

‘There is nothing that can avoid the experience of the situation, nothing counts that purports to have escaped it’¹

Of the many interesting points that Alessandro Ferrara raises in response to my article, I would like to focus on the question of context transcendence for, as well as seeming to lie at the heart of our differences, it is of foundational importance to the tradition of critical theory which influences both our work. One of critical theory’s defining features is its method of grounding emancipatory political thought in direct analysis of social experience, in particular, negative experiences of inequality and oppression. The method of experiential disclosure shores up critical theory’s general claim, in contradistinction to other democratic theories, to be truly radical political thought in virtue of the central place it accords the interests of marginal and oppressed groups in its normative enterprise. The experiential starting point enables critical theory to tackle social injustice head on rather than, as is the case with morality- first approaches, dealing with it obliquely as a ‘surprising abnormality’ from a hypothetical norm of justice.² It also permits critical theory to use the everyday concerns of individuals as a guide in its formulation of emancipatory values and norms rather than devising them in scholastic, pre-democratic isolation from lived social reality.

It is a such a matrix of experientially attuned premises that animates Ferrara’s idea of exemplary disclosure and his timely attempt to construe emancipatory normative thought in more inclusive terms than the rather narrow stipulative principles that dominate political philosophy. Through the vehicle of the exemplar, emancipatory critique mobilises the imagination in its aim to foster a ‘passion for openness’ and a ‘ethical receptivity towards

¹ T. Adorno *Aesthetic Theory* (London: Bloomsbury 1997), 46.

² J. Shklar *The Faces of Injustice* (Princeton: Yale University Press, 1990) 17

‘the other’³. In so far as openness to the ‘other’ includes the experiences and voices of marginal and disempowered groups, exemplary disclosure prevents democratic thought from calcifying and keeps it open to new untried ways of thinking and being. Yet, despite the importance of cultivating responsiveness to the unfamiliar life-worlds of subordinate groups, Ferrara also recognises that critique must not remain at a phenomenological level if it is to be more than thick ethnographic description. Experiential disclosure may well be the cornerstone of critical theory’s distinctive method but it has worrisome potential implications in so far as its particularising focus seems to deprive critique of trans-contextual relevance and validity. What might be true for one group’s experience of the world is not necessarily the case for others and the theorist needs to find some way of speaking meaningfully across different life-worlds if critique is to have general significance. For the purposes of systematic evaluation, critique must refer back to ‘something’ that transcends immediate circumstances and allows it to place a given experience in a broader social and normative context. The trouble then for Ferrara with my criticism of *sensus communis* from the perspective of social relations of power is that it amounts to a ‘radical contextualism’ that undermines the transcendent normative basis of critique reducing it to little more than the ‘venting of a subjective grievance’.

Given his assessment, it may be surprising to find that I am, in fact, in agreement with Ferrara about the ‘conceptual necessity’ of context transcendence for critique. Where I disagree with him, however, is in the assumption he seems to make that an interest in experientially grounded critique is somehow necessarily inimical to context transcendence. This need not be the case if we think about the transcending capacity of thought in ways that are more compatible with the practical logic of social life, for example, in the historicised

³ Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014), p.214

terms of a socio-linguistic expressivism rather than through the ahistorical abstraction of *sensus communis*. It is possible, in my view, for critical standards to be conceptualised relative to social contexts but for them to still have wider validity although this may well take the ‘weak’ form of ‘contextualised’ or ‘internal objectivity’ rather than the ‘strong’ form of intuitive universalism that Ferrara favours.⁴ Ferrara’s elision of experientially grounded critique with radical contextualism *tout court* sets up something of a false dilemma between immanence and transcendence which ultimately serves to justify his reliance on the dubious construct of *sensus communis*. If instead we accept that normativity is internal to social life then, as Janosch Prinz puts it ‘questions of normative orientation are already answered in some way in a specific context and the task of... political theory is hence not the abstract quest of normative grounding or justification, but engaging these answers’⁵ It is not a question, therefore, of choosing between immanence and transcendence, rather the task that confronts the theorist is to avoid the artificial privilege of one over the other and to inhabit the space between experiential disclosure and generalising critique in as productive and dialogical manner as possible.

To put this dynamic in the left-Hegelian terms of critical theory, the particular and the universal are bound up with each other in an inextricable multiplicity of ways and it is within this necessary but impossible dynamic that critique strives to operate. Thus, on the one hand, the attempt to capture pure particularity, the singularity of the other, that Ferrara associates with radical contextualism would be, on this dialectical view, to lapse back into a conceptually untenable and self –defeating empiricism. Even the most singular and

⁴ E.g. C. West ‘A Prisoner of Hope in the Night of the American Empire: Dialogue with Gabriel Rockhill’ in G. Rockhill and A. Gomez-Muller (eds) *Politics of Culture and the Spirit of Critique* (New York: Columbia University Press, 2011). P 121-22. On Horkheimer’s notion of internal objectivity see F. Rush ‘Conceptual Foundations of Early Critical Theory’ in F. Rush (ed) *The Cambridge Companion to Critical Theory* (Cambridge: Cambridge University Press 2004) 6-39, p. 26

⁵ J. Prinz ‘Raymond Guess’ radicalization of realism in political theory’. *Philosophy and Social Criticism*, 42 (8): 777-96, p. 781 ‘

unfamiliar of experiences can only be intelligible, albeit partial or incomplete, with reference to a matrix of deep-seated normative and conceptual cultural assumptions. Even as newly disclosed particularity displaces and disrupts these norms, it is not entirely thinkable outside of them for this would be to hypostatize difference as radical alterity.⁶ Moreover, it is precisely the latency of the universal in the particular that permits the transfiguration of a specific experience or suffering from a mere grievance into a political claim about a social wrong that demands redress.⁷

Just as particularity cannot be thought of outside of the universal, so, on the other hand, even the most abstract of universals are dependent on particularity for their expression. In the Hegelian tradition, it is not possible to conceive universality directly – or at least only at the risk of lapsing into groundless abstraction - but only indirectly through concrete particularity. Despite assertions of inherent impartiality or objectivity, universals necessarily rest on selective presuppositions about aspects of social being that are ‘essential’ and therefore normatively significant and, conversely, those that are inessential and insignificant. When these implicit presuppositions are unexamined and hence naturalised as transcendental principles and norms, then the risk is that universals become co-implicated with domination. The myriad of criticisms that unpack the seeming neutrality of universalising modes of thought by shining a light on their unacknowledged racial and gendered premises are by now very familiar. Few would demur from Judith Butler’s assessment that ‘universality has been used to extend certain colonialist and racist understandings of civilized ‘man’, to exclude

⁶ In this respect Ferrara is right to warn that the rejection of ideas of commonality veers close to a philosophically untenable idea of radically incommunicable difference. As a philosophical proposition, this caution about reifying difference as absolute alterity is warranted. It does not however translate seamlessly into socio-political understanding especially in so far as it underplays how entrenched social division is played out in psychological effects such as alienation.

⁷ See eg. J. Butler, E. Laclau and S. Zizek *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left* (London: Verso, 2000)

certain populations from the domain of the human, and to produce itself as a false and suspect category’⁸

It would be simplistic to assume, however, that the inevitable entanglement of the universal within the social terrain of power entails a wholesale rejection of abstract modes of thought as inescapably distorted, as bad faith impositions of culturally biased norms. In any case, it is not a question of permanently eschewing universals in favour of contextually sensitive interpretation partly because the latter depends for its very cogency on the capacity for abstraction and generalisation.⁹ As a necessary condition of thought, therefore, the ‘craving for generality’ cannot be avoided. Given this, the challenge for the theorist is not to relinquish universals so much as to open them up by interrogating their disavowed social content and thus to potentially transform them. To endeavour to be critically alert to the different forms that the universal assumes, to interrogate its all-encompassing rationale from the perspective of social particularity and thereby to problematise its inherent drift to assimilation and normalisation. Indeed, it is precisely this treatment of the universal as a site of ‘insistent contest and resignification’ that, for many thinkers, is a precondition of politically engaged critique.¹⁰ Thus, in opposition to Ferrara’s depiction of my position, the criticism of *sensus communis* is not intended as a radical contextualism that does away with universals altogether but as a questioning of the tendency to present universality as ungrounded and culturally neutral. Likewise, what Ferrara regards as the inconsequential movement from one description of a marginalised lifeworld to another can be viewed in fact

⁸ J. Butler ‘Restaging the Universal: Hegemony and the Limits of Formalism’ in *Contingency, Hegemony, Universality*, p. 38.

⁹ On generalism versus particularism see C. Mills ‘Ideal Theory as Ideology’. *Hypatia* 20, 3 (2005): 165-84, p. 173-4

¹⁰ J. Butler ‘Contingent Foundations: Feminism and the Question of “Postmodernism”’ in J. Butler and J. Scott (eds) *Feminists Theorize the Political* (London: Routledge 1992), 3-21, p.7.

as the related attempt to keep universality open to the relations of power that always form its social condition of possibility.

To reiterate, then, the nub of my disagreement is not about the conceptual necessity of context transcendence for critique because, despite Ferrara's claim otherwise, we are in fact agreed on this point. Rather our divergence turns around the particular ways in which context transcendence ought to be conceived so as not to violate critique's wider theoretical and political commitments. Ferrara puts his finger on the matter when he says, 'the crux of the matter is not whether context-transcending, and its attendant neutral normative construct, are desirable but what sort of context-transcending we should look for, compatibly with our philosophical commitments' (p7). In this light, the problem for me with *sensus communis* is that, as a way of formulating context transcendence, it seems to be in tension with the wider philosophical commitments of critical theory. One of the fundamental premises of critical theory – one that underpins Horkheimer's famous distinction between critical and traditional theory - is the hermeneutic one that all thought including critique itself is historically situated. To be consistent with this premise, therefore, it seems that context transcendence ought to be conceived in historically immanent terms, that is, as a principle that while internal to social life is sufficiently general to furnish a wider evaluative perspective. This is precisely the move made by various members of the Frankfurt School in their attempts to ground critique in the immanent universals of communicative rationality, recognition, justification and so on. *Sensus communis* is unlike these other foundational principles in so far as it is reconstructed not from practices internal to social life or practical reason but from intuitions whose alleged pre-social status serves to place it partially outside of history. While Ferrara has good reasons for wishing to avoid the questionable formalism of Habermasian and other narrowly procedural approaches to the issue of 'transcendence within', it seems that the extra- social status he attributes to the intuitive matrix of *sensus communis* compounds the problem rather

than solves it. Ultimately Ferrara's abstraction from any determinate realm of sociality serves not just to naturalise *sensus communis* but also to tacitly validate a certain governing notion of normative consensus.

To be sure, Ferrara is well-aware that the danger of naturalising *sensus communis* as an extra-social truth is that it may mystify particular cultural biases and assumptions as supposedly universally shared intuitions. He tries to avoid such mystification, by describing the intuitive core of *sensus communis* as 'pre-cultural but non-natural', or as he subsequently clarifies, as 'topographically after nature but before the differentiation of cultures'. But despite these elucidatory remarks, it is still not entirely clear to me how to conceive of this indeterminate space or dimension which manages to be simultaneously a pre-social but not natural. One possible way to grasp this somewhat enigmatic entity would be to conceptualise *sensus communis* as a weak ontology or philosophical anthropology in the manner of, say, Butler or Honneth's respective ideas of precariousness or recognition. But Ferrara emphatically rules this option out and indeed also corrects me for misrepresenting *sensus communis* in the ontologised terms of an 'intuitive substrate'. It is difficult though to fully appreciate the differences he has in mind with this complaint given that, in *The Force of the Example*, he formulates *sensus communis* in strikingly similar terms, as a 'layer of intuitions' (p. 34) operative "'before" or "underneath" the differentiation of cultures' (p. 31) and also makes use of psychoanalytic theory to reconstruct what 'our notion' of a fulfilled identity might mean. Be that as it may, Ferrara is certainly right to be wary of basing political critique in ontology or philosophical anthropology since it brings with it certain essentialising problems. But, in so far as it floats free of any recognisable social location and lacks determinate experiential content, it seems that *sensus communis* is in danger of being precisely the type of formal abstraction that Ferrara ostensibly rejects. Certainly reference to Nozick and his thought experiment of the 'intuitive preferability' of life course B over A is

not an especially convincing way - at least not for someone concerned with the thick texture of embodied experience - of establishing the universality of *sensus communis* since it seems to compound the impression of an etiolated formalism. The 'simplified and artificially self-contained' nature of 'thought experiments' of this sort arguably achieve their representative status only through a questionable bracketing of what are the supposedly tangential experiential and situational details that render real world normative thinking a more complex, open-ended process. ¹¹As Stephen Mulhall puts it 'thought-experiments in ethics presuppose that we can get clearer about what we think on a single, specific moral issue by abstracting it from the complex web of interrelated matters of fact and of valuation within which we usually encounter and respond to it. But what if the issue means what it does to us, has the moral significance it has for us, precisely because of its place in that complex web? If so, to abstract it from that context is to ask us to think about something else altogether - something other than the issue that interested us in the first place; it is, in effect, to change the subject'.¹² Of course, Ferrara would be wary of reliance on such idealised theoretical devices but, in so far as the universality of *sensus communis* is established more by definitional fiat than conceptual demonstration, it is difficult to regard it as anything other than a dubious abstraction that conceals its own social conditions of emergence.

Poised indeterminately between ontology (culturally unthickened) and formalism (non-natural), Ferrara's ambiguous intuitive universalism is of significance not just because it raises classificatory issues but because it naturalises normative consensus and neutralises political conflict. The extra-political truth of an intuitive commonality tacitly authorises a

¹¹ L. Code *Ecological Thinking: The Politics of Epistemic Location*. (Oxford: Oxford University Press, 206) p. 209.

¹² See Stephen Mulhall 'Fearful Thoughts' *London Review of Books*, 24, 16: 22nd August 2002.

mode of what Lorraine Code calls ‘we saying’, where the first person plural pronoun is deployed in such a way as to naturalise its located-ness as one of neutrality and objectivity and to take for granted a shared normative perspective.¹³ To whom does the decontextualized ‘we’ that peppers Ferrara’s writing refer? Who makes up the assumed ‘communis’ in *sensus communis*? Who is the ‘we’ that exists prior to the plurality of cultural perspectives and who so readily assents to the force of Nozick’s thought experiment? Likewise, who is the ‘we’ that agrees on flourishing as the most appropriate framework to guide political deliberation and which converges non-contentiously around seemingly self-evident exemplary notions of, say, human rights or the reasonable? When it assumes the status of an extra social truth and placed ‘beyond the play of power’, the language of flourishing is naturalised and shifted into what Butler calls a ‘new dimension of unquestionability’.¹⁴ This de-contestatory move pre-empted scrutiny of the language of flourishing itself as a particular political discourse, one which frames political disagreement in ethicised terms and, in so doing, subtly neutralises it by detaching it from the context of power. By being depicted as cultural divergence over commonly shared intuitions, political conflict is shorn of those more fraught and divisive aspects that typically characterise social struggles over the control of meaning and resources. Indeed, from the perspective of emancipatory critique, it is not clear why the syncretic notion of flourishing should be the meta-criterion for explaining democratic disagreement rather than the politically more germane notions of equality or freedom or negativist variants of exploitation and injustice. In short, the presupposition of an intuitive commonality neutralises political conflict by detaching it from its determinate social context and construing in the orderly and anodyne terms of ethical variation over what it means to flourish.

¹³Code, *Ecological Thinking*, p 215.

¹⁴ Butler, ‘Contingent Foundations’ p7

In the light of these neutralising political effects, Ferrara's claim that the role of *sensus communis* is simply one 'of certifying that a putatively critical claim is something more than a subjective grievance' seems somewhat disingenuous. To criticise *sensus communis* from the perspective of power is not thereby to fall back into a politics of mere subjective grievance, rather it is to ask for a thoroughly historicised way of explaining the context transcending force of a given political claim. Even within the ethicised model of politics that Ferrara prefers, it is possible to explain sources of normativity with reference not to an extra-social dimension of intuition but with reference instead to the pragmatic presuppositions built into deliberation and mutual understanding.¹⁵ More generally, some version of socio-linguistic expressivism could be used to analyse the wider political impact of a particular political claim or action, qua the exemplary instance, without having to problematically bracket social context.¹⁶ On such an account, an exemplary political act is recognisable beyond its immediate locale in so far as it draws on the norms and values of the wider community and enacts them in a unique and exceptional fashion. Yet although its singular reworking of norms and codes renders the exemplar interpretable as such, it does not follow that individuals converge around a single interpretation of its wider political or normative significance (or even agree on what constitutes an exemplar in the first place).¹⁷ So, to return to the example of Obama's first election, this is certainly recognisable as singular and unusual moment - a moment of constitutional exemplarity as Ferrara has it - for US democracy given the nation's history of entrenched racial oppression. But to describe this exemplarity as an expression of the 'exceptionally dynamic property of the whole democratic system, unequalled in any other democratic country' seems to presuppose a shared

¹⁵ E.g. K. Baynes 'The Transcendental Turn' in *Cambridge Companion to Critical Theory*, 194-218, p. 210 ff.

¹⁶ For an example of such expressivist theory although from a different disciplinary perspective see, E. Anderson and R. Pildes 'Expressive Theories of Law: A General Restatement', *University of Pennsylvania Law Review*, 148, 2000: 1503-1575.

¹⁷ *Ibid*, 1525ff

commitment to certain liberal values and a certain progressive understanding of history. Differently put, Ferrara imposes a univocity of meaning on the exemplar that forecloses other possible political interpretations that may be made of it even as it is commonly recognised as an exceptional instance. Political struggle is after all not only over material resources but also over meanings and, by interpreting exemplarity according to a putative normative consensus, its polysemic and contested character is foreclosed. By directing attention away from patterns of agency and struggle and towards a hypothetical normative commonality, democratic conflict is neutralised and the political significance of the exemplar is reduced to what Gabriel Rockhill describes as the ‘magical powers of the talisman’.¹⁸

Ferrara responds to the criticism of political neutralisation by maintaining that the exemplary instance always bears within itself a ‘genealogical sediment’ of previous struggles, that *sensus communis* is ‘nourished by the force emanating from... horizons of suffering... these experiences and acts direct our gaze to new dimensions that need to be brought within the circle of justice’ (10). It is certainly the case that the impact of the blues, as an exemplary political expression, resides partly in the exceptional poetic expression it gives to past brutality and suffering.¹⁹ But Ferrara’s genealogical formulation downplays the extent to which the force of the blues lies not just in the recuperation of past suffering but also in its indictment of present day society for continued suffering. For many African-Americans, these songs evoke despair and outrage at the persistence of deep racial inequality in contemporary democracy. Thus Christopher Lebron writes about *Strange Fruit* that although ‘Holiday released the song over fifty years after the Emancipation Proclamation yet blacks remained subject to cruel victimization as the slave master’s whip seemed merely to be

¹⁸ G. Rockhill *Radical History and the Politics of Art*. New York: Columbia University Press, 2014, p. 5

¹⁹ As Christopher Lebron puts it, the lyrics of *Strange Fruit*, ‘haunt us aesthetically because the horror of human suffering is depicted in the form of a pastoral ode. Black death in the space normally occupied by verdant life. *The Colour of Our Shame: Race and Justice in Our Time*. Oxford: Oxford University Press, 2013. P. 15

substituted by the common citizen's sense of license to dispose of black life. ...race in America seems invisible as a moral horror. .. It is one thing to witness a black corpse hanging from a tree; it is another for black suffering to become less overtly corporeal and increasingly economically, politically, and sociologically systemic. Yet, while we no longer publicly hang blacks by the neck, the fact of systemic racial inequality poses an existential threat all the same for it indicates America's lack of consistency to the ideal of moral equality, which has real costs for black lives.²⁰ This fierce indictment of US democracy may well be obliquely encompassed in Ferrara's capacious notion of 'horizons of suffering' but its political urgency and force is cancelled out by the essentially affirmative, unifying role he accords exemplarity. The naturalised, we ('our gaze' 'our imagination') substitutes fictional consensus for social division and ever-expanding inclusivity for deepening inequality and entrenched stigmatisation. In so far as exemplarity reminds us that those who suffer need to be 'bought within the circle of justice', it expresses what Ranciere calls 'consensus thinking' which 'conveniently represents what it calls 'exclusion' in the simple relationship between an inside and an outside'.²¹ Concealed in this inside-outside dynamic is the implication of the supposedly inclusive democratic order itself in perpetuating the self-same exclusion that it explicitly condemns. When it is disentangled from the 'neutralising magma of ethical politics', the exemplar, as a vehicle of emancipatory disclosure, takes on a more multifaceted, pressing and confrontational significance.²² In the words of Cornel West it 'exemplifies a 'certain sense of urgency, a kind of state of emergency that we find ourselves in with the plight of the most vulnerable'.²³ As a performative enactment of wider political struggles, the exemplar does not so much shore up wishful liberal thinking about the intrinsic progressivism

²⁰ Ibid, p. 1-2

²¹ J. Ranciere *Disagreement: Politics and Philosophy*. Minneapolis: University of Minnesota Press, 1999. P. 115.

²² A Vázquez-Arroyo *Political Responsibility: Responding to Predicaments of Power*. New York: Columbia University Press, 2016, p. 5.

²³ C. West 'A Prisoner of Hope' p. 116-7

of democracy but rather attempts to ‘shatter the sleepwalking, to awaken, to unnerve, to unhouse people’²⁴

In the end, I am uncertain about how deep these theoretical divergences between Ferrara and myself run. Are they simply local differences of emphasis within a shared intellectual terrain or do they represent a more fundamental disagreement over what could be called wider politics of critical theory. Certainly I welcome Ferrara’s work on exemplarity as an significant and much needed attempt to dislodge the narrowing preoccupation with procedural matters of justification that has come to dominate some strands of post-Habermasian critical theory. In keeping with Ferrara’s astute diagnosis of the theoretical costs of this procedural turn, I believe that it has weakened critical theory’s ability to enact one of its defining premises, namely the grounding of emancipatory thought in analysis of existing forms of oppression. In so far as enriches conceptions of democratic reasoning with ideas of imagination and disclosure, Ferrara’s work on exemplarity undoubtedly represents an important attempt to divert critical theory from its current trajectory and re-root it in a sensitivity to neglected and marginalised life-worlds.

Yet despite the richness of this work, Ferrara’s endeavour to articulate these experiential concerns through the idea of *sensus communis* seems, in my view, to curtail the potential of his notion of exemplarity for political thought. If we really want to assert the paramount importance to democratic reasoning of sustaining an ethical openness to other unfamiliar ways of being, then it seems to me that the exemplary disclosure needs to be more closely tied to concrete social experience instead of the problematic abstraction of *sensus communis*. In so far as it sublates the political reality of dissensus, division and deep difference into a naturalised normative consensus, *sensus communis* seems to me to be a

²⁴ West *ibid.*

vehicle of theoretical closure rather than imaginative openness. His reliance on this naturalised construction, pushes critique too far in the direction of transcendence and weakens its responsiveness to the experiences of injustice and oppression that should form the political heart of emancipatory disclosure.