

## Notes on Revolution Now: Kant, Balibar, Adorno

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1. Until recently, it was widely assumed that the age of revolution was truly past, that revolutionary practice belonged to a now surpassed historical development and organization of human lives. Contemporary events throw this judgment into severe doubt.

The conventional diagnosis of the current resurgence of the witches' brew of populist authoritarianism and ethnic nationalism, with its unmistakable echoes of 1930s fascism, construes it as part of a cyclic movement intrinsic to liberal-democratic capitalism, an episodic release of ever-present dissatisfactions ignited by an occurrent moment of intense social-cultural stress caused by capital's normal operating procedure of creative destruction. The critical challenge to this optimistic diagnosis of the present interprets its tremors as expressing the waning of the authority of the entire liberal-democratic capitalist form of life that has been discontinuously regnant throughout the North Atlantic civilization for the better part of two-and-a-half centuries. If we are undergoing the lapse of an entire form of life, then either we will continue to exist indefinitely in its normal failed form of ethnic-nationalist authoritarianism or the current crisis will issue in a *revolutionary transformation* into a new form of life.<sup>1</sup>

The question of the need for a revolutionary transformation toward a new form of life is even more insistent in relation to the actuality of crisis-level alterations being brought about by global warming with its dissonant chorus of deforestation, disappearing wetlands, air and water pollution, ocean acidification with the creation of dead zones, all leading to a massive destruction of species – as much as 38% of all species now face extinction.<sup>2</sup> Again, while a certain skepticism wants to doubt that these

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<sup>1</sup> My choice of “form of life” as the framing model is determined by its three vectors of specification: human life as a universal mode shared by all living beings; the notion of form as the term for distinguishing the human as opposed to other forms of living; the notion of form as designating a historically particular mode of human living. Giorgio Agamben, *The Use of Bodies*, trans. A. Kotsko (Stanford: Stanford Univ. Press, 2016), p. 207, after stating that by a form of life is meant a life that can never be separated from its social-cultural form, continues by offering a vivid statement of how the different features are joined: “A life that cannot be separated from its form is a life for which, in its mode of life, its very living is at stake, and, in its living, what is at stake is first of all its mode of life.” For a useful survey of contemporary debate about the idea of form of life, see D. Fassin, *Life: A Critical User's Manual* (Cambridge: Polity Press, 2018), pp. 19-47. The conceptual reasons for opting for this frame will become obvious as this essay proceeds.

<sup>2</sup> For a grueling survey of how bad things are, see M. C. Wood, *Nature's Trust: Environmental Law for a New Ecological Age* (Cambridge: Cambridge University Press, 2014), part I. For a philosophical introduction to the relevant debates that pointedly engages with climate skepticism see Philip Kitcher and E. Fox Keller, *The Seasons Alter: How to Save Our Planet in Six Acts* (New York: Liveright Publishing, 2017).

changes are human made, scientific opinion overwhelmingly regards the current phase of climate change as a direct product of industrialization.<sup>3</sup> And even when this is conceded, there are some who believe the climate change crisis can be addressed within the *normal* instrumentally rational procedures of liberal capitalism. But this underestimates both the magnitude of the crisis, and, more significantly, the extent to which the policies and procedures of liberal capitalism have been the overwhelming cause of the impending disasters and remain the greatest foe to significant change. Arguably, economics, politics, and law would all have to undergo vast restructuring amounting to a *revolutionary transformation* in our form of life in order to address the present crisis and generate a sustainable relation to our ecological habitat—the earth.

In both of these cases, the economic-political and the environmental, the concept of *revolutionary transformation* would appear to be an unavoidable component of our reflective vocabulary necessary for the understanding of them as contemporary crisis phenomena.

**2.** For the sake of disambiguation, let's say that there are two notions of revolution relevant to the topic: (i) *Political Revolution*: The forcible replacement of one political authority with another. (ii) *Social Revolution*: A radical transformation of a form of life sufficient to yield the claim that the new form of life is equivalent to a new experiment in the meaning of being human. Traditional Marxism fused these two notions of revolution, rather than disambiguating them. It was Georg Lukács who first argued for the necessity of disambiguation.<sup>4</sup> He claimed that Marx's philosophy of history, in which the arrival of communism would achieve a utopian end of history, was premised on a false conception of the dynamics of history. The idea of a withering away of the state and thus an irreducible political form of social organization was premised on the thesis that there could be an end to the remedial virtue of justice because the conditions of justice, namely, scarcity and lack of benevolence—which are the conditions for the historical persistence of class-based social antagonism and consequential economic and social development—could be overcome, dialectically abolished. Marx's historical scheme is a hornet's nest of errors; Lukács' own skepticism turns on the denial of the thesis that all history has been the history of economic class conflict. He thought that only under capital does class domination, for the first time in history, become *grounded* in economic domination since only under a regime of universal commodity production can the economy organize the social formation as a whole. Previous forms of domination, he argued, were premised not on the means and relations of production

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<sup>3</sup> M.E. Mann, *The Hockey Stick and the Climate Wars* (New York: Columbia University press, 2012).

<sup>4</sup> G. Lukács, *History and Class Consciousness: Studies in Marxist Dialectics*, trans. Rodney Livingstone (London: The Merlin Press, 1971).

couplet, but on some superordinate system of valuation, some (transcendental) social imaginary. This is why Cornelius Castoriadis, writing in the wake of Lukács's effort to preserve the tradition of revolutionary Marxism, re-inscribes capital within the history of social imaginaries, arguing that modernity is constituted by two competing superordinate value systems: autonomy and utility (aka: efficiency or means-ends rationality or instrumental reason), where capital is at every moment deploying the ideologies of instrumental rationality to turn history from a terrain of human self-creation into a economic machine, a dynamic social apparatus underwritten but also partially held in check by the values of liberal democracy.<sup>5</sup>

Some version of the Castoriadis analysis of competing social imaginaries should be accepted, first because it forms the appropriate background to the thesis that it is some combination of neo-liberalism and globalization that has evacuated the ever-fragile balance between the claims of instrumental rationality and liberal value rationality.<sup>6</sup> Second, the theory of social imaginaries as providing the orienting ground for social life coheres with the orienting thesis that needs to emerge here that once the idea of the end of history is removed, then it follows that a socialist revolution would be for the sake of a new form of life, a new invention of the human, a new experiment in the meaning of being human. That is the social conception of revolution I wish to put into play. I take it that at least one of the guiding efforts of Western Marxism, the tradition of Marxism that emerges from Lukács, is to begin thinking of history as a series of historical experiments about the meaning of being human that occur in response to diverse and changing historical exigencies. Which means it remains a question to what extent social revolution, the transformation of the categorical terms constituting the meaning of the human and the institutional bearers and consequences of that transformation, is bound up with political revolution, with a radical transformation in the distribution of power and authority, with the inevitable corollary of the role of violence in political revolution.

**3.** The collapse of the French Revolution into the Terror, and the collapse of the Russian Revolution into dictatorship and the Gulag tend to lie in the background of serious discussions of revolution as providing sufficient grounds for disqualification. For our purposes, however, cohering with this skepticism but even deeper in the present

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<sup>5</sup> C. Castoriadis, *The Imaginary Institution of Society*, trans. K. Blamey (Cambridge: Polity Press, 1987). For a reconstruction and survey of the trajectory of the concept of instrumental reason within critical theory that includes the arrival of neoliberalism as the ultimate social form of this logic, see my "The Idea of Instrumental Reason," in P. Gordon, E. Hammer, and A. Honneth (eds.), *The Routledge Companion to the Frankfurt School* (London: Routledge, 2019), pp. 3-18.

<sup>6</sup> The best analysis of this moment is Wendy Brown's *Undoing the Demos: Neoliberalism's Stealth Revolution* (Brooklyn: Zone Books, 2015).

formation of the liberal concept of revolution is Kant's critique of revolutionary transformation and revolutionary violence. To many, Kant challenged the very idea of revolutionary violence as having a proper place in social and political philosophy. That reading, I shall argue is mistaken: independent of criticisms that can be brought against it, Kant's normative prohibition on violent revolution is more nuanced, more practically indeterminate, and more politically realist than it is often taken to be.

A second step necessary for placing the very idea of revolution on the agenda of contemporary political reflection is the question about the diagnosis of the present that would make radical transformation necessary as opposed to either some re-invigoration of the credentials of liberal democracy or the dialectical overcoming of capitalism and the arrival of socialism in accordance with Marx's philosophy of history. In this stretch of argument, which will be inevitably too fast for the purposes it is meant to serve, I will diagram Étienne Balibar's analysis of the structural impasses of the present, since it is too little known and strikes me as revelatory and compelling about the present conjuncture. In the final section of the essay, I will turn to T.W. Adorno's critique of modernity—which notoriously and presciently tied social domination to the domination of nature—for guidance about how to provide an account of the necessary ingredients for a social revolution that can address the kinds of impasses of the present diagrammed by Balibar (as an exemplary late Marxist).<sup>7</sup> The kind of power liberal capitalism has over the lives of its dependents, which is everyone, cannot be nuanced in itself or dealt with through the installation of new rulers; nor can socialism magically appear as the dialectical resolution of all the problems of liberal capitalism. A new form of life and a new invention of the human will be necessary.

Although the differences between political and social revolution are, I will argue, of overwhelming significance, it does not follow that the emergence of a radically new form of human living can *in fact* arrive without the kind of political struggle that leads to violence. Radical social transformation can feel like a rupture and a violence to our deepest habits of thinking and acting, which is why such transformation is labelled revolutionary. But social revolution, political revolution, and revolutionary violence are distinct phenomena however closely aligned in practice they sometimes seem to be.

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<sup>7</sup> This part of the essay was originally presented as part of a panel on progress and revolution at a conference on progress organized by Rahel Jaeggi. My co-panelists were Hauke Brunkhorst and Eva von Redecker. Von Redecker's powerful intervention has now been published in full as *Praxis und Revolution: Eine Sozialtheorie Radikalen Wandels* (Frankfurt: Campus Verlag, 2018).

## Kant: On Overcoming Violence

4. Communism is, of course, another metaphysical version of perpetual peace, of a dialectic whereby a final revolutionary negation of the negation, a final violent political negation of structural violence will sublate all further political and structural violence. Although operating with an analogous logic, Kant's critique of revolutionary violence is patently more plausible and nuanced than the Marxist philosophy of history, although, and significantly, sharing with the Marxist view a basic progress-through-strife model of historical development and progress.<sup>8</sup> Kant argues that the institution of political modernity, of a republican civil condition, normatively entails a closure on the permissibility of political revolution; reform is now the only morally acceptable mechanism of political transformation:

A change in a (defective) constitution, which may certainly be necessary at times, can therefore be carried out only through *reform* by the sovereign itself, but not by the people, and therefore not by *revolution*. (MM 321-1)<sup>9</sup>

Republican civility for Kant both means and intends perpetual peace, a political overcoming of lawless human violence and aggression.

Kant's premise is utterly anodyne: there cannot be a natural right to revolution because there are no natural rights—belief in such rights is akin to belief in witches and unicorns, as MacIntyre famously stated it. Kant locates the question of the right to revolution in the context of his analysis of the emergence of legal rights as a resolution to the conundrums of property use and ownership in the state of nature. Although there can be rights claims in the state of nature, since each rights claim and each challenge to such a claim in the state of nature is made unilaterally, Kant contends that one can only have and *enjoy* rights in a civil condition. His argument for this conclusion is complex, but an essential part of the argument is the claim that, as Katrin Flickschuh states it,

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<sup>8</sup> First, let me acknowledge that in order to enable the parallel with Marx, I am collapsing what are two distinct paths of argument in Kant: (i) the critique of revolutionary violence; and (ii) his progressive philosophy of history. Second, it is because Kant and Marx consider conflict and strife as a mechanism leading to *historical progress* behind the backs of the agents undergoing it that they are led to posit a teleology to the process that has as its fundamental feature the overcoming of the conflict and strife propelling it. In this respect, it is tempting to think that Kant, Hegel, and Marx all share a similar conception of historical development, differing on the nature of the conflicts and strife, but agreeing that the deepest social sources of violent social upheaval are ingredient in the overcoming of the social operation of those forces. In Kant's case, that progressive logic receives its normative legitimation in the critique of revolutionary violence. Finally, I am using the phrase "perpetual peace" metaphorically, rather than in its narrower Kantian signification.

<sup>9</sup> All references in the text to MM are to: Immanuel Kant, *The Metaphysics of Morals*, trans. M. Gregor (Cambridge: Cambridge University Press, 1991), followed by page references to the Prussian Academy edition that appear in the margin of Gregor's edition.

there is a “reciprocity of coercion within any [rights] entitlement relation.”<sup>10</sup> Kant’s thought here is that external freedom, and only external freedom, is at issue in this analysis, and cannot intelligibly be thought as the mere absence of causal hindrance, for two reasons. First, rights claims are intrinsically relational: my having an individual right does not by itself generate or produce an obligation on others—that is the fantasy of natural rights; rather, rights simply are the obligation of others not to interfere with my external freedom.

Conversely, what it means to be obligated is not “that I myself should limit my freedom to those conditions” whereby my freedom can coexist with the freedom of everyone (MM 231), but rather others have rights against me if I trespass on their rights, and hence can coerce me. Obligation is thus not self-obligation, not my angelic binding of myself to an ether of norms that descend from the structure of the will, the magical *pas de deux* between rational *Wille* and desire-driven *Willkür*; but *other-obligation*, the coming to be of a social system of mutual imputation, of you holding me responsible with force if necessary and reciprocally my holding you responsible with force if necessary. From the get-go, Kant understands that rights are the form in which my material freedom can be socially actual only in relation to the material freedom of others, and hence that rights are the normative requirements that provide for the structural form in which my material freedom can be actual in relation to the material freedom of all relevant others.

Second, it follows that freedom is not the simple absence of coercion, but rather an immanent and imminent potential of coercion normatively forestalled, and that the structure of rights that enable the detailing of what is mine and what is thine together with the laws’ enforcement and juridical determinacy just *are* that forestalling. This is the point of Kant’s claim that “Strict Right can be represented as the possibility of a *fully reciprocal use of coercion* that is consistent with everyone’s freedom in accordance with universal laws” (MM 232). Freedom is not outside force and coercion for Kant, but is rather *an arrangement of forces*, premised on the model of the law action and reaction, in which resistance to rightful freedom of one is exactly proportional to the rightful uses of coercion by the other.<sup>11</sup> Take a simple example: I touch you without your consent. A simple bodily movement crosses the boundary of right and suddenly becomes force, coercion, violation, and violence. The touch can be as gentle, even as tender as one can imagine: a kiss. But without consent, it is a coercive act and can be responded to

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<sup>10</sup> K. Flikschuh, “Reason, Right, and Revolution: Kant and Locke,” *Philosophy and Public Affairs* 36 (2008), pp. 375-404, at p. 392.

<sup>11</sup> See M. Willaschek, “Which Imperatives for Right? On the Non-Prescriptive Character of Juridical Laws in Kant’s *Metaphysics of Morals*,” in M. Timmons (ed.), *Kant’s Metaphysics of Morals: Interpretive Essays* (Oxford: Oxford University Press, 2002), pp. 65-87, esp. pp. 82-85.

coercively. If your body represents the totality of your capacities for purposive action, then in interfering with it I have deprived you of what is rightfully yours, of your very freedom of action, and the state may now step in, returning to you both the security of your boundaries and their normative actuality, and, most importantly, through punishment restore and express the supremacy of the law itself since the law is, here and now, our social bond, the set of norms and commitments in virtue of which we are a community at all. In working out this construction, Kant's inheritance from the mechanics of Hobbes and Newton allows him to break utterly from state-family metaphors,<sup>12</sup> and to work toward a conception of the relation between norm, force, and power that we must now say looks like Foucault *avant la lettre*: external freedom is an arrangement of forces, powers, and authorizations.

**6.** Kant's argument concerning the necessity of our entering into a civil condition and his argument against revolution are simple inferences from these theses about the nature of freedom, force, and right. Here is the founding thought:

A unilateral will cannot serve as a coercive law for everyone..., since that would infringe upon freedom in accordance with universal laws. So it is only a will putting everyone under obligation, hence only a collective general (common) will and powerful will, that can provide everyone this assurance [of lawful freedom]. (MM 256)

This is the necessary and foundational condition of perpetual peace: Neither you nor I can *unilaterally decide* for us both that this apple (computer) is mine and not thine. Only an omnilateral will, a universal and united will, only the rule of law can achieve a coordination of forces, and hence make physical (or provisional) possession into rightful possession. Omnilateral law institutes positive rights through which we can mutually recognize what is mine and what is thine. This must not only be an omnilateral will that is separate from my and your private wills, hence a public will, an institutionally created "we will", where the omnilateral "we" is brought into being the existence of normatively governed and effectively operating institutions of law making, law enforcing, law judging. For an omnilateral will to be effective in its three-fold function, it must be "powerful", that is, it must have a monopoly over the legitimate use of force. Freedom needs to be understood as a system of moving bodies, things, and spaces regulated by public laws whose task is to guarantee that each remains her own master and no one's purposiveness is in the control of another without prior consent, no one another's master; and that institutional arrangement, the state, the civil "We will,"

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<sup>12</sup> Where the classical hierarchical family structure, nonetheless, remains the basis of his account of the rights to persons akin to rights to things.

possesses a monopoly on the legitimate use of force in a manner that can guarantee the bindingness of law prospectively and retrospectively. *The rule of law – the Rechtsstaat idea that Kant is here innovating—is the normative force that sublates, cancels, raises, and preserves all material force, the rule that transforms violence into the authority and force of law.* I take this to be the deepest and most enduring of Kant’s theses about the meaning of the relation between force and law. For Kant, the rule of law is the institution of public normative authority, the institution of freedom, right, and obligation. In transforming physical force into the force of law, its monopoly over the use of violence ideally suspends social violence and adumbrates the end of violence.

7. In a manner no different than a unilateral act of coercion in the state of nature, which inaugurates the need for right, revolution, Kant argues, would be just one more unilateral act of will, a unilateral will putting itself in the place of the actual sovereign will, the revolutionary people deciding for itself that its use of force was the right one. This is why Kant believes that the revolutionary execution of a sovereign is a worse crime than assassination.<sup>13</sup> The assassination of Lincoln, however terrible, did not effectively or directly challenge the authority of government, even if Booth’s “*Sic Semper Tyrannis*” (“Thus always to Tyrants”) was intended to make an emphatic statement about the legitimacy of Lincoln’s presidency. If, however, a mob of confederates had stormed Ford’s Theatre that night, dragged Lincoln into a public square, executed him and claimed the authority to govern for themselves, they would have been literally attempting to install themselves in the place of the omnilateral will, making themselves judge, jury, and executioner based solely on their own unilateral judgment. Kant summarizes his argument that the revolutionary execution of the monarch “strikes horror in a soul filled with the Idea of men’s rights” (MM 321) thus:

[T]hat while his *murder* [assassination] is regarded as only an *exception* to the rule that the people makes its maxim, his *execution* must be regarded as a complete *overturning* of the principles of the relation between sovereign and his people... so that violence is elevated above the most sacred rights... Like a chasm that irretrievably swallows everything, the execution of a monarch seems to be a crime from which the people cannot be absolved, for it is as if the state commits suicide. (MM 321)

For Kant, revolutions that are against actual tyrants are formally and normatively no different than those against in fact rightful sovereigns: always the same unilateral use of

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<sup>13</sup> For a persuasive working through of this contrast see S. Williams Holtman, “Revolution, Contradiction, and Kantian Citizenship,” in Timmons (ed.), *Kant’s Metaphysics of Morals: Interpretive Essays*, pp. 209-231.

coercion, always a lawless and arbitrary violence that evacuates the space of right without remainder.

8. Kant contends that there can be no rightful use of force in the state of nature beyond immediate self-defense or forcing you, who will not recognize my rights, into a civil condition. All else is a unilateral and therefore normatively unjustified use of force. Only a civil condition can possess authoritative norms; and it is the *institutions* of the republican state in their coordinated activity, in the procedures of law making, law enforcing, and judging law that *constitute* normative authority—not a specific content. It is not the procedures of the institutions that constitute a civil condition, as if Kant were seeking perfect procedural justice, but the actuality of an arrangement of institutions implementing a united will that is essential. Because legitimate violence is necessarily state sanctioned violence, then there is no possible ethical space for revolutionary violence. The requirement that activities of government be public also means for Kant that citizens can be given the right to criticize the ruler's arrangements. However, as Flikschuh argues,

[w]here the sovereign denies subjects' freedom of the pen his rule *may* be illegitimate. However, this is by no means a forgone conclusion. The intolerant sovereign may retain legitimacy merely in virtue of being the sole possible representative of the idea of the general united will.<sup>14</sup>

Flikschuh's point here is that for Kant the authority of the state remains just so long as its practices correspond to the rule of law and not, say, the arbitrary rule of an individual acting unilaterally in her own (or her family's) self-interest. Despotism, no matter how severe—as in, say, contemporary Russia or Turkey or Iran—would still count for Kant as preferable with respect to a state of nature, and in that respect still legitimate.

9. Kant's argument does leave

conceptual space for the claim that the world's most horrible regimes are in a state of nature, so that those to whom they do violence are not only *entitled* but *required* to use force if they can bring them into a rightful condition in that way. To create a state out of a condition of barbaric violence is not a revolution; it is just the creation of a state where there was none before."<sup>15</sup>

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<sup>14</sup> Flikschuh, "Reason, Right, and Revolution: Kant and Locke," p. 395.

<sup>15</sup> A. Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Cambridge, MA: Harvard University Press, 2009), p. 338. I assume that the kind of state of affairs Ripstein is here designating would be closer to

For Kant, the institution of civility is not the absolute overcoming of force but, again, its normative transfiguration through becoming bound by the structures of republican legality. Because there is no space between the state of nature and a civil condition, then there is no space for revolution; but Kant would seem to allow that failed or utterly barbarous states are equivalent to being thrown back into the state of nature, hence it is not revolution but state formation out of the state of nature that is called for. In this now normative challenging but nonetheless formal sense, the age of revolution is over, where the age of reform involves the infinite effort to put an end to all social violence and force except state sanctioned uses of force. This is Kant's grand defense of law and the civil condition as one befitting humans in possession of the power of external freedom where no man must be allowed to have his will determined by another.

Of course, even Kant's own views are not so straightforward, since a year after the publication of the *Metaphysics of Morals*, Kant penned his contorted and bifurcated response to the French Revolution:

[While it] may be so filled with misery and atrocities that no right-thinking man would ever decide to make the same experiment again at such a price... [it nonetheless] has aroused in the hearts and desires of all spectators who are not themselves caught up in it a *sympathy* which borders almost on enthusiasm.... It cannot therefore have been caused by anything other than a moral disposition within the human race.<sup>16</sup>

The dual judgment—morally impossible prospectively while morally progressive retrospectively—speaks to a moral realism that *prima facie* is, surprisingly, morally consistent with the logic of his denial of the right of revolution. Just as Kant argues that the origins of the state, no matter how violent and atrocious, are, finally, irrelevant to its current legitimacy, he is here arguing that the unacceptable moral cost of the revolution, 40,000 executed and another 300,000 forcibly and illegally imprisoned, disappear after the fact when we distant spectators thrill to the institution of a new constitution announcing the rights of man and citizen. In *The Doctrine of Right*, he is explicit about this. Directly after arguing against the right of revolution, he states:

Moreover, once a revolution has succeeded and a new constitution has been established, the lack of legitimacy with which it began and has been

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contemporary Venezuela (in March 2019) and Syria. I am thus assuming that Ripstein's and Flikshuh's analyses cohere rather than conflict.

<sup>16</sup> I. Kant, "The Contest of Faculties," in I. Kant, *Political Writings*, trans. H.B. Nesbit (Cambridge: Cambridge University Press, 1991), pp. 176-190, at p. 182.

implemented cannot release subjects from the obligation to comply with the new order of things as good citizens. (MM 322-323)

**10.** While more realistic than Marx about the relation between freedom, norms, force, and coercion, Kant's implacable dualism between the state of nature and the civil condition, and thus between lawless violence and the state's lawful use of force, can intend perpetual peace because it imagines a defining, if not definitive, normatively contoured negation of the negation, a final sublation of lawless violence in the reformist state, the constitutive conversion of lawless violence into the authority and power of the republican state.<sup>17</sup> Of course, one can easily criticize details of Kant's argument: what are the criteria through which we might distinguish a state of barbarity that has deposited us in a state of nature from a "mere" despotism?<sup>18</sup> And who judges this? Further, the argument that "a people has a duty to put up with even what is held to be an unbearable abuse of supreme authority" (MM 320) begs a question: if the civil condition is meant to provide "assurance" that our rights will be respected, then one must be able to *trust* the government to protect everyone's right; but if despotism provides order only through fear (and how we distinguish between ordinary fear of punishment from a general fear of state violence?), then the affective foundation of social order is extensionally equivalent to the material foundation of social order in a regime of fear and distrust on one side, and terror provoking power on the other—a system in which distrust of the authority is the ground of social cooperation. Surely, there must be a difference between the peace of the living, and the peace of the brutalized and terrified. If fear is the sole ground of order, and there exists no possibility of criticism, then has not the structure of government become solely a monopoly over the use of force without right? Or again, would not "unbearable abuse" cross the line that claims that "no man in a state can be without any dignity, since he has at least the dignity of a citizen" (MM 329)?

**11.** One could multiply objections of this kind to Kant's construction of right, but I suspect Kant would think them misplaced: each only gestures toward an *indeterminacy in applying* the "state as Idea" to particular circumstances.<sup>19</sup> Kant's argument for reform

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<sup>17</sup> Like Ripstein, I see Kant's achievement as what it might mean to have the force of law replace force. There are other readings of Kant. Most notably, Robert Hanna has defended an ethically charged anarchist Kant. See, e.g., his "Exiting the State and Debunking the State of Nature," *Con-Textos Kantianos* 5 (2017): pp. 167-189.

<sup>18</sup> For an effort to refine and defend Kant's distinction see J. Weinrib, *Dimensions of Dignity: The Theory and Practice of Modern Constitutional Law* (Cambridge: Cambridge Univ. Press, 2016), ch. 3.

<sup>19</sup> Of course, Kant is emphatically wrong about the question of application. The meaning of a norm is only realized through its paradigmatic applications in a given stretch of space and time. Hence, the true meaning of any norm is given through the history of its paradigmatic applications, and hence through both its particular exclusions and inclusions over time. If Kant thought that universality paradigmatically excluded dark races

is fully formal and normative, an account of what rational commitments to a civil condition involve in light of what he takes to be two implacable categorical differences: between lawless and lawful uses of force, and between the state of nature and a civil condition. The first difference is unproblematically morally necessary; the second difference is practically necessary in light of the structure of external freedom.<sup>20</sup>

Nonetheless, Kant does not suppose that because revolutions are (prospectively) without right that they will not occur, which is why he supplies normative guidelines for their consequences, i.e., one must accept the legitimacy of the new revolutionary government once it is fully established. L.W. Beck summarizes this strain of *realism* in Kant this way:

Political wisdom, therefore, stands on the side of reform to make the constitution better accord with the ideal of law; but “when nature alone produces revolutions,” political wisdom will use them “as a call of nature for fundamental reforms to produce a lawful constitution founded upon principles of freedom, for only such a constitution is durable.”<sup>21</sup>

The thought of nature producing revolution may sound as a typically awkward and untoward moment of Kant’s over-reliance on natural teleology, although as Beck comments, this thought is operative in Kant’s assessment of the French Revolution. The point here is deep. If retrospective approval of a revolutionary transformation is possible, that is, if it is possible to consider a particular revolution historically and morally progressive, then Kant is obligated to explain how such a revolution could have occurred beyond the reach of moral deliberation. Considering (progressive) revolutions as teleological forces of nature—brought about by moral but non-rational *dispositions* in human nature—is meant to acknowledge that there are affective sources—feelings of outrage against intolerable injustice, of tormenting moral injury and humiliation—for revolution that by-pass the terms of political legitimacy, and hence stand in a relation of excess with respect to the official normative account. Patently it is the same acknowledgement of causal-normative excess beyond prospective normative justification that drives his bi-focal schematization of the French Revolution. I call this

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and women in 1797, then universality *meant* racism and sexism at that time—which it patently did. In this respect, the universality of universalist norms is bound to the history of their becoming; they are constituted and formed by the actual practical struggles the led to their redetermination from then to now.

<sup>20</sup> For a subtle reconstruction of Kant’s state of nature in light of the doctrine of provisional property with respect to non-state peoples that demonstrates why, simply for the sake of internal consistency, Kant’s doctrine must be given a more historical and process bound character, see A. Stilz, “Provisional Right and Non-State Peoples,” in K. Flikschuh and L. Ypi (eds.), *Kant and Colonialism* (Oxford: Oxford Univ. Press, 2014), pp. 197-220.

<sup>21</sup> L. W. Beck, “Kant and the Right of Revolution,” in *Journal of the History of Ideas* 32 (1971): 411-422, at p. 418. The quoted text is from Kant’s “Towards Perpetual Peace” (8: 374n).

force “normative-causal,” because Kant is conceding the existence of a non-rational but nonetheless moral cause and the overwhelming historical significance of the progressive result in the case of the French Revolution that must be taken to model potentially like cases.<sup>22</sup> I take the gap between causal-normative excess beyond moral rationality to be an emphatic point of slippage, since it acknowledges that the forces leading to revolution may become overwhelmingly powerful even in a civil condition in which, normatively, revolution is prohibited. But this is as much as to say that the prohibition on revolution might be qualified and overridden by non-rational, prereflective but nonetheless moral forces.

But it is the acknowledgement of just this possibility that demonstrates that the great idea of perpetual peace, of a constitutive conversion of force into normative authority—again, the idea of a final negation of the negation—must always be subject to empirical conditioning because the the practical indeterminacy between barbarism and legitimacy can become overwhelmingly affectively morally significant.

And with that thought we are returned to the toils of history and politics, and to the interrogation of social forces that can deplete a civil condition of its normative authority. Has the progress of capital eventuated in precisely such a depletion? Could liberal capitalism now be a civil condition that is both, somehow, intolerable and incapable of being placed within any kind of history of progress? Could it contain a form of social violence that was not transformable into the force of law? Could the demand for revolution emerge not because historical progress must be completed, but rather because we need another history altogether?

## **Balibar: On Structural Violence**

**12.** Even if, despite appearances to the contrary, Kant’s philosophy does acknowledge the need for radical and even violent political change (but no longer identifiable as “revolutionary” change) in the economy of political-moral development, there are features of his account that remain ethically claustrophobic. Perhaps we require another conception of progress beyond progress toward a realization of human freedom, both external freedom and autonomy. Perhaps, in order to overcome the bad faith of Kant’s bifocal reception of the French Revolution, that is, the moral paradox of prohibiting prospectively what one morally celebrates retrospectively, we will need to acknowledge that the domain of the political has an irreducibly tragic dimension, that is, a dimension in which struggle, defeat, and loss are unavoidable ingredients, a history without either

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<sup>22</sup> This is the only place I am aware of where Kant gives moral credence to an affectively driven phenomenon. Nonetheless, once this door is opened, a whole affective morality could enter.

telos or guiderails, an indefinite practice rather than a narrative of mere set-backs on the pathway to freedom and peace. I do not think that it is merely accidental that the close of the age of revolution and the emergence of the age of reform coincided with the death of tragedy. The tragic dimension of politics would implicate, first, Kant's conception of the force of nature in producing revolutions into an elaborated logic of force, violence, and civility; and second, acknowledge the possibility of there being a condition in which the *application* of some idea of civility in practice possesses a logic whereby the force of norms can become implicated in the violence they mean to oppose. That is at least part of the logic of the horror of the French Revolution: how the effort to realize freedom became the source of the Terror.

**13.** No one has thought harder about this issue than Étienne Balibar in his *Violence and Civility*. The subtitle of this book, *On the Limits of Political Philosophy*, is meant to point to the tragic dimension of politics in which the effort to overcome violence—in pacific anti-violence and/or insurgent counterviolence—gets enmeshed in the violences it combats; these are logics of violence that exceed and decompose the recuperative dialectical logic on the basis of which Marx's revolutionary history and Kant's social democratic liberalism depend. It is impossible to do even minimal justice to Balibar's argument here; I will thus restrict my comments to just a few conceptually simplified aspects of Balibar's attempt to enunciate the logic of non-convertible violence in relation to the efforts of civility—which he identifies in terms of ethically regulated social life, *Sittlichkeit* (VC, 113-4)<sup>23</sup>—because it is the grand belief in the dialectical logic of the conversion of violence into the force of law, or into communist ethical life, that drives the utopian schemes orienting Kant's and Marx's philosophies of history. Progress toward a post-revolutionary civil condition and communism are thus the names for the historical processes through which violence is transformed into non-violence. That advance of capitalist modernity has made emphatically implausible those progressive philosophies of history with their grand effort to acknowledge and, systematically and rationally overcome the ground sources of social violence once and for all.

**14.** The first issue is the discovery of forms “of annihilation of all possibility of resistance” (VC, 131), that is, the discovery of forms of domination whose very purpose is irreversibility, the cancelation of any further interaction between the combatants to ensure that there is no *dialectic* of master and slave, no reversal of positions leading to further progress. Some forms of slavery in fact achieved this; nonetheless, since

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<sup>23</sup> All references in the text to VC are to É. Balibar, *Violence and Civility: On the Limits of Political Philosophy*, trans. G.M. Goshgarian (New York: Columbia Univ. Press, 2015). All too obviously, the exemplary model for the idea of a conversion of dialectical violence into nonviolence is Hegel's master-slave dialectic, with its apparent commitment to an end of history.

manumission became part of the American slavery project, there is reason to think a dialectic of some kind continued.<sup>24</sup> Some forms of colonization intended the annihilation of all possibility of resistance, but, arguably, the emergence of the right to collective self-determination (already present in Kant's ferocious critiques of colonization) is a dialectical product of the colonial practice. Most plausibly, it was the practice of the manufacture of living corpses by the Nazis that perfected this formation of irreversible violence. In introducing it, Balibar turns not to Arendt's analysis (which he dwells on later), but instead to a chilling extended passage from Simone Weil's *The Iliad, or the Poem of Force*. Here is an abbreviation of the passage:

Force is that which makes a thing of whoever submits to it. Exercised to the extreme, it makes the human being a thing quite literally, that is, a dead body... A man disarmed and exposed, toward whom a weapon points, becomes a corpse before being touched... some suppliants...are still more miserable beings who, without dying, have become things for life... These are not men living harder lives than others, or socially inferior to others; they are an alternative human species, a hybrid man and corpse. That a human being should be a thing is a logical contradiction, but when the impossible has become a reality, the contradiction lacerates the soul. This thing aspires at all times to be a man or a woman, and never attains the goal. This is a death that extends throughout a life, a life that death has frozen long before putting an end to it.<sup>25</sup>

The Roman person-thing distinction is the ground moral principle governing Kant's *Doctrine of Right*. In some respect, then, Kant knew perfectly well that slavery involves "an alternative human species, a hybrid of man and corpse." Kant could believe this possibility did not endanger his logic because the relation between being one's own master and a slave to no other, "a man's quality of being *his own master (sui iuris)*" (MM, 237) is the dialectical logic driving his argument. In this light, the *human-become-thing* is precisely the limit case, what the normative logic of right reveals in its refusal of it, the hybrid man-thing the precise negation of moral humanity. So one might complain to Balibar, that in presenting this limit case, extreme violence beyond which no further violence and so no possibility of resistance is possible since the complete doom has occurred, he is only pointing to the locale where the dialectical logic *begins*; that some cases of this have been irreversible does not demonstrate that the *general logic* of reversal

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<sup>24</sup> See O. Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard Univ. Press, 1982), ch. 8. It remains a question of whether the institution of slavery itself was a dialectical pedagogue of freedom, or whether the good of freedom simply came into sharp relief against the background of slavery which in itself had no convertible forces.

<sup>25</sup> S. Weil, *The Iliad, or the Poem of Force: A Critical Edition*, trans. James P. Holoka (New York: Peter Lang, 2006), pp. 45 and 48-49.

is not operative. Do not the various categorical imperatives that appear under the sign of the negation, “Never again!” in response to camp and colony, still dwell in the normatively contoured historical space of dialectical progress?<sup>26</sup>

**15.** Balibar limns the logic of extreme violence in order to elicit better the meaning of the logics of domination and violence within which we presently live, what he terms “ultraobjective” and “ultrasubjective” violence; the “ultra” prefix designating forms of violence that stand outside the comforts of dialectical reversal. Let’s begin with the paradigm cases of ultraobjective forms of violence; these are forms of violence

intertwined with naturalness and universality...: the effects that certain epidemics, floods, earthquakes or phenomena of desertification have today, and the way they are presented to us. Nothing is less natural than these supposedly ‘natural’ disasters. (VC, 13)

These ultraobjective forms of violence are the systematic consequences of the transformation of human dependence on living nature into a regime of the exploitation of nature that lead to the radical depletion of natural resources, on the one hand, and the degradation of the natural environment through violative disturbances of the organic structures of interdependency that are the conditions of life on earth itself on the other. Although the causes of destruction are human, they appear as simply the mechanical operations of nature in its indifference to human living: drought, starvation, flood, and fire.

**16.** *Ultrasubjective* forms of violence—genocidal rape and ethnic cleansing, for example—are “practices of murder and torture in which the body of the enemy is pursued beyond death itself” (VC, 70). These practices depend on a logic of supreme cruelty in which the effort is the death beyond death of the victim; not their simple extermination, but their expulsion from the human such that what remains is nothing human. The excess of cruelty in these cases arises from the fact that the ethnic or sexual other represents some (vulnerable) part of the violator the excision of which is viewed as a necessary condition for achieving mastery, for achieving a life without unconditional vulnerabilities and without unconditional dependencies. In order for this to be possible, the other cannot arise or resist with a human face, hence they must be

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<sup>26</sup> For present purposes we can ignore the alternative analysis whereby “Never again!” forms of negation are intending to break from a previous dialectical history in order to model some idea of non-dialectical, discontinuous progress. Might what Adorno called the “moral addendum” that responds to unbearable suffering with an insistence upon something different be described more accurately as the simple resurgence of the human in the midst of its dissolution rather than a form of *dialectical* progress? For an opening onto this reading, see A. Jaffe, “Adorno’s ‘addendum,’” *Philosophy and Social Criticism* 43 (2017): 855-876.

deposited definitively into the space of animality, waste, garbage, the detritus of the civilizing process.

**17.** What is becoming evident in our historical present is that, while wholly distinct, the logics of ultraobjective and ultrasubjective formations of violence systematically supplement and complement one another, pass into one another, in the unfolding logic of global capitalism. Balibar's premise is that Marx discovered a new form of human violence: not just one person or group of persons directly deploying authority backed by force to hold another person or group of persons under their control, but structural domination and with it structural violence, that is, the mechanism through which the structure of a social practice itself sets the lives of a group of persons into a position of being systematically exploited, controlled, degraded, and sometimes, worst of all, made systematically socially disposable simply in virtue of the working out of the wholly impersonal rules and norms of the practice itself. Hence the way in which a group of persons could be placed in a situation of "bondage" without any master directly so placing them—mediated as opposed to immediate forms of domination and coercion. In these forms of domination and violence there need not be any violence directed toward any particular living body; all the domination and violence are consequences of the ordinary operation of the rules and norms of a practice that may indeed appear, at the individual level, to treat each participant in the practice as a free and self-determining agent, free, for example, to sell her labor power to the employer of choice.

**18.** There is an emphatic anticipation of Marx's thought in Hegel's analysis of "the rabble," since what appears there is not simply extreme poverty or destitution or misery or even radical dependence—although these consequences speak to the violence of a free market economy.<sup>27</sup> Rather, what appears with the rabble is a systematic side-effect of capitalist economic development, namely, the relentless production of workers that are in excess to the needs of the economy, the generation of what are, finally, superfluous lives. These are lives that because they are economically superfluous become thereby socially disposable, lives for which, it might be said, there is no place in "this" state they might claim as theirs. It was the absolute loss of social standing by the rabble that prompted Hegel to propose, or hope, that imperialism and/or colonialism might come to the rescue. Even if one argues that the relation of the proletarian class to the capitalist class is one of class bondage, the entire logic of Marxism sees that bondage dialectically—how the proletarian class is a universal class because their overcoming of their domination would bring into a being a society without domination. Disposable

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<sup>27</sup> G.W.F. Hegel, *Elements of the Philosophy of Right*, trans. H.B. Nisbet (Cambridge: Cambridge Univ. Press, 1991), §244. For an excellent elaboration of the problem of the rabble see Frank Ruda's *Hegel's Rabble: An Investigation into Hegel's Philosophy of Right* (London: Bloomsbury, 2011).

lives, conversely, are the becoming relation-less of those lives. Superfluous and disposable lives are works of ultraobjective violence in which the bodies of the victims are never touched because they have been expelled from the normative realm in which being touched or not touched are normatively structured and regulated possibilities. This class of persons is not normatively untouchable; rather, it is a class of persons that has passed beyond the regime of socially fabricated and organized touchable bodies as such.

**19.** Balibar avers that if we are now compelled to put aside an equilibrium model of capital development that would allow for the possibility of the emergence of a social-democratic present, or the revolutionary model of capital culminating in the “expropriation of the expropriators,” then we are left with Rosa Luxembour’s hypothesis that capitalist expansion operates by an interminable process whereby the moment of violent “primitive accumulation” is repeated ever and again. How does this speak to Hegel’s colonialist escape-route proposal? In fact, Luxembour too did not conceive of what would happen once the geographic expansion of capital had been carried through. “At this point,” Balibar argues,

colonization takes the form both of internal colonization, bound up with emergence of “dual societies” in which *inequalities are transformed into exclusions*, and of processes of “desocialization” of forms of cooperation or solidarity that it has itself brought into being, or that have developed in reaction to it. (VC, 91)

The process of internal colonization depends on what we now know to be the deep structure of capitalist development, namely, the historically increasing growth of inequalities. Increasing inequalities are finally incapable of being bound by the normative demands of distributive justice; rather, as Hegel already saw, they produce social exclusions that cannot be absorbed by the social body; and simultaneously, as the threat and weight of those exclusions take hold, there occurs “desocialization,” that is, a severing of the normatively saturated social bonds that make social cooperation possible, the fragmenting of populations equally exposed to exclusion, and hence the recurring crises of governmentality. There is evidently no dialectic to the process, no natural end, no developmental sequel to its brute continuance. It is, as Luxembour hypothesized, the work of primitive accumulation, of colonization and expropriation, repeating itself without end at the very heart of the structure (VC, 91). What is equally evident, is that the condition of possibility of this work of structural expropriation easily and necessarily leads from the ultraobjective production of an unemployable rabble to the ultrasubjective violence of attacks on women, immigrants, Muslims, African-Americans, and so-on. Each disposable community is “an alternative human species,”

persons-becoming-things – objectively and subjectively. Hence, we observe the insistent social production of a “woman rabble,” a “black rabble,” an “immigrant rabble,” a “Muslim rabble,” until the moment when the process of desocialization can no longer function through the targeting of a particularly vulnerable group, and we are all revealed to be in principle disposable.

**20.** This is the ground of Balibar’s dark view that global capitalism under the aegis of neoliberalism has brought about a civilizational reversal: rather than ethical life suffering from temporary and occasional disturbances of violence, we now inhabit a structurally violent reality, the taut complementarity of ultraobjective and ultrasubjective violence, that is intermittently interrupted by works of civility. It was this state of affairs I had in mind in underlining Kant’s acknowledgement that even when revolution appears morally impermissible because a civil condition remains in force, there can be at the same time—where, again, the French Revolution is Kant’s model—pre-reflective, natural or objective forces pressuring for revolutionary transformation.

**21.** It is precisely in the light of the arrival of structural violence becoming the norm of social order that Balibar asks why we should so much as suppose that “the day of revolution” (103) is over. He comments:

As long as we do not attach the word “revolution” to a unique model.. but only (only!) to the idea of a collective political movement intent on transforming structures of domination that will not disappear spontaneously, or, again, to a movement intent on changing change, I see no reason to exclude this historical perspective. Not only do I not think the structures of social domination – whether economic, cultural, or sexual – will dissolve on their own; I also do not think their consequences can always be prevented from getting worse without violence, or without the becoming-violent of a social force that is the object of a form of repression that is itself violent. (VC, 103)

Revolution is not the dialectical reversal of an intact structure containing its opposite as a condition for its own possibility, hence a structure of occluded structural potentiality, just as capital is sometimes taken as a structure of inequality explicitly blocking the potential for equality latent within it. Rather, *revolution would have to be the overthrow of a dominant form of violence in the name of a new invention of the human*. Hence, the stakes and aims of revolution are not a matter of displacing some individuals from positions of illegitimate privilege and power, but the transformation of the deep structures of the social practices governing the economic, social, cultural, and sexual lives of modern

subjects; deep structures that are subject to state regulation, but are not themselves elements of the state. This is transforming the question of reform and revolution from a narrow focus on political power and authority to social-cultural norms with their own specific formations of power and authority: the necessity of social revolutions. This is part of what is at issue in Balibar's phrase that radical movements might be "intent on changing change," that is changing the very rules and norms regulating social movement, change, and transformation, changing the rules in accordance with which change happens in society. Because the stakes concern transformations in the value-saturated structural coordinates of society itself, structural coordinates that are deeply invested in by large swaths of the population as providing the conditions of intelligibility for human living as such, then the thought that such change could be one of "reform" begins to lose its grip, even as Balibar places revolutionary political transformation rather than revolutionary social change as primary. That said, because there are minority beneficiaries to the existing structures, there is little reason to suppose that they will simply accede to democratic demands that they surrender not just their privileges and powers, but the rationality of their form of life—say, the rationality of regulating economic life through a free market or the rationality of white male privilege.

## **Adorno: Socialism as a Constellation**

**22.** Balibar intends the insurrectional practices of civility that interrupt the logics of ultraobjective and ultrasubjective violence that constitute capitalist modernity to provide the nuclei or cells of another form of living, one in part constituted through a certain expansive-inclusive practice of human rights, the rights of citizen.<sup>28</sup> And although Balibar intends his conception of human rights with its idea of the human as *essentially* citizen to be one limb of a new invention of the human, it is a narrow wedge, given the breadth of the problem. In this respect, it is not too surprising that what we are most fundamentally offered by Balibar is a model of political revolution without a sufficient determining of the contours of a social revolution. What misfires or short-circuits in his analysis is a failure to absorb critical theory's premier lesson, namely, that past revolutionary failure is, at least in part, to be explained by Marx's (and Kant's and Hegel's) dialectical philosophy of history that follows the very same pattern of instrumental reasoning and identity thinking that are the constitutive logics of capital—

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<sup>28</sup> See, for openers, É. Balibar, *Equaliberty: Political Essays*, trans. James Ingram (Durham: Duke Univ. Press, 2014). For a defense of Balibar's theory of human rights, see my "Rights," *Political Concepts: A Critical Lexicon*, 3.5 (January 2018), aka "The Balibar Edition," available online at URL = <http://www.politicalconcepts.org/rights-bernstein/>. Following Balibar, the conception of human rights being developed is one that both exceeds and is incompatible with liberal rights.

only more so in light of their philosopher's-stone ideal that would provide for a final conversion of violence into civility.<sup>29</sup>

**23.** Further, and all too evidently, the logics of extreme violence, and the logics of ultraobjective and ultrasubjective violence, are the explosive actualization of logics of instrumental rationality — namely, that rationality in accordance with which a superordinate conceptuality subsumes all sensuous particular life within itself in accordance with a value-neutral and ideally causal and quantitative characterization: the absorption of qualitative nature into mathematical physics; but also the transformation of use values into exchange values, of labor power into labor time, the reduction of human goods into a utilitarian calculus, the transformation of moral judgment into moral procedures, etc. The paradigm case in which ultrasubjective violence reaches its most objective form, the death camps, are also for Adorno the place in which reason's work of domination through integration and unification is realized: Auschwitz fulfills the process in which it is no longer an individual but a specimen who dies.<sup>30</sup> There is reason to suppose that Auschwitz still represents an exemplary instance in which ultrasubjective and ultraobjective violence were joined.

**24.** My intent at this juncture is narrow (even if the topic itself is huge), namely, to address what I take to be the large lacuna in the philosophies of Kant (in *The Doctrine of Right*) and Balibar: how should we best consider what is at stake in a socially revolutionary project aiming at a new invention of the human? For lack of space, I will need to be brief to the point of telegraphy here. Let's assume with critical theory that it is correct to take the social universalization of instrumental reasoning as the primary factor in the coming-to-be of ultrasubjective and ultraobjective violence; that is, let us assume that some version of the critical theory diagnosis of modernity provides the explanatory ground for Balibar's diagnosis of modernity. Because he comprehends the logic of instrumental rationality as operating through a reiterative process of subsuming particulars under universals, and those universals under wider ones, Adorno construes the drive of instrumental rationality as the attempt to reduce the many to the one, plurality to unity. He thus retitles instrumental reason "identity thinking." In developing a critical strategy for the overcoming of instrumental reason and identity thinking, Adorno famously reorients the conversation toward aesthetics, claiming that

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<sup>29</sup> If one considers science, technology, capital's transformation of use values into exchange values, capital's relation to nature, neoliberalism, and bureaucratic rationality as all forms of instrumental reason, then this result is hardly controversial. The large version of the argument is to be found in T.W. Adorno, *Negative Dialectics*, trans. E.B. Ashton (London: Routledge, 1973); but for a short conspectus, see my "The Idea of Instrumental Reason," (footnote 5 above), and in more detail my *Adorno: Disenchantment and Ethics* (Cambridge: Cambridge University Press, 2001).

<sup>30</sup> Adorno, *Negative Dialectics*, p. 362.

an alternative rationality capable of reconciling the competing demands for conceptual unification with a cognitive appreciation of qualitative sensuous particularity hibernates in modernist artistic practices of production and consumption. Whatever the insights of this strategy, its displacement of politics into aesthetics has always struck most commentators as problematic, especially because it leaves emphatically unanswered what *the actual practice* of such an alternative rationality would look like once lifted out of the protected realm of the aesthetic.

**25.** The following hypothesis seems worth considering: Adorno's failure here is due to his own fall into identity thinking; he imagines that the revolution that would translate us into a new form of life would be a *singular* political-social act through which concept and object, self and other would be reconciled: "Utopia would be above identity and above contradiction; it would be a togetherness of diversity."<sup>31</sup> This is an elegant but also an empty statement since it dissolves its object into an abstract formula—"above identity and above contradiction." In fact, Adorno imagines the Other of identity thinking in identitarian terms. The idea of utopia thus becomes a block on the thinking and possibility of revolution. If the aesthetic idea of a suppressed or lost mimetic impulse in which the subject might adequate herself to the object of judgment rather subsuming it under some identity formula means anything, it must be that engagement with different ranges of objects make differential demands upon the subject to acknowledge what an adequate acknowledgement of their differences comes to. There cannot be a unitary revolutionary act into a space of constitutive differences.

**26.** Nonetheless, the shift into materialist modernism was always meant to provide a cue for Adorno's leading strategy: to bind the impulses of idealist epistemology within a non-reductive metaphysical naturalism.<sup>32</sup> The cognitive significance of redeeming the mimetic impulse was for the sake of finding a mechanism within cognition through which the *dependency* of concept on object could be acknowledged and registered. Analogously, we can achieve a passageway from aesthetics to social practice in order to conceive of what overcoming ultraobjective violence amounts to is in part by dropping the reference to aesthetics and asking in its stead what *sustainable relations to the living earth amount to*. This in turn will require the invention of a diverse range of new practices: energy policies that do not pollute the atmosphere; energy policies that do not produce earthquakes (see: Oklahoma and fracking); fishing policies and practices that

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<sup>31</sup> *Ibid.*, p. 150.

<sup>32</sup> For the claim that this version of Adorno can be joined to a "Left Kantian" project, see Robert Hanna's review of Martin Shuster's *Autonomy After Auschwitz: Adorno, German Idealism and Modernity* (Chicago: Chicago University Press, 2014) in *Critique* (2017), available online at URL = <https://virtualcritique.wordpress.com/2017/07/05/robert-hanna-on-martin-shusters-autonomy-after-auschwitz/>.

do not deplete the oceans, or so distort oceanic eco-systems as to lead to collapse; farming technologies, especially relating to the production of new genetic varieties, that do not destroy the genetic fabric of edible fruits, vegetables, and grains; farming practices that do not exhaust the soil, that do not pollute the water supply with fertilizer-poisons, and that do not do employ industrial cruelty to animals; we need policies of land use that do not eliminate bio-diversity; we require practices of reforestation, and reclaiming of wetlands. Even if each of these policies would occur under the dual rubric of (i) *acknowledging absolute* dependence on an environmental habitat through (ii) practices that allow those habitats to become *sustainable* again, nonetheless, each of these policies and practices would be very different: we replace fossil fuels by devising how to generate energy from different, renewable sources – sun and wind; but preserving the soil involves direct engagement with it, making different decisions about what we put into it and take from it, what density of usage, and what types of crops are sustainable. We are radically dependent on the natural environment in diverse ways, and sufficient cognitive-rational acknowledgement of that diversity will arise through and, or so I want to contend, be equivalent to the installation of an extremely wide and diverse range of alternative social practices. The diverse practices that accomplish these ends will be the alternative, non-instrumental forms of practical rationality, that is, the first wedge for the overcoming of instrumental reason can only occur through the invention of practices that engage with the different features of the living earth in relation to the enormously different uses and demands that human living makes on the living environment. For millennia, the costs of the hegemony of instrumental rationality were hidden, the damage slow; ultraobjective violence is now the structural reality of human living in relation living nature as such, where each failure to invent a new non-instrumental practice we now know, beyond doubt, will lead to some causally disintegrating return of the repressed – a causality of fate operating relentlessly between humankind and the living earth. I assume that the transformation of the systematic relations between humankind and the living earth provides the *minimum necessary conditions for the overcoming of capital domination*.

**27.** But all those radical transformations in practices of energy production, farming, fishing, forestation, water provision, and the like that are urgently necessary if planetary disaster is to be averted *can* only take place within a wider set of transformations and paradigm shifts in “economics, business, industrial design, architecture, politics, religion, consumption, education, and culture.”<sup>33</sup> But even to begin imagining these transformations in the relation between humans and nature is to imagine a radically new constitutive relationship between us and the natural

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<sup>33</sup> Wood, *Nature's Trust*, p. xviii.

environment. One possibility, that has the distinct advantage of already being a part of constitutional law, contends that

some natural resources remain so vital to public welfare and human survival that they should not fall exclusively to private property ownership and control. Under the public trust doctrine, natural resources such as waters, wildlife, and presumably air, remain common property belonging to the people as a whole. Such assets take the form of a perpetual trust for future generations.<sup>34</sup>

From *Dialectic of Enlightenment* through to the end of his career, Adorno argued that the domination over nature, instrumental reasoning with respect to the natural world, was the originating source of instrumental reason in human affairs; and hence, until such time as humans can find a different mode of relating to both outer and inner nature, there would be no escape from instrumental reason. Holding the earth common as a trust would make require a new stance toward nature, some notion of preservation or partnership or participation or conversation. Some different way of being with nature and yet reproducing human life. To consider not just fringe but central, essential portions of social reproduction as occurring under the auspices of a trust doctrine in which vital resources are held in common would, in relation to all other the other radical transformations required to forestall ecological disaster, amount to transformation in our form of life.

**28.** Equally, overcoming ultrasubjective violence will require the invention of alternative ethical-political-social practices since, again, as we have painfully learned, universalism without the legal, moral, and cultural mechanisms for the acknowledgement of anthropological differences turns into a license to reproduce the exact exclusions that universalism was meant to address in the first instance. Universalism till now has been the glove over the fist of racism and sexism. Although the progressive left has been routinely skeptical, in agreement with Balibar, I see no alternative to a reconstructed version of the politics of human rights as way of *beginning* the invention of a non-instrumental politics as such, a politics bent in the direction of ensuring the minimum necessary conditions for the recognition of human dignity by ensuring that each individual is provided with the minimum necessary conditions for full and active participation in the life of the society they inhabit. In the same way in which a trust doctrine would require the development of a non-instrumental relations to both law and nature, so here too the satisfaction of such non-instrumental politics, a

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<sup>34</sup> Ibid., p. 14. The relevant constitutional precedent was set in 1892 in *Illinois Central Railroad Co. v Illinois (Illinois Central)*.

politics of human rights as the forms of recognition due to each, would provide the *minimum necessary conditions for the overcoming of capital domination*.

**29.** What is evident in conceiving of the range of alternative practices necessary in order even to begin to conceive of displacing the capitalist-liberal-democratic ensemble is that social revolution, inventing alternative forms of life by inventing alternative social practices of relating to our natural and human others under conditions of radical dependence, provides a distinctly different set of demands than does political revolution, and that nothing can conceivably count as overcoming capital that does not engage in the production and invention of alternative practices of this kind. Hence, even if Balibar is right that the insurrectional politics necessary for practices of civility may be forced into violence, the political necessities and the social requirements for radical transformation are distinct. For what it is worth, my hunch is that social transformations of the kind I am claiming to be necessary will almost certainly precede radical political transformation, and may indeed make it both necessary and possible. Perhaps this is the thought that because the invention of a new experiment in the meaning of being human is becoming urgent, that the need for social revolution is so urgent, that traditional questions of political power and its redistribution will simply be by-passed on the way to a new form of living. Perhaps, but with Balibar I doubt that those with power now will simply disband in the face of necessary change. They would probably prefer to see the earth die, and superfluous lives remain superfluous.