and strange notions. But the familiar jokes also reflect something much more substantial about the place: its intensely creative and eccentric spiritual and religious culture. If the American West is, as Archibald MacLeish once said, a country of the mind, then California is clearly a state of mind—an altered state, for sure, or, better yet, a visionary one.

When the United States seized the territory from Mexico in 1848, California became the stage for a strange and steady parade of utopian sects, bohemian mystics, cult leaders, psychospiritual healers, holy poets, sex magicians, fringe Christians, and psychedelic warriors. There are many and complex reasons for this efflorescence of marvels. Between its Edenic bounty and multicultural mix, its wayward freedoms and hungry dreams, California quickly became an imaginative frontier exceptional in the history of American religion. Less a place of origins than of mutations, California served as a laboratory

of the spirit, a sacred playground at the far margins of the West. Here, deities and practices from across space and time became mixed and matched, refracted and refined, packaged and consumed anew. Such spiritual eclecticism is not novel, of course, and similar scenes have popped up throughout history, often with more rigor and depth. But nowhere else in the modern world has such unruly creativity come as close to becoming the status quo. I call this loose spiritual ethos "California consciousness": an imaginative, experimental, and often hedonistic quest for human transformation by any means necessary.

Defining California consciousness is no easier than defining the New Age. Though world faiths like Buddhism and Christianity have marked the West Coast's alternative spirituality in fundamental ways, many of the paths that cross California are, in the words of the religious scholar Robert Fuller, "spiritual, but not religious." Even that wan word spirituality barely helps, since many paths crisscross the realms of sacred and profane, and look more like diets or art or crazy fun than sacred pursuits. But that is the point, since the quest for insight, experience, and personal growth can take you anywhere: a mountaintop, a computer, a yoga mat, a rock 'n' roll hall.

In his book *The Varieties of Religious Experience*, William James defined religion as "the feelings, acts, and experiences of individual men in their solitude, so far as they apprehend themselves to stand in relation to whatever they may consider the divine." California seekers could be said to have taken the bait that James dangled. For James, the cornerstone of religion was personal experience, a perspective that decoupled the religious life from questions of dogma and institution, and brought it into the sphere of the individual. This shift also opened up the wunderkammer of consciousness, redefining mysticism and so-called altered states as valid points of departure. Experimenting with psychedelic compounds like peyote and nitrous oxide, James argued that exalted states of consciousness had to be integrated into any philosophy worth its salt. Though James's approach hardly exhausts our understanding of religion, it certainly helps illuminate California consciousness. Solitude, especially, is key: though California has hosted scores of sects and cults, seekers are often driven by the sneaking suspicion that, in many ways, they are on their own. In California, though, James's "individual men" are as often as not women—the feminization and even "queering" of the sacred being one of California's defining, and most controversial, characteristics.

Although I was not raised within the bosom of religion, my adolescence was shaped by a variety of religious experiences. Like most of my peers, I received only the most garbled version of the good word that has sustained most Westerners for centuries. Neither baptized nor churched, I learned the gospel from obsessive and repeated listenings to my mom's beat-up LP copy of *Jesus Christ Superstar*. For the most part, the world around me was defined by skate parks, *Star Wars*, Led Zeppelin, and pot. But because I grew up when and where I did, I was also surrounded by the spent fuel rockets of the spiritual counterculture. By the time school beckoned me east, I had met and broken bread with teen witches, born-again surfers, Hare Krishnas, wandering Christian mendicants, Siddha yogis, est seminar leaders, psychedelic Deadheads, and a spindly metaphysician who taught English at my junior high and read my aura after class.

Years later, in a time of existential freefall, I yearned for something more: I wanted to be rooted in an authentic religious tradition. I was envious of the people I knew who had been raised with faith, for they at least had something formative to wrestle with, something they had no choice but to engage. I had nothing but what sociologists call "the religious marketplace"—the vast array of books, gurus, practices,

paths, and healing modalities that burdens the modern seeker with choice. Conversion felt too much like consumerism; real religion, it seemed to me, should lie at the root of the self, before choice enters the matter. But then it dawned on me: what if California was my tradition? Like Hinduism, which is really just a catchall term for a riot of sects and paths and teachings, California consciousness is a great polytheistic collage. It is essentially pluralistic, even contradictory, although it speaks so much of wholeness and the One. To study this heterodox tradition, then, was to take it all in: transplanted religions, self-help systems, nature mysticism, Jesus freaks, creepy cults, tools of ecstasy.

California consciousness, I came to see, is like the landscape of the state: an overlapping set of diverse ecosystems, hanging, and sometimes quaking, on the literal edge of the West. This landscape ranges from pagan forests to ascetic deserts to the shifting shores of a watery void. It includes dizzying heights and terrible lows, and great urban zones of human construction. Even in its city life, California insists that there are more ways than one, with its major urban cultures roughly divided between the San Francisco Bay Area and greater Los Angeles. Indeed, Northern and Southern California are considered by some to be so different as to effectively constitute different states. But that is a mistake. California is not two: it is bipolar.

If California consciousness is a kind of landscape, then it makes sense for a student of this tradition to hit the road. And so I traveled across the state, visiting monasteries and mountaintops, churches and homes, storefronts and desert arroyos. I found that, while so many of California's spiritual subcultures have come and gone, many relics remain, preserving traces of spiritual passage in physical space. Some of these traces are well-known structures, monuments to God or Art or both; others are marginal places, slipping into oblivion or disguised by later owners. I found nearly all of these spots to be beautiful and strange, and they brought to life, if only for a spell, the people and stories that created them and that continue to shape the spirit of the West. My research began to take the form of a psychogeography: a dreamlike movement through space that uncovers subliminal stories and symbolic connections. This book is a reflection of those trips.

Accompanying me on the journey was photographer Michael Rauner. Like me, Michael is a native Californian. He grew up Catholic and was educated by nuns at Our Lady of the Sacred Heart in the polycultural environs of east San Diego. Another teenage seeker, Michael would come

to explore the liminal zone between sacred and profane in his art. When we first met, he showed me two books of photography he had shot and designed, one about the Mission San Diego de Alcalá, and a more ambitious project devoted to California's hidden world of amateur bullfighting—a bloodless ritual with mythic roots. An earlier project, Reliquary DNA, offered a mystical take on genetic research. Michael not only resonated with the vision I was pursuing but also brought a tremendous and sympathetic sensitivity to the task of capturing the unusual character of the state's spiritual landscape.

The Visionary State is not a general overview of religion in California. I have not spent as much time as I would have liked on the Native American and Mexican roots of California, nor with the mainline faiths that shape the lives of millions, from the synagogues of Los Angeles to the evangelical churches of the Central Valley. With some important exceptions, The Visionary State focuses on the restless, heretical edge of the Anglo-American experience as it probes the inside and outside of religious institutions. And even here, The Visionary State only scratches the surface.

What ties together the sites we have chosen is their visionary quality. What do I mean by visionary? It is a singular seeing, rooted in imagination and personal experience. The visionary person sees farther, or sees differently, and then draws others into the dream. Such visions are not inherently sublime—they can be tacky or mad or even terrifying. Disneyland was a vision of sorts, as was Hearst Castle, and McDonald's. What is important in the life of California is the interplay between the visionary imagination and cultural invention, and how this creative fancy introduced an enchanted and sometimes sacred dimension to an often tacky world of cheap thrills, commerce, and trash. As a place that has always been imagined as much as it has been lived, California is, perhaps, inherently visionary. The Gold Rush was a vision, and so was Los Angeles, which bootstrapped itself into being through self-mythology and hype. In this sense, California's colorful and unique spiritual culture is simply one aspect of the creative mania that has made the state the great American exception. But it also reveals something deeper: the continuing call of spirit at the frayed edges of the modern world, a call that demands novelty and reinvention, and the equal invocation of ancient ways.

Welcome, then, to California's theme park of the gods. <>

## **THE PORNIFICATION OF AMERICA: HOW RAUNCH CULTURE IS RUINING OUR SOCIETY** by Bernadette Barton [NYU Press, 9781479894437]

Pictures of half-naked girls and women can seem to litter almost every screen, billboard, and advertisement in America. Pole-dancing studios keep women fit. Men airdrop their dick pics to female passengers on planes and trains. To top it off, the last American President has bragged about grabbing women “by the pussy.”

This pornification of our society is what Bernadette Barton calls “raunch culture.” Barton explores what raunch culture is, why it matters, and how it is ruining America. She exposes how internet porn drives trends in programming, advertising, and social media, and makes its way onto our phones, into our fashion choices, and into our sex lives. From twerking and breast implants, to fake nails and push-up bras, she explores just how much we encounter raunch culture on a daily basis—porn is the new normal.

Drawing on interviews, television shows, movies, and social media, Barton argues that raunch culture matters not because it is sexy, but because it is sexist. She shows how young women are encouraged to be sexy like porn stars, and to be grateful for getting cat-called or receiving unsolicited dick pics. As politicians vote to restrict women's access to birth control and abortion, **THE PORNIFICATION OF AMERICA** exposes the double standard we attach to women's sexuality.

### Reviews

"Zippy and well illustrated, this book persuasively argues that 'equating hypersexualization with sex positivity is a form of Orwellian doublespeak.'" ~*New York Times Book Review*

"Barton, a professor of sociology and gender studies at Morehead State University, assembles her case against porn and pornification through a blend of pop-culture analysis and interviews (mostly with young women in their 20s)... **THE PORNIFICATION OF AMERICA** is a solid update of the traditional feminist case against porn." ~*The Washington Post*

"Once dismissed as a teenage phase, raunch culture is now a path to the presidency. Barton inspires us to take America back. Deftly teasing apart notions of sex positivity, sexual liberation, and radical feminism, she exposes raunch culture's pernicious lie: that pornification is empowerment. And not a moment too soon." ~*Lisa Wade, author of American Hookup: The New Culture of Sex on Campus*

"Feel anger, rage, or hope. It is impossible to read **THE PORNIFICATION OF AMERICA** without feeling *something* about the thorny issues of mediated sexual desire in the 21st century. Bernadette Barton writes about the relentless capitalist commodification of female sexiness and the people who participate in it. From incels to pastors to politicians, nobody is exempt from the objectified and self-objectified raunch culture that Barton portrays. This book aims to deprogram readers' subconscious conditioning and create the mental space to imagine a sex-positive revolution, not merely sexist shadows of that goal." ~*Shira Tarrant, author of The Pornography Industry: What Everyone Needs to Know*

"In **THE PORNIFICATION OF AMERICA**, Bernadette Barton offers a multi-faceted examination of what she calls 'raunch culture' in American society. She has a sophisticated awareness of feminist debates that are attuned to both protecting women's right to bodily self-determination—and our right to do what we please with our bodies—while simultaneously remaining critical of sexist and racialized cultural commodifications that can have insidious effects on women's sense of feminist freedoms." ~*Lynn Chancer, author of After the Rise and Stall of American Feminism: Taking Back a Revolution*

"In her timely book, Bernadette Barton shows us how raunch culture has invaded every aspect of our lives—personally, professionally and politically. This book should be used on college campuses across the country to stimulate debate on how we got here, why it matters and what we can do to change it." ~*Kathleen A. Bogle, author of Hooking Up: Sex, Dating and Relationships on Campus*

"**THE PORNIFICATION OF AMERICA** is an excellent book for considering how sexism shapes popular culture and consequently public vernacular and social relationships. This is a great read for students or for any reader curious about the politics of raunch culture." ~*Kristen Barber, author of Styling Masculinity: Gender, Class, and Inequality in the Men's Grooming Industry*

## CONTENTS

Introduction: Welcome to Raunch Culture, USA

1. What Men See, What Men Want
2. How Internet Pornography Ruins Sex
3. "Be the Man That Treats Her Like a Lady, but Still Grabs Her Ass"
4. Dick Pics
5. Trump's Raunch Culture Administration
6. Transforming Raunch Culture

*Acknowledgments*

*Notes*

*References*

*Index*

*About the Author*

Raunch culture pervades popular culture. It is fueled by reactive mostly male form of sexual entitlement. Raunch permeates daily life as manifested through social digital medias. It includes people addicted to commodity sexuality rather than a sexuality of interpersonal connection and mutual care. Raunch arises from seeking to control sexual expression by reducing sexual pleasure to that one-sidedness of a thing without annoyance of other autonomous subjectivities. This thing-orientation (rather than person-orientation) is easily universalized by our ubiquitous consumerist digital media as passive ingestion of images and our active exercise emotions through interactive media. Raunch arises as an especially aggrieved male entitlement expressive frustration and rage. Where the real world does not match the fantasy of the pornographic double standard. The hypersexualization in a solitary environment of autonomous fantasy cannot effectively substitute for a matrix of communication and mutual care. Dick pics may pander to the male gaze but rarely to stranger.

### Seeing Raunch Culture: "It's Hijacking Our Lives without Us Even Knowing"

I've heard it so many times, it's comical. I'm chatting with someone—a friend, an acquaintance, a neighbor, a colleague—about my project on raunch culture. I receive a polite smile, a blank look, followed by a flicker of indecision, and then most say, "Oh, how interesting." "Do you know what raunch culture is?" I ask helpfully, and 98% of people do not. Recognition of raunch culture suffers, as I wrote earlier, from the condition of inarticulation. Most people do not have words to describe the hypersexualized images, speech, and attitudes of contemporary culture. Then, without language to quickly convey small and large concepts, communication can be laborious and confusing, perhaps more work than it is worth, especially if others consider the ideas one is expressing controversial. So part of making raunch culture visible entails circulating words that name the phenomenon.

Linguists have long known that language influences how we perceive social life.<sup>1</sup> For example, consider the phrases "racial profiling" and "sexual harassment." Both these concepts entered into public use in the past 30-40 years. Did racial profiling and sexual harassment exist before people named these practices, and critiqued the abuse? Of course! Racial profiling was simply life as a racial minority, and sexual harassment what a woman expected without a male escort (and sometimes from the one supposedly "protecting" her). The new words facilitate awareness and the possibility of change. Dylan, who is white and 28, specifically discussed this. He said that raunch culture "has to be visible" before we can dismantle it:

It's super invisible for people who have the untrained eyes. People need to know it exists, how it harms people, and they need to know how it could possibly affect issues in our society. To be honest, a lot of those people probably wouldn't care anyway. But the more you make it visible, or are critical of it, and look at how it's affecting people, then the tide of history starts to ebb and flow and it may help.

Kayla thinks that it is difficult for young people to see raunch culture because "there's no contrast. It's hijacking our lives without us even knowing." She explained, "If everything in a room is gray, then how can you tell the difference between this gray item and that one. It should be glaringly obvious how awful these things are, but because it's just what is, people don't have anything to compare it to." Millennials and those in Generation Z urgently need more conversations about raunch culture because, as

previously explored, hypersexualization is culture for them. In an image-based digital culture, the average consumer sees up to 10,000 advertisements a day, switches between screens up to 21 times an hour, and has an attention span of eight seconds.<sup>1</sup> Westerners thus encounter a smorgasbord of pouty female faces and provocatively arranged female bodies in many places: the grocery checkout, on billboards, on buses, really anywhere there is ad space. Those on social media see sexy pictures of women and girls scrolling through their feeds. Embedded in many of these images are the values of raunch culture: women's bodies are consumable.

Since children see this very specific raunch beauty ideal from the moment they begin looking at screens (which may be as young as two years old), Rebecca, who is white and 25, wondered how the images unconsciously affect consumers. She said,

I don't even notice it, because I just see it everywhere. You're inundated with this all the time. How do you change what your subconscious is telling you? My subconscious is saying women who look a certain way and behave a certain way are the epitome of femininity. How do I say that I don't believe that anymore? You have to decide to value something else other than that.

Thus, the first way to begin transforming raunch culture is to circulate words that allow people to perceive, name, and discuss it, words that logically dismantle the gender inequality on display, and empower people to express their support for the bodily autonomy of all people.

### Feminist Values as Antidote to Raunch Culture

Researching and writing about raunch culture in the dystopian Trump years has, at times, been a grim task. Still, I see much to be hopeful for. I am hopeful as I see people discuss feminist ideas about bodily autonomy, with the #metoo reckoning, in the grassroots work of progressives to make political change, with the results of the 2018 midterm election creating the most diverse Congress in the history of the United States, the enthusiasm shown for the progressive policies put forward by Alexandria Ocasio-Cortez, the admiration and reverence given to superhero and cultural meme Supreme Court justice Ruth Bader Ginsberg, and the rapid evolution in norms about gender expression. As a culture, we are moving beyond sex/gender binaries of female/male and feminine/ masculine. Despite a loud and at times violent backlash, trans and nonbinary people are changing the culture, carving new sex and gender paths, and thus weakening the armor of patriarchy with young people leading the way.

As I write this in April 2020, in the middle of the global Covid-19 quarantine, I am also hopeful that the sudden pause on social life may nudge Americans away from raunch culture. Unsurprisingly, it's still easy to see evidence of raunch in, for example, the swift creation of coronavirus porn<sup>2</sup> and terms like "dickstancing," which describes men sending out dick pics while practicing social distancing. Further, Pornhub responded to the international lockdown by making premium content free for a month. Data shows that traffic to Pornhub increased 10-20% in March and April 2020.<sup>16</sup> However, I also observe people focusing on art, family time, and good deeds—I see Zoom choral concerts and elaborate chalk-art creations, YouTube lessons from chefs fixing meals out of what's in their cupboards while children bound in and out of the kitchen, stories about healthcare workers rocking out to Journey songs with each patient recovery, universities and companies donating personal protective equipment, and people dancing in unicorn costumes. I am hopeful we are remembering that who we are, and what matters in our lives, encompasses much more than how "hot" we look.

More than anything else, young people make me hopeful. Unfairly maligned as spoiled and entitled, they suffer while the social safety net erodes. In my classrooms, I observe that they are thoughtful and careful how they speak, less interested in materialism than older generations, and more willing to delay gratification. They are fed up with the trolls and "haters:" and seek out opportunities to be positive and support one another as Kelly, passionately demonstrated. She said, "We need to be genuine and fight for each other instead of fighting each other. Don't focus on the negative, don't try to change anybody. It's their job to change. Be you, spread love, don't try to fix people"

Millennials and those in Generation Z deserve better than raunch culture. As Timothy thoughtfully explored, raunch culture pits women and men in a zero-sum game in which one person (usually the woman) has to lose so that the other can win. He explained, "Nobody should have to lose from human sexuality, but with raunch culture somebody does have to lose. There has to be this loss of dignity, loss of social status, or loss of personhood. I think that's one of the defining features of raunch culture is the loss or the void of something" We can reject this zero-sum end product of winner/loser in favor of the feminist paradigm of win/win. Feminism, the political, social, and intellectual movement for gender equality and human uplift, rests on three basic beliefs: that patriarchy exists, that greater equality improves social life, and that everyone has the right to bodily autonomy. We all win when feminists win. For example, feminist gains in the workforce improve everyone's work/life balance, feminist victories in climate change legislation protect the globe for all its inhabitants, and feminist initiatives for LGBTQ people foster better relationships between multiple groups—sexual and gender majority and minority members, encompassing women, men, trans, and non-binary people.

The path out of raunch culture must also include envisioning new paradigms, and perhaps Covid-19 is helping Westerners do this. Happiness research finds that the values of raunch culture—fame, status, and money—are directly opposed to those that actually foster happiness—meaningful relationships, engaging work, and feeling connected to something bigger than oneself. We can make individual choices that lessen the grip of raunch by allowing ourselves to be silly and vulnerable, having fun, lightening up, and paying attention to how we feel, not how we look. We can take social media fasts, let ourselves off the hook, appreciate women, be voices for social justice, support young people, and follow our inner guidance. We can reject the values of raunch in favor of love, connection, community, and intimacy. <>

## **A FEMINIST THEORY OF REFUSAL** by Bonnie Honig [The Mary Flexner Lectures of Bryn Mawr College, Harvard University Press, 9780674248496]

An acclaimed political theorist offers a fresh, interdisciplinary analysis of the politics of refusal, highlighting the promise of a feminist politics that does not simply withdraw from the status quo but also transforms it.

The **BACCHAE**, Euripides's fifth-century tragedy, famously depicts the wine god Dionysus and the women who follow him as indolent, drunken, mad. But **Bonnie Honig** sees the women differently. They reject work, not out of laziness, but because they have had enough of women's routine obedience. Later they escape prison, leave the city of Thebes, explore alternative lifestyles, kill the king, and then

return to claim the city. Their “arc of refusal,” Honig argues, can inspire a new feminist politics of refusal.

Refusal, the withdrawal from unjust political and economic systems, is a key theme in political philosophy. Its best-known literary avatar is Herman Melville’s *Bartleby*, whose response to every request is, “I prefer not to.” A feminist politics of refusal, by contrast, cannot simply decline to participate in the machinations of power. Honig argues that a feminist refusal aims at transformation and, ultimately, self-governance. Withdrawal is a first step, not the end game.

Rethinking the concepts of refusal in the work of Giorgio Agamben, Adriana Cavarero, and Saidiya Hartman, Honig places collective efforts toward self-governance at refusal’s core and, in doing so, invigorates discourse on civil and uncivil disobedience. She seeks new protagonists in film, art, and in historical and fictional figures including Sophocles’s *Antigone*, Ovid’s *Procne*, Charlie Chaplin’s *Tramp*, Leonardo da Vinci’s *Madonna*, and Muhammad Ali. Rather than decline the corruptions of politics, these agents of refusal join the women of Thebes first in saying no and then in risking to undertake transformative action.

## Reviews

“Give her glory! In her reading of and with the **BACCHAE**, Bonnie Honig takes us through the text into critical theory, theater, and the agonistic political. Her sisterly feminism makes women fiercer, more violent, more political, more closely and willfully bound to one another, full of food and pleasure and joy in rebellion. In the arc of refusal that Honig makes visible, sexualities become iridescent acts of will, maternalism falls before an egalitarian sisterhood, and an ancient text opens to new forms of political struggle.”—Anne Norton, author of *95 Theses on Politics, Culture, and Method*

“With a questing mind and an eye for the revealing detail, Honig finds unexpected meanings in Euripides’s *Bacchae*, showing how the play expands and renews feminist concepts of resistance. In their repeated refusals, sororal mutuality, and storytelling, the wild women who desert Thebes for the forest give us valuable hints about how power is sustained and how it may be opposed. For Honig, reading itself becomes a bold collaboration, an opportunity to place thinkers in surprising company and learn from the experiment.”—Joy Connolly, President, American Council of Learned Societies

“A profoundly relevant study of the three graces of refusal—inclination, inoperativity, and fabulation—and how, interwoven, they work to deepen its far-reaching agency. Honig encourages us all to stake a claim in the retelling of our histories, to push our narratives beyond the maddening limitations of patriarchal normativity. This is our civic and political duty, whether we succeed or fail. As Honig says, ‘we are in it together.’”—Lisa Dwan, actor, writer, director, and star of *Pale Sister*

“In Bonnie Honig’s stunning reinterpretation of the *Bacchae*, the concept of refusal—not an end in itself, but a necessary first step toward liberation and transformation—grounds an audacious and utterly persuasive feminist politics. Along the way, readers are treated to surprising and reciprocally illuminating pairings: Saidiya Hartman and Hannah Arendt, Greek tragedy and Black fabulation, *Bartleby the Scrivener* and Charlie Chaplin. This book blazes like a comet with intellectual sparks in its wake.”—Vaughn Rasberry, author of *Race and the Totalitarian Century: Geopolitics in the Black Literary Imagination*

“Exhilarating. With her vital reading of the *Bacchae*, Honig develops a fierce feminist politics that sees refusal not as passivity but as a violent transformative love.”—Catherine Conybeare, author of *The Laughter of Sarah: Biblical Exegesis, Feminist Theory, and the Concept of Delight*

## CONTENTS

- Preface
- Introduction: The *Bacchae*'s Arc of Refusal and the Tragedy of the City
- 1. Inoperativity and the Power of Assembly: Agamben with Butler
- 2. Inclination and the Work of Dis/orientation: Cavarero with Ahmed
- 3. Fabulation and the Right to the City: Hartman with Arendt
- Conclusion: Sister Is an Anagram for Resist
- Appendix
- Inoperativity in Chaplin's *Modern Times*
- Inclination in Erin Courtney's *A Map of Virtue*
- Fabulation in Astra Taylor's *What Is Democracy?*
- Muhammad Ali's Repertoire of Refusal
- Notes
- Acknowledgments
- Index

## The *Bacchae*'s Arc of Refusal and the Tragedy of the City

Refusal in Euripides's fifth-century tragedy, the *Bacchae*, occurs when the women (1) refuse work in the city, then (2) move outside the city where they live otherwise, then (3) return to the city with a set of demands. The first two actions violate King Pentheus's orders. By the time of the third, Pentheus is dead and Cadmus, his grandfather, has stepped into his place. As I read the play, the three refusals are connected stops on a single arc of refusal. Indeed, the work-refusal and heterotopian escape set up the return to the city that follows. In this book, I make the case for reading the *Bacchae* this way. I also argue that depicting refusal as an arc conveys a normative, civic, and feminist obligation to risk the impurities of politics on behalf of transformation. The effort may fail, but the return to the city, I claim, is fundamental to a feminist theory of refusal that aims to transform the city, not abandon it. The city, in this book, is a figure for political community. It may be an actual city, but it may also be a state, a town, a village, or a neighborhood.

Not all admirable refusals follow this arc. Indigenous theorists of refusal, for example, have argued in favor of developing or recommitting to their own sovereignties rather than working to ameliorate or infiltrate those of settler societies. In some areas of Black studies, the city is seen as so unsalvageable that fugitivity is embraced as the only way for Black life to flourish. The arc of refusal that I trace here may not serve the needs of such theorists and practitioners of refusal. Even so, my hope is that some may find something useful in the agonism of Euripides' bacchantes and the audacity of their refusal.

It was Euripides's play that first led me to think about refusal as having an arc and of the city as its destination. In the *Bacchae*, the arc belongs to the women, the bacchantes, but their refusal has not received any serious attention as such, because (1) the women are assumed to be mad, in thrall to Dionysus, and unaware of what they are doing when they defy and kill the king, (2) the tragic ending means most readers see not an arc but a restoration or reprimand, and (3) although the play is named

for the bacchants, most readers take the focus to be the play's remarkable agon between Thebes's male rivals: Pentheus, the king, and Dionysus, a foreign god who is (unbeknownst to Pentheus) the king's cousin. For these reasons, most readings of the *Bacchae* prioritize its lessons about religion, kinship, recognition, or hubris but not refusal. But what happens when we switch the focus from the male rivals' quest for power to the women's collaborative experiments? From male hubris to women's agency? From heterotopia as fugitivity to a space / time of rehearsal? From women's singular madness to refusal's arc?

Reopening the *Bacchae* as a drama of refusal requires first and foremost that we depathologize the conventional picture of the women as mad or deluded. Once we do that, all the other objections lose their grip. When it is said that the women do not know what they are doing, we may recall Hannah Arendt's insistence that in acting politically in concert with others, we are self-forgetting. Caught up in action, we are not in charge of it; we may be its initiators, but we are not its authors. Indeed, we may well be surprised later to realize what we have done. This is why action, on Arendt's account, postulates forgiveness. The example of Agave, Pentheus's mother, reminds us it may also postulate mourning. The *Bacchae* dramatizes the difficulty that Arendt recounts. That the bacchants know not what they do is not reason enough to dismiss their political agency; it is also a reason to consider it seriously. Once we do so, the bacchants' return to the city stands out more starkly as a political action. They could have stayed away. They lack for nothing outside the city. But they return. Why? Perhaps to claim equality, perhaps to demand their story be told, perhaps to alter the city. Approached this way, the bacchants seem to be more worldly than worldless. Indeed, as I read it, the *Bacchae* teaches how even when refusal seems to reject the world, it betrays a deep attachment to it, if not to the world as it is, then surely to a more just world that is not yet.

From the perspective of an arc of refusal, the bacchants' time outside the city appears not as ventilation but as preparation: a re-formation of the body and steeling of the mind to one day alter the everyday, not just rejoin it. When the women leave Thebes and repair to Cithaeron, I argue, their purpose is to prepare a storm of transformation and not just gather a breeze of fond memories that will occasionally stir the windless "safety" of home.<sup>3</sup> The latter reading is recuperative. The former is transformative. The transformative intent is clear, as we shall see, in Agave's address to the city when she returns to Thebes.

Although I follow the lead of Agave and the bacchants, and trace the arc of their refusal, I want to make clear that the subjects of a feminist theory of refusal need not be women as such, but those shaped by feminist theory and practice. In the *Bacchae*, as we shall see, even the bacchants, who are women in the city, are not always women outside of it. Their experiments in living on Cithaeron traverse conventional categories of sex / gender and human / animal. We may see promise in their gender and species crossing while still seeing their dissidence as a feminist refusal. The term feminist here refers to the project of enacting sex-gender equality, which includes pluralizing sex-gender practices and identities, in the face of governing powers that insist on gender binarism, heteronormative sphere separatism, patriarchal kinship, and the instrumentalities and inequalities they secure. In some sense, I will argue, feminist refusal is, as such, a regicidal project because it seeks to put an end to the old order. In the *Bacchae*, when the bacchants kill the king, it seems they do so unknowingly. But I am not so sure.

In the chapters that follow, I connect the three moments in the bacchants' arc of refusal—(1) refusing work, (2) leaving the city (Cithaeron) and (3) returning to the city— with three refusal concepts, respectively: (1) Giorgio Agamben's inoperativity (which suspends use and offers up new (post) uses of the body), (2) Adriana Cavarero's inclination (which represents a new moral geometry of relationality and care "completely apart" from the autonomous verticalism of the city), and (3) Saidiya Hartman's fabulation (her "method of refusal," which can also be the basis for the story told of an action that becomes part of a web of meaning). In each of the three numbered chapters, the selected refusal concept— inoperativity, inclination, or fabulation— presses us to a new reading of some aspect of the Bacchae, and then the Bacchae, along with other contemporary "Bacchaes," in turn force a critical rethinking of the concept. To the latter end, Agamben on inoperativity is here joined with Judith Butler (Notes toward a Performative Theory of Assembly, on assembly), Cavarero on inclination with Sara Ahmed (Queer Phenomenology, on dis / orientation), and Hartman on fabulation with Hannah Arendt (On Revolution and The Human Condition on the city that fabulation postulates and fabulates). The idea is to explore the three refusal concepts' promise and limitations in order to recover them for current use and illumination.

One particular focus throughout is on how refusal is remembered or erased. It will come as no surprise that the Bacchae, which tells the story of Dionysus, the god of forgetting, can be read through the lens of memory and forgetting. But in Chapter 3, on fabulation, we will see that memory is not enough: the story's emplotment matters, too. This comes out in my reading there of the seldom- noted agon in the Bacchae between Agave and her father, Cadmus. The agon is seldom noted because the consensus is that "the principal axis of the play is the protracted contest between the two young cousins, Pentheus and Dionysus." It is a good scene; Robin Robertson is right about that.<sup>5</sup> But the later agon between Agave and Cadmus is worthy of attention, too, precisely because it shifts the play's principal axis and focuses attention on the politics of storytelling.

The contest between father and daughter is over how to tell the story of the women's action. A feminist theory of refusal notes the practices by which memory and forgetting are shaped and enjoined because these affect not only the past but also the future. In the Bacchae, as we shall see, the techniques by which the story is shaped include the pathologization of the women (by Pentheus), their maternalization (by Cadmus, Agave's father, and by Pentheus, her son), and, ultimately, their exile (by Dionysus). The Bacchae documents a "splendid failure" (to borrow W. E. B. Du Bois's term) in which a possibility first nurtured outside the city is extinguished, but memory of it remains. A women's refusal is rendered unimaginable but it nonetheless haunts the very pre sent that denies its possibility. It may even seed a future.

But the Bacchae is less well known than other dramas of refusal such as "Bartleby" or Antigone. I turn now to summarize the play before taking up in detail this book's work of counter-narration, conceptual critique, and recovery.

IN THE Bacchae, a festival of Dionysus goes terribly wrong, or possibly terribly right, depending on how we interpret the play. The play begins with the arrival in Thebes of Dionysus, a foreign god followed by bacchants from Asia who travel with him spreading his mysteries. Dionysus is the god not only of theater, music, and poetry but also of wine and forgetting. Tiresias, the blind seer, explains early on, "the

goddess Demeter— she is the earth, but call her whatever name you wish; she nourishes mortals with dry food; but he who came afterwards, [Dionysus] the offspring of Semele, discovered a match to it, the liquid drink of the grape, and introduced it to mortals. It releases wretched mortals from grief, whenever they are filled with the stream of the vine, and gives them sleep, a means of forgetting their daily troubles, nor is there another cure for hardships.” The chorus echoes Tiresias’s appreciation of the gift: “To the blessed and to the less fortunate, he gives an equal plea sure from wine that banishes grief.”

Dionysus is not really a foreign god, however. The drama turns on his native city’s failure to recognize him as one of its own. In fact, he is, as Tiresias says, the son of Semele, one of four daughters of Cadmus, Thebes’s founder and grandfather of the current king, Pentheus. Years earlier, as Dionysus explains, Semele had been “visited” by Zeus and became pregnant with Dionysus. She told her story, claiming Zeus was the father of the child, and was challenged by her three sisters, Agave, Ino, and Autonoe, to prove it. The sisters dared Semele to call Zeus to come to her, surely knowing the danger, since calling on Zeus is a perilous act. And sure enough, when the god did come, proving the truth of her claim, Semele died in the encounter. Was this an act of soricide? Did the sisters instrumentalize Zeus to their purpose?

There is a shrine of sorts in Thebes for Semele, with a flame that is tended, so we may infer she is not forgotten. Yet no one seems to have inquired into the wrong committed against her nor into what might have become of the baby she was carrying when she died. After Semele’s death, Zeus took the fetus into a womb of his own and birthed the baby (or something like that; in the play, Tiresias notes that story has been garbled over the years, suggesting the plurality of myth and the unreliability of reports). The child grew up to be the wine god, Dionysus, who now returns to Thebes seeking recognition and vengeance. Cadmus, king at the time of Semele’s death, never addressed his daughters’ violence, which was left open: unadjudicated, unresolved, poised to return. Thus, we know that the women who join up with Dionysus in the Bacchae already know how to act in concert with murderous intent.

The lack of an inquiry and the denial of his cult by Thebes, first under the leadership of his own grandfather, Cadmus, and now under Cadmus’s heir and Dionysus’s cousin, Pentheus, outrages Dionysus, who returns in disguise to seek the recognition due to him both as a god and as a Theban, son of Semele. It is perhaps ironic that he represents forgetting when forgetting is precisely what he seeks to correct. For Dionysus, Pentheus’s rejection of the Bacchic rites reiterates that earlier offense committed against Dionysus’s mother, Semele, by her sisters, Agave, Ino, and Autonoe, Pentheus’s mother and his and Dionysus’s aunts.

The Dionysian rituals attract the three remaining sisters, Agave, Ino, and Autonoe, who, along with the rest of Thebes’s women, abandon their work, violating Pentheus’s order to return to their looms. Pentheus has some of the women imprisoned, trying to contain them and preserve order, but they all escape to Cithaeron where they party like it’s 405 B.C. Says the servant to Pentheus, “And the bacchae whom you shut up, whom you carried off and bound in the chains of the public prison, are set loose and gone, and are gamboling in the meadows, invoking Bromius [aka Dionysus] as their god. Of their own accord, the chains were loosed from their feet and keys opened the doors without human hand.” Or in a different translation: “The chains fell from their feet and the bars of their cells were withdrawn as if by magic.” It seems Dionysus is also the god of prison abolition. The women’s escape is a gift of the god,

Dionysus, the play suggests. That may be. But Dionysus is also a gift the women give to themselves: he is summoned by their desire.

I will detail further in Chapter 1 what happens on Cithaeron, the inoperative space / time outside the city to which the women repair, while tracking the power of Euripides's play to press on us a critique and recovery of inoperativity, Giorgio Agamben's refusal concept. For Agamben, inoperativity means the suspension of the ordinary (the "no" of Melville's *Bartleby*, with his formal formula: "I prefer not") and its replacement by a kind of "new use" that is useless or post-use. In the *Bacchae*, however, the inoperativity that the women enjoy involves not just the suspension of use but also a kind of intensification of use. Away from patriarchy's sex-gender enclosures, the women experience leisure and pleasure in new, intensified ways that alter their experience of space and time. Their power is suggested by the messenger's report to Pentheus that when the women chased away the herdsmen spying on them, the women ran, and "the world ran with them." He is clearly stunned by the swerve he has witnessed. The bacchantes exert a gravitational pull on the world from which others think they only flee.

They also learn to police their own boundaries, outside the city, away from the boundaries of public and private that once confined their movements and spaces. When they are spied on by those herdsmen "camouflaged with leaves," whose "good idea" it was to "lay in ambush" hoping to "hunt down Agave, Pentheus's mother, and drag her from the dance," the women attack. The herdsmen's foiled plan prefigures what will later happen when the women encounter Pentheus, also up to no good, also spying on what he should not see. In the earlier scene, the men, once discovered, flee in fright ("they would have torn us to pieces"), and the women attack the men's cattle in a horrifying way, dismembering rather than slaughtering them. "A single woman pulled a mewling calf in two, while others clawed apart a full-grown heifer. . . . Then they rose like birds," flew to towns in the foothills, and "snatched children from their homes and pillaged houses." The men fought back with spears but drew no blood, while the women's "flung wands" in turn "ripped open flesh, and the men turned and ran. Women routing men! Some god was there with them," says the messenger.

Duly warned and frightened, the men who witnessed the horrors retreat and then report to Pentheus on the wildness of the women. This episode of violence against the animals is like a blooding of the hounds, a rehearsal for the more profound violence to come, when the bacchantes will kill Pentheus. Indeed, arguably everything on Cithaeron is a rehearsal, perhaps even also for the return to the city that will follow. Having erected a para-polis outside the city, the women will soon risk their hard-earned inoperativity in order to preserve and practice it in the city. They won't succeed fully. It is a tragedy after all! But whose tragedy is it? We have long assumed it is Pentheus's, since he overreaches and pays with his life; or that of the women, who also overreach, and will be exiled, and Agave's, in particular, since she will lose her son, Pentheus, the king. Pentheus withheld the recognition due a god, and the women dabbled in mysteries that were beyond them. But neither the women's violence nor their "splendid failure" means the women were wrong to leave the city and then return to it. It could simply mean the city was not ready for them, in which case, the *Bacchae* is not the women's tragedy at all, nor Pentheus's, but the city's.

Pentheus at first wants to battle the bacchantes directly, but his desire to see and maybe even be one of them is stoked by Dionysus, who lures the king, his cousin, into a trap. Thinking he is talking to a stranger who follows Dionysus and not to the god himself, Pentheus listens to the stranger's advice and

agrees to dress as a woman so as to be able to observe the women on Cithaeron surreptitiously without offense. Dionysus in disguise says, "I'll dress you up as a woman, and then you can go see what they are up to." Pentheus seems drawn to the stranger whom he admires as womanish ("such long hair . . . Not a wrestler, then, I take it? . . . Such pale skin," says Pentheus when they first meet). And then Pentheus clearly enjoys the cross-dressing he initially resisted as unbecoming a king. He moves and adjusts his costume under Dionysus's direction, practicing his gestures. "So how do I look? A little like Aunt Ino, or a bit more like my mother?" Still under the direction of the god, but unknowingly also under his divine influence (but then, according to Tiresias, all the god does is to uninhibit our own secret desire), Pentheus follows Dionysus's instruction and hides in the top of a tree (it might even be a phallus tree) on Cithaeron so as to get a good view. Dionysus calls to the women, notifying them that a "creature" is watching them, and the women attack the creature, at first singly and without success, then together. "Once they saw [Pentheus] . . . they started pelting him with stones, throwing fir branches over like javelins." Notably, the bacchantes begin singly, pell-mell, each one throwing branches and rocks at the figure high above. But "all fell short." So they try another tactic: "they sheared the limbs off an oak and tried to lever the fir [tree] up by its roots. But that failed, too." So Agave calls on the women to join together. "'Come, my maenads, gather round this tree and all take hold. . . .' And with that, countless hands pulled and pushed." Only by acting in concert do the women succeed in bringing down the tree and Pentheus from its top: "and from his high roost Pentheus fell." They then kill Pentheus, whom they seem not to recognize. They certainly do not respond to his cries. When the sisters kill Pentheus, they reperform their terrible violence against Semele, but this time they do it—as they did with the cattle—with their own bare hands, and this time the victim is Agave's own son. Thus, loss is repaid with loss.

The earlier murder of Semele and the exile of Dionysus that ensued are repaid now with the murder of Pentheus and the ensuing exile of the remaining royal family. Cadmus and his wife, Harmonia, are fated, Dionysus pronounces in the aftermath, to become wandering, conquering snakes. Their daughters, Agave, Ino, and Autonoe, are exiled out of the city. The sisters leave Thebes together, perhaps holding hands. Their performance of sorority will be important to our recovery of inclination, in Chapter 2, where I argue that the refusal concept should figure not just maternal pacifism, as in Cavarero, but also the agonistic sororal ties that enable intimate dance and worship as well as violence and murder. These three sisters are on intimate terms with mutuality in all its violent ambiguities. Why doubt their taste for violence?

The play's most famous scene offers instruction here: when Dionysus seduces Pentheus into dressing as a woman, we see the king enjoys it as an expression of his own secret desire. Might the same be true later, when the women direct their violence against him? Tiresias claims early on that this god permits what his followers secretly want: "she who is modest will not be corrupted in Bacchic revelry. Do you see?" Is the bacchantes' refusal, which includes their violent murder of the king, an expression of their own secret desire? To borrow Tiresias's formulation, she who is pacifist cannot be corrupted to violence via revelry.

Judith Butler differs: the violence is regretted, she says in her reading of the play, rightly noting that what follows for Agave "is an infinite sorrow and remorse." But what do the sorrow and remorse mean? And are they the only feelings that count? When Agave mourns her son, it may mean she regrets murdering the king. But she could also be seen as mourning her situation in which she cannot kill the king without

sacrificing her son. Regicide and filicide are inextricably intertwined. This is Sara Ahmed's "double bind," described strikingly by Maurice Merleau-Ponty, whom Ahmed cites, as "the vital experience of giddiness and nausea, which is the awareness of our contingency and the horror with which it fills us." The giddiness and nausea that are experienced simultaneously in Merleau-Ponty are pried apart in the *Bacchae* and sequenced in time. The women are giddy at the murder of Pentheus, and only later are they nauseated by what they have done. Such sequencing invites a moralized reading in which the later nausea is regret for the prior giddy act. But the simultaneity that Merleau-Ponty and Ahmed assume invites us to delve more deeply into giddiness and nausea as a "vital" response to the double bind of women acting free in patriarchy.

Alternatively, we may reconsider Butler's reading of Agave in loose connection with Bernard Williams's "tragic situation," which forces a choice between two oughts, and there is no single right thing to do because whatever we do will be attended by moral regret. In the case of Agave, she committed regicide and killed her son. Although this is not what Williams had in mind when he explored the tragic clash of oughts, his approach may be helpful here. Since Agave's son is the king, regicide and filicide are one and the same act: she could not do the former without also doing the latter, and so she has reason for regret. But, arguably, as in a tragic situation, had she chosen the alternative course, she would have regretted that, too. Not taking down the tyrannical king would also be cause for regret, since ending his tyranny is also a normatively compelling act.

On this reading, the women who oppose the king but love Pentheus both desire the regicide they commit (un)knowingly and mourn the consequences. Their tragic predicament is clarified when we note that the bacchantes commit regicide long before they kill the king and only commit murderous violence against him when he forces their hand. It is regicide when the women refuse the king's orders to work (inoperativity) and when they set up a para-polis outside the city in which they rehearse new compartments and inaugurate new temporalities (inclination).

These more or less nonviolent acts are regicidal in that they deny recognition to the king and refuse his authority. The later violence just literalizes, in a way, what has already occurred.

When they kill and dismember Pentheus, the bacchantes advance an arc of refusal that began when they, together, broke out of prison and left Thebes en masse. Actually, it began when they first defied Pentheus to worship Dionysus. Pentheus has lost his monarchy, though he doesn't know it, well before he dares to disguise himself as a woman to spy on the bacchantes only to be murdered by them in the most horrifying way. In Thebes, his orders are not followed and his words are impotent. Dionysus, the bull / [wo]man / god Pentheus aims to net with his mortal power, will tie him up in a trap like a spare piece of string. Pentheus' rule is in pieces.

In the moment of his murder, Pentheus calls out, "Mother, Mother, look, it's me, your son, Pentheus!" and Agave wrenches his arm from its socket. Agave's nonrecognition of Pentheus suggests there is a problem with kinship or maternity (Butler) or with Agave (most readings). But what if we switch Agave's identity from mother, which is the interpellation that fails, to subject, an interpellation that seems to succeed? What if Agave did recognize Pentheus and still, or therefore, went on to dismember him? Then the seeming nonrecognition would be a recognition— not between mother and son but between subject and king.

I return to the scene several times in the following chapters, from the distinct vantage points provided by inoperativity, inclination, and fabulation, to consider what it would mean to see the women's violence as, in some way, deliberate and free: a refusal. This means approaching Euripides's play as an imaginative exploration of what is needed to render patriarchy inoperative, to engage it agonistically with inclination, and to demand or propose the fabulations that rec it and support the effort to move past it. Let us start, though, by acknowledging that the murder of Pentheus is nauseatingly horrifying. Its horror, which is surely the point, leads most readers or viewers to condemn the women who committed the violence and to see them as mad. But is it right to be shocked by the women's violence, and not by the king's?

If we hold off on the urge to moralize about the play (is it really necessary to say that murder is wrong?), then we create space to see that the *Bacchae* illustrates, metaphorically speaking, the breadth and depth of patriarchy's grasp, its imbrication in everything we love as well as in the structures and powers we resist. The play's horror is its powerful lesson: breaking with patriarchy means breaking (with) the fathers, sons, brothers, neighbors we love. It is difficult and awful, nauseating. The women's horrific killing of Pentheus allegorizes the double bind that goes beyond the tragic situation theorized by Williams, and it shows how the breaks necessitated by equality tear us apart, rip apart loved ones, and destroy the conjugal and communal bonds we value even though they make us unequal. This is not a conflict between two oughts, so much as it is a depiction of a double bind. The scene of dismemberment vivifies the fears that stop us, the reluctance to lose loved ones that renders us complicit with oppressive structures, and the anxieties that can keep us compliant with our own and others' subjugation. I suggest, in any case, that the overt violence on which so many focus when they encounter the *Bacchae* is less radical than the relaxation and rehearsal on Cithaeron that precede the regicide and the claim to the city that comes after it. When the women return to the city to demand to be feasted and have their story told not as one of madness but of sex equality or even of women's superiority to men, they are, in a way, killing Pentheus again. This, too, is part of the bacchant's arc of refusal.

## Gaslighting on a Global Scale

A conversation with Bonnie Honig on “disaster patriarchy” and how feminism offers the best way to make sense of the post-Trump moment.

Interview in *The Nation* by Daniel Steinmetz-Jenkins

For the entirety of Donald Trump's presidency, academics and pundits continually debated if he was a fascist, a populist, a nativist, a businessman president, and so forth. This debate continues. Sometimes sidelined in these conversations was a perspective that might've understood the heart of Trump and Trumpism from the start—feminism. From beginning to end, some of the most sustained protest against Trump's presidency came from feminists galvanized by his blatant misogyny and the fear that their rights stood endangered by it. Indeed, given Trump's macho manner and sexism, feminist criticism offers rich resources for making sense of the Trump phenomenon to encompass man and movement.

This is why Bonnie Honig's new book, **SHELL SHOCKED: FEMINIST CRITICISM AFTER TRUMP** [Fordham University Press, 9780823293766], can be considered a landmark study, one that helps make sense of the last four years. Honig, a professor of modern culture and media/political science at Brown University, shows how feminist criticism can help readers understand the idea of male entitlement, a concept in which freedom is reduced to being able to impulsively “say what you think and grab what you want.” This impulsiveness, she argues, is essential to Trumpism and ultimately leads to constant

disruptions, daily controversies, and rumbles of political rage. Such a permanent disorientation of reality, Honig observes, shocks and overwhelms a people's senses. Trumpism is thus to be understood as a kind of "disaster patriarchy" leading to the unending gaslighting of democratic institutions.

How, though, can disaster patriarchy and its shell-shock effects be discerned? In what ways does feminist criticism provide tools to resist and refuse it? And what is the way forward for feminist criticism in the Biden era? To answer these questions, I spoke with Honig regarding her thinking on feminist criticism in the age of Trump we have lived through and how we might articulate "a feminist theory of refusal." —  
*Daniel Steinmetz-Jenkins*

**DANIEL STEINMETZ-JENKINS: Why did you title your new book *Shell Shocked: Feminist Criticism After Trump*? Is there a connection between your notion of "shell shock" and the theme of Naomi Klein's book *The Shock Doctrine*?**

**BONNIE HONIG:** Yes, there is a connection, but I was also informed by shell-shock treatment during World War I, novelized by Pat Barker in *Regeneration*. Barker contrasts the approaches of real-life figures W.H.R. Rivers and Lewis Yealland. For Yealland, shell shock was a kind of feminized malingering, and he treated it with shock therapy ("the terrified soldier must utter words to get the torture to stop," said John Mullan, quoting Barker's book in *The Guardian*). For Rivers, shell shock was a sensorial injury and he treated it with a program of sensorial regeneration that included walks, nature, and poetry in addition to hypnosis and talk therapy. I build on Rivers' approach in *Shell Shocked*, affiliating feminism with criticism's art of close reading and noting its power as a humanistic response to shock politics.

Klein builds on different examples of shock treatment to analyze neoliberalism's "shock doctrine." She details what I call "the shock politics two-step," in which whole populations, or detainees subjected to torture, are first deprived of sensorial stimulation (for a population, communications are shut down; for a detainee, a hood is placed over the person's head) and then, later, once their sensory guard is down, subjected to overstimulation (the public is bombarded with propagandist messaging; the detainee is subjected to bright lighting and deafeningly loud music). But Klein's account of "disaster capitalism" is unconnected to "disaster patriarchy." In disaster patriarchy, shock is an everyday occurrence and reality itself is at stake. I extend Klein's argument to analyze *Gaslight*, the classic film about reality manipulation, as well as contemporary practices of gaslighting. In addition to Trump, I discuss Harvey Weinstein, Roger Ailes, Jeffrey Epstein, and others, noting that the real pleasure for them in their predations is the power to say, "No one will believe you." That is not just an instrumental threat, it is what these men are in it for: to hoard believability for themselves.

**DSJ: You observe that after James Comey was fired by Trump as head of the FBI, his critics—and most notably, Trump—"so rapidly feminized [him] that you would think he was J. Edgar Hoover." They viewed Comey as a "drama queen" and "too emotional" to be head of the FBI. However, you suggest that Trump himself actually embraced a kind of feminization that worked toward his own political advantage. In what sense is this the case?**

**BH:** George W. Bush played cowboy to masculinize his presidency (leading William Connolly to call his policies “cowboy capitalism”). Ronald Reagan supplemented his cowboy image with *Rambo* (the first three movies of the franchise came out during his presidency). Trump, I argue, presents himself in a more ambigendered way, playing both the brutal dominating strongman and the helpless damsel in distress. For four years, Trump bombastically ordered his crowds to beat up opponents and also pleaded with supporters to save him from unfounded persecutions. The cry to “Stop the Steal” was the culmination of it all. Trump positioned himself as needing saving, and on January 6, 2021, many of his followers heeded his cries for help as if he were Penelope Pitstop and they were the Ant Hill Mob (whom they did uncannily resemble).

Historian Cynthia Herrup argues that early modern monarchs, both male and female, struggled to practice use of the pardon, presenting sovereignty as both merciful (feminine) and angry (masculine). The full story of Trump’s pardons has yet to be told, but Trump as president presented sovereignty in just this ambigendered way. For example, when he talked at his rallies about the so-called “Russia hoax” and “deep state” investigations, he would veer into discussing Lisa Page and Peter Strzok, two FBI employees whose extramarital affair he used to suggest that everything they did was immersed in illegality. In front of thousands of people, week after week, he performed imagined scenes from their bedroom, and he played both parts: he was Page desiring Strzok as well as Strzok desiring Page. What other US politician on the national stage could impersonate a woman having sex with a man and get away with it? He did it regularly. The soundtracks to his rallies included the Village People’s “YMCA” and “Macho Man,” gay anthems that ironize the heteronormative sex/gender binary that Trump delighted in violating as he gyrated mincingly to their lyrics: “You can do whatever you feel!” There is also his wheedling tone, his pursed lips, his pinkie finger gesture that alternates with the strong thumb of dismissal, and his naturally high voice, which he deepens into a growl when he wants to play macho—all parts of his performance of sovereignty in drag.

Perhaps the point is that he alone can walk the sex-gender divide and still be a man, just as he alone could shoot someone on Fifth Avenue and still represent law and order. Or perhaps his act reassures men everywhere that manliness is just a performance, after all, and so they too can pull it off, with a thumb and a growl, or maybe a gun.

**DSJ:** In some sense the hero of *Shell Shocked* is the woman who appears on its cover: “Naked Athena.” This is the name given to the Portland protester who resisted those mysterious federal forces who had descended on the city by order of Trump in the name of protecting a federal courthouse. She did so by sitting nude on the asphalt, with her knees up and legs spread wide. “A feminism worthy fighting for,” you say, “needs its Naked Athenas.” What makes her actions so powerful for you?

**BH:** Where Trump feigns vulnerability for his own purposes, the woman nicknamed Naked Athena risked authentic vulnerability when she intervened in a stand-off between police and protesters in Portland last year. She took off her clothes, walked to the middle of the road, stood there, then sat down in protest, and the police got into their cars and left. Someone called it “pussy power.” It reminded me of what the older women in Toni Morrison’s novel *Home* call “sun smacking.” Sun smacking is the cure they prescribe for Cee, a young woman suffering the effects of shock and

mutilation. But Cee hesitates to expose herself, and so the women who care for her have to help guide her past shame and self-doubt to healing, pride, and independence.

Naked Athena is on the cover of *Shell Shocked* because that image captures what shock can feel like to those on its receiving end, faced with bright lights, police cars, and anonymous armed men in the street, in the dark. She was important then because the so-called Moms had just entered the Portland protests, which was initially a welcome, humorous intervention but soon developed into a kind of retrograde Mom-ism. A counter-performance of feminist agency was sorely needed. But even more important than Naked Athena, I argue, were the Mothers of the Movement, Black women who'd lost children to police violence and had joined together to work toward police accountability, reform, or abolition, their grief and their power a living reproach to racist structural violence in the US.

So, Naked Athena is not the hero of *Shell Shocked*. The fuel of democratic activism is action in concert. But individual heroics can inspire, so it was a problem that her story was told at the time as if it were part of the branded quirkiness of Portland rather than part of a worldwide practice of nude protest by feminists in Latin America, Europe, and Africa. Her story was told, that is to say, as if it were cute, not powerful.

*Shell Shocked* counters such subtle techniques of disempowerment by retelling stories from Homer to Netflix of the last four years that feature people joined together, often at great risk, to perform acts of witnessing and solidarity on behalf of a more egalitarian future. Stories are like batteries: they store the power generated by action in concert so that the power outlasts the event. But we need to tell those stories in the right way. That means paying attention to their telling detail or loose threads.

**DSJ: You seem primarily attracted to individual and local acts of refusal in *Shell Shocked* and your other recent book, *A Feminist Theory of Refusal*. Interestingly, you refer to Alexandria Ocasio-Cortez one time, and in passing. Women are at the forefront of a democratic socialist movement in this country. The Squad, for instance, arose during the central period of the Trump presidency. What do you make of this?**

**BH:** One major technique of shock is to isolate the target. It is important to track how people work their way out of isolation back to world-belonging. When I focus on individuals, it is on behalf of such exemplarity. My claim is that feminism after Trump requires a commitment to the telling detail that might unravel patriarchy's whole cloth. I think this is one of AOC's great talents: she is great at reframing. In *Shell Shocked*, I refer to her in the context of the Green New Deal, when I analyze efforts by the wealthiest Americans to opt out of climate catastrophe (with secret bunkers and remote hideaways), while denying its reality for the rest of us. This is one of several chapters that center on the power of public things. Extending the claims of my 2017 book, *Public Things: Democracy in Disrepair*, I argue that public things not only revivify a democracy's sense of equality, they also help reorient democratic life after shock.

The neoliberal habit of opting out of public things deals a terrible blow to American democracy's prospects. Without the orientation of public things, like parks, bridges, community centers, and so on, we—by which I mean a multiracial, multi-ethnic, plural, and fractious democracy—are lost. And yet, Republicans have branded “choice” as freedom and for them choice is the freedom to opt out of public things. Opting out, it is important to recognize, is rooted in this country in the white supremacist

abandonment of public things like schools and pools after they are racially integrated. Perhaps it should be no surprise that after a Black man was elected president, it became suddenly acceptable to a sizable minority of this country to opt out of elections too.

Trump is nothing new as far as the Republican Party is concerned. But the January 6 insurrectionists went further than before in their willingness to discard the procedures and even the facade of democracy. The procedures and facade of democracy are important, however: not because the procedures secure fairness and not because there is anything great about facades, but because they provide a ground on which to challenge the injustices of the existing political order. Stacey Abrams knows this.

The challenges are coming today largely from women. Women are not just at the forefront of a democratic socialist movement now, as you rightly say, but are also the leaders of the Movement for Black Lives, which has since the 2014 Ferguson uprising worked to reimagine policing, rebuild community, cancel debt, and organize for empowerment. We may recall Hannah Arendt referring to political action as miraculous when we note that things that were just recently unthinkable as mainstream political positions are now on the agenda in the US because of the work of activists, organizers, and some elected politicians.

We are witnessing, and participating in, a set of vital, diverse political engagements on issues of race. At the same time, questions of economic fairness have been reopened in the wake of a pandemic that forced recognition that “essential workers” really are essential to any functioning society. These are some of the most important developments in American politics in the last few years. My claim in *Shell Shocked* is that feminist criticism and refusal are indispensable here because we are up against not just disaster capitalism and white supremacy but also the disaster patriarchy that completes the triptych.

**DSJ:** *Naked Athena connects Shell Shocked to A Feminist Theory of Refusal, which looks to Greek antiquity for articulating a new feminist politics of refusal. What can antiquity teach us about how women can resist and transform unjust political and economic systems?*

**BH:** *A Feminist Theory of Refusal* is inspired by Euripides’ late-fifth-century BC play the *Bacchae*, in which Theban women refuse work, abandon the city, explore new forms of life outside it, kill the king (this may or may not be an accident), return to the city, and are then exiled by the wine god, Dionysus. Most readings of the play see the women as pawns of Dionysus, but why assume he uses them and not that they use him—or both?

The bacchant’s actions are a radical demand for equality. They move along an arc of refusal from strike to fugitivity. The arc is completed when, on behalf of fabulation, the women return to claim the city. They want to tell their story in their own way, and there is, here, I argue, an important counter to those who embrace refusal in its “Bartleby” form. Preferring not to, refusing to engage in the to and fro of political claims, is a tactic, not a politics.

Thanks to your questions, I realize I might have done well to mention AOC in this context, as well, since she has not given up on the city either. Perhaps it is a telling Dionysian or bacchic detail that she used to work as a bartender.

**DSJ:** Cornel West and Jeremy Tate recently [wrote](#) a piece lamenting Howard University's decision to dissolve its classics department amid a move for "educational prioritization." West and Tate judged this decision to be a "spiritual catastrophe." Some might see decisions of this nature as the consequence of contracting university educational budgets. However, it is often justified by its defenders as the desire to move beyond the "crimes of the West" and the philosophies that have inspired it. You are a feminist critic who draws inspiration from the classics. What is your view of the matter?

**BH:** This is a difficult question. It is important to decenter ancient Greece, as many classicists are now doing, in the study of antiquity. At the same time, the task of feminist theory and criticism is to work through received materials. In the absence of reworking, the old readings retain their power, and we may find ourselves repeating inherited scripts. I made that argument in *Antigone, Interrupted* (2013), where I reclaimed Sophocles' *Antigone* for a less heroic, more collective feminist politics, building on neglected textual details that suggest a possible conspiracy between the sisters in Sophocles' play. In *A Feminist Theory of Refusal*, I note that some characters in the *Bacchae* think the women are mad, but others differ, just as in *Antigone*, the protagonist is called mad by some, but righteous by others. Thus, the idea that the women are simply mad is contested *within* the plays. Since pathologizing refusal is still a go-to move today, it is important to see that it has always been contested. I depathologize the bacchantes in the company of Saidiya Hartman who does something similar with the women she calls "wayward." Indeed, her *Wayward Lives, Beautiful Experiments* is in my view a *Bacchae*, one of several I analyze in the book.

**DSJ:** Both of your books were written during the Trump presidency. Resisting the shell shock of it through the politics of refusal raises the question of feminist critique in the Biden era. Are you at all worried about a kind of apathy setting in as shock gives way to "normality"?

**BH:** I am not worried, but determined. Figuratively speaking, we have arguably chosen a good father over the monstrous one, a nursing father over an omnivorous one. *Both* are familiar patriarchal figures, however. And, though I think Biden has been perfect for the moment thus far, activists have made the actual difference with their years-long work. We are not done with Trumpism, but we need to not be reactive to it (non-reactivity is one of Biden's great strengths). The best way to defeat it is to build something worthwhile in its place. A feminist theory of refusal, committed to the city not as it is but as it might be, is a necessary and important part of the coalition of approaches needed now, and it is anything but apathetic. <>

## **DEMOCRATIC AND AUTHORITARIAN POLITICAL SYSTEMS IN TWENTY-FIRST-CENTURY WORLD SOCIETY, VOL. I: DIFFERENTIATION, INCLUSION, RESPONSIVENESS** edited by Anna L. Ahlers, Damien Krichewsky, Evelyn Moser, Rudolf Stichweh [Global Studies & Theory of Society, Transcript Publishing, 9783837651263]

What seemed unthinkable after the end of the Cold War and the triumph of liberalism has become reality today: the democratic world society of the 21st century is threatened by illiberal and autocratic political models. The state is no longer an instrument of a dominating stratum trying to control society. It must include individuals, produce valued outputs, know the complexity of society, and accept or deny the autonomy of other specialized function-systems. The authors analyze these political systems of a functionally differentiated world society and argue that they are completely novel because they incessantly adapt to the process of functional differentiation. To this end, they define structural core characteristics of modern policy, such as the political inclusion of everyone as a reaction to individualism; the complexity of polities arising from internal differentiation; and the increasing political decision-making handed to experts and autonomous organizations.

This book is about the radical novelty of modern polities in a functionally differentiated world society. Premodern states were at the apex of a stratified, hierarchical society. They dominated society and all its groups and strata. Modern polities have to be understood through the ecology of relations among different function systems. They have to find and incessantly redefine their place in society. They produce decisions that are collectively binding, but in preparing these decisions experience constraints and knowledge deficiencies that are related to the complexity of a functionally differentiated society. The book concentrates on six analytical perspectives that reflect how modern polities are embedded into 21st century society.

These perspectives are: the concept of inclusion and the inclusion revolution constitutive of modern polities; the internal differentiation of polities that endows them with an unprecedented complexity; the fact that polities do not know anything about society and the ways in which they compensate for this; representation and responsiveness as strategies to reconnect with society; the self-restriction of some polities that brings about ever new autonomous expert organizations; the symmetrical rise of autocracies and democracies as the two modern variants of political regimes.

### **CONTENTS**

Preface

1. Individual and Collective Inclusion and Exclusion in Political Systems by Rudolf Stichweh
2. The Rise of Complexity: Internal Differentiation of Political Systems by Anna L. Ahlers
3. Knowledge and the Political System by Rudolf Stichweh
4. Political Responsiveness: The Identification and Processing of Problems in Modern Polities by Damien Krichewsky
5. Expansion through Self-Restriction: Functional Autonomy in Modern Democracies by Evelyn Moser

6. The Bipolarity of Democracy and Authoritarianism and Its Societal Origins by Rudolf Stichweh and Anna L. Ahlers  
Biography of Authors

This book reports on the work of a research group that was established at the University of Bonn in 2013. This group 'Comparative Research on Democracies' is a part of the 'Forum Internationale Wissenschaft' in Bonn, an interdisciplinary research institute that focuses on the functional differentiation of contemporary world society. In the Forum we created three departments for the study of contemporary religion, for research on the global system of science and for research on the world polity.

In our days, there are many thousands of academic research institutes in the world. But the 'Forum Internationale Wissenschaft' appears to be the only one among them that truly concentrates on the 'functional differentiation of world society' as its major research problem. This special and rare position is for us a challenge and an obligation. In this book - the first of two volumes - we do not run the whole gamut of functional differentiation of society. Instead, we focus on one function system, the world polity, a function system consisting of hundreds of democratic and authoritarian political systems. However, we always write from a perspective that seeks to compare function systems. In studying features of modern political systems - patterns of internal differentiation, the duality of representation and responsiveness, the dynamics of problem expansion and problem retreat in polities - a comparison to similar dynamics in other function systems is inescapable. Furthermore, many of these characteristics derive from ecological relations among function systems. Thus, though we are primarily interested in polities, we have to understand them on the basis of the relations of the polity to other function systems.

We do not arrive at an adequate understanding of modern polities if we primarily study them as modern transformations of premodern states. Premodern states were at the apex of a stratified, i.e. hierarchical, society. They dominated society and all its groups and strata. In doing this, they constituted the whole of society and included every societal relevance into their domain. Religion may have made similar and competing demands on society. It was the only other function that could claim the whole of society (including the state) as being part of its domain and subordinate to it. As long as these interpretations were dominant and decisive for societal structure formation, society consisted of the competing claims of two totalizing functions, both of which were monistic, not pluralistic visions of society. This monism embedded into stratification constitutes the radical difference between premodern society and modernity.

Modern polities have to be understood through the ecology of relations among function systems. They have to find and incessantly redefine their place in society. They produce decisions that are collectively binding, but in preparing decisions they experience constraints and knowledge deficiencies that are always related to the complexity of a functionally differentiated society. This book concentrates on six key analytical perspectives that mirror the way modern polities are embedded into the ecology of functionally differentiated world society. In the following, we summarize these six analytical perspectives.

There is, first, inclusion (Ch. 1), which is a universal imperative in all the function systems of world society. They are all based on inclusion revolutions which begin in the eighteenth century and continue into the present. Inclusion is related to the institutionalization of the individual as one of the core inventions of modernity that connects locality and globality, structures and beliefs. Polities always have

to balance individual and collective inclusion. How they do this shapes the democratic or autocratic or populist regimes they build.

Modern political systems can no longer adequately be described by looking at the apex of a hierarchy. To do so was instructive in the premodern world, but it is instructive no more. Function systems of the modern world achieve their autonomy and identity by building complex patterns of internal differentiation (Ch. 2). The best way to understand a function system is to understand its milieu intérieur (Claude Bernard), that is its internal environment, the practices and imperatives built into it, and the way the system is different from all the systems in its external environments on the basis of the complex reality of its internal environments. To understand autocratic mainland China one needs to study its villages and regions and provinces and cities and the immense multilevel governmental apparatus, the way decision capabilities are distributed in it, and the way decision alternatives are generated and made use of. Another core question is the interrelation between the ongoing internal differentiation of a function system and the processes of differentiation progressing in its external environments.

What is characteristic for political systems and distinguishes the polity from other function systems is that politics is almost never a profession, which can be learned by studying a specific knowledge system (Ch. 3) that - as a scientific or intellectual knowledge system - defines the core of what politics is about. In contemporary society in most world regions exist a profession of law and a profession of medicine and often a professionalization of religious core roles, and even, in the last decades, a certain amount of professionalization of managerial roles in the economy. But there is no profession of politics. The inclusion into political public roles (voters and the public sphere) and political performance roles (political parties and political offices) is independent of professionalization. The inclusion of everyone with equal rights of participation seems to be so important that it conflicts with any professionalization imperative for politics. If one starts from this diagnosis there arises the core question of how political processes organize the access to the knowledge resources they need in order to work on the ever more numerous societal problems that are being redefined as part of the problem set in need of collectively binding decision-making by political institutions. For this they need advisors and experts and other forms of knowledge import. The study of modern political systems will in one central respect be the study of these forms of knowledge import.

But how does the political system observe society? If modernity no longer has a problem set that defines which problems are the invariable core responsibilities of political systems, one has to find out how political systems select the problems they work on. For this selection process modern political systems make use of two strategies by which they try to affirm and expand their relevance for society. These two strategies are representation and responsiveness (Ch. 4). Representation is based on inclusion which, via votes, petitions, protests and public opinion allows the political system to apprehend the problem perspectives, preferences and interests present in the population. These are then selectively represented in the system. Representation already works in small-scale political systems. But political systems grow in complexity over time. They build an institutional set of their own and this set of political institutions develops diagnostic tendencies regarding relevant societal problems that operate independently of direct inclusion. We call these somehow autonomous diagnoses responsiveness. The path from representation to responsiveness seems to be a general feature of the differentiation histories of function systems: they start as relatively simple machines for the representation of environmental

features, only over time do they build much more complex interpretive schemata which demonstrate cognitive autonomy. But the responsiveness of polities is obviously limited, as polities are organized around the fight for power, but not around the search for knowledge.

Besides the power structures, ever more organizations and institutions arise in complex political systems. These institutions and organizations are specialized on functionally defined policy fields and relatively specific problems in those policy fields. Policy fields are obviously near to the functional differentiation of society and they operate as channels for the interaction of the polity and the other function systems of society. The institutions and organizations (central banks, constitutional courts, cartel and patent offices and many others) are often endowed with autonomous competences for collectively binding decision-making. They are functional autonomies (Ch. 5) and as such insulated from power processes, although their decisions can claim the force of collective bindingness, which is only available in a political system. Such autonomous organizations are always expert organizations and the kind of expertise they represent is in most cases near to the problem perspectives of other function systems beyond the polity. The rise of these organizations documents the respect for knowledge which is unavailable or not sufficiently protected in the power processes of political systems, and it documents the respect a democratic polity may build regarding the autonomy of other function systems. Functional autonomies are the structural form through which polities accept the primacy of the functional differentiation of society and operate with self-limitations on the basis of this acceptance.

The inclusion revolution at the beginning of modernity is clearly a democratic revolution. But in most cases this was a slow process, in which mixed forms of government - monarchies, aristocracies, democracies - dominated for most of the 19th century and into the 20th century. At least until 1918 (dissolution of empires as a consequence of WWI) and in some respects until 1960 (final decolonization) the most important states were empires, what implies that different regime types were part of the same empire. Only after 1960 did the modern system of the universality of national and territorial states arise. In this modern system the bipolarity of democracy and authoritarianism (Ch. 6) becomes the dominant regime difference. Authoritarian regimes mostly do not mean the continuing dominance of traditional aristocratic elites. In some respects, autocracies participate in the democratic revolution as most of them call themselves democracies and they affirm the universal inclusion of everyone in the possibilities of participation they offer. The major differences of democracies and autocracies have to do with the way they react to functional differentiation.

Democracy seems to be the political regime that maximizes the compatibility with functional differentiation. Democracies are receptive towards a plurality of societal values and they limit their Eigenvalues to core values that protect the autonomy of the individual. They create the autonomous institutions analyzed in Ch. 5, and thereby enlarge the social spaces for other function systems and processes of self-organization in other function systems. They identify and fix political problems in open search processes that aim for representation and responsiveness (Ch. 4). Compared to such structures authoritarianism nearly always means the resistance to and a partial negation of functional differentiation. Autocracies realize the renewed dominance of a stratum, an ethnic group or a family/dynasty in politics and society. In other cases, autocracies institutionalize a prevalence of one of the function systems of society over the other functions. This may be religion (theocracies or ideocracies of quasi-religious systems), the economy (technocracy), or the polity itself, if there is a political actor who successfully

claims a non-negotiable domination (a political party, the military, a dominant person). These different claims for dominance are often based on non-contingent values.

The research group that produced this book will continue the work on the analytical perspectives presented here and add further perspectives. We prepare a second volume with case studies on Mainland China, Russia, India, the EU and the USA. We have to thank the University of Bonn and its rectors who established and continue to support the 'Forum Internationale Wissenschaft'. <>

## **“HARD POWER” AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS** by Peter Kempees [Series: International Studies in Human Rights, Brill | Nijhoff, 9789004425637]

The European Convention on Human Rights is now crucial to decisions to be taken by the military and their political leaders in 'hard power' situations – that is, classical international and non-international armed conflict, belligerent occupation, peacekeeping and peace-enforcing and anti-terrorism and anti-piracy operations, but also hybrid warfare, cyber-attack and targeted assassination. Guidance is needed, therefore, on how Convention law relates to these decisions.

That guidance is precisely what this book aims to offer. It focuses primarily on States' accountability under the Convention, but also shows that human rights law, used creatively, can actually help States achieve their objectives.

“I suggest that the time has come for human rights law to be made part of the military curriculum. The plain fact is that human rights law is relevant to the decision-making of soldiers, sailors and airmen. What is required is guidance on precisely how human rights law relates to the difficult decisions that have to be taken by service personnel in the field, or at sea, or in the air, and by their democratic political leaders. Focusing on the Convention, that guidance is precisely what I hope this book can offer.

“The basic assumption on which this book is based is that the European Convention on Human Rights is well adapted to the needs of the armed forces of European States that respect human rights and the rule of law – indeed, better than other international human rights instruments. In fact, on closer examination it will be seen that, uniquely, the Convention was drafted with armed conflict in mind.

“Although the main focus of this book is on national and non-international armed conflict, its subject-matter is broader. It includes such matters as the suppression of terrorism and piracy, which are normally considered in terms of law enforcement; peacekeeping, peace enforcing, and even post-conflict peace-building; and economic sanctions. I have chosen to borrow from the language of diplomacy the expression 'hard power' to include the additional areas covered.

“As a serving member of the Registry of the European Court of Human Rights I feel I must add the following. The views expressed in this work are mine alone, as held at the time when they were formulated. They do not necessarily correspond to views held by any other person or institution, including the European Court of Human Rights or any one of its judges, or that Court's Registry or any one of its members other than myself.”

## CONTENTS

Author: Peter Kempees

Free access

Dedication

Foreword by the President of the European Court of Human Rights

Preface

Acknowledgments

Chapter 1 Introduction

Author: Peter Kempees

Chapter 2 Problems of Substantive Convention Law in Relation to 'Hard Power'

Chapter 3 Interplay between the Convention and International Humanitarian Law

Chapter 4 Derogation<sup>220</sup>

Chapter 5 Jurisdiction of the Contracting States

Chapter 6 Typology of Article 1 Jurisdiction in 'Hard Power' Situations

Chapter 7 Jurisdiction of the European Court of Human Rights

Chapter 8 Attribution

Chapter 9 Summary and Conclusions

References

Notes

Index

## The European Convention on Human Rights and 'Hard Power'

In Article 1 of the European Convention on Human Rights, the High Contracting Parties undertake to 'secure to everyone within their jurisdiction the rights and freedoms' defined in its Articles 2-11 and, by extension, in the Protocols to the Convention. This very phrasing makes it clear that the primary responsibility to protect human rights rests with the High Contracting Parties themselves. The role of the European Court of Human Rights, defined in Article 19 of the Convention, is essentially supervisory.

In ordinary circumstances the Parties to the Convention expect to entrust compliance with human rights standards to a competent administration faithfully applying domestic law. Contentious human-rights issues will nonetheless arise; these will be dealt with the domestic courts, which in so doing will also apply rules of domestic law subject as necessary to rules of international human rights law. At the same time citizens expect the State to protect them against the violence of others. It is for that reason that the State enjoys a monopoly on the use of force – or, to use an expression that we will introduce presently, 'hard power'.

The armed forces of our countries also protect human rights. This they do at the most basic level possible. Individual freedom, political liberty and the rule of law would not survive for long unless defended by the credible threat – and if necessary, the actual use – of military force: put differently, the exercise of 'hard power' on behalf of the State.

In recent years the European Court of Human Rights has been called to pass judgment on the actions of servicemen doing their duty towards the countries they served. In several such cases the Court has had to find breaches of the Convention. Such findings have sometimes met with a frosty reception from respondent governments. The defence minister of one of the Convention's Contracting States, for example, has gone on record stating that 'the cumulative effect of some of Strasbourg's decisions on the freedom to conduct military operations raises serious challenges which need to be addressed'. In the

same country, a member of parliament (a former soldier) has published an article in the press arguing that the 'imposition' of 'complex human rights law' designed, as he sees it, solely for application in peacetime 'changes the conditions of service and hampers the ability of soldiers to fight, because human rights law does not accept that there is anything unique about a military operation'.

Closer to home, the Court has on occasion had to find fault with use of force lawful in terms of domestic law to eliminate a terrorist threat or put an end to a terrorist attack. The public, and especially some sectors of the press, have sometimes been dismissive of such findings.

It is easy to dismiss statements of politicians as mere politics, and the rants of journalists as facile; but even the most ardent human rights defender must at least make an effort to understand the frustration of governments, not to mention their military forces, at being taken to task for having violated the human rights of an often ruthless enemy. One cannot but sympathise with the bewildered soldier and his or her political superiors. Likewise, the view that it is justified to use lethal force to keep the public safe from terrorism is hardly incomprehensible. Even so, it is submitted that those who argue that the European Convention on Human Rights imposes unreasonable constraints on the meaningful use of 'hard power' are wrong.

The first basic supposition defended in this work is that the Convention itself makes sufficient provision for the legitimate use of 'hard power' in difficult situations. It should not be forgotten that the Convention itself was created only a few short years after the Second World War, the bloodiest conflict in human history so far, and after two colonial empires – British India and the Netherlands East Indies – had wrested themselves free from European overlordship: the first of many. Actual drafting took place even as new conflicts threatened to tear Europe apart. NATO, the North Atlantic Treaty Organization, was created on 24 August 1949 in response to the perception of a new threat to peace from the Soviet Union. European troops were in transit to Korea to fight with the blessing of the newly-created Security Council of the United Nations. The founding fathers of the Convention were no strangers to the reality of their day; they read the newspapers just as other responsible citizens did. We shall see that they strove to accommodate the need for 'hard power', even active war, more effectively than the United Nations did in their later Covenant on Civil and Political Rights.

Of course, even an observer who recognises that the use of 'hard power' may be inescapable even for the most well-intentioned of political leaders is bound to recognise that the protection of democracy, human rights and the rule of law in the name of their citizens, or even in a more abstract sense the protection of the international legal order, is hardly the only motive for States to resort to the threat or use of force in their domestic and international relations. Whatever the reasons for which the political decision is taken to resort to military force, for the serviceman ordered into action they are of importance only in so far as they may define his operational goals: otherwise, at his level, they matter little, and in so far as the legality of the use of force concerns him it will be at the level of *ius in bellor* rather than *ius ad bellum*. These reasons are however relevant to domestic and international courts in that they may engage the State's responsibility for the actions of its servicemen and in some cases the individual criminal responsibility of political decision-makers.

This takes us to the second basic supposition of this work. Human rights law, including the law of the European Convention on Human Rights, is a subdivision of international law. Other such subdivisions include the law of international organisations, most notably the United Nations Organization or UN, and

international humanitarian law, also known as the international law of armed conflict or, more traditionally, the laws of war. It is our position that in terms of *ius ad bellum* the law of the United Nations, and in particular Chapter VII of the Charter of the United Nations, while it does not justify or condone violations of human rights, qualifies the way in which the European Convention on Human Rights applies in situations of armed conflict. International humanitarian law is relevant to the Convention applied as *ius in bello*.

### Understanding of 'Hard Power' for Purposes of this Study

Since the purpose of this study is to identify the parameters within which the Convention allows States to exercise 'hard power', we must first define our understanding of that concept.

#### Armed Conflict

The classical use of 'hard power' involves the use of military force in an armed conflict.

A Vice-President of the Court, speaking in 2015, has used the expression 'conflict' in noting that the Court has had to address in one way or another all instances of the use of military force that have occurred on the continent, at least since 1990. The examples he mentions include the situations in Northern Cyprus and Transdniestria, the dispute between Armenia and Azerbaijan over Nagorno-Karabakh, the events of 2008 in northern Georgia, the dissolution of the former Socialist Federative Republic of Yugoslavia and its aftermath, and the NATO intervention in Kosovo. He also refers to the involvement of European Contracting States, as members of the American-led force, in events in Iraq. He is right; and we shall come across all of these 'conflicts' below.

The Convention nowhere uses the expression 'conflict'. The word 'war' appears in only one Article of the Convention – namely, in Article 15 (derogation in time of emergency) – and in no other Protocols than Protocols Nos. 6 and 13, which concern the abolition of the death penalty. We will discuss the meaning of the expression 'war' as used in that particular context when we come to derogations from Convention rights.

The Convention was first drawn up in the immediate aftermath of the Second World War. A field of international law intended to rid warfare of the worst excesses of inhumanity existed already then, in the form of a body of treaty law that largely codified the customary 'laws of war' – the best known of the treaties being the Hague Conventions of 1899 and 1907, the Geneva Conventions of 1929 that had served the world as well as they could during the Second World War, and most recently the four Geneva Conventions of 1949. The understanding of 'conflict' that then prevailed was kinetic warfare of the classic kind – 'setpiece' or open-field battles, perhaps guerrilla – between the armed forces of opposing states.

This understanding of 'conflict' has not lost its relevance; neither have the classic laws of war. However, other forms of violence have arisen that cannot be understood in terms of direct confrontation between the armed forces of two or more States but that do not comfortably fit the paradigm of ordinary law enforcement either. For these, a new legal category has been created: the 'non-international armed conflict'. This new category, although foreshadowed by the common Article 3 of the four Geneva Conventions of 1949, has obtained recognition in the second of two Protocols added to those Conventions in 1977. The classical interstate conflict is now dignified by a category of its own: that of 'international armed conflict'.

Non-international armed conflicts are now much more common than classical international armed conflicts. *The War Report 2017*, a paper published by the Geneva Academy of International Humanitarian Law and Human Rights (Geneva Academy), lists six situations in 2017 that could be considered ‘international armed conflicts’ in the classical sense (some of them short-lived); seventeen cases of ‘belligerent occupation’; and no fewer than fifty-five ‘noninternational armed conflicts’ (some unfortunate countries hosted a plurality of such conflicts simultaneously).

States Parties to the Convention are concerned by conflicts in all these categories. For example, the situations identified by the Geneva Academy as arguably active ‘international armed conflicts’ include Ukraine v. Russia and the international coalition v. Syria – the ‘international coalition’ being comprised of (in addition to non-European states) European NATO members Belgium, Denmark, France, Germany, Italy, the Netherlands and Turkey. Of the ten ‘belligerent occupations’ identified by the Geneva Academy, five are to be found on the territory of Convention States: Armenia v. Azerbaijan, Turkey v. Cyprus, Russia v. Georgia, Russia v. Moldova, and Russia v. Ukraine. The Falkland Islands are alleged by Argentina to be under belligerent occupation by the United Kingdom.

Of the thirty-eight ‘non-international armed conflicts’ identified as such by the Geneva Academy in 2017, two are on the territory of Convention States: that between Ukraine on the one hand and the breakaway ‘Donetsk People’s Republic’ and ‘Luhansk People’s Republic’ on the other (it is not necessary for our purposes to take a position on whether this is one conflict or two), and that between Turkey and the *Partiya Karkerên Kurdistanê* (Workers’ Party of Kurdistan, ‘PKK’). The others are all to be found outside Europe, mainly in Africa and the Middle East; but Convention States take part in some of them as contributors to United Nations forces (at the time of writing, the United Nations Multidimensional Integrated Stabilization Mission in Mali (*Mission multidimensionnelle intégrée des Nations unies pour la stabilisation au Mali*, MINUSMA) and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (*Mission de l’Organisation des Nations unies pour la stabilisation en République démocratique du Congo*, MONUSCO)).<sup>25</sup>

No mention is made in the Geneva Academy’s report of the strife in the parts of the northern Caucasus that are under Russian sovereignty. This is not generally considered in terms of ‘non-international armed conflict’; that expression is not used by the Russian Government to describe it.

Even so, the sheer scale of the separatist violence in that area – and elsewhere in Russia: the separatists have taken it to Moscow itself – has made its mark, including on the case-law of the Court, which draws a distinction between ‘routine police operations’ and ‘situations of large-scale anti-terrorist operations’. It is accordingly of interest to us for purposes of this study.

No Convention State is understood currently to deploy military force in Iraq; but several have in the recent past, and the case-law of the European Court of Human Rights has had to develop accordingly. Similarly, the involvement of Convention States in Bosnia and Herzegovina during the 1992-95 war and its aftermath and in Kosovo during and after the events of 1999 is of interest from our standpoint. So, potentially, is the military operation briefly undertaken by Turkish forces in the Afrin district of Syria in January 2018, which we mention in passing since it has yet to give rise to Strasbourg case-law.

An ‘armed attack’ creating for the State under attack the right to defend itself was once thought to be possible only if occurring at the hand of another State. However, al-Qaeda’s 9/11 attack on New York

and Washington was sufficient for the NATO members for the first time in history to activate Article 5 of the Washington Treaty, according to which ‘an armed attack against one or more of them in Europe or North America shall be considered an attack against them all’, and invoke the right to collective self-defence, no less, under Article 51 of the Charter of the United Nations. As is well known, forces of the United States and their allies ran the al-Qaeda leadership to earth in Afghanistan; even today no fewer than thirty-seven Convention States are contributing to the Resolute Support mission in that country.

### Other Exercise of ‘Hard Power’ Relevant to this Study

Armed conflict in the sense of kinetic military action against another political actor does not exhaust the scope of the expression ‘hard power’ as used for purposes of this study.

The threat of terrorist attack, and indeed actual terrorist attacks, by al-Qaeda and groups with a similar ideological motivation have induced several European NATO members to allow American intelligence services to undertake covert action on their territory. The measures taken against al-Qaeda and its ideological successors do not fit neatly into any category of armed conflict, whether international in character or not. Even so, politicians and journalists have sometimes been led to dignify them by the expression ‘war’. Already by reason of their sheer scale, they are of interest to us – even though the expression ‘war’ by any conventional legal definition is inappropriate.

The same may be said, *a fortiori*, about the suppression of widespread organised crime. The kind of widespread violence committed by criminal armed groups, as seen in some parts of Latin America, is at the present time not to be found in Europe; but piracy, a similar phenomenon, does concern European States. Like terrorism of the al-Qaeda type, neither is conventionally viewed in terms of international or non-international armed conflict. Nevertheless, combating piracy requires the use of armed force; indeed, it is the traditional preserve of naval forces of the State. Piracy too is therefore worth examining in the present context.

Finally, it is conceivable that States – or rather, Governments – may resort to the covert use of lethal means to further their interests. This study touches briefly on such phenomena, which for present purposes must be treated as relevant though hypothetical.

### Background to the Concept ‘Hard Power’

It is convenient for our purposes to use the expression ‘hard power’ as a hold-all term to cover all instances of the use of force referred to above. The concept is borrowed from the study of international relations.

The definition of ‘hard power’ used by diplomatists is usually in terms such as the coercive use of military or economic means to influence the behaviour or interests of political players distinguishing it from ‘soft power’, which is the use of diplomacy, foreign aid and cultural relations to the same end, and ‘smart power’, which is the judicious use of ‘hard’ and ‘soft’ power combined.

The use of economic means of coercion – boycotts, economic sanctions imposed by a state on another political actor – has rarely been the object of a judgment or decision of the Court or a decision or report of the Commission; there have been only a few such cases. The coercive use of military means is more frequently found in Strasbourg case-law. States Parties to the Convention have taken part in armed conflicts, in some cases on their own territory, in some cases abroad; they have used military

force, either to exercise ‘hard power’ in the above sense themselves or to resist attempts of other political actors to do so.

However, the opponent against whom coercive force is directed is not necessarily a ‘political player’ in any conventional sense of the word: pirates, for example, are generally viewed as common criminals. Our understanding of ‘hard power’ is accordingly wider than that of the student of international diplomacy inasmuch as we must also touch on situations of this nature.

### ‘Hard Power’: a Definition

For our purposes, accordingly, ‘hard power’ means:

1. –Firstly, the deliberate projection by a Government of coercive force outside the territory of the State, whether the situation concerned constitutes an armed conflict within the meaning of international humanitarian law or not;
2. –Secondly, the deliberate use (or conscious acceptance) by a Government of coercive force within the State’s own borders on a scale necessitating the application either of military force or of non-military force in excess of the requirements of ordinary law enforcement to overcome opposition, whether the situation concerned is admitted by that Government to be an armed conflict within the meaning of international humanitarian law or not;
3. –Thirdly, the application by a Government of economic sanctions in the international relations of the State.

Such a definition encompasses situations which, from the standpoint of international humanitarian law, would in most cases be seen as law enforcement rather than armed conflict, including counter-insurgency operations, antiterrorist action going beyond ordinary policing, and the suppression of piracy whether in home or international waters.

The above definition is autonomous: it does not depend on any admission or declaration by the Government. Thus, the assumption by the Government of emergency powers is not a part of it.

\*\*\*

## Object of this Study

### Research Question

Since as we have briefly mentioned above the Convention can, and does, continue to protect human rights in the direst of circumstances, even in wartime, the question arises whether the Convention leaves Contracting States the latitude needed to deal with situations in which a legitimate need to resort to the use of ‘hard power’ in the sense corresponding to our definition may arise.

Our assumption is that the latitude available to Contracting States will be sufficient if despite the obligations which they have assumed upon ratifying the Convention States retain access to means enabling them to pursue policy objectives that are legitimate in terms of international law.

## Method and Approach

To answer the above question, this study investigates precisely what latitude Contracting States have to tailor their Convention obligations to the situation in which the need to exercise 'hard power' presents itself to them. To that end, it identifies the limits both of the applicability of the Convention and of attribution of the use of 'hard power' to Contracting States.

It is important to reiterate in this connection that – quite contrary to the suppositions of the domestic politicians cited above and perhaps others – the Convention is not to be applied only in times of peace: it has relevance also to situations of conflict, even international armed conflict. As we will see, this was actually envisaged from the very outset by the drafters of the Convention; the Strasbourg institutions – the European Commission and Court of Human Rights – recognised it in their practice and case-law and strove from a very early date to accommodate the various competing interests. More recently the Council of Europe's Steering Committee for Human Rights has recognised the Court's role in this domain as 'pivotal'.

This study is essentially a survey of the relevant case-law of the Court and the Commission with a view to identifying the resulting jurisprudential principles. Our intention is to state the law (as it stands in 2019) as comprehensively as possible. The Court and Commission case-law cited is all accessible through the Court's own searchable database HUDOC.

The case-law considered relevant is that in which the Court was called upon to determine whether the use of 'hard power' was in breach of the Convention. Additionally, cases are analysed where the Court developed general principles or interpretations with the potential to have a bearing on such cases in the future. It will be attempted to relate this case-law to other fields of international law, international humanitarian law and general international law in particular. This will require us to examine a variety of treaties other than the Convention; judgments and decisions of treaty bodies other than the Court and the Commission; documents from a variety of international bodies; domestic legislation and judicial decisions and other domestic legal documents; and finally, selected writings of learned authors.

The perspective of an individual applicant before the Court is necessarily that of an aggrieved victim who feels entitled to redress. As in all litigation, the terms of the dispute are dictated by the party with whom the initiative lies.

The perspective chosen for this study is the opposite: that of the respondent Contracting State. This is the most obvious choice, since only States (and then only Members of the Council of Europe) are Parties to the Convention and within the legal space of the Convention only they may lawfully resort to the use of force.

The extent to which non-State actors may be bound by human rights law is an interesting one, but from our perspective it is of little relevance since they cannot be respondents before the Court. Moreover, even though they may have the potential to violate human rights on a scale comparable to that of a Contracting State, as many armed groups now do, none have so far committed themselves to abide by Convention standards of human rights. A non-governmental structure (of the Geneva Call type) that would make it possible for them to register such a commitment, and perhaps enhance their legitimacy, does not exist at this time.

Nonetheless, the position of applicants cannot and will not be overlooked: it takes two, at least, to litigate, and for applicants (whether Contracting States themselves – in interstate cases –, individuals or groups of individuals, or strategic litigators) it is of interest to study possible defences precisely to overcome them. In the European Court of Human Rights as in any other court, the way in which a case is introduced can decide its fate at the outset.

The method chosen is to identify the basic types of legal argument that a respondent Government may make before the Court when it is faced with complaints under the Convention arising from the use of ‘hard power’. Since the perspective chosen is the defensive position of the respondent Contracting State they may also be described as ‘defences’, if one will:

1. –Once the facts have been established, the first line of defence is to argue that no violation can be found on the facts of the case; in other words, that there has been no violation of the Convention in the first place. This is the most obvious solution: it amounts to persuading the Court that the Contracting Party has remained in compliance with the obligations which it took upon itself in ratifying the Convention. Much of the relevant case-law has been developed over the years in situations of normality; the principles developed, however, are of general application. Its relevance to situations involving the use of ‘hard power’ will be the subject of Chapter 2.
2. –Reliance on a prior derogation under Article 15 of the Convention is a special sub-type of the first type of defence; it depends on a prior choice to recognise publicly that a problem exists that is insuperable as long as ordinary Convention standards are maintained. This will be discussed in Chapter 4. However, since, as is apparent from its very wording, Article 15 is of particular relevance to situations of ‘war’, an understanding of the interrelation between human rights law – for our purposes, Convention law in particular – and international humanitarian law is necessary before we can enter into the subject of derogation. This will be examined in Chapter 3.
3. –The second defence is that the matters complained of fall outside the ‘jurisdiction’ of the Contracting Party within the meaning of Article 1 of the Convention. This will be the object of Chapter 5, which explores the limits of what we will term Article 1 jurisdiction, and Chapter 6, which studies its actual exercise in situations of the use of ‘hard power’.
4. –The third defence is that the matters complained of fall outside the competence of the European Court of Human Rights itself. This will be considered in Chapter 7.
5. –The fourth defence is that the matters complained of are not attributable to the Contracting Party but to some other State or entity if to anyone at all. This will be the focus of in Chapter 8.

All have been considered by the Commission and the Court at various times. Sometimes they have been argued by a respondent. Sometimes the Commission and Court have applied them of their own motion and declared applications inadmissible *de plano*. In the latter situation it is, strictly speaking, more appropriate to use the expression ‘ground of inadmissibility’ than ‘defence’; but this distinction, which goes to the subtleties of Convention procedure, is not relevant to the purpose of this study.

Some 'defences' have been accepted by the Court in certain conditions; some have not. The interest of this study lies in the supposition that much has been said on these subjects but by no means all; that new problems will arise to which existing case-law may be applied; that the possibilities of presenting new positions have not yet been exhausted; and even, perhaps to the surprise of some, that the Convention itself actually has a role to play in furthering the very aims pursued by Contracting States in their use of 'hard power' – as a help, not a hindrance. <>

## **METAMORPHOSES** by Emanuele Coccia, translated by Robin Mackay (Polity Press)

We are all fascinated by the mystery of metamorphosis – of the caterpillar that transforms itself into a butterfly. Their bodies have almost nothing in common. They don't share the same world: one crawls on the ground and the other flutters its wings in the air. And yet they are one and the same life.

Emanuele Coccia argues in **METAMORPHOSES** that metamorphosis – the phenomenon that allows the same life to subsist in disparate bodies – is the relationship that binds all species together and unites the living with the non-living. Bacteria, viruses, fungi, plants, and animals: they are all one and the same life.

Coccia is Associate Professor at the École des hautes études en sciences sociales (EHESS), Paris.

Coccia explains that each species, including the human species, is the metamorphosis of all those that preceded it – the same life, cobbling together a new body and a new form in order to exist differently. And there is no opposition between the living and the non-living: life is always the reincarnation of the non-living, a carnival of the telluric substance of a planet – the Earth – that continually draws new faces and new ways of being out of even the smallest particle of its disparate body.

According to Coccia in the introduction to **METAMORPHOSES**, in the beginning we were all the same living creature, sharing the same body and the same experience. And things haven't changed so much since then. New forms and new modes of existence have proliferated. But even today, we are all still the same life. For millions of years this life has been transmitted from body to body, from individual to individual, from species to species, from kingdom to kingdom. Of course it shifts, it transforms. But the life of each living being does not begin with its own birth: it is far older than that.

Take our own existence. Our life, what we imagine to be the most intimate and incommunicable part of ourselves, does not come from us, and there is nothing exclusive or personal about it: it was transmitted to us by others; it has animated other bodies, chunks of matter different from the one in which we are currently harbored. For nine months, the fact that the life that animates and awakens us has no one name or owner was an obvious physical, material fact. We were the same body, the same humours, the same atoms as our mother. And we are that life, shared with the body of another, carried on and taken elsewhere.

According to **METAMORPHOSES**, it is the breath of another that is continued in ours, the blood of another that flows through our veins; it is the DNA we have received from another that sculpts and shapes our body, just as our life begins long before we are born, it does not end until well after our

death. The breath of life will not expire in our corpse: it will go on to feed those for whom we will become a festive Last Supper.

Nor is our humanity something originary and autonomous. The human, also, is but a continuation and metamorphosis of a life that came before it. More precisely, it is an invention which primates, another life form, drew out of their own bodies – from their life force, their DNA, their way of life – so as to enable the life that inhabited and animated them to exist in a different form. They transmitted this form to us and, through the human life form, they continue to live within us. And even the primates themselves are just an experiment, a wager on the part of yet other species, yet other life forms. Evolution is a masquerade that takes place in time rather than in space. A masquerade that allows each species, from one era to the next, to don a new mask, different from the one that engendered it; that allows sons and daughters to pass unrecognized by and to no longer recognize their parents. And yet, despite this changing of masks, mother-species and daughter-species are metamorphoses of the self-same life. Each species is a patchwork of parts taken from other species. We, the living species, have continually exchanged parts, lineages, organs; what each of us is, what we call our 'species', is only a set of techniques that each living being has borrowed from others. It is because of this continuity-in-transformation that every species shares infinitely many traits with hundreds of other species. Every species is the metamorphosis of all those that preceded it.

Coccia in **METAMORPHOSES** says that this is the deepest meaning of the Darwinian theory of evolution, the one that biology and pop science don't want to think about: species are not substances or real entities. We have not yet grasped the full consequences of Darwin's intuition: to say that species are connected by a genetic relationship does not simply mean that living creatures make up one vast family or clan. Above all, it means realizing that the identity of each species is entirely relative: primates may be the parents and humans their children, but we are human only through and in relation to those early primates, just as each of us is not a daughter or son in an absolute sense, but only in relation to our mother and father.

All of the above also applies to living creatures taken as a whole. There is no opposition between the living and the non-living. Not only is every living creature continuous with the non-living, it is its extension, metamorphosis, and most extreme expression.

Life is always the reincarnation of that which is not alive, a cobbling together of mineral elements, a carnival of the telluric substance of a planet – Gaia, the Earth – which continually presents new faces and creates new modes of being out of even the smallest particle of its disparate, heteroclite body. Every self is a vehicle for the Earth, a vessel that allows the planet to travel without moving.

Coccia in **METAMORPHOSES** says that metamorphosis is both the force that allows every living thing to be staged simultaneously and successively across several forms, and the breath of life that connects those forms with one another, allowing them to pass one into the other.

*Emanuele Coccia defines anew the relationship between humans and nature – a fascinating inquiry, and one which we urgently need in order to open our eyes to the world around us. – Peter Wohlleben, author of The Hidden Life of Trees*

By highlighting what joins humans together with other forms of life, Coccia's brilliant reflection on metamorphosis in **METAMORPHOSES** encourages readers to abandon their view of the human species as static and independent and to recognize instead that we are part of a much larger and interconnected form of life. <>

## **IF GOD IS A VIRUS** by Seema Yasmin [BreakBeat Poets, Haymarket Books, 9781642595017]

Merging documentary poetry from the epicenter of an epidemic with the story of viruses in the evolution of humanity, **IF GOD IS A VIRUS** gives voice to the infected and the virus.

Based on original reporting from West Africa and the United States, and the poet's experiences as a doctor and journalist, **IF GOD IS A VIRUS** charts the course of the largest and deadliest Ebola epidemic in history, telling the stories of Ebola survivors, outbreak responders, journalists and the virus itself. Documentary poems explore which human lives are valued, how editorial decisions are weighed, what role the aid industrial complex plays in crises, and how medical myths and rumor can travel faster than microbes.

These poems also give voice to the virus. Eight percent of the human genome is inherited from viruses and the human placenta would not exist without a gene descended from a virus. **IF GOD IS A VIRUS** reimagines viruses as givers of life and even authors of a viral-human self-help book.

### Reviews

"Yasmin, a medical doctor who investigated outbreaks for the Epidemic Intelligence Service from the CDC and was a finalist for the Pulitzer Prize, brings considerable experience and a poet's vision and sense to her depiction of Ebola's spread through Liberia. To read this work during the coronavirus pandemic is to recognize Yasmin's prescience, and her ability to unpack how disease intersects with prejudice, race, myth, and poverty." —**The Millions**

"**IF GOD IS A VIRUS** proves that poetry and public health together make and contain medical language, which makes the language of an epidemic more visible, more veracious. What breaks through is a voice of interiority telling us what's not told about our bodies and what it means to function." —**Janice Sapigao**, poet laureate, Santa Clara County, author of *like a solid to a shadow*

"In a time of heartbreak and devastation due to the world pandemic, Seema Yasmin's brilliant **IF GOD IS A VIRUS** takes a timely and critical look at disease and its sociopolitical contexts, including multi various forms of domination and hubris: colonization, White supremacy, patriarchy, capitalism. This is a necessary book for our times. Read it and be changed." —**Cathy Linh Che**, author of *Split*, executive director Kundiman

"Seema Yasmin's fantastic hybrid poetry collection overthrows the dry mindlessness of scientific halls, their power points and false Gods in the face of racism and global domination. God is a virus, and she teaches us to see through data while teaching us to love." —**Fady Joudah**, author of *Tethered to Stars*

"One always wants a poem to have such high stakes, wants a book to feel inevitable, that it couldn't have been written and that no one else but the poet could have written it, so unique to an individual experience it is. Well, this is such a book. And only Seema Yasmin could have written it." —**Kazim Ali**, author of *The Voice of Sheila Chandra*

"In her hands, a sole headline in *Scientific American* becomes a poem, as does the Hippocratic oath, the Broca's region. Every journalist should read this book, every doctor, every patient. Gird your heart, though, she's on a mission to break it with her tongue." —**Lulu Miller**, co-host of Radiolab and author of *Why Fish Don't Exist*

"Dr Seema Yasmin writes so evocatively, patiently, in her debut book of poetry, **IF GOD IS A VIRUS**. While reading this book waves of feeling seen ruptured through me multiple times. Yasmin plucks words so precisely that their mere utterance causes a deep, *deep* recognition. She is also embodying the Golden Age of Islam, where poets were physicians and physicians were poets, using the divine to understand mankind and its art-making, challenging what lies within the psyche, as well as the heart. This book is a revelation, I am grateful for both its lucidity and profundity." —**Fariha Róisín Hasan**, author of *Like A Bird*

"I was blown away by this collection. Profound and poignant, it illuminates so much of the grief, outrage, and raw humanity that accompany epidemics, and that manifest within the people who have to deal with them." —**Ed Yong**, science journalist for *The Atlantic*, author of *I CONTAIN MULTITUDES*

"In **IF GOD IS A VIRUS**, Seema Yasmin approaches describing viruses with an unusual combination of humility and confidence for such a nearly impossible task. She achieves what journalistic and scientific writing often fails to do: to sketch viruses with a sense of wonder. But Dr. Yasmin asks and poetically answers another question: **IF GOD IS A VIRUS**, perhaps we must stop thinking of our relationship with viruses as 'us' and 'them,' and understand that we *are* viruses, and they are us?" —**Steven W. Thrasher, PhD**, professor and author of *The Viral Underclass: How Racism, Ableism and Capitalism Plague Humans on the Margins*

[Youtube promo dialogue with Steven Thrasher](#)

### Editorial review:

Cosmopolitan, medical, professional, antiseptic, ethnic, messy, skeptical, feminist, Muslim, Indianian, British, impersonal, concise, bloody, compassionate, clinical, jargonish, technocratic, cynical, subjective, personal, impersonal, mothers, heritage, global, intimate, personal-in-a-whitecoat-and-face-shield, Yasmin's voice is irresistible and infectious, strange, hypnotic hyperbolic Ebola, feverish. <>

## **THE DISINFORMATION AGE: POLITICS, TECHNOLOGY, AND DISRUPTIVE COMMUNICATION IN THE UNITED STATES** edited by W. Lance Bennett and Steven Livingston [SSRC Anxieties of Democracy, Cambridge University Press, 9781108823784] [Open Access.](#)

The intentional spread of falsehoods – and attendant attacks on minorities, press freedoms, and the rule of law – challenge the basic norms and values upon which institutional legitimacy and political stability depend. How did we get here? The Disinformation Age assembles a remarkable group of historians, political scientists, and communication scholars to examine the historical and political origins of the post-fact information era, focusing on the United States but with lessons for other democracies. Bennett and Livingston frame the book by examining decades-long efforts by political and business interests to undermine authoritative institutions, including parties, elections, public agencies, science, independent journalism, and civil society groups. The other distinguished scholars explore the historical origins and workings of disinformation, along with policy challenges and the role of the legacy press in improving public communication. This title is also available as [Open Access on Cambridge Core.](#)

Brings together perspectives from history, communication studies, data science, political science, and sociology to offer a richer, more sophisticated view of disinformation than is available through any one discipline alone

Examines the political and historical origins of today's 'post-fact era', connecting current challenges to a longer-term constellation of actors and changes that have undermined public trust in the institutions that citizens once turned to for authoritative information

Proposes solutions that are focused on addressing root causes rather than treating symptoms

### Reviews

This is a hard-hitting book that is richly layered theoretically. It adds much to our understanding of disinformation in democracy while also serving as proof of the necessity of making research on disinformation an area of study across disciplines. The intellectually diverse and distinguished contributors have produced a must-read volume for all interested in disinformation and anyone interested in the future of democracy.' Bruce Bimber, University of California, Santa Barbara

'This volume traces the deep, thorny, and twisted roots of disinformation in American politics. In sobering detail, it lays bare the psychological, institutional, economic, partisan, technological, (geo)political, and regulatory underpinnings of disinformation, making it urgently clear why and how disinformation is neither accidental nor (easily) curable. Yet this book also offers a sliver of hope in the form of implicit and explicit guidance for changes that could help keep disinformation in check.' Amber E. Boydston, University of California, Davis

'The Disinformation Age offers a sweeping series of chapters from leading scholars that cover the history, politics, implications, and potential solutions to the problem of disinformation in democracy. This expertly curated book eschews disciplinary boundaries to offer a sophisticated holistic understanding of the problem of disinformation. Even more, it knits together the voices of scholars

seldom in the same conversation and reveals the power of this emerging field to provide us with ways to protect democracy from those who seek to destroy its epistemological foundations.' Daniel Kreiss, The University of North Carolina at Chapel Hill

## CONTENTS

List of Contributors

Preface: The Origins and Importance of Political Disinformation

Acknowledgments

### PART I: DISINFORMATION IN POLITICAL AND HISTORICAL CONTEXT

1 A Brief History of the Disinformation Age: Information Wars and the Decline of Institutional Authority by W. Lance Bennett and Steven Livingston

### PART II: THE CURRENT SITUATION

2 A Political Economy of the Origins of Asymmetric Propaganda in American Media by Yochai Benkler

3 The Flooded Zone: How We Became More Vulnerable to Disinformation in the Digital Era by Paul Starr

### PART III: HISTORICAL ROOTS OF DISINFORMATION

4 How American Businessmen Made Us Believe that Free Enterprise was Indivisible from American Democracy: The National Association of Manufacturers' Propaganda Campaign 1935–1940 by Naomi Oreskes, Erik M. Conway, and Charlie Tyson

5 “Since We Are Greatly Outnumbered”: Why and How the Koch Network Uses Disinformation to Thwart Democracy by *Nancy MacLean*

### PART IV: THE POLICY PROBLEM

6 How Digital Disinformation Turned Dangerous by *Dave Karpf*

7 Policy Lessons from Five Historical Patterns in Information Manipulation by *Heidi Tworek*

8 Why It Is So Difficult to Regulate Disinformation Online by *Ben Epstein*

### PART V: THE ROLE OF PUBLIC BROADCASTING

9 US Public Broadcasting: A Bulwark against Disinformation? by *Patricia Aufderheide*

10 The Public Media Option: Confronting Policy Failure in an Age of Misinformation by *Victor Pickard*

### CONCLUSION: DEFENDING DEMOCRACY IN THE DISINFORMATION AGE

11 The Coordinated Attack on Authoritative Institutions: Defending Democracy in the Disinformation Age by *W. Lance Bennett and Steven Livingston*

## Excerpt: The Origins and Importance of Political Disinformation

Democracies around the world face rising levels of disinformation. The intentional spread of falsehoods and related attacks on the rights of minorities, press freedoms, and the rule of law all challenge the basic norms and values on which institutional legitimacy and political stability depend. The many varieties of disinformation include: politicians lying about their policies and political activities; attacks on the scientific evidence surrounding important issues such as climate change; the spread of “deep state,” “globalist” and various bizarre conspiracy theories; and the invention of stories to inflame existing social and political conflicts.

The sources of these claims include elected politicians, movement leaders, social media influencers, foreign governments, and political information sites that often use familiar journalistic formats to package propaganda. Many of these efforts come from the radical-right movements, parties and wealthy libertarian interests that oppose broad and inclusive democratic representation, and the public interest

protections of government. The Disinformation Age traces the origins, mechanisms, effects, and possible remedies for the spread of these forms of disruptive communication. While this volume focuses on the United States, similar patterns can be found in many other democratic nations.

Consider just one example of how disinformation can disrupt democratic political institutions. Following an historic reign of error and the promotion of thousands of “alternative facts,” Donald Trump ventured into new and uncharted territory by inviting various leaders of foreign nations to investigate the activities of his domestic political rival, Joe Biden. Most of his concerns were specifically framed in terms of the disinformation circulating in right-wing circles, which challenged official government investigations concluding that Russian operatives had hacked Democratic National Committee email servers; leaked information damaging to presidential candidate Hillary Clinton; and spread “fake news” stories via Facebook and other social media during the 2016 election. Trump’s alternative account of these events was typical of the fluid nature of information unhinged from evidence, reason, and credible sources.

Although years of lies and false claims had become routine in the course of Trump’s “Twitter presidency,” he seemed to cross a constitutional line by pressuring a foreign leader to intervene in US domestic politics. A whistleblower reported a phone call between Trump and Ukrainian President Zelensky during which Trump urged the Ukrainian leader to dig up dirt on Joe Biden and his son Hunter, in exchange for the US military aid needed to fight a Russian-backed insurgency in the country. The whistleblower complaint to the Inspector General of the Intelligence Community described how Trump used the power of his office to “solicit interference from a foreign country in the 2020 election.”<sup>1</sup> Among the favors Trump asked of the Ukrainian president was a demand for him to look into the whereabouts of a “missing” computer server used in the Democratic National Committee (DNC) hack. Trump’s request followed the logic of a conspiracy theory originating, in part, with Russian sources, which claimed that actors in Ukraine had organized the hack.

This wasn’t the first time Trump raised the matter of a “missing” DNC server or implied a Ukrainian link, specifically that the cyber-security firm, CrowdStrike, that investigated the hack was connected to Ukraine. On another occasion, Trump said, “That’s what I heard. I heard it’s owned by a very rich Ukrainian, that’s what I heard.” In a 2017 interview with the Associated Press, Trump referred to CrowdStrike as a “Ukraine-based” company. None of these claims were true. CrowdStrike is in fact headquartered in Sunnyvale, California, with an office in Arlington, Virginia. It was founded in 2011 by an accountant from New Jersey named George Kurtz and a Russian-born American citizen named Dmitri Alperovitch. What about the missing server that, according to the right-wing conspiracy theorists, was spirited away to Ukraine by CrowdStrike? In actuality, no servers located locally to the DNC were involved in the breach. Even though the facts of the case led to Trump’s impeachment by Democrats in the US House of Representatives and an eventual trial in the Senate, Trump and his supporters continued to rely on the conspiracy theory.

Reporting by Ashley Parker and Philip Rucker in the Washington Post covered a presidential Twitterstorm that went on for weeks after the start of the impeachment inquiry (one burst included thirty-three tweets in twenty minutes). Trump told his sixty-five million followers that the proceedings amounted to a coup. He charged the head of the congressional impeachment inquiry with treason. And he retweeted a warning from a prominent religious leader that his impeachment would “cause a civil war-like fracture in this nation.” Stephen Miller, a Trump senior policy adviser, told Fox News’s Chris

Wallace that the whistleblower was “a deep state operative, pure and simple.” Rather than a half-baked conspiracy, Trump’s supporters saw a lying press colluding with the “deep state” to produce fake news in support of endless witch-hunts against a beleaguered president fighting to save America.

The story that developed interactively between Trump and his supporters did not spring from thin air. It was spread in timely fashion by a distributed propaganda network backed by wealthy political interests and amplified by various political organizations and related media platforms. According to Jane Mayer writing in the *New Yorker*, the Ukraine conspiracy got its start with a Florida-based organization called the Government Accountability Institute (GAI), which bills itself as “America’s Premier Investigative Unit Exposing Cronyism and Corruption.” GAI was founded in 2012, by Stephen Bannon, the same erstwhile Trump ally who once headed Breitbart News and cofounded the ill-fated Cambridge Analytica, which compromised the accounts of more than fifty million Facebook users in spreading stealthy propaganda for Trump in the 2016 elections, and in support of the “Leave” campaign in the UK Brexit referendum earlier that year. GAI had been given millions of tax-exempt dollars by Robert Mercer’s family foundation. The Mercers also supported Breitbart, and Robert Mercer cofounded Cambridge Analytica with Steve Bannon. Rebekah Mercer, Robert’s daughter, is the GAI’s board chair. The Mercers also donated generously to the Trump campaign. GAI president Peter Schweizer, also an editor-at-large at Breitbart News, was well-known for his conspiracy writing about Hillary Clinton. His later book about Biden and his son laid out the basic outlines of Trump’s Ukraine conspiracy theory, and earned Schweizer an appearance on Hannity and other Fox News programs to publicize the conspiracy.

Mission accomplished: the damaging evidence-based account that Trump was trading foreign aid for political favors was thus neatly repaired by the alternative story that he was, in fact, making sure that countries with which the USA does business were not corrupt. According to the disinformation account, Trump and his team were investigating the real corruption of the past government and Joe Biden. The core audience for this alternative version were Trump supporters who follow him on Twitter, Fox News, Rush Limbaugh’s radio talk show, and many other media outlets involved in amplifying the story.

How is such strategic disinformation produced and spread, and with what effects? These are core questions around which a new field of communication research is emerging: the study of disinformation and networked propaganda. This field has room for both qualitative research (e.g., who funds the disinformation sites, political organizations and think tanks?) and quantitative work (e.g., how do large volumes of dubious content flow through various information and communication networks?). This emerging area of study, as illustrated by the range of work in this book, also looks at challenges to the traditional press and the practice of journalism, as well as the erosion of democratic legitimacy and liberal values. These threats raise important questions about how to protect democratic institutions and values, and how to regulate disruptive information and the political organizations and media companies implicated in its spread.

### How Did We Get Here?

There are many explanations for how we arrived at our current “post-truth” era. Some point to social media’s propensity to algorithmically push extremist content and to draw likeminded persons together with accounts unburdened by facts. Others emphasize the role of the Russians, Iranians, North Koreans, or Chinese in efforts to disrupt elections and exaggerate domestic divisions. Other standard accounts

point to voter ignorance, racial resentments or religious intolerance. Adherents to these explanations advocate better media literacy and citizenship education, and more fact-checking in journalistic accounts. While there is merit to these and other accounts, they fail to address the full scope of the problem.

In varying ways, several of the contributors to this volume focus on the erosion of liberal democratic institutions, particularly parties, elections, the press, and science. These institutions produce information anchored in norm-based processes for introducing facts into public discourse, including peer-review in science, rules of evidence in courts, professional practices and norms of fairness and facticity in journalism. At the end of the day, Trump's unhinged conspiracies reflected not just his personal psychological condition, but also a broader institutional crisis that brings with it an epistemological crisis. In the absence of authoritative institutions, Trump and his enablers were unanchored by facts. Instead, they had "alternative facts."

### Why The Institutional Crisis?

Some erosion of trust in institutions stems from historic incidents of government deceit, such as years of lying about the Vietnam War, followed four decades later by the lies supporting the disastrous invasion of Iraq in 2003. As the messenger for government communications, journalism also suffered because of its uncritical coverage of the pretext of the war. The business press also could have added more critical reporting to its boosterish coverage of Wall Street prior to the financial collapse of 2008. Meanwhile, business has also contributed to the spread of disinformation by promoting harmful products that have put public safety and health at risk, with particularly egregious examples including the denial of scientific evidence about the risks of cigarette smoking, pesticides, and other chemicals, as well as climate change.

While this legacy of deceptive communication may have weakened public trust in traditional, authoritative information sources (e.g., government and science), the recent era has witnessed more systematic efforts by political organizations and media companies to ramp up public anger and mistrust. Further complicating these problems is the proliferation of communication technologies that enable citizens to produce and spread content, as well as to consume it, from a greater range of questionable sources than ever before. This book explores the rise of the current disinformation order and the role of democratic institutions, political organizations, and information and communication technologies in that story. While this is largely a story about the United States, the political and communication processes involved also apply in different ways to other democracies. We hope that our frameworks will be of use to scholars in other countries.

### About This Book

The authors gathered here are distinguished representatives of the interdisciplinary perspectives of history, political science, sociology, law, and communication – fields that are all helpful to understanding the origins and importance of the problem. While some observers approach disinformation as something that has emerged seemingly from nowhere, the chapters in this book trace various origins, such as: the history of business deception in promoting corporate interests over the public interest, government lying to promote dubious policies, and the rise of political influence networks that limit the capacities of government to represent the public interest. These historical factors have contributed both to the erosion of trust in public institutions, and to a related decline in confidence in the news media that have traditionally connected public authorities and citizens. As authoritative information is

increasingly challenged, new digital platforms and social media networks supply the demand for alternative political truths that are actively consumed by disaffected citizens. The growing volume of disinformation fuels political movements and parties largely on the radical right, resulting in attacks on the press, the fostering of hate, efforts to exclude various minority groups, and the rise of ethnic nationalism in many nations. The book traces the origins of this decline of institutional authority, the state of current disinformation systems, the historical origins of systemic disinformation, the importance of independent public media, and possible regulatory and political remedies for these problems.

In Chapter 1, Lance Bennett and Steven Livingston define the nature of disinformation, and outline the challenges to healthy democratic discourse. Disinformation is often explained in terms of individual-level psychological processes, including the tendency to seek information that is supportive of existing beliefs or to be more skeptical of information that runs contrary to existing beliefs. These might be thought of as demandside explanations. With its endless supply of unfiltered and often unhinged claims, social media is said to exacerbate these mental proclivities. With the problem understood in this way, obvious solutions involve medialiteracy programs, fact-checking, and some form of content regulation.

While not dismissing the significance of cognitive processes, Bennett and Livingston step back to consider the broader political and economic attacks on public institutions that have traditionally produced authoritative information in democracies. This account focuses on the rise of political influence networks anchored in think tanks, lobbying campaigns, tax-supported “charitable” political organizations, and electoral campaign finance laws. These efforts to undermine the representative capacity of parties, governments and state institutions have also undermined the credibility of many elected officials, along with the legacy press which carries their messages. The result has been a political backlash against previously authoritative institutions by those on both left and right. The right especially has organized around ethnic nationalism, antiimmigration, and other divisive political issues. These political ruptures are magnified and supported by the large disinformation networks that have grown with the help of wealthy business interests and the elected officials that they support. Understood through a political and economic lens, solutions are found in reforms designed to strengthen authoritative institutions.

The following section of the book covers the current political communication situation, beginning with Chapter 2, by Yochai Benkler that describes the results of a large-scale study of the political media ecosystem during the 2016 US presidential campaign and the first year of the Trump presidency. The major finding is that the American political media ecosystem is asymmetrically polarized, with an insular, well-defined right wing, and the rest of the media, from the center-right to the far left, forming a single media ecosystem anchored by traditional media organizations like the New York Times or the Washington Post. The analysis shows that the American radical right is more active in producing and sharing disinformation than the left. The chapter then offers an analysis of why political economy, rather than technology, was the source of this asymmetry. Benkler outlines the interactions between political culture, law and regulation, and communications technology, which underwrote the emergence of the propaganda feedback loop in the right wing of the American media ecosystem.

Chapter 3 by Paul Starr describes how we became so vulnerable to disinformation in this digital era. He argues that, like recent analyses of democratization, which have turned to the reverse processes of democratic backsliding and breakdown, analyses of contemporary communication need to attend to the

related processes of backsliding and breakdown in the media – or what he refers to as “media degradation.” After defining that term in relation to democratic theory, Starr focuses on three developments that have contributed to increased vulnerability to disinformation: 1) the attrition of journalistic capacities; 2,) the degradation of standards in both the viral and broadcast streams of the new media ecology; and 3) the rising power of digital platforms with incentives to prioritize growth and profits and no legal accountability for user-generated content. Policies of limited government and reduced regulation of business, along with partisan politics, have contributed to these developments.

The next section of the book examines key historical roots of the problem. Chapter 4 by Naomi Oreskes, Erik Conway, and Charlie Tyson asks a deceptively simple question: how did so many Americans come to believe that economic and political freedoms are indivisible from one another? One part of the answer involves organized campaigns by trade associations to sell these principles to the American people. This chapter examines one such campaign: the National Association of Manufacturers’ propaganda effort of 1935–1940. A central part of this campaign was the radio show *The American Family Robinson*. This folksy drama of small-town American life didactically warned of “foreign” socialist theories and reassured listeners of the beneficence of business leaders. The program offers a case study in corporate propaganda. In its bid to convince listeners that the American way of life depends on the free market – and that any move toward social democracy presents a threat – the show dramatizes argumentative and rhetorical procedures that continue to shape American political culture.

Chapter 5 by Nancy MacLean examines an important source of the strategic disinformation now rife in American public life: the Koch network of extreme right donors, allied organizations, and academic grantees. She argues that these architects of the radical transformation of our institutions and legal system have adopted the tactic of disinformation in the knowledge that the hard-core libertarian agenda was extremely unpopular, and therefore required stealth to succeed. The chapter tells the story of how Charles Koch and his inner circle, having determined in the 1970s that changes significant enough to enable a “constitutional revolution” (in the words of the political economist James McGill Buchanan) would be needed to protect capitalism from democracy, then went about experimenting to make this a reality. In the 1980s, they first incubated ideas for misleading the public to move their agenda forward, as shown by the strategy for Social Security privatization that Buchanan recommended to Koch’s Cato Institute, and by the operations of Citizens for a Sound Economy, the network’s first astroturf – or fake grassroots – organizing effort. Subsequent practices of active disinformation by this network, for a project that could not succeed by persuasion and organizing alone, become more comprehensible when understood as driven by a mix of messianic dogma and self-interest. Later cases include tobacco “scholarship” for hire by Buchanan’s colleagues at George Mason University to deter the public health campaign against smoking; climate science denial to stop action on global warming; promotion of the myth of mass voter fraud to leverage racism to restrict the electorate; assurances of the benefits of an Article V Constitutional Convention, restricted to a few pre-announced changes; and the use of concocted memes of violent mobs requiring restraint, in order to win passage of new legislation to criminalize protest, particularly against the fossil fuel industry.

The next section bridges the historical roots of the problem with the challenges of making contemporary policy to regulate these abuses of transparent communication. Chapter 6 by Dave Karpf explores how online conspiracy theories, disinformation, and propaganda have changed over the twenty-five-year history of the World Wide Web. Drawing a historical comparison between digital

disinformation in the 1996 presidential election and the 2016 presidential election, the chapter explores how the mechanisms of online diffusion, the political economy of journalism and propaganda, and the slow, steady erosion of load-bearing norms among political elites have combined to create a much more dangerous context today than in decades past. The chapter concludes with a discussion of how technology platforms, political elites, and journalistic organizations might respond to the current state of online disinformation.

Chapter 7 by Heidi Tworek explores five historical patterns in information manipulation and suggests how these patterns can guide contemporary policy-making about the Internet. The historical resonances remind us to pay attention to physical infrastructure, understand disinformation as an international relations problem, examine business structures more than individual content, consider long-term consequences of regulation, and tackle broader economic and social issues beyond media. The framework of five patterns emerged from Tworek's testimony before the International Grand Committee on Big Data, Privacy, and Democracy in 2019.

Ben Epstein (Chapter 8) concludes the policy section by explaining that although the dangers of disinformation campaigns are real and growing quickly, effective interventions have remained elusive. Why is it so difficult to regulate online disinformation? This exploration builds on the chapter by Heidi Tworek and analyzes three major challenges to effective regulation: 1) defining the problem clearly so that regulators can address it, 2) deciding who should be in charge of creating and enforcing regulations, and 3) understanding what effective regulation might actually look like. After analyzing these challenges, Epstein suggests four standards for effective regulation of disinformation. First, regulation should target the negative effects, while consciously minimizing any additional harm caused by the regulation itself. Second, regulation should be proportional to the harm caused. Third, effective regulation must be able to adapt to changes in technology and disinformation strategies. And fourth, regulators should be as independent as possible from political and corporate influence.

The following section examines the possible role of, and challenges to, public broadcasting in restoring trusted public information. In Chapter 9, Patricia Aufderheide asks: Can US public broadcasting provide a unique bulwark against disinformation? At a time when commercial journalism's business model has eroded and disinformation abounds, there are ample reasons to turn to the public broadcasting service model. The service was founded with Progressive-era rhetoric about an informed public, and has withstood relentless attacks from neoconservatives, although not without casualties. Public broadcasting has two of the most trusted media brands in the USA, National Public Radio (NPR) and Public Broadcasting System (PBS). Aufderheide shows how the structure of public broadcasting both limits its ability to serve as a counter to disinformation, and also in some ways protects it against attacks.

In Chapter 10, Victor Pickard makes the case for why a new public media system is necessary to confront the "systemic market failure" plaguing American journalism. While underscoring normative foundations, this chapter tries to address the "how did we get here?" and "what is to be done?" questions. After contextualizing problems with disinformation and the contemporary journalism crisis, the chapter explores various criteria for what this new public media should entail, and concludes with a discussion about the necessary policies for actualizing structural alternatives to the overly commercialized American media system. This analysis addresses similar recent developments with other public systems around the world, including the BBC.

The concluding chapter by Steven Livingston and Lance Bennett (Chapter 11) reviews the historical attacks on authoritative public institutions, and raises the question of why many of the political organizations responsible for eroding trusted information sources should continue to be granted tax-protected status as charitable organizations. This seemingly bizarre reality shows how far public institutions in the United States have become bent to the service of private interests that aid the spread of disinformation. This conclusion invites readers to think about why there is so little attention devoted to the protection of democracy and the quality of citizen information upon which it depends. <>

## **THE HUMANITY OF PRIVATE LAW: PART I: EXPLANATION** by Nicholas J McBride [Hart Publishing, 9781509911950]

**THE HUMANITY OF PRIVATE LAW** presents a new way of thinking about English private law. Making a decisive break from earlier views of private law, which saw private law as concerned with wealth-maximisation or preserving relationships of mutual independence between its subjects, the author argues that English private law's core concern is the flourishing of its subjects.

### THIS VOLUME

- presents a critique of alternative explanations of private law;
- defines and sets out the key building blocks of private law;
- sets out the vision of human flourishing (the RP) that English private law has in mind in seeking to promote its subjects' flourishing;
- shows how various features of English private law are fine-tuned to ensure that its subjects enjoy a flourishing existence, according to the vision of human flourishing provided by the RP;
- explains how other features of English private law are designed to preserve private law's legitimacy while it pursues its core concern of promoting human flourishing;
- defends the view of English private law presented here against arguments that it does not adequately fit the rules and doctrines of private law, or that it is implausible to think that English private law is concerned with promoting human flourishing.

A follow-up volume will question whether the RP is correct as an account of what human flourishing involves, and consider what private law would look like if it sought to give effect to a more authentic vision of human flourishing.

**THE HUMANITY OF PRIVATE LAW** is essential reading for students, academics and judges who are interested in understanding private law in common law jurisdictions, and for anyone interested in the nature and significance of human flourishing.

### CONTENTS

Preface and Acknowledgements  
Table of Cases  
Abbreviations and Key Terms  
I. Introduction

1. Five Tough Cases
  2. Three Explanations of Private Law
  3. A Different Picture
  4. Evaluating Private Law
  2. An ABC of Private Law
    1. Duty and Obligation
    2. Rights
    3. Liabilities
    4. Powers and Disabilities
    5. Interests
    6. Functions
  3. Human Flourishing I - The RP
    1. The Nature of Flourishing
    2. Finnis' Account
    3. Four Modifications
    4. The RP
  4. Our Basic Obligations
    1. The Basic Model
    2. Two Objections
    3. The Basic Obligations Claim
    4. Protected Interests
    5. Balancing Interests
    6. Property Interests
  5. The Law of Transactions
    1. Gifts and Wills
    2. Contracts
    3. Trusts
    4. Companies
    5. Marriage
    6. Encouragements to Transact
    7. Coda: The Nature of Unjust Enrichment
  6. Preserving Legitimacy
    1. Conditions of Legitimacy
    2. The Objective Standard of Care
    3. Responses to Torts
    4. Triangles
    5. Rent-Seeking
    6. Informality
  7. Assessing the Explanation
    1. Five Tough Cases Revisited
    2. Strict Duties
    3. Strict Liabilities
    4. F and Legal History
    5. The Kantian Challenge
    6. Final Thought
- Index of Names  
Index of Subjects
-

Delivered in a more self-confident age, Richard O'Sullivan KC's 1950 Hamlyn Lectures on The Inheritance of the Common Law begin with the ringing declaration that 'The Common Law of England is one of the great civilising forces in the world: In this book, I want to explore whether he was right - at least so far as English private law is concerned.'

It must be admitted that the prospects of vindicating O'Sullivan's faith in the common law do not look good. At the level of both doctrine and theory, it might be thought easier to write a book entitled The Inhumanity of Private Law. In Section 1 of this introduction, I will set out five tough cases that make it hard for us to think of private law as seriously concerned with promoting the welfare of its subjects. In Section 2, I will set out three currently popular explanations of private law - economic, Kantian, and moralistic - and argue that if any of these explanations are correct, then we cannot say that private law achieves anything that is of real value to those who are subject to it.

Having set out the obstacles in the way of thinking of private law as humanistic in its goals and aspirations, I turn in Section 3 to see what can be said in favour of a humane view of private law, which I will call 'F' for short. According to F: (1) private law is pervaded by a concern to promote the flourishing of all its subjects as human beings, (2) the particular conception of what amounts to human flourishing that underlies private law is a very familiar conception that I will call the t-picture, or the 'RP' for short, and (3) in trying to promote human flourishing, private law is constrained by the need to maintain its legitimacy. (3) results in private law doing both more and less than we would expect it to do if just (1) and (2) were true.

The rest of this volume is devoted to substantiating the claims that F makes about private law. But doing this only amounts to Part I of my exploration of the links between private law and human flourishing. Section 4 introduces Part II of the project, which will be published in a second, forthcoming, volume. Part II mounts a critique of English private law off the back of the claims made about private law by F. I will argue in Part II that the RP is wrong as an account of human flourishing and that a private law based on an authentic vision of human flourishing will look very different from the private law we have now. If this is right then we cannot endorse O'Sullivan's paean in favour of the common law. The best we can say is that private law is a noble failure - it aspires to promote human flourishing, but is betrayed in that aspiration by its failure to understand what authentic human flourishing involves.

K      Kantian theories of private law, which see private law as working to constitute us as persons enjoying relationships of mutual independence.

LE      Economic theories of private law, which see private law as geared towards promoting wealth-maximisation.

RP      The picture of human flourishing that is widely accepted by reflective people in modern Western liberal societies, and is received in that it is promoted by the culture of those societies.

---

RP-flourishing Living a life that is flourishing according to the RP.

F The claim, made in this book, that English private law is concerned to promote the RP-flourishing of its subjects, while maintaining its legitimacy.

The Basic Obligation Claim The claim that private law is concerned to promote the (or BOC) RP-flourishing of its subjects in determining what basic obligations they owe each other.

The Property Claim The claim that the rights and powers that constitute a particular interest in an item of property exist for the benefit of the holder of that particular interest because having those rights and interests will (or is likely to) promote the holder's RP-flourishing.

The Transaction Claim The claim that private law enables us to enter into various different types of transaction in order to enhance our RP-flourishing.

UKSC United Kingdom Supreme Court

## Rejecting the Same Reason Requirement

The first reason is that there is no evidence that any judge or legislator has ever endorsed the Same Reason Requirement, or even contemplated that they might be subject to such a requirement in shaping private law. As F would predict, the common law is an institution that is pragmatic[ to its core, and pragmatism has no respect for the Same Reason Requirement. Any number of statements by nineteenth or twentieth century judges or jurists could be instanced here in support of this pragmatic view of the common law. Lest these be taken as reflecting some corruption or decline in thinking about the common law, consider instead the following seventeenth century statements by Matthew Hale:

The common laws of England are not the product of the wisdom of some one man, or society of men in any one age, but of the wisdom, counsel, experience, and observation of many ages of wise and observing men: where the subject of any law is single, the prudence of one age may go far at one essay to provide a fit law, and yet even in the wisest provisions of that kind, experience shows us that new and unthought of emergencies often happen, that necessarily require new supplements, abatements, or explanations, but the body of laws, that concern the common justice applicable to a great kingdom, is vast and comprehensive, consists of infinite particulars, and must meet with various emergencies, and therefore requires much time and much experience, as well as much wisdom and prudence successively to discover defects and

inconveniences, and to apply apt supplements and remedies for them; and such are the common laws of England, namely the productions of much wisdom, time, and experience.

He that thinks a state can be exactly steered by the same laws in every kind, as it was two or three hundred years since, may as well imagine that the clothes that fitted him when he was a child should serve him when he is grown a man. The matter changeth the custom; the contracts the commerce; the dispositions, educations, and tempers of men and societies change in a long tract of time; and so must their laws in some measure be changed, or they will not be useful for their state and condition ... These very laws, which at first seemed the wisest contribution under heaven, have some flaws and defects discovered in them by time. As manufacturers, mercantile arts, architecture and building, and philosophy itself; receive new advantages and discoveries by time and experience; so much more do laws, which concern the manners and customs of men.

It seems obvious that Hale would have regarded the Same Reason Requirement as a peculiar limit on private law's functioning and development.

For Weinrib, the Same Reason Requirement is not peculiar at all, but demanded by reason:

(C)oherence ... requires that (a) justification occupy the entire conceptual space to which its normative content entitles it. If it fails to do so, then a determination that the defendant is liable to the plaintiff would involve either arbitrarily extending the justification, so that it occupies space to which its own normative force does not entitle it, or arbitrarily truncating the justification, so that it recedes from the space to which it is entitled.

However, this does not dispel the air of peculiarity around the Same Reason Requirement. In fact, it compounds it.

For example, suppose we find (as we do) that a duty of care was owed in *Kent v Griffiths* on the basis that the defendant ambulance service interfered with the claimant's finding alternative ways of getting to hospital by assuring her doctor that they were on their way. We then decide that given this, we must also find that a duty of care is owed whenever the ambulance service tells a patient that they are on the way - on the ground that it would be invidious and bring the legal system into disrepute if the law said that such an assurance will give rise to a duty of care if (i) the patient is not so badly off that they could get to hospital under their own steam, whereas it will not if (ii) the patient is so badly off that they can only get to a hospital in an ambulance. Weinrib seems to think that we are acting arbitrarily in extending the finding of a duty of care in *Kent v Griffiths* in this way, because the original justification for finding such a duty of care only applies in (i) and not in (ii). But this seems obviously untrue - we are not acting arbitrarily, but wisely, in saying that if we are going to find a duty of care in (i), we had better do so in (ii) as well.

Again, take the case where A pays £100 into B's bank account, mistakenly thinking that he owes B £100, and then consider the alternative scenarios: (i) B is still 'up' by £100 as a result of A's payment, and (ii) as a result of actions performed in good faith by B, B is no longer enriched as a result of A's payment. Our reason for wishing to help A get his money back applies just as strongly in (ii) as it does in (i), but the fact that B is no longer 'up' as a result of A's payment in (ii) means that there is no reasonable way of satisfying that desire in (ii), whereas there is in (i). So in (ii) we allow B to defeat A's claim via a defence of change of position; whereas in (i), we hold that B is liable to pay A £100. Weinrib seems to think that

we would be acting arbitrarily if we did not give effect to our desire to allow A to get his money back in (ii) when we do in (i), given that the reason we have for wanting to see A get his money back applies just as much in (ii) as it does in (i). However, this is again obviously untrue. It is those who insist that A be allowed to sue B for £100 regardless of the impact that doing so will have on B who are being unreasonable; not those who take the contrary position.

Given this, there seems no good reason why anyone would adopt the Same Reason Requirement. As a result, it is not surprising that no judge or legislator in history seems to have been motivated by a desire to give effect to the Same Reason Requirement. Faced with a choice between Kant or incoherence (in the sense that Kantians use that term), they have opted over and over again for incoherence, and for good reason.

### Rejecting a Right to Independence

The second reason for thinking that it is implausible that the judges and legislators who shaped private law sought to observe the Same Reason Requirement in so doing lies in the nature of the Kantian master idea that allows Kantians to explain private law in a way that respects the Same Reason Requirement. This master idea - which lies at the heart of Kant's Doctrine of Right - is that 'Freedom (independence from being constrained by another's choice), insofar as it can coexist with the freedom of every other in accordance with a natural law, is the only original right belonging to every man by virtue of his humanity.

I will not endeavour to show here how accepting this master idea and its sequelae allows Kantians to explain private law (after a fashion) in a way that respects the Same Reason Requirement. Instead, I want to argue that it is unlikely that the judges or legislators who shaped private law accepted this Kantian master idea - what we can call, for short, the idea that each of us has a 'right to independence. If this is right then it is unlikely that those judges or legislators could have sought to abide by the Same Reason Requirement because - we are assuming - the only way to abide by that requirement is to accept that each of us has a right to independence.

So why is it unlikely that the judges and legislators who shaped private law accepted that each of us has a 'right to independence'? I have already touched on part of the reason that none of them would have heard of such a thing, at least in its Kantian form.' But a further, and deeper, reason for thinking that the judges and legislators who shaped private law would not have accepted that each of us has a 'right to independence is that not even Kantians have a good reason for thinking that we have a right to independence. If Kantians have no good reason for thinking that each of us has a right to independence, it is hard to believe that the judges and legislators we are focussing on would have thought they had good reason to believe in a right to independence. The point being made here does not rest on the fact that Kant himself did not try to show that we have a right to independence. Rather, the point rests on the fact that if we accept Kant's metaphysics, as laid out in his Critique of Pure Reason (1781), we will conclude that we have good reason to doubt whether there is such a thing as a right to independence.

Imagine that you are looking at a tree. Kant's Critique tell us that what you are seeing is not the tree as it is (the Ding an sich), but rather the tree as it appears to us given the senses that are available to us to experience the world (sight, touch, smell, sound and taste) and a mental matrix of sensibilities that allow us to experience the world. These sensibilities account for why we experience things as having an

identity, as existing in space and time, and as having causal relationships with other things. If we are to have any experiences at all, our experiences have to take this form: we don't have the sensibilities that allow us to have any other kind of experiences. Kant uses the word noumenal to describe the tree as it is, and the word phenomenal to describe the tree as it appears to us. The noumenal world is therefore the world of things as they really are, while the phenomenal world is the world of those things as we experience them given the beings we are and the senses and sensibilities with which we are equipped. It is impossible for us to penetrate beyond the phenomenal world and know things as they really are in the noumenal world: 'it is only of things as they appear to us that we can have any knowledge or awareness: whatever it is that they are in themselves must for ever remain inaccessible to us human beings'.

What Kant overlooked in making this brilliant distinction between the noumenal and the phenomenal is that if our experience of things as having an identity, and existing in space and time, are merely products of our sensibilities that allow us to experience the world, then the noumenal world - the world as it really is - is not made up of lots of noumenal trees and cars and people and houses and so on, all existing as they really are. Instead, the noumenal world is undifferentiated. This is because for

[O]ne object to be different from another it must either occupy the same space at a different time or a different space at the same time, or a different space at a different time: if it occupies the same space at the same time it is the same object ... But ... space and time are forms of sensibility. They have no purchase in a subject-less realm, the realm of whatever exists in itself independently of experience. Therefore differentiation can obtain only in the world of experience, and can have no being in the noumenal realm. Therefore there cannot be things (in the plural) as they are in themselves independently of being experienced.

This crucial development of Kant's philosophy was made by Kant's most devoted follower, Arthur Schopenhauer. On 'Schopenhauer's view of total reality ... there is an immaterial, undifferentiated, timeless, spaceless something of which we can never have direct knowledge but which manifests itself to us as this differentiated phenomenal world of material objects (including us) in space and time. Including us:

In the phenomenal world we exist as individuals: we come into existence as material objects occupying space, and persisting for a time; but this differentiation can obtain in the phenomenal world only. Noumenally, in the ultimate ground of our being, outside space or time or embodiment, it is impossible that we should be differentiated. Therefore we must all be 'one'...

Schopenhauer called this undifferentiated noumenal reality, which manifests itself at the phenomenal level in differentiated form, 'Will' - hence the title of his masterwork, *The World as Will and Representation*, first published in 1818. 'Will' denotes noumenal reality; 'Representation', phenomenal appearance. Bryan Magee - the British philosopher from whom the last few quotes have been taken, and

who has done more than anyone else to popularise Schopenhauer's work in the English-speaking world - calls Schopenhauer's choice to use the word 'Will' to describe the undifferentiated noumenal reality disastrous because of the misunderstandings to which that choice gave rise. While Magee makes various suggestions as to what term Schopenhauer could have used instead to describe the undifferentiated, impenetrable noumenal reality, the most obvious is 'Being'. Such a usage fits in well with well-established ideas that Being is 'one and timeless, and that Being is something that both underpins and transcends our merely phenomenal existence in the world - and by so transcending calls on us (in so far as we participate in Being) to go beyond our merely phenomenal existence.

The implications of an undifferentiated noumenal reality for a 'right to independence' should be becoming clear. For Kant - who, remember, was operating under the assumption that for every phenomenal me and phenomenal you, there corresponds a noumenal me and a noumenal you - all the moral duties we owe each other are rooted in the fact of who we are at the noumenal level:

In the context of his rights in relation to others, I actually regard every person simply in terms of his humanity, hence as homo noumenon;...

Now the human being as a natural being that has reason (homo phaenomenon) can be determined by his reason, as a cause, to action in the sensible world, and so far the concept of obligation does not come into consideration. But the same human being thought in terms of his personality, that is, as a being endowed with inner freedom (homo noumenon), is regarded as a being that can be put under obligation ...

In the system of nature, a human being (homo phaenomenon, animal rationale) is a being of slight importance and shares with the rest of the animals, as offspring of the earth, an ordinary value (pretium vulgare) ... But a human being regarded as a person, that is, as the subject of morally practical reason, is exalted above any price; for as a person (homo noumenon) he is not to be valued merely as a means to the ends of others or even to his own ends, but as an end in himself, that is, he possesses a dignity (an absolute inner worth) by which he exacts respect for himself from all other rational beings in the world."

But if - given Kant's own metaphysics - there is, at the noumenal level, no individual you and no individual me, but we are all one, Kant cannot appeal to our individual existence at the noumenal level to explain why we owe each other moral duties, let alone assert that each of us has a 'right to independence'.

This explains why not even Kantians have reason to believe that there is such a thing as a 'right to independence' - but it also explains why even if the judges and legislators we are focussing on had heard of a 'right to independence' (in its Kantian form), they would have emphatically rejected the idea that there is such a thing. This is because while those judges and legislators would have been unfamiliar with the idea of a 'right to independence'; they would have been very familiar with the ideas that there is such a thing as a phenomenal world and a noumenal world, and that at the noumenal level all things are one and exist outside space and time. They would have been very familiar with these ideas for the same reason that they would have been very familiar with the idea that the universe began with a Big Bang, long before physicists endorsed the idea in the second half of the twentieth century - they were all practising Christians. As such, they were very familiar with passages such as:

[Me look not at the things which are seen, but at the things which are not seen: for the things which are seen are temporal; but the things which are not seen are eternal.

Neither pray I for these alone, but for them also which shall believe on me through their word; that they all may be one; as thou, Father, art in me, and I in thee, that they also may be one in us: that the world may believe that thou hast sent me. And the glory which thou gavest me I have given them; that they may be one, even as we are one: I in them, and thou in me, that they may be made perfect in one; and that the world may know that thou hast sent me, and hast loved them, as thou hast loved me.

Given this, it becomes almost impossible to think that the judges and legislators who shaped English private law sought, in doing so, to comply with the Same Reason Requirement. The only way they could have done so would have been by accepting the Kantian idea that we enjoy a 'right to independence' - and such an idea would have been deeply antithetical to their worldview, as it is to the worldview that Kantians themselves adopt (or should adopt), given the arguments laid out by Kant in his Critique of Pure Reason.

### Final Thought

As an explanation of English private law, F stands up better than any of its competitors. While it does not fit every detail of English private law, it does not need to and indeed should not do so. But the details of English private law that are incompatible with F can easily be explained away as historical excrescences, carbuncles on the law that can be scraped off without loss. And F provides a more plausible account of English private law than any of its competitors.

While as instrumental as economic accounts of private law, F does not see private law as pursuing an ideal as empty as wealth-maximisation but rather an ideal - the RP-flourishing of private law's subjects - that we have every reason to think is an ideal that the judges and legislators who shaped private law would have had in mind in the noon and afternoon stages of the common law's development. And the account of private law presented here pays far more respect to private law's fundamental building blocks - in particular, the notion of duty - than economic explanations of private law ever have.

And while F may not present an account of private law that is as 'coherent' (in the Kantian sense of the word) as K does, we have no reason to think that those who shaped English private law sought to ensure that it was 'coherent' (in the Kantian sense) and every reason to think they would have rejected (as, paradoxically, Kantians would also want to reject) the key idea that would allow one to create a 'coherent' system of private law - that of everyone enjoying a 'right to independence'.

So F stands up, and should be accepted as correct in its explanation of private law until something better comes along - but we have every reason to think that that 'something better' will merely be a refined version of F, and not radically different from F. However, if F is correct, and English private law is concerned to promote the RP-flourishing of its subjects, while maintaining its own legitimacy, a final thought occurs - what if human flourishing does not consist in RP-flourishing? After all, the arguments laid out in the previous section indicate that we are far stranger beings than we might first think. If we are, at base, the beings who are aware (or are capable of being aware) that we participate in Being, what does that mean for what is involved in our flourishing? It seems unlikely that the RP accurately describes what it means for beings like that to flourish. So it may be that our flourishing does not involve RP-flourishing, and involves something else entirely. If so, then English private law has been barking up the wrong tree for all these years, and would look very different if it were to concerned to promote an

authentic vision of what human flourishing involves. It is this, final and disquieting, thought that I will explore in Part II of this project. <>

## **THE PROCEDURAL LAW GOVERNING FACTS AND EVIDENCE IN INTERNATIONAL HUMAN RIGHTS PROCEEDINGS: DEVELOPING A CONTEXTUALIZED APPROACH TO ADDRESS RECURRING PROBLEMS IN THE CONTEXT OF FACTS AND EVIDENCE** by Torsten Stirner [Series: International Studies in Human Rights, Brill | Nijhoff ISBN: 9789004463127]

This book provides a comparative assessment of the procedural law governing facts and evidence with references to over 900 judgments and decisions of the European and the Inter-American Court of Human Rights as well as the UN Human Rights Committee. It identifies underlying principles which govern the procedural law of these international human rights institutions. Based on the premise of a contextualized procedural law governing facts and evidence, the book analyzes where current approaches lack a foundation in the contextualization premise and offers solutions for recurring procedural problems relating to questions of subsidiarity in fact-finding, burden and standard of proof, as well as the admissibility and evaluation of evidence.

### **CONTENTS**

Acknowledgments

Chapter 1 Introduction

Chapter 2 Definitions and Procedural Concepts

Chapter 3 Parameters of the Procedural Frameworks of International Human Rights Institutions

Framing the Law Relating to Facts and Evidence

Chapter 4 Subsidiarity and the Evidentiary Procedure

Chapter 5 Standard of Proof in International Human Rights Proceedings

Chapter 6 Allocation of the Persuasive Burden in International Human Rights Proceedings

Chapter 7 The Introduction of Facts and Evidence in the Proceedings of International Human Rights Institutions

Chapter 8 The Lack of Cooperation by the Respondent State

Chapter 9 The Admission of Evidence in Proceedings before Human Rights Institutions

Chapter 10 The Evaluation of Evidence by the Human Rights Institutions

Chapter 11 Rationalizing and Advancing the Law Governing Facts and Evidence on the Basis of a Sui-Generis, Contextualized Approach

Bibliography

Index

Excerpt: Contrary to procedures before domestic courts, the procedural law governing the introduction of facts and evidence in international tribunals has been described as lacking a high level of codification and detail. Rules governing facts and evidence were “brought in” by the appointed judges as well as by the parties to a dispute, often applying legal approaches of their domestic backgrounds. With the

inception of international tribunals, the basic documents barely contained regulations, if any, addressing facts and evidence. Article 43 *et seq.* of the Statute of the Permanent Court of International Justice regulated oral and written procedures. Yet there were no guidelines as to the evaluation of evidence or the burden and standard of proof. The PCIJ was aware of this lack of standard rules, even indicating that this *lacuna* was deliberately created. In the case of *Free Zones of Upper Savoy and the District of Gex* the Court stated “the decision of an international dispute of the present order should not mainly depend on a point of procedure, the Court thinks it preferable not to entertain the plea of inadmissibility [...]”. *Max Huber*, former Judge of the PCIJ, declared in a similar vein that the risk should be minimized that “a case between two States [is] decided on the basis of a purely formal administration of justice”. The consensus was that the tribunal was to arrive at the truth whatever form it would take. International Courts were considered not to be bound by strict judicial rules governing facts and evidence. No limits were imposed either with regard to the admissibility or the evaluation of evidence. The PCIJ highlighted that it was “entirely free to estimate the value of statements made by the Parties”. The ICJ has since not deviated from the approach towards evidence taken by its predecessor. Bearing in mind the substantial jurisprudence and scholarly dialogue on the issue of exclusionary rules of evidence in the Common Law legal system, Judge Fitzmaurice added in a separate opinion that: “Of course the [primary evidence] would, if produced, constitute what is known in Common Law parlance as the ‘best evidence’, and unless [it] could be shown to have been lost or destroyed, it is unlikely that a municipal court would admit secondary evidence of their contents. International tribunals are not tied by such firm rules, however, many of which are not appropriate to litigation between governments”. In the *Nicaragua* judgment, the Court addressed the question of the probative value of certain evidence. The Court opted for flexibility and highlighted that it “has freedom in estimating the value of the various elements of evidence”. *Sandifer* noted that an unrestricted approach was deliberately taken since decisions based upon a misconception of the facts would directly affect vital interests of the States. Accordingly, a decision was only to be taken on the broadest factual basis possible which in international litigation was only possible if the Court was to adopt a flexible approach towards establishing the said factual basis. *H. Lauterpacht* stated similarly that international adjudication does not necessarily and by virtue of its own exclude more detailed rules of evidence. Much rather the “importance of the interests at stake precludes excessive or decisive reliance upon formal or technical rules”. *E. Lauterpacht* proposes that rules of procedure are rather servants and “not authoritarian or dictatorial masters”. Instead “as far as the ICJ is concerned, and in the case of most international courts and tribunals, rules of procedure must be approached in a common sense and flexible manner”.

With the rise of individual complaints proceedings past the 1960s, the human rights institutions’ approaches to facts and evidence are to some extent comparable to the above-described approach of the world courts. The establishing documents barely contained insight into the approach towards the law governing facts and evidence. By way of example, the first optional protocol to the ICCPR, remaining unchanged in this regard, contains two, rather marginal, provisions regarding the underlying facts and evidence. Article 2 op requires the individual to submit a written communication to initiate the proceedings. Article 5 op stipulates that the HRC will consider communications in “the light of all the written information made available to it by the individual and by the state party concerned”. The rules of procedure are just as scarce on the topic of evidence. The ECHR, while making extensive reference to fact-finding, does not contain any provision regarding the admissibility, assessment and weighing of

evidence. Consequently, the ECtHR stated, that it “is not bound under the convention or under general principle applicable to international tribunals, by strict rules of evidence”. “In order to satisfy itself, the Court is entitled to rely on evidence of every kind [...]” While the number of decisions and views issued by international human rights institutions receiving individual complaints has significantly increased during the last decades, evidentiary rules in the treaty frameworks did not grow to more detail alongside. Just recently, for example, on 15 April 2014, yet another review body, the Committee for the Convention on the Rights of the Child allowed via an additional protocol for individual complaints. The additional protocol in its Arts. 10 *et seq.* provides insights on fact-finding, yet in no more detail than Arts. 4 and 5 of the Optional Protocol to the ICCPR. Jurisprudence and procedures gained in sophistication as well as in complexity, yet the growth of international human rights institutions allowing for individual complaints did not lead to a similarly strong development of codified procedural law governing facts and evidence.

Parallel to the developments before the two world courts, the scarcity of regulations addressing evidence seemed to be created intentionally. The International Court of Justice as well as international human rights institutions reiterated that the judicial mandate to establish a sufficient factual basis requires an unrestricted approach towards facts and evidence. The limitations with respect to facts and evidence need to be countered with non- “formalistic” rules addressing the burden and standard of proof as well as the evaluation of evidence to address potential factual impasses and to address a procedural imbalance between the individual and the State. Therefore, international human rights institutions have generally welcomed the limited guidance in the treaty frameworks allowing them to develop flexible procedural solutions. The IACtHR, for example, stated that “its criteria for admitting items into evidence are flexible.” The Human Rights Committee’s members argued in one instance against a precisely formulated procedural rule “for the sake of flexibility”. These are but a few examples where human rights institutions, implicitly or explicitly, reasoned with the need for flexibility when drafting procedural rules. These examples show that there is a general tendency towards flexible approaches which should be borne in mind when interpreting the institutions’ jurisprudence relating to procedural law.

Because of the limited guidance in the treaty frameworks, international courts have resorted to establishing standard formulae in their jurisprudence to fill the void. The jurisprudence shows a tendency to include or at least reflect on elements of domestic jurisdictions’ procedural law. The ECtHR provides a prominent example for the first characteristic when “it reiterates that, in assessing evidence, it has adopted the standard of proof ‘beyond reasonable doubt’”. At the same time, the ECtHR added that “it has never been its purpose to borrow the approach of the national legal systems that use that standard. Its role is not to rule on criminal guilt or civil liability but on Contracting States’ responsibility under the Convention.” The IACtHR referred to a standard of proof where the truth of the allegations must be established in a “convincing manner”. The semantical similarity to the U.S. procedural law standard of proof of “clear and convincing evidence” could be by design or coincidental. With respect to the evaluation of evidence, the IACtHR has referred to the concept of *sana critica* which has its origins in the Spanish domestic legal sphere. At the same time, international human rights institutions have also referred to certain concepts of procedural law negating their application entirely. The ECtHR has stated that “it does not rely on the concept that the burden of proof is borne by either party”. The Inter-American Court highlighted that it is not “subject to the same formalities required in domestic courts”

regarding the admission of evidence. These examples manifest *Sandifer's* hypothesis that procedural rules were “brought in”, or at least designed in comparison to domestic solutions, by the appointed judges as well as by the parties to a dispute applying the legal approaches of their domestic backgrounds with which they were familiar with. \*\*\*

## Structure of This Volume

This volume will, after an overview of the sources of the law (Chapter 1.5), first elaborate on the procedural concepts which are universal to every judicial procedure determining facts and evaluating evidence. It will then define a set of terms necessary to describe a law of facts and evidence. A consistent application of evidentiary terms is a prerequisite to compare the procedural laws' domestic origins and to develop a consistent approach (Chapter 2).

The volume will identify the underlying principles which govern the procedural law in the international human rights institutions (Chapter 3). These principles shall serve as the parameters based on which the current procedural law will be assessed, and they will form the basis for a proposal for a contextualized, sui-generis procedural law governing fact-finding and the processing of evidence.

Based on the foundation of a contextualized procedural law governing facts and evidence, this volume will analyze the current law of the international human rights institutions and will identify issues where current solutions lack rationalization within the contextualizing premise or where no principled solutions exist at all (Chapters 4 – 10). The procedural parameters will serve as the premises in the deductive analysis of the framework. The assessment will be done in chronological relevance for the procedure of facts and evidence. First, the volume will address the question under which circumstances the human rights institutions will defer to the findings of the domestic courts and authorities (Chapter 4). In these instances of deference, there is little room for the application of procedural law governing facts and evidence. Next, this volume will examine the standards of proof in the proceedings (Chapter 5). Examining the standard of proof is a prerequisite for an assessment of the persuasive burden and the introduction of facts in the proceedings (Chapters 6 and 7). The persuasive burden must be addressed before analyzing the introduction of facts, because its allocation correlates with the burden on the parties to come forward with evidence if the procedure adheres to the adversary paradigm. This volume will then examine the framework for non-cooperation by the respondent State (Chapter 8) as well as the admission and evaluation of evidence (Chapters 9 and 10). In its conclusion, the volume will assess the problems and potential approaches which have been identified in the previous chapters and rationalize solutions on the premise of a contextualized procedural law (Chapter 11).

## Sources of the Law of Facts and Evidence in International Human Rights Proceedings

The sources of the law governing facts and evidence in human rights proceedings may comprise all elements to be found in Art. 38 ICJ Statute. Obviously, the treaties and the respective rules of procedure provide the most fertile ground. The detail of codification strongly varies with regard to the different elements of the evidentiary process. While treaties and the rules of procedure do contain some insights with regard to the fact-finding process, other elements such as the burden and standard of proof are not mentioned at all. The human rights treaties contain the basic constituent provisions for the human rights institutions, including composition, terms of office and other administrative matters. The Statutes of the Inter-American Court and Commission provide further constituent

provisions. The legal basis for the individual communications/complaints procedures is established in the treaties except for the Human Rights Committee, whose competence to receive individual complaints is set forth in the Optional Protocol. The treaties include provisions relating to the initiation of proceedings and the correspondence with the State party, which incorporate the basis fact-finding regulations. Pursuant to Art. 24 (1) ECHR, the ECtHR may and shall lay down its Rules of Court. Similarly, Art. 39, respectively 60 ACHR, authorizes the Court, respectively the Inter-American Commission, to lay down its own regulations and rules.

Subject to considerable discussion is the question of whether international customary law or general principles of law may serve as sources for the procedural law governing facts and evidence in international proceedings and individual communication proceedings in particular. *Benzing* highlights that customary international law as a source for procedural law cannot overcome persistent methodical concerns. State practice cannot be derived from decisions of international courts as the decisions of said courts are not attributable to the States, which are parties to a dispute. International courts' approaches to addressing disputed aspects, such as the standard of proof, do not relate to States' behavior and thus cannot implicate state practice. In any event, international courts lack sufficient uniform practice on these matters. On the other hand, the States' behavior in the proceedings, e.g. the submission of certain documents, may qualify as State practice. However, the treaties and the rules of procedure of international courts mostly do provide for codified rules with regard to party-court correspondence and fact-finding. And then again, the procedures differ too substantially in international courts to recognize sufficient common ground for uniform state practice. For these concerns, international customary law does not function as a source for the procedural law governing facts and evidence in international proceedings, including individual complaints/ communication proceedings.

The lack of a detailed and exhaustive codification of the law governing facts and evidence in international human rights proceedings appears to leave room for the application of general principles. The role of general principles of law pursuant to Art. 38 (1) (c) ICJ Statute was subject to lengthy discussions during the drafting process of the ECHR. During the debates in the Committee of Ministers, delegates proposed to include a specific reference to general principles. Although in the discussion, the inclusion of general principles evolved around the question of whether rights and guarantees should be supplemented by a list of definitions or whether general principles sufficed to clarify the content of said rights and guarantees, the outcome of the discussion nonetheless provides important insights with regard to the relationship of the Convention and general principles. In the report to the Consultative Assembly, the Legal Committee elaborated on the later prevailing opinion:

The Committee, while recognizing the importance of the proposal that the European Commission and Court should apply the general principles of law [...], were of the opinion that the insertion of a specific clause to this effect was unnecessary [...]. It is anticipated that the Commission and the Court must necessarily apply such principles in coming to a decision.

The Legal Committee highlighted what most likely applies to most international adjudicative bodies. They do not *per se* exclude the application of general principles in their procedural framework. The ICJ referred to general principles as well when elaborating on procedural rules. The ICTY, on the other hand, implicitly contradicted the application of general principles when it argued that “in international law every tribunal is a self-contained system (unless otherwise provided).” The Mexico-USA General Claims Commission stated

The Commission expressly decides that municipal restrictive rules of adjective law or of evidence cannot be here introduced and given effect by *clothing them in such phrases as 'universal principles of law', or 'the general theory of law', and the like*. On the contrary, the greatest liberality will obtain in the admission of evidence before this Commission with the view of discovering the whole truth with respect to each claim submitted.

The ICTY's, as well as the Claims Commission's, reasoning reflects the criticism voiced against the application of general principles in international tribunals. The application of general principles would lead to a lack of flexibility. The criticism of the two tribunals also refers to the paradox of deriving procedural rules as 'general' principles from domestic jurisdictions where there are – due to different procedures – only quite basic universally applicable rules. More so, the law governing facts and evidence with regard to certain elements of the evidentiary procedure may differ substantially in Common Law and Civil Law courts. Lastly, assuming that general rules may be identified, their application in international proceedings, which pursue different procedural aims and adhere to different rationales, is problematic. *Brown*, for example, names *audi alteram partem*, *iura novit curia*, and *actori incumbit probatio* as general principles of law being applied by international courts in their proceedings. If international courts can identify general principles applying in the procedural context of human rights proceedings, then their application is not excluded as a matter of principle. The ICJ, for example, referred to “safeguards of elementary principles of judicial procedure such as the equality of the parties and the need to hear both sides”. ‘Case law’ is of great importance to the law governing facts and evidence before international tribunals. Despite the lack of a *stare decisis* doctrine in international proceedings, precedents play an important role as compelling arguments in judgments for the courts, which aim to establish consistency. Case law is only attributed an auxiliary nature in Art. 38 (1) (d) ICJ-Statute. However, a consistent case law may form the basis of general principles of international dispute settlement. <>

## **A HISTORY OF DATA VISUALIZATION AND GRAPHIC COMMUNICATION** by Michael Friendly and Howard Wainer [Harvard University Press, 9780674975231]

A comprehensive history of data visualization—its origins, rise, and effects on the ways we think about and solve problems.

With complex information everywhere, graphics have become indispensable to our daily lives. Navigation apps show real-time, interactive traffic data. A color-coded map of exit polls details election balloting down to the county level. Charts communicate stock market trends, government spending, and the dangers of epidemics. **A HISTORY OF DATA VISUALIZATION AND GRAPHIC COMMUNICATION** tells the story of how graphics left the exclusive confines of scientific research and became ubiquitous. As data visualization spread, it changed the way we think.

Michael Friendly and Howard Wainer take us back to the beginnings of graphic communication in the mid-seventeenth century, when the Dutch cartographer Michael Florent van Langren created the first chart of statistical data, which showed estimates of the distance from Rome to Toledo. By 1786 William Playfair had invented the line graph and bar chart to explain trade imports and exports. In the

nineteenth century, the “golden age” of data display, graphics found new uses in tracking disease outbreaks and understanding social issues. Friendly and Wainer make the case that the explosion in graphical communication both reinforced and was advanced by a cognitive revolution: visual thinking. Across disciplines, people realized that information could be conveyed more effectively by visual displays than by words or tables of numbers.

Through stories and illustrations, **A HISTORY OF DATA VISUALIZATION AND GRAPHIC COMMUNICATION** details the 400-year evolution of an intellectual framework that has become essential to both science and society at large.

## Reviews

“The invention of graphs and charts was a much quieter affair than that of the telescope, but these tools have done just as much to change how and what we see.”—Hannah Fry, *The New Yorker*

“A masterly study of graphic innovations, their context, and their scientific use. This brilliant book, without equivalent, is an indispensable read.”—Gilles Palsky, coauthor of *An Atlas of Geographical Wonders*

“Friendly and Wainer are the Watson and Crick of statistical graphics, showing us the history of the DNA structure that is the code of life for innovative visualizations.”—Ben Shneiderman, founder of the Human–Computer Interaction Lab, University of Maryland

“Data expertise is a fundamental prerequisite for success in our digital age. But exactly how, and when, have we learned to draw conclusions from data? For decades, Michael Friendly and Howard Wainer have been studying how data has informed decision-making, through visualization and statistical analysis. Replete with mesmerizing visual examples, this book is an eye-opening distillation of their research.”—Sandra Rendgen, author of *History of Information Graphics*

“Michael Friendly and Howard Wainer have given us a wonderful history of the dazzling field of data visualization. They bring new life to ancient death statistics and describe the artistic poetry used to display numbers. An intriguing story of how we have learned to communicate data of all types.”—Stephen M. Stigler, author of *The Seven Pillars of Statistical Wisdom*

“Two of the most distinguished scholars of data visualization give us a glimpse of ancient attempts to quantify the world, before revealing the century-long revolution that led to the invention of modern statistics and many of the graphical methods we use today. I learned a lot from this book, and I think you will too.”—Alberto Cairo, author of *How Charts Lie: Getting Smarter about Visual Information*

“Friendly and Wainer demonstrate the amazing progress that has been made in data graphics over the past two hundred years. Understanding this history—where graphs came from and how they developed—will be valuable as we move forward.”—Andrew Gelman, coauthor of *Regression and Other Stories*

## CONTENTS

Introduction

1. In the Beginning...

2. The First Graph Got It Right

3. The Birth of Data
  4. Vital Statistics: William Farr, John Snow, and Cholera
  5. The Big Bang: William Playfair, the Father of Modern Graphics
  6. The Origin and Development of the Scatterplot
  7. The Golden Age of Statistical Graphics
  8. Escaping Flatland
  9. Visualizing Time and Space
  10. Graphs as Poetry
- Learning More  
Notes  
References  
Acknowledgments  
Index

Excerpt: We live on islands surrounded by seas of data. Some call it “big data.” In these seas live various species of observable phenomena. Ideas, hypotheses, explanations, and graphics also roam in the seas of data and can clarify the waters or allow unsupported species to die. These creatures thrive on visual explanation and scientific proof. Over time new varieties of graphical species arise, prompted by new problems and inner vision of the fishers in the seas of data.

Whether we’re aware of this or not, data are a part of almost every area of our lives. As individuals, fitness trackers and blood sugar meters let us monitor our health. Online bank dashboards let us view our spending patterns and track financial goals. As members of society, we read stories of outbreaks of wildfires in California or extreme weather events and wonder if these are mere anomalies or conclusive evidence for climate change. A 2018 study claimed that even one alcoholic drink a day increased health risks,<sup>1</sup> and there is considerable debate about the health benefits or risks of green tea for lowering cholesterol, vitamin C for mitigating the common cold, marijuana for chronic pain, and (sadly) even childhood vaccination. But what do all these examples mean? As a popular t-shirt proclaims: “We are drowning in data, but thirsting for knowledge.”

These illustrations are really about understanding something systematic or the strength of evidence for a claim. How much does my blood sugar go up if I skip my morning run or eat a Krispy Kream donut? Are there really more wildfires in California or more extreme weather events worldwide in recent years? Exactly how much does my health risk increase from drinking one or two glasses of wine a day, as others had long recommended, compared with total abstinence?

For such questions, evidence can be presented in words, numbers, or pictures, and we can try to use these to evaluate the strength of a claim or argument. The purpose of scientific research is to gather information on a topic, turn that into some standard form that we can consider as evidence, and reason to a conclusion or explanation. A graph is often the most powerful means to accomplish this because it provides a visual framework for the facts being presented. It can answer the important, though often implicit, question, “compared to what?” It can also convey a sense of uncertainty of evidence for the validity of a claim. Yet it also enabled viewers to think more deeply about the question raised and challenge the conclusion. A diagram can also provide a visual answer to a problem and graphic displays can communicate and persuade.

As we illustrate in this book, graphs and diagrams have often played an important role in understanding complex phenomena and discovery of laws and explanations. To truly understand the impact of a visual framework, we must not only look at contemporary examples, we must also learn how it changed science and society. We must learn history.

## A Long History

This book recounts a long history, a broad overview of how, where, and why the methods of data visualization, so common today, were conceived and developed. You can think of it as a guided tour of this history, focusing on social and scientific questions and a developing language of graphics that provided insights, for both discovery and communication.

This book has a long personal history as well. It began in October 1962, when we met as undergraduates at Rensselaer Polytechnic Institute. Sequentially we became math majors, house mates, and friends. We then did our graduate work at the same university (Princeton), both supported by Educational Testing Service's Psychometric Fellowship. There we came into contact with John Tukey, Princeton's widely celebrated polymath, who was in the process of revolutionizing the field of statistics with the idea that the purpose of data analysis was insight, not just numbers,<sup>3</sup> and that insight—seeing the unexpected—more often came from drawing pictures than from proving theorems or deriving equations.

Tukey's guidance proved important and prophetic as we found that whatever substantive topic we worked on, our ability to understand and communicate the evidence we gathered almost always involved viewing the data in some graphic format. Our research led us both to gravitate toward aspects of the use and development of data visualization methods. This interest spanned their applications in scientific exploration, explanation, communication, and reasoning, as well as the creation of new methods for illuminating problems so that they can be understood better.

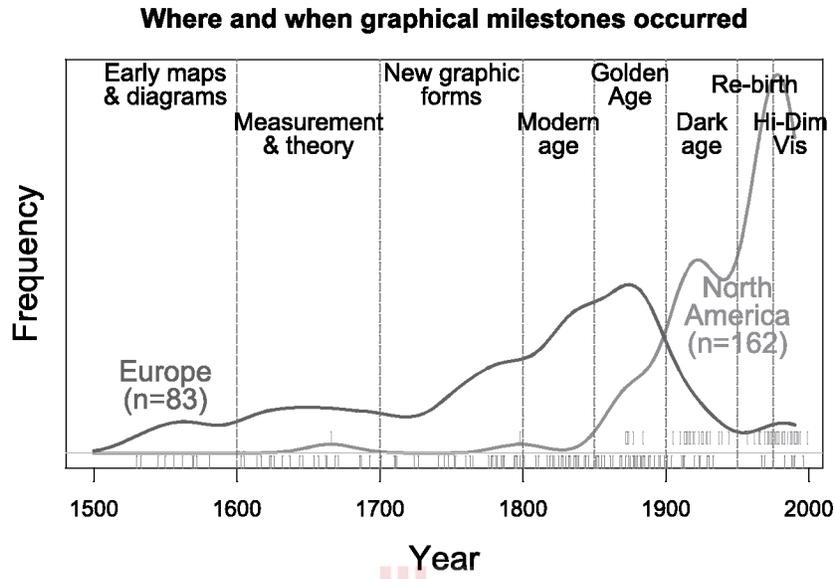
Remarkably, for both of us, our studies of graphical methods, took us back ceaselessly into the past for a deeper and more thorough understanding. Much of what seemed commonplace today turned out to have deep historical roots.

There is also a long history of research, collaboration, and writing that informed this book and prompted this account. One initial foray was the 1976 National Science Foundation Graphic Social Reporting Project directed by Wainer.

One of the project's tasks was to assemble a coherent group of international scholars who worked on the use of graphics to communicate quantitative phenomena and create a social network to facilitate the sharing of information. This led to several conferences, a fair number of scholarly articles (e.g., Beniger & Robyn's 1978 history of graphics,<sup>4</sup> and the English translation of Bertin's iconic *Semiologie Graphique* [1973]).<sup>5</sup> Once republished in English, Bertin's ideas spread more broadly and became useful for the work of many other scholars, most importantly, Edward Tufte's transformative books. Data visualization, as a field of study, was off to the races.

A second key event was Friendly's Milestones Project. It has been substantially revised and now appears at <http://www.datavis.ca/milestones/>, which began in the mid-1990s. At that time, previous historical accounts of the events, ideas, and techniques that relate to modern data visualization were fragmented

and scattered over many fields.<sup>8</sup> The Milestones Project began simply as an attempt to collate these diverse contributions into a single, comprehensive listing, organized chronologically, that contained representative images, references to original sources, and links to further discussion— a source for “one-stop shopping” on the history of data visualization. It now consists of an interactive, zoomable timeline of nearly 300 significant milestone events, nearly 400 images, and 350 references to original sources, together with a Google map of authors and a milestones calendar of births, deaths, and important events in this history.



**FIGURE I.1 TIME LINE OF MILESTONE EVENTS: CLASSIFIED BY PLACE OF DEVELOPMENT. TICK MARKS AT THE BOTTOM SHOW INDIVIDUAL EVENTS. THE SMOOTHED CURVES PLOT THEIR RELATIVE FREQUENCY, IN EUROPE AND NORTH AMERICA. SOURCE: © THE AUTHORS.**

A happy, but unanticipated, consequence of organizing this history in a database was the idea that statistical and graphical methods could be used to explore, study, and describe historical issues and questions in the history of data visualization itself. This approach can be called statistical historiography. Each item in the milestones database is tagged by date, location, and content attributes (subject area, form of the development), so it is possible to treat this history as data.

For example, Figure I.1 shows the frequency distribution of 245 milestone events classified by continent. We can immediately see that most early innovations occurred in Europe, while most after 1900 occurred in North America. The bumps in the curves reflect some global historical trends that deserve explanation. The labeled time periods provide a framework of what we consider to be the major themes driving advances in data visualization.

## Overview

The earliest event recorded in the Milestones Project is an 8,000-year-old map of the town of Catalhöyük, near the present Turkish city of Konya. The prehistory of visualization goes back even

further. But, as you can see in Figure I.I, most of the key innovations occurred only in the last 400 years and showed exponential growth in the last 100 years.

Our central questions in this book are “How did the graphic depiction of numbers arise?” and more importantly, “Why?” What led to the key innovations in graphs and diagrams that are commonplace today? What were the circumstances or scientific problems that made visual depiction more useful than mere words and numbers? Finally, how did these graphic inventions make a difference in comprehending natural and social phenomena and communicating that understanding?

Looking over the history portrayed in the Milestone Project, it became clear that most of these key innovations occurred in connection with important scientific and social problems: How can a mariner accurately navigate at sea? How can we understand the prevalence of crime or poverty in relation to possible causal factors such as literacy? How well are passengers and goods transported on our railways and canals, and where do we need more capacity? These are among the questions that illustrate the descriptive labels we apply to the time periods in Figure I.I.

But the story of the rise of data visualization is richer than the stimulating problems. Questions like these provide the context and motivation for many graphic inventions in this history, but they don't fully answer the question “Why?” Principal innovations over the last 400 years arose in conjunction with a cognitive revolution we call “visual thinking,” the idea that some problems and their solutions can be much more clearly addressed and communicated in visual displays, rather than just words or tables of numbers. Einstein, who was better known for theories of physics expressed in words and equations, captured this visual sense in his statement, “If I can't picture it, I can't understand it.”

The history we relate here is exemplified in the stories of some key problems in the history of science and graphic communication, but told as an appreciation of some of the heroes in this history, for whom visual insight proved crucial. But this begs the larger question of how such visual thinking itself developed. We provide some context for this in the initial chapters, but the essential idea is that this was bound to a concomitant rise in “empirical thinking”—the view that many scientific questions could better be addressed by gathering relevant data than by applying even the best abstract or theoretical thinking.

## Re-Visions

The historical graphs we describe in this book were created using the data, methods, technology, and understanding that were current at the time. We can sometimes come to a better understanding of the intellectual, scientific and graphical questions by attempting a reanalysis from a modern perspective.

Sometimes we come up sadly short because the software tools we have today don't allow us or make it very difficult for us to reproduce the essential ideas or the artistic beauty of important historical graphs and their stories. The hand-crafted graphs, thematic maps, and statistical diagrams of our heroes in this history often show that the pen is mightier than any software sword.

Our conscientious best efforts sometimes yield only a pale imitation of an original; in other words, we are unable to advance the understanding of the problem through reanalysis or the redrafting of graphs. One consequence is that we learn to admire the thoughtful and skillful work of our predecessors and the challenges of pen-and-ink drawings or copperplate engravings. Another consequence is that we can

learn to appreciate the context of historical problems and the graphs created to present them, from both our modern successes and our failures.

We refer to these attempts as Re-Visions, meaning “to see again,” possibly from a new perspective. We don’t intend merely to try to see the past through present-colored glasses. Rather, we hope to shed some light on the strengths and weaknesses of the landmark developments in data visualization or understand them better in historical context. One small example illustrates this point: In Chapter 4 we show how John Snow could have made a more compelling graphic argument for cholera as a water-borne disease originating at the Broad Street pump.

## Chronology versus Theme

The structure of this book requires a little explanation. In most nonfiction narratives there is considerable tension between chronology and theme, with chronology typically winning. The chronological narrative wants to move linearly from moment to moment, whereas topics scattered across eras sometimes cry out to be collected together by theme. Nevertheless chronology usually dominates, and has done so at least since narratives were recorded on papyrus scrolls.

In this book chronology dominates, but we tried to hold its force in check, fearing that if we didn’t, the reader would be thematically left at sea, with the next instance far off on some foreign shore. The great themes of epistemology, scientific discovery, social reform, technology, and visual perception move with time, but not in lockstep. Consequently, much of our narrative is structured around key problems of a given time and the individuals—our graphic heroes—whose visual insight and innovations led to advances in data visualization and science.

### **What follows is a synopsis of the book.**

Chapter 1, “In the Beginning ...,” is an overview of the larger questions and themes that provide a context for the book. We consider the relations among numerical data and evidence for an argument and graphs, and then describe some of the prehistory of the visual representation of numbers and the early rise of visualization itself. The story continues to the rise of empirical thinking in philosophy and science around the sixteenth century and the concomitant remarkable development of the visual representation of numbers to communicate quantitative phenomena.

From there we explore a fundamental and difficult problem of the seventeenth century: the determination of longitude at sea. In Chapter 2, “The First Graph Got It Right,” we show how Michael Florent van Langren had the idea to make a graph of historical determinations of the longitude distance from Toledo to Rome, in what is arguably the first graph of statistical data.

In Chapter 3, “The Birth of Data,” we trace the role of data in the initial rise of graphical methods around the early 1800s. We focus attention on one important participant in this story: Andre´-Michel Guerry [1802–1866], who used an “avalanche of data” and graphical methods to help invent modern social science.

A short time later, analogous widespread data collection began in the United Kingdom, but this was in the context of social welfare, poverty, public health, and sanitation. In Chapter 4, “Vital Statistics,” we see two new heroes of data visualization, William Farr and John Snow, who worked independently trying to understand the causes of several epidemics of cholera and how the disease could be mitigated.

Chapter 5, “The Big Bang,” details how, at the beginning of the nineteenth century, nearly all the modern forms of data graphics—the pie chart, the line graph of a time series, and the bar chart—were invented. These key developments were all due to a wily Scot named William Playfair. He can rightly be called the father of modern graphical methods, and it is only a slight stretch to consider his contributions to be the Big Bang of data graphics.

Among all the modern forms of statistical graphics, the scatterplot may be considered the most versatile and generally useful invention in the entire history of statistical graphics. It is also notable because William Playfair didn’t invent it. Chapter 6, “The Origin and Development of the Scatterplot,” considers why Playfair was unable to think about such things, and it traces the invention of the scatterplot to the eminent astronomer John F. W. Herschel. Scatterplots achieved great importance in the work of Francis Galton [1822–1911] on the heritability of traits. Galton’s work, visualized through statistical diagrams, became the source of the statistical ideas of correlation and regression and thus most of modern statistical methods.

In the latter half of the nineteenth century, enthusiasm for graphical methods matured and a variety of developments in statistics, data collection and technology combined to produce a “perfect storm” for data graphics. The result was a qualitatively distinct period that produced works of unparalleled beauty and scope, the likes of which would be hard to duplicate today. In Chapter 7 we argue, as the chapter title implies, that this period deserves to be recognized as the “Golden Age of Statistical Graphics.”

Chapter 8, “Escaping Flatland,” discusses the challenges of using displays of data. Displays are necessarily produced on a two-dimensional surface— paper or screen. Yet these are often, misleading at worst or incomplete at best. The representation of multidimensional phenomena on a two-dimensional surface was, and remains, the greatest challenge of graphics. In this chapter we discuss and illustrate some of the approaches that were used to communicate multidimensional phenomena within the existing limitations.

Chapter 9, “Visualizing Time and Space,” explores two general topics in the recent history of data visualization. First, graphical methods have become increasingly dynamic and interactive, capable of showing changes over time by animation and going beyond a static image to one that a viewer can directly manipulate, zoom, or query. Second, the escape from flatland has continued, with a variety of new approaches to understanding data in ever higher dimensions.

Graphs are justly celebrated for their ability to accurately present phenomena in a compact way while simultaneously providing their context. If this were all that they did, their place in scientific history would be secure. But with suitable data and the right design, they can also convey emotion. Indeed, in some instances graphs provide an emotional impact that can be likened to that of poetry. In Chapter 10, “Graphs as Poetry,” we imagine a collaboration between the civil rights activist W. E. B. DuBois and the canonized graphic designer C. J. Minard to depict the Great Migration of 6 million African-Americans fleeing the racism and terror in the post-Confederacy South to the industrial North. The result of this gedanken collaboration provides a vivid example of how we can profit from studying the past to help solve the problems of the future. A final section, “Learning More,” lists additional resources for those who wish to explore a topic in greater depth.

This print edition necessarily omits some materials that enrich our stories but fell to the cutting-room floor. Moreover, publishing constraints limited the number of color images. To partially compensate, we

created an associated web site, <http://HistDataVis.datavis.ca>, containing all images in color, some of our more extended discussion, and biographical notes on some of our dramatis personae in this history. A happy consequence is that we can continue to keep this topic active with additional essays on related topics.

Thus, this book invites you to consider the history of data visualization from a larger perspective: a journey that began with the earliest visual inscriptions and progressed to social and scientific problems that could be understood in graphs and diagrams. Along this path, many innovations were forgotten or underappreciated, as Harry Truman noted in the opening quote. The following chapters highlight contributions that are imperative to the history of visual thinking and graphic communication. <>

## **ARISTOTLE ON PRESCRIPTION: DELIBERATION AND RULE-MAKING IN ARISTOTLE'S PRACTICAL PHILOSOPHY** by Francesca Alesse [Series: Philosophia Antiqua, Brill, 9789004385382]

The focus of **ARISTOTLE ON PRESCRIPTION** is Aristotle's reflections on rule-making. It is widely believed that Aristotle was only concerned with decision-making, understood as a deliberative process enabling a person to arrive at particular, contingent decisions. However, rule-making is fundamental to Aristotle's ethical texts. Establishing rules means indicating patterns for action that are sufficiently specific to meet situational difficulties and sufficiently constant in time to provide us with a code of behaviour to be used in similar situations. When we prescribe rules, we demonstrate the ability to direct not only our own life but also other people's lives. Alesse's book explores Aristotle's deep reflections on the nature and functions of prescription, and on the relationship between rules and individual decisions.

### **CONTENTS**

- Dedication
- Preface
- Acknowledgements
- Note to the Reader
- The Reasons for This Research
- Problems and Debates
- Deliberation and Prescription
- Prescriptive Reason and Practical Wisdom
- Prescription and Architectonic Order
- Conclusions
- Bibliography

The secondary literature on Aristotle's practical philosophy is massive. A great number of illuminating studies have been provided on practical reasoning, deliberation, choice *vel* decision, the so-called practical syllogism, as well as legislation and political authority. All of these are key notions in Aristotle's ethics and politics and somehow related to the concept of rule and the act of prescribing a particular action or a line of conduct. Besides, Aristotle's treatment of the modalities and causes of human

behaviour arguably implies the possibility of *codifying* types of action and establishing, to a certain extent, regular and constant rules of conduct. Human “movement” is a very special kind of animal movement, in that it is dominated by “practical calculation”, i.e. weighing several opportunities, evaluating situations and circumstances, imagining the future.

Nonetheless, the question of rule-making in Aristotle’s practical philosophy has not received the attention it deserves. It is widely believed that Aristotle was only concerned, at the most, with *decision-making*, meant as a general psychological process that enables man to arrive particular and contingent choices (or decisions). In my opinion, *rule-making* firmly underpins Aristotle’s ethical and political texts. Defining a rule means indicating a course of action to solve a practical problem and to get a clear aim. This course of action has to be both sufficiently specific to meet situational difficulties, and sufficiently general and constant over time to offer a code of behaviour to be used in similar situations. Furthermore, when we establish rules and prescribe them, we demonstrate the ability of directing not only our own life but also, more importantly, other people’s lives. In the latter case, we assume ends which are not of our immediate concern, in the same way that a doctor is concerned only with others’ health. My thesis is that Aristotle has deeply reflected on this problem, distinguishing rules and prescriptions from individual, episodic choices and decisions, and admitting a prescriptive reasoning which is formally equal to any syllogism, but substantially different from a scientific explication. Prescriptive reasoning does not aim at explaining a fact or an action, while revealing its final cause and agent’s intention; prescriptive reasoning is a special kind of reasoning which indicates the best thing to do (the most feasible, or the most honorable, depending either on the quality of the end for the sake of which an action is to be pursued, or on the circumstances).

Some recent scholars attribute to Aristotle the idea that action is mainly the result of experience and sensible understanding of every contingent situation. From such a standpoint, Aristotle would be a “particularist” philosopher. My aim is to show that Aristotle, on the contrary, has recognized the need for codifying practical rules which, although pertinent to instable and accidental reality, may be sufficiently constant over time. Aristotle is at least in part induced to think about the need for both stable and flexible rules by the celebrated criticisms Plato addresses to the “written law”, i.e. political law. But what characterizes Aristotle’s reflection about prescription is his enlarging the horizon of investigation. The prescriptive limits Plato recognizes to the written *nomos*—its generality with respect to different situations and human characters; its fixity with respect to changing circumstances—lead Aristotle to a total rethinking of the prescriptive issue in order to grasp its foundations in the conception of deliberate choice, the theory of reasoning, and that of the structure of human soul. My intention is precisely to bring to light that the premises of Aristotle’s notion of political and legislative prescription reside in some of the fundamental parts of his practical philosophy. At least two factors emerging from the inquiry seem to have confirmed my working hypothesis. First, the possibility that deliberation, which is a heuristic search for the means to an end and a kind of hypothetical reasoning, can be converted into a deduction, that is, into a syllogism. This syllogism may be defined as prescriptive because it is able to deduce a choice, or decision, from a premise expressing either a desired end or an agreed norm, so revealing in the conclusion the appropriate action to the end. Second, Aristotle admits that, although human action is caused by desire, it is possible to deliberate about the means to an end without the desire for that end being *in act*. Deliberating subjects may both (a) consider an end which is *not* object of their own actual desire as desirable by someone else or in given situations, thus

reasoning about the appropriate means to it and without coming to an action; and (b) consider a certain purpose for which it is necessary to deliberate, as an intermediate step to achieving a higher end. In both cases, deliberating subjects may prescribe for other people the performance of what they, and not those other people, have deliberated. This is the proper work of legislators when deliberating and prescribing particular rules of conduct for the sake of particular ends in various fields of social life. They do not actually desire those ends for the sake of which they prescribe. They desire *in act* just the ultimate end, the common good, and consider the ends for the sake of which they prescribe as the intermediate stages and instrumental conditions in view of the ultimate end. Prescription as guiding own and others' individual actions provides the model for rule-making at the level of society and political community. <>

## **IMAGINATION AND ART: EXPLORATIONS IN CONTEMPORARY THEORY** edited by Keith Moser and Ananta Ch. Sukla [Series: Value Inquiry Book Series, Philosophy and Religion, Brill, ISBN: 9789004435162]

This transdisciplinary project represents the most comprehensive study of imagination to date. The eclectic group of international scholars who comprise this volume propose bold and innovative theoretical frameworks for (re-)conceptualizing imagination in all of its divergent forms. **IMAGINATION AND ART: EXPLORATIONS IN CONTEMPORARY THEORY** explores the complex nuances, paradoxes, and aporias related to the plethora of artistic mediums in which the human imagination manifests itself. As a fundamental attribute of our species, which other organisms also seem to possess with varying degrees of sophistication, imagination is the very fabric of what it means to be human into which everything is woven. This edited collection demonstrates that imagination is the resin that binds human civilization together for better or worse.

### CONTENTS

Introduction

Part 1 Historical Imagination and Judgement

Chapter 1 Imagination and Art in Classical Greece and Rome Author: David Konstan

Chapter 2 Poetic Imagination and Cultural Memory in Greek History and Mythology Author: Claude Calame

Chapter 3 History, Imagination and the Narrative of Loss: Philosophical Questions about the Task of Historical Judgment Author: Allen Speight

Part 2 Gendered Imagination

Chapter 4 Imagining the Captive Amazon in Myth, Art, and History Author: Adrienne Mayor

Chapter 5 Gender and Imagination: A Feminist Analysis of Shahrnush Parsipur's Women Without Men Author: Reshmi Mukherjee

Part 3 Imagination and Ethics

Chapter 6 Psychoanalysis, Imagination, and Imaginative Resistance: A Genesis of the Post-Freudian World Author: Carol Steinberg Gould

Chapter 7 Craving Sameness, Accepting Difference: Imaginative Possibilities for Solidarity and Social Justice Author: Chandra Kavanagh

Chapter 8 The Importance of Imagination/Phantasia for the Moral Psychology of Virtue Ethics

Author: David Collins\*

Chapter 9 The Infanticidal Logic of Mimesis as Horizon of the Imaginable Author: A. Samuel Kimball

Chapter 10 The Relationship between Imagination and Christian Prayer Author: Michel Dion  
Part 4 Phenomenological and Epistemological Perspectives

Chapter 11 The Work Texts Do: Toward a Phenomenology of Imagining Imaginatively Author: Charles Altieri

Chapter 12 Conceiving and Imagining: Examples and Lessons Author: Jody Azzouni

Chapter 13 The Dance of Perception: The Rôle of the Imagination in Simone Weil's Early Epistemology Author: Warren Heiti

Chapter 14 One Imagination or Many? Or None? Author: Rob van Gerwen

Chapter 15 Nietzsche on Theatricality and Imagination Author: Roderick Nicholls

Part 5 Postmodern Perspectives

Chapter 16 Simulacral Imagination and the Nexus of Power in a Post-Marxist Universe Author: Keith Moser

Chapter 17 Jean-François Lyotard, the Radical Imagination, and the Aesthetic of the Differend Author: Victor E. Taylor

Chapter 18 The Possibility of a Productive Imagination in the Work of Deleuze and Guattari Author: Erik Bormanis

Part 6 Imagination in Scientific Modeling and Biosemiotics

Chapter 19 Of Predators and Prey: Imagination in Scientific Modeling Author: Fiora Salis

Chapter 20 Geometry and the Imagination Author: Justin Humphreys

Chapter 21 Art and Imagination: The Evolution of Meanings Author: Wendy Wheeler

Part 7 Aesthetic Perspectives

Chapter 22 Image, Image-Making, and Imagination Author: Dominic Gregory

Chapter 23 Depiction, Imagination, and Photography Author: Jiri Benovsky

Chapter 24 Imagination and Identification in Photography and Film Author: David Fenner

Chapter 25 Imagination in Musical Composition, Performance, and Listening: John Cage's

Blurring of Boundaries in Music and Life in "4'33" Author: Deborah Fillerup Weagel

Chapter 26 Kinesthetic Imagining and Dance Appreciation Author: Renee M. Conroy

Chapter 27 Imagination in Games: Formulation, Re-actualization and Gaining a World Author: Ton Kruse

Chapter 28 "'I AM not mad, most noble Festus.' No. But I Have Been": Possible Worlds Theory and the Complex, Imaginative Worlds of Sarban's The Sound of his Horn Author: Riyukta Raghunath

Part 8 Non-Western Perspectives

Chapter 29 The Deep Frivolity of Life: An Indian Aesthetic Phenomenology of Fun Author: Arindam Chakrabarti

Chapter 30 The Symbolic Force of Rocks in the Chinese Imagination Author: Yanping Gao

Chapter 31 Magic from the Repressed: Imagination and Memories in Contemporary Japanese Literary Narratives Author: Amy Lee

Chapter 32 The Metaphysics of Creativity: Imagination in Sufism, from the Qur'ān into Ibn al-'Arabī Author: Ali Hussain

Part 9 Artists Reflect on Imagination: An Imaginative Epilogue

Chapter 33 Free Thinking about Imagination: How Is It to Imagine What Imagination Is? Author: Marion Renaud

Chapter 34 The Nativity of Images Author: Ton Kruse

Chapter 35 Signal: Poetry and Imagination Author: Jesse Graves

Chapter 36 The Echo of Voices Author: Umar Timol

Chapter 37 Poem, Liberty Author: Louise Dupré

Chapter 38 Why to Wish for the Witch Author: Lisa Fay Coutley

Index

Building upon the renewed interest in the Philosophy of Imagination sparked by recent seminal works including *Models as Make-Believe: Imagination, Fiction and Scientific Representation* (2012), *The Cultural Imaginary of the Internet: Virtual Utopias and Dystopias* (2014), *Art and Imagination: A Study in the Philosophy of Mind* (2015), *Imagination and the Imaginary* (2015), *The Routledge Handbook of Philosophy of Imagination* (2016), and *Handbook of Imagination and Culture* (2017), this transdisciplinary project represents the most ambitious and comprehensive study of imagination to date. The eclectic group of international scholars who comprise this volume propose bold and innovative theoretical frameworks for (re-) conceptualizing imagination in all of its divergent forms. Moreover, as the title unequivocally implies, this collection explores the complex nuances, paradoxes, and aporias related to the plethora of artistic mediums in which the human imagination manifests itself.

As a fundamental attribute of our species, which other organisms also seem to possess with varying degrees of sophistication from a biosemiotic standpoint, imagination is the very fabric of what it means to be human into which everything is woven. Whether we like it or not, “Human beings are imaginers, we play games of make-believe, we enter into fictional worlds of stories.” In simple terms, “we are fundamentally imaginative beings” with a heightened biological predilection for recounting, disseminating, and perpetuating imaginative metanarratives that influence our way of being-in-the-world in addition to how our sense of Self is constituted. Given that the products of our imagination through which many of our quotidian experiences are filtered affect how we relate to others and the biosphere to which we are inextricably linked, the imagination is the resin that binds human civilization together for better or worse.

As evidenced throughout the volume, one of the many unique contributions of this book is its radical transdisciplinarity that epitomizes what Sydney Lévy refers to as an “ecology of knowledge” that strives to reconnect the disciplines in an effort to understand what is at stake in discussions revolving around the imagination more fully. Taking advantage of what Edgar Morin terms “ecologized thinking,” which is one of the basic tenets of his larger approach to engaging in philosophical inquiry that he labels “complex thought,” *Imagination and Art* weaves connections between different ways of knowing that cannot be contained within the narrow confines of one specific field. In this regard, the study of imagination is a quintessential interdisciplinary bifurcating in all directions that seemingly knows no bounds. For this reason, this collection unapologetically transgresses traditional disciplinary demarcations in an attempt to offer fresh new perspectives about imagination. From an interdisciplinary standpoint, a few of the novel frames of reference that stand out in comparison to the aforementioned previous investigations of imagination are reflections concerning the “gendered imagination” (a concept developed by researchers such as Belinda Leach, Deanna Smid, and Patricia Mohammed, see Chapters 4 and 5), the biosemiotic imagination (Chapter 21), the Sufi Imagination (Chapter 32), and Carol Gould’s insights into the highly charged notion of “imaginative resistance” inspired by Freud’s theory of repression (Chapter 6).

In addition to these theoretical strengths, *Imagination and Art* incorporates ecological considerations that are often overlooked (Chapters 5 and 21). Furthermore, this present exploration is the first academic

publication that directly gives a platform to contemporary artists in the final section “Artists Reflect on Imagination: An Imaginative Epilogue.” Given that novelists, poets, sculptors, musicians, painters and other kinds of artists appear to be endowed with the sharpest and most powerful imaginative attributes of all, this non-theoretical portion of the book could be described as a form of “imagination in action” that allows us to catch a glimpse of true artistry conceived by those “who are widely recognized as having special powers of imagination.” Nonetheless, this brief section is merely a point of departure for creating a dialogic space between researchers who study the imagination and artists who possess even more of it than the so-called average person. Other scholars from varied academic backgrounds are thus encouraged to continue to fill this significant research gap in the future.

Another especially noteworthy feature of this volume, which is underrepresented in the prior studies mentioned above, is its strong postmodern-avant-garde focus (Chapters 15–18) that is a crucial component for understanding how human identity is mediated, constructed, and renegotiated through imagination. Unfortunately, many forms of the social imaginary exploit our innate penchant for generating imaginative visions of the world and our relationship to it to the alarming point of creating what intercultural theorists like Amin Maalouf and Issa Asgarally term “les identités meurtrières” (deadly identities) linked to an incessant cycle of violence, xenophobia, persecution, and exploitation. However, David Collins, Michel Dion, Samuel Kimball, and Chandra Kavanagh demonstrate that the products of our imagination are in a constant state of evolution. As opposed to being static, our imaginary ideological structures, which the pioneer of the interdiscipline of Ecolinguistics Arran Stibbe calls the *stories-we-live-by*, can be modified over time and replaced with more beneficial discourses. Whereas it was once deemed acceptable by philosophers like Aristotle to terminate the life of an “abnormal child,” as Kimball highlights in “The Infanticidal Logic of Mimesis as Horizon of the Imaginable,” Kavanagh underscores how the social imaginary eventually paved the way for a more humane treatment of members of society who suffer from a given disability.

Given that postmodern thought incessantly implores us to “go back to the drawing board,” it represents an invaluable counter-hegemonic tool for *deconstructing* problematic discourses. Postmodern philosophers like Jacques Derrida, Jean-François Lyotard, Gilles Deleuze, and Félix Guattari realize that “[s]uch imaginaries both make possible social life and are themselves social entities carried in stories, myths, practices, visual representations, and institutional structures.” Moreover, many postmodern thinkers also recognize that only through imagination can we explore “the manifold of other possibilities.” Owing to its very nature that problematizes and challenges accepted boundaries, Derrida’s concept of *limitrophy* offers a concrete example of how postmodern theories can help to reshape the social imaginary. In *The Animal That Therefore I am*, Derrida proposes the following operational definition for his notion of limitrophy:

Limitrophy is therefore my subject. Not just because it will concern what sprouts or grows at the limit, around the limit, by maintaining the limit, but also what feeds the limit generates it, raises it, and complicates it. Everything I’ll say will consist, certainty not in effacing the limit, but in multiplying its figures, in complicating, thickening, delinearizing, folding, and dividing the line precisely by making it increase and multiply.

In this collection of posthumous lectures, which has become a seminal text in Environmental Ethics in addition to *The Beast and Sovereign* series, Derrida provides insights into how the moral community can

be expanded through the imaginative, moral exercise of limitrophy. In essence, “the imagination is a consequential steering mechanism in how humans make their own future realities. Imagining new aspects of oneself ... can lead to an expanded identity, new social relations, and changed sense of self.” By harnessing the veritable force of imagination, which allows us to envision new borders that are more inclusive, Derrida suggests that we will be able to extend the doctrine of moral considerability to more human and other-than-human “fellows” who have traditionally been left in the shadows.

Not only does the postmodern rethinking of imagination have much to contribute to the interdiscipline itself as a whole, but Baudrillard’s radical reworking of symbolic exchange in contemporary consumer republics (a term coined by the historian Lizabeth Cohen) is also a key source of inspiration for philosophical debates centered on what could be defined as the *simulacral imagination*. In a global landscape in which many of our imaginings are now mediated through a plethora of divergent screens, the question of how the Self is currently being reformulated and (re-) appropriated through technology is of the utmost importance. As I will more systematically outline soon in my succinct discussion of the major theories presented in the “Postmodern Perspectives” section, Baudrillard’s concepts of “hyperreality” and “integral reality” provide an intriguing lens from which to view the evolution of human imagination in both society and art in general.

On a final note concerning the originality of this project, the “Non-Western Perspectives” portion is intentionally designed to highlight important cultural differences in terms of how the social imaginary manifests itself in non-occidental civilizations around the world. In *The West and the Rest: Discourse and Power*, the cultural theorist Stuart Hall reminds us that the very notion of the West is a “short-hand generalization” with “no simple or single meaning.” For Hall, not only is the idea of Western society a social construct that reinforces hegemonic power structures, but it is also predicated upon a type of simplistic, reductionistic oppositional thinking pitting *Occidentalism* against *Orientalism*. As Edward Said theorizes in *Orientalism*, the West-Orient binary is emblematic of a “‘colonial discourse’- a discourse that presents the Orient as Other.” Even if the words “West” and “Western” are inherently problematic, which is a position that is difficult to refute, I am employing this terminology in the absence of better alternatives. Regardless of the imperfect phrasing that one finds to be the least flawed, Arindham Chakrabarti, Yangping Gao, Amy Lee, and Ali Hussain all note that there are legitimate differences related to how the social imaginary is constructed, shared, maintained, and renegotiated in Arabic, Indian, Chinese, and Japanese culture. Specifically, Amy Lee persuasively contends that there are unique cultural elements that are an integral part of the contemporary Japanese imagination which are usually relegated to the periphery (if mentioned at all) in academic publications with an evident Western bias. For this reason, this section is another example of how *Imagination and Art: Explorations in Contemporary Theory* deliberately broadens ongoing discussions about the imagination.

Owing to the wide-ranging nature of the theoretical frameworks presented in this volume representing many different philosophical, cultural, and artistic traditions, some of which are often ignored, these diverse viewpoints are sometimes conflicting. Nevertheless, even if exactly *how* we engage with art and what it means to inhabit the elaborate fictional (sometimes counter-factual-Chapter 28) worlds into which we breathe life remain contentious subjects that are open to debate, art does indeed appear to be a catalyst for stimulating the imagination. Hence, it could be argued that art has a major role to play for those who are in search of more beneficial *stories-to-live-by* connected to our stable sense of Self and our fragmented understanding of the world in which we live and die. According to the educational theorist

Maxine Greene and the American philosopher Richard Rorty, this is precisely why Imagination (or Imagination Studies) is such an essential interdisciplinary that should be a staple of numerous fields instead of being reduced to the “pariah of the philosophy of mind.”

In her promotion of the gradual evolution of the “social imagination” through the implementation of what she calls the “theater of the oppressed” into the classroom, Greene posits that the arts serve “as a catalyst for nudging learners toward a more relationally imaginative way of being-a being that is part of, not simply in, the world.” Greene also argues that “the arts have the potential to provoke, inspire, and, most of all, to move.” Greene’s vision of the imagination places the arts at the fore of social reformation, due to their ability to transform the reader, listener, spectator, or viewer by revealing other perspectives. Likewise, Rorty “claims that literature exposes us to many different types of people with different ways of being in the world and different points of view.” From a Derridean angle, Greene and Rorty maintain that the power of art is linked to the ethical imperative of limitrophy.

Although many theorists would undoubtedly take issue with the veracity of the claim that the imagination should be tapped into and honed for moral purposes in a systematic fashion through art leading to an expanded identity, all of the contributors to this present investigation strive to rehabilitate imagination and art in a bleak and unreceptive intellectual landscape. In spite of the fact that “[t]hese early years of the twenty-first century have witnessed a groundswell of philosophical interest in imagination,” far too many academicians still do not consider the study of imagination to be as vital as many other kinds of inquiry. As Charles Altieri explains in Chapter 11, the passionate call launched by David Norton for a “renewed vigor” connected to the importance of imagination as a valid discipline in 1968 has been answered, but much work remains to be done. Even when we are seemingly only “having fun” (see Chapter 29) or playing what appears to be a banal game (see Chapter 27), the products of our imagination should be taken seriously.

In addition to their staunch defense of the academic value of (re-) examining the imagination, this group of researchers is united by their non-reductionistic approach that transcends the pitfalls of binary logic. In response to the pervasive attitude that “imagination and ‘reason’ are adversaries,” this volume lauds “the polyphony of imagination” that cannot be appropriated in such a simplistic manner. As Rob van Gerwen underscores in Chapter 14, there are many different types of imagination that cannot be compartmentalized so easily into a dichotomous thought paradigm. Even though it would be difficult to advocate in favor of the position that all forms of imagination such as “‘exotic’ daydreams” are replete with philosophical merit, this does not mean that “imagination is (always) the mistress of falsehood and error.”

From a Derridean angle, the problem is the word “imagination” itself that represents a “false singular” in linguistic terms. Similar to how Derrida replaces the word “animal” with the neologism “animot” in *The Animal That Therefore I am* in order to combat “a sin against rigorous thinking,” the “general singular” “imagination” is perhaps too misleading to the point of obfuscating the multiplicity of human imaginings that can be strikingly different depending upon the precise context in question. Derrida’s justification for his new word “animot,” which would be pronounced identically in both the singular and plural forms in French (animot, animots), is clearly part of his larger project to weaken dominant anthropocentric discourses. Nevertheless, the overall concept of wanting “to have the plural ... heard in the singular” is still applicable to the present discussion of the potentially deceptive nature of the word “imagination” in

English and other languages. In this vein, it is worth debating whether one word suffices for accurately describing the wide array of situations in which the human imagination is active. As a result of this linguistic inadequacy, philosophers and other theorists from antiquity to the present have been forced to create meaningful distinctions between *phantasia*, *phantasma*, “productive imagination,” “reproductive imagination,” “transcendental imagination,” “synthetic imagination,” and “creative imagination.” Before having a genuine conversation about the role of the imagination, knowing what sort of imaginings to which someone is referring is a precondition.

Further compounding this confusion associated with the general singular, imagining is often conflated with other mental states like believing, supposing, and conceiving. Without succumbing to reductionistic explanations that do not properly represent the complexity of the relationship between imagination and other mental states, Neil Sinhababu maintains that it is possible in many instances to delineate a clear separation between imagination and belief. Sinhababu explains that imagining one is a superhero like Spiderman or a celebrity differs greatly from the delusion of actually believing it. Arguing along similar lines, Anna Ichino asserts, “imagining that you have won the lottery is not the same as believing that you have won.” As Jody Azzouni (Chapter 12) demonstrates in his nuanced reflection dedicated to the differences between conceiving and imagining (or the lack thereof), “conceivability and imagination ... are in a messy state.” Consequently, Azzouni and other scholars have no choice but to confront the previously mentioned nuances, paradoxes, and aporias directly in an effort to shed light on the thorny distinction between imagining and conceiving.

In addition to embracing the Morinian ideal of ecologized thinking-complex thought by refusing to gloss over the complex quandaries that inevitably rise to the surface in these kinds of discussions, many researchers in this volume also emphasize the epistemological value of certain types of imaginings. To be more precise, several scholars in this collection promote a form of disciplined imagination that leads to important insights about ourselves, others, and the universe. This defense of the epistemological virtues of imagination closely corresponds to Amy Kind’s concept of “imagination under constraints,” David Norton’s theory of the “‘empirical’ imagination,” the notion of “experience projection,” Lynn Holt’s concept of “rational imagination,” and the “gap-filling model” heavily influenced by David Hume. As Warren Heiti (Chapter 13) outlines in his analysis of Simone Weil’s early epistemology, many thinkers including Weil reach the conclusion that imagination is an indispensable pathway for knowledge acquisition.

Far from being “epistemologically insignificant,” many neuroscientists have now confirmed through empirical investigation that imagination is a “process of image making that resolves gaps arising from biological and cultural-historical constraints, and that enables ongoing time-space coordination necessary for thought and action.” When our imaginings are “clear and distinct” in Cartesian terms because they are supported by evidence, Hume’s hypothesis that it is through our imagination that we are able to fill in the missing puzzle pieces in order to create a more global vision of world and our relationship to it is validated. As I explore throughout my aptly named monograph *The Encyclopedic Philosophy of Michel Serres: Writing the Modern World and Anticipating the Future* (2016), Michel Serres also subscribes to this view of imagination. In particular, Serres affirms that honing our imagination is a philosophical exercise *par excellence*, for it enables us to envision probable outcomes based on the current trajectory of society. In fact, it is Serres’s uncanny ability to imagine that has cemented his legacy as a pioneer who

blazed the trail for those who followed in the field of Information Studies, Sensory Studies, and Environmental Ethics.

Jordan Ryan's analysis of the role that imagination plays in historical thinking reflects this same epistemological conviction that Serres espouses beginning with his first publication *Hermès: La Communication* in 1968. Deconstructing the naïve interpretation of history as merely an objective recounting of the "facts," Ryan declares,

What the historian infers constructively from the data is 'essentially imagined'... The imagination fills the gap between them. Imagination without evidence results not in history, but in historical fiction ... There is reciprocity here: the need for evidence places a check on the imagination, while imagination allows the historian to make inferences, discoveries and hypotheses beyond what the evidence directly provides.

In "Jesus at the Crossroads," Ryan clearly recognizes the academic value of a disciplined form of imagination that is fueled by evidence and sound logic. According to Ryan, the most objective reconstructions of past events are rendered possible by the imagination of a historian who is forced to speculate on the basis of proof in an attempt to remove as much bias as possible.

In the first section of the book, David Konstan, Claude Calame, and Allen Speight lend credence to Ryan's theories about the significance of imagination in historical thinking and judgement. Specifically, Speight and Calame pose essential historiographical and philosophical questions related to historical agency. Moreover, in Chapter 4, Mayor's interpretation of what evidence suggests concerning the courageous warrior women commonly referred to as Amazons in Greek Mythology is revealing on multiple levels. First of all, the case of the largely forgotten Amazons illustrates how the official historical master narrative, which becomes engrained in cultural myths linked to nation-building, is part of a larger collective memory that shapes a given society. In the social imaginary, it is often impossible to create a clear distinction between history and art. Furthermore, it is sometimes only through art that the contributions of disenfranchised moral and ethnic minorities become visible. In the biased historical imagination of those whose version of the story is usually disseminated to the masses, minority voices are stifled by a lack of historical consideration or interest. Even if the tales of the Amazons in Greek Mythology contain appalling misogynistic elements, these stories may be the only avenue for expanding the limits of traditional historiography in the absence of adequate documentation about these women-warriors.

The problem is that history has often been written and transmitted in the service of the *gendered imagination*. Explaining that male and female roles, stereotypes, and attitudes are socially constructed in every society through the social imaginary, Patricia Mohammed reveals, "there are no originary narratives without the archetypes of masculinity and femininity, there is no culture without gender and no gender without culture." As evidenced by the cult of the "founding fathers" in the United States for which there is no female equivalent whatsoever, many historical reconstructions need to be collectively (re)-imagined to include the accomplishments, exploits, and discoveries of women. In the Derridean sense, the historical metanarratives that are privileged over competing views tend to be *phallogocentric*. For this reason, Derrida champions a "reorientation of discourse, history and the tradition." The concept of the historical imagination is a useful theoretical tool, because it offers a viable path for multiplying the dimensions through which collective stories are recounted, shared, and preserved. Additionally, reflecting upon the importance of disciplined imagination linked to evidence opens up a

dialogic space in which historians, writers, painters, dancers, sculptors, etc. can create a more inclusive version of the metanarratives that are tied to our sense of collective identity and belonging. As opposed to protecting “tooth and nail one of our (cultural) affiliations” to the exclusion of other viewpoints, Serres beckons us to expand our sense of Self by complicating and multiplying the historical and cultural limits through our imagination.

All of the essays that constitute this volume, including those from the first two sections “Historical Imagination and Judgement” and “Gendered Imagination,” support the point of view that the study of imagination is an interdisciplinary. Instead of being just a subfield of the philosophy of mind, these thirty-two chapters beg us to ponder what does not fall within the purview of human imagination from an academic standpoint. Similar to how historians conceive reconstructions to connect the remaining dots (or fragments), it is a sense of imaginative wonder that seems to be at the heart of the thirst for knowledge in all disciplines. Although it may initially sound paradoxical, scientific explanations of the world derive inspiration from an empirical imagination that seeks possible answers to unexplained phenomena. In essence, “all scientific theories are works of the imagination” that generate “new insights into the familiar natural world.” In the context of Adam Smith’s theories about the scientific imagination, Robin Downey reiterates, “there are gaps in the scientist’s observations, which cause surprise and wonder.” In this regard, Fiora Salis (Chapter 19) explains how the scientific imagination operates leading to monumental breakthroughs by bridging these gaps.

Given that scientists have to rely on evidence in order to make logical hypotheses and inferences, Helen de Cruz and Johan de Smedt describe scientific inquiry as “structured imagination” linked to near and distant analogies. In his research related to the importance of imagination in scientific modelling in both physical and theoretical models, Adam Toon deconstructs “our commonsense view of science” concretized by the misperception that imagination is more of a hindrance, or even a stumbling block, than an indispensable tool for scientists. In *Models as Make-Believe: Imagination, Fiction and Scientific Representation*, Toon hypothesizes that a scientist who knows how to wield the power of a disciplined form of imagination is not that dissimilar from a literary scholar, philosopher, or writer. Adopting the *indirect fiction* view, which stipulates that fictional agents are indirect representations of the world, Toon contends that “scientists sometimes conjure up imagined systems, just as novelists conjure up fictional characters.”

Providing numerous examples to substantiate this claim, Toon observes that “[m]ost models are inaccurate (or incorrect or unrealistic) in some way.” Despite the unheralded discoveries of the twentieth and twenty-first century associated with the dawn of modern medicine, as systematically outlined by the historian Roy Porter in *The Greatest Benefit to Mankind: A Medical History of Humanity*, scale models, theoretical paradigms, and equations still represent the world indirectly. Even in the so-called “exact sciences,” the imagination is the driver of knowledge acquisition. Furthermore, Edward Grant compellingly posits that the “natural philosophers [who] began to use their imaginations in ways that had never been done before in any civilization or culture” in the late Middle Ages served as the initial impetus for the aforementioned unprecedented scientific findings that have radically altered the human condition compared to our not-so-distant human ancestors. The scientific inferences about the theory of atomism made by the pre-Socratic philosophers Leucippus and Democritus in antiquity through meticulous observation and documentation further strengthen Grant’s assertion. In both the

humanities and hard sciences, a type of constrained imagination informed by available evidence, experience, and observation is what results in novel ideas and discoveries.

In Chapter 20, Justin Humphreys highlights the pivotal role assumed by the imagination in another field that is usually considered to be part of the hard sciences: Geometry. Humphrey's discussion related to whether geometrical propositions are analytic or synthetic, which delves into the theories of Aristotle, Syrianus, and Proclus that are later revisited by Kant and Frege in the modern era, demonstrates the significance of the mathematical imagination in both Euclidian and Non-Euclidian geometry. Not only is "the central role of visualization and hence imagination in ancient geometry" overdue for more recognition, but "cultivating the power of imagination of the mathematician" is how mathematical innovation is fostered. According to Daniel Campos, who builds upon the theories of Charles Sanders Peirce, it is "imaginatively creating framing hypotheses" within "various systems of diagrammatic representation" that separates the most brilliant mathematical minds from the mediocre ones. Many people would not immediately associate either science or mathematics with imagination. However, Salis and Humphreys illustrate that the imagination abounds in scientific and mathematical reasoning.

Another interdisciplinary perspective that is noteworthy is the connections that Michel Dion weaves between Christian prayer and the imagination. Dion elucidates that it is imagination that enables believers to create communicational links between this world and the divine realm. On a basic level, faith is predicated upon the capacity to envision "a world different from the one we experience." In "Dream Hermeneutics: Bob Marley, Paul Ricœur and the Productive Imagination," Christopher J. Duncanson-Hales utilizes Ricœur's framework for understanding the "religious productive imagination" that undergirds various conceptions of the divine. As Michael Paul Gallagher notes, spiritual leaders and Christian thinkers have often warned believers of the alleged perils of letting the imagination run wild based on the conviction that we can easily be misled and deceived by our senses, thereby falling into the trap of hedonistic pleasures. In spite of the complicated and sometimes conflictual relationship between Christian ideology and imagination, there would be no "religious consciousness" at all without our imagination. From a Christian viewpoint, it is "a personal and prayerful encounter with Christ [that] creates a new imagination in us."

In addition to the scientific imagination, the mathematical imagination, and the religious productive imagination, another vantage point that stands out compared to earlier studies is Wendy Wheeler's investigation of the biosemiotic imagination. Even if *Homo sapiens* do appear to be endowed with heightened imaginative abilities, as we have clearly established, the main biosemiotic premise that "the essence of the entire life process is semiosis" helps to nuance problematic anthropocentric thought paradigms centered on binary logic. Whereas most mainstream biosemioticians agree that the human primary modeling device of language is the most sophisticated form of communication on this planet, this does not mean that other organisms are incapable of communicating at all. Deeply influenced by the founding father of Biosemiotics, the German biologist Jakob von Uexküll who he cites directly on numerous occasions, Derrida adopts the biosemiotic worldview that semiosis "is synonymous with life" in *The Animal That Therefore I am* and *The Beast and Sovereign* series. As Derrida declares, "Mark, gamma, trace, and différance refer differentially to all living things." Derrida further clarifies that all of the other sentient beings with whom we share this biosphere have been deemed "poor in the world" owing to their supposed lack of any semiotic faculties at all.

Appealing to scientific logic and recent findings related to the surprising complexity of non-human communication, Derrida disputes the idea that other species do not have “a self, imagination, [or] a relation to the future.” Derrida alludes to a growing body of evidence that unequivocally suggests that other organisms take advantage of their semiotic faculties in order to communicate purposefully and meaningfully and to predict future outcomes through imagination. Even if the human *Umwelt* is the most complex semiotic space of all, biosemioticians contest the notion that other species are totally deprived of communication and imagination. With the notable exception of Robert Mitchell’s essay “Can Animals Imagine?” from *The Routledge Handbook of Philosophy of Imagination*, this subject has rarely been broached by most scholars who explore the imagination. Since Mitchell only scratches the surface of this vast and inexhaustible subject without mentioning Biosemiotics, Wheeler’s study is one of the most original contributions to an area in which research is scant.

Moreover, in a recent paper entitled “Imagination and Event in Uexküll and Bazin,” Jonathan Wright appeals to the force of art arguing that it allows us to catch a glimpse of the complexity of communication and imagination in other-than-human societies. First, Wright reminds the reader that von Uexküll’s seminal work *A Foray Into the Worlds of Animals and Humans* begins by asking us to imagine the sophistication of the communication that transpires within other-than-human realms. Using André Bazin as an example, Wright speculates that the cinematic medium represents an ideal form of experience projection, in spite of its apparent limitations, for revisiting other-than-human imagination. In her essay “Animal Life in the Cinematic Umwelt,” Anat Pick also indicates that the moving image is capable of conceiving a fictional space that bridges the divide between human and animal worlds. Identifying films that “engage with interior animal worlds, rendered, as far as possible from the perspective of the creature itself,” Pick maintains that the viewer is struck by the biocentric realization that “animals too are active perceivers of the world” and imaginers. Wright and Pick’s theories are reminiscent of Serres’s experimental text *Yeux* (2014) in which he implores the reader to reflect upon what it means to see and to *be seen* by other sentient beings. Furthermore, this view of the transformative power of cinema recalls Rorty’s passion for literature that exposes us to different perspectives to the greatest extent possible. In the Anthropocene epoch, it is also a reminder that anthropocentric, *ecosuicidal* identities can be reconstituted and renegotiated through the social imaginary.

In the section “Postmodern Perspectives,” the aforementioned postmodern-avant-garde take on how the social imaginary is being reconstructed through technological advances is also highly relevant in the era of information. The plethora of digital tools that allow artists, marketers, politicians, and others to fabricate images that are strikingly realistic has revived classic debates related to the “tension between appearances and reality” for obvious reasons. Additionally, decades before the advent of the digital age, the French *new novel* and avant-garde movements irreverently pushed back against the artistic ideal of mimesis, taking aim at the traditional view in many literary circles that the ultimate goal of an artist is to transmit an image that is a faithful representation of reality within the limitations of the artistic space. In this vein, Roderick Nicholls (Chapter 15) discusses at the end of the preceding section “Phenomenological and Epistemological Perspectives” how avant-garde dramaturgs launched a subversive revolt against theatrical conventions including *la règle (les règles) de bienséance*. In an attempt to break out of the mold and to create plays that were more innovative and original, avant-garde playwrights like Alfred Jarry, Samuel Beckett, and Eugène Ionesco conceived imaginative works that are

“non-representational” in the traditional sense. When plays like *Ubu roi*, *La cantratrice chauve*, and *En attendant Godot* were originally performed, they sparked outrage, disbelief, and incomprehension. For playwrights who simply refused to play the game of mimetic representation, the standard tools for literary and theatrical analysis were woefully inadequate.

A salient feature of this “shift away from representational form” in Beckett’s theater is a provocative encounter with silence. Far from being mundane, the poignant silence that is ubiquitous throughout Beckett’s plays forces us to confront the absurdity of the human condition in the Camusian sense characterized by unavoidable anguish and death. As Dermot Moran explains in “Beckett and Philosophy,” “This stark Beckettian world cries out for philosophical interpretation.” In Chapter 25, Deborah Fillerup Weagel analyzes how the avant-garde musical composer John Cage’s famous “silent” piece “4’33” creates “an open space of possibility” through imagination that compels the listener to think harder about the essence of music. Similar to the overtly hostile reactions triggered by avant-garde theater, “its initial reception was characterised by puzzlement and irritation.” Given that it is impossible to reproduce a musical composition mimetically comprised of ambient sounds like the wind, coughing, whispering, fidgeting, laughing, and sneezing that will vary during each performance, Michel Remy asserts that “4’33” is non-representational. The fact that Cage was fascinated with silence to the point of spending time in an anechoic chamber at Harvard where he heard his heartbeat and the blood flowing through his veins is why his re-imagining of the omnipresent musicality of life should not be dismissed as a form of fancy. In a world in which complete silence is impossible, Cage argues that music is everywhere. The controversial composer also maintains that it is not as easy as we think to distinguish between music and noise. In his essay *Musique* (2011), Serres encourages us to reattune ourselves to the “musical” sounds of the world endlessly emanating from the chaotic, indiscriminate ecological forces that thrust us into existence starting with a *big bang*. Cage and Serres’s musical vision is indicative of a call to imagine designed to renew our severed connection with the biosphere in an age of globalization and urbanization. For Serres, this primordial musicality is a grim reminder that our “parasitic” relationship with the remainder of the cosmos is untenable.

In the face of “increasingly mediated reality where the object is losing in the competition with its simulation,” Cage tries to reduce or efface “the very gap between art and everyday life” in an effort to resist the “acute crisis of simulation” that is on the verge of eclipsing the real in Baudrillard’s radical *semiurgy*. For a few ephemeral moments, “4’33” attempts to peel back the thick layers of hyperreal artifice that have led to the “collapse ... of the real.” Many theorists would disagree vehemently with Baudrillard’s assertion in his later texts such as *The Intelligence of Evil* and *The Transparency of Evil* that “we are entering into a final phase of this enterprise of simulation” that he refers to as “integral reality” in which commercial simulacra have now substituted themselves for the real entirely. However, even if Baudrillard’s main point concerning our increasing inability to discern between reality and its representation in an atmosphere in which the modern subject is continuously bombarded by an avalanche of signs is perhaps overstated, it is hard to deny that realistically rendered images often stand in for the real in the social imaginary. Dominic Gregory (Chapter 22), Jiri Benovksy (Chapter 23), and David Fenner’s (Chapter 24) reflections related to image-making in photography and cinema support Baudrillard’s central arguments. Even if the “perfect crime” (i.e. the utter implosion of reality) has yet to be committed, the *simulacral imagination* is alive and well.

Lending credence to Baudrillard's affirmation that the real is often quite disconnected from the carefully manufactured images that transcend commonplace reality, thereby taking on a life of their own, Gregory, Benovksy, and Fenner deconstruct the naïve misperception that the camera is able to capture a moment in time in a perfectly objective manner. In defense of the alleged "neutrality of the camera," many people assert that the "camera does not lie." Given the myriad of tools that allow a contemporary artist to manipulate images to such an extent that they only bare a vague resemblance to the original, "there is no innocent eye of the photographer." Unable to "conserve reality itself," Benovksy highlights all of the artistic choices that a photographer or director makes that could be more accurately described as a "realistic deception" as opposed to a slice of reality.

Even when images are not distorted beyond recognition by software programs like Adobe Photoshop, the person behind the camera controls the lighting through aperture and shutter speed settings in addition to choosing her or his preferred angles. In his landmark essay *The Stars* (1957), Edgar Morin reveals, "To all of the artifices of makeup and plastic surgery are added those of photography. The cameraman must always control the angles of his shots ... must always eliminate every infraction of beauty from his field of vision. Projectors redistribute light and shadow over the stars' faces according to the same ideal requirements." Baudrillard and Morin explain how the digital filters that enable photographers and filmmakers to remove perceived corporal imperfections generate an idealistic vision of human sexuality that is grounded in hyperreality corresponding to a "code of beauty" linked to the incessant acquisition of cosmetic products. The endless transmission of deceptive, "seductive" simulacra denoting "perfect happiness" and beauty that are within reach for all "citizen consumers" debunks the supposed neutrality of the camera. In this regard, the concept of the *simulacral imagination* demonstrates that realistically rendered images are far from being a reliable representation of reality.

Even when there is no evident commercial agenda behind the deluge of simulations that concretize the human experience in the age of information, common sense reminds us that people always pose for the camera in certain ways. For instance, social conventions dictate that we smile when being photographed in most situations. Even during the most tragic periods of our lives, we usually play society's game by displaying "characteristic signs of happiness" in front of the camera. Furthermore, nearly everyone knows someone who constantly projected signs of happiness through contrived photographs and videos on social media networks like Facebook before later revealing their profound malaise and anguish that were antithetical to these utopian images. These common examples support Baudrillard's position that the timeless search for happiness and fulfillment has been appropriated and commodified by the *simulacral imagination*, or the skillful imposition of image-based (hyper-) reality representing symbolic fantasies that supersede the real.

Even theorists who do not subscribe to Baudrillard's dystopian rethinking of symbolic exchange, which he maintains is the most powerful form of social control ever conceived (see Chapter 16), underscore how "new technologies are intervening in the core mechanics of identity formation." In simple terms, "our material existence is being reformulated through imagination" in virtual realms that enable us to explore new ways of being in the world and relating to others. In Chapter 27, Ton Kruse attempts to shed light on the importance of the all-encompassing fictional worlds in which millions of people dwell when they play video games for countless hours. Kruse's reflection also reminds us that video games are the most commercially successful art form of the twenty-first century. Specifically, he probes the

complicated relationship between these virtual universes in which some individuals are immersed during nearly every waking moment and external reality.

Regardless of whether one accepts or rejects the theory of hyperreality, people all around the planet are undoubtedly renegotiating their sense of Self through cultural technologies. The force of what Alberto Romele refers to as “emagination” has expanded our identity in unprecedented ways. For avid video gamers, an avatar is an extension of the human body permitting us to redefine the parameters of our inner self in a non-Euclidian space. In a recent interview with Hans Ulrich Obrist, Serres argues, “inside the space that is the Internet there exists a law that has nothing to do with the law that organizes the space we previously lived in.” According to Serres, living in a different space changes everything entirely. Additionally, Serres identifies virtual technology as one of the greatest forms of exo-Darwinian ingenuity that our species has ever created. As Alan Schrift notes, Serres contends that the process of exo-Darwinian evolution, which now allows us to control certain aspects of our evolutionary destiny, began with the invention of the first tools by our human ancestors. An avatar is an example of a highly-sophisticated type of exo-Darwinian innovation that extends human capabilities. Millions of gamers are redefining what it means to be human in simulated worlds experienced in real time that transform “our possible selves into real selves” in another space that is governed by different laws and constraints. It is once again the artistic imagination mediated through technological devices that is leading the way for this social transformation.

In Chapter 26, Renee Conroy’s reflections about kinesthetic imagination and dance appreciation illustrate that art-world games of make-believe have always been a lens through which we can (re-) envision aspects of our inner selves that are often overlooked in addition to probing new possibilities well before the birth of the digital age. It is important to note that cultural artefacts like avatars are an extension of human corporality as opposed to being a replacement for it. Without the entire body and the information that our brain interprets through our senses, there would be no imagination of which to speak at all. For this reason, researchers in the fields of Theater and Performance Studies and Sensory Studies posit that “the knowing body” is a conduit for knowledge acquisition that is connected to our stable sense of Self. As Ana Deligiannis theorizes, “the body and imagination operate as pathways of knowledge through the use of movement as active imagination.” Instead of being mistrustful of our sensorial faculties, the concept of the “somatic imagination” implores us to hone our senses to their full potential.

Numerous Serres scholars including Ian Tucker, William Paulson, and Nicholas Chare have observed that the *somatic imagination* takes the shape of a “sensual journey” in the philosopher’s diverse *œuvre* that urges us to “feel, touch, taste, and see the world.” For Serres, “the somatic encounter with a turbulent, physical world” is a philosophical exercise linked to the process of knowledge formation. In his groundbreaking essay *The Five Senses*, which has become a seminal text in Sensory Studies, Serres provocatively poses the following question: “What if philosophy came to us from the senses?” In *Variations on the Body*, published seventeen years after *The Five Senses*, he further develops his theories connected to the *somatic imagination*. After thanking his physical education teachers and athletic coaches for helping him learn how to sharpen his sensorial faculties in his youth, Serres declares, “The origin of knowledge resides in the body ... We don’t know anyone or anything until the body takes on its form, its appearance, its movement, its *habitus*, until the body joins in a dance with its demeanor.” Although Serres is evidently being lyrical, this section of the book is one of the

many passages in which he pinpoints dancers, mimes, clowns, and artisans as artists who know how to train their body and mind. Rejecting mind-body dualism, Serres promotes dancing as an art form that is laden with philosophical value due to our “embodied condition.” Similarly, Conroy’s essay encourages us to take dance seriously as a type of *somatic imagination* that warrants more attention in academic circles.

As briefly mentioned earlier, the final theoretical section of the volume reflects the kind of ecologized thinking for which Morin advocates by expanding the conversation to include non-Western perspectives regarding various kinds of imagination. Similar to how scholars have only scratched the surface of the notion of the *somatic imagination*, Arindham Chakrabarti, Yangping Gao, Amy Lee, and Ali Hussain explore fundamental differences related to how the social imaginary is (re-) created, shared, preserved, and continually reconstructed in Arabic, Indian, Chinese, and Japanese culture through art. In spite of his aforementioned efforts to nuance the dominant metanarratives linked to the *gendered imagination*, which he convincingly claims are too *phallogentric*, Derrida ignited a polemical controversy during a visit to China in 2001. Much to the bewilderment of a stunned audience, Derrida declared, “China does not have any philosophy ... only thought.” As a maverick philosopher who spearheaded the fight against ethnocentrism and logocentrism for decades, it is debatable exactly what Derrida meant by this surprising statement. Nonetheless, as Sean Meighoo highlights, it is possible that even Derrida could not rid himself of Western bias completely.

In *Taking Back Philosophy: A Multicultural Manifesto*, Bryan van Norden argues that “philosophical ideas from outside this [Western] tradition are largely undervalued or overlooked, if not outright ignored.” Although several influential academic studies have generated a renewed interest in imagination in the twenty-first century, this eurocentrism is evident in many of these recent projects as well. Consequently, the final portion of this book is merely a starting point for highlighting the contributions of other philosophical and artistic traditions to the study of imagination. In Chapter 30, Yangping Gao explains how the deep respect that many Chinese people have for stones and rocks finds its origins in Daoist philosophy. As opposed to being indicative of a type of meaningless reverie, Gao contends that “ecological imaginings” in traditional Chinese culture, including the imagination of rocks, reflect a coherent biocentric worldview. Defending the richness of Chinese spiritual and philosophical paradigms, Gao demonstrates that the reverence for rocks in Chinese society is a metonymical reflection of what Gaston Bachelard referred to as the “imagination of matter” that deserves more critical attention.

In her investigation of contemporary Japanese literary narratives written by three authors representing vastly different genres and writing styles, Amy Lee also underscores the singularity of the Japanese imagination. Lee explains that Japanese products of the imagination are epitomized by a fusion of ancient and modern customs that is unique to this island nation. Compared to other civilizations in which only a few faint traces of ancient traditions remain, Lee maintains that the artistic imagination is one of the main counter-hegemonic tools for resisting what the Indian theorist Vandana Shiva terms “monocultures of the mind.” Counterpointing “the distant gaze of the globalising dominant system” and the alleged universality of Western values with a hybrid mix of the ancient and modern, Japanese artists struggle to fend off the nefarious effects of cultural imperialism.

In his essay examining the concept of “fun” itself in Indian aesthetics, Arindam Chakrabarti also notes the pervasive influence of American-style globalization that has been exported to all corners of the planet. As a testament to how this monolithic model has encroached upon all facets of traditional

cultures, Chakrabarti laments how American forms of entertainment dominate the contemporary global landscape. Building upon the theories that Neil Postman develops in *Amusing Ourselves to Death*, Chakrabarti discusses the impact of what Morin refers to as “a monoculture subjected to the hazards of the global market” characterized by the omnipresent entertainment industry. This vision of what constitutes “fun” “is blind to the cultural riches of archaic societies” whose social imaginary is being withered away by hegemonic, monocultural forces.

Chapter 32 represents a different kind of intellectual myopia that has traditionally prevented any sort of meaningful dialogue concerning the similarities and differences between the Christian and Muslim imagination. Given that “language and religion have been the central instrument in the emergence and identity of a culture,” several researchers such as Alamghir Hashmi, James Morris, and Faisal Devji have started to fill this research gap that is a byproduct of eurocentrism. Just as certain core beliefs have shaped and sustained the collective imagination of the Christian community around the world, Hussain elucidates how the main tenets of Islam are closely tied to the (re-) construction of the social imaginary in Muslim societies. Additionally, Hussain’s explanation of the essential role that imagination plays in Sufism reveals noteworthy distinctions between this mystical branch of Islam and other schools of Muslim thought.

In summary, the diversity of the forms of imagination outlined throughout this transdisciplinary collection suggests that the study of imagination has a very promising future within academia as a whole. Regardless of the theoretical approaches for investigating the imagination that a given scholar prefers, **IMAGINATION AND ART: EXPLORATIONS IN CONTEMPORARY THEORY** has demonstrated that this inexhaustible field of inquiry is a serious academic venture that should take center stage instead of hiding in the shadows. Moreover, the concept of the social imaginary reminds us that when the world in which we live becomes increasingly problematic to the point of falling prey to “deadly identities” that denigrate the Other or destroy the planet that we call home, it is time to *imagine* new possibilities. As Richard Rorty and Maxine Greene assert, the values that undergird human civilizations are not written in stone for all of eternity. In the face of far-right nationalism, xenophobia, obscurantism, and overt racism that have once again infiltrated the political imaginary in the United States and abroad, it is worth remembering that our collective sense of Self can be reconstituted in a more positive way. Furthermore, it is often through art that the *stories-we-live-by* are modified leading to an expanded identity. In the words of the iconic British singer-songwriter John Lennon, our ability to evolve as a society is largely determined by our capacity to *imagine* the world of tomorrow and to attempt to realize it. Given that we are imaginative beings, Rorty asserts that “the only source of redemption is the human imagination.” He concludes “that this fact should occasion pride rather than despair.” By virtue of our imagination, we truly hold the key to our own future. The only question is: which door will we choose to unlock in the coming years? <>

## Essay: The Metaphysics of Creativity: Imagination in Sufism, from the Qur’ān into Ibn al-‘Arabī by Ali Hussain

And not an ordinary Arab, someone who is a poet ... is needed to understand that writing [of Ibn al-‘Arabī]. SHAYKH HISHĀM QABBĀNĪ

## Introduction

In his survey of Islamic theology, *Theologie Und Gesellschaft*, Joseph Van Ess offers the following remarks on the condition of the Muslim community after the passing of the prophet Muhammad: “One had to realize that the prophetic event had ended; of the Word, only the writing remains.” Indeed, the ensuing chapters in that work – and countless others – that highlight the myriad of theological schools and sects with dissenting differences that emerged within the Muslim community, after this “prophetic event,” appear to support the proposition that only the “writing remains” of the Word that had been revealed to the Prophet.

And yet, for all the tremendous dissonance in dogma and pragma that had overwhelmed this nascent community of faith, the various groups who considered themselves “Muslims” still managed to find within the contours of the Word that had been revealed to the Prophet traces of that divine spark beyond the writing. Sometimes, this resurrection of the original prophetic state appeared as a common bond that united members of a sect, while other times it was used to marginalize entire peoples outside the fold of Islam.

Either way, the assessment offered in *Theologie Und Gesellschaft* seems to reflect only a partial reality of a religion that continues to survive fourteen centuries after its birth. A more recent survey on Islamic thought and practice, Shahab Ahmed’s *What is Islam? The Importance of Being Islamic* – which might be considered a much-needed reformulation of the antiquated opinions voiced by Van Ess and others – focuses on this perplexing force that seems to tie the lives of countless Muslims together despite their differences in language, culture and contentious understandings of their faith.

Ahmed’s solution is to focus less on the difference in beliefs and practices and more on the shared principles that sustain them in the collective imagination of the community. The author presents the Pre-Text, Text and Con-Text as key operators that account for the diversity of Muslims living in the “Balkans to Bengal complex.” Ahmed describes the first of these concepts, the Pre-Text, as that which is “ontologically and alethically prior to the Text and is that upon which the Truth of the Text is contingent.” Simply put, the Pre-Text is the “Unseen” spiritual realm, while the Text, at least in this excerpt, seems to refer solely to the Qur’ān as the scripture recited and experienced by Muslims.

However, such a limited designation of the Text quickly dissipates as one reads Ahmed’s entire magnum opus. Muslim philosophers, for instance, do not perceive the Qur’ān as a necessary medium with which intelligent seekers need to engage in order to interact with the Pre-Text. Rather, the latter should simply refer to the writings of philosophers for this knowledge. On the other hand, for Sufis, the Qur’ān is but one of many texts that can channel the PreText into the sphere of belief and social practice. Perhaps the most poignant example of this is the celebrated compendium of poetry, the *Mathnawī*, by Jalāl al-Dīn Rūmī (d. 1273), which was – and still is – regarded by many Sufi devotees as the “Qur’ān in Persian.” In this regard, it is the Con-Text, or “the body of meaning that is the product and outcome of previous hermeneutical engagement with Revelation,” which decides which texts predominate as channels to access the Pre-Text in a given society or culture.

These three constructs together allow Ahmed to present Islam not as a static object of analysis, but as the very idiom or language through which “people express themselves so as to communicate meaningfully.” More than that, the author posits that Islam is “the reality of the experience itself,” not

only the “means by which an experience is given meaning.” This creative rendering of Islam as a movement to produce meaning, and meaning itself, pays homage to the name of the religion, which means – among many things – “to submit” and, thus, affirms an inward journey towards God, who is the ultimate meaning for believers.

In “Imaging Islam: Intellect and Imagination in Islamic Philosophy, Poetry and Painting,” James Morris highlights how Muslim philosophers and mystics have performed Ahmed’s rendition of Islam precisely through novel engagements with scripture (Text), in order to channel the Pre-Text into their ConText, using unique cultural and historical constructs. One of these figures, the celebrated Shaykh al-Akbar (Greatest Master) Muhyi al-Din Ibn al-`Arabi (d. 1240), Morris tells us, left us with a heritage that is “so profoundly rooted in both the letter and the deepest spirit of the Qur’ān.” Beyond this, it is also Ibn al-`Arabi’s ability to communicate this “deepest spirit of the Qur’ān” not only to religious scholars, but also “secular interpreters, poets, teachers, and translators,” some eight centuries after his passing that makes him truly unique. This is corroborated by the quote in the epigraph, attributed to the contemporary Sufi guide, Shaykh Hisham Kabbani, who emphasizes the poetic spirit needed to understand the Greatest Master’s writings.

A preliminary reading of Ibn al-`Arabi’s works does not help explain this unique dissemination among a diverse audience. On the contrary, his magnum opus, *al-Futūhāt al-Makkiyya* (Meccan Openings) and second most-important work, *Fuhūh al-hikam* (Bezels of Wisdom), both contain as many – if not more – convoluted discourses on dialectical theology and metaphysics as can be found in many classical tomes of Islamic thought. If readers are not deterred by this specialized terminology, then they might very well be dissuaded by the countless controversial excerpts wherein he contravenes normative Islamic orthodoxy and scholarly consensus.

In order to partially explain this attraction to Ibn al-`Arabi and his writings by scholars and artists alike, I suggest we return to Ahmed’s definition of Islam, as the “means through which an experience is given meaning.” It is the very language and rhetorical style which the Greatest Master uses to express his own journey that, I posit, continues to attract readers today, in addition to the novel ideas in his works. In this regard, Ibn al-`Arabi brilliantly conveys a subtle trait prevalent in many Sufi writings: the mystical experience is inseparable from the very language used to describe it.

In the ensuing paragraphs, we will attempt to decipher this creative rhetorical style by analyzing selections from the *Meccan Openings* and *Bezels of Wisdom*. Our focus will be on those discussions pertaining to *khayāl* (imagination) and how the author travels, semantically and spiritually, back and forth from language to meaning, and from body to spirit. Our journey will begin with the prophet Muhammad and then delve into the significance of `Īsā b. Maryam (Jesus son of Mary), as an archetype of divine creativity and imagination. Thenceforth, we will conclude by synthesizing Ibn al-`Arabi’s portrayals of Muhammad, Jesus and *khayāl* (imagination), with some final remarks on the significance of this discourse on our understanding of human creativity and art.

As will become evident, for Ibn al-`Arabi, *hālam al-khayāl* (the realm of imagination) is one where dense bodies are spiritualized and subtle spirits are embodied. Alternatively, it is a realm that resides at the *barzakh* (interstice), between the physical residence of bodies and spiritual abode of spirits. In this sense, imagination for Ibn al-`Arabi is what connects Ahmed’s Pre-Text to both the Text and Con-Text. It is

the very process of rendering what is ineffable and beyond language in the various mediums of human expression.

It is from this perspective also that art emerges in Ibn al-`Arabi's thought as any attempt by humans – and perhaps any other created being – to reside in the imaginal realm and travel back and forth between the Pre-Text of creative divine inspiration and the Con-Text of art in all its forms. More importantly, from this perspective, scripture emerges not entirely separate from human art, but rather the ideal archetype for eloquence and sacred creativity. Simply, the Word in Ibn al-`Arabi's thought is a blueprint for all human artistry.

### Akbarian Muhammadology

If there is such a body of knowledge in Christianity known as Christology, or “the part of theology, concerned with the body and work of Jesus,” then a similar designation of “Muhammadology” should also be used to describe the overarching narrative of Ibn al-`Arabi's metaphysics, and many other Sufi mystics for that matter.

One cannot overemphasize the centrality of the prophet Muhammad to the entire structure of Ibn al-`Arabi's thought. Consider what he says in the Meccan Openings regarding the Prophet's cosmological primacy: “What honor is greater than that of Muhammad, for he was the beginning of this circle [of existence], he is connected to its end and its completion is through him. In this way, through him things began and through him they are perfected.”

A similar sentiment can also be found in the Bezels of Wisdom, wherein the author references the title of the chapter devoted to Muhammad, “The Bezel of a Singular Wisdom in a Muhammadan Word”: “His wisdom is singular because he is the most perfect being in this human species. This is why the affair began with him and, as such, it is also sealed.”

The cornerstone of this superiority, which Ibn al-`Arabi alludes to in these excerpts, is that the Prophet is both the first creation and spring for the rest of creation. Here, the Andalusian mystic is relying upon a well-known hadith (prophetic narration) where the Prophet is asked by one of his companions about God's first creative act, to which the former responds: “The first thing that God created is the light of your Prophet.” From this perspective, it is the spirit or essence of Muhammad that is perceived as the first creation, not his physical body.

And it is this essence-beyond-form of the Prophet that became known as al-haqiqa al-muhammadiyya (Muhammadan Reality) among Muslim mystics, most notably Ibn al-`Arabi. Returning to the reference to Christology, one might say that the Muhammadan Reality plays a similar – central – role in Muhammadology as the Logos does in Christian theology. As Ibn al-`Arabi proposes in the excerpts above, the cosmogenic importance of the Prophet is not simply a matter of sequence, but that his essence and spirit are also the very fabric of creation. In this grand cosmic theater of sacred history, Muhammad is simultaneously the stage, actors, props and audience. He fulfills and unfolds the direction and production of the creative divine will.

And truly, it would not be a farfetched analogy to portray the mystic's perception of creation in its entirety as theater; a fortunate happenstance considering the focus of this volume on “art and imagination.” For alongside the hadith of the original creation, there is another narration, also central to

Sufi thought, known as the “hadīth of the hidden treasure.” In this instance, the prophet Muhammad is not the speaker, but God himself who explains the original spark of life in the universe: “I was a hidden treasure, and I loved to be known. Therefore, I created creation so that I may be known by them.”

These two narrations harmonize with one another in the Sufi cosmology to which Ibn al-`Arabī adheres. In combination with Ahmed’s definition of Islam as the “means to experience meaning,” we can deduce that if the initial divine motivation for creating is love, then the light of the Prophet, al-haqīqa al-muhammadiyya, is not only that original object of love, but divine amour itself. Likewise, if the consequence of God acting upon his love is that his creation will come to know him, then the Muhammadan Reality is not only knowledge of God, but the very process of knowing him as well.

As stated previously, this primary role granted to the spiritual reality of the Prophet Muhammad in Ibn al-`Arabī’s Sufi metaphysics presents al-haqīqa almuhammadiyya in a similar light as the Logos in Christology. As the “divine reason implicit in the cosmos, ordering it and giving it form and meaning,” the Sufi Logos is perceived as being identical with the Prophet’s essence, at least in Ibn al-`Arabī’s thought. The latter explicitly states in the Meccan Openings that al-haqīqa al-muhammadiyya is the “[divine] creative object ... and the First Intellect for others. It is also the Higher Pen which God created from nothing.”

This allows us to transition to another aspect of Sufi Muhammadology, pertaining to the intimate relationship between the Prophet and the Qurhān. This is a necessary step in order to venture into Christ’s metaphysical significance in Ibn al-`Arabī’s thought, as a symbol of divine creativity and imagination. If identifying the Prophet’s essence with the Logos presents his spiritual reality as the creative force that animates the entire cosmos, then establishing a connection between him and the Qur’ān will situate him as the particular archetypal spring for all prophetic figures, including Jesus.

For Ibn al-`Arabī, the quintessential narration that establishes this connection is one attributed to the Prophet’s wife `Ā’isha, who was asked about his character after his passing. According to varying narrations, she is reported to have either said that “his character was the Qur’ān” or “he was a walking Qur’ān.” This allows the Andalusian mystic to deduce that:

She said this because he is most singular among all creation. Such a unique creation must encompass the best of manners. Moreover, God has described this character with “greatness.” He also described the Qur’ān as “great.” This is why the Qur’ān is his character.

Thus, whoever wanted to see the Messenger from among his community who did not live during his time, then let them look at the Qur’ān. There is no difference between looking at it and gazing at the Messenger of God. It is as if the Qur’ān has been molded into a human form named Muhammad.

Moreover, the Qur’ān is divine speech and God’s attribute. In turn, Muhammad is the attribute of the Real (God), in his entirety.

The Andalusian mystic extends the identification found in this narration, of the recited Qur’ān with the physical – or historical – persona of the Prophet, to the transcendent and timeless divine speech (Logos), in turn presenting the provocative image of the Prophet as a divine attribute.

The key to deciphering the connection between the Prophet and the Qur’ān, on the one hand, and between him and other prophetic figures, on the other hand, resides in Ibn al-`Arabī’s second most important work, the Bezels of Wisdom. Specifically, it is the organization of this monograph that

provides a glimpse into the author's vision of *nubuwwa* (prophethood). In contrast to the *Meccan Openings*, an encyclopedic work with a rather enigmatic structure, the *Bezels* is neatly categorized according to names of divine prophets and messengers.

The 27 chapters in this book follow, rather loosely, the order of prophets found in Islamic sacred history, with the first focusing on Adam and last on Muhammad. With that in mind, Ibn al-`Arabi creatively departs from this historical sequence in order to augment the nuances of his mystical vision. For instance, although Jesus immediately precedes Muhammad in Islamic prophetology, that is not the case in the *Bezels*. On the contrary, the author has chosen an enigmatic figure named Khālid as the placeholder for this penultimate phase, prior to the coming of the prophet of Islam.

Despite these differences, we can still surmise the contours of the vision that motivates the entire work. We begin with imagery that undergirds the title of the book itself, *Bezels of Wisdom*. Ibn al-`Arabi's mastery of the Arabic language and his ability to decipher connections between homophones (similar sounding words), using his own creative etymology, appears clearly in this instance. For it is the relationship between *al-khātām* (ring) and *khātim* (seal) that animates the entire spirit of the *Bezels*: just as the Prophet Muhammad is *khātim al-anbiyāh* (seal of prophets), he is also the *khātām* (ring) on the hand of God, who encompasses the prophetic bezels of all different shapes and sizes, from Adam to Jesus.

This should not be surprising, considering that the Andalusian mystic also regards the spiritual reality of the Prophet, *al-haqīqa al-muhammadiyya*, to be the Logos, the original created being and means through which the cosmos continues to unfold, which includes other prophets and messengers. However, what Ibn al-`Arabi is implicitly presenting in the *Bezels* is a much deeper and more significant idea, that just as the recited Qur'ān was revealed in stages (23 years), so was the walking Qur'ān, Prophet Muhammad, also "revealed" in phases, according to the gradual historical appearance of those prophets and messengers mentioned in the *Bezels*.

What supports this hypothesis are the individual chapter titles in this work that focus on a single theme (e.g. prophethood, spirituality, light), whereas the culminating section, focusing on Muhammad, designates "singularity" as the unique attribute fit solely for the prophet of Islam. This presents us with a truly remarkable reworking of Islamic prophetology. From this perspective, the appearance of prophets are not discrete events, but rather the gradual emergence of a single being, the Prophet Muhammad, also known in Sufism as *al-insān al-kāmil* (perfect human), in stages.

And so, the appearance of the first prophet, Adam, whom Ibn al-`Arabi associates with the perfection of the human form, can also be described as the manifestation of the prophet Muhammad's own bodily perfection. Inversely, one can say that the human form of the Prophet is simply called "Adam." Likewise, the appearance of Jesus, whose unique physiology and birth is the author's main concern, can be viewed as the manifestation of the Prophet as Logos, as the *haqīqa muhammadiyya* in its entirety.

Indeed, it is for this very reason that `Īsā b. Maryam (Jesus son of Mary) may be considered the most quintessential – penultimate – stage in the revelation of the walking Qur'ān, Muhammad. This is because the former contains all those aspects that appeared before him, through previous prophets, with the addition of this last and most necessary dimension: the embodiment of the Word.

## Akbarian Christology, Creativity and Imagination

There are several concepts pertaining to Christ's image in Ibn al-`Arabi's writings which we must first consider prior to venturing into the presence of creativity and imagination in his thought, eventually returning to the Muhammadan Reality as the metaphysical thread that ties this entire apparatus together.

As expected, the Andalusian mystic's foundation in exploring the figure of Jesus is thoroughly Qur'anic. He focuses on the three scriptural descriptions of Christ as: "Messenger of God, His Word that He cast to Mary and a spirit from Him." Our concern in the ensuing paragraphs will be the son of Mary's status as kalimatu Allāh (Word of God) and a rūhun minh (spirit from Him).

We begin with an excerpt from the Meccan Openings where the author discusses Jesus as the kalima (Word of God). His focus here is to situate this single Word within God's other – countless – Words, kalimātu Allāh (plural form):

And He said regarding Jesus peace be upon him that he is: "His Word which He sent to Mary" and He also said about her: "she believed in the kalimāt (Words) of her lord" and they [these Words] are nothing other than Jesus. He made him as Words [plural] for her because he is abundant from the perspective of his outward and inward composition. Thus, every part of him is a Word ... It is like a human being when he utters the various letters that form one word that is intended by the speaker who seeks to create these words; so that he might express through them what is in his soul.

The Andalusian mystic creatively extends what begins as a conversation on grammar to a profound reimagining of both Jesus and God as divine language and divine speaker, respectively. What emerges from all of this is the son of Mary not only as a single Word, but actually multiple divine expressions.

In turn, the entire universe appears as God's stream of consciousness and a constantly unfolding story. Per our discussion above, we can say that this tale began with the hadīth of the "hidden treasure." Since God loved to be known in the mirror of his creation, he has been incessantly "speaking" this creation into existence. In this case, the reality of the prophet Muhammad is not only this uttered cosmos, but the very act of divine speech as well.

However, Ibn al-`Arabi is not satisfied to stop at this meta-cosmic perspective but returns to the human being's ability to speak as an imitation of divine speech. For just as God utters the universe into existence, we also speak microuniverses into being through our words and conversations. We ponder here two open-ended questions that arise from this creative portrayal and to which we will return later on. First, since human beings are capable of speaking in different registers (i.e. prose or poetry), and since Jesus and the rest of creation are God's uttered Words, is the son of Mary an instance of divine prose or poetry? Second, what kind of microcosms are we bringing into existence through our words and conversations?

In two mi`rāj (ascension) narratives found in the Meccan Openings, where Ibn al-`Arabi recounts his mythic celestial travels to the divine presence, retracing the Prophet Muhammad's own journey, the former continues to explore the connection between Jesus and divine language. In the first of these accounts, Ibn al-`Arabi describes the journey in the third person, covering the tracts of a tābi` muhammadi (Muhammadan follower), or Sufi mystic, and his companion the hāhib al-fikr (rational philosopher). While the "Muhammadan follower" receives a ceremonious welcome from the angels and

prophets guarding each of the seven heavens, the philosopher-companion is forced to speak with the planets orbiting these spheres, reflecting the lower rank of the latter's knowledge.

Upon reaching the second heaven, Ibn al-`Arabi tells the reader that the "Muhammadan follower" is greeted by the cousins, Jesus and John the Baptist. He also provides important details on the specific knowledge imparted by these two prophets to their visitor:

They reveal to him the authenticity of the message of the teacher, God's messenger [Muhammad] prayers and blessings be upon him, through the miraculous nature of the Qur'an. This is because this presence is that of al-khihāba [oration], al-awzān [poetic meters], husn mawāqi` al-kalām [the beauty of appropriate speech], imtizāj al-umūr [the mixture of affairs] and huhūr al-ma`nā al-wāhid fi-l-huwar al-kathira [the appearance of one meaning in a multiplicity of forms]. He also receives the furqān [clear criterion for understanding] and the understanding of kharq al-`awā'id [breaking of habits].

He also comes to know from this presence the `ilm al-simiyā', which pertains to working with letters and names as opposed to vapors, blood and other things [i.e. as in `ilm al-kimiyā' (Alchemy)]. He also come to know the honor of words, jawāmi` al-kalim [the most encompassing of speech] and reality of kun [Be!] and its designation as kalimat al-amr [the word of command], not the past, future or hāl [state that is bound time].

[From this heaven also, one comes to know] the appearance of the two letters from this word, even though it is composed of three. [He also understands] why that third barzakhiyya [liminal] "word," between the letter kāf and nūn, which is the spiritual wāw, was removed. This is the letter which gives [the realm] of mulk [dominion] the power to exercise influence upon the formation of created things. One also comes to know, from this presence, the secret of takwīn [formation].

This single excerpt brings together all the various concepts discussed so far in this essay and furnishes all the necessary components needed for us to march towards the conclusion. First, Ibn al-`Arabi establishes the connection between Christ's description as kalimatu Allāh (Word of God) and the recited Qur'an, as God's eternal kalām (speech).

Second, the Andalusian mystic tethers Jesus, and John the Baptist, to the Prophet Muhammad, who is the walking Qur'an and whose spiritual reality – we had described – is the Sufi Logos. This connection with the Messenger of Islam is reiterated in the second paragraph, albeit indirectly. The jawāmi` al-kalim (all-encompassing words) which the Muhammadan follower is given to appreciate in this heaven is a reference to a well-known hadīth where the Prophet Muhammad says according to the narrator: "I have been given jawāmi` al-kalim." In another section in the Meccan Openings, Ibn al-`Arabi provides a fascinating – and rather provocative – explanation of this unique rank given to the Prophet:

God said: "And His Word which He cast to Mary," and He said: "She [Mary] believed in the Words of her Lord and in His Book." It is also said that the "prince cut the hand of the thief" or "the prince beat the thief." In this way, whoever fulfills the command of the one who orders them, it is they [the deputy] who performed it.

Know, then, that the one who cast [the Word] is Muhammad. He cast, on behalf of God, the Words of the entire universe without exception. Some of these he cast by his own self, such as the spirits of

angels and much of the higher realm, while other things he cast through causes. An example of the latter is the harvested grain that reaches your body as a spirit that glorifies and praises God. This only happens after many cycles and fluctuations. All of this comes from the one who has been given jawāmi` al-kalim.

And so, the intimate relationship between Jesus and Muhammad unfolds in the most profound and creative fashion possible. Ibn al-`Arabī is not satisfied to simply describe Christ, the Word of God, as a manifestation of the Muhammadan Reality. Instead, the author explains in detail how the Prophet Muhammad is the Logos: as the sole proprietor in charge of jawāmi` al-kalim, he alone has the power and authority to cast divine words into their designated forms, including Jesus. In other words, if Muhammad is the Logos, then jawāmi` al-kalim explains how he fulfills this role.

There are still more insights to be deciphered from the mi`rāj excerpt mentioned above. Alongside the connections between Jesus, the Qurhān and the Prophet Muhammad, Ibn al-`Arabī establishes a third association, between Jesus and the notion of barzakhīyya (liminality). This key term will allow us to directly venture into Ibn al-`Arabī's understanding of khayāl (imagination). Only once we have taken this excursion, can we return one last time to this excerpt to appreciate the other descriptions of the second heaven that Ibn al-`Arabī provides here.

In this instance, Ibn al-`Arabī is relying upon an oft-quoted verse found in Chapter 55 of the Qur`ān, al-Rahmān (The Most-Merciful): “He merged the two seas, they meet. Between them is a barzakh [isthmus], they do not transgress.” As expected, he undertakes the following creative discourse on ontology using this verse:

Know that known things are three kinds without a fourth. These are al-wujūd al-muhlaq (absolute being) which is never limited, and that is the being of God, who is the necessary existent. The second is the al-cadam al-muhlaq (absolute non-existence), which is non-existent in itself, cannot be limited and is what we call the impossible.

Thenceforth, there cannot be two opposites facing one another save that there be a barrier between them ... This barrier between the absolute existent and non-existent is al-barzakh al-aclā [loftiest isthmus] or barzakh al-barāzikh [the isthmus of isthmuses]. It has a direction towards being and another towards non-existence.

Within it [the barzakh] also are all the possible things, which never end. Each of these things has an immutable essence in this isthmus whereupon the absolute being [God] gazes. It is from this aspect that the things are named, and if He chooses to bring them into being, He says to it: “Kun!” [Be!] and it will be.

Moreover, every human who has a khayāl [imagination] and imagines something, then their contemplation is extending into this isthmus, even though they do not know they are imagining their object from this presence.

Ibn al-`Arabī delivers us, finally, to the shore of imagination through the door of the barzakh and the entire backdrop of the foundation which we have discussed thus far in this chapter. In reference to the Qur`ānic verse, Ibn al-`Arabī most probably perceives the meeting between the fresh and salty waters to correspond to the absolute existence and non-existence, respectively. However, that is by far the most trivial conclusion from the above excerpt. Much more important is the fact that the Andalusian mystic is – essentially – equating this barzakh al-barāzikh (greatest isthmus) with the Muhammadan Reality, as the container wherein all possibly existent things reside. Just as the Prophet's dominion over jawāmi` al-

kalim explains his status as Logos, here also it highlights – possibly – the emergence of the contingent beings from nothingness into existence via his agency.

In turn, Ibn al-`Arabi is informing us that the Prophet Muhammad's reality is also cosmic imagination. This is not an abstract metaphysical concept. Rather, it is the tangible realm where human beings access and create their own contemplations and reflections. However, the underlying premise in both this last excerpt and the previous, pertaining to the mi`raj, is that the property of barzakhyya (liminality) is also attributed to the second heaven where Jesus and John the Baptist reside.

Earlier in our discussion, we described Ibn al-`Arabi's vision of the prophets and messengers who appeared – historically – prior to Muhammad as various dimensions or aspects of the Prophet of Islam. Now, we can also describe the Christic aspect of the Prophet's reality as this barzakhyya and imagination. More than that, this dimension pertains to bringing things into being and casting the Words of God into their respective forms, whence they transition from nothingness into contingent existence.

The last piece of information that Ibn al-`Arabi gives us in the mi`raj narrative is the quintessential connection between this metaphysical discourse and art as a tangible human experience. By situating khihāba (oration), awzān (poetic meters) and husn mawāqif al-kalām (beautiful arrangement of speech) in this same heaven of Jesus and John the Baptist, the author is rooting human creativity within the cosmic divine epitomized by ingenuity, imagination and the Muhammadan Reality.

There is an intricate network of analogies operating in this conversation that renders Ibn al-`Arabi's sophisticated metaphysics a tangible panorama of physical performances. First, by comparing kalimātu Allāh (God's Words) to human speech and situating oration and poetry in the second heaven of Jesus, where takwīn (formation and bringing into being) is also located, the Andalusian mystic is definitively rooting these forms of human creativity in divine speech. They are not only the result of divine inspiration but are actual imitations of God's process of creating through breathing Words into forms.

In turn, Ibn al-`Arabi is answering our first open-ended question, whether Jesus might be considered an instance of divine prose or poetry. Given that “poetic meters” flow forth from the same heaven where Jesus resides, it is possible that the Andalusian mystic perceives the former as an instance of God's poetry. Beyond this, however, Ibn al-`Arabi is also endowing human poetry, and speech generally, with the ability of takwīn, to bring created things into being. What those created beings exactly are is not clear from this passage. However, given that the author situates barzakhyya (liminality), and by extension khayāl (imagination), in the same heaven of Christ, it is safe to assume that human speech also brings a micro-universe into being, each with its own barzakh and imagination.

This last inference leads us to the second phase in this network of analogies, pertaining to the presence of Christ in these excerpts. Jesus embodies, more vividly than other created beings, the way God creates through breathing. This unique embodiment manifests in Christ's ability to reenact his own creation and that of the universe through his own miraculous breath. In turn, whatever the son of Mary brings to life or resurrects through his breath is itself a Christic being.

Merging the analogies of human and divine speech with that of Christ's miraculous breaths and the divine nafas al-rahmān (breath of the most-merciful), we arrive at the conclusion that human speech itself is a Christic process, in two ways. First, the very act of breathing, in order to speak, imitates both

God's bringing Christ into being through the divine breath and the latter's performance of miracles through breathing. Second, those things humans bring into being through breathing and speaking are Christic instances that imitate God's Words and those things which Christ himself brought to life or resurrected.

Lest this seems like a convoluted set of comparisons, Ibn al-'Arabī provides a fascinating description in the Meccan Openings of the life that he believes human language has. The following makes clear that the Andalusian mystic perceives the power of poetry, and human speech at large, to be intimately related to the inherent life found in the sacred spirit of language and *hurūf* (letters):

Know, may God grant you and us facilitation, that letters are a nation from those who are spoken to by God and commanded to follow His commands. They also have messengers from among them and names through which they are known. Only the people of spiritual unveiling from our path know this. The world of letters is also the most eloquent of realms in tongue and clearest in proclamation.

"When I mold him and breathe in him from my spirit." This is in reference to the appearance of accents upon the letters after their creation. Then, they emerge as another creation, known as a word, just as each of us is known as a human being. In this way, the world of words and expressions is created from the realm of letters. This is because letters are the materials for words, just as water, dust, fire and air are the matter from which our bodies are molded. Then, the commanded spirit flows forth and we are called human.

Ibn al-'Arabī confirms our earlier conjecture by giving a fascinating portrayal of letters and words as a self-subsisting universe. In this vision, every time a person speaks, regardless of the content of their speech, they are imitating and reenacting the genesis of the universe. Essentially, they are unfolding their own "hidden treasure."

We conclude this section of the essay with one final conceptual sojourn, at the above-mentioned notion of *nafas al-rahmān* (breath of the most-merciful). Ibn al-'Arabī mentions this term numerous times in the Meccan Openings. In one example, he associates it with the origination of the cosmos: "The world appeared through *nafas al-rahmān*. This is because God has *naffasa* (alleviated) through it the pressure felt by the [divine] names, due to the absence of their effects [in the universe]." The author's creative etymology emerges again as he relies upon the connection between *nafas* (breath) and *tanfis* (alleviation) to explain the role of *nafas al-rahmān* in bringing the world into being.

In other places, the Andalusian mystic extends this etymological network to embrace yet another key term and also include the son of Mary as a corroborating example:

Every *nafs* [soul] is afraid of non-existence ... Meanwhile, the divine spirit is *nafas al-rahmān*. This is why he associated it with breathing, due to the harmony between the spirit and breaths when He said: "I breathed in him from my spirit." In this manner, also, He commanded Jesus to breathe in a mold of clay bird. Thus, spirits only appear through breaths.

And so, words appear from letters, and letters from air, and air from *nafas al-rahmān*. Through the divine names also appear the traces in the universes, and at this halts *al-hilm al-hisawī* [the Christic knowledge].

By rendering the *nafas* (breath) as Christic and tethering it to *tanfis* (alleviation) and *nafs* (soul), Ibn al-`Arabi is also positing the latter two notions as artifacts that follow the archetype of Jesus. It is clear now that, for the Andalusian mystic, the words and letters we speak are universes that we give life to through our breaths, very much in the same way that God continuously brings into being. Not only that, but the source of the *nafas* (breath), which is the *nafs* (soul), and the remedy of breathing, which is *tanfis* (alleviation), and the things it creates, which are the letters and words, are all Christic.

In this way, Jesus son of Mary emerges in Ibn al-`Arabi's *Weltanschauung* as the meeting point between divine and human speech, imagination and creativity. The Andalusian mystic says much more in his writings about all the concepts we have discussed so far, including imagination. However, due to the limited scope of this chapter, we restrict ourselves to the excerpts and analyses in the preceding paragraphs. In the following final section, we try to synthesize the various analytical threads presented here and also offer some final remarks on the significance of Ibn al-`Arabi's metaphysics to our understanding of human creativity and imagination.

## Conclusion

In "Representation in Painting and Drama: Arguments from Indian Aesthetics," Ananta Sukla states that "the theater is superior to painting not because it creates the illusion of reality better, but because, for the peculiarity of its medium, it is capable of representing the indeterminate in its determinate form." It is from this perspective, of "representing the indeterminate in its determinate form," that our previous exploration of the unfolding of the "hidden treasure," through the writings of Ibn al-`Arabi, has been nothing but a sojourn amidst the divine drama of creation.

In the case of the Andalusian mystic and his theosophy, the "indeterminate" is the transcendent divine essence, the "hidden treasure" par excellence, while the "determinate forms" are the endless and incessantly unfolding theophanies that manifest this ineffable divine essence. As we mentioned previously, paying homage to Sukla's mention of theater, in this divine drama of the "hidden treasure" the stage, play, characters and audience are all but mirrors of *al-haqiqa al-muhammadiyah* (Muhammadan Reality), which is at once God's original creation and the very process of creation. The Prophet is at once the original object of divine love and the act of loving itself.

However, if theater, painting and the arts are central components of human culture, then what Sukla informs us in "Oriya Culture: Legitimacy and Identity" is also relevant to the discussion in this chapter, in so far as "language and religion have been the central instrument in the emergence and identity of a culture." The central objective in the preceding paragraphs has been to show that, for Ibn al-`Arabi, the social and worldly dimensions of imagination, art and creativity are very much rooted in metaphysics and divinity.

However, the Andalusian mystic is not interested in the least to subject human imagination and artistic expressions to the dogmatic prescriptions of legal strictures, but rather to decipher the infinitude of potentialities inherent in divine creativity through the variety of worldly forms and manifestations. His *Weltanschauung* is one where the physical is enchanted and sacralized towards the metaphysical, not vice versa. Equally important also is Ibn al-`Arabi's positioning of art forms like poetry and imagination squarely within Sufi theology. In other words, the creative dimensions of Akbarian Christology and

Muhammadology are not auxiliary to the “art” of knowing God but are central and indispensable components to that end.

Our objective in this concluding section is twofold. First, we will summarize and synthesize Ibn al-`Arabi’s vision of Christ and his creative dimensions in Sufi metaphysics. Here, we will focus specifically on bringing together the discussions of the Muhammadan Reality and Sufi Jesus in order to better appreciate the larger narrative of Logos and imagination in the Andalusian mystic’s thought. Second, we will attempt to extend Ibn al-`Arabi’s vision of poetry and language to other forms of art. Our central concern will be to gauge whether the Sufi mystic would give painting and music specifically and other forms of creative expression generally the same station which he granted poetry.

We can summarize the two analytical threads in this chapter as Sufi Muhammadology and Christology, both through the Akbarian prism. In the first, we saw that Ibn al-`Arabi presents the spiritual reality of the Prophet Muhammad as simultaneously the first entity created by God and the matter from which the entire universe, and all that it contains, is created. The Andalusian mystic also makes sure that the Prophet does not appear as a passive agent in this narrative, but as the one with authority and power to cast the divine words into their respective forms, stemming from his sole proprietorship over *jawāmiḥ al-kalim* (the all-encompassing divine Words). This ontological and historical primacy of the Prophet enabled us to describe him as the Islamic equivalent of the Logos in Sufi metaphysics.

Transitioning to Ibn al-`Arabi’s Christology, we saw that the son of Mary facilitates an intricate network of analogies between God and human beings in the former’s thought. On the one hand, the Andalusian mystic perceives Jesus’ existence, as a divine Word(s), to be similar to human speech that contains letters, sentences and expressions. In order to fully appreciate this comparison, we also saw that Ibn al-`Arabi regards those letters and words that we speak and write as living nations that are “spoken to by God.” In turn, all human speech, once uttered, exists in a microcosm of imagination. In this way, we reenact the original drama of creation by unfolding the “hidden treasure” within us outwardly.

Bringing these two threads together yields a few key points. First, as mentioned previously, Christ represents an aspect or dimension of the Muhammadan Reality, specifically the *barzakhiyya* (liminality), imaginability and the narrative of the Logos. Alternatively, we can equate this Christic facet with *jawāmiḥ al-kalim* (all-encompassing words) of the Prophet’s essence. In other words, Jesus represents the Prophet’s sole proprietorship over casting divine words into their respective forms.

What the Andalusian mystic does in his writings is to extend the sphere of these divine words and their receptacles to also include art and creativity. The second heaven of Jesus (i.e. the second heaven of the Muhammadan Reality), where imagination and liminality reside, is also where oration and poetic meters can be found. As we have seen, the letters and words that give life to poetry are a nation that are spoken to by God. In turn, they are also a cosmos of forms waiting to receive the divine breath and spirit to bring them to life. It is at this crucial juncture that the Muhammadan Reality emerges in Ibn al-`Arabi’s thought as *barzakh al-barāzikh* (greatest isthmus) and imagination itself.

What this means is that the Prophet Muhammad’s essence is not only the original divine artwork, but also divine creativity in movement and the spiritual space from which human creativity springs and wherein it takes places. Of course, that is yet another way of describing the Christic aspect of the Muhammadan Reality, since Jesus embodies and reenacts the divine creative power through breathing. In

a similar fashion, artists also receive a “breath” of creative inspiration from the realm of khayāl/barzakh (imagination/isthmus) and reciprocate that process by breathing their “indeterminate” inspiration outwardly into a “determinate form” of art (i.e. poetry, painting, film etc.)

And somadology, Christology and imagination for discussing the metaphysics of art forms other than poetry, such as painting or music. In the case of painting, and all forms of imagery, Ibn al-`Arabī provides a fascinating interpretation of the Islamic prohibition against statues and portraits, in the specific context of the Christian idolization of Jesus. The excerpt begins with a mention of a special rank of Muslim saints known as al-hisawiyūn al-thawānī (the dualist Christic saints):

They are those whose way is that of tawhīd al-tajrīd min hariq al-mithāl (abstract monotheism through the path of form). This is because the existence of Jesus did not come through a male human, but rather through a spirit that appeared in a human form. For this reason, the majority of the community of Jesus son of Mary, more so than other nations, have advocated for the use of images, as exists in their churches. They worship God by directing themselves to these images.

As for us, [the Prophet] has sanctioned for us to worship God as though we see Him, whence he admitted Him into khayāl [imagination]. This is the meaning of al-tahwīr [forming or putting into form]. But he forbade us from visualizing Him in the world of the senses.

As expected, Ibn al-`Arabī creatively roots the Christian – read Catholic – practice of idolizing Jesus, Mary and saints through imagery within the very notion of tawhīd, or monotheism and acknowledging the oneness of God, an association that would certainly seem heretical to many Muslim scholars who hold that imagery is a transgression against tawhīd and who insist on iconoclasm.

The Andalusian mystic also expands the relevance of this discussion by simultaneously rooting the Islamic and Muhammadan command to “see God” within khayāl (imagination) and tahwīr (molding into form), or as Ananta Sukla would describe, “to put the indeterminate into determinate forms.” However, by emphasizing the departure of God in Islam from statues to imagination, Ibn al-`Arabī is not actually restricting the permissible forms of visualizing God in the physical world.

On the contrary, the Sufi mystic is at once liberating the human perception of God from restricted sensual forms (e.g. statues) and transferring it instead to a higher spiritual realm (i.e. imagination), whereby it can become the “indeterminate” essence for the myriad of human creative expressions. In other words, for Ibn al-`Arabī, it is not only statues or images of Jesus, saints and prophets that represent God, but the entire gamut of human expressions that necessarily communicate an aspect of the divine, through the means of the Muhammadan Reality.

As for the Akbarian perspective on music, this is the subject of future research that will soon be completed. For now, it suffices to say that Ibn al-`Arabī discusses music and melodies approximately twenty-seven times in the Meccan Openings. Throughout these discourses, he emphasizes the need for listeners to transcend a “natural” or purely emotional enjoyment of sound, and instead to attempt and derive mahrifā (gnosis) from the power of the notes and cadences. Here again, Ibn al-`Arabī is formulating a type of auditory tahwīr in khayāl (imagination), whereby the basic units of music are no longer the end of the experience but a means and spring for more sophisticated listening acts.

Between poetry and music, language and sound, Ibn al-`Arabi presents us with a truly remarkable understanding of human creativity and imagination. As is the case in all other areas of his thought, the Andalusian mystic is thoroughly fixed on divinity as the source of human creative expressions. From that singular transcendent essence, through the Muhammadan Reality and its myriad of prophetic mirrors, the infinitude of aesthetic artifacts in our world emerge as mere refractions of that one source. This is a hierarchy that he beautifully portrays in an image of a hür (horn), which he – unsurprisingly – etymologically tethers to huwar (forms).

The findings of this essay should encourage us to undertake a deeper exploration of the relationship between Sufi metaphysics and the importance of art and creativity in pre-modern and contemporary times. In “Ibn al-`Arabi and Joseph Campbell: Akbarian Mythology and the Metaphysics of Contemporary Art,” I do this by comparing and contrasting the Andalusian mystic’s thought with Campbell’s groundbreaking exposition on the enchantment of modern art, *The Power of Myth*. I show that Ibn al-`Arabi would find metaphysical relevance in many of the creative expressions of our time, including – but not limited to – video games and even films that glorify the zombie apocalypse.

It is indeed a fortunate happenstance that this essay on Ibn al-`Arabi’s metaphysics of imagination and creativity should find a place in a groundbreaking volume such as this one, on art and imagination in the humanities. As Shaykh Hisham Kabbani states in the epigraph at the beginning of this paper, the sophisticated mystical writings of a Sufi mystic like Ibn al-`Arabi require the finesse of a poet in order to be understood. What Shaykh Kabbani is also telling us, indirectly, is that art and creativity have always been married to the world’s great religious traditions throughout history. From Andalusia to the Vatican, beautiful arrangements of colors, shapes and sounds immortalize the ineffable and fleeting moments of the mystical experience. <>

## **ARTHUR DANTO'S PHILOSOPHY OF ART: ESSAYS** by Noël Carroll [Series: Philosophy of History and Culture, Brill, 9789004468351]

For over thirty years, Arthur Danto was the most important art critic and philosopher of art and aesthetics in the English-speaking world. **ARTHUR DANTO'S PHILOSOPHY OF ART: ESSAYS** provides a comprehensive and systematic view of his philosophy and criticism by Noël Carroll, Distinguished Professor of the Philosophy of Art, CUNY and himself a former journalist specializing in arts criticism. Danto's writings attracted and still attracts diverse audiences, including aestheticians, artists, art critics, historians, and art lovers. In this book they will find his major themes not only analyzed in depth but also discussions of his political significance, views on history, cinema and more.

### **CONTENTS**

Dedication

Acknowledgements

Chapter 1 Introduction

Chapter 2 Danto, Art, and History

Chapter 3 Danto, Style, and Intention

Chapter 4 Essence, Expression, and History

Chapter 5 Danto's New Definition of Art and the Problem of Art Theories  
Chapter 6 The End of Art?  
Chapter 7 Danto, the End of Art, and the Orientational Narrative  
Chapter 8 Arthur Danto and the Problem of Beauty  
Chapter 9 Arthur Danto, His Philosophy of Art and Critical Practice  
Chapter 10 Arthur Danto and the Political Re-Enfranchisement of Art  
Chapter 11 Danto, Pluralism, and Politics  
Chapter 12 The Philosophy of Art History, Dance, and the 1960s  
Chapter 13 Arthur Danto Goes to the Movies  
Chapter 14 Warhol's Empire  
Chapter 15 Danto's Philosophy of History  
Chapter 16 Danto's Comic Vision  
Philosophical Method and Literary Style  
Chapter 17 The Age of Danto  
Author: Noël Carroll  
Appendix  
Two Brief Notes on What Art Is  
Index

Excerpt: In nineteen hundred and eighty-one I returned to graduate school in philosophy with the desire to specialize in the philosophy of art. That was also the year of the publication of *The Transfiguration of the Commonplace* by Arthur Danto.<sup>1</sup> It was *the* book to study – the gold standard of the philosophy of art among my fellow graduate students and me. Although Danto had written seminal essays in the field of the philosophy of art prior to the publication of *The Transfiguration of the Commonplace*, until nineteen eighty one, Danto was only a part time aesthetician; he was also a metaphysician, an epistemologist, a philosopher of history and a historian of philosophy, among other things. But the *Transfiguration of the Commonplace* marked his transition into becoming a full-time philosopher of art, producing, by now, the larger half of his books in the field of aesthetics. That productivity, moreover, coincided with my own professional career as a philosopher, a career that has been stimulated throughout by Arthur Danto.

A number of my core ideas are variations on Danto's – some of whose deviations from his versions I suspect he does not approve. Nevertheless, studying Danto closely was essential to my evolution as a philosopher over nearly forty years, as it has been for others, including my own students.

As a result of this close engagement with Danto's work, I have often had occasion to write about it. Sometimes, these articles have been the result of panel discussions which I had the good luck to share with Danto at various professional meetings. Frequently, the publication of a new book by Danto led me to reconsider his oeuvre from a novel perspective. In time, I accumulated quite a collection of articles on Danto, enough in fact to make a book. And that is what you are now reading – a collection of my articles on Arthur Danto's philosophy of art, including a brief appendix addressing two essays in his last book *What Art Is*.

This collection is intended to provide an overview of Danto's contributions to the philosophy of art, while also attempting to take into consideration the relations of his art criticism to his philosophy and vice-versa. As major new developments in Danto's philosophy of art emerged, I attempted to take note of them. In this respect, this book could be seen as the journal of an avid Danto-watcher. However, the

book is not a desultory chronicle, since I am constantly concerned with charting the relationships between the major developments in Danto's philosophy of art.

I have also included essays on Danto's approach to criticism, on the consequences of his approach for politics, his views on cinema, on history, on the ramifications of his philosophy of art history for dance, and a view of his style of writing.

Danto's work in the philosophy of art heralded a decisive break with reigning philosophical fashions. Before Danto's earliest endeavors in the philosophy of art, a moratorium on the attempt to define art had been declared by a number of philosophers influenced by Ludwig Wittgenstein. Even Monroe Beardsley, the dean of American philosophers of art of the period, in his landmark treatise *Aesthetics*, refrained from proffering a definition of art, despite the fact that he clearly had one within his reach.

However, in nineteen hundred and sixty four at a presentation during the Eastern Division meetings of the American Philosophical Association Danto gave a paper entitled "The Artworld" (also published in 1964 in *The Journal of Philosophy*), which began to turn the tide against Neo-Wittgensteinian aesthetics.<sup>2</sup> Although not proposing a complete analysis of the criteria for art status, "The Artworld" did argue powerfully for an atmosphere of art theory and history as a necessary condition for art status.

Not only was "The Artworld" important for rejuvenating the project of defining art. Danto's strategy for carrying it off was also influential. In what was to become for Danto a life-long meditation on Andy Warhol's *Brillo Box*, it came to Danto that whatever decided whether or not a candidate was art, it would not be something that could be detected by the naked eye. That is, since Warhol's *Brillo Box* is an art work whereas everyday, identically looking Brillo cartons are not, that which won *Brill Box* art status was not something that could be eyeballed. That is, it could not be a manifest property of the art work.

This insight was important in a number of respects. Previous attempts to define art, such as the representational theory, the expression theory, formalism, and the aesthetic theory of art all relied upon searching for the essence of art in terms of something that could be manifested perceptually in experience – like significant form. Danto's argument that what made art *art* was indiscernible, thus pinpointing the mistake upon which millennia of art theorizing had been predicated, while also turning philosophers onto a more promising direction of inquiry.

At the very least, this encouraged many thinkers to wonder about what in the context of the practices of art enfranchised some objects as art works. George Dickie developed this in terms of what he initially called the institution of the art world. Richard Wollheim talked about the art world as a form of life. However, even where philosophers of art characterized the decisive art world context for the enfranchisement of art in ways differently than Danto did, they owed the expansion of art theory to a wider field of considerations to Danto. And, as well, the method of deploying thought experiments involving an array of perceptually indiscernible counterparts that nevertheless strike us as belonging to contrasting categories – such as art works and real things – while a signature technique of Danto's, also became important element in the workaday tool-kit of every practicing aesthetician.

Danto has not only been a pioneer in the philosophy of art through his re-invigoration of the question of the essence of art. He has also re-inspired interest in the philosophy of art history. In a daring conjecture, reminiscent of Hegel, Danto has argued that art history has come to an end, a thesis that

requires careful parsing, as you will see in the pages to come. This claim, it will be argued, has a crucial role to play in the defense of Danto's philosophy of art while also providing a foundation for the kind of art critic Danto became.

That is, on the one hand, the end of art thesis is an attempt to indemnify Danto's essentialist theory of art from the greatest nemesis of such theories – the future from whence counterexamples never dreamt of by essentialist philosophers hurtle from with devastating effect. But, if Danto is right, and art history has come to an end, then his essentialist theorizing has nothing to fear from what will be. There will be nothing new under the sun; theoretically, it is dusk, and Minerva may take wing.

On the other hand, the end of art thesis played further roles in Danto's approach to art. It served as an argument that vindicated his particular practice of art criticism. According to the end of art thesis, with respect to art, we live in post-historical times. There is no overarching agenda that is first and foremost in the minds of ambitious artists as the program of the self-definition of art was said to be during the period of Modernism, as understood by people like Clement Greenberg and Michael Fried. Instead, each artist is free to pursue her own projects. Ours is an era of pluralism. Moreover, pluralism in art making calls for pluralism in art criticism – that is, for art critics who are open to many different kinds of artistic aspirations and who are committed to identifying what each art work is about on its own terms on the way to assisting audiences in appreciating the ways in which the artist in question embodies that which the art work is about. And, of course, that is exactly the kind of criticism Arthur Danto practices. In short, he is precisely the type of critic the art world needs, if the end of art thesis is true.

Because Danto is a pluralist, he has a certain flexibility in responding to political art not shared by many of the most ambitious art critics who were and are his peers – the Modernist art critics and the Politicized Post Modernists art critics. Since Danto accepts that art works can be about something other than the reflexive critique or the self-definition of art, he can countenance explicitly political art – and even implicitly political art – as perfectly legitimate. Alternatively, unlike Politicized Post Modernists, he does not have to measure the worth of each artwork in terms of the contribution it makes or fails to make to the struggle against capitalism and the consciousness debauching semiotics of consumerism. Danto's pluralism allows that art can be political or not, and that there are political projects beyond only the putatively titanic conflict between progressives and capitalism.

My first chapter – “Danto, Art, and History” – derives from my comments on the occasion of Danto's delivery of the Trilling Lecture at Columbia University. This essay sets out a hypothesis about the relationship between Danto's philosophy of art and his philosophy of art history. The idea is not only that Danto's philosophy of art indemnifies his philosophy of art in the way suggested earlier. The philosophy of art history also sets the stage for Danto's arrival on the scene as the successor to Andy Warhol. Warhol shows that the essence of art needs to be stated in terms of something indiscernible to the naked eye. Danto is ready and able to say what that something is.

This chapter also addresses a tension within Danto's philosophy. It points out that the kind of philosophy of art history involved in announcing the end of art is, strictly speaking, at odds with the analytical philosophy of history that Danto developed in a book with that title. For, in his *Analytical Philosophy of History*, Danto argued that the historian cannot know that some historical process is over, unless she is at a sufficient temporal remove from it.<sup>3</sup> Yet, Danto is in the thick of the course of events he deigns to declare done.

The next essay – “Danto, Style, and Intention” – discusses the essay that is, perhaps, Danto’s single best known, “The Artworld.” In this piece, I examine the notion of the style-matrix that Danto introduced in “The Artworld” and question whether it is consistent with what Danto contends about artistic intentions in other works such as *The Transfiguration of the Commonplace*.

“Essence, Expression, and History: Danto’s Philosophy of Art” overlaps with the first chapter to some extent; however, it has a decidedly different emphasis, since it spends much more time critically laying out and questioning the theory of art presented in *The Transfiguration of the Commonplace*.

With Danto’s publication of his book, *After the End of Art*, he modifies his theory of art. In “Danto’s New Definition of Art and the Problem of Art Theories,” I explore the changes in his philosophy of art and argue that his new theory is not up to doing the work he assigns it – namely, to cut the difference between art works and real things.

In “The End of Art?” my aim is to work out Danto’s end of art thesis as exactly as possible and to locate the points at which I think the argument falters. The end of art thesis is also examined in my next essay – “Danto, the End of Art, and the Orientational Narrative.” In this essay, I return to the criticism that Danto’s philosophy of art history contradicts his philosophy of history. But then I go on to suggest that Danto’s own philosophy of history may be too narrow in its construal of the function of historical narratives. For, there are not only what might be called scientific narratives; there are also ones I call orientational or practical narratives. Moreover, Danto’s end of history thesis, while unacceptable as an example of a scientific narrative, may be charitably reconstrued as an orientational narrative that possesses the sort of legitimacy that belongs to the genre of practical narratives.

“Danto and the Problem of Beauty” takes up the issue of Danto’s last through-written treatise in aesthetics, *The Abuse of Beauty*. In this article I attempt to show why Danto needs to confront the issue of beauty, given his theory of art, and then I go on to assess the degree to which his account of artistic beauty succeeds in what it needs to accomplish.

“Danto, the End of Art and the Orientational Narrative” concludes with the idea that Danto’s story about the end of art can be read as propaedeutic to his pluralistic brand of art criticism. The end of art thesis, in other words, paves the way for his pluralism. In “Danto, his Philosophy of Art and Critical Practice” I attempt to show the relations of Danto’s criticism not only to his philosophy of art history but also to his definition of art. In a manner of speaking, his art criticism, I claim, “falls out” of his definition of art. Nevertheless, I also argue that certain of the assertions that Danto makes about his criticism, including his evasion of evaluation, are unsustainable.

The discussion of Danto’s critical practice naturally leads to a discussion of the political dimension of his approach to art, given the large amount of political art and criticism that emerges in the period that Danto becomes one of the leading art critics. In “Danto and the Political Re-Enfranchisement of Art” I point out that Danto’s theory of art, in contrast to Modernism and the aesthetic theory of art, neatly accommodates the possibility of taking political art seriously rather than supposing that politics and art combine as incongruously as oil and water. And then in “Danto, Pluralism, and Politics” I specify Danto’s stance toward the political in art. I maintain that in opposition to Modernists, Danto can appreciate the political dimension of art works, while, at the same time, not forcing every artwork into the one-size-fits-all ideological rack that the Politicized Post Modernists endorse.

Danto's philosophy and criticism has excited interest far beyond the seminar rooms of philosophy departments and even the groves of academe. Artists, art writers, and art lovers find Danto's work on art compelling, since Danto's insights at one level of generality or about one art form can often shed light elsewhere. In "Judson Dance Theater, and the Philosophy of Dance History after Danto" I suggest a way in which Danto's philosophy of art history – which is stated primarily in terms of painting – can be extrapolated in ways that partially reinforce Danto's theory while simultaneously enriching our understanding of dance history.

In "Arthur Danto Goes to the Movies" and "Warhol's *Empire*" I look at Danto's philosophy of art in relation to cinema. In "Danto's Philosophy of History," I examine Danto's conception of narrative, a view that is so essential to both his aesthetics and his criticism.

The penultimate chapter – "Danto's Comic Vision: Philosophical Method, Literary Style" – attempts to take the measure of Danto as a thinker and a man by examining his style of writing. This essay focuses on Danto as an author with a distinctive philosophical and literary style. That style, I maintain, is essentially comic. As is well known, Danto's preferred literary device is the proliferation of indiscernibles. Danto adores inventing indiscernible counterparts and then exploring their ramifications at length. But this recalls the recurring comic strategy of creating structurally ambiguous situations – as when two sets of identical twins are strolling around Ephesus unbeknownst to themselves and others. The comic possibility of a comedy of errors, in other words, is of a piece at the level of literary style with Danto's commitment to the philosophical method of indiscernibles.

Thus, Danto's writing style at once expresses the clarity and joyfulness that make Danto Danto. I conclude with "The Age of Danto," a brief attempt at characterizing the coherence of his overall aesthetical project, emphasizing the unity of his philosophy of art and his criticism while also remarking upon its suitability as theory and practice for our times.

This is *not* a through-written book. The essays collected here are stand-alone articles. The book is organized with an eye to the reader who may be interested in this or that aspect and/or stage in the development of Danto's project. One can dip into this collection anywhere; each article will contain the background information necessary to make this possible. Thus, there is unavoidably some repetition from article to article as is required to make Danto's recurring premises clear as new topics are broached.<sup>4</sup> This, of course, is a function of the fact that most of these articles were published as responses as Danto's thinking about art headed toward new vistas. The advantage of this feature of the book is that it allows the reader to sample topics without having to read everything that precedes the subject that concerns her.

Interest in Danto ranges across disciplines and practices. Readers with many different interests can use this book. One can, for example, gain a comprehensive account of Danto's view of beauty or of criticism by reading the relevant articles rather than the whole book, because they are stand-alone articles. This makes the book especially useful to libraries where students, professors, art practitioners, and art lovers from diverse fields can focus on their own concerns by simply turning to an article that addresses their interests.

At the same time, this collection presents a systematic overview of Danto's philosophy of art, showing how the parts fit together, while also tracking recurring problems.

Danto himself attracted admirers from diverse communities including not only philosophers of art and philosophers of history, but artists, art critics, and art historians as well as art enthusiasts in general and fans of Danto's criticism in particular. I hope that this volume meets those various interests by addressing the variety of interests in stand-alone articles that speak to readers from a gamut of varied backgrounds. <>

## **IN SEARCH OF BEING: THE FOURTH WAY TO CONSCIOUSNESS** by G. I. Gurdjieff, edited by Stephen A. Grant (Shambhala Publications, Inc.)

Over one hundred years ago in Russia, G. I. Gurdjieff introduced a spiritual teaching of conscious evolution – a way of gnosis or ‘knowledge of being’ passed on from remote antiquity. Gurdjieff's early talks in Europe were published in the form of chronological fragments preserved by his close followers P. D. Ouspensky and Jeanne de Salzmann. Now in **IN SEARCH OF BEING** these teachings are presented as a comprehensive whole, covering a variety of subjects including states of consciousness, methods of self-study, spiritual work in groups, laws of the cosmos, and the universal symbol known as the Enneagram.

G. I. Gurdjieff (1866–1949) created an original system of self-transformation that reconciled the great mystical traditions, known as the ‘Fourth Way’ or ‘the Work.’ He initially gathered pupils in Moscow and in 1915 organized a study group in St. Petersburg that included P. D. Ouspensky, a leading figure in the spread of the teachings. Amid revolutionary turmoil in Russia, in 1917 he moved to the Caucasus and in 1922 established an institute for his work in France. The sources of **IN SEARCH OF BEING** stem from this early period.

Gurdjieff respected traditional religious practices, which he regarded as falling into three general categories or ‘ways’: the Way of the Fakir, related to mastery of the physical body; the Way of the Monk, based on faith and feeling; and the Way of the Yogi, which focuses on development of the mind. He presented his teaching as a ‘Fourth Way’ that integrates these three aspects into a single path of self-knowledge. The principles are laid out as a way of knowing and experiencing an awakened level of being that must be verified for oneself.

According to translator Stephen Grant in the foreword of **IN SEARCH OF BEING**, readers approaching Gurdjieff's ideas for the first time should be prepared for an iconoclastic challenge to the foundations of THE modern worldview – specifically, man's consciousness and free will, progress and civilization, and the significance of human life in the universe. Situating our solar system in the vastness of the Milky Way, the author introduces the idea of scale in defining finite and infinite worlds. He recalls the ancient theory of cosmoses and asserts that the fundamental laws governing phenomena are the same at all levels, that man is a microcosm representing the whole universe. Thus reality is not to be perceived by looking outside – a mystical vision of the earth or the heavens – but by turning inward and seeing through time and space within oneself. The ancient dictum ‘know thyself’ is invoked in its original sense in the Egyptian Temple – a call to open to consciousness, to see reality.

According to Grant in **IN SEARCH OF BEING**, Gurdjieff dismisses modern, supposedly ‘scientific’ knowledge as based on sense perception, and asserts that knowledge of reality can be learned only by a

special kind of 'self-study' undertaken along with others. He begins by pointing out that realizing this possibility depends on one's own wish and effort; nobody else cares or can do this work for them. He then lays out the principles of the teaching – but not as revealed truth to be believed or obeyed. On the contrary, the first principle is that nothing is to be taken on faith. The Fourth Way is, above all, one of knowing – not of belief or obedience.

Gurdjieff offers this key advice for approaching his writing: "Do not take anything literally. Try simply to grasp the principle."

According to **IN SEARCH OF BEING**, the knowledge of man's relation to the universe has existed from ancient times. For the most part it is taken literally and, in this way, the inner content becomes lost. The Great Knowledge is handed on in succession from age to age, from people to people, from race to race. Truth is fixed by means of symbolical writings and legends, and is transmitted to the mass of people for preservation in the form of customs and ceremonies, in oral traditions, in memorials, in sacred art through the invisible quality in dance, music, sculpture and various rituals. After a certain time has elapsed, the centers of initiation die out one after the other, and the ancient knowledge departs through underground channels into the deep, hiding from the eyes of the seekers. The bearers of this knowledge also hide, becoming unknown to those around them. But they do not cease to exist. From time to time separate streams break through to the surface, showing that somewhere deep down in the interior, even today, there flows the powerful ancient stream of true knowledge of being.

To break through to this stream, to find it – this is the task and the aim of the search. For, having found it, a person can entrust himself boldly to the way by which he intends to go. On this way the seeker will not be entirely alone. At difficult moments he will receive support and guidance, for all who follow this way are connected by an uninterrupted chain. The theory of esotericism is that mankind consists of a large outer circle, embracing all human beings, and a small circle of instructed and understanding people at the center. Then knowledge, clothed in the form of a teaching corresponding to the conditions of time and place, becomes widely spread.

Every religion points to the existence of a common center of knowledge, and in every sacred book this knowledge is expressed, even though people do not wish to know it. In fact, this knowledge is far more accessible than one might suppose. No one is concealing anything; there is no secret whatsoever. But great labor and effort are necessary to acquire and transmit true knowledge, both of the person who gives and of the one who receives. And those who have this knowledge are doing everything in their power to share it with as many people as possible, always striving to help them approach it in a state prepared to receive the truth.

Anyone who wants knowledge must first himself make an initial effort to find and approach the source on his own. At the same time, however, readers need to understand that their independent efforts to attain anything of this sort cannot possibly succeed. We can only attain knowledge with the help of those who already possess it. One must learn from those who know.

In the chapters of **IN SEARCH OF BEING**, many things are explained schematically, including the laws of unity that are reflected in all phenomena. But when one uses words dealing with objective knowledge, with unity in diversity, attempts at literal understanding lead to delusion. Readers should not take anything literally, but try simply to grasp the principle, so that understanding becomes deeper and

deeper. In this teaching the first principle is that nothing is to be taken on faith. One should believe nothing that cannot be verified for oneself. <>

## **THE BEST OF ALL POSSIBLE WORLDS? LEIBNIZ'S PHILOSOPHICAL OPTIMISM AND ITS CRITICS 1710-1755** by Hernán D. Caro [Series: Brill's Studies in Intellectual History, Brill, ISBN: 9789004218468]

The reign of philosophical optimism, or the doctrine of the 'best of all possible worlds' in modern European philosophy began in 1710 with the publication of Leibniz's *Theodicy*, about God's goodness and wisdom, divine and human freedom, and the meaning of evil. It ended on November 1, 1755 with the Lisbon Earthquake, which was followed by numerous attacks against optimism, starting with Voltaire's *Poème sur le désastre de Lisbonne* and *Candide*. The years between both events were intense. In this book, Hernán D. Caro offers the first comprehensive survey of the criticisms of optimism before the infamous earthquake, a time when the foundations of what has been called the 'debacle of the perfect world' were first laid.

### CONTENTS

Acknowledgments

Introduction

Chapter 1 The *Theodicy* and Leibniz's Philosophical Optimism

Chapter 2 Eternal Truths, the Choice of the Best, and the Almighty Reality of Sin: Budde and Knoerr's *Doctrinae orthodoxae de origine mali* (1712)

Chapter 3 A Jesuit Attacks: Louis-Bertrand Castel's Review of the *Theodicy* in the *Journal de Trévoux* (1737)

Chapter 4 Banning the Best World, God's (Supposed) Freedom, and the Principle of Sufficient Reason: Christian August Crusius's Criticism of Optimism (1745)

Chapter 5 The Prize-Contest on Optimism of the Prussian Academy of Sciences: Adolf Friedrich Reinhard's *Examen de l'optimisme* (1755)

Chapter 6 Early Counter-optimism: Main Arguments and the Nature of the Conflict

Conclusions

Bibliography

Index

Excerpt: Two events that mark significant milestones in the development of early modern European philosophy determine the theoretical and the temporal frameworks of the present work. The first one is the publication of Gottfried Wilhelm Leibniz's *Theodicy* in 1710. This book is the only extensive philosophical work that the German polymath published during his lifetime. It contains the main theses and arguments of what began to be known already in the eighteenth century as 'optimism' (or – as I will also refer to it in the forthcoming chapters – 'philosophical optimism'): a rationalist theory about God's goodness and his wisdom, about divine and human freedom, the nature of the created world, and the origin and meaning of evil. This theory is often summarized with the famous – and frequently ill-interpreted – Leibnizian thesis that this world, despite the wickedness and suffering that it contains, is 'the best of all possible worlds'.

The second event occurred on November 1, 1755. On that day, an earthquake accompanied by a tsunami destroyed a great part of the city of Lisbon in Portugal, one of the richest, most splendid and important European port cities in the eighteenth century. According to a popular account in the history of ideas, philosophical optimism suffered its first and probably most definitive crisis as the result of the myriad of literary and philosophical attacks on the doctrine of the ‘best world’ published after the earthquake, beginning with Voltaire’s *Poème sur le désastre de Lisbonne* (1756) and *Candide, ou l’optimisme* (1759). Modern historians have labelled the earthquake the “great upheaval” of optimism (Wolfgang Lütgert), the “cataclysm of enlightened Europe” (Horst Günther) or the “debacle of the perfect world” (Wolfgang Breidert). Others have talked about the “death of optimism” (Theodore Besterman), thus creating an aura of drama that surrounds the earthquake until the present day. According to them, the fundamental intellectual crisis of the idea that the world is the best among all possible worlds began with Voltaire’s reactions, passing in the last decades of the eighteenth century through David Hume’s *Dialogues Concerning Natural Religion* (1779) and Immanuel Kant’s treatise on the failure of philosophical theodicy, *Über das Misslingen aller philosophischen Versuche in der Theodizee* (1791), and reaching its philosophical climax, one century after the first publication of the *Theodicy*, in Arthur Schopenhauer’s philosophy of pessimism, expounded, among others of his works, in *Die Welt als Wille und Vorstellung* (*The World as Will and Representation*, 1819). According to this ‘standard picture’ philosophical optimism enjoyed a rather untroubled predominance in the first half of the eighteenth century, a predominance which came to be questioned radically only after the Lisbon catastrophe.

Despite the widespread acceptance of this picture of the earthquake of 1755 as the ruin of optimism, a careful re-examination of the intellectual atmosphere succeeding the publication of the *Theodicy* makes it clear that the standard picture is problematic. In recent years scholars have shown not only that Leibniz’s optimism was already the subject of philosophical debate in the first half of the eighteenth century, but also that early criticisms are both theoretically and historically relevant in view of a correct understanding of the development of Leibnizian thought. Unfortunately, these enquiries, in spite of their undisputable relevance, are either very general overviews of the early critiques (as is the case with Wolfgang Hübener’s and Luca Fonesu’s papers), or more comprehensive reviews (as is the case with Stefan Lorenz’s valuable report) that, nonetheless, seem to lose sight of the necessity to point out the common philosophical motivation, as well as the theoretical, thematic, and methodological motives and approaches shared by the early critics. This is central for any intellectual investigation that aims to be not only historically but also philosophically authoritative.

The main purpose of the present work is, therefore, to examine with as much theoretical attentiveness as possible the critical reaction to philosophical optimism in the first half of the eighteenth century, or more exactly: between the publication of the *Theodicy* in 1710 and the Lisbon Earthquake in 1755. The question whether there were philosophically stimulating criticisms of optimism in that period is unproblematic: as the mentioned commentators have shown, there were indeed early critical reactions to optimism. This I will call in the next chapters the ‘counter-optimist’ reaction or ‘counter-optimism’. The more particular objectives of this work, however, go quite a bit further. The next chapters will examine, on the one hand, the motivations, the nature, the consistency, and possible problems of the theses and arguments offered by selected and representative counter-optimist authors. On the other hand, this work examines the question whether early critiques share relevant theoretical interests and approaches, in order to establish to what extent it is possible to give the general concept of ‘counter-

optimism' a content that would allow us to recognize, categorize, and understand the struggle between optimism and its critics in the first half of the eighteenth century adequately.

This task is significant in several aspects. First, regarding the general study of the history of philosophical ideas in the first decades of that prolific and influential period that was the European eighteenth century; secondly, regarding the understanding of the nature of the early reception of Leibnizian rationalist thought, particularly the reception of philosophical optimism. And finally, in what concerns its theoretical significance, this work wants to examine an aspect of the way in which philosophical rationalism – an intellectual attitude that obviously survives until our days, and of which Leibniz was a major exponent – has come to be challenged.

Four early criticisms will be examined in the next chapters. Their authors are the German Lutheran theologians and philosophers Johann Frank Budde and Georg Christian Knoerr, who published in 1712 the first major criticism of optimism; the French Jesuit Louis-Bertrand Castel, reviewer of the *Theodicy* for the *Journal de Trévoux* in 1737 and coiner of the term 'optimism'; the influential German philosopher and theologian Christian August Crusius, whose critique of optimism is contained in his principal work on metaphysics, of the year 1745; and the private scholar Adolf Friedrich Reinhard, champion of a polemical contest on optimism of the Prussian Academy of Sciences in Berlin, held in 1755.

Of course, these are not the only authors who wrote against Leibnizian optimism in the chosen period. In 1741 the Wolffian philosopher Friedrich Christian Baumeister (1709–1785) published the *Historia doctrinae recentius controversae de mundo optimo* (1741), which can be called the first chronicle of 'counter-optimism', recording a number of works – mostly minor and long forgotten academic contributions – devoted to the condemnation of optimism. Yet, there are good reasons for choosing precisely the mentioned authors as case studies in this work. As we will see in the next chapters, these authors deliver the most extensive and/or comprehensive criticisms of optimism before the Lisbon Earthquake. Further, given their intellectual provenance, they represent very different fronts and genres from which optimism is challenged in the eighteenth century (from the academic theological dissertation by Budde and Knoerr to the prize-contest contribution by Reinhard, passing through Castel's critical review and Crusius's systematical treatise). And thirdly, either because of their philosophical standing (Budde, Crusius) or because of the context in which they criticize optimism (Castel, Reinhard), the criticisms by these authors were quite influential both within the demarcated period as well as after 1755.

Chapter 1 presents a general, analytical picture of philosophical optimism. We will see that the system of 'the best of all possible worlds' is an integral element of Leibnizian metaphysics, that follows directly from Leibniz's characteristic rationalist presuppositions. The first chapter examines the central theses of optimism, its main assumptions, and points out a most important and problematic issue that will be present throughout the subsequent chapters: the question concerning the nature of divine freedom.

Chapters 2 to 5 survey the particular criticisms of the four authors mentioned above. These chapters will examine, on the one hand, the significant and problematic aspects of optimism that those critics underline, for example the attributes of Leibnizian eternal ideas, the scope of the Principle of Sufficient Reason, the theoretical solidity of optimism, the meaning of evil, the moral character the world, and, of course, the conflicts supposedly provoked by Leibniz's understanding of God's freedom of choice,

among others. On the other hand, these central chapters will point out the problems of the critiques themselves. These primarily concern questions of the viability of the alternatives to Leibniz's belief in a rational God that the examined critics offer, as well as their own understanding of what it means that God is free. Two fundamental notions introduced in Chapter 1 that refer to Leibniz's and his critics' contradictory positions – namely the concepts of 'intellectualism' and 'voluntarism' – play a major role in the presentation and analysis carried out in Chapters 2 to 5.

Finally, Chapter 6 reflects on the general nature of the conflict between optimism and its early critics. After reviewing critically the main arguments against optimism, this chapter examines the problem of how to classify the conflict in order to give the vague term 'counter-optimism' a more concrete and philosophically enriching content. The mentioned concepts of 'intellectualism' and 'voluntarism' are central for this discussion. The chapter ends by giving a brief look at some of the advantages and handicaps of Leibniz's optimism and the antagonist arguments of 'counter-optimism'.

\*\*\*

The objective of this work was to examine the early critical reception of philosophical optimism – Leibniz's theory of 'the best of all possible worlds' – between 1710 and 1755. These years mark the publication of the first edition of the *Theodicy*, Leibniz's main work on optimism, and the Lisbon Earthquake on November 1, 1755. As was mentioned in the Introduction, it has been customary among an important number of historians of ideas to say that the earthquake represents the major turning point in the history of optimism in the eighteenth century. According to this 'standard picture', the accounts of the horrors of caused by the earthquake persuaded Voltaire to write two famous literary condemnations of optimism: the *Poème sur le désastre de Lisbonne* (1756) and, later, *Candide ou l'optimisme* (1759), which led to what has been described by different commentators as the major crisis and even the death of philosophical optimism.

The primordial questions around which the present investigation has taken shape were, on one side, in terms of the history of ideas, the problem of the veracity of that traditional picture of the development of optimism in the eighteenth century: Where there philosophically relevant criticisms of Leibniz's doctrine of the best of all possible worlds before Voltaire's famous reactions to the Earthquake? On the other, regarding the theoretical nature of those criticisms, the question of the motives, nature, and consistency of the arguments directed by early commentators against optimism: Which are the central tenets, main arguments, and possible theoretical problems of those early criticisms? Further, this work also pretended to identify the points that early critiques might have in common, and to find out to what extent the general concept used here to refer to those critiques, 'counter-optimism', could be given a philosophically stimulating content that might permit to identify and understand the particular nature of the conflict between optimism and its critics before 1755. As was explained in the Introduction, the first question has been examined in the past years by a number of commentators who have shown that there was indeed a rich reaction to optimism in the first decades after the publication of the *Theodicy*. Yet these studies are, despite their undeniable interest and importance not only for the present work, either quite brief and general reviews of the state of affairs,<sup>1</sup> or more extensive and detailed reports<sup>2</sup> that, nevertheless, fail to give account of the theoretical motivation and common philosophical and theological concerns that early critics clearly share.

\*\*\*

The present work has shown that there definitely was a philosophically interesting, critical reaction to Leibnizian optimism before the Lisbon Earthquake. The reaction was illustrated here through the examination of four representative criticisms by the German Lutheran theologians Johann Frank Budde and Georg Christian Knoerr, the French Jesuit Louis-Bertrand Castel, the philosopher and theologian Christian August Crusius, and Adolf Friedrich Reinhard, winner of the contest on optimism of the Prussian Academy of Sciences in Berlin for the earthquake-year 1755. It was shown that critical reaction by these authors has a very particular theoretical nature that does not seem to fit easily into classifications used traditionally to explain the development of early modern philosophy, such as the well-known schemata of ‘rationalism vs. empiricism’ and ‘optimism vs. pessimism’. This made it clear that the conflict between Leibniz’s optimism and its early critics differs not only from the more popular epistemological conflicts of the seventeenth and early eighteenth centuries – for which names like Descartes, Spinoza, Malebranche, Leibniz, Locke, Berkeley or Hume are representative – but also from the post-Lisbon reaction to the optimist idea that the world is the best possible, a reaction which seems to make more emphasis on the problem of evil, the moral character of the world, and the quality of human life than on the problem of divine freedom, and which, apart from Voltaire, is related to famous thinkers like Hume and Schopenhauer.

The ‘very particular theoretical nature’ of the early reaction to optimism was thus reviewed critically by appealing to the opposing concepts of ‘intellectualism’ and ‘voluntarism’, which were borrowed, with slight terminological modifications, from Steven Nadler’s studies of the notions of God that dominated early modern thought. As it was explained a number of times in the past chapters, an intellectualist theory maintains, in a few words, that God acts following reasons. For intellectualism moral, i.e. rational beings act following the perceptions or representations provided to them by their own understanding. In God’s case the reason which inclines him to act is always goodness, the representation of what is objectively good (or more exactly: the best), which he identifies by virtue of his understanding. The intellect or understanding is thus, so to speak, the guide of God’s willing. By contrast, voluntarist accounts consider that God is essentially different from other rational beings. In fact, they consider, as Nadler writes, that “God transcends practical rationality altogether”. Whereas for intellectualists God acts at all times for good reasons, voluntarists – in order to guarantee a rather radical conception of freedom of choice – maintain that “God’s will is absolute and completely unmotivated by (logically) independent reasons” (Nadler 2011a: 525–6). The origin of this clash is clearly the concern of making sense of God’s rationality and his freedom of choice. While intellectualists claim that rationality does not contradict or rule out freedom – moreover: that acting rationally is exactly what it means to act freely – voluntarists believe that maintaining that God acts for reasons amounts to setting limits for him and his actions, thus denying absolute freedom. Of course, a further problem is that voluntarists understand freedom in quite a different way to intellectualists: not as the capacity of acting according to good reason (or choosing the best alternative of action), but as complete indeterminacy and arbitrariness of choice.

A fundamental conclusion of this work is, therefore, that the contraposition intellectualism-voluntarism seems to provide us with an adequate theoretical instrument to explain the conflict between Leibniz’s philosophical optimism and the examined critics. Against Leibniz’s theory of divine agency – which in Chapter I, for reasons there explained, was identified as an intellectualist approach to rational moral agency – our four critics maintain usually one or both of two complementary attitudes:

- i) They reject Leibniz's God either directly or through the rejection of tenets of Leibnizian metaphysics related organically to Leibniz's intellectualist concept of God. Some of these are Leibniz's theory of eternal truths, his understanding of the nature and scope of the Principle of Sufficient Reason, or his theory of hypothetical or moral necessity.
- ii) They explicitly advocate an alternative concept of God, or more exactly, of divine freedom. This concept was shown for each one of the studied critics to correspond to a voluntarist approach to the divine nature.

Further, it was also clear from the previous examination that the concern about the supposed denial of divine freedom by optimism is the main motivation behind the particular criticisms of other aspects of Leibnizian metaphysics by the 'counter-optimists'.

\*\*\*

The conclusions of this work regarding the characteristics of an early critical reaction to philosophical optimism are relevant in at least two distinct ways. These somewhat correspond to what Bernard Williams has described as the principal difference between 'the history of ideas' and the 'history of philosophy'. According to Williams, the first examines the meaning of a work, a doctrine, a philosophical argument or such in the moment it was exposed. As Williams puts it: "For the history of ideas, the question about a work what does it mean? is centrally the question what did it mean?" (Williams 2005: xiii). On the other hand, for the history of philosophy the central question about the meaning of a philosophical work or system is the question what does it mean (or could mean): "the history of philosophy is more concerned to relate a philosopher's conception to present problems" (Williams 2006: 256). Thus, regarding the history of the ideas that gave form to the early modern European intellectual debate, in this work it was shown that optimism was no unchallenged paradigm in the first half of the eighteenth century. The history of philosophical optimism appears to be intellectually richer as has been considered traditionally and to concern quite more than only the question whether the world is good or a complete disaster.

As I pointed out at the beginning of this section, it is possible to talk about a kind of customary, 'standard picture' of optimism among historians of ideas. According to it, Leibnizian optimism was a more or less unopposed philosophical paradigm regarding the explanation of evil in the world at the beginning of the eighteenth century in France and Germany. This paradigm supposedly experienced its first and most fatal blow immediately after the Lisbon Earthquake in 1755 and Voltaire's anti-optimist reaction above mentioned.

Interesting and informative as the 'standard picture' may be, there are other possible readings of the history of philosophical optimism. One of them has been made somewhat eminent in the last decades by the German philosopher Odo Marquard. Marquard maintains that the Lisbon Earthquake certainly provoked a crisis of the Leibnizian idea that this is the best of all possible worlds (as well as of Alexander Pope's literary motto "everything what is, is right", referred to in Chapters 3 and 5). Yet, the aftermath of the earthquake did not wholly destroy the optimistic paradigm or better, the particular rationalist approach to reality that underlies philosophical optimism. The idea of an essentially rational, comprehensible, and positive reality outlived the Lisbon disaster and Voltaire's criticisms, perhaps not in the traditional metaphysical form given to it by Leibniz, but in a more dynamic, history-aware form that survived at least until the end of the nineteenth century. As Marquard explains, the crisis of optimism

led to “a kind of post-theistic theodicy with futurising fiber-optimism” (Marquard 2007: 97). This “futurising fiber-optimism” is best represented by the *Geschichtsphilosophie* (or Philosophy of History – particularly prominent at the end of the eighteenth and during the nineteenth century, and for which famous names such as Bossuet, Turgot, Voltaire, Condorcet, Kant, Fichte, Hegel or Marx are representative) and by two theses intimately related to it: i) the world is understood not anymore as a creation of God but as creation of man (namely as a historical development), and ii) history is a process “with a problematical present but a good future”. According to Marquard, the system of optimism survived the crisis caused by the earthquake in the form of “theodicy motives” typical for modern thought. These are called by Marquard the motives of “autonomisation” (“Autonomisierung”), the “good-making” of evil (“Malitätsbonisierung”), the motive of “compensation” (“Kompensation”), as well as the central notion of ‘progress’.

This stimulating account cannot be examined in detail here. However, one thing must be clear: versions of the history of optimism which diverge from the ‘standard picture’ are possible. Thus, for the mentioned case, while the ‘standard picture’ preaches the decease of philosophical optimism after the catastrophe in Lisbon, Odo Marquard identifies the persistence of several motives of optimism – or more particularly, motives of a special form of theistic rationalism that underlies the system of the best – after 1755, defending the thesis of a kind of ‘never-ending optimism’ that survives the intellectual earthquake produced by Voltaire in a history-oriented form. Clearly, the standard theory of the end of optimism resulting from the Lisbon Earthquake and Marquard’s proposal of a “futurising über-optimism”, far from being contradictory, are in fact complementary theses, or more exactly, Marquard’s thesis is a correction, an enriching clarification, of the ‘standard picture’. The Lisbon Earthquake certainly provoked a profound and decisive crisis of optimism. However, the intellectual basis, the philosophical intention of the system of the best survived rather vigorously all through the following centuries.

The thesis defended in the present study can be judged as a further enriching reading of the history of optimism. In its perhaps most condensed form, this thesis reads: Leibnizian optimism was no unhampered paradigm in the first half of the eighteenth century in France and Germany. On the contrary, some of its central theories and principles – like the notion of a best possible world, the belief in the universal validity of rational principles like the Principle of Sufficient Reason, the idea of the necessarily positive moral character of creation, and first among all, the particular rationalist (and specifically: intellectualist) concept of God that underlies optimism – were challenged with arguments that are definitely worthy of attention and philosophical interest. Thus, while Marquard’s idea of a survival of several motives of optimism straightens out the ‘standard picture’ regarding the period following the Lisbon Earthquake, the previous chapters show that the standard view of the history of optimism must also be enjoyed with some prudence concerning the period before the earthquake. Optimism was criticized before 1755. This critique was directed against central tenets of the doctrine that this is the best of all possible worlds. Even more interestingly, it was directed against the core of optimism’s theoretical foundation: the idea of God as a rational being that acts according to reasons, of Leibniz’s understanding of the way in which God works and what divine freedom means. As was explained in the previous chapter, the nature of the criticisms directed against optimism in the period between the publication of the *Theodicy* in 1710 and the Lisbon Earthquake of 1755 was very different to that of the critiques after the earthquake, which concerned mainly the moral character of the world supposedly created by an omnipotent and good God and the sufferings of mankind. Early criticisms are

therefore interesting for themselves and constitute a further version of the development of the idea of the best world which complements both the ‘standard picture’ of the history of optimism and Marquard’s theories.

With regard to the more specific history of the reception of Leibnizian thought, the thesis of a rather active ‘counter-optimist’ reaction at the beginning of the eighteenth century also shows that the response of and the very intense debates around Leibniz’s thought, both in France and Germany, were still richer than normally supposed. As has been pointed out here, the conflict between Leibnizian optimism and its first critics has a value for itself. This conflict was not only, and specially, not mainly, the struggle between those who think, in the light of the problem of evil, that the world is good and those who consider it a valley of tears. Nor was it a clash between the two epistemological attitudes that determine a considerable part of early modern philosophical polemics, rationalism and empiricism. Also, ‘counter-optimism’ does not seem to have been some skeptical attack on the belief in reason, in some way heir of the skeptical crisis, famously described by Richard Popkin, that is, allegedly, also representative for the early modern period. The battle between philosophical optimism and ‘counter-optimism’ was fundamentally a clash between two different approaches to the nature of God and, more particularly, to the problem of what it means to say that God is free. This quarrel has been described in this work with the aid of the less famous and nevertheless fundamental theoretical schema of ‘intellectualism vs. voluntarism’. Of course, the fact that the conflict around optimism has such a clearly theological ingredient does not make the conflict less interesting for the history of modern philosophy. On the contrary, it shows that, if one looks a little deeper, that history can still contain surprises.

Concerning the theoretical interest of this work and the question that according to Bernard Williams’ above mentioned distinction is the central question of the ‘history of philosophy’ (what does it mean – what does a philosophical work or a doctrine of the past mean nowadays?), the past chapters have sought to explain what kind of arguments were put forward against central tenets of Leibnizian metaphysics and particularly against Leibniz’s understanding of rational, moral agency (in the present case: divine agency). Early criticisms of Leibnizian thought offer clear examples of the kind of problems that Leibniz’s contemporaries had with basic notions and doctrines of the philosopher’s rationalist worldview – and also of the kind of problems that such rationalist notions and doctrine might actually have or imply. These problematic or, at least, not self-evident aspects are, among others, the intellectualist notion of God, the doctrine of the universal validity of the Principle of Sufficient Reason, the theory of uncreated, unmodifiable eternal truths of principles of reason, the concept of hypothetical or moral necessity, the understanding of freedom as being “morally compelled by wisdom, [...] bound by the consideration of good” (T, §236/GP VI 258–9), etc. All these were shown by the examined critics to be knotty issues of Leibnizian philosophy. But what is more: they were also shown to be, for themselves, knotty aspects of a rationalist/intellectualist approach to reality. Thus, whether one assumes or rejects a theistic model, whether one accepts or not the reasons of the examined critics, their doubts point out important problems with which a rationalist philosophy – not only Leibniz’s – must necessarily deal.

Further, it was also shown that the voluntarist alternative that early critics offer in order to ‘save’ divine freedom is in itself not less, and perhaps even more, problematic than the Leibnizian intellectualist approach. The theoretical relevance of an examination of so-called early ‘counter-optimism’ is therefore evident: the problems stressed by early critics of optimism seem to be of importance not only concerning the conflict between Leibniz and his detractors. Within a philosophical framework that

pursues the examination of the pretensions and possibilities of rationalism, and includes the reference to approaches like the ones we have described here by using the categories of 'intellectualism' and 'voluntarism', the study of early counter-optimism is also relevant with regard to the quest of making sense of the idea of freedom. And it might be added: this is an enduring quest that goes beyond the temporal and theoretical limits of early modern philosophy. <>

## **THE ENIGMA OF FICHTE'S FIRST PRINCIPLES (DAS RÄTSEL VON FICHTE'S GRUNDSÄTZEN) Herausgegeben von David W. Wood [Fichte-Studien, Brill Rodopi, 9789004459786]**

Presenting new critical perspectives on J.G. Fichte's *Wissenschaftslehre*, this volume of English articles by an international group of scholars addresses the topic of first principles in Fichte's writings. Especially discussed are the central text of his Jena period, the 1794/95 *Grundlage der gesamten Wissenschaftslehre*, as well as later versions like the *Wissenschaftslehre nova methodo* (1796-99) and the presentations of 1804 and 1805. Also included are new studies on the first principles of the particular sub-disciplines of Fichte's system, such as the doctrines of aesthetics, nature, right, ethics, and history.

Inhaltsverzeichnis / Contents

Vorwort / Preface: Fichte's First Principles and the Total System of the *Wissenschaftslehre*, David W. Wood

Beiträgerverzeichnis / Notes on Contributors

teil I / part I

Fichte's Earliest Reflections on First Principles

1 Fichte's First First Principles, in the Aphorisms on Religion and Deism (1790) and Prior 3, Jason M. Yonover

2 General Logic and the Foundational Demonstration of the First Principle in Fichte's *Eigene Meditationen* and Early *Wissenschaftslehre*, David Sommer

3 The First Principle of Philosophy in Fichte's 1794 *Aenesidemus* Review, Elise Frketic  
teil 2 / part 2

The First Principles of the *Wissenschaftslehre*

4 Why Is the First Principle of the *Grundlage der gesamten Wissenschaftslehre* Foundational for Fichte's Entire *Wissenschaftslehre*? Alexander Schnell

5 Difference within Identity? Fichte's Reevaluation of the First Principle of Philosophy in §5 of the Foundation of the Entire *Wissenschaftslehre*, Philipp Schwa

6 "The Subsequent Delivery of the Deduction" – Fichte's Transformation of Kant's Deduction of the Categories, Gesa Wellmann

7 From Being Reflexive to Absolute Reflection – Fichte's Original Insight Reconsidered, Stefan Schick

8 The First Principle of the *Wissenschaftslehre* and the Logical Principle of Identity, Esma Kayar

9 Facticity and Genesis: Tracking Fichte's Method in the Berlin *Wissenschaftslehre*, G. Anthony Bruno

10 "Knowledge Is Existence" – Ascent to the First Principle in Fichte's 1805 Erlangen *Wissenschaftslehre*, Robert G. Seymour

teil 3 / part 3

The First Principles of the Sub-Disciplines of the *Wissenschaftslehre*

11 The Monogram of the “Sweet Songstress of the Night”: The Hovering of the Imagination as the First Principle of Fichte’s Aesthetics, Laure Cahen-Maurel

12 Fichte’s First Principle of Right, Michael Nance

13 I-Hood as the Speculative Ground of Fichte’s Real Ethics, Kienhow Goh

14 The Role of First Principles in Fichte’s Philosophy of History, Pavel Reichl

15 Circumvolutions of the Mind: Fichte on First Principles and Transcendental Circuits, Carlos Zorrilla Piña

teil 4 / part 4

Freie Beiträge

16 ‘Transcendental’ in Kant and Fichte: A Conceptual Shift and Its Philosophical Meaning, Elena Ficara

17 Fichtes Kolleg „Moral für Gelehrte“ – Jena 1794–1795: Zur Geschichte von „Über Geist und Buchstaben“, Ricardo Barbosa

18 Die gelehrte Bildung nach der göttlichen Idee in *Über das Wesen des Gelehrten*, Quentin Landenne

19 Fichte’s Original Insight Reviewed, Roberto Horácio Sá Pereira

20 Images de l’absolu : Phénoménologie matérielle et phénoménologie fichtéenne, Frédéric Seyler

teil 5 / part 5

Rezensionen

Luis Felipe Garcia, *La philosophie comme Wissenschaftslehre. Le projet fichtéen d’une nouvelle pratique du savoir* by Antonella Carbone

Johann Gottlieb Fichte, *Die späten wissenschaftlichen Vorlesungen iv, I: Transzendente Logik I (1812)*. Neu herausgegeben von Hans Georg von Manz und Ives Radrizzani. Unter Mitarbeit von Erich Fuchs, Zhu Lei

Thomas Sören Hoffmann (Hrsg.), *Fichtes Geschlossener Handelsstaat. Beiträge zur Erschließung eines Anti-Klassikers*, Konstantinos Masmanidis

Index

## Preface: Fichte’s First Principles and the Total System of the *Wissenschaftslehre*

The main title of the present volume is: “The Enigma of Fichte’s First Principles/Das Rätsel von Fichtes Grundsätzen.” It is so titled because, surprisingly, even after more than two hundred years of research there still remains many unresolved issues regarding the first principles of Fichte’s philosophical system. In the Preface to the *Grundlage der gesamten Wissenschaftslehre (1794/95)*, Fichte had given some advice about his manner of philosophizing: “I find it especially important to recall that I will not say everything, but I want to leave something for my reader to think about. [...] This is because I wish to promote independent thinking.”<sup>1</sup> – This seems to be particularly the case for the topic of the *Grundsätze*: Fichte has not explicitly stated every single detail, but left to readers and scholars the task of exercising their own intellectual powers to more precisely determine the exact content, form, and scope of the first foundational principles of the *Wissenschaftslehre*. This foreword will give a brief overview of the contributing articles, as well as some general reflections on why the first scientific principles of Fichte’s philosophy continue to remain enigmatic, including the necessity of seeing these first principles within the total system of the *Wissenschaftslehre*.

The majority of the articles in this volume are based on papers given at an international conference originally held from 27–28 April 2018 at the University of Leuven, Belgium. They all have been reworked, updated, and peer-reviewed for this publication. I wish to thank Karin de Boer and Elise Frketich for their help in co-organising the conference, Henny Blomme, Stephen Howard, Luciano Perulli, Pierpaolo Betti and Wai Lam Foo for their assistance, the Institute of Philosophy at the University of Leuven for supporting and hosting the conference, as well as all the participants for generously making their latest research available here in this issue. I also extend my sincere thanks to the other scholars who subsequently agreed to write a paper for this volume. Their further efforts have resulted in a much more comprehensive survey of the topic of first principles in Fichte’s entire system. Finally, I am extremely grateful to the main editorial team of the *Fichte-Studien*: Marco Ivaldo, Alexander Schnell, Thomas Sören Hoffmann, Bryan-Joseph Planhof, and Martin Wilmer, for their expertise and help in bringing this volume to fruition, as well as the editorial staff at the publisher Brill, particularly during these difficult months of a global pandemic.

The first group of three articles in this volume treats the topic of first principles in the very earliest writings of Fichte, from approximately the period 1790–1794. The second group of articles examines specific questions relating to first principles in the technical presentations of the *Wissenschaftslehre*, especially the Jena *Grundlage* of 1794/95, as well as the 1804 Berlin and 1805 Erlangen versions. These specific questions concern the nature and status of the first principle and its connection to the second and third principles; the possibility of a change or rupture in the foundations of the *Wissenschaftslehre*, and the relation of the first principles to logic, reflection, existence, facticity, and the deduction of the categories. The third group of articles looks at the question of the first principles in the sub-disciplines of the *Wissenschaftslehre*, including the domains of aesthetics, right, ethics, history and nature. This volume 49 of the *Fichte-Studien* is then completed with five further contributions on various topics and three book reviews.

### The First Scientific Principles of the *Wissenschaftslehre*

Why does the topic of Fichte’s first principles remain so enigmatic? Apart from the pedagogical issue of readers and scholars having to exercise their own powers of thought, one could imagine that this foundational topic has been thoroughly exhausted by Fichte scholars, and that in the year 2021 there is now nothing more to say or discover. As this volume abundantly shows, that is not at all the case, a lot of fresh perspectives can be opened up and new discoveries made, while many apparent or real contradictions need to be overcome or properly addressed.

For example, we already arrive at a first enigma if we ask the simple questions: *when* and *where* exactly did Fichte discover the first foundational principle of his system? There is still no consensus on either the time or the place of this philosophical discovery. In the Prefaces to both the 1794 programmatic text *Über den Begriff der Wissenschaftslehre* and the 1794/95 *Grundlage*, Fichte himself characterizes the discovery as a form of sudden and fortunate inspiration: a *glücklichen Zufall* or *Glück* (fortune); however, he believes this discovery only occurred because of a serious and honest striving to raise philosophy to the level of a self-evident science. The suddenness is confirmed by the anecdotal evidence of Eduard Fichte and Henrik Steffens that it took place in a similar manner to Descartes’s inspiration by a warm winter stove. In a personal letter to Böttiger written from Zurich, Switzerland, Fichte speaks of an important “discovery” (*Entdeckung*) that was made around the “end of autumn” 1793. Or again, in a December 1793 letter to Heinrich Stephani, Fichte speaks of a philosophical illumination that had

happened roughly six weeks earlier: “The system must be rebuilt. And this is what I have been doing for the past six weeks or so. Come celebrate the harvest with me! I have discovered a new foundation, on the basis of which it will be easy to develop the whole of philosophy.” This date of late 1793 is further supported by the Preface to the 1806 *Anweisung zum seligen Leben*, where Fichte speaks of his philosophy of religion being in continuous harmony with a main philosophical conception that had been bestowed upon him “thirteen years” previously, i.e. in the year 1793. Thus, based on these textual sources, one general tendency has been to date Fichte’s “original insight” to Zurich in approximately October or November 1793. However, there is another tendency in the research that draws textual support from the *Second Introduction to the Wissenschaftslehre*, where Fichte points out that the initial idea for a first principle of philosophy had appeared to him already in Königsberg in Prussia in 1791. This was in conversations with the Kantian expositor Johann Friedrich Schulz, “with whom I once shared my then still vague idea of constructing philosophy in its entirety on the basis of the pure I.” So, is the place and time of Fichte’s philosophical discovery to be located in Zurich in late 1793, or two years earlier in Königsberg in 1791?

A second enigma concerns the *actual content* and *form* of the first foundational principle (*Grundsatz*). What exactly is the nature of the first principle, and did Fichte later change it? In the 1794/95 *Grundlage*, Fichte does not immediately state his first principle, but indicates that it has to be found:

### § 1 First, *absolutely unconditioned foundational principle*

We have to *seek out* the absolutely first completely unconditioned foundational principle of all human knowledge. It cannot be *proven* or *determined*, if it is the absolutely first foundational principle.

In accordance with his commitment to independent thinking on the part of the reader, one can see that at the outset of this text Fichte does not passively present or explain his first principle, but rather sets out the conditions for it to appear: it has to be absolutely first, unconditioned, and can neither be determined nor proved. One could ask: by adopting such an unusual methodological approach, did Fichte likewise wish to stimulate in his readers a sudden philosophical “inspiration”, or as he would later term it, an “intellectual intuition”? In sections § 2 and § 3 of the *Grundlage*, Fichte then presents two further absolutely foundational principles, which differ from the first insofar as they are conditioned with regard to their content (§ 2) or their form (§ 3). Much ink has been shed in trying to understand how these latter two foundational principles relate in turn to the first foundational principle.

As regards the content of this first foundational principle of § 1 of the *Grundlage*, scholars seem to understand it in different ways. Either as the “absolute I”, or the “pure I”, as “I am” or simply as the “I”; some consider it to be “I = I”, “I am I”, or again: the “I-hood” – the unity of the subject-object. Other scholars prefer a longer statement of the first principle, often the formulation found in point 10 of § 1 of the *Grundlage*: “the I originally posits its own being absolutely” (*Das Ich setzt ursprünglich schlechthin sein eigenes Sein*). Are all these different formulations valid as the first principle of the *Wissenschaftslehre*? Fichte had asked his readers to think for themselves and seek out the first foundational principle of his philosophy, a principle forming the basis for the entirety of human knowledge, and the result in the scholarship appears to be many different formulations that might very well contradict one another. Most strikingly, *several* different first principles are put forward, despite Fichte’s insistence that there is *one*, and only one, first principle. Some scholars think this contradiction is only apparent, and can be resolved by viewing many of these formulations as variants of the same first principle of the “absolute I”,

expressed either in an abbreviated or more extended form. This would not be surprising, as Fichte himself said he would change his terminology and presentations, and perhaps this therefore holds for the multiple formulations of the first principle itself.

Yet Fichte also underscored that the first principle must be self-evident to all: “Since this proposition is supposed to be certain immediately and through itself, this can only mean that its content determines its form and its form determines its content.” Are all the above formulations immediately certain and self-evident? Fichte was similarly clear as early as the 1794 *Recension des Aenesidemus* that in order to have a living foundation for his philosophy, the content of any true first principle had to be “real” or “material”, and not abstract, formulaic or theoretical, like those found in the sciences of logic or mathematics. This is furthermore a distinction that can be easily overlooked – the classic and crucial Fichtean distinction between the outer letter (*Buchstabe*) and inner spirit or mind (*Geist*). That is to say, we have to clearly distinguish between the mere linguistic expression of the first principle that can be summarized in words or signs, and the actual living content or cognitive *act* to which these words refer:

“The *Wissenschaftslehre* establishes a proposition (*Satz*) that has been thought and then expressed in words. Such a proposition corresponds to an action (*Handlung*) of the human mind.”

Other researchers have argued that perhaps there is no one single *Grundsatz*, or even that Fichte’s system is not foundational at all. This leads to the related problem or charge: the reason why there exists many variations of the first principle is because Fichte himself continually changed or modified it. That is to say, Fichte adopted a different first principle later in Berlin, because supposedly his early Jena system was not working. If this is the case, then there is a distinct rupture in the transcendental and scientific foundations of Fichte’s system. Indeed, this alternative seems tempting and even obvious to many people, especially since many of the later Berlin writings clearly appeal to some kind of transcendent or religious foundation. Or can this contradiction between the early Jena and later Berlin presentations be satisfactorily resolved? In this regard, we have to remember that Fichte’s primary philosophical method in the *Grundlage* is the *method of synthesis*, which concerns none other than the resolution of cognitive paradoxes or apparent contradictions. And of course: properly answering the question of a rupture in the foundations of the *Wissenschaftslehre* first of all involves correctly determining what exactly the first principle of the early Jena system is. If researchers choose the wrong first principle for the Jena period, then it will be hard to convincingly and accurately prove a rupture later on in Berlin. Hence, it is extremely necessary for Fichte scholarship to attain a more comprehensive consensus regarding the first principle in Fichte’s chief scientific text in Jena, the 1794/95 *Grundlage der gesamten Wissenschaftslehre*. And that is exactly what many of the contributions in this volume have striven to do.

## The Sub-Disciplines of the *Wissenschaftslehre*

The *Wissenschaftslehre* was not merely to have a rigorous foundation based on three interrelated first principles, but also to be a general system of the whole of human knowledge and of all the other specific sciences. In sum: “The *Wissenschaftslehre* is supposed to be the science of all the sciences.” Moreover, Fichte was fully convinced of the *originality* of his philosophy: “this science is a *newly discovered science* whose very idea did not previously exist, and this can only be obtained and judged from the *Wissenschaftslehre* itself.”

As early as the year 1795, after the publication of the *Grundlage* and the *Grundriss*, Fichte believed that he had now done enough for a competent reader to already have a perfectly sufficient overview of the method, ground, and scope of his system, and how this foundation could be further expanded upon:

In the present book [*Grundlage*], as well as if one includes the text: *Grundrisse des Eigentümlichen der Wissenschaftslehre in Rücksicht auf das theoretische Vermögen*, I believe I have developed my system so far that every competent judge can completely have an overview of both the ground (*Grund*) and extent (*Umfang*) of the system, as well as the method (*Art*) as to how one can further build on the former.

In the 1794 *Über den Begriff der Wissenschaftslehre* Fichte had listed a number of disciplines that were to be built on the foundation of the more general *Wissenschaftslehre*. These projected sub-disciplines or particular sciences included: a theory of aesthetics, the philosophy of nature, a doctrine of God, a doctrine of right, and a theory of ethics, and again, “whose first foundational principles are not merely formal, but material.” Each of these specific sub-disciplines of the *Wissenschaftslehre* should likewise have a first foundational principle. The *Wissenschaftslehre* is to provide the first principles to these other particular sub-disciplines, and they should in turn relate back to the first principles of the general *Wissenschaftslehre*. Hence, each of the foundational principles are to be viewed from two sides, from the side of the main foundational principle, and from the side of the specific sub-discipline:

In this respect the *Wissenschaftslehre* is supposed to provide all the sciences with their first principles. It follows that all those propositions which serve as first principles of the various particular sciences are, at the same time, propositions indigenous to the *Wissenschaftslehre*. Thus, one and the same proposition has to be considered from two points of view: as a proposition contained within the *Wissenschaftslehre*, and also as a first principle standing at the pinnacle of some particular science.

Here we encounter further puzzling aspects of Fichte’s system. How exactly does the first principle of the general *Wissenschaftslehre* relate in a twofold manner to the first principles of the particular sub-disciplines? And how many sub-disciplines or particular sciences are there? Similar to the first 1794 edition of *Über den Begriff*, the 1798/99 lectures on the *Wissenschaftslehre nova methodo* conclude with a classification of the different sub-disciplines of the system, including a theory of nature, a system of ethics, a doctrine of right, a philosophy of religion, as well as a theory of aesthetics. While the 1806 *Anweisung zum seligen Leben* seems to list five main disciplines in a hierarchical manner, with the conception of nature at the bottom and the system of science at the summit. To complicate matters, the second series of the 1804 lectures on the *Wissenschaftslehre* had argued that any five disciplines can in turn be split up into a further five, with the total result of “twenty-five” sub-disciplines, or what Fichte also terms as forms or “basic determinations of knowledge.” Indeed, in the later Jena, Berlin and Erlangen periods Fichte gave presentations on other topics such as political theory, economics, the theory of the state, philosophy of history, theory of the scholar, the philosophy of mathematics, and so on. So does the *Wissenschaftslehre* have five, twenty-five, or even more sub-disciplines?

Not only is the number of sub-disciplines puzzling. Fichte maintained that once the entire system was completed it would return back to its original starting point. In other words, the architectonic of the system is supposedly circular:

A first principle has been exhausted when a complete system has been erected upon it; that is, when the first principle necessarily leads to *all* the established propositions, and *all* the

established propositions necessarily lead back in turn to it. [...] When this science is established, it will be shown that this circular course (*Kreislauf*) is really completed, and the researcher will be left back precisely at the point from which he had started.

Thus, there is a beginning point and an endpoint to the *Wissenschaftslehre*, and when the system is exhausted one will see how they harmonize and that the researcher has circled back to the starting point. In the *Second Introduction*, Fichte stated that the start of the *Wissenschaftslehre* commences with the “intuition of the I”, and it concludes with the “idea of the I”. He stressed that the intuition and idea should not be confused with one another and are therefore distinct. But how exactly is the architectonic circular if these two points are distinct? This is another problematic issue concerning the intersection between the main foundational principle and the first principles of the sub-disciplines of the *Wissenschaftslehre*.

## The Total System of the *Wissenschaftslehre*

In any event, Fichte viewed the general foundation, together with all its particular sub-disciplines, in which the researcher returns and circle backs to the original starting point, as constituting a philosophical whole, or as the *total system* of the *Wissenschaftslehre*. It was conceived as a scientific foundation for *all* human knowledge or as a modern philosophical encyclopaedia. In fact, in 1813 Fichte advertised a series of lectures at the University of Berlin with precisely this title: “Allgemeine wissenschaftliche Encyclopädie” (General Scientific Encyclopaedia).

But was this total encyclopaedic system of the *Wissenschaftslehre* ever completed? We have to remember, for Fichte the system attains completion (*Vollendung*) or is exhausted when it returns back to its starting point. That is the difference between the general *Wissenschaftslehre* and any of the particular sciences. Unlike the latter, the former can be completed:

The *Wissenschaftslehre* therefore has absolute totality. In it, the One leads to the All, and the All to the One. It is the sole science that can be completed; accordingly, completion is one of its defining characteristics. All the other sciences are infinite and can never be completed; because they do not return back again to their first principle.

There is much debate on this point, both for and against the completion of the *Wissenschaftslehre*. With the publication of the *Grundlage des Naturrechts* in 1796/97 and the *Sittenlehre* in 1798 we do appear to have finished versions of at least two major sub-disciplines of the *Wissenschaftslehre* already by the year 1798. Notwithstanding, in the Preface to the second 1798 edition of *Über den Begriff*, Fichte admitted that his system was still far from complete, and there remained a lot of work to finish it: “For the completion of the system, there is still indescribably much to do. The ground has hardly been laid, and the building has scarcely begun.” Significantly, however, in that same text he did dispense entirely with the “hypothetical classification of the *Wissenschaftslehre*”, that is, with the above-mentioned projected sketch of the architectonical idea of its various sub-disciplines, because he now considered that its contents had been sufficiently incorporated into the *Grundlage* text.

In 1806, in the Preface to his chief text on the philosophy of religion, the *Anweisung zum seligen Leben, oder auch die Religionslehre*, Fichte declared that his late popular writings were perfectly in harmony with his earlier scientific system, and that the *Anweisung* should henceforth be viewed as the “summit” and “brightest point of light” of all his writings. If so, with this detailed study on the philosophy of religion had the *Wissenschaftslehre* finally become completed in 1806? Or was it now just philosophically

transcendent? According to Fichte, his system remained fully immanent and transcendental, and never became transcendent or dogmatic. Many critics and current scholars disagree with him on this point. They see the later turn to popular writings on religion and faith around 1800 to be no longer compatible with a scientific and rational system of philosophy. However, if this interpretation of a later irreconcilable religious turn is correct, why did Fichte already state in the 1794/95 *Grundlage* that the *Wissenschaftslehre* is “not atheistic”, and room must therefore be made in it for a philosophy of religion?

Whatever view we adopt regarding the question of continuity or rupture between the early and later presentations of the *Wissenschaftslehre*, we should be aware of another piece of advice that Fichte had given in the 1795 Preface to the *Grundlage*. In fact, it is so crucial, Fichte underscored it twice. And that is, however much we explicitly determine one element in the *Wissenschaftslehre* – and that of course holds for the first foundational principles and those of the sub-disciplines – no one specific element can be fully understood in isolation or on its own, but each and every element should additionally be viewed from the standpoint of the totality of the system:

One has to explain from the context, and first procure an overview of the whole before precisely determining a single isolated proposition; this is a method that obviously presupposes goodwill to do justice to the system rather than the intention of only finding errors in it. [...] I request future critics of this text to examine the whole, and to view every single thought from the viewpoint of the whole.

It is exceedingly difficult for a single scholar, let alone the ordinary interested reader, to have a thorough grasp of the entirety of Fichte’s philosophical writings, including those on the different sub-disciplines of the *Wissenschaftslehre*. Hence, this was another of the central aims of this volume 49 of the *Fichte-Studien*, to help serious philosophical readers of the *Wissenschaftslehre* in the imposing task of obtaining a better insight into its total system. Naturally, this volume could not tackle all the above unresolved issues, nor can it provide an overview of every single facet or sub-discipline. Yet it does try to supply vital and up-to-date perspectives on some of the most relevant elements and key domains.

Eventually for Fichte, any final overview of the *Wissenschaftslehre* can only be generated by readers themselves, who need to freely employ their philosophical forces to attain such a perspective. Not simply their more analytic skills of judging, or the intellect, or understanding and reason, but also their powers of memory, their faculty of intuition, and lastly, the unifying and synthesising force of their own creative or productive imagination. This last point needs underscoring for it is often underappreciated. According to Fichte, it is not just poets and artists who need to utilise their creative imagination, but it is absolutely necessary for *philosophers* too, in order to grasp the central ideas of his system. Once this is done, the resulting insight hits the reader suddenly: “in a fortunate minute the sought-after image presents itself before the soul like a flash of lightning. [...] It depends on this faculty [of the creative imagination] whether a person philosophizes with spirit or not. The *Wissenschaftslehre* is of such a nature that it cannot be communicated at all through the mere letter, but solely through the spirit. This is because for anyone who studies the *Wissenschaftslehre*, its foundational ideas (*Grund-Ideen*) have to be generated by the creative power of the imagination itself.” Failing to deploy the totality of one’s intellectual forces will therefore result in a one-sided and incomplete picture of this system: “The *Wissenschaftslehre* should exhaust the entire human being; hence, it can only be grasped with the

totality of the human being's entire faculties – [...] this is a truth that is very unpleasant to state and to hear, but it remains a truth nevertheless.”

May this volume inspire future scholars to make even further explicit what Fichte left unsaid or only implicitly pointed to. For them to employ all their faculties to try and resolve more precisely many of these puzzling questions and enigmas concerning the first foundational principles of Fichte's *Wissenschaftslehre* on the one hand, and the totality of his system on the other. <>

## **WHAT CAN'T BE SAID: PARADOX AND CONTRADICTION IN EAST ASIAN THOUGHT** by Yasuo Deguchi, Jay L. Garfield, Graham Priest, and Robert H. Sharf [Oxford University Press, 9780197526187]

Discusses engagement with paradox as a theme and conceptual arc in Daoist, Chinese Buddhist, and Japanese Buddhist philosophy.

Explores paradox as a rational, rather than mystical, approach in East Asian philosophy.

Defends dialetheism as a tool for exegesis in East Asian philosophical studies.

Typically, in the Western philosophical tradition, the presence of paradox and contradictions is taken to signal the failure or refutation of a theory or line of thinking. This aversion to paradox rests on the commitment-whether implicit or explicit-to the view that reality must be consistent.

In **WHAT CAN'T BE SAID**, Yasuo Deguchi, Jay L. Garfield, Graham Priest, and Robert H. Sharf extend their earlier arguments that the discovery of paradox and contradiction can deepen rather than disprove a philosophical position, and confirm these ideas in the context of East Asian philosophy. They claim that, unlike most Western philosophers, many East Asian philosophers embraced paradox, and provide textual evidence for this claim. Examining two classical Daoist texts, the *Daodejing* and the *Zhaungzi*, as well as the trajectory of Buddhism in East Asia, including works from the Sanlun, Tiantai, Chan, and Zen traditions and culminating with the Kyoto school of philosophy, they argue that these philosophers' commitment to paradox reflects an understanding of reality as inherently paradoxical, revealing significant philosophical insights.

### Review

"The use of paradoxes across East Asian philosophies is well known, but this book is rare in taking those paradoxes seriously, both as claims that reality is indeed contradictory and as philosophical positions that are reasonable and even true. It is a valuable contribution to the growing field of world philosophy." -- Frank Perkins, University of Hawai'i

#### CONTENTS

Preface

Abbreviations

Chapter 1: Introduction and Motivation by Jay L. Garfield and Graham Priest

Chapter 2: Knots in the Dao by Jay L. Garfield and Graham Priest  
 Chapter 3: Silence and Upāya: Paradox in the Vimalakīrti-nirdeśa-sūtra by Jay L. Garfield  
 Chapter 4: Nondualism of the Two Truths: Sanlun and Tiantai on Contradictions by Yasuo Deguchi  
 Chapter 5: Chan Cases by Robert Sharf  
 Chapter 6: Dining on Painted Rice Cakes by Jay L. Garfield and Graham Priest  
 Chapter 7: Paradox and Contradiction in the Work of Nishida Kitaro by Yasuo Deguchi and Naoya Fujikawa  
 Chapter 8: Review and Preview by Jay L. Garfield and Graham Priest  
 Chapter 9: Epilogue: Mind in World; World in Mind by Robert H. Sharf  
 References  
 Reference Abbreviations  
 Index

This book was written collectively. Although individual names or groups of names are associated with each chapter, reflecting those who wrote the initial drafts and exercised editorial control over those chapters, each member of the authorial collective was involved with the conception and writing of the entire book, and we take collective responsibility for its contents. We wrote over a period of several years, supported by a series of workshops.

Keywords: paradox, contradiction, dialetheism, paraconsistency, Asian philosophy, Chan, Zen, kōan, Daoism, Kyoto School

Excerpt: In this book, we bring together two topics that have never been put together before: dialetheism and East Asian philosophy. We will start by orienting the reader to these two topics. We will then provide some background on Indian Buddhism and briefly survey where our journey will take us. Finally, we will comment on the turn in our last chapter.

## Dialetheism

Let us start with dialetheism, since this is a view that is likely to be unfamiliar to many readers.

A *dialetheia* is a pair of statements,  $A$  and  $\sim A$  (it's not the case that  $A$ ), which are both true. Alternatively, and equivalently given a natural assumption about how negation works, a *dialetheia* is a statement,  $A$ , that is both true and false. *Dialetheism* is the view that there are some *dialetheias*. A dialetheist holds that *some* contradictions are true, not (necessarily) that *all* contradictions are true. The view that all contradictions are true is called *trivialism*, and it is a special case.

Dialetheism countenances the violation of the Principle of Non-Contradiction (PNC): the thesis that no contradiction can be true. The PNC has been high orthodoxy in Western philosophy (**p.2**) since Aristotle's badly flawed but highly influential defense of it in the *Metaphysics*. While there have been some important Western philosophers who rejected the PNC—Hegel is the most obvious example—these have been but isolated voices, at least until recently.

Contemporary dialetheism is closely connected with recent developments in logic, and specifically *paraconsistent logic*. In non-paraconsistent logics, such as the familiar Frege/Russell logic, a contradiction implies everything. Hence, if one countenances any contradiction, one is immediately committed to accepting any proposition whatsoever, and this fuels the reluctance on the part of many

philosophers to countenance true contradictions: trivialism is a high price to pay. A paraconsistent logic, on the other hand, is one in which contradictions do not imply everything. In the second half of the 20th century, a number of logicians have shown that paraconsistent logic is viable and indeed useful. Using a paraconsistent logic thus opens the door to the rational acceptability of theories that contain contradictions. These may then reveal metaphysical possibilities that might otherwise go unnoticed, or that might be dismissed out of hand, including, for example, the possibility that reality itself is inconsistent. This is because in a paraconsistent framework, contradictions do not spread, but are localized as “singularities.” (We will not go into the logical details here. We decided, as a matter of policy, to keep this book largely free of technical issues. Those interested can find the relevant literature in the references.)

Unsurprisingly, then, we have seen a number of philosophers who have come to endorse contradictory theories about various topics. The most high-profile of these concerns paradoxes of self-reference, such as the liar paradox. This is the simplest of a whole family of paradoxes. It concerns the sentence *This sentence is false*. If it is true, it is false; and if it is false, it is true. And, since it is either true or false, as it appears it must be, it follows that it is *both* true and false.

The liar paradox is an ancient and venerable paradox, and it has occasioned much discussion in the history of Western logic. Nearly all the discussions have tried to explain what is wrong with the contradiction-generating reasoning. The lack of success is underscored by the fact that, after some two and a half millennia, there is still no consensus on the matter. A dialethic approach to the paradox cuts through this tortured history. The reasoning is simply what it appears to be: a sound argument for a true contradiction.

The applications of dialetheism have now gone a long way beyond the paradoxes of self-reference. Let us note briefly a few more examples. One of these concerns the nature of motion and its paradoxes. Dialetheism may be applied to solve some of these. Consider one of Zeno’s paradoxes of motion: the Arrow. Take an arrow that is travelling from point *a* to point *b*. Consider any instant of its motion. At that instant, because it is an instant, progress made in its journey is zero. But the time of the motion is composed of all the instants in it. At each such instance it makes zero progress. An infinite number of zeros added together (even uncountably infinitely many) is zero. So the progress made on the whole journey is zero: the arrow never moves.

The dialethic solution is that at every instant it *does* move. The arrow is where it is, but it is also where it is not. Since it is in motion, it is already at a later point of its motion, and maybe also at an earlier point of its motion. Since it makes progress at an instant, it can make therefore progress at a sum of instants. Clearly, the analysis is dialethic.

Another sort of paradox to which dialetheism may be applied—and one which is more relevant to what is to come, since it may deal with inconsistent identities—is the sorites paradox. Sorites paradoxes are paradoxes concerning some predicate which is such that making small changes does not affect its applicability. One famous sorites paradox concerns the Ship of Theseus. Theseus had a ship, call it *a*. Every day, he changed one of the old planks and replaced it with a new plank. After a while, every plank in the ship had been changed. Let us call the resulting ship *b*. Changing one plank of a ship does not affect its identity. So after each day, the ship was still the ship *a*. In particular,  $a = b$ . However, Theseus, being a careful fellow, kept all the old planks, and it occurred to him to reassemble them, which he did.

Clearly, the reassembled ship is *a*. Equally clearly, it is not *b*, since they are in different places, so it is not the case that  $a = b$ . That is, *a* is and is not *b*. If you are not a dialetheist, this is obviously a problem. If you are, you may just take yourself to be in the presence of another sound argument with a contradictory conclusion.

A final application of dialetheism, and one which will also be very relevant in what is to come, is a paradox of the ineffable. A number of very important Western philosophers have argued that language has its limits: there are things of which we cannot speak. Thus, in the *Critique of Pure Reason*, Kant tells us that the categories are not applicable to noumena, such as a thing in itself. Any statement about such a thing would apply the categories, so one cannot speak of such things. Or, in the *Tractatus*, Wittgenstein tells us that statements are about objects. But statements have a form, and form is not an object. Hence, one cannot make statements about form. Or again, in *Being and Time*, Heidegger tells us that being is not itself *a* being. It follows that one can say nothing about it. For, as he also tells us, to make a statement about anything is to treat it as a being. But as is evident to even a cursory perusal, Kant, Wittgenstein, and Heidegger say much about the things about which they say we cannot talk, if only that we can say nothing about them. If one takes any of these theories to be correct, one therefore has a paradox at the limits of the expressible.

The philosophers in question were, of course, well aware of these contradictions. And each suggested ways in which the contradiction may be avoided. Wittgenstein even resorts to the desperate measure of calling the claims in his book literally meaningless, including, presumably, that one, resulting in further paradox. Though this is not the place to go into the matter, it is not hard to see that these ploys do not work. If one subscribes to one of these positions, a radical, but arguably more sensible, position is simply to accept the contradiction at the limits of thought. So much for the first of our two conjoined topics. Let us move to the second: East Asian philosophy.

### East Asian Philosophy

As we have noted, Western philosophical traditions have generally been hostile to dialetheism. Again generally speaking, the Asian philosophical traditions have been less so—though Western commentators on these traditions have been hesitant to endorse dialethic interpretations of the texts involved for fear of making their favorite philosophers appear irrational, given the interpreters' Aristotle-inspired *horror contradictionis*.

Take, for example, South Asian philosophy. Early Indian philosophy is arguably more open to dialetheism than Western philosophy. Various philosophers endorse the thought that some things are both true and false (or neither true nor false, thus endorsing the possibility of truth value gaps, as well as truth value gluts). This idea is often represented in a framework called the *catuṣkoṭi* (four corners), according to which a statement may be true (only), false (only), both, or neither. The framework is deployed by both early Hindu and early Buddhist thinkers. Jain logic utilizes not four but seven semantic valuations! This is their *saptabhaṅgī* (seven-fold categorization), and some of these valuations are clearly dialethic. Later Indian philosophy is much less dialetheism-friendly. Indeed, under the influence of the orthodox Nyāya philosophers and the Buddhist epistemologists Dignāga and Dharmakīrti, the PNC becomes orthodox in Indian thought around the 6th century CE.

Turning to East Asia, matters are different again. Unencumbered by either Aristotelian or Nyāya thinking, philosophers were freer to develop and explore contradictory theories. Indeed, many East Asian texts are full of paradoxical-sounding claims. Of course, it would be absurd to suppose that on each such occasion, the author of the text is endorsing a dialethic view. Such authors are as entitled to metaphor and poetic license as anyone else. Sometimes context may show that the contradiction is simply the penultimate line of some kind of *reductio* argument. Sometimes contradictions may be uttered for their shock value alone, to shake up someone's thinking. That is, they have value as *upāya* (skillful means). And sometimes, if the authors had been more careful, they would have indicated that the contradictory claims were true in different senses.

Even when all such occurrences of contradictions are set aside, however, there remain many places where the authors utter contradictions intending to endorse them, literally and unambiguously. The contradictory natures of the things concerned are not only endorsed, but they are also defended, explained, and their consequences explored. The world (that is, all that is the case), they argue, has contradictory aspects. It may be that some of these contradictory aspects reveal profound truths about the nature of reality and human existence, truths that would be inaccessible to one limited by the bounds of consistency.

### Background on Madhyamaka

This brings us to the present book. Its point is to show that many East Asian philosophers were indeed dialetheists; moreover, that dialetheism was central to their philosophical programs. That is, not only were East Asian philosophers less shy of contradiction than their Western colleagues, but they may have developed important insights that evaded their Western colleagues as a consequence of this willingness to entertain, and sometimes even to embrace, paradox. We will consider a number of texts from East Asian philosophy, examining and explaining the dialetheias their authors endorsed, the reasons for them, and their philosophical consequences.

Interpretation is, of course, always a difficult and contentious matter, and there will be times when the friends of consistency might reasonably disagree with our interpretations. But in some cases, that the view being endorsed is dialethic is virtually impossible to gainsay. Moreover, bearing in mind the historical and intellectual influences that run between our texts, the central claim of our book, that there is a strong vein of dialetheism running through East Asian philosophy, would seem to be as definitively established as any piece of hermeneutics can be.

Our journey will start with two Chinese classics, *Daodejing* and *Zhuangzi*, but the majority of the texts we will be dealing with are Buddhist. These Buddhist texts draw, of course, on their Indian heritage. So a word of background on the relevant parts of this, and specifically the Madhyamaka Buddhism of Nāgārjuna, is pertinent here. Buddhist exegetes operated with a notion of two truths (*satyas*): a conventional one, *saṃvṛti-satya*, that concerns the way things appear to be, and an ultimate one, *paramārtha-satya*, that pertains to how things actually are. In the pre-Mahāyāna Abhidharma traditions, the ultimate point of view is that everything is composed in the last instance of *dharmas*. These are metaphysical atoms, each of which exists in and of itself; that is, each has intrinsic nature or own-being (*svabhāva*). The objects of conventional understanding are then merely conceptual/mereological constructions made up of these *dharmas*; they are collections of *dharmas*, perceived or cognized as unified wholes through the application of some name or concept.<sup>14</sup>

Nāgārjuna's *Mūlamadhyamakakārikā*, and the Madhyamaka School of Buddhism which was based in large part on this text, rejected this picture. There is nothing that is what it is in and of itself: everything is empty (*śūnya*) of intrinsic nature (*svabhāva*). Nāgārjuna is as insistent as his Abhidharma predecessors that there are two *satyas*, but he understands them differently. Nāgārjuna argues that ultimate reality is emptiness—that everything is empty of intrinsic nature, including emptiness itself. Moreover, he argues that, since to be empty is to be empty of intrinsic nature, to be (p.9) empty is to be dependently originated, which is the very nature of the conventional truth. There is, hence, both a profound difference between, and an identity of, the two truths.

Nāgārjuna's thought bequeathed Buddhism two tricky problems. First, ultimate reality is the way things are independent of the way they are taken to be when viewed through the lens of the concepts appropriate to conventional reality. It is therefore ineffable, since to describe anything, you have to apply concepts to it. But Nāgārjuna and those who followed him certainly talk about it. Secondly, and even more disconcertingly, since everything is empty, so is ultimate reality. There is, then, no ultimate difference between conventional and ultimate reality; the final nature of each is emptiness, which, again, is identified with dependent origination. Nāgārjuna himself points this out when he claims that there is not an iota of difference between the two. So they are different and the same. Indeed, if the ultimate truth is the way that things are ultimately, Madhyamaka, in virtue of arguing that there is no way that things are ultimately, suggests that there is no ultimate truth—and that this is it. The Madhyamaka view is therefore pregnant with at least two potential contradictions.

A number of later Indian and Tibetan Buddhists struggled to defuse the air of contradiction. We leave aside, here, both the question of the exegetical correctness and that of the philosophical cogency of these readings. The East Asian reaction, however, was quite different. Rather than trying to avoid the contradictions, or downplay them, many East Asian Buddhist philosophers accepted them. They not only accepted them; they foregrounded them in their Buddhist thinking. We may see, here, the influence of Daoist thought. Daoist ideas played an enormous role in the formation of various strands of Chinese Buddhism, and the Indian paradoxes resonated with those already present in Daoism.

### Where Are We Going?

So here is where we are going. In the next chapter, Chapter 2, we will look at some aspects of the *Daodejing* and the *Zhuangzi*. The first will deliver us the paradox of the ineffability of the Dao, while the second will deliver paradoxes concerning meaning and reasoning. Chapter 3 turns to the *Vimalakīrti-nirdeśa Sūtra*. Though this is an Indian text, there is little evidence that it had much of an impact on the development of Indian Buddhism. It had, however, an enormous impact in China, particularly on Chan. In this chapter, we will see how this text handles the paradox of the ineffability of the ultimate.

Chapter 4 concerns the paradox of the identity and difference of ultimate and conventional reality, and how this is handled by two schools of Chinese Buddhism, Sanlun and Tiantai. Sanlun, represented for our purposes by Jizang, builds the paradox into a dialectical progression of Hegelian proportion. Tiantai theorizes the identity of the two different truths by postulating a third, the middle, which is exactly the identity of the first two. Neither of these strategies avoids the contradiction involved. Rather, they are ways of articulating it.

In Chapter 5, we turn to Chan and its use of “public cases” (Chinese: *gong’an* 公案, Japanese: *kōan*). One might attempt to resolve the contradiction concerning the two truths by parameterization (disambiguation): the conventional and ultimate are different conventionally, but the same ultimately. But this can’t work: if the conventional and ultimate are indeed ultimately the same, the distinction collapses. Chan public cases develop and explore this paradox in the context of various points of doctrinal controversy. In Chapter 6, we turn to Dōgen, the founder of the Japanese Sōtō school of Zen. We examine some of the fascicles of his *Shōbōgenzō* to see how Dōgen uses the identity of the two truths to generate and deploy other contradictions relevant to Buddhism, including contradictions concerning enlightenment, time, and language.

In Chapter 7, we come to our final East Asian thinker, Nishida Kitarō, founder of the influential Japanese Kyoto School of philosophy. Nishida draws on Japanese Zen to deliver an analysis of absolute nothingness, which both is and is not an object, and which is and is not ineffable. He also produces an analysis of the self and the world in which it is embedded. These are both identical to and distinct from each other. Chapter 8 briefly reviews the preceding chapters, spelling out precisely the contradictions we have met along the way.

### The Book’s Coda

We could have ended there, but we decided not to do so. The central aim of the book is to establish the dialetheic tradition running through East Asian philosophy. By the end of Chapter 8, this has been achieved. Many of the thinkers and traditions we consider were clearly dialetheic.

Whether or not any of the contradictory theories we address is true is an entirely different matter. Whatever we say in the first eight chapters (as distinct from what each of us might think) is neutral on that issue. But there is a point at which neutrality becomes impossible: a contradiction that appears in our discussions, and assumes more and more significance as the chapters accumulate, is the contradiction between the first-person (“subjective”) view of the world and the third-person (“objective”) view. This is the contradiction we take up in the book’s coda, Chapter 9. And here, drawing on discussion from previous chapters, we do argue for, and endorse, this contradiction.

Why did we decide to include this final chapter? History and scholarship are interesting and important pursuits. Nonetheless, the texts we are dealing with are philosophical texts. They are dealing with philosophical issues, issues that are alive and important today. The texts are therefore no mere objects of scholarship. What they have to say is part of ongoing and contemporary philosophical debate. We wanted to foreground this point by taking up one such issue in the final chapter. Any stance one takes on a profound philosophical issue is bound to be contentious. No doubt the stance we take here is. But this stance is no philosophical quirk. As the rest of the book shows, it is informed by the thinking of some of the most important East Asian philosophers.

We thus place our own thinking in that tradition. <>