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Immaterial Labor, Care Work and Solidarity

A Dissertation Presented

by

Samuel Austin Butler

to

The Graduate School

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Abstract of the Dissertation

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My dissertation rectifies two shortcomings in philosophy: First, philosophers don't like to talk about work. In the classical period, it was birth or parentage that situated one in the political sphere; after the Enlightenment, it was the capacity to give and accept reasons. In spite of the importance of labor movements in history, in spite of the attention labor has received in classical sociological treatments like those of Marx, Durkheim and Weber, philosophers have not wanted to accord labor a place in the fully human life, or to explore its connections to the political activity that is so often identified as a centerpiece of that life.

The second shortcoming is the fact that the two most promising philosophical avenues for addressing the first shortcoming—Italian workerism's research into a form of communicative, social labor they call 'immaterial labor' and (mostly North American) feminist research on care work—haven't spoken to one another very often. This is particularly surprising given the compatibility and complementarity of their approaches.

The two shortcomings are related in such a way that, by developing a care-centered account of immaterial labor, I am left with a concept of work that must be included at the center of a conception of the good life. This is the labor that builds communities and interpersonal relationships; it is the labor on which political relations are based. If we are to understand the human as a political animal, then we must understand the human likewise as an animal who undertakes immaterial labor.

Section 1 is comprised of three chapters that take up the problem of the relationship between work, the political sphere and the activity of philosophical reflection. In section 1.1, I introduce these themes by considering the activity of Socrates. I examine the way in which he makes use of his refusal to charge for his discussions distinguishes him not only from the Sophists but also from the banausic laborers whose pretension to political participation was the butt of so much of his sarcasm. In spite of the fact that it is banausic labor that creates the leisure that makes possible the practices of both philosophy and the public sphere, Socrates is steadfast in his disdain for the labor itself and the laborers who perform it.

Beginning with Socrates shows how deeply rooted in the philosophical tradition these problems are, but I don't want to trace the problems throughout the entirety of that history. Instead, I turn to the work of Hannah Arendt and Jürgen Habermas. At its best, their work manages to take up contemporary questions and struggles and address them through the mobilization of the philosophical tradition. In so doing they extend the philosophical tradition and make their work available for use in further projects, like that I take up here.

The contemporary concern at the center of my focus is the world of work, and the way in which that world relates to the world of politics. Even when philosophy has divested itself of Socrates's disdain for workers, work and politics have been maintained as importantly distinct domains of human activity throughout much of the philosophical tradition, including both Arendt and Habermas.

In section 1.2 I turn to Arendt's work and the attempt to criticize our contemporary political practices by drawing inspiration from the classical Greek separation of the public sphere of politics and the private sphere of labor and material needs. The crux of the discussion here revolves around Arendt's inability to make sense of the civil rights movement on the basis of this separation, suggesting that the material and political are often much more difficult to separate than she thought.

Where Arendt draws inspiration from classical Greece, in section 1.3 I take up Habermas's sustained engagement with the public sphere as a specific achievement of the modern age. I trace the development of Habermas's conception of the public sphere from an early concern with alienation through the colonization of the political by the economic, through the development of a discourse theory that situates citizens to the public sphere exclusively in terms of their linguistic competence, to his final admission that the social groupings of civil society can in fact play an important role in the constitution of the public sphere. Where Habermas pursues these theoretical results in the consideration of political formations beyond the nation-state and in the reasons of religious citizens, I use them to address a question that is both older and more recent than

these—the critical theoretical reformulation of the relationship between labor and the public sphere in light of new research into labor.

Arendt did not have, and Habermas has not taken up the opportunity to address recent research into that area of work that has been investigated under the heading of immaterial labor. This form of labor has attained new significance as industrial production has become more efficient and the wealthier countries of the world have shifted to post-industrial economies. Its analysis is, then, pressing in both the empirical sense in which it has fundamentally changed the landscape of the world of work as well as in the theoretical sense in which it demands a new understanding of the public sphere capable of making sense of political labor.

I take up this problematic beginning in section 2. I begin in section 2.1 by laying out some of the most important aspects of the thesis of immaterial labor as it has been developed by workerism, concentrating on the work of Paolo Virno, Antonio Negri and Hardt. My chief concern here is with showing the continuities and discontinuities between the modes of production that preceded immaterial labor and contemporary production. This sets the stage for section 2.2, in which I examine the role of property and value in immaterial labor. Here I rely on Gabriel Tarde and his appropriation by Maurizio Lazzarato for the development of a new theory of value that stresses originality and cultural production. I add to Lazzarato's work a reading of G.W.F. Hegel's notion of intellectual property and its relationship to learning and innovation, fleshing out the way in which consumption and production have become important avenues of expression for we moderns in a way they never could have been for the ancients. The cultural concerns of section 2.2 become political in section 2.3, when I turn to the use of the Foucaultian notion of biopower by Hardt and Negri. If immaterial labor produces community rather than products, then perhaps, suggest Hardt and Negri, that community is a potential site of political resistance. I examine how labor produces subjects, ending with what remains an unanswered question for workerism: is there any reason to hope that the communities produced by these new processes of labor might have any emancipatory political content?

In section 3, I begin to address these concerns, arguing that the most promising theoretical lines for the understanding of immaterial labor lie in the direction of an analysis centered on the practice of care work. Examining care work in particular is useful insofar as it is the subject of a significant and extent research project of its own, such that bringing together research on care and immaterial labor can serve to usefully advance both veins of research. In section 3.1, I begin to bring together these threads of the literature by developing an analysis of the role of care work as social labor. By reading together the work of Diemut Bubeck, Mariarosa Dalla Costa and Selma James, I am able to achieve a much more precise characterization of the way in which immaterial labor shapes subjects. Specifically, care work—particularly caring for children—clearly

introduces children into a culture, at the same time as the gendering of care work results in the creation of women as carers. Bubeck, Dalla Costa and James all see the gendering of care work as an injustice towards women; while Bubeck concentrates on philosophically identifying the nature of that injustice, Dalla Costa and James's writings are intended to begin to nurture a solidarity to oppose that injustice.

With section 3.2, I begin to ask the question of what it is that a philosophical analysis of work ought to do. Feminist analyses of care work have, for the most part, taken place under the aegis of the tradition of liberal political philosophy in the path of John Rawls. I enter into this debate by way of a juxtaposition of the work of Eva Feder Kittay and Martha Nussbaum. Nussbaum here serves as an astute defender of liberalism who nevertheless appreciates the problems care work presents for liberalism, whereas Kittay's work presents a deep, if not complete, skepticism about the ability of liberalism to do justice to care.

I focus this argument in section 3.3, where I ask whether reciprocity—the cornerstone of liberal thinking—is adequate to the concerns of care. I examine a variety of analyses of care work of both a reciprocal and non-reciprocal nature, and find that the continuing inability of liberal thought to bridge the divide between public and private renders it unable to satisfactorily address questions of care.

I address these problems in the conclusion, where I suggest that, as so often, philosophy must follow political reality while also providing guidance for new social movements. The realities of immaterial labor and care have left us in a position where we can no longer usefully separate labor from political activity, and (in this sense) the public from the private. I articulate a new conception of solidarity that is capable of moving from labor to political activity, taking account of the demands posed by these new forms of labor.

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1. Philosophy, labor, publicity

1.1. Labor and publicity at the origins of the philosophical tradition

Stories about the life and death of Socrates comprise an important part of the founding mythology of the Western philosophical tradition.¹ These stories provide the basis for what we take to count as philosophy, and what we take it to be to be a philosopher. While we have a fair amount of reliable information about political events in Athens during Socrates's lifetime, providing an account of Socrates proves to be problematic in many respects—not the least of which is his continual appropriation for diverse purposes by various writers with a wide range of philosophical interests and relationships to the philosophical tradition.

The first of these is Aristophanes, for whom Socrates is a convenient figure for satire.² Satire, in and of itself, already provides a fascinating discourse from which to attempt to pick out reliable pieces of knowledge: obviously much of it is hyperbole, yet the hyperbole of satire functions only insofar as that which is exaggerated has a recognizable kernel of truth. Thus when Aristophanes pokes fun at Socrates's appearance, we can conclude that he was, in fact, a strange-looking man. When Aristophanes portrays Socrates as always—literally—having his head in the clouds, descending only to lead discussions in his “Thinkery,” we can likewise conclude that Socrates promoted and valued a way of life which appeared idiosyncratic to his fellow Athenians.

Beyond Aristophanes, there are Xenophon and Plato. Each sought, through his depiction of Socrates, to exculpate the philosopher, to inculcate the assembly that sentenced him to death, or sometimes both. Each seems to have moved rather freely from dramatizing conversations in which Socrates actually engaged to placing in the mouth of Socrates their own original arguments,³ such

¹ This is the case to such an extent that Gernot Böhme, for example, entitles his treatment of Socratic philosophy *Der Typ Sokrates* (Frankfurt a.M.: Suhrkamp Verlag, 1988)—a treatment of the character, rather than the historical figure.

² The most ambitious treatment of the Aristophanic Socrates is probably still Leo Strauss's *Socrates and Aristophanes* (Chicago: University of Chicago Press, 1996), which treats Aristophanes's ridicule of Socrates as a poetic attack upon philosophy. Aside from Strauss's insistence on attributing to the comic poet a fully developed political position, one major difficulty with the thesis is that Aristophanes doesn't seem to recognize any distinction between philosophy and sophistry, and the disdain for poetry is, for the most part, restricted to the philosophers.

³ Cf., e.g., Gregory Vlastos's “Socratic Elenchus,” in *Oxford Studies in Ancient Philosophy* 1 (1983).

that scholars are forced to attempt to distinguish the Xenophontic or Platonic Socrates from the historical Socrates.⁴

There are two tasks involved here: the first is to decide which (if any) texts are ‘Socratic,’ whereas the second is to construct an account of what exactly Socrates’s position might have been. I.F. Stone, for example, seems to me too eager to attribute to Socrates positions developed by Plato in works such as the *Republic*.⁵ Gregory Vlastos seems to me more careful,⁶ even if his overall attempt to rehabilitate the political reputation of Socrates for contemporary democratic tastes seems to me misguided.

If stories about Socrates serve as the basis of the Western philosophical tradition, then, it is at least as much due to the way in which his life lent itself to these various appropriations as to the original interest of his life. Even in recent times, stories of Socrates have been appropriated in new ways as the foundation for a discussion of the role of freedom of speech in democracy (with Stone⁷) or as the foundation of a conception of ethics centered around the “care of the self” (with Michel Foucault⁸). What I present here, then, is one more appropriation of Socrates.

⁴ Luis E. Navia provides a helpful juxtaposition of the Aristophantic, Xenophontic and Platonic Socrates in *Socrates: A Life Examined* (Amherst, NY: Prometheus Books, 2007).

⁵ In *The Trial of Socrates* (Boston: Little, Brown and Co., 1988). I make use here only of the earliest of Plato’s dialogues, and thus exclude the *Republic*, in spite of the existence of themes and arguments there that might occasionally seem relevant. The principle for the exclusion of Plato’s middle (and *a fortiori* late) dialogues is as follows: the question concerning the relationship of theorizing, civic participation and the material prerequisites of both are shifted substantially once Plato starts writing more as a systematic philosopher than as a chronicling disciple. As will be developed over the course of this section, the significant differences between Socrates’s and Plato’s relationships to the class system of Athens makes a consideration of the relationships between their loci of enunciation and the content of their arguments much more complex than what I undertake here.

⁶ In “The Historical Socrates and Athenian Democracy,” in *Political Theory* 11:4 (November 1983), pp. 495-516.

⁷ In *The Trial of Socrates*.

⁸ In *L’Histoire de la sexualité: Le souci de soi* (Paris: Gallimard, 1994), as well as in the lectures which preceded the published version, *L’Herméneutique du sujet*:

The Socrates I present here is interesting insofar as he points to the malleability and permeability of the boundaries between the private and the public, between labor and politics.⁹ That he does this in a society, such as classical Athens, in which these boundaries are often taken to be quite rigid, makes the example even more interesting. I present this Socrates not as an argument in itself, but by way of introduction—to suggest that the problems of the distinction between the public and the private, between laboring and political action, are deeply entrenched in our philosophical tradition. What results from this, then, is a hope that philosophical tools might be adequate to addressing these distinctions in the contemporary situations in which they seem, once again, to be undergoing a crisis.

This presentation of Socrates must necessarily be preceded by at least a cursory presentation of the status of the divisions between public and private, between labor and politics, as they existed in classical Athens. I thus begin by examining the way in which publicity and privacy were constructed in classical Athens. I suggest that, with respect to this distinction as with respect to so many others, Socrates ironically plays both sides of the table: he appears at once as a

Cours au Collège de France (1981-1982), ed. Frédéric Gros (Paris: Gallimard, 2001). Stuart Elden provides a helpful analysis of the relationship between the volume of the *History of Sexuality* and the lectures in his review of the latter in *The Heythrop Journal* 44:1 (Jan 2003), 88-91. For discussion of in a Socratic context of Foucault's employment of the notion of the care of the self, see *Der Typ Sokrates*, pp. 51-63 ('Selbstsorge') and Alexander Nehamas, *The Art of Living: Socratic Reflections from Plato to Foucault* (Berkeley: University of California Press, 2000), ch. 6 (A Fate for Socrates' Reason: Foucault on the Care of the Self).

⁹ There is a sense in which the notion of shame could, in a sense, bridge the public and the private. It seems like one could, for example, argue along the following lines: I develop a conception of that of which I should be ashamed by understanding the moral judgments of those with whom I live. I then feel ashamed when my actions do not measure up to the principles underlying those judgments. In spite of the way in which he opposes shame to guilt, Bernard Williams, whose appropriations of ancient thought for contemporary purposes are ordinarily amongst the most interesting and compelling, seems to cut off unnecessarily the possibility of shame playing this sort of transcendent role at the point at which he couches shame in an internalized other—thus fundamentally private—in his *Shame and Necessity* (Berkeley 1993). I decline to pursue the question of shame further here simply because I am skeptical of its utility for conversations about politics.

clearly public figure, but one who resists habitual modes of public engagement in the form of political action.¹⁰ He claims to be privately engaged in philosophy, but his “private” practice keeps him from tending to what—on the Athenian picture—are the properly private affairs of his home life.¹¹

The first section, then, establishes a contradiction between Socrates’s philosophical practice and Athenian common sense. In the second section, I soften this contradiction somewhat by recasting Athenian social ontology to include not only institutions which mediate between the public and private sphere, but also a number of ways in which the public sphere was clearly concerned with the activities of the private. These include such things as education, culture and economics, such that it turns out to be through the lens of political economy that the public and private can be brought back together.

In the third section, I take the findings of this ancient political economy and turn my full attention to what we know of the philosophical positions of Socrates. I look at the way in which his life and philosophical practice represent a challenge to the Athenian class system and a rejection of the idea that politics was a proper use of leisure. Ironically—appropriately enough—from Socrates’s life and work can be gleaned an important starting point for considering the compatibility of politics, work and community.

¹⁰ Indeed, this is already suggested above, with my formulation that Socrates “promoted and valued a way of life” which was itself “idiosyncratic.” To have a “way of life” is to have a *bios* as distinguished from a *zoé*, which is the mere living which humans share with animals. A *bios* is rooted in a culture, in a set of cultural institutions and practices, which is to say that it is communal and therefore public in an important sense. An idiosyncrasy, on the other hand, something that one does ‘in private’ (*idiai*).

¹¹ A chief concern of Arlene W. Saxonhouse in *Free Speech and Democracy in Ancient Athens* (Cambridge: Cambridge University Press, 2006) is to distinguish a modern conception of free speech that protects private individuals from their government and an ancient conception of free speech in which people are their government. The picture of Athenian democracy she presents, as well as the notion of using it as a source of criticism for contemporary society, are deeply similar to the philosophical project of Hannah Arendt. It is thus unfortunate that her discussion does not seriously engage with Arendt. As far as her account impinges upon Socrates, it departs from mine in being unwilling to attempt an engagement with the class struggle which was so integral a part of political strife in Athens. In Part III, she presents Socrates as a model of free speech, an account which seems overly influenced by his subsequent beatification in the philosophical tradition.

1.1.1. Athenian publicity and privacy

1.1.1.1. *Polis* and *oikos*

The attempt to articulate Greek common sense often, and appropriately, begins with Aristotle. His philosophical operation often consists, by and large, of collecting a series of opposing viewpoints in the society in which he found himself, and developing from these oppositions a formalized, defensible position. This is no less true for his political philosophy than for his work in other disciplines.

Between his itinerant life and his research of constitutions, Aristotle had access to quite a lot of information about the governments and ways of life of a large number of *poleis*—D. Brendan Nagle claims that there are references in the *Politics* to nearly 300 actual *politeia*.¹² It should be admitted, however, that even this impressive total falls substantially short of a comprehensive study of the *poleis* of the ancient Greek world, representing only one-fifth of the 1500 *poleis* Nagle estimates to have existed, from present-day Georgia to Gibraltar, on the north and south shores of the Mediterranean.¹³

What's more, as a picture of Greek life, size and wealth cause a *polis* to be substantially overrepresented in the historical data, such that we know far more about life in places like Athens, Sparta and Syracuse than about the life of an average *polis*. Nagle puts the population range of *poleis* at 1000 at the small end, to a few large *poleis* of 10,000.¹⁴ During the classical period marked roughly from the democratic reforms of Cleisthenes in 508 BCE to the end of democracy in 321

¹² *The Household as the Foundation of Aristotle's Politics* (Cambridge: Cambridge University Press, 2006), pp. 12-13.

¹³ Nagle cites Mogen Herman Hansens's "*Polis* and City-State, 600-323 B.C." in *Copenhagen Polis Centre Papers* 1 (1994) as authority for this figure; an examination of that article, however, provides only the claim that there were "a minimum of 800 Hellenic communities located in Hellas itself or founded as colonies along the coasts of the Black Sea and the Mediterranean" (pp. 9-10), along with a longer discussion of the possibility of including under the heading of '*polis*' a number of city-state formations from Mexico to China. Later (p. 14), these figures are cited as 750 *poleis* and 500 colonies. Ryan K. Balot claims the existence of 750 *poleis* in the ancient world in *Greek Political Thought* (Cambridge: Blackwell Press, 2006), p. 2.

¹⁴ Here again Nagle cites Hansen, yet there is no mention of population in the article. The claim, however, that Athens was huge is uncontested.

BCE, Athens had a population in the neighborhood of 45,000.¹⁵ Its size and influence as well as the preservation of its historical and literary record mean that there is quite a lot of information available about Athens. It also means that we ought to be cautious about accepting this testimony as relevant to the life of the ordinary *polis*. If all *poleis* had been Athens, then Athens wouldn't have been Athens.

I examine the social ontology of Athens because of its particular place in the history of philosophy, because it is the setting for the Socratic drama. The caveats above limit the extent to which a picture of Athens can be taken to be an archetypically Greek picture, but do nothing to reduce the interest of examining Athens. Athens, as much as Socrates, has become an interesting character in the history of philosophy, regardless of the extent to which it can serve as a representative of the greater Greek world.

Aristotle can certainly be accepted as sufficiently familiar with public life in Athens to provide an authoritative account of its social ontology. The primary distinction in this social ontology is that between the *oikos* and the *polis*. As a first approximation, the *polis* is the public sphere, while the *oikos* is the private sphere. The *polis* is the sphere in which men can organize themselves amongst equals under the heading of *nomos*, whereas the *oikos* is the sphere of natural domination, in which the male head of household exercises his natural, despotic authority over his wife, servants and slaves according to the dictates of *physis*.¹⁶ The *polis* is the sphere of freedom that arises in the practice of the human art of politics, whereas the *oikos* is the sphere of necessity, where activities and relationships of power are organized by the demands and dictates of nature.¹⁷

The structure of the division between the *oikos* and the *polis* is a hierarchical one.¹⁸ Humans are political animals, and it is only the fully human, economically independent men who are able to participate in political life. The

¹⁵ *Greek Political Thought*, p. 2.

¹⁶ *Politics*, 1255b16-41.

¹⁷ People are fond of pointing out Aristotle's claim that the city exists by nature (1252a30). The claim that the city *exists* by nature is clearly compatible with the claim that it is *governed* by convention, but it is still worth noting that the relationship between the polity and nature is somewhat more complicated than is often implied. Cf. Wayne Ambler's discussion in "Aristotle's Understanding of the Naturalness of the City," in *The Review of Politics* 47:2 (Apr. 1985), pp. 163-185.

¹⁸ Cf., e.g., *Politics* 1252a7-22.

oikos, on the other hand, appears as much more bound to the animal, tied to the grinding necessities of production. On Aristotle's account, it is the domestic production of the *oikos* that produces the surplus that allows the head of household to participate in political life. The two spheres are related hierarchically, and it is the movement of the head of household from the *oikos* to the *polis* that connects the two.

1.1.1.2. Socrates's ironic privacy

The sharp, categorical distinction between the *polis* and the *oikos* as presented by Aristotle provides a strong contrast with the picture one gets from writings about Socrates. Socrates often seems to be treating the distinction with some level of irony, at the same time acknowledging the distinction and subverting it, both insisting upon and undermining its importance.

Quite a lot has been written on Socratic irony.¹⁹ At the most basic level, the structure of Socratic irony is something like this: Socrates constantly claims that he has no knowledge, yet in all of his discussions he seems to be much more knowledgeable about philosophical topics like justice, virtue and the good than any of his interlocutors. This might be parsed in philosophical language by saying that Socrates claims to have meta-ethical or meta-political knowledge—an understanding of the desiderata or criteria of a political or ethical position (namely its resistance to refutation in the dialogical Socratic style of investigation known as the *elenchus*)—yet refuses to advance ethical or political knowledge claims.

I want to claim that Socrates often appears to be operating in a similar way with respect to the distinction between the public and private realms. We know a fair amount of the public actions of Socrates. The most straightforward account comes from Plato's *Apology*. In the *Apology*, Socrates claims to have lived a mostly private life. The only time he held office was when it came to him by lot.²⁰

¹⁹ Vlastos tends to treat irony as a linguistic phenomenon, crediting Socrates with the invention of what amounts to a rhetorical strategy (in *Socratic Studies* (Cambridge: Cambridge University Press, 1994), p. 65; the emphasis on the linguistic nature of Socratic irony is sustained throughout the argument in *Socrates: Ironist and Moral Philosopher* (Ithaca: Cornell University Press, 1991)). On the other hand, Lowell Edmunds attempts to develop a notion of "practical irony," "an irony of manner or more broadly of style," in "The Practical Irony of the Historical Socrates," in *Phoenix* 58:3/4 (Autumn-Winter 2004), pp. 193-207. Also quite helpful is Iakovos Vasiliou's "Socrates' Reverse Irony," in *The Classical Quarterly* 52:1 (2002), pp. 220-230. Nehamas uses the notion of Socratic irony to shape most of his discussion in *The Art of Living*.

²⁰ *Apology*, 31e-32b.

It was during this time that he took his only clearly political stance, supporting the right of the Athenian generals at the Battle of Arginusae to individual trials for failing to retrieve the wounded and dead soldiers.²¹

When I claim that this stance was clearly political, I have in mind considerations such as the following: Socrates took the stance as a citizen, rather than as a private individual with a reputation for wisdom. There is no indication that he had any particular personal connection to the generals, either of friendship or of economic interest—such a connection would, according to the distinction between the *oikos* and the *polis*, have made the stance appear more private and thus less political. According to the account of the *Apology*, Socrates's objection to trying the generals *en masse* is that it violates the laws of Athens. By making appeal only to the laws, Socrates clearly limits his argument to public, political criteria. When he calls the trial an “injustice,” he does not adduce any additional grounds for the claim, giving the appearance that the only sense in which it is an injustice is the clearly political sense of illegality. It is remarkable, given what we know about Socrates's usual form of argument (for example in the *Euthyphro*, or elsewhere in the *Apology*), that he never makes appeal to non-legal, moral criteria of justice, such as his own beliefs about the nature of virtue, or the pronouncements of his private *daimonion*.

Underlining this aspect of Socrates's defense makes clear the contrast between his action in this first case and his action in what he presents as a second political instance, his opposition to the oligarchic execution of Leon of Salamis.²² While Socrates does not draw specific attention to the dissimilarities between the two cases, they are quite clear. In this second case, Socrates holds no public office. The Oligarchy of the Thirty commands him to participate in the abduction and execution of Leon of Salamis, Socrates claims, “in order to implicate as many as possible in their guilt.”²³

The description Socrates gives of the order makes it clear that he takes the order itself to be unjust. If it were not unjust, of course, there would be no guilt in which to implicate others. Here, however, there is no mention of the laws of the oligarchy, so that Socrates seems to be employing a sense of injustice that goes beyond mere illegality. Whereas in the first case Socrates opposes the injustice, in

²¹ *Apology*, 32b.

²² *Apology*, 32c.

²³ *Apology*, tr. G.M.A. Grube, in *Plato: Complete Works*, eds. John M. Cooper, D.S. Hutchinson (Indianapolis: Hackett Publishing, 1997), 32d.

the second case he declares, “death is something I couldn’t care less about,” and goes home—removing himself from the public sphere.²⁴

There are several ways in which the juxtaposition between these two instances could be read. C.D.C. Reeve, in his discussion of this part of the *Apology*, places a great deal of weight on the nature of the *elenchus*. Its dialogical nature makes it possible for Socrates to engage in discussion with individuals, but not to undertake the sort of oratory that is the most enduring feature of Athenian political practice.²⁵ Socrates undertakes his public duties of serving in political office and the military, but flees from confrontations with crowds (or oligarchies) for whom his discursive practice is unsuited. Reeve argues that this connects in closely with Socrates’s conviction that the business of politics is to improve citizens, such that there can be a private conception of political practice—namely, that which would concern itself with the moral character of those who constitute the political.²⁶

According to this reading, Socrates does have a desire to contribute to the political life of Athens, but is held back from fulfilling his desire by his inability to engage in rhetoric.²⁷ Thus Socrates fulfills his duties when they arise, but withdraws to a private practice of interrogation otherwise.

²⁴ For a helpful attempt to take seriously the claim that Socrates’s private activity was a valid form of political practice, cf. Thomas C. Brickhouse and Nicholas D. Smith’s *Plato’s Socrates* (Oxford: Oxford University Press, 1994), particularly ch. 5.

²⁵ *Socrates in the Apology: An Essay on Plato’s Apology of Socrates* (Indianapolis: Hackett Publishing, 1990), pp. 156-7.

²⁶ This is, then, a sense in which Socrates’s political practice looks something like Aristotle’s conception of friendship in the *Nicomachean Ethics* would were it not followed by the deep appreciation for political action in the *Politics*.

²⁷ Roslyn Weiss, in *The Socratic Paradox and Its Enemies* (Chicago: University of Chicago Press, 2006), offers an engaging and startling presentation of an extremely rhetorical Socrates, one who goes so far as to be led into advancing paradoxical and contradictory positions in a tactical way against particular interlocutors. While she offers a substantial amount of contextual evidence in support of her reading, it seems that she is able to make the reading work only by abandoning claims about Socrates’s overall philosophical practice which are absolutely central, such as his resistance to rhetoric as commonly understood. A more straightforward account of the Athenian practice of rhetoric and Socrates’s opposition to it is provided by James Colaiaco in *Socrates Against Athens* (New York: Routledge Press, 2001), ch. 2.

If it is plausible that private interrogation might count as political practice, then this reading is left placing a great deal of weight on a supposed inability on Socrates's part to practice both the *elenchus* and rhetoric, as demanded by various political situations. It is clear that Socrates usually refuses to engage in rhetoric. The *Apology* is a rigorous defense, but hopelessly bad rhetoric as judged by the fact that it exacerbates, rather than calms, the antagonism of the council.²⁸ Rather, in the *Apology* as elsewhere, Socrates seems to take a tremendous amount of pride in his refusal to engage in rhetoric, as opposed to, say, genuinely requesting the forgiveness of the council for his oratorical incompetence.²⁹

Dana Villa, on the other hand, tries to make sense of the tension between the claim that Socrates was committed to the Athenian *polis* and the fact that that he often seems so antagonistic to it, by developing a conception of what he calls "Socratic citizenship." First, Socratic citizenship is marked by a degree of "moderate alienation" that distinguishes it sharply from the strong identification with the *polis* that marks classical political practice.³⁰ This moderate alienation enables Socrates to join his own well-being to that of his fellow citizens in the sense of spurring (or stinging) them on to moral improvement, while not completely identifying his own well-being with theirs. If the alienation were immoderate, he would not care for their well-being, whereas if there were no alienation, he would be unable to adopt a critical stance towards their practices.

²⁸ Or, to be more precise, it is a rigorous defense of Socrates's life and philosophical practice. Socrates does not actually address the charge of impiety. This charge is less interesting to me than the question of Socrates's relation to the political practice of Athens, but cf. M.F. Burnyeat's discussion in "The Impeity of Socrates," in *The Trial and Execution of Socrates*, eds. Thomas C. Brickhouse and Nicholas D. Smith (Oxford: Oxford University Press, 2002).

²⁹ At the same time, it is worth noting the device that Socrates uses in the *Crito* to undertake political discussion: he stages an elenctic debate with the laws of Athens, which seemingly stand in for the council or the constitutive population of Athenian citizens (50a-53d). However, such a device represents a method of introducing the *elenchus* into a rhetorical format that does not require an interlocutor, such that its presence lends further support to the claim that Socrates's failure to engage in rhetoric is due to a prideful refusal more than a sincere inability.

³⁰ *Socratic Citizenship* (Princeton: Princeton University Press, 2001), p. 2. Villa takes the term "moderate alienation" from George Kateb, *The Inner Ocean* (Ithaca: Cornell University Press, 1994).

It is the centrality of moral well-being to this conception of citizenship that distinguishes it most sharply from the contemporary, liberal conception of citizenship as developed by, amongst others, John Rawls.³¹ The difficulty with the comparison, however, is that the liberal conception of citizenship has well-developed principles for determining the end of duty and the point at which it becomes appropriate to protect one's own well-being from the state.

In the absence of such principles, it is not obvious why Socrates would engage in debate to provide individual trials to the generals at the Battle of Arginusae but have no concern for the well-being of the oligarchy. The issue becomes somewhat more comprehensible if viewed from the perspective of Socrates's own moral well-being: in the first instance, as a part of the government, he wishes to avoid moral transgression, whereas in the second, he had no role in government, thus could not be considered culpable. Even this suggestion of a sharper distinction between individual and community responsibility, however, fits badly with his own presentation of the events: he presents himself in the first case as being opposed to the actions of the assembly as an outsider, pointing out that their actions contradict "your" laws. Thus he refuses any share of communal moral responsibility not only under the oligarchy, but also as an executor of democratic office.³²

³¹ *Socratic Citizenship*, p. 306.

³² This does not prevent Socrates from acknowledging a certain overarching allegiance with the laws of Athens in the *Crito*, where escaping from prison would represent a moral transgression. There are two very distinct sources of his obligation to the laws in the *Crito*, however: most immediately, he refused to offer exile as a punishment during his trial. Attempting escape into exile after this refusal would be "attempting to do against the city's wishes what you could have done then with her consent" (52c, trans. G.M.A. Grube, in *Plato: Complete Works*). This in the context of the larger, quasi-contractual obligation established by the nurturing the laws of Athens have bestowed upon him. Indeed, throughout this conversation the laws repeatedly point out Socrates's options of exile, working to change the laws, or obedience, and he never considers any possibility but accepting their penalty. This acceptance is, to my mind, the strongest statement of allegiance to the Athenian state and acceptance of authorship in its laws made throughout the corpus of Xenophonic or Platonic portrayals of Socrates. Even if Socrates occasionally joins talk about damaging his own reputation to talk about damaging the laws through fleeing, it is difficult to speak of even the most moderate alienation in this context.

Addressing the question more broadly, there is an open debate as to the extent to which Socrates ought to be considered a determined opponent of democracy in

Where Reeve and Villa attempt to approach the question as involving a combination of moral and political considerations,³³ Stone approaches it as a more straightforwardly political issue: in the *Apology*, Socrates is claiming to be a private, apolitical man, when in fact he was a significantly public, and therefore political, figure.³⁴ It is in this sense that Socrates takes up an ironic position towards the publicity of his life—when he is brought to public trial, he defends himself by saying that he is apolitical.³⁵

It is clear that Socrates was no private citizen, in any recognizably Athenian sense. To be a private citizen would have meant to devote himself to his economic well-being, to his wife and children. Socrates might have claimed to have “gone home” to avoid being implicated in the abduction of Leon of Salamis, but he did not return to his wife and children. His indifference, particularly towards his wife, is an integral part of the Socratic legend. Throughout his life, Xanthippe plays the part of the shrew whose ceaseless nagging, according to Xenophon’s *Symposium*, Socrates chooses to endure so as to make himself

the Athenian style. The best arguments that Socrates was an opponent of democracy are to be found in Stone’s *The Trial of Socrates*, Heinrich Maier’s *Sokrates* (Amsterdam: Scientia Verlag, 1985) as well as Ellen Meiksins Wood and Neal Wood’s *Class Ideology and Ancient Political Theory: Socrates, Plato and Aristotle in Social Context* (Oxford: Basil Blackwell, 1978). Counterarguments are to be found in Vlastos’s *Socratic Studies* and Richard Kraut’s *Socrates and the State*.

³³ While I think that it covers much of the philosophical ground covered by Reeve, Villa and other commentators on Socrates who focus on the relationship between the moral and political aspects of his practice and defense of it, it is worth noting that Robin Waterfield’s *Why Socrates Died* (New York: W.W. Norton & Co., 2009) offers a recent attempt to bring together some new textual and historiographical work to argue for understanding Socrates’s engagement with the Athenians primarily in moral terms.

³⁴ *The Trial of Socrates*, pp. 111ff.

³⁵ This claim must be brought into accord, however, with the contradictory claim in the *Apology* that Socrates was such a worthy public servant as to merit being fed in the Prytaneum (36d). I simply take the latter claim to be ironic. Socrates might well be sincere in advancing it, but he is also so aware that his conception of public service is so completely irreconcilable with that of his fellow Athenians that he is moved to offer a ‘substitute’ penalty of a one mina fine.

stronger.³⁶ Diogenes Laertius reports a story that Xanthippe concluded an argument with her husband by dumping either a bowl of water or—according to the saucier version—a chamber pot over his head.³⁷ The only time Plato actually mentions Xanthippe is in the *Phaedo* when, having been released from his chains, Socrates is free to send his wife and children home so that he can spend his last hours philosophizing with his students.

It is not that Socrates was entirely disinterested in the private labor of care work. It appears that Socrates was known to have publicly criticized the manner in which Anytus, one of his chief accusers at the trial, was raising his son. At the end of Xenophon's *Apology*, Socrates issues something of a prophecy regarding Anytus's son: Anytus was a tanner and moderate political leader, and Socrates predicts that the son will not remain in "the slavish occupation [presumably tanning] his father has arranged for him."³⁸ According to the *Meno*, Anytus and Socrates had clashed long before the trial. In that dialogue, Anytus walks up as the conversation turns to the question of whether virtue is teachable. After a dispute disparaging sophists who pretend to teach virtue, Anytus breaks off the discussion with, "I think, Socrates, that you easily speak ill of people. I would advise you, if you will listen to me, to be careful."³⁹ Socrates's response, behind Anytus's back and addressed to Meno? "He thinks [...] I am slandering those men, and then he believes himself to be one of them. If he ever realizes what slander is, he will cease from anger."⁴⁰

³⁶ *Symposium*, 17-9.

³⁷ Diogenes Laertius, *Lives and Opinions of Eminent Philosophers*, tr. Charles Duke Yonge (London, H.G. Bohn, 1853), pp. 70-1. That it was a chamber pot emptied upon Socrates's head is hinted at by Emily Wilson in *The Death of Socrates* (Cambridge: Harvard University Press, 2007), pp. 137 and 154, without citation.

³⁸ *Apology* 29, in *Plato and Xenophon Apologies*, tr. Mark Kremer (Newburyport, MA: Focus Publishing, 2006).

³⁹ *Meno*, tr. G.M.A. Grube, in *Plato: Complete Works*, 94e. The *Meno* is usually located in a place of transition between the early and middle Platonic dialogues, so that it can perhaps be considered of more dubious historical accuracy than the earlier Socratic dialogues. This exchange between Socrates and Anytus, then, might well be taken to be a distillation of a longer antagonism between the two.

⁴⁰ *Meno*, 95a.

Prior to his execution, Crito criticizes Socrates for having gotten himself to the point of abandoning his sons, rather than seeing after their education.⁴¹ Socrates doesn't respond to the charge, but continues talking about preparation for death. To the extent that it can serve as an indictment of the parenting they received, it is worth noting Aristotle's claim that Socrates's "previously steadfast stock" resulted in children who were "silliness and stupidity."⁴²

By the time we arrive at the point of Socrates's execution, in the *Phaedo*, he seems to have become extremely interested in domestic labor. Emily Wilson astutely points out the staging of the scene, over the course of which Socrates appropriates for himself the (feminine) labors associated with mourning, the bathing and preparation of the body.⁴³ What Wilson does not point out is that, by banishing his sons and wife from the scene, Socrates adds to the publicity of the event.

Socrates's death is, after all, spectacularly public.⁴⁴ By being executed, Socrates removes his death from the natural, private realm and instates it in the political, public one.⁴⁵ He does not passively await death, but carries out his own death, including himself in his own execution in a way that he refused to be

⁴¹ *Crito*, 45d.

⁴² *On Rhetoric: A Theory of Civic Discourse*, tr. George A. Kennedy (Oxford: Oxford University Press, 1991), 1390b30-2. At the same time, to be fair, it should be noted that Socrates does express some concern for his sons immediately after his condemnation (*Apology*, 41e-42a). In classical Socratic style, however, his concern is more for their moral well-being than for their material sustenance, and in any event, there is little evidence that this concern was reflected in the activities of his life.

⁴³ *The Death of Socrates*, pp. 111-3.

⁴⁴ The staging of Socrates's death can be helpfully contrasted with discussions of non-public death like that of Hannah Arendt with respect to death in the concentration camps (in *The Origins of Totalitarianism* (New York: Harvest Press, 1973), pp. 451-2), or that of Giorgio Agamben of the death of the *homo sacer* (in *Homo Sacer*, tr. Daniel Heller-Roazen (Palo Alto: Stanford University Press, 1998), p. 1ff.).

⁴⁵ Stone's discussion in Chapter 14 of *The Trial of Socrates*, "How Socrates Did His Best to Antagonize the Jury," is particularly helpful for thinking through the extent to which Socrates's death ought to be considered suicide, and the way in which the event itself was infused with meaning.

implicated in that of Leon of Salamis. He stages, for the benefit of his students, a long argument with the laws of Athens for the conclusion that he ought not leave the Athenian *polis* for life beyond. By dying in public, Socrates authors his death in a way that instills it with tremendous meaning—a meaning only matched in the Western tradition by that of Jesus.⁴⁶

1.1.2. Publicity, leisure and class

1.1.2.1. Beyond *polis* and *oikos*

The activity of Socrates points to the need for a more subtle social ontology, something that provides for positions beyond the diametrically opposed ‘public’ and ‘private.’ As important as the location of a particular activity in the public or private spheres is the identification of the grounds of possibility of publicity or privacy, the question of how it is that individuals gain access to publicity.

Remaining within the boundaries of an approach that departs from a correspondence between geographical locations and social spheres of action, it is

⁴⁶ This claim relies on the idea that Socrates did have some control over the circumstances of his death—that he, in Stone’s terms, “antagonized the jury.” The sort of significance I am referring to here is distinct from the sort of mythologizing that Wilson traces in her intellectual history of various appropriations of the death of Socrates.

This is not to deny that the mythologizing is an integral part of why we care about Socrates and Jesus, but it is important to distinguish at least somewhat between the appropriations and the incarnations. George Steiner’s failure to do this is one of the most serious shortcomings of *Lessons of the Masters* (Cambridge: Harvard University Press, 2003), and is a primary reason I do not engage with it here.

Thomas Jefferson, on the other hand, almost certainly errs too far in discounting the importance of this mythologizing in his preparation of *The Life and Morals of Jesus of Nazareth*, describing the need to extract the “diamonds” of historically accurate material from the “dunghill” of mythologizing in the cases of both Socrates and Jesus (Letter to John Adams, October 13, 1813, in *The Writings of Thomas Jefferson*, ed. Albert Ellery Bergh and Richard Holland Johnston (Jefferson Memorial Association 1905), p. 390.

Peter Sloterdijk discusses Jefferson’s labors in the context of Nietzsche’s “improvement” of the Gospels and the importance both of demythologizing and remythologizing in *Über der Verbesserung der guten Nachricht: Nietzsches fünftes “Evangelium”* (Frankfurt a.M.: Suhrkamp Verlag, 2001), pp. 12-24.

possible to ask about the relationship of the *chóra* to the *polis* and the *oikos*. The notion that the distinction between *polis* and *oikos* is exhaustive can only arise from an exceedingly city-centered view of the ancient Greek world. Our interest seems exclusively directed to ancient Greek civilization within the cities ('civilized' meaning etymologically 'citified'), yet there were substantial amounts of land and numbers of people outside of the cities. Some of this *chóra* land served simply as an agricultural area outside of the *polis*, a sort of *Hinterland*, while other areas were independent of the dominion of the *poleis*. Most *poleis* were materially self-sufficient,⁴⁷ thus the control of a productive *chóra* was essential. For the independent *chóra*, public life might take the form of village life, some sort of organization too small to be established as a *polis*. Equally possible is that there simply was no real public life, as on the Island of the Cyclops. In *poleis* where there was no *de iure* minimum amount of property for participation in public life, *de facto* exclusions were often created by conditions of geographical distribution. For *chóra* on the model of the *Hinterland*, it is surely worth noting that distance from the city center could be a formidable barrier to the participation of *chóra* dwellers in public life.⁴⁸

Secondly, even in urban life it seems that the dichotomy between the *polis* and the *oikos* is an oversimplification. There were institutions to mediate the relationship between the two, and distinctions of class, gender and origin situated people in a variety of ways towards the division. The rise in importance of questions of lineage and birthplace in establishing citizenship is usually associated with the modern age, bringing not only biopolitical analysis and natality to the forefront of discussions of citizenship, but likewise care work and parenting. This function was not altogether absent from the ancient world, however: it was performed by a set of institutions that were neither clearly public nor private, a set of institutions that might even be considered the equivalent of something like an ancient civil society.⁴⁹

⁴⁷ But cf. "*Polis* and City-State, 600-323 B.C.," p. 16. Here Athens, with its habits of importing large amounts of wheat and timber, was atypical.

⁴⁸ Cf. D. Brendan Nagle, *The Household as Foundation of Aristotle's Politics*, pp. 80-2.

⁴⁹ This is to say, then, that I take it that Foucault exaggerates rather too far in one direction by positing the beginning of biopolitics in the modern era, while Giorgio Agamben goes rather too far in the other direction in that he seems to simply apply the Foucaultian paradigm of biopolitics to the Greek world without alteration.

The term ‘civil society’ is certainly most at home in the context of the modern nation-state, marked by its absence of face-to-face relations in the institutions of popular sovereignty and often considerable geographical distances.⁵⁰ Either of these features alone would be sufficient to render it impossible for any but the smallest portion of the population to participate in the activity of governing; together they make it obvious why a notion of a civil society to mediate between the private sphere and the state presents itself with such force.

It would be a mistake to simply read *phratia* and *demes* as civil society on this model, but the fact remains that they carried out important social functions in the space between the public and private spheres.⁵¹ Citizenship, for example, was a privilege that flowed through them, as they bore the responsibility of habilitating a young man to public life and eventually of verifying his age and parentage for entry into the *polis*. In larger *poleis* (particularly Athens, to take the extreme case), *phratia* and *demes* likewise offered a space for the actions of deliberation and governance, not easily available to most in a large city. The existence of such mediating structures makes it increasingly difficult to declare that certain people within a particular community were or were not active in public life, or even that a sphere of life—the *oikos* at the extreme end of the spectrum—was wholly divorced from public significance.⁵²

Like any society with a modicum of stability, there is a level of correspondence and interaction across various levels of Greek society. To take just one example, the *oikos* bore the responsibility for the education of future

⁵⁰ Aristotle, for instance, stipulates that a *polis* must be *eusunoptos*—able to be taken in with one glance. *Politics* 1326b24.

⁵¹ Both *phratia* and *demes* were institutions between the *oikos* and the *polis* both in function and along the spectrum of *physis* and *nomos*. Before the reforms of 508 BCE in Athens, *phratia* were significant subdivisions of tribes (*phyle*), and played an important role in bestowing citizenship. Post-508, their role seems to have been taken over by *demes*. In both cases, they shared the *oikos*’s basis in the family, while also sharing some of the public spirit of the *polis*. Perhaps the easiest analogy to contemporary politics would be a Bush or Kennedy family meeting, or perhaps even the Hatfields or McCoys.

⁵² James Roy, in “*Polis and Oikos in Ancient Athens*,” in *Greece & Rome* 46:1 (April 1988), pp. 1-18, provides a helpfully thorough examination of the significance of the *oikos* as seen from the *polis*, including consideration of questions like the importance of parentage, contraception and birth control for the production of citizens.

citizens, something that would seem—on either contemporary or ancient convictions—to be of the utmost public concern. Considerations of this sort should not, however, lead to the claim that membership in an *oikos* is membership in a *polis*,⁵³ or to forget that it is the teleological culmination of the *oikos* that is found in the *polis*, and not the other way around. It is not at all clear that there existed an absolute separation of matters of the *polis* and matters of the *oikos* in Greek society, nor is it particularly obvious that such a stark separation would be intelligible.

1.1.2.2. Leisure, class and surplus

Even if one cannot posit an absolute distinction between the public and the private, it is possible to identify conditions of entry into various spheres. Given a division of labor and a distribution of leisure, it is possible to construct a series of assignments of people to particular spheres based on their class, gender and/or place of origin.⁵⁴ Of particular interest to contemporary democrats is the political sphere, and its conditions of entry. One of the primary conditions of entry into the political sphere was free time. The amount of time consumed by participation in Greek public life is attested by many sources, such that some democracies (including Athens, beginning in 403 BCE) even took the step of the institution of some sort of pay for participation in public life, providing the necessary leisure even to those below the hoplite class.⁵⁵

In a political philosophy which sees political participation as that which establishes a life as a fully human life, in a culture where political activity requires significant amounts of leisure, it is not surprising that leisure plays an important role for Aristotle. For him, leisure must be distinguished from work, certainly, but also play, which is a form of relaxation. Work is undertaken towards the end of sustaining life. Play is undertaken towards the end of being able to work. Leisure, however, “is the basis of everything. It is true that work and leisure are both necessary, but it is also true that leisure is preferable, and is more of an

⁵³ As Nagle, at *The Household as Foundation of Aristotle's Politics*, p. 19.

⁵⁴ Leisure returns throughout this project as a concept of analysis. Its disparate results are brought together in section 4.

⁵⁵ There is a correspondence in Athens between the economic class of a citizen and his place in the army. A hoplite was an armed warrior. The hoplite class is the middle class, comprised of those citizens wealthy enough to afford a full set of armor. The hoplites fall economically below the cavalry, comprised of those wealthy enough to be able to afford a horse. Socrates fought in the campaigns of Potidaea (432 BCE), Delium (424) and Amphipolis (422) as a hoplite.

end.”⁵⁶ Leisure is essential to a well-ordered city,⁵⁷ and even the end of war.⁵⁸ Of chief importance here is the realization that, in distinction from the English term ‘leisure,’ *scholé* demands effort. Where ‘leisure’ seems to be recreative, *scholé* is creative.

Greek public life was quite demanding in terms of energy and time, but also in terms of being free from the demands of the material sustenance of life.⁵⁹ For the most part, the two go together. If my material sustenance is taken care of, then I can be presumed to have leisure. I can obtain leisure by lessening my need of material sustenance, or I can sacrifice my leisure to the pursuit of material sustenance, but in general one reaps leisure only after one’s needs have been filled.

There are some basic economic facts to be reckoned with here: A society labors to meet its needs. If it cannot meet its needs when laboring at full capacity, it ceases to exist. As its productive capacity grows, it faces the choice of either

⁵⁶ *Politics* tr. Ernest Barker (Oxford: Oxford University Press, 1995), 1337b32-4.

⁵⁷ *Politics* 1269a33-6.

⁵⁸ *Politics* Bk. vii, chs. 14-15. In the *Politics*, Aristotle’s discussion remains directed towards the function of leisure for a city, but it is worth bearing in mind the slightly different treatments it receives elsewhere. Towards the end of the *Nicomachean Ethics*, in Book 10.7, Aristotle argues that the end of all practical activity is leisure (1177b4-6). Here, however, the business of politics is classified alongside other ‘unleisurely’ activities like war, such that politics also is seen as a deduction from the leisure that could be spent in the independent, excellent life of contemplation. This contemplative view of leisure echoes that in Book 1.1 of the *Metaphysics*, where Aristotle traces the development of human labor from applied, particular practices to theoretical art, claiming that the Egyptians were the first to develop mathematics because of the existence of the priestly caste as a leisured class (981b22-4).

The tension between the contemplative and the political life is a significant issue for research into Aristotle’s view of excellence, but my concerns here are with the role of the political in classical Athens and the role of leisure in founding the possibility of the political. Aristotle is consistent (and, as I will show below, in agreement with Socrates) in excluding labor from the good life, regardless of what it is that should fill the leisure created by the exclusion of labor.

⁵⁹ Cf. Fustel de Coulanges, *The Ancient City* (New York: Anchor Books, 1956), pp. 335ff.

producing more or laboring less. Consumption and labor can be distributed in any number of ways, such that most societies have reacted to the growth of productive capacity both by increasing general consumption and by exempting a class from labor. Thus those who continue to labor are producing a surplus that is the grounds for the leisure of others.

It is in this sense that leisure is a consequence of wealth.⁶⁰ Seeing the two phenomena as united permits the interpretation of pay for participation in the *polis* assembly not as the earning of a production-based wage—which, according to the Aristotelian position, would situate it in the private sphere of material need—but rather as a means of ensuring participation, as a means of redistributing the leisure accumulated by the community.

Where did this leisure come from? While the practice was not universal, it is most likely accurate to call classical Greece a slave society.⁶¹ In an average democratic *polis*, about 25% of the population were citizens. Approximately 50% of the population was excluded from citizenship on the basis of gender. In an ‘extreme’ democracy, the excluded class would be comprised of women, metics⁶² and slaves; less democratic *politeia* would raise the property requirement for citizenship to exclude progressively more people.⁶³

With requisite apologies for abusing a tired metaphor, *polis* life is the tip of an iceberg. The tip is the most often remarked part of an iceberg; for many purposes it might well be the most relevant part of an iceberg. Yet integral to an understanding the fact of its appearance reaching out above the water is an awareness of the vast structure whose buoyancy is in fact the source of the force which provides the conditions of possibility for the appearance of the tip. If

⁶⁰ I am uncertain of whether the notion of conceiving of leisure as being a consequence of wealth continues to be intuitively plausible or not. The classical treatment of the connection between the two, and the inspiration for my treatment here, is Thorstein Veblen’s *Theory of the Leisure Class* (Amherst, NY: Prometheus Books, 1998).

⁶¹ Cf. G.E.M. de Ste. Croix, *The Class Struggle in the Ancient Greek World* (Ithaca: Cornell University Press, 1981), pp. 52-3.

⁶² ‘Metic’ is the term for a resident alien in the Greek world, an Anglicization of the Greek *metoikos*. Several sources suggest that the term is a compound of *meta* and *oikos*, thus ‘one who changes his household.’

⁶³ The Macedonian abolition of Athenian democracy, for example, in 321 instituted a requirement of 2000 drachmae for citizenship, lowering the number of citizens to 9000 from 21,000.

roughly 25% of the inhabitants of a *polis* disposed of citizenship and were politically permitted to participate in *polis* life,⁶⁴ then what of the 75% providing the buoyant force necessary for the political class to be in the space of appearance?⁶⁵ What is needed for leisure is a source of surplus production. A leisured class necessarily entails the existence of a class that produces a surplus, which in turn is expropriated by (or at least for the benefit of) the leisured class.⁶⁶

For my purposes, the most interesting class is that of the *banausos* or *aoikosthês*, a hired worker who does not himself dispose of an *oikos*. I will save discussion of this class for last. In what concerns metics, it is clear that they were not available, at least in a straightforward way, for exploitation of the sort necessary for the production of a leisured class.⁶⁷ While they did lack access to the political realm, they were also relatively free of ties to the *polis* in which they resided (relative, of course, to the extremely strong—by contemporary standards—ties of most natives to their *poleis*). Consequently, exploitation—at least exploitation recognized as such by the exploited—would presumably lead to their emigration.

Where metics were marked by the unusual changing of their *oikos*, the slave class was marked by an existence entirely circumscribed by the *oikos*. Their existence is restricted to the private sphere in a way that fundamentally distinguishes them from metics or, as will be seen shortly, from the *banausoi*. If metics were permitted to own property in a particular *polis*, they might dispose of an *oikos*, but the relationship to an *oikos* is external to their status as metics. *Banausoi* might labor in an *oikos*, but without belonging to one. The relationship between slaves and the *oikos* is so clear, on the other hand, that Aristotle refers to

⁶⁴ Oddly enough, approximately 20% of the volume of most icebergs floats above the surface of the water.

⁶⁵ Cf. Hannah Arendt in *The Human Condition* (Chicago: University of Chicago Press, 1998), pp. 198-99.

⁶⁶ This is very nearly the definition Iris Marion Young offers of ‘exploitation’ in *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), pp. 48-9.

⁶⁷ It is necessary here to keep distinct the notions of exploitation and expropriation. Metics were indeed sometimes expropriated, for example to fund the Oligarchy of the Thirty. Stone suggests that Leon of Salamis was being expropriated in just this way when Socrates was sent to abduct him (*The Trial of Socrates*, pp. 113ff.).

slaves as part of a “complete” *oikos*.⁶⁸ Slaves are firmly a part of the productive apparatus of the *oikos* even given Aristotle’s insistence that they are instruments of living, rather than instruments of production.⁶⁹ They are tied up in the educative function of the *oikos* in such a way that a slave is said to benefit from being owned by a virtuous master in a way that a *banausos* does not benefit from being in the employment of a virtuous employer.⁷⁰ Slavery was at the heart of the leisure available for the pursuit of Greek public life.

Women, like slaves, were excluded from direct participation in political life.⁷¹ There exists, however, a great deal of disagreement on how their position ought to be interpreted: Nagle argues that the roles of women in moral education and religious activity constitute important avenues of indirect activity in the life of the *polis*,⁷² while Marion Heinz is insistent in her claim that Greek women simply languished under the despotism of an *oikoturranos*.⁷³ The activity of someone like Antigone seems to support Nagle’s position,⁷⁴ whereas Aristotle’s ridicule of

⁶⁸ *Politics* 1253b4.

⁶⁹ *Politics* 1254a1-8.

⁷⁰ *Politics* 1255b4-15.

⁷¹ I intend this as a general claim about Athenian life, and it certainly seems to be supported by Aristotle. Darrell Dobbs, in “Family Matters: Aristotle’s Appreciation of Women and the Plural Structure of Society,” in *The American Political Science Review* 90:1 (March 1996), pp. 74-89, argues that it is inaccurate to say that Aristotle simply dismisses women in a political sense. Dobbs’s argument flows from the fact that Aristotle “recognizes that the sexes are, by nature, functionally different and complementary,” and that “the influence of sexual complementarity permeates the whole of our existence” (75). Obviously one difficulty in appraising the political tendencies of philosophers like Aristotle or Socrates lies in first removing the beams from our own political eyes.

⁷² *The Household as Foundation of Aristotle’s Politics*, chs. 8-9.

⁷³ In the introduction to *Philosophische Geschlechtertheorien* (Stuttgart: Reclam Verlag, 2002), p. xiii.

⁷⁴ I refer simply to the sense in which, in the Sophoclean tragedy, Antigone finds herself at the meeting point of two contradictory ethical demands: the one to give her brother a proper burial, the other to obey the order of Creon that he remain unburied. For my purposes, the demand that flows from her connection with her brother counts as a demand arising from the *oikos*, whereas the edict of the king

Plato's proposed abolition of gender⁷⁵ seems to support Heinz's. Nagle's claim carries with it the implication that the religious sphere exists as a sphere of activity outside the simple dichotomy between the *polis* and the *oikos*, even if it fails to provide a truly satisfactory characterization of the relative valuations placed on activity in the various spheres.⁷⁶

As far as concerns the extraction of surplus and the distribution of leisure, however, it seems clear that the position of women varied significantly according to their class. As with contemporary economies, women of the *banausos* class performed significant amounts of nonwage labor, carrying out the labor of household functioning performed by slaves in a 'complete' household. Given that men were the direct participants in economic life, then, it doesn't seem out of place to adapt Veblen's terminology and speak of the leisure accruing to upper-class women as a form of vicarious leisure on behalf of the heads of their households.⁷⁷

And so I come to the *banausoi*. The *banausos* would be an individual with limited willingness to emigrate, as distinguished from a metic. In an extreme democracy, hired workers might actually be the net recipients of wealth redistribution to enable political participation, yet as citizenship becomes more restricted, they are the first population to be disenfranchised. Aristotle excludes these people from participation in his ideal state. Their performing work at the behest of another, according to him, unfits them for political participation.⁷⁸

There are three distinct arguments, all of which have some grounds in Aristotle's text, for excluding *banausoi* from political participation. (1) Exclusion on the basis of labor performed at the behest of another is distinct from an alternative common reading—(2) that one's capacity to engage in politics is

arises from the *polis*. I am not particularly interested in carrying the point further to Hegel's reading of the play and the variety of feminist responses to that reading.

⁷⁵ *Politics* 1264a36-1264b5.

⁷⁶ In addition to the sources mentioned in the main text, see also Dobbs's "Family Matters" and Harold L. Levy's "Does Aristotle Exclude Women from Politics?" in *The Review of Politics* 52:3 (Summer 1990), pp. 397-416. Levy represents something of a middle ground in the debate, arguing simply that Aristotle doesn't particularly care about women.

⁷⁷ *The Theory of the Leisure Class*, ch. IV.

⁷⁸ E.g., in the *Politics*, 1277a36-b6 and 1278a7-10.

damaged if one spends all of one's time doing something else (like manual labor). Both are, in turn, distinct from Aristotle's notion that there are natural slaves and natural freemen, a position that might be taken to imply—as with his distinction between “beautiful” and “necessary” people—(3) that natural freeman can be divided into natural laborers and a natural leisured, political class. Darrell Dobbs advances the argument, which seems to me justified, that there is an important distinction between the farmer—who, working on his own land, is not excluded by his labor for political participation by Aristotle—and the *banausos*.⁷⁹ Thus for Aristotle, political exclusion by labor operates as a function of the relations of production into which a worker enters in the course of his work rather than as a function of the nature of the relationship between the worker and the object of labor.

This specification takes Aristotle's position to a level of subtlety only implied in Socrates. Where Aristotle attempts to provide grounds for the exclusion of the *banausoi* from the political sphere, Socrates's explicit reaction to those *banausoi* who would have the pretension to take part in the political sphere is limited to ridicule.⁸⁰ There are two cases that are worth examining in order to firmly situate Socrates alongside Aristotle with respect to the position of the *banausoi*.

The first instance appears in Xenophon's *Memorabilia*. At the beginning of Book III, Chapter 7, Xenophon depicts a conversation between Socrates and Charmides. In a moment that seems to contradict Socrates's habitual distaste for the political, this conversation features Socrates urging Charmides to political participation, both on the basis of his obligation as a citizen⁸¹ as well as on the basis of his sound judgment.⁸² The dramatic crux of the dialogue, however, is

⁷⁹ “Natural Right and the Problem of Aristotle's Defense of Slavery,” in *Journal of Politics* 56 (February 1994), pp. 23-5.

⁸⁰ Richard Kraut, in *Socrates and the State* (Princeton: Princeton University Press, 1987), pp. 199ff., argues that there is no Platonic evidence to attribute a class bias to Socrates. I do not think that it is helpful for me to engage his argument here at length, but I do want to point out that the murdered servant in the *Euthyphro* was a *banausos*, referred to there as a *thés*. As Peter Geach puts it in his discussion in “The Moral Law and the Law of God,” “[Socrates] reiterates this term ‘*thés*’ to rub it in how little the man's death mattered” (in *Absolutism and Its Consequentialist Critics*, ed. Joram Graf Haber (Lanham, MD: Rowman & Littlefield, 1994), p. 64).

⁸¹ *Memorabilia* 3.7.2.

⁸² *Memorabilia* 3.7.3.

given by the fact that Charmides has stage fright. He is quite able to give good advice to civic leaders who approach him in private for his opinion, but is unable to speak before the assembly. As encouragement, Socrates sets out to teach Charmides that there is no reason that he, who feels “no awe before those who are most prudent and no fear of those who are strongest” ought to be “ashamed to speak among those who are both the most senseless and the weakest.”⁸³ Who are these most senseless and weakest? Socrates provides an extensive catalogue of the common trades and crafts: fullers, shoemakers, carpenters, smiths, farmers and merchants.⁸⁴

The Socratic conception of the *banausoi* is thus not as developed as the Aristotelian one. Where the Aristotelian conception is centered on relations of production—which is to say, relations between one individual who must sell labor and another individual who purchases it—the Socratic conception seems centered around the very idea of performing labor—thus implicitly to approach conception (3) above. It is not being materially dependent upon the performance of labor for another that unfits these people for political participation, according to Socrates, but the mere fact of working for a living.

This view flows from a Platonic pen in the *Gorgias*, Socrates’s send-up of the most prominent Athenian politicians from both sides of the aisle, where he dismisses the conservative Cimon and Miltiades as quickly as the democratic Themistocles and Pericles. Of immediate interest here is what Socrates has to say about the institution, by Pericles, of pay for participation to allow fuller representation in the assembly: “Are the Athenians said to have become better because of Pericles, or, quite to the contrary, are they said to have been corrupted by him? That’s what *I* hear, anyhow, that Pericles made the Athenians idle and cowardly, chatterers and money-grubbers, since he was the first to institute wages for them.”⁸⁵ It is, of course, these “wages” that permit those who must work for a living to participate in the assembly. Far from providing them with the necessary leisure and material independence to participate in the political sphere, Socrates suggests that the institution makes the mistake of insisting that *banausoi* are capable of offering an opinion on political matters where they ought to be silent. Once their work has unfit them for political participation, a simple redistribution of leisure is insufficient to raise them to the level of competent political participants.

⁸³ *Memorabilia*, tr. Amy L. Bonnette (Ithaca: Cornell University Press, 1994), 3.7.5.

⁸⁴ *Memorabilia* 3.7.6.

⁸⁵ *Gorgias*, tr. Donald J. Zeyl in *Plato: Complete Works*, 515e.

It should not be surprising that Xenophon, Plato and Aristotle share a disdain for the political participation of the poorest workers in their society. Plato was clearly aristocratic, Xenophon came from the upper classes and Aristotle was educated as an aristocrat (even if his political position, as a metic, was much more tenuous than that of a citizen, as evidenced by his exile after the death of Alexander the Great).

Socrates, however, was in no way aristocratic. Socrates's father was Sophronicus, who worked as either a sculptor or a stonemason,⁸⁶ while his mother, Phaenarete, worked as a midwife.⁸⁷ Socrates is usually said to have been trained in his father's trade—there is a now-discredited tradition that he completed a sculpture of the Graces that stood on the Acropolis; Wilson describes a Socratified Caravaggio portrait of Matthew as having “thick, stone-mason's arms.”⁸⁸ In spite of his background, it seems to be the case that he was able to marry an aristocrat in Xanthippe. At some point, Socrates turned to philosophy—perhaps influenced by his conviction that being a sophist was much more profitable than being a sculptor.⁸⁹

In this, he was quite correct. Wilson claims that well-known sophists could receive as much as 100 minae for “a complete course of study.”⁹⁰ Michael Gargarin and Douglas M. MacDowell claim that “the daily wage of some skilled workers was a drachma in the mid-fifth century and 2-2½ drachmae in the later fourth century.”⁹¹ A mina was worth 100 drachmae, so that a course with a well-known sophist could cost as much as 10,000 drachmae. If we set a skilled worker's wage today at \$12/hour, a daily wage would be roughly \$100. A course with a sophist would be 10,000 times this, or one million dollars.⁹²

⁸⁶ *Alcibiades* 131e.

⁸⁷ *Theatetus* 149a.

⁸⁸ *The Death of Socrates*, p. 161.

⁸⁹ *Meno* 91d.

⁹⁰ *The Death of Socrates*, p. 43.

⁹¹ *Antiphon and Andocides*, tr. Michael Gargarin and Douglas M. MacDowell (Austin: University of Texas Press, 1998), p. xxvi.

⁹² It is worth noting that this comparison is rather oversimplified, insofar as the level of a worker's daily wage is dependent upon a huge variety of factors, including relations of power between the classes and the overall productivity of a society. The comparison is offered merely as an extremely rough estimate.

Thus Socrates's background would have tended to place him in a middle, artisanal class, while his status as one of the most famous sophists could potentially have made him a very rich man, had he so desired. Evidently he did not so desire. In several Platonic dialogues, Socrates distinguishes himself from the sophists on the basis that he does not charge fees.⁹³ In his *Memorabilia*, Xenophon claims that Socrates's refusal to demand a fee is driven by his love "of the people, and indeed all of mankind."⁹⁴ Xenophon has Socrates estimate his net worth in the *Oeconomicus* at five minae.⁹⁵ Most contemporary commentators doubt that he could have lived off the interest from such a small sum, and thus assume that he must have subsisted on gifts bestowed by his many powerful friends and aristocratic students and associates.

These gifts did not support Socrates or his family in any particular luxury. Xenophon, in particular, depicts him in terms that approach the image of a Spartan ascetic: he bears the cold without expensive, warm clothes; he was famously ugly in a Greek culture that associated physical beauty with economic wealth; he neglected the material needs of his family. In Socrates's lifestyle the

Nevertheless, it is an estimate of this sort that must be used to assess not only Socrates's success in and attitude towards economic affairs, but also the 'penalty' he proposes for himself in the *Apology*. He first claims that an adequate assessment according to his deserts is that he be fed in the Prytaneum (36d). Aware of the rhetorical maladroitness of this gesture, and maintaining the accuracy of his assessment, he offers a second, more conciliatory penalty: "If I had money, I would assess the penalty at the amount I could pay, for that would not hurt me, but I have none, unless you are willing to set the penalty at the amount I can pay, and perhaps I could pay you one mina of silver" (38b).

Grube's footnote to this passage that a mina was a considerable sum of money is accurate for a skilled worker. It was also considerable to Socrates, to the extent that it represented a fifth of his net worth (as noted below). At the same time, it would be a pittance for a successful and well-known sophist, a fact of which neither Socrates nor the council could be ignorant.

⁹³ This is a well-known trope, but it is nevertheless surprising how frequently it appears: *Euthyphro* 3d, *Apology* 19d, 31c, 33a-b, *Meno* 91a-b, *Euthydemus* 272a, *Greater Hippias* 282d, *Protagoras* 311b-e, 328b, 348e-349a, *Lesser Hippias* 364d, *Gorgias* 520c.

⁹⁴ *Memorabilia*, 1.2.

⁹⁵ *Oeconomicus* 2.31.

link I posited earlier between leisure and wealth comes apart. Socrates lacked wealth, but disposed of a great amount of leisure. It is this leisure that most solidly establishes Socrates as an accessory to the aristocratic classes, in spite of his humble origins and modest wealth.

This accessory status would, I want to argue, be in danger if Socrates had charged fees for his conversation. To charge a fee is, in some sense, to sell something to another. A sophist could charge a fee in the sense of selling admission to a performance or—the more common practice—in the sense of tuition for education. In either version, the sophist is claiming to have produced some sort of worthwhile knowledge, to be transferred to the student through the direct or indirect attentions of the sophists.

A first objection to the notion of charging fees, then, would be that charging fees seems to entail that one has knowledge that can be transmitted. Given Socrates's denial of knowledge, as well as his skepticism about the teachability of virtue, he could only have accepted fees on pain of inconsistency.

A second objection, and more to the point here, would be that charging fees would, in some sense, have transformed Socrates into an artisan and merchant, an immaterial laborer. If Socrates were to accept fees for the privilege of sitting in on his disputations, he would have abased himself to the level of the rabble he so disdained. This is importantly distinct from accepting the gift of leisure from “the sons of the very rich” who themselves “have the most leisure” in Athens and choose to use it following Socrates “of their own free will.”⁹⁶

The most charitable reading of Socrates's refusal to impose a tuition is to take him at his word that philosophy is too valuable to sell or that doing philosophy for a living would make it impossible for him to choose freely to practice philosophy. Only if Socrates's leisure preceded his philosophical activity could he claim freedom in it.

My discussion here, however, presents a less reverent position. It suggests a refusal on the part of Socrates to acknowledge the contingency of the distribution of leisure. In spite of the fact that Socrates was dependent upon his students for his sustenance and the support of his family, he insisted on the position that those who worked for a living had no place in the public sphere.

As I noted above, this sort of elitism is easily comprehensible for Xenophon and Plato, and perhaps Aristotle. In a different sense, outrage at the pretension of the *banausoi* to participation in political action is most comprehensible for Aristotle, for whom it can be joined to a high estimation of the value of political activity. Socrates, however, is unrelenting in his disdain for

⁹⁶ *Apology* 23c.

the Athenian form of politics, a politics debased by its institution of “wages” for the “most senseless and the weakest.”

Thus if Socrates maintains in the *Crito* a respect for the laws of Athens that continues even up to the point of giving his life to obedience to them, he maintains that respect in tension with the deepest disdain for the democratic constituent citizenry of those laws.

This disdain, in turn, forces him into his steadfast refusal to construe philosophy as anything like the work of the tradesman, forced upon him by biological necessity. Eventually, it is this disdain for the rabble and their political life, and the need to separate philosophy from both politics and work, that is taken up by Plato in the image of the philosopher kings. These philosophers do not ‘work’ for their support, nor do they engage in a debased popular politics in the Athenian style. Rather, they reluctantly agree to command the appetitive torsos of the masses while they are fed at the Prytaneum so that they might be able to appropriate the leisure to practice philosophy.

There are several senses in which the philosopher kings represent a reconciliation of the tensions with respect to the relationships between theorizing, political action and leisure at the center of the stories about Socrates’s life. Socrates was born into a laboring class, but needed leisure to undertake philosophy. His practice of philosophy provided him with the opportunity to gain access to the circles of the nobility, but remaining in those circles required him not to sell his philosophical labor or take too seriously his comparison of it with midwifery.

With the abolition of hereditary class in the *Republic*, none of these problems would have arisen for him. His philosophical aptitude would have provided him with leisure, and there would have been no forum for him to become entangled in disputes with the likes of Anytus. Politics would be reduced to the mere application of the results of philosophical contemplation, itself relieved of the burdens both of public debate and private labor.

1.1.3. Introduction

I don’t usually conceive of philosophy as a series of footnotes to Plato. I tend to think that the best philosophy is that which can help us to look at our contemporary situation, in the broadest possible sense of the term, in new ways, in the broadest possible sense of the term. That is to say that I am most appreciative of those philosophical efforts which manage to be sufficiently enmeshed with contemporary concerns to take them, and the challenges they pose to our habitual ways of acting and thinking, seriously, while at the same time using the literary tradition of philosophy to achieve enough of a remove to cast them in new, interesting ways which offer us the opportunity to nurture new habits of acting

and thinking. This is what I have hoped to achieve by beginning with a portrait of Socrates.

Beginning with Socrates shows how deeply rooted in the philosophical tradition these problems are, but I don't want to trace the problems throughout that history. Instead, I want to turn to the work of Hannah Arendt and Jürgen Habermas. At its best, their work manages to take up contemporary questions and struggles and address them through the mobilization of the philosophical tradition. In so doing they extend the philosophical tradition and make their work available for use in further projects, like that I take up here.

The contemporary concern at the center of my focus is the world of work, and the way in which that world relates to the world of politics. Even when philosophy has divested itself of Socrates's disdain for workers, work and politics have been maintained as importantly distinct domains of human activity throughout much of the philosophical tradition, including both Arendt and Habermas.

In section 1.2 I turn to Arendt's work and the attempt to criticize our contemporary political practices by drawing inspiration from the classical Greek separation of the public sphere of politics and the private sphere of labor and material needs. The crux of the discussion here revolves around Arendt's inability to make sense of the civil rights movement on the basis of this separation, suggesting that the material and political are often much more difficult to separate than she thought.

Where Arendt draws inspiration from classical Greece, in section 1.3 I take up Habermas's sustained engagement with the public sphere as a specific achievement of the modern age. In spite of this difference, Habermas's development of the distinctions between lifeworld and social systems, between instrumental and communicative action, leaves him with a similar inability to understand work and politics as both central and intertwined features of the human condition. My claim here is that the fact of their intertwining demands that they be addressed together, as activities that are often not only contiguous but also continuous with each other.

Arendt did not have, and Habermas has not taken up the opportunity to address recent research into that area of work that has been investigated under the heading of 'immaterial labor.' The concern with immaterial labor grows out of an old distinction from economics between productive and unproductive labor, according to which productive labor is that labor that increases the capital available in a society, while unproductive labor reduces it. Productive labor crystallizes labor in an object of labor, whereas unproductive labor simply expends labor without adding that labor to an object. Traditionally, unproductive labor consisted of things like service or artistic performance; in recent years

Michael Hardt has suggested dividing immaterial labor into informational, service and affective labor.

I take up this problematic beginning in section 2. I begin in section 2.1 by laying out some of the most important aspects of the thesis of immaterial labor as it has been developed by workerism, concentrating on the work of Paolo Virno, Antonio Negri and Hardt. My chief concern here is with showing the continuities and discontinuities between the modes of production that preceded immaterial labor and contemporary production. This sets the stage for section 2.2, in which I examine the role of property and value in immaterial labor. Here I rely on Gabriel Tarde and his appropriation by Maurizio Lazzarato for the development of a new theory of value that stresses originality and cultural production. I add to Lazzarato's work a reading of G.W.F. Hegel's notion of intellectual property and its relationship to learning and innovation, fleshing out the way in which consumption and production have become important avenues of expression for we moderns in a way they never could have been for the ancients. The cultural concerns of section 2.2 become political in section 2.3, when I turn to the use of the Foucaultian notion of biopower by Hardt and Negri. If immaterial labor produces community rather than products, then perhaps, suggest Hardt and Negri, that community is a potential site of political resistance. I examine how labor produces subjects, ending with what remains an unanswered question for workerism: is there any reason to hope that the communities produced by these new processes of labor might have any emancipatory political content?

In section 3, I begin to address these concerns, turning to the most important of the subcategories of immaterial labor as analyzed by Hardt and Negri, care work. Examining care work in particular is useful insofar as it is the subject of a significant and extensive research project of its own, such that bringing together research on care and immaterial labor can serve to usefully advance both veins of research. In section 3.1, I begin to bring together these threads of the literature by developing an analysis of the role of care work as social labor. By reading together the work of Diemut Bubeck, Mariarosa Dalla Costa and Selma James, I am able to achieve a much more precise characterization of the way in which immaterial labor shapes subjects. Specifically, care work—particularly caring for children—clearly introduces children into a culture, at the same time as the gendering of care work results in the creation of women as carers. Bubeck, Dalla Costa and James all see the gendering of care work as an injustice towards women; while Bubeck concentrates on philosophically identifying the nature of that injustice, Dalla Costa and James's writings are intended to begin to nurture a solidarity to oppose that injustice.

With section 3.2, I begin to ask the question of what it is that a philosophical analysis of work ought to do. Feminist analyses of care work have,

for the most part, taken place under the aegis of the tradition of liberal political philosophy in the path of John Rawls. I enter into this debate by way of a juxtaposition of the work of Eva Feder Kittay and Martha Nussbaum. Nussbaum here serves as an astute defender of liberalism who nevertheless appreciates the problems care work presents for liberalism, whereas Kittay's work presents a deep, if not complete, skepticism about the ability of liberalism to do justice to care.

I focus this argument in section 3.3, where I ask whether reciprocity—the cornerstone of liberal thinking—is adequate to the concerns of care. I examine a variety of analyses of care work of both a reciprocal and non-reciprocal nature, and find that the continuing inability of liberal thought to bridge the divide between public and private renders it unable to satisfactorily address questions of care.

I address these problems in the conclusion, where I suggest that, as so often, philosophy must follow political reality while also providing guidance for new social movements. The realities of immaterial labor and care have left us in a position where we can no longer usefully separate labor from political activity, and (in this sense) the public from the private. I articulate a new conception of solidarity that is capable of moving from labor to political activity, taking account of the demands posed by these new forms of labor.

1.2. Hannah Arendt: Freedom, Leisure and the Public

In the Introduction, I was concerned with the relationship between publicity, privacy and thought in Classical Athens. I began with Socrates as philosopher, the foundational public intellectual for the philosophical tradition. I then moved on to consider the pivotal role that the production and distribution of leisure has for the constitution of the public sphere. Finally, I concluded with Aristotle's formalization of Greek common sense (shared by Socrates, in spite of his iconoclasm), one in which labor has the peculiar quality of unfitting individuals for political participation, even if they do in fact dispose of some amount of leisure.

In this chapter I turn to the work of Hannah Arendt, for whom the distinction between public and private was of primary importance. I begin with her situation of the division between the public and private, particularly with respect to the questions of the constitution of public freedom and the means of access to that freedom. I argue that public freedom is constituted by economic means, and that access to that freedom is controlled by cultural belonging as well as by distribution of leisure.

In the second section, I focus on the economic side of this equation, arguing that understanding the way in which the economic sphere functions as a grounds for the possibility of the public sphere forces the reconsideration of Arendt's stark dichotomy between the public and private. I argue that the two must always travel together, challenging the ontological priority that Arendt accords to the public.

In the third section, I connect this concern with the public and private to Arendt's division of human activity into labor, work and action. I argue that the seemingly stark contrasts between these categories must to be softened to make sense of the world, in a way analogous to what is done with the public and private in the first two sections. Here I pay particular attention to a tension in Arendt's conception of action between relation and state building, arguing that retaining both conceptions of action allows the framework to make much better sense of political reality, connecting an action conducted between individuals with one conducted amongst groups.

In the fourth section, I carry this argument further to Arendt's analysis in *On Revolution* of what I call 'revolutionary affect.' Arendt argues that compassion, pity and solidarity played important roles in the French and American revolutions, although she casts these affects as being fundamentally reactions to social, economic situations. I pose the question of whether one could not in fact mobilize these responses to political situations, and thus give them a much broader applicability than what Arendt imagines.

I conclude by applying this scheme of revolutionary affect to Arendt's reaction to the school desegregation movement as expressed in her "Reflections

on Little Rock.” I argue that this, utilized alongside Arendt’s conception of education in “Crisis in Education,” provides grounds not only for criticizing Arendt’s opposition to desegregation, but also for seeing a deep connection between work and public action in the caring, politically engaged work of teachers.

1.2.1. Freedom in publicity

The concern with publicity and privacy is a recurring one for Arendt, one that appears in various forms across her work.⁹⁷ While my project here is not to defend this claim, it is plausible to suggest that the division between the two spheres and their dependence upon their separation is a major axis of analysis of much of Arendt’s political philosophy. In her more historical works, such as *On Revolution*⁹⁸ or *The Origins of Totalitarianism*,⁹⁹ she charges misguided revolutions with failing to establish or maintain a functioning political sphere.¹⁰⁰ In her more theoretical *The Human Condition*,¹⁰¹ the division between the public and private is cast as a primary determination of human activity, such that the weakening of the division in contemporary society is identified as a main factor in the devaluation of the political.¹⁰²

⁹⁷ Seyla Benhabib’s *The Reluctant Modernism of Hannah Arendt* (New York: Sage Books, 1996) provides an extremely useful analysis of Arendt’s concern with publicity, grounding it not only in her larger political philosophy but also in her philosophical project in general, with its connections to Heidegger’s phenomenology.

⁹⁸ *On Revolution* (New York: Penguin, 1990).

⁹⁹ *The Origins of Totalitarianism* (New York: Harvest Press, 1973).

¹⁰⁰ For more on this claim with respect to *On Revolution*, see Albrecht Wellmer’s “Arendt on Revolution,” in *The Cambridge Companion to Hannah Arendt*, ed. Dana Villa (Cambridge: Cambridge University Press, 2001). With respect to *The Origins of Totalitarianism* (as well as *Eichmann in Jerusalem*), see Michael Halberstam’s *Totalitarianism and the Modern Conception of Politics* (New Haven: Yale University Press, 2000), chs. 6-7.

¹⁰¹ *The Human Condition* (Chicago: University of Chicago Press, 1998).

¹⁰² Hanna Fenichel Pitkin, in her *The Attack of the Blob: Hannah Arendt’s Concept of the Social* (Chicago: University of Chicago Press, 1998) critically examines the division between the public and the private in Arendt. For Pitkin, Arendt never escapes the ascription of masculinity to the public sphere and

While *On Revolution* and *The Origins of Totalitarianism* are modern and contemporary history, respectively, the conceptual framework she brings to these works is importantly developed from ancient antecedents in *The Human Condition*. Arendt's thought in general, and her treatment of publicity and privacy in particular, is deeply and somewhat idiosyncratically historicist.¹⁰³ As an affirmation of the sort of concrete thought that usually accompanies historicism, the first chapter of *The Human Condition* begins with the famous claim that the earth is inhabited by a diverse collection of "men," rather than by a universal "Man."

For Arendt, it is by comparison with the activity of the concrete "men" of classical Athens, with its clear distinction between the public and the private, that the poverty of contemporary politics comes to light. The structure of most of the argument of the book moves back and forth between observations about ancient Greek and contemporary industrialized society, yet I think that it is misguided to suggest that Arendt merely uses Greece as an ideal model.

J. Peter Euben's treatment of Arendt's Hellenism is particularly useful here. He points out the language in which Arendt refers to the freedom of "antiquity," "certainly not for the sake of erudition, and not even because of the continuity of our tradition, but merely because a freedom experienced in the

femininity to the private sphere, such that Pitkin's discussion usefully bridges the divide between feminist concern with the public/private distinction and Arendt's treatment of the subject. The treatment is particularly useful insofar as Arendt was notoriously silent on questions of gender and feminism, although some of Pitkin's psychoanalytic and biographical arguments strike me as unhelpful. While they tend to critique Arendt's thought through a feminist lens in a more direct manner than I am doing here, the essays in *Feminist Interpretations of Hannah Arendt*, ed. Bonnie Honig (University Park, Penn State University Press, 1995) are also useful for beginning to consider the consequences of Arendt's political philosophy for questions of gender.

¹⁰³ There is much literature on Arendt's historicism, and her occasionally misguided readings of history. For a sampling, see Eric Voegelin's criticisms—oriented towards the question of the relationship between the theoretical and the historical—of *The Origins of Totalitarianism* in "The Origins of Totalitarianism," in *Political Science* 15:1 (January 1953), pp. 68-76. For a criticism of her historical accuracy, see Stephen J. Whitfield's *Into the Dark: Hannah Arendt and Totalitarianism* (Philadelphia: Temple University Press, 1980). Also useful is David Luban's "Explaining Dark Times: Hannah Arendt's Theory of History," in *Hannah Arendt: Critical Essays*, eds. Lewis P. Hinchman and Sandra Hinchman (Albany: SUNY Press, 1994), pp. 78-110.

process of acting [...] has never again been articulated with the same classical clarity.”¹⁰⁴ Euben eventually characterizes Arendt’s Hellenism as “equal parts aspiration, remembrance and recognition,”¹⁰⁵ thus as a particularly useful example drawn from history, rather than a model to be followed.

What, then, is at stake in Arendt’s treatment of classical Athenian politics? I take it that Arendt is interesting and worthwhile as a contemporary political philosopher more than as a classicist. If her use of ancient Greek categories permits her to provide a useful framework for understanding contemporary society, then, it is not particularly to the point to criticize her historical work. On the other hand, looking at her historical references in order to provide a slightly different conceptual framework for the criticism of contemporary political relations might be quite useful.

As an example of this sort of criticism, I might point out that the *chóra* doesn’t show up in Arendt’s depiction of ancient Greek society. Arendt uses *polis* and *oikos* as near synonyms for the exhaustive dichotomy of public and private.¹⁰⁶ As discussed in the previous chapter, the *chóra* represents a form of life in which there might be land-owning individuals who are not restricted to the *oikos*, yet have no access to a *polis*. Thus omitting the *chóra* from consideration allows Arendt to portray the distinction between *polis* and *oikos* as exhaustive.

Since the dichotomy is exhaustive, questions of access to political life are straightforward for Arendt. Access to the public *polis* is secured by exceeding the limits of the *oikos*. It is in the *oikos* that material necessities are addressed, and in the *polis* that political freedom is achieved. Citing Herodotus and Aristotle, Arendt describes the *polis* as the sphere in which men are able to free themselves from relations of rule.¹⁰⁷ This, she claims, is due to the way in which the men gathered in the *polis* were gathered in the ‘free’ presence of their peers. The restriction of production to the *oikos* frees them from natural necessity, whereas the exclusionary equality achieved by the restriction of the public sphere frees them from the domination of inequality. I want to analyze this freedom as

¹⁰⁴ “What Is Freedom?,” in *Between Past and Future* (New York: Penguin, 1993), p. 165. Cited in J. Peter Euben, “Arendt’s Hellenism,” in *The Cambridge Companion to Hannah Arendt*, p. 152.

¹⁰⁵ “Arendt’s Hellenism,” p. 162.

¹⁰⁶ Pitkin’s “Justice: On Relating Private and Public,” in *Political Theory* 9:3 (August 1981), pp. 327-352 is particularly useful on relating the *polis* and *oikos* to the public and private in Arendt’s work.

¹⁰⁷ *The Human Condition*, p. 32.

consisting of three aspects: (1) participation in political life was restricted to those with sufficient leisure time to participate in public life, (2) they are free from the inequality present in rulership¹⁰⁸ and (3) they “move in a sphere where neither rule nor being ruled existed.”¹⁰⁹ I will spend an appreciable amount of time with the first of these before addressing the second and third.

In the Introduction I offered a critical presentation of the role of leisure in Aristotle’s conception of philosophy; here I want to extend that line of argument with the claim that wealth is a key term in (1), and that wealth ought to be understood primarily in terms of its convertibility into leisure. The leisure that allowed participation in political life was a result of the wealth of the participants. It is freedom from the demands of natural necessity, the necessity of being taken up with the production of the means of one’s day-to-day subsistence.¹¹⁰

Arendt, on the other hand, places greater stress on the relationship between wealth and property. She laments the equation of wealth and property, using the term ‘property’ to describe exclusively the ownership of land and dwelling spaces. She attributes to property the function of providing an individual with a “location in a particular part of the world” and therefore membership in a particular political body.¹¹¹ Property establishes one’s belonging to a certain *polis*, from which access to the *polis* is then straightforward.

First, this raises the question of what *polis* membership means. Women, servants and slaves were members of an *oikos*, and the *polis* was comprised of *oikoi*. If ‘x is a member of y’ is a commutative relation (such that ‘Mxy’ is read as ‘x is a member of y’ and the following claim is true: (Mxy & Myz)→Mxz)), then *oikos* members would be *polis* members. This claim tends to be confirmed by the fact that they were subject to the laws of the *polis*, even if they lacked the rights to active participation or property ownership.¹¹²

¹⁰⁸ *The Human Condition*, p. 32.

¹⁰⁹ *The Human Condition*, p. 33.

¹¹⁰ See *The Human Condition*, §11 for discussion of *scholé* and the claim that the purpose of slavery in the ancient world was not the extraction of super-profit, but merely the exclusion of labor from the lives of participants in the *polis*. It is surprising to me that this aspect of Arendt’s political thought has not received more attention than it has.

¹¹¹ *The Human Condition*, p. 61.

¹¹² The argument here bears certain similarities to the way, to be discussed in section 3.2, in which John Rawls originally included “heads of households” as

Presumably, however, ‘being subject to the laws of’ is not synonymous with ‘being a member of.’ Thus it would be denied that someone passing through a *polis* is a member of it, although she would be subject to its laws. From the ancient Greek world, through Hobbes,¹¹³ on up to contemporary society, presence in the territory controlled by a political entity has always been sufficient to make an individual subject to the laws of that territory, even if in some cases (particularly in contemporary society), an underlying notion of population-citizenship has often served to refract the sense in which particular individuals are subject to the laws of foreign nations they visit.¹¹⁴

It turns out that even property ownership is insufficient for establishing membership in an active sense. Socrates claims in the *Crito* to be an Athenian, yet speaks almost exclusively of cultural belonging rather than property ownership.¹¹⁵ His argument is rather that *because* he is a member of the Athenian *polis*, he is bound to respect its laws. Nowhere does property enter into the argument. In fact, there were many who did own property in the ancient world without being active members of the *polis*. The urban poor often owned an amount of property below the threshold for *polis* membership, in those *poleis* where such a threshold existed. Alternatively, many rural landowners held land not associated with a *polis*, whereas others were prevented from attending the assembly either through the distance at which the land lay from the assembly or the necessity of working the land (thus insufficient leisure).

parties to the original position, to represent the presumably passive members of their households.

¹¹³ This is in the *Leviathan* (Cambridge: Cambridge University Press, 1996), appropriately enough, with regards to cases of banishment: p. 154.

¹¹⁴ See Arendt’s claim at *The Human Condition*, p. 195 that the *polis* is constituted by a population rather than a territory, a claim that seems to presage Michel Foucault’s analysis of biopower as a practice of population management (particularly *Volonté de savoir* and *Il faut défendre la société*, with its famous formulation of ‘to make’ live and ‘to let’ die, p. 214). The claim is likewise clearly relevant to Arendt’s discussion of the phenomenon of statelessness in twentieth-century Europe in *The Origins of Totalitarianism*, pp. 283ff.

¹¹⁵ *Crito*, 48b-54e. To be fair, the language of belonging used by the laws of Athens (“have we not nurtured you”) is couched within language of a contractual agreement, although it seems clear to me that this is in no sense the sort of social contract that later came to dominate thought about the relation between an individual and a state.

There doesn't, then, seem to be any reason to affirm a straightforward connection between property ownership and *polis* membership. Arendt claims that wealth and property "have played, at least formally, more or less the same role as the chief condition for admission to the public realm and full-fledged citizenship."¹¹⁶ I want to argue for two opposing claims: First, property and wealth are important to admission to the public realm and full-fledged citizenship insofar as they conduce to the production and disposal of leisure, and second, they must be situated in questions of membership alongside questions of cultural belonging—the sorts of considerations that kept Socrates in his cell.

Property might often be conducive to wealth, and wealth might be conducive to leisure, but insofar as we are concerned with full-fledged citizenship, the important questions concern leisure. Thus to claim, as in (1), that participation in public life is restricted to those with the requisite leisure, is simply to draw a connection between the freedom from natural necessity that Arendt wants to associate with the *oikos* and the political freedom associated with the *polis*, and to point out that one must understand not only the relationship between the *oikos* and production, but also the prevalent patterns of the distribution of leisure.

In extreme democracies, this leisure was redistributed to some extent to allow all free, native-born, adult males to participate in the public sphere. It is this distribution of leisure that permits the second and third aspects of public freedom, in which members of the *polis* are (2) free from the inequality present in rulership and (3) "move in a sphere where neither rule nor being ruled existed." These forms of freedom exist in a sphere in which one moves only in the company of one's peers, and this is likewise true of all of the members of the sphere. They are achievable, however, on the basis of the distribution of leisure. The distribution of leisure establishes an equality amongst those admitted to the public sphere, such that the political freedom of the Athenians rests directly on a material foundation of the leisure prerequisite for taking part in political life.

1.2.2. Politicizing the private

If public freedom rests on the basis of private production, then it becomes possible to ask to what extent the private can be truly separated from the public. Arendt casts property as an institution which, by providing a space in the world, provides a platform from which an individual can participate in the public sphere. I have argued that this be modified such that the concern is not so much with property—permitted to many who nevertheless were denied access to the public

¹¹⁶ *The Human Condition*, p. 61.

sphere—and replaced with a concern for leisure and—to the extent that it is convertible to leisure—wealth, along with a criterion of cultural belonging.

In this section, I bracket for the moment the concerns with cultural belonging raised in the first section to consider the public status of private wealth. If wealth and property are “historically of greater relevance to the public realm than any other private matter or concern,”¹¹⁷ it remains that economic matters are ‘private’ matters, and thus relegated to the *oikos*. The *oikos* is the sphere of force and natural inequality, whereas the *polis* is marked by its political relations of equality. Jean Cohen is correct to identify these as categorically different organizing principles, but seems to me mistaken in taking the further step to argue that this difference of organizing principles makes it impossible for Arendt to establish any continuity between “the sphere of the family” (the *oikos*) and “the political sphere” (the *polis*).¹¹⁸

As I argued in the previous section, the continuity between the two lies in the fact that leisure, wealth and property play a role in determining access to the *polis*. This in turn provides grounds for the politicization of the *oikos*: it is economic activity in the *oikos* which is the condition of the possibility of the political. If the *oikos* itself is not a realm of political activity, it nevertheless plays a decisive role in determining the constitution of the citizenship of the *polis*. This being the case, it is already difficult to object to actors in the *polis* concerning themselves with the conditions of citizenship. These considerations do not deny the possibility of a distinction between the *polis* and *oikos*, they merely suggest that it is not absolute.

The private is linked to the public by the movement of individuals active in both spheres and by economic concerns (whether ‘properly’ political or not). Arendt acknowledges the first, but not the second, such that the process by which economic concerns come to seem political takes on tremendous importance for her in her criticism of contemporary society in terms of what she calls “the rise of the social”: the problematic colonization of the political sphere by economic concerns, centered on the figure of *homo oeconomicus*. The transition from the ancient to the medieval world saw, in Arendt’s estimation, the withering of the

¹¹⁷ *The Human Condition*, p. 61.

¹¹⁸ Andrew Arato and Jean Cohen, *Civil Society and Political Theory* (Cambridge: MIT Press, 1994), p. 190 n.56. It also strikes me that Cohen is most likely wrong in referring simply to “the sphere of the family,” insofar as the private sphere with which Arendt is concerned in antiquity is importantly a sphere of *both* the family and production. The distinction between an intimate sphere of the family and a private, productive sphere of the economy is subsequent.

public sphere. Christianity came to serve as a substitute for the public sphere,¹¹⁹ and eventually medieval society abolished the public sphere altogether.¹²⁰ In its stead, what Arendt terms “the social” takes the place of the political, as “society” comes to play the role of a public *oikos*.¹²¹

The argument runs as follows: the *oikos* is the sphere taken up with the natural necessity that is *per definitionem* excluded from the *polis*. In questions of natural necessity, humans tend to be quite similar, or at any rate much more similar than they are with respect to questions of action undertaken beyond the realm of natural necessity. The science of economics, Arendt claims, is based precisely on this uniformity, on the extent to which the actions of individuals are predictable and in conformity with the conception of *homo oeconomicus* as a maximizer of private utility.¹²² If economics is based on this sort of conformity amongst individuals, and society is based on the economization of the political, then society represents a pseudo-public realm in which conformity is unavoidable.¹²³

Since Arendt wants to maintain the possibility of a firm distinction between the public and the private, the displacement of the public by the private in the rise of the social is terrifying. It is public action which makes us human, whereas private life is marked primarily by its deprivation.¹²⁴ The private is “deprived of the possibility of achieving something more permanent than life itself.”¹²⁵ In private life, life can be sustained—kept in existence—whereas it is only in public life that life can be achieved—imbued with interest and significance.¹²⁶

¹¹⁹ *The Human Condition*, p. 53.

¹²⁰ *The Human Condition*, p. 34.

¹²¹ *The Human Condition*, p. 33.

¹²² *The Human Condition*, p. 42.

¹²³ *The Human Condition*, p. 39.

¹²⁴ *The Human Condition*, p. 58.

¹²⁵ *The Human Condition*, p. 58.

¹²⁶ In some sense, the Arendtian distinction appears to presage the work of Giorgio Agamben and the importance he accords to the distinction between *bios*, or human life, and *zoé*, or mere life. See *Homo Sacer*, tr. Daniel Heller-Roazen (Palo Alto: Stanford University Press, 1998), p. 1ff.

A sobering example from *The Origins of Totalitarianism* is perhaps helpful: the space of the camp is a social space *par excellence*. Life inside the camp is merely sustained; no event within the camp can reach the external public world without a transcendent act of liberation or communication.¹²⁷ The completeness of the banishment of meaning is nowhere so obvious as in the act of dying in a camp: suicide, ordinarily the ultimate protest against the conditions of life, the most desperate attempt to communicate by one to whom all other avenues of communication are closed, is itself closed as a possibility of significance to those within a camp. In Heideggerian terms, those within the camp do not ‘die,’ in the sense of ending a life of significance. Instead, they simply ‘perish’: a life ceases to be sustained.¹²⁸

Put in these terms, the horror that ought to accompany the rise of the social becomes evident: the loss of the public sphere is the loss of the possibility of significance. To the extent that ‘society’ replaces the *polis*, we become less and less ‘political animals’ and begin to become simply animals.

It is tempting to draw a connection between Arendt’s distinction between the public and private and Heidegger’s distinction between the ontological and the ontic.¹²⁹ *Dasein*, after all, is the being for which Being is an issue.¹³⁰ It is a being like other beings, but it is *Dasein* only insofar as Being is an issue for it. Analogously, humans are like other animals insofar as they live, nourished by the fruits of labor, surrounded by the world of work, but they are *human* animals only insofar as they are *political* animals. Insofar as the private is the sphere of sustenance, it is shared with other animals. Only the political makes human.

Rorty liked to claim that Heidegger would be more useful if we forgot about Being and concentrated on beings.¹³¹ Obviously one ought not simply forget about the public sphere. Understanding its connections to the private sphere

¹²⁷ *The Origins of Totalitarianism*, pp. 451-2.

¹²⁸ *Sein und Zeit* (Niemayer 2001), pp. 240-1.

¹²⁹ Anne O’Byrne suggested the comparison to me; Dana Richard Villa attempts to develop the comparison in *Arendt and Heidegger: The Fate of the Political* (Princeton: Princeton University Press, 1996), particularly chapter 4, “The Heideggerian Roots of Arendt’s Political Theory.”

¹³⁰ *Sein und Zeit*, p. 12.

¹³¹ “Self Creation and Affiliation: Proust, Nietzsche and Heidegger, in *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989), pp. 96-121, here p. 113 n.13.

in all of their richness, however, can provide grounds for appreciating the way in which a political solidarity can arise out of the worlds of labor and work. To distinguish between the public and private too absolutely risks misunderstanding the human condition as exclusively a political one, and leaves us incapable of making sense of the fact that labor and work can also be constitutive of a world which ought to be acknowledged as human.

1.2.3. Labor, work, action

Thus the division between the public and private leads into questions of human activity, as with Arendt's characterization of labor, work and action.¹³² It is the articulation of this tripartite distinction that is apparently the main project of *The Human Condition*, but the distinction is always brought back to the fact that action is the activity of the public sphere, and that labor and work are private activities. It is thus action which is the focus of being human.

At a rudimentary level, the distinction between labor, work and action is straightforward and easily stated. Arendt provides definitions for each on the first page of the first chapter of *The Human Condition*: "Labor is the activity which corresponds to the biological process of the human body." "Work is the activity which [...] provides an 'artificial' world of things, distinctly different from all natural surroundings." "Action, the only activity that goes on directly between men without the intermediary of things or matter, corresponds to the human condition of plurality, to the fact that men, not Man, live on the earth and inhabit the world."¹³³

In a logic with two possible truth values and a commitment to the law of the excluded middle, a tripartite distinction must necessarily be based on more than one axis of variation. Here, the axes seem to be as follows: each of these activities forms a relationship between an acting subject and an object which receives that action. Both subject and object can be physical or non-physical (by which I intend categories such as the cognitive or cultural). The actor is always human, understood primarily in its physical or non-physical aspects, while the object of action can be either a material world or a world of human thought, culture or relationships. Labor, then, is a body metabolizing a physical world for the sustenance or reproduction of the body. Work is the result of a mind designing

¹³² The distinction is relatively straightforward, and rehearsals of it exist in many treatments of Arendt's political thought. A particularly clear presentation is in Mary G. Dietz's "Hannah Arendt and Feminist Politics," in *Feminist Interpretations and Political Theory*, eds. Mary Lyndon Shanley and Carole Pateman (University Park, Penn State University Press, 1991), pp. 232-252.

¹³³ *The Human Condition*, p. 7.

and directing the construction of a humanized world. This mental activity must of course be carried out through material involvement in the world, but work is sharply distinguished from labor by its basis in mental activity, as the activity of an architect is distinguished from that of bees.¹³⁴ Finally, with action, a mind is related to the world of human cultures and interrelations, as in political activity.

This formalistic schematism is useful for approaching characterizations of the three forms of activity, yet it remains insufficient. The three are also distinguished by their products, in a way that reflects their respective involvement with the transitory physical and the more enduring, even permanent realm of the mental. Labor produces objects of consumption, objects that exit the world shortly after they enter it.¹³⁵ Work, on the other hand, produces use objects, objects that remain in the world and constitute a ‘human’ or ‘humanized’ world to be distinguished from a ‘natural’ world.¹³⁶ Action, finally—and here talk of

¹³⁴ Cf. p. 99 n.36, where Arendt claims that Marx, in using this example, passes unawares from a discussion of labor to a discussion of work. Cf. also Arendt’s discussion at 80 n.3 on distinctions between work and labor in Greek, Latin, French and German. To address only the modern languages, Arendt’s observations must be supplemented by the remark that ‘*oeuvrer*’ doesn’t function as a verb in contemporary French (there is only ‘*oeuvre*,’ with its connotations of high-culture activity and ‘*ouvrier*,’ a worker), while in German ‘*werken*’ shares a similar status. (It signifies primarily ‘to function,’ as in ‘*Werkzeug*,’ ‘tool,’ literally, ‘an apparatus for functioning.’ ‘*Werk*’ is a synonym for ‘*oeuvre*’ or, in some contexts, a factory. It is, however, displaced by ‘*Fabrik*’ in new formulations.) The pattern is borne out by the fate of the Spanish ‘*obrar*’ which, in spite of the meanings of ‘*obra*’ and ‘*obrero*’ functions as a verb only with a meaning closer to ‘to act,’ as in formulations like ‘*obrar para el bien*’ or ‘*obrar de buena fe*.’ Herbert A. Applebaum, in his large *The Concept of Work: Ancient, Medieval and Modern* (Albany: SUNY Press, 1992), makes use of the same form of etymological argument (492), which seems to me an obvious dead end. The coexistence of Latinate and Germanic words in English is not unusual; the value (or worth) of drawing this distinction between work and labor must lie elsewhere.

¹³⁵ *The Human Condition*, p. 102.

¹³⁶ *The Human Condition*, pp. 137-8. As Eduardo Mendieta notes in *Global Fragments: Globalizations, Latinamericanisms, and Critical Theory* (Albany: SUNY Press, 2007), this distinction between a ‘humanized’ and a ‘natural’ world becomes quite hazy with the advent of ‘natural’ spaces conserved by human, political intervention (24). The distinction has a strange life of its own in Arendt’s less theoretical work, as when she claims in *The Origins of Totalitarianism* that the Boers in South Africa encountered a world which, despite the presence of the

‘producing’ an ‘object’ seems clearly out of place—results in the formation of new relationships or new human communities.¹³⁷

The distinction between the consumption of the objects of labor and the use of the objects of work is important and instructive, for it exposes a hole in the schematism. In a brief discussion of “waste economies,” economies which function not on use but primarily on waste, Arendt claims that such an economy would be worldless, would lack a stage for human activity.¹³⁸ The logical possibility omitted from my schema was that of a material object acting on a mental entity. While there is a sense in which it is difficult to conceptualize such activity constituting a category of *human* activity, there is another sense in which the material results of human activity are always the prerequisites and setting for subsequent human activity. A waste economy is dangerous for Arendt precisely because of the way in which it conditions individuals away from the possibilities for action.

On a broader scale, we are all habilitated into a created world, whether it is a world of waste economies or not. Children come into existence unable to labor to sustain themselves, and it is only the fact that they are provided with care and the consumable products of labor that allows them eventually to join in the laboring process. They enter not solely into existence but into a world, in Arendt’s sense, into an environment that shapes their perceptions and cognitions. The way in which human activity and its physical residues provide the context for further human activity comes to its culmination in action, where it is only against the backdrop of a history and a culture that new relationships can be forged, that new communities can be founded.

Bantu people, had not been made human (pp. 190-1). This is a (conscious?) echo of John Locke’s justification of the English conquest of North America with the claim that the indigenous peoples here were merely inhabiting the land, rather than investing it with appropriating labor (cf. Locke’s discussion of the labor of the Native Americans in the *Second Treatise on Government*, §46; I am indebted to Chad Kautzer for pointing this out to me).

¹³⁷ The claim that the formation of new relationships between individuals constitutes action is found in the context of a discussion of Aristotle’s analysis of benefactors, at *The Human Condition*, p. 196. On the other hand, the claim that action produces novelty and is always extraordinary is to be found on p. 205. The seeming tension between the two formulations will be addressed shortly.

¹³⁸ *The Human Condition*, pp. 134-5. Cf. the discussion of the *Wirtschaftswunder* on p. 252, which seems to claim that the modern age is marked by precisely this sort of waste economy and its accompanying worldlessness.

The categories of activity function not only in their distinction, but also in their regions of seeming or actual confluence. Agriculture seems to be both labor and work, insofar as farming produces both a harvest and cultivated land. Arendt classifies agriculture firmly as labor, however, claiming that “the tilled soil, if it is to remain cultivated, must be labored upon time and again.”¹³⁹ Perhaps Arendt was unfamiliar with the difference between clearing land of trees, removing rocks from the topsoil and simply clearing weeds from the land. Cultivated, fertile land is more valuable than uncultivated land precisely because it has been converted into a use object.¹⁴⁰ What’s more, nearly all use objects outside of toasters require some sort of maintenance; surely this requirement doesn’t abolish the difference between a motorcycle on the one hand and the gasoline, engine oil, tires and spark plugs it consumes on the other.

There is, however, a sense in which each form of activity provides an occasion for the subsequent one. We know that hunting and gathering generally precede the development of agriculture. The needs met by labor, in their biological undeniability, seem more urgent and more necessary than the needs met by work. On the other hand work, given the enduring character of its products, would seem to raise questions of property which could only be solved by action. With action, however, the attempt at a simple linear ascent is thwarted. Action in its guise as the foundation for new structures for coexistence is an obvious response to the questions prompted by the existence of work, while action in its guise of the creation of new relationships seems intimately connected to the biological, to caring, to facts of human existence as apparently unavoidable as foundational as those to which labor is a response.

When, then, Arendt claims that a “man working and fabricating and building a world inhabited only by himself [...] would have lost his specifically human quality,”¹⁴¹ it is difficult to know in which of the two senses of action the claim ought to be understood. Is the claim a metaphysical one, a counterfactual that implicitly acknowledges that we all need relations with other humans, including care, in order to survive to the point that we might become fully human,

¹³⁹ *The Human Condition*, pp. 138-9.

¹⁴⁰ For example, in Anne Moody’s *Coming of Age in Mississippi* (Brooklyn: Laurel Press, 1982), Ray manages to rent a field from a white man at a good price only to discover that it is full of unexploded munitions. The expectation is that after Ray has managed to clear the field, the white owner will take it again for his own use. For that matter, see Hegel’s claim in *Philosophie des Rechts* that cultivating a field counts as giving form to it (remark to §56).

¹⁴¹ *The Human Condition*, p. 22.

or is it a tendentious political claim that stands of a piece with the claim that imperialists don't 'murder' natives because natives aren't fully human?¹⁴²

Arendt's text seems to support the political reading with her claim that the end of Greek slavery was not to produce more, but to permit action. Slavery permitted human functioning by excluding labor "from the conditions of man's life."¹⁴³ Thus Arendt understands ancient slavery as a practice which permits world-creating to the slave-owner while denying it as a possibility for the slave. The denial of the possibility of world-creation is the denial of humanity. The consequences of this reading are as clear as they are distasteful: slaves must not be fully human; presumably the same is true of other banauistic laborers.

The metaphysical reading, however, is also not without support. Arendt comments on the way in which a benefactor (and it seems that this could be extended to caring as well) 'makes' the life he benefits, as well as the way in which he undertakes action by 'fabricating' a new, human relationship.¹⁴⁴

There is a sense in which the 'relating' aspect of action conflicts with the 'novel, extraordinary' aspect of action to the extent that we endorse the claim that people forming relationships along culturally established models are failing to do something novel. In a mundane political sense, talk about 'family values' is often classified as conservative. I take it that this is accurate insofar as promoting 'family values' entails promoting interfamilial relationships established according to entrenched cultural norms of monogamous heterosexuality, a gendered division of labor, etc. To form a new relationship in accordance with such models is at once novel on an individual level (insofar as each relationship is new to the individuals involved) and preceded on a cultural level, to the extent that the individual relationship instantiates a societal model.

The same line of argument seems to function perfectly well, however, at the level of the state, as well. It is one thing to form a new government, and another to establish a new form of government. The main thesis of *On Revolution*, and a significant thread in *The Origins of Totalitarianism*, is that the American

¹⁴² *The Origins of Totalitarianism*, p. 192. Cf. Anne Norton's "Heart of Darkness: Africa and African Americans in the Writings of Hannah Arendt," in *Feminist Interpretations of Hannah Arendt*, pp. 247-262, as well as Joy James's "All Power to the People! Hannah Arendt's Theory of Communicative Power in a Racialized Democracy," in *Race and Racism in Continental Philosophy*, eds. Robert Bernasconi and Sybol Cook (Bloomington: Indiana University Press, 2003), pp. 249-267.

¹⁴³ *The Human Condition*, p. 84.

¹⁴⁴ *The Human Condition*, p. 196.

Revolution was able to realize the creation of something new, whereas the French Revolution and those revolutions which took it as a model were not. Arendt wants to portray the American Revolution as establishing a new form of government, yet even the actors in the American Revolution attempted to find precedents for their new form of government in the democracies and republics of antiquity.

Perhaps it is useful to embrace this tension, to recognize the futility of attempting to establish an objective criterion of novelty for a form of relation or of government. Retaining and taking seriously both the political and the relational character of action makes it possible to see in action a much broader spectrum of possibility for the expression of humanness. It is then possible to see, for example, both care work—relating to a human, sometimes habilitating that human to society—and political activity as properly action. When humanity is seen as flowing from both relational and state-building activity, it becomes impossible to grant ontological primacy to the *polis* over the *oikos*. Thus the *polis* and the *oikos* are connected with respect not only to their character as private and public, but also with respect to the sorts of activity carried out there.

1.2.4. Revolutionary affect

It might be insisted that there remains a fundamental distinction between action-as-relating and action-as-state-building, which consists in the character of the activity itself. Relating is an activity of individuals, whereas state-building is an activity of groups, or eventually peoples. Am I not running a risk of over-emphasizing the relational aspect of action, and thereby casting Arendt as being much more concerned with individuals than she actually is?

This is a worthwhile objection. It is hard to find much of the individual in Arendt's political work. Robespierre and Jefferson, Clemenceau and Rhodes, are not so much individuals in her work as they are placeholders, representatives of certain historical vectors or bearers of certain positions. They are less individuals than they are the Arendtian equivalents of the world-spirit on horseback. This being the case, we ought to be astounded that one of the lenses Arendt uses to analyze the French and American Revolutions in *On Revolution* is what appears to be a straightforwardly individual, relational category of affects: compassion, pity and solidarity.^{145,146}

¹⁴⁵ Two particularly useful treatments of the relationships amongst these groups of affects are Shin Chiba's "Hannah Arendt on Love and the Political: Love, Friendship and Citizenship," in *The Review of Politics* 57:3 (Summer 1995), pp. 505-535 and Ken Reshaur's "Concepts of Solidarity in the Political Theory of Hannah Arendt," in *Canadian Journal of Political Science* 25:4 (December 1992), pp. 723-736.

Compassion is introduced in *On Revolution* with an uncited reference to Jean-Jacques Rousseau's description of an "innate repugnance at seeing a fellow creature suffer,"¹⁴⁷ and Arendt's claim that this repugnance was particularly strong amongst "those who made the French revolution."¹⁴⁸ Arendt claims that this emotion was a driving force in the French revolution, yet played no role in the American Revolution. Coupled with Arendt's general enthusiasm for the American revolution and her distaste for the French Revolution, taken with her judgment that the American Revolution was successful while the French Revolution failed, it doesn't seem overly hasty to propose as a preliminary characterization that compassion is, if not condemnable in and of itself, at the very least condemnable in its deployment in the public sphere, where it can no longer pick out individuals as individuals.

Compassion is silent for Arendt. It might appear somewhat paradoxical, then, that Arendt's fullest characterizations of compassion come from the wholly linguistic world of literature, with Fyodor Dostoevsky's Grand Inquisitor, in *The Brothers Karamozov*, and Herman Melville's *Billy Budd*.¹⁴⁹ The Grand Inquisitor provides the occasion for Arendt to oppose compassion with pity, to claim that "to

¹⁴⁶ It is striking that Arendt does not connect this discussion to her work on Augustine and *caritas*, as in her dissertation, *Love and Saint Augustine*, eds. Joanna Vecchiarelli Scott and Judith Chelius Stark (Chicago: University of Chicago Press, 1995). It is there that she connects love of one's neighbor to *both* love of God and love of self. Perhaps her treatment there seemed, as it does to me, to be overly religious for straightforward application to the revolutionary contexts of France and America. After all, she claims that, in the operation of *caritas*, "Love of neighbor leaves the lover himself in absolute isolation and the world remains a desert for man's isolated existence" (94). In the end, "the neighbor's relevance as a neighbor [...] is overcome and the individual is left in isolation." (97)

¹⁴⁷ The language is from the *Discourse on the Origins of Inequality*, tr. Donald A. Cress (Indianapolis: Hackett Publishing, 1992), p. 36.

¹⁴⁸ *On Revolution*, p. 71.

¹⁴⁹ At *On Revolution*, p. 238 n.36, Arendt approvingly cites Jefferson's claim that fiction is much more effective than history or theory for moral instruction. Cf. Julia Kristeva's *Hannah Arendt: Life is a Narrative*, tr. Frank Collins (Toronto: Toronto University Press, 2001), particularly chs. 2-3 and Seyla Benhabib's "Hannah Arendt and the Redemptive Power of Narrative," in *Hannah Arendt: Critical Essays*, pp. 111-141.

Dostoevski, the sign of Jesus's divinity clearly was his ability to have compassion with all men in their singularity," as opposed to the Inquisitor who—like Robespierre—"had depersonalized the sufferers, lumped them together into an aggregate."¹⁵⁰ Arendt opposes the silence that accompanies the compassion of Jesus and Billy Budd with the "loquacity of pity," with the great speeches of the inquisitor, Captain Vere and, of course, Robespierre.¹⁵¹

Arendt follows Aristotle not only in characterizing humans as political animals and animals capable of speech, but also in juxtaposing the two judgments, giving speech a special role to play in the production of a political space.¹⁵² As I've already noted, Arendt characterizes the *polis* as the sphere of persuasion and agreement. When the condemned Socrates carries out his execution himself in the *Phaedo*, there is a sense in which he affirms or at least confirms the sentence, in drastic opposition to the state that restrains the condemned until the moment of death is past. Beyond the bounds of the *polis* is the sphere of force and violence.¹⁵³ It is for this reason that sovereign powers confront one another as in a state of nature—there is no political space within which they can converse, consent and contract.¹⁵⁴

There is a certain tension in this series of associations: the French Revolution is born of compassion; pity is loquacious whereas compassion is silent; and yet the French revolution is anything but silent. Arendt quotes extensively from the writings of speeches particularly of Robespierre in *On Revolution*; presumably this language cannot have come from compassion.

Here Arendt's affective taxonomy becomes richer. Rousseau, she claims, discovered compassion through rebellion, rather than through suffering with individual others. His discovery of compassion thus led him not out into the world of singular, suffering others but rather inward, to his own heart. This inward-facing sphere Arendt calls "the sphere of intimacy." It is here that "compassion became talkative, as it were."¹⁵⁵ On its journey inward, compassion ceased to be a passion, a capacity for suffering. Rather, it became a 'sentiment' or an 'emotion.'

¹⁵⁰ *On Revolution*, p. 85.

¹⁵¹ *On Revolution*, p. 85.

¹⁵² *On Revolution*, p. 19. *Politics* 1253a1-15.

¹⁵³ *On Revolution*, p. 12.

¹⁵⁴ *On Revolution*, p. 14.

¹⁵⁵ *On Revolution*, p. 88.

“The sentiment which corresponds to the passion of compassion is, of course, pity.”¹⁵⁶

Some analysis of this transition would seem to be useful. A passion is a capacity for suffering.¹⁵⁷ Compassion, then, is a capacity for suffering-with, specifically a suffering-with-another.¹⁵⁸ Sentiment and emotion, on the other hand, correspond to a descent of the individual into herself, a withdrawal from the other with whom the compassionate individual would suffer.

Arendt calls pity the “perversion” of compassion. Where compassion might be the basis of a relation with a suffering, concrete other, pity is the basis of a relation with a suffering, depersonalized, aggregate other. Compassion calls upon silent understanding, whereas pity calls upon speechmaking.

The third affect in this scheme is solidarity, which Arendt claims to be an “alternative” to pity.¹⁵⁹ In what seems to be an attempt to clarify the relationship between the three, Arendt claims that “solidarity is a principle that can inspire and guide action, compassion is one of the passions, and pity is a sentiment.”¹⁶⁰ It is tempting to see this scheme as an affective duplication of the public/private distinction: compassion occurs in a middle, private sphere. It is a private reaction to an individual. To turn away from that individual in one’s compassion is to convert compassion to pity, whereas to relate oneself to the individual is to convert compassion to solidarity. Thus pity is the most private of these affects, whereas solidarity is the most public. Thus solidarity would correspond to action, human activity concerned with others in the broadest sense, with the establishment of institutions lasting beyond the individuals who establish them. It is on this basis that Arendt can claim that solidarity “partakes of reason, and hence of generality.”¹⁶¹

Yet this can’t be right, given Arendt’s location of speech in the public realm. To cast solidarity as pre-eminently public, with compassion and pity as increasingly private, is to claim that language functions between an individual and

¹⁵⁶ *On Revolution*, p. 88.

¹⁵⁷ *On Revolution*, p. 81.

¹⁵⁸ Interestingly enough, the German word usually translated as ‘pity’, ‘Mitleid’, is composed of the words ‘mit’ (with) and ‘Leid’ (pain).

¹⁵⁹ *On Revolution*, p. 88.

¹⁶⁰ *On Revolution*, p. 89.

¹⁶¹ *On Revolution*, p. 88.

a multitude (with solidarity), or as a ‘private’ language in Wittgenstein’s sense¹⁶² (with pity), but not in the space formed between two individuals experiencing each other in their singularity (with compassion).

The movement of this conceptual nexus, then, must be expressed in the phenomenological manner in which Arendt presents it. The three affects do not stand opposed to each other as alternatives, but as a series of moments in the unfolding of a single affective scheme. Entry is made into the scheme through some sort of originary experience of compassion, a speechless suffering alongside the specific pain of a specific other. The suffering must remain speechless insofar as the introduction of speech into the situation is, in some sense, the generalization of the situation. To describe the suffering-with in language is to take away its singularity, to compare it to the experiences of others. For Jesus and for Billy Budd, suffering-with-another remains at the speechless level of compassion.

It is unclear what sort of normative status Arendt wants to accord to this level of interaction. To claim that compassion is the mark of Jesus’s divinity seems to bestow it with a normative dignity, to construct it as a model to be followed. The Christian notion of the incarnation of God in Jesus carries along with it the suggestion that, by taking up human life, God provides a model for the life of humans—an image of divine perfection in the otherwise corrupting medium of the flesh.

Be that as it may, it seems worthwhile to juxtapose this tendency in this conceptual nexus with Arendt’s claims elsewhere that Christianity has historically served as a substitute for the public sphere.¹⁶³ It seems worthwhile to keep in mind her argument that Paul’s claim that “the wages of sin is death”¹⁶⁴ for the individual soul is simply a translation into the individual sphere of intimacy of Cicero’s claim that the end of a community is its “punishment” for wrongdoing.¹⁶⁵ If a human is a talking, political animal, if compassion is a silent sharing of suffering between two individuals, then there is something insufficiently human about a compassion that does not pass into pity or solidarity. Except for the need to relinquish the notion that the divine is the perfected picture of the human, this appears to be a defensible reading.

¹⁶² *Philosophische Untersuchungen*, §243.

¹⁶³ *The Human Condition*, p. 53.

¹⁶⁴ *Romans* 6:23.

¹⁶⁵ *On Revolution*, p. 230. *De re publica* III.23.

Compassion, then, is a reaction which remains to be completed through its transformation into solidarity or pity. Arendt claims that “even if Robespierre had been motivated by the passion of compassion, his compassion would have become pity when he brought it out into the open.”¹⁶⁶ What Arendt must mean here is that pity represents compassion untransformed by the experience of publicity, compassion which is not mixed with reason to be made into solidarity. To employ a bit of Hegelian logic, solidarity and pity are both generalized compassion, but solidarity is a good universalization whereas pity is a bad one. The universalization involved in pity is generalizing from one example, whereas that involved in solidarity is seeing that which is common amongst various instances of individual suffering.

As Arendt deploys this scheme, it is fundamentally with respect to what she would term ‘social’ suffering—material deprivation. Compassion is aroused by the realization that one has enough and others do not. There is something of a tension between *On Revolution* and *The Human Condition* here: the latter, more theoretical, book advances a severe separation of the economic and the political, whereas the former, more historical, book acknowledges the role that economic factors played in the French and American Revolutions. These revolutions are distinguished not only with respect to the reaction of their agents to the material conditions which surrounded them, but also with respect to the conditions themselves.

It is under this heading that Arendt distinguishes the “misery” present in France from the “poverty” in America.¹⁶⁷ Misery is associated with want, with deprivation, suggesting that those correctly said to be in poverty are in no danger of being unable to provide for themselves—they are not cases that “solicit charity,” in the phrase of Andrew Barnaby that Arendt employs in this connection. It is, of course, entirely possible to be free from want and yet deprived of leisure.¹⁶⁸ Arendt describes the American population as being taken up with a “continual toil” which “would automatically exclude them from active participation in government.”¹⁶⁹ French misery was met by French pity, whereas

¹⁶⁶ *On Revolution*, p. 89.

¹⁶⁷ *On Revolution*, p. 68.

¹⁶⁸ See section 1.1.2.

¹⁶⁹ *On Revolution*, pp. 68-9. Arendt’s description of the American economy is somewhat puzzling. She seems to fluctuate back and forth between accepting the self-description of the agents of the American revolution that they existed in a state of rough economic equality, without misery, and the realization that to the extent that this was true, it was possible because of slavery. Cf. pp. 70-1.

American poverty was met by American solidarity. Pity makes it impossible to found durable political institutions, whereas poverty and the associated continual toil exclude the great majority from participation in them.

If Arendt's distinction between the public and the private is accepted at face value, it would seem that the only reason poverty and misery would ever enter political debate is that miserable and poor people have a tendency to topple political institutions. What is unclear to me, however, is why Arendt seems to portray revolutionary affect as being directed exclusively at the social. If the absence of action constitutes the absence of humanity, then surely it is possible to experience repugnance at seeing a fellow creature suffer by being deprived of rights or the opportunity to participate in self-governance. If this is the case, then revolutionary affect could provide a fairly extensive basis for the orientation of political projects: I can relate to other individuals and come to understand both their social and their political situations with respect to my own. If I find myself in a better position than them, I can silently suffer with them, I can make speeches to them as a lumped-together aggregate, or I can submit my affect to rationality and generality.

1.2.5. Arendt and Little Rock

It strikes me that the attitude of a well educated, relatively well paid school teacher in a poor, segregated community might be precisely of this character. Over the course of the 19th century, teacher certification was transformed; at the beginning of this period, it tended to be local and focused on the moral character of the teacher, whereas towards the end of this period it became centralized at the state level and focused on having completed training in pedagogy and discipline-specific knowledge.¹⁷⁰

This created a situation in which, in rural communities in the South in the middle of the 20th century, it was entirely possible that a teacher was alone or nearly alone in having completed high school, and certainly in having pursued post-secondary education.¹⁷¹ This being the case, a teacher might experience the discrepancy between her own opportunities and those of her students with something approaching the compassion described in the previous section.¹⁷²

¹⁷⁰ Cf. David L. Angus's *Professionalism and the Public Good: A Brief History of Teacher Certification* (New York: Fordham Foundation Press, 2001).

¹⁷¹ It is worth noting that rural churches were and often continue to be independent, such that pastors need not be ordained, a process which would normally require an education similar to that of a teacher.

¹⁷² While I don't want to pursue it here, it ought to be noted that, just as with access to the public sphere, leisure also plays an important role with respect to

How ought this reaction be characterized in the Arendtian framework developed here? On the one hand, public school has functioned—as will be shown subsequently in the examination of Habermas—to displace some of what were traditionally family functions in moral and academic education. This would seem to place a teacher in the private sphere. What is more, the teacher’s activity appears to be work in the sense that it prepares pupils to be laborers, to be able to take up the activity of constructing and maintaining the world.

On the other hand, it is very true that teachers are involved in relating to their students. A teacher can contribute to the life of a student in much the same way as Aristotle’s benefactor contributes to that of his beneficiary. In many schools, civic education is undertaken alongside vocational training, such that pupils are trained not only to maintain the built world but also to maintain its public institutions. In this sense, teaching appears to be action. If it is not public sphere activity itself, it is at the very least of immediate concern to the public.

I will need to carry out the subsequent investigations of immaterial labor and care work before I can truly consider the position of educational work as work oriented towards the construction of publicity. In what concerns Arendt, she provides some brief descriptions of the role of the educator in the two pieces I want to examine in this section, “Crisis in Education”¹⁷³ and “Reflections on Little Rock.”¹⁷⁴

To be clear, Arendt’s treatments here are undertaken from the position of a political philosopher and public intellectual examining the institution of education from without. In spite of her life spent inside the academy, Arendt denies any authority in the field of education,¹⁷⁵ suggesting that she sees the work of the

access to education. Veblen argues precisely this in Chapter XIV of *The Theory of the Leisure Class* (Amherst, NY: Prometheus Books, 1998), “The Higher Learning as an Expression of the Pecuniary Culture.” Knowing Greek and Latin, or even being able to conform to English orthography, displays that one has disposed of the requisite leisure for acquiring what is otherwise useless knowledge.

¹⁷³ “Crisis in Education,” in *Between Past and Future*.

¹⁷⁴ “Reflections on Little Rock,” in *Dissent* 6 (1959).

¹⁷⁵ “Crisis in Education,” p. 174. In this section, I am using an Arendtian reaction to a political situation that happens to include education in an attempt to bridge the divide between the world of work (of which the work of education is one sort) and the world of politics. This is thus distinct from the attempt to look at Arendt’s treatments of education itself in an attempt to see what might be learned about her conception of the political from that approach. This latter is taken up by several of

educator as discontinuous with her own. The educator takes up a position as a mediator between the actual, public world as established by past and current generations and the potential world to be brought about by students.¹⁷⁶ In this sense, the work of the educator is positioned at the boundary with which this chapter has been concerned—the boundary between the public and private, the locus of questions of access to the public sphere. Arendt describes this position as one that ought to preserve the potential of the students for bringing newness and novelty to the public sphere,¹⁷⁷ a description that immediately calls to mind her emphasis on newness as a characteristic of action.

In serving as a bridge between the student and the world, the educator also serves as a bridge between the individual and the community, habilitating the individual student to the communal world. It might fairly be suggested that it is in this relating work that primary education might be somewhat discontinuous with (at least some forms of) post-secondary education. Presumably the primary educator is taken to bear a larger responsibility for standing on the side of the student, for ensuring that the student is actually habilitated to the world under consideration, whereas the post-secondary educator might be taken to be firmly entrenched within the world, offering information to students who have progressed to the point to be able to take responsibility themselves for their habilitation.¹⁷⁸

By looking at the division between the public and private not only through the lens of “Crisis in Education” but also “Reflections on Little Rock,” it becomes possible to access a third way in which the work of education impinges upon publicity: namely, the use of education to shape the public sphere. This aspect of

the essays included in *Hannah Arendt and Education: Renewing our Common World*, ed. Mordechai Gordon (Boulder: Westview Press, 2001).

¹⁷⁶ “Crisis in Education,” p. 177. Arendt’s characterization is echoed by the juxtaposition of Natasha Levinson’s “The Paradox of Natality: Teaching in the Midst of Belatedness” and Mordechai Gordon’s “Hannah Arendt on Authority: Conservatism in Education Reconsidered,” both in *Hannah Arendt and Education*, pp. 11-36 and 37-66, respectively.

¹⁷⁷ “Crisis in Education,” pp. 185-6.

¹⁷⁸ For a thorough discussion of Arendt’s conception of the role of education, and considerations on the connections between primary and post-secondary education (particularly with respect to Derrida’s notion of the university), cf. Anne O’Byrne’s “Pedagogy Without a Project,” in *Studies in Philosophy and Education* 24 (2005), pp. 389-409.

education obviously has an extensive history in the philosophy of education, one whose high points can be traced all the way back to the education provided to the citizens of Kallipolis to overcome gender roles and entrench class roles, to the education provided to Sophie and Émile to ensure that gender roles are adequate to democracy, to the pedagogy of Dewey oriented against passivity or the pedagogy of Freire oriented against oppression.

Against this backdrop, racially segregated education takes on a (perhaps surprisingly) complex political character. The separation of political groups in primary classrooms can be seen as a training for their separation in public life. The inequality of their schools can be seen as a training for their inequality in political life. Alternatively, separation can also be seen as an occasion for the construction by various political groups of educational institutions that investigate, preserve and valorize what Foucault eventually called “subjugated knowledges,” as sites of resistance.¹⁷⁹ I insist on this only to recognize that the same educational segregation which produces Lincoln Schools¹⁸⁰ also produces the so-called “Black Ivies,”—historically Black colleges and universities with rich academic traditions.

Against such a backdrop, the revolutionary affects of pity, compassion and solidarity might well be relevant to the work of education, when one considers the position of an educator as one of the few college-educated individuals in a poor region.¹⁸¹ If teaching offers a relatively low ratio of income to education, then the

¹⁷⁹ Cf. “Two Lectures,” in *Power/Knowledge: Selected Interviews and Other Writings* (New York: Pantheon Books, 1980), pp. 81ff. On Foucault, subjugated knowledges and anti-racism movements in the United States, see Brady Thomas Heiner’s “Foucault and the Black Panthers,” in *City* 11:3 (December 2007), pp. 313-356.

¹⁸⁰ In his autobiography, Malcolm X relates, “I’ve since learned that in a strange city, to find the Negroes without asking where, you just check in the phone book for a ‘Lincoln School.’ It’s always located in the segregated Black ghetto—at least it was, in those days,” *The Autobiography of Malcolm X*, as told to Alex Haley (New York: Ballantine Books, 1965), pp. 82-83.

¹⁸¹ While I stay within the limited affective field and political paradigm of Arendt in the discussion here, I find Eduardo Mendieta’s discussion in “Racial Justice, Latinos and the Supreme Court: The Role of Law and Affect in Social Change,” in *Race or Ethnicity?*, ed. Jorge J.E. Gracia (Ithaca: Cornell University Press, 2007) useful in its efforts to articulate the role of affect in both racism and civic friendship, drawing together the *Brown* decision and the political situation of the various groups of Latin American origins in the United States today.

benefits of working as an educator must be in substantial part intrinsic to the work itself. Where an educator has had substantially more educational opportunities than the families of the students with whom she works, there is a space opened up for the exercise of precisely these affects, arising from the awareness of the distinction between the opportunities enjoyed by the educator and the uncertainty of their availability for the students.

The struggle over the forced desegregation of public schools in the South takes place against this backdrop, against the backdrop of the consciousness of the failure of the doctrine of separate equality.¹⁸² The desegregation of schools presumably aims to challenge the practices of racial separation as well as racial privilege. In “Reflections on Little Rock,” Arendt argues against desegregation for two reasons that concern the discussion here:

First, desegregation confuses the public and the private. It is the public which is the province of political equality, and the private which is the province of natural inequality. Plurality is a condition of society, and discrimination is a consequence of plurality. For Arendt, then, in private we have the ability to invite only “our own kind” over for dinner, and indeed to make choices about those with whom our children will be educated.

This first principle exposes the way in which Arendt’s distinction between public and private gives a rich description of the domains without necessarily providing much guidance for understanding into which sphere particular cultural institutions fall. The institutions of legislation and public debate are clearly public, but here it appears that institutions—such as public education—which are presumably oriented towards ensuring access to institutions like legislation and public debate are not clearly public for Arendt. In “Reflections on Little Rock,” she provides a principle which would seem to clearly establish primary education as public: while not “strictly in the political realm,” there are certain services which are “in fact public services that everyone needs in order to pursue his business and lead his life.”¹⁸³ By this principle, the right to discriminate by arbitrary criteria would not apply to “public services,” and hence at least to public, if not also private education.

¹⁸² On Arendt’s take on Little Rock, see Robert Bernasconi’s “The Double Face of the Political and the Social: Hannah Arendt and America’s Racial Divisions,” in *Research in Phenomenology* 26 (1991), pp. 3-24 and James Bohman’s “The Moral Costs of Political Pluralism: The Dilemmas of Difference and Equality in Arendt’s ‘Reflections on Little Rock,’” in *Hannah Arendt: Twenty Years Later*, eds. Larry May and Jerome Kohn (Cambridge: MIT Press, 1996).

¹⁸³ “Reflections on Little Rock,” p. 52.

Second, Arendt reckons that desegregation forces children to carry out the political decisions of adults. This principle has much more philosophical meat to it, and also connects with the history of Arendt's composition of the Reflections: it was the photographs in the media of the confrontation between the angry mob outside Central High School in Little Rock and fifteen-year-old Elizabeth Eckford which prompted Arendt to write the piece, and her criticism of the Black parents of Little Rock and the NAACP that they asked Eckford to "be a hero" is the most compelling of the piece.¹⁸⁴

In effect, the argument is that children are in the process of being educated, being habilitated into the world, and that asking them to confront the raw racism of the world is asking too much of them. In his responses to Arendt's criticisms, Ralph Ellison stresses the role of the notion of "sacrifice" amongst the Black community at the time, claiming that it was Arendt's lack of appreciation for the importance of sacrifice that led to her (in his estimation, misguided) condemnation of the movement for desegregation.¹⁸⁵ Ellison's appraisal was confirmed by Arendt a subsequent letter.¹⁸⁶

It seems to me, however, that the question of sacrifice is of secondary importance to the notion of the reality the children might experience. Arendt's original judgment seems to be that children would experience less racism in the context of segregation than they did over the course of the movement for desegregation.¹⁸⁷

¹⁸⁴ The citation is from "Reflections on Little Rock," p. 50. Danielle Allen's "Law's Necessary Forcefulness: Ralph Ellison vs. Hannah Arendt on the Battle of Little Rock," in *Oklahoma City University Law Review* 26 (2001), pp. 857-895 has an extremely complete history of the case, including not only the accounts of Arendt and her debate with Ralph Ellison, but also the account provided by Daisy Bates, president of the Arkansas State Conferences of the branches of the NAACP at the time, in *The Long Shadow of Little Rock: A Memoir* (Little Rock: Arkansas University Press, 1986).

¹⁸⁵ See the interview conducted by Robert Penn Warren in *Who Speaks for the Negro?* (New York: Random House, 1965), pp. 325-354, here, pp. 342-343.

¹⁸⁶ Arendt to Ellison, July 29, 1965, Library of Congress. Cited in Elizabeth Young-Bruehl, *Hannah Arendt: For Love of the World* (New Haven: Yale University Press, 1982), p. 316.

¹⁸⁷ Meili Steele compares Arendt's appraisal to the American situation with her reaction to her own Jewishness in Germany, in which she speaks of coming to consciousness of her Jewishness only amongst Gentile children at school and in the streets. See *Hiding from History: Politics and Public Imagination* (Ithaca:

This approach to the question, I want to suggest, is a reaction of pity. Presumably we adults are correct in seeing the suffering of children and experiencing a repugnance at seeing a fellow creature suffer. In the face of this compassion, however, we are faced with several possible responses: outside of an Arendtian framework, we can say that we ought to identify the suffering of the children. We also ought to identify its source, which is to say the perdurance of racism in society. To the extent that we are actors, creators and approvers of our political society, we can see ourselves as at fault for not having eradicated racism in our society. If we are white or teachers who do not have to face angry mobs to get to the classroom, we might find ourselves lucky that we are not in Elizabeth Eckford's shoes.

Arendt's account of revolutionary affect provides a useful framework for analyzing such reactions. If thoughts about the situation turn inward and become loquacious, then it is possible to condemn those thoughts as pity. On the other hand, if we retain the relational, suffering-with-another sense of compassion, then it is possible to enact an affective response which "partakes of reason, and hence of generality."

I take it that to act in solidarity on such an occasion would be to shoulder the burden of racism in society, to suffer both in one's own responsibility for the continuing existence of racism as well as in the pain of Elizabeth Eckford. As an educator, it is to take responsibility before a student for both the beauty and the ugliness of the world to which the student is being habilitated, while—partaking of generality—to take steps towards welcoming the student as a soon-to-be participant in the attempt to remake the political sphere anew, hopefully this time without the injustices which currently exist.

Cornell University Press, 2005), p. 107, citing Arendt's 1964 interview with Günther Gaus, "Was bleibt? Es bleibt die Muttersprache," in Gaus's *Zur Person* (Meinerzhagen: Feder Verlag, 1964), as cited in *Hannah Arendt: For Love of the World*, p. 11-12. Clearly it seems more useful to approach the issue from the perspective of Arendt's account of revolutionary affect, but it is also possible to construct a more personal, quasi-psychoanalytic critique of Arendt's reaction. This latter often runs through Arendt's treatment of the figure of the pariah, particularly in such works as *Rahel Varnhagen: The Life of a Jewess* (Baltimore: Johns Hopkins University Press, 2000) or the essays collected in *The Jew as Pariah* (New York: Grove, 1978). Cf. Suzanne Vromen's "Hannah Arendt's Jewish Identity," in *European Journal of Political Theory* 3:2 (2004), pp. 177-190 and Jennifer Ring's "The Pariah as Hero: Hannah Arendt's Political Actor," in *Political Theory* 19:3 (August 1991), pp. 433-452.

In this sense, it is possible to criticize Arendt's take on Little Rock with her own theoretical apparatus, to see both the shortcomings in her own Reflections as well as the myriad possibilities that emerge for action and the construction of solidarity over the course of this particular sort of immaterial labor and care work, teaching. A full development of this account will have to await the completion of a more robust theoretical framework, one that will only be possible after having considered Habermas's understanding of the public sphere, as well as the challenges to the neat division of work and publicity that are posed by the phenomena of and research into immaterial labor and care work.

1.3. The structural transformation of Habermas's conception of the public sphere

In section 1.2, I argued that what was striking in the debate over Little Rock was the failure of Hannah Arendt to properly apply her own categories of revolutionary affect, that she acted under the terms of pity, rather than solidarity. The debate throws into question Arendt's distinction between the social and the political, particularly her assumption that the social is a domain of economic predictability, whereas the political is a domain of plurality and diverse agency. Her failure to understand the debate over segregation stems from a failure to understand that substantive political disagreements must sometimes be played out in the field of the social.

A slightly different interpretation would be to ask whether it is possible to apply a conception of the political which arises from ancient Greek practice to the realities of mass democracy, late capitalism and the welfare state. Aristotle claimed that a *polis* must be *eusunoptos*—able to be taken in with one glance.¹⁸⁸ This implies the existence of face-to-face relations, of a relatively deep knowledge of one's fellow actors in the political sphere, of a relatively substantial set of shared beliefs and practices.¹⁸⁹ The deep differences of political assumptions that existed between Socrates and his accusers pale in comparison to the differences that obtained in the United States in the 20th century.

The example of the differences between Ralph Ellison and Arendt themselves is instructive. At one level, they seem quite similar—both are intellectuals associated with New York City, engaged in political struggles against the oppression of their ethnic groups. Digging only slightly deeper, Ellison emerges as a man born in Oklahoma City, named after one of the first American public intellectuals, educated at the Tuskegee Institute (founded by a former slave), whose work was influenced by author and communist Richard Wright. Arendt, on the other hand, was born in Hannover, educated at Marburg, Freiburg and Heidelberg and influenced by philosopher and fascist Martin Heidegger.

¹⁸⁸ *Politics* 1326b24.

¹⁸⁹ This notion can, of course, have quite different political implications. For Claudia Baracchi, it implies a “community of sensibility,” where the “possibility of justice” is “rooted in the concrete” (*Aristotle's Ethics as First Philosophy* (Cambridge: Cambridge University Press, 2007), p. 145). On the other hand, George Catlin runs the claim together with Aristotle's claims about the necessity of the “cultural homogeneity” of the *polis*, concluding that the doctrine has “no little cultural similarity to a doctrine of race purity” (*The Story of the Political Philosophers* (Whitefish, MT: Kessinger Publishing, 2005), p. 97).

When she was granted U.S. citizenship in 1951, Arendt and Ellison became members of the same *polis*, one which was hardly *eusunoptos*.

The habitual response to the realization of the depth of the differences of background, culture and political assumptions that can separate actors in the public sphere in mass democracy is to retreat to the level of the essentially human, to claim that democracy is possible in mass democracy because of the shared human capacity for deliberation and reason-giving. One major disadvantage of this approach is the relinquishing of history and political context, as placing legitimation hopes in the timelessly, essentially human seems to imply that political justification can take place once and for all for any democratic society, whether *eusunoptos* or mass.

At its best, the critical theory of Jürgen Habermas manages to provide an account of political justification that resists this dehistoricizing impulse through its basis in a conception of communicative rationality that is intimately connected to concerns with the historical evolution of society and the processes by which individuals are integrated into that society. His investigations into these processes inevitably center on the space of the public sphere and the generation of the phenomenon of publicity. Thus even his apparently more epistemological forays into the formal pragmatics of language and his analysis of action are driven by the central concept of publicity. The philosophical tools he develops, however, to engage with publicity undergo a series of important shifts over the course of the development of his work, shifts which likewise transform the resultant image of the sorts of ideals that guide public action and the social structures which cause our contemporary public activities to fall short of those ideals, blocking the possibility of achieving legitimacy.

I examine Habermas's project by concentrating on this development at four theoretical pivots: I begin with his *Habilitationsschrift*, *Structural Transformation of the Public Sphere*.¹⁹⁰ In this early work, Habermas remains significantly under the influence of the traditions of philosophical anthropology and hermeneutics. He is significantly concerned with providing a materialist, historicist account of the processes whereby what he calls "a category of bourgeois society" came into existence. Beginning here provides a picture of Habermas's earliest engagements with the notion of publicity.

Beginning here also provides a historical continuity to my own account, which up to now has revolved largely around ideals of publicity derived from or inspired by classical Greek practices. Where Arendt moves directly from Greek

¹⁹⁰ *Strukturwandel der Öffentlichkeit* (Frankfurt a.M.: Suhrkamp Verlag, 1962); cf. *The Structural Transformation of the Public Sphere*, tr. Thomas Burger (Cambridge: MIT Press, 1991).

origins to contemporary society, Habermas examines the development of the notion of publicity through the medieval period, up to contemporary times, paying close attention to the two essential transformations of medieval to modern publicity, and modern publicity to that of late capitalism. With the transition to the modern period, the political sphere becomes public, and the family is firmly situated in the private sphere. This transformation is then repealed somewhat with the transition to late capitalism, as the social state casts the state as one large family, depoliticizing the public sphere and taking over many of the traditional responsibilities of the family.

This use of historicist, materialist description for the critique of contemporary society is already deeply indebted to the Marxian development and practice of historical materialism, but it is not until the second theoretical pivot that Habermas turns to the examination of historical materialism itself. Viewed from the perspective of political philosophy outside of the tradition of critical theory, the most obvious shortcoming of historical materialism as political philosophy is its lack of interest in providing an account of legitimation. As Habermas puts it, Marx so discredited the notion of legitimation that individuals were forced to choose between talk about rights and justification on the one side and revolution on the other.¹⁹¹

After *Structural Transformation*, the questions of legitimation and social integration come to play a central role in Habermas's work. How are individuals related to the political, and by what mechanisms are they brought to consent to the power exercised by the state? In *Legitimation Crisis*,¹⁹² Habermas approaches these issues via the examination of the way in which (1) the state has depoliticized class relations and the public sphere by taking up social responsibilities under the guise of the welfare state¹⁹³ and (2) it finds itself in need of a broader legitimation, corresponding to this broader range of activities.¹⁹⁴ With this new range of

¹⁹¹ "Naturrecht und Revolution," in *Theorie und Praxis* (Frankfurt a.M.: Suhrkamp Verlag, 1978), pp. 117-8; "Natural Law and Revolution," in *Theory and Practice*, tr. John Viertel (Boston: Beacon Press, 1998), p. 113. This passage appears once again in *Faktizität und Geltung*, pp. 12-3 (translated as *Between Facts and Norms*, tr. William Rehg (Cambridge: MIT Press, 1998)).

¹⁹² *Legitimationsprobleme im Spätkapitalismus* (Frankfurt a.M.: Suhrkamp Verlag, 1973); cf. *Legitimation Crisis*, tr. Thomas McCarthy (Boston: Beacon Press, 1975).

¹⁹³ *Legitimationsprobleme* p. 36, 106.

¹⁹⁴ *Legitimationsprobleme* pp. 100-1.

responsibilities, any crisis of the economic, social or political system threatens a crisis of the legitimation of the state.

This second strand in the development of Habermas's engagement with the public sphere comes to a culmination at the third pivot I examine, the *Theory of Communicative Action*.¹⁹⁵ Where *Legitimation Crisis* remains at the level of offering an analysis of political and social systems and their relationship to legitimacy, it is in the *Theory* that Habermas undertakes the project of a full reconstruction of historical materialism, a project that leads him through the accounts provided by social theory and systems theory of the modernization of society, the socialization of individual moral agents, and the way in which linguistic competences connect individual moral agents to the possibilities of autonomy, moral discourse and procedures of legitimation.

At the same time, *Theory* is also an important turning point in Habermas's development. It is true that it is in this work that Habermas provides a full articulation of a Frankfurt-style critique of instrumental reason, providing his most complete account of the relationship between the lifeworld and the system of a society; the important transition of the *Theory*, however, is the turn from a notion of the public sphere as deeply interconnected with historical development and (in the language of the *Theory*) subsystems of instrumental action to a notion of the public sphere as simply a domain in which we attempt to achieve discourse free of distortions by force and domination, a domain in which we can properly ask questions of the moral justification of a political order.

On this reading, it is in the *Theory* that questions of the historical development of the public sphere begin to cede to questions of the structure and content of the public discourse of justification. This shift in Habermas's work is completed with the project at the fourth pivot I examine here, that of *Between Facts and Norms*. Where the *Theory* concentrates on discourses of justification to the extent that they are entered into by competent linguistic agents, where the success of these discourses is ensured in part by limiting the distortions of force and domination, situating linguistic agents to the discourses in a manner that is universally applicable on the basis of their linguistic competence, *Between Facts and Norms* seems to hold out the possibility of an extensive civil society, populated by institutions accessed by a variety of means not immediately connected to anything like linguistic competence. Thus the Kantianism of the *Theory* is tempered with something like a Hegelian acknowledgement of the often morally arbitrary ways in which we are situated in society, with the hope that it is

¹⁹⁵ *Theorie des kommunikativen Handelns*, 2 Bde. (Frankfurt a.M.: Suhrkamp Verlag, 1981); cf. *The Theory of Communicative Action*, 2 vols., tr. Thomas McCarthy (Boston: Beacon Press, 1985).

possible to transmit the public opinion developed in civil society to the level of legislation without distortion by paying attention to the mechanisms of transmission.

After following Habermas's project of justification through *Between Facts and Norms*, I return in this section to the question of the family. So long as it is a question of the constitution of publicity, an account of privacy must be given. While Habermas makes some progress towards recovery of his earlier concerns with *Between Facts and Norms*, he is never able to fully reincorporate the material, historicist concerns so present in his earliest works into an account of a vigorous, active, effective public sphere.

It is with the last part of this section that my concerns are primarily critical rather than reconstructive, although some level of criticism is present throughout the exegesis. Insofar as this examination follows a discussion of Arendt's notion of publicity, I will be concerned with bringing into question Habermas's later conviction that the content of the political is discursive, as opposed to active. Insofar as it precedes a much more sustained engagement with immaterial labor and care work, I will be concerned with preparing the way for the development of an account of the public sphere capable both of making sense of the connections between work and politics and providing the foundation for the sort of vigorous publicity on which political autonomy depends.

A final note of introduction: at the beginning both of *Legitimation Crisis* as well as *Zur Rekonstruktion des Historischen Materialismus*,¹⁹⁶ Habermas describes his engagement with Marxism as being fundamentally pragmatic: the point is not to 'restore' a corrupted tradition, nor to participate in the 'renaissance' of a dead one.¹⁹⁷ The investigation is driven not by dogmatic interest, but by the hope of developing a useful tool.¹⁹⁸ At the risk of making an attempt at communication sound instrumental, the same can be said of my engagement with

¹⁹⁶ *Zur Rekonstruktion des Historischen Materialismus* (Frankfurt a.M.: Suhrkamp Verlag, 1976) has not been translated into English as a whole. Some of the essays, including that to which I refer here—"Historical Materialism and the Development of Normative Structures"—appear in *Communication and the Evolution of Society*, tr. Thomas A. McCarthy (Boston: Beacon Press, 1979).

¹⁹⁷ There are many criticisms of Habermas's engagement with Marx; the most interesting is that of Johann P. Arnason in "Marx and Habermas," in *Arbeit, Handlung und Normativität*, eds. Axel Honneth and Urs Jaeggi (Frankfurt a.M.: Suhrkamp Verlag, 1980).

¹⁹⁸ *Legitimationsprobleme* p. 11. *Zur Rekonstruktion* p. 9; cf. "Historical Materialism," p. 95.

Habermas. The best parts of his work on publicity hold out the hope of articulating a conception of publicity where it is possible to extend moral consideration to all without ignoring the differences that make actual communication necessary, worthwhile and interesting.¹⁹⁹ The shortcomings of his approaches become evident, however, first when he ignores the fact that many of these differences are established, lived, challenged and transformed not only through communication free of distortion but also in the world of work in which we live and produce our lives, and second when he seems to relinquish the ideal of an active and effective public.

1.3.1. The historical development of the public sphere

In *The Human Condition*,²⁰⁰ history plays a role as a storehouse of examples for inspiration, a place to which contemporary society can look for the examination of cultural practices which are both our own and not our own. The fact that the societies from which we take our own to be descended have constructed participatory, active public spheres shows that the notion is not foreign to our ways of thinking about politics, even if our current practices are overrun with the passivity of the *homo faber* and the *homo oeconomicus*. Arendt's history is a part of our shared traditions, even if it has largely ceased to be a part of our shared practices.

The productive tension between our traditions and our practices is the motor that drives not only *The Human Condition*, but much of Arendt's other work, as well. Her work owes much to the tradition of philosophical anthropology, in the sense that it attempts to understand the human condition as one of coming into being in a particular historical and cultural context while at the same time being laden with the necessity of fashioning a set of values from that environment.

Given Arendt's extensive intellectual and personal relationship with Martin Heidegger, it is relatively easy to trace these concerns back to his work. Habermas shares many of the same concerns, and addresses them in his early work using a methodology which, in its debt to philosophical anthropology, makes his approach look very much of a piece with that of Arendt. Even at this

¹⁹⁹ Cf. "Öffentlicher Raum und politische Öffentlichkeit. Lebensgeschichtliche Wurzeln von zwei Gedankenmotiven," in *Zwischen Naturalismus und Religion* (Frankfurt a.M.: Suhrkamp Verlag, 2005), pp. 20-1; cf. "Public Space and Political Public Sphere—The Biographical Roots of Two Motifs in my Thought," in *Between Naturalism and Religion*, tr. Ciaran Cronin (Cambridge: Polity Press, 2008), pp. 16-7.

²⁰⁰ *The Human Condition* (Chicago: University of Chicago Press, 1998).

early stage, however, Habermas brings together a wide array of influences in his work, and disentangling his relationship to his many intellectual forbearers proves to be a complicated task.

As a clear, first step: Habermas's dissertation, *Das Absolute und die Geschichte*, is an attempt to read the notion of the absolute in Schelling through Heidegger's *Being and Time*.²⁰¹ He wrote the dissertation in Bonn under the supervision of Erich Rothacker and Oskar Becker. Becker studied with and assisted Husserl; his mature work applied the tools of phenomenology to themes in logic and philosophy of mathematics. Rothacker's influence was much more pronounced on the young Habermas, to the extent that Rothacker is considered the founder of *Kulturanthropologie*. Habermas provides a short articulation of his early notion of philosophical anthropology in his article on the topic for the *Fischer-Lexikon Philosophie*, arguing that "people only ever live and act in the concrete lifeworld of a society, never in 'the' world."²⁰² It is difficult to not hear significant Arendtian overtones in this claim.

It is only subsequently that Habermas's work takes on aspects of Marxism, beginning with his engagement with Georg Lukács's *History and Class*

²⁰¹ *Das Absolute und die Geschichte: Von der Zwiespältigkeit in Schellings Denken* (Bonn University 1954).

²⁰² The article is included in *Kultur und Kritik* (Frankfurt a.M.: Suhrkamp Verlag, 1982), p. 107. Matthias Restorff lays out parallels between Habermas's article and Rothacker's *Probleme der Kulturanthropologie* (Bonn: Bouvier Verlag, 1948) in *Die Politische Theorie von Jürgen Habermas* (Marburg: Tectum Verlag, 1997), pp. 17ff. For Restorff, the interest lies in tracing the development of Habermas's concept of the lifeworld back to early influences in sociology. Hermann Wein provides clear distinctions between the terms "anthropology," "philosophical anthropology," "*Kulturanthropologie*" in his "Trends in Philosophical Anthropology and Cultural Anthropology in Postwar Germany," in *Philosophy of Science* 24:1 (January 1957), pp. 46-56. A more contemporary and analytic interpretation is provided by Wayne Hudson in an appendix to *The Reform of Utopia* (Aldershot: Ashgate Publishing, 2003): "European Philosophical Anthropology," pp. 114-129. For a broad, politically-oriented critique of Rothacker's work, cf. Volker Böhnigk's *Kulturanthropologie als Rassenlehre* (Munich: Verlag Königshausen & Neumann, 2002), particularly chapter 3, "Heroische Kulturen: Rothackers normativ-ontologischer Entwurf rassisch begründeter Hochkulturen," pp. 54-68.

Consciousness,²⁰³ so that the deployment of historical explanation in *Structural Transformation* must be situated at the confluence of hermeneutics and phenomenology, philosophical anthropology and Hegelian historicism.²⁰⁴ As distinguished from the history of *The Human Condition*, the account provided in *Structural Transformation* is continuous and explanatory.²⁰⁵ It attempts not so much to enlarge the horizon of our political vocabulary as to chart the path of its transformation.²⁰⁶ On the Hegelian assumptions at play in the text, an important aspect of the labor of explaining a political phenomenon is the enumeration of the historical conditions of its coming into existence.

Habermas prefaces his historical examination with a straightforward, propaedeutic definition of publicity: anything ‘public’ is “open to all.”²⁰⁷ With this

²⁰³ With respect to Lukács, cf. Jean Grondin’s “La réification de Lukacs à Habermas. L’impact de *Geschichte und Klassenbewußtsein* sur la théorie critique,” in *Archives de philosophie* 51:4 (1988), pp. 624-646.

²⁰⁴ In the introduction to the 1990 edition of the German text, Habermas discusses the influence of Hegel and Marx on the work. *Strukturwandel*, p. 21.

²⁰⁵ For an analysis of Habermas’s use of history that is much more detailed than what I offer here, see Moishe Postone, “Political Theory and Historical Analysis,” and Lloyd Kramer, “Habermas, History and Political Theory,” both in *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge: MIT Press, 1993).

²⁰⁶ This claim is somewhat controversial insofar as it concerns Arendt, thus I would like to offer a bit of justification: if Arendt’s project were primarily explanatory, I take it, then she would have to make sense of the historical connection between the ancient and modern worlds. The closest she comes to providing such an account, to my knowledge, comes in her attributing to the framers of the United States Constitution considerable concern with the public life of ancient Greece. While this is surely interesting in terms of our reading of the structures of the U.S. Constitution, it hardly seems an explanation. Habermas, on the other hand, attempts to provide an account that is (at least historically) significantly more continuous. On the relationship between questions of value and questions of history across Habermas’s work, cf. Andrej Pinter’s “Public Sphere and History: Historians’ Response to Habermas on the ‘Worth’ of the Past,” in *Journal of Communication Inquiry* 28:3 (2004), pp. 217-232. David S. Owen attempts to articulate a Habermasian conception of social evolution in *Between Reason and History: Habermas and the Idea of Progress* (Albany: SUNY Press, 2002).

²⁰⁷ *Strukturwandel* p. 54; *Structural Transformation* p. 1.

definition in hand, he turns to a brief treatment of the development of publicity in the ancient Greek world.²⁰⁸ Already here he betrays his methodology and leaves behind his propaedeutic definition: As I have argued in section 1.1, there is nothing in the ancient Greek world that is open to all, given its exclusion of foreigners, women, slaves and sometimes the poor from the political sphere. When Habermas claims that Greek publicity “is constituted in discussion [...] as well as in common action,”²⁰⁹ it is clear that one cannot simply substitute ‘that which is open to all’ for ‘publicity’ in the claim.

What Habermas actually provides in *Structural Transformation* is a history of that which was called ‘public’ in a series of social formations which took themselves to be successive. Rather than accepting Habermas’s early definition, I will begin by propaedeutically offering a much later formulation: the public sphere is marked by its concern with matters of general interest.²¹⁰

1.3.1.1. The medieval period and familial publicity

The medieval public sphere, after all, is just as little “open to all” as the Greek one, but the two are drawn together by the fact that their activities are of general interest. Habermas’s main concern with the medieval period is the way in which it gave rise to the modern period. My concern is with the way in which the relationship between the family and the public sphere is radically transformed in the shift from the classical to the medieval period.

²⁰⁸ Later in Habermas’s work, the question of the extent to which the political activity of the Greeks is the same thing as what began to take shape with the rise of capitalism is quite open. His ambivalence is clearly seen in “Einige Schwierigkeiten beim Versuch, Theorie und Praxis zu vermitteln,” in *Theorie und Praxis* (cf. “Some Difficulties in the Attempt to Link Theory and Practice,” in *Theory and Practice*). The article is divided amongst the discussion of several key concepts in Habermas’s work. Under the heading of “The Public Sphere,” (*Öffentlichkeit*) he claims that publicity rises and falls with capitalism (“Einige Schwierigkeiten” pp. 11-12; “Some Difficulties” p. 4). Under the heading “On the Institutionalization of Discourses,” however, the importance of discourse in Athens is singled out for particular attention (“Einige Schwierigkeiten” pp. 31-32; “Some Difficulties” pp. 25-26).

²⁰⁹ *Strukturwandel* p. 56; *Structural Transformation*, p. 3.

²¹⁰ “The Public Sphere: An Encyclopedia Article,” tr. Sara Lennox and Frank Lennox, in *Critical Theory and Society: A Reader*, eds. Stephen Eric Bronner and Douglas MacKay Kellner (New York: Routledge Press, 1989), p. 136.

While the Greek and Roman periods certainly bestowed some political importance on familial lines, it is in the medieval period that (particularly noble) familial relations are fully construed as political relations, that the public sphere as a whole is taken up with births, parentage and alliance through marriage.

At the same time as the notion of family increased in political significance amongst the noble classes, it declined markedly amongst the common ones: the notion of citizenship which had persisted in a variety of permutations across the Greek and Roman periods, linked to the place and family of one's birth, here gives way to a notion of subjecthood, a notion of coming under the sway of a particular body of laws (emanating, of course, from a particular public sphere) in effect in a given domain. This notion of subjecthood so thoroughly displaces that of citizenship that Hobbes can treat subjecthood in cases of travel or banishment without reference to any underlying notion of belonging to another dominion as a citizen.²¹¹

Having the relations of family underlie public relations brings a certain ambiguity to questions of freedom and natural necessity in the public sphere. Age, for example, is usually respected as an inequality; on the other hand children sometimes ascend to the throne, showing that belonging to the sphere of public activity trumps the categories of natural necessity.²¹² Likewise, the 'natural' inferiority of women to men was assumed within the classes of publicly active nobles and publicly passive commoners, but the division between the two classes was constructed in such a way that a publicly active noble woman was more fit to rule than a publicly passive common man.²¹³

The fact that it was an exceedingly small portion of noble women (much less of women in general) who exercised rule should not, I think, serve to diminish the extraordinary fact that the convergence of the noble family and the public sphere during the medieval period created circumstances in which blood could trump gender. Given the creation myths of Western civilization with which Arendt and Habermas are working, myths according to which Western civilization arose in Greece, was realized on a larger scale in Rome and slowly developed into the contemporary form of the nation-state over the course of the

²¹¹ *Leviathan* (Cambridge: Cambridge University Press, 1996), p. 154. Cf. n. 100.

²¹² Nicholas Orme's social history, *Medieval Children* (New Haven: Yale University Press, 2001) is extremely helpful on the role, life and socio-political status of children during this period.

²¹³ On the construction of gender in the early Middle Ages, see Merry E. Wiesner's *Women and Gender in Early Modern Europe* (Cambridge: Cambridge University Press, 2000).

Middle Ages leading up to the Enlightenment; given that women continued to be excluded overtly from participation in the public sphere throughout the Enlightenment and into the 20th century, the fact that the convergence of family and the public sphere permitted public activity to a certain group of women for a period is all the more remarkable.

Habermas traces the transition from this family-centered notion of publicity to a more modern sense in part through a shift in the meaning of the term ‘representation.’ In Greek democracy, the private family was ‘represented’ in the public sphere by the head of household. In this sense, representation carries a meaning of ‘acting in place of,’ of ‘conveying the interests of’—the German ‘*vertreten*.’ In the Middle Ages, however, it is not the family that must be represented in the public sphere by the citizen, but rather the nation which must be represented by the public, royal family. It is in this sense that Louis XIV could say that “*l’état, c’est moi*,” that Habermas can claim that nobles represented (*repräsentierten*) the state “not for but ‘before’ the people.”²¹⁴

What remains constant across this shift, however, is that those who are publicly passive labor to provide the surplus to support those who are publicly active. The categorical divide between *oikos* and *polis* is attenuated and replaced by a categorical divide between noble and common.

1.3.1.2. The beginnings of modern publicity

It is only in the modern period that Habermas finds evidence of a notion of representation that could come under the heading of *Vertretung*. Representation in this sense requires that those who are represented have interests to be put forth by their representatives, such that the existence of *Vertretung* is dependent upon the exclusion of the represented from political discussion on grounds that have more to do with logistics than legitimacy. In describing the development of representative democracy, Arendt cites John Selden: with the expansion of citizenship to larger sections of the population and the boundaries of the state, “the room will not hold all.”²¹⁵

The need to represent citizens implies the need to know their interests, and Habermas turns to civil society as a locus of the formation of public opinion. Habermas provides the following schematism for the separation of the public and private spheres: the “private realm” is distinguished from the “sphere of public authority.” Each of these is in turn subdivided on a subordinate axis of publicity and privacy, such that there result the four following domains: the intimate space of the restricted bourgeois family—a private sphere composed of private

²¹⁴ *Strukturwandel* p. 61; *Structural Transformation* p. 8.

²¹⁵ *On Revolution* (New York: Penguin, 1990), p. 236.

individuals; the civil society of commodity exchange and social labor—a public sphere of private individuals; court society—a private sphere of the public persons of the aristocracy; and finally the state—the public sphere of public individuals.²¹⁶

According to this picture the family is the sphere of the most extensive privacy and, conversely, the least subject to public authority. Civil society and the court stand as incompletely public realms of general concern, while the state is the most completely public realm. Additionally, a series of mediations exists along the primary public/private divide here, such that political publicity, literary publicity and the market of cultural goods provide the means of communication between the family and civil society in the private domain and court society and the state in the sphere of public authority.²¹⁷

Habermas focuses on the development of three separate institutions of civil society: (1) the news letter and eventually the newspaper, (2) the coffeehouse and (3) the salon. These three institutions are importantly different in ways that Habermas is at no particular pains to stress in *Structural Transformation*: the newspaper and coffeehouse are linked not only in the association of particular papers with particular coffeehouses,²¹⁸ but also in their thoroughly bourgeois character—the man who frequented a coffeehouse (women were excluded from them²¹⁹) did so in his time away from his shop.²²⁰ The salon, on the other hand, seems to represent a more intimate society, even a pre-public. Rather than reading newspapers and arguing over their content, salons hosted writers and poets presenting and developing work *prior* to presenting it to the expanded, reading public.²²¹ Salons were likewise much more open to the active participation of women, in what constitutes a stark contrast with the world of the coffeehouse.²²²

²¹⁶ *Strukturwandel* p. 89; *Structural Transformation* p. 30.

²¹⁷ *Strukturwandel*, p. 89; *Structural Transformation* p. 31.

²¹⁸ *Strukturwandel* p. 93; *Structural Transformation* p. 33.

²¹⁹ *Strukturwandel* p. 93; *Structural Transformation* p. 33.

²²⁰ Cf. *Strukturwandel* p. 105 n.36; *Structural Transformation* p. 42 n.36, which cites the famous newspaper *The Tattler* as addressing itself to “worthy citizens who live more in a coffeehouse than in their shop.”

²²¹ *Strukturwandel* p. 94; *Structural Transformation* p. 34.

²²² Rahel Varnhagen was a Jewish woman who ran a Berlin salon in the early 19th century. Arendt wrote a biography of her, *Rahel Varnhagen: The Life of a Jewess*

What binds these institutions together for Habermas is their tendency towards relatively free discussion and their institutionalization of the idea of ignoring social difference (although, against this more general claim, it must still be remembered that coffeehouses were, by and large, frequented each by a particular subsection of the bourgeoisie²²³), but it seems important to note that salons took this one step further, bringing together not only aristocrats and bourgeois but also men and women.

The consequence of the salon for my retelling of the story of the development of publicity is that it represented a fleeting possibility of the extension of the public sphere of the court across the divide between noble and commoner. As the bourgeoisie begins to develop a level of wealth sufficient to enable it to participate in the patronage and production of art and literature, there exists the possibility of broadening the circle of those who can pursue the sort of human flourishing to be found in the cultural productions of court life. If it is true that Aristotelian virtues are public virtues, if there is a link between court life and the flourishing of the Aristotelian virtues,²²⁴ then the existence of the salons seems to have been a point of the marked expansion of the possibility of the achievement of *eudaimonia*. To be sure, this expansion was made possible by the laboring many, to whom this public remained inaccessible through want of education and leisure,²²⁵ yet the public of the salon remains significantly more capacious than that of the *polis*.

Instead of the pursuit and development of this newly unfolding public, however, we see its foreclosure over the course of the Enlightenment. That most paradigmatic of bourgeois revolutions, the French revolution, pursued not so much the enlargement of the public sphere as the displacement of the class occupying it at the time. The fact that the ascendant bourgeoisie was numerically larger than the declining nobility is largely incidental. Rather than seeking

(Baltimore: Johns Hopkins University Press, 2000), in the period 1929-33, during her time in Berlin. The book was published in English in 1958 and in German in 1959. This biography is at the center of an attempt by Seyla Benhabib to describe a less agonistic, yet still Arendtian, notion of public life in *The Reluctant Modernism of Hannah Arendt* (New York: Sage Books, 1996), particularly in chapter 1: "The Pariah and Her Shadow." See also Benhabib's article "Models of Public Space," in *Habermas and the Public Sphere*.

²²³ Cf. *Strukturwandel* p. 93; *Structural Transformation* p. 33.

²²⁴ *Strukturwandel* p. 62; *Structural Transformation* p. 8.

²²⁵ Cf. *Strukturwandel* p. 99; *Structural Transformation* pp. 37-38.

admission to the existing public sphere, the revolution was at pains to distinguish itself from the nobility.

The rise, for example, of the notion of *Vertretung* could have accompanied a bourgeois-noble joint public sphere, one not based on gender hegemony. The waning of a particular conception of publicity produces a situation in which it is necessary to cast about in a historical tradition for new models of practice. When women marched on Versailles demanding bread during the French revolution, this could have been seized upon as an extension of the possibility of active political participation by women—previously admitted only to the nobility—to commoners. Instead, the revolution proved reactionary by using gender as a weapon against the nobility and counterrevolutionaries: demonization through feminization.²²⁶

A revolution was reduced to a Terror, and the possibility of the consolidation of a public much more expansive than any achieved up to that point in this historical vein was lost. Instead of the salon world about which Habermas could claim that “‘opinion’ became emancipated from the bonds of economic dependence,”²²⁷ we see the rise of an economic and political system in which the array of active political parties nearly always reflects the class structure of the society, a system which gave rise to a Marxian theory of ideology whose Aristotelian character reflects the underlying political and economic similarities of the societies they diagnosed.

1.3.1.3. The passification of publicity

If they differed in their participants, coffeehouses, newspapers and salons shared the centrality of discussion. The importance of the three institutions for Habermas is that they hosted the process of coming to agreement over matters of communal interest. One might expect this discussion to be opened to progressively more people as the modern period gives way to the contemporary one, but Habermas diagnoses precisely the opposite development: rather than a larger conversation, late capitalism sees the passification of publicity. Places of discourse are not opened up, but redirected.

This new passivity is the object of much of Habermas’s later research, and so my treatment here of the historical conditions surrounding the establishment of this passivity can be relatively precursory. At the level of the state, the

²²⁶ Cf. Joan Landes’s *Women and the Public Sphere in the Age of the French Revolution* (Ithaca: Cornell University Press, 1988), particularly chs. 2 and 6, as well as Keith Michael Baker, “Defining the Public Sphere in 18th Century France,” in *Habermas and the Public Sphere*.

²²⁷ *Strukturwandel* p. 94; *Transformation* pp. 33-34.

transformation is that from the *Rechtsstaat* to the social, welfare state. The welfare state takes up responsibility for the functioning of the previously private economy, both in the sense of ensuring productivity as well as in the sense of insulating individuals from the risks of the market.²²⁸ State and society are unified,²²⁹ creating the possibility of the phenomenon of ‘social force’—an economic form of force which is exercised through the social mechanism of market functioning.

In this new construal of publicity and privacy, the world of work appears as a mediating moment between public and private.²³⁰ Where the family was previously at the center of the private sphere, facilitating the accumulation and transmission of wealth, security against unemployment and disability,²³¹ education, socialization and the inculcation of tradition,²³² now it is displaced in all of these roles by the welfare state and pushed to the periphery of the private sphere.²³³ It is simply what is ‘left over’ in the private sphere after the economy is removed.²³⁴

On the other hand, the public sphere also falls under the influence of the economic sphere. Habermas examines the phenomenon of the commercialization of newspapers, where editing and publishing are no longer separated from the business of selling the paper, depriving the press of the public-critical function it had during the modern period.²³⁵ In its stead there is public relations work, a body of activity which feeds the press information from organizations formed with the intention not of arguing a position but of increasing its prestige.²³⁶

²²⁸ *Strukturwandel* p. 330; *Structural Transformation* pp. 225-226.

²²⁹ *Strukturwandel* p. 225; *Structural Transformation* p. 141.

²³⁰ *Strukturwandel* pp. 249-251; *Structural Transformation* pp. 152-154.

²³¹ *Strukturwandel* pp. 241-242; *Structural Transformation* pp. 154-155.

²³² *Strukturwandel* pp. 242-243; *Structural Transformation* pp. 156-157.

²³³ *Strukturwandel* p. 238; *Structural Transformation* pp. 151-152.

²³⁴ *Strukturwandel* p. 243; *Structural Transformation* p. 155. The German phrase here is “dieser private Rest,” which seems much more pejorative to me than Burger’s translation of “this private vestige.”

²³⁵ *Strukturwandel* pp. 276-284; *Structural Transformation* pp. 183-188.

²³⁶ *Strukturwandel* p. 299; *Structural Transformation* pp. 200-201.

The converse of the thesis of the commercialization of the production of newspapers is the consumerization of those who were previously newspaper readers. Culture is no longer a space of reasoning, but a space of consumption which is neither properly public nor private.²³⁷ There is no longer any distinction between political opinions (in the sense of that which would be the starting point for a public opinion) and opinions about “cars and refrigerators.”²³⁸

The thesis Habermas draws from these developments is one of a ‘refeudalization’ of the public sphere.²³⁹ It is a public sphere in which citizens no longer meet to debate issues of common interest, but instead gather to elect a party elite to make decisions. Parliament itself is transformed from a place of rational debate to a place of the representation (*Repräsentation*) of the state.²⁴⁰

Such a refeudalization has the effect of removing the mediating element of a reasoning public from the relationship between the state and the private sphere. For Habermas, the bourgeois publicity of early modernity is “an ideology and more than an ideology.” On the one hand, it represented itself to itself as being an inclusive sphere in which common problems were discussed. It did this even as it excluded workers and women from its ranks. On the other hand, it was a practice that grew out of the attempt to displace authority by reason. It is intimately connected to the idea that authority must be justified by reason if it is to be legitimate, and in that sense provides a rationale for its own expansion as it becomes obvious that the circle of conversants must be ever expanded towards complete inclusion if it is to be able to fulfill its own promises.²⁴¹

For Arendt, the political passivity of the contemporary age is problematic insofar as it threatens an important realm of human activity, indeed the most important realm of human activity. Legitimacy is a function of being true to an action, of carrying forth in the space established by a founding political act.²⁴² The implication of this for late capitalism, it seems, would be that our institutions

²³⁷ *Strukturwandel* pp. 248-249; *Structural Transformation* pp. 160-161.

²³⁸ *Strukturwandel* p. 352; *Structural Transformation* pp. 243-244.

²³⁹ *Strukturwandel* p. 292; *Structural Transformation* p. 195.

²⁴⁰ *Strukturwandel* pp. 306-307; *Structural Transformation* pp. 205-206.

²⁴¹ Cf. also “Über den Begriff der politischen Beteiligung,” in *Student und Politik* (Neuwied: Luchterhand Verlag, 1961).

²⁴² Cf. “On Violence,” in *Crises of the Republic* (New York: Harvest Press, 1972), p. 151.

are illegitimate insofar as they have slid away from their founding actions. Habermas's attention, however, is drawn to questions of legitimation through discussion, and questions of whether a democratic regime founded on the institution of public opinion does not sentence itself to a continual legitimation crisis once it becomes consigned to the apolitical consumption of culture.

1.3.2. Legitimation, communication and transmission

In this second section, I follow Habermas through three versions of the critique of the economization of the public sphere: I begin with *Legitimation Crisis*, where Habermas takes up the concern with the generation of legitimacy in the public sphere, importantly centered on the relationship between the lifeworld and system. As society evolves, it seems to be losing the ability to sustain discourses of legitimation in the lifeworld.

A full account of these discourses, their generation and the threats to them must await the second version of this critique, in *Theory of Communicative Action*. Here, the issue is expressed not only in the terms of the relationship between lifeworld and system but also in terms of the relationship between communicative and strategic action, and the forms of linguistic competence that provide access to public spaces of communication and reason giving.

This rather Kantian approach is moderated substantially in the third version, that of *Between Facts and Norms*. Here access to public space is given not just by linguistic competence, but also by civil society institutions that arise out of concrete life. Here the need to protect the lifeworld from colonization by social systems is transformed so that they are regularly connected to one another in the process of the production of public opinion. It is this last shift which holds out the hope of incorporating the material concerns of work into the public sphere in a way that seemed impossible on the basis of the categorical separation of lifeworld and system and the categorical distinction between communicative and strategic action; Habermas provides this possibility, however, alongside a construction of publicity that is passive to an extent unprecedented in his work.

1.3.2.1. Legitimation problems in late capitalism

My discussion of *Structural Transformation* in section 1.3.1 showed that, even if that work adopts the theoretical framework of philosophical anthropology, hermeneutics and phenomenology, it still offers rich resources for the sort of materialist analysis I am undertaking here. In the development of Habermas's work, the shift to *Legitimation Crisis* represents the beginnings of the engagement with styles of functionalistic explanation taken from historical materialism and systems theory.

Addressing the question of legitimation from within functionalistic paradigms means addressing it as a social phenomenon with material causes. Thus

the fundamental project of the work is not to provide a philosophical account of legitimation so much as to understand and interrelate various ways in which the late capitalist state systematically encounters problems in generating and maintaining legitimacy.

The book begins with a meditation on the notion of a crisis, specifically a criticism of the systems theoretical notion of crisis. According to systems theory, “crises occur when the structure of a social system permits fewer possibilities for problem solving than must be taken up for maintaining the existence of the system. In this sense, crises are periodic disruptions of system integration.”²⁴³

This is to draw on the classical Weberian understanding of social evolution, according to which the evolution of a society simultaneously renders older forms of social integration powerless and produces new social capacities carrying new possibilities for integration. Alongside this Weberian thesis is the Durkhemian distinction between societies integrated on the basis of a common belief system and societies integrated on the basis of the division of labor. Combining these two, we arrive at the thesis that older forms of belief are being rendered incapable of integrating members to society as the work of legitimation is being shifted from systems of belief to systems of production. Habermas distinguishes questions of integration into the productive and economic apparatus of society from questions of integration into the culture of society, treating the former under the heading of the controlling mechanisms of *system* and the latter under the heading of a symbolically structured *lifeworld*.²⁴⁴

There are a variety of reasons for Habermas’s skepticism about the ability of social systems to replace the lifeworld as the locus of legitimation, and thus for a crisis of social integration to be straightforwardly reduced to a crisis of system integration. First, already in *Structural Transformation*, there is the association of the downfall of publicity and public opinion with commercialization—with the adaptation of the institutions of public conversation to the dictates of economic activity.

²⁴³ *Legitimationsprobleme* p. 11.

²⁴⁴ Habermas attributes the distinction to both phenomenology and sociocybernetics, although it is also present in the work of Talcott Parsons. Søren Brier connects the discourses of phenomenology and sociocybernetics with respect to the distinction between lifeworld and system in “Luhmann Semiotized,” in *Journal of Sociocybernetics* 3:2 (2002/2003), pp. 13-22. In what concerns *Legitimation Crisis*, Habermas’s analysis here remains closer to the conceptual apparatus of phenomenology in its continuing concern with the structures of intersubjectivity (cf. 14 n.10).

Second, Habermas accepts the broadly Aristotelian and Arendtian claims that (1a) the private sphere (or at least its productive aspects, part of the social system, in Habermas's terms) is the sphere of the material reproduction of society, (1b) since society does not deliberately choose its needs,²⁴⁵ the material reproduction of society is a question of necessity, (2a) the public sphere (located in the lifeworld here) is a sphere freed from questions of material reproduction and hence (2b) the public sphere is a sphere of human freedom. If legitimation is to flow from something like consent, then it cannot be a result of the attempt to address necessity.

Finally, and related to the second reason, there are the results of the Frankfurt School debates concerning the nature of technology in late capitalism. While the classical Frankfurt position, advanced by Theodor W. Adorno, Max Horkheimer and Herbert Marcuse, identifies the domination of nature with the domination of humans, Habermas attempts to articulate a way in which the abilities of technology can be put to the service of carrying out the results of lifeworld activity.²⁴⁶ This would be to avoid the displacement of the lifeworld by social systems at issue in *Legitimation Crisis*.²⁴⁷

²⁴⁵ There is a bit of looseness in this formulation, but I don't think that it damages the argument. If needs are in part determined by history and an economic environment, then it could be said that needs are the result of human activity, but this is still compatible with the claim that humans do not *choose* their needs. To reappropriate a famous line from the beginning of Chapter One of the *18th Brumaire of Louis Bonaparte*: people make their needs, but they do not make them as they please.

²⁴⁶ For Adorno and Horkheimer, this view is definitively expressed in *Die Dialektik der Aufklärung* (Frankfurt a.M.: Fischer Verlag, 1988); Marcuse's classical statement of it comes in *One-Dimensional Man* (Boston: Beacon Press, 1991).

²⁴⁷ Habermas rejects Marcuse's position on technology in *Technik und Wissenschaft als "Ideologie,"* (Frankfurt a.M.: Suhrkamp Verlag, 1969). He develops the distinction between technical means and technological rules in "Praktische Folgen des wissenschaftlich-technischen Fortschritts," in *Theorie und Praxis*, here p. 337 (this article is not amongst those translated into the English version of *Theory and Practice*). On the debate between Marcuse and Habermas, cf. Ben Agger, "Work and Authority in Marcuse and Habermas," in *Human Studies* 2 (1979). Andrew Feenberg attempts to reconcile the Habermasian and Marcusean positions in "Marcuse or Habermas? Two Critiques of Technology," in *Inquiry* 39 (1996), pp. 45-70. Also helpful is ch. 5 of Steven Vogel's *Against Nature* (Albany: SUNY Press, 1996).

This distinction notwithstanding, Habermas acknowledges that it isn't always unhelpful to employ the functionalistic strategy of viewing society as a system. Signaling the importance of the distinction between lifeworld and system is part of an argument that a particular thread of research has gone too far in emphasizing the extent to which the economic and technological environment determines political decision-making and discourse. The logic of societies is not one of the expansion of the autonomous functioning of the system, but—and this is the content of the attribute 'symbolically structured'—one guided by linguistically achieved intersubjectivity grounded in criticizable validity claims.²⁴⁸ Problems of social integration, then, are not problems of systems functioning, but problems of the alienation of individuals from their society.²⁴⁹

This ought to be elucidated in two senses, returning to the historical trajectory traced in the previous section. First, it becomes clear why the distinction between lifeworld and system might not immediately present itself to social theorists of late capitalism: the variety of economic responsibilities taken up by the welfare state eventuates in a much more extensive intertwining of lifeworld and system in the welfare state than in the *Rechtsstaat*. It is precisely this intertwining that produces the finding that threats to system integration immediately become threats to social integration, arising from the causal connection between the competence of the state in the administration of social systems and the justification of the rule of the state in the symbolic realm of the lifeworld.²⁵⁰

²⁴⁸ *Legitimationsprobleme* p. 27. This grows into the discourse theoretical claims about the relationship of language use and truth or validity. See "Vorbereitende Bemerkungen zu einer Theorie der kommunikativen Kompetenz," in *Theorie der Gesellschaft oder Sozialtechnologie—Was leistet die Systemforschung?*, eds. Jürgen Habermas and Niklas Luhmann (Frankfurt a.M.: Suhrkamp Verlag, 1971), pp. 101-141; "Was heißt Universalpragmatik?" in *Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns* (Frankfurt a.M.: Suhrkamp Verlag, 1984) pp. 353-440, cf. "What is Universal Pragmatics?" in *Communication and the Evolution of Society*, pp. 1-68; "Diskursethik – Notizen zu einem Begründungsprogramm," in *Moralbewußtsein und kommunikatives Handeln* (Frankfurt a.M.: Suhrkamp Verlag, 1983), pp. 53-125, cf. "Discourse Ethics: Notes on a Program of Justification," in *Moral Consciousness and Communicative Action*, tr. Christian Lenhardt and Shierry Weber Nicholsen (Cambridge: MIT Press, 1992), pp. 43-115.

²⁴⁹ *Legitimationsprobleme* p. 12.

²⁵⁰ *Legitimationsprobleme* p. 41.

So the story goes, the welfare state was able to avoid the death sentence passed upon the capitalist *Rechtsstaat* by Marx because it found in social administration a means for depoliticizing class conflict.²⁵¹ When it is no longer able to function competently in social administration, the conflict of material class interests is repoliticized such that a system crisis eventuates in a social crisis.²⁵² The work in *Legitimation Crisis*, however, brings Habermas to the limits of the analysis of functionalism. That vocabulary can describe crises and their causes, but it has no normative framework for articulating that a political structure might be just but incompetent, or competent but unjust. Functionalism treats the generation of legitimacy in the same way as it treats the administration of the economy, and so its account of the symbolic interactions amongst the individuals in a society, and their relation to political reality, must remain relatively limited.

1.3.2.2. Communication and colonization

Thus functionalist paradigms are forced to accept the notion of the administrative state.²⁵³ If politics is a mere reflection of production, then it would appear that legitimacy can only come from administrative competence. Likewise, it looks as though critique can only come in the form of a charge of administrative incompetence of which the charge that the mode of production has become inadequate to the productive forces would appear to be one sort.

Thus we are thrown back to the lifeworld. In *Legitimation Crisis*, the content of discourses of legitimation in the lifeworld is left unspecified, so that it is only in the *Theory of Communicative Action* that Habermas arrives at a full articulation of how lifeworld legitimation happens. My concern with the *Theory* is a brief presentation of the way in which the concepts of the lifeworld and social systems are developed here. Of particular interest is the introduction of the notion that a functioning public sphere requires that symbolically mediated communication be shielded from instrumental action, and that the lifeworld not be subject to the dictates of social systems in the process Habermas terms “colonization.”

²⁵¹ Cf. *Legitimationsprobleme* p. 36

²⁵² *Legitimationsprobleme* p. 48.

²⁵³ It is worth noting in passing that Arendt criticizes Engels’s formulation of “the withering away of the state,” which she takes to entail the complete displacement of the politics of action by the politics of administration, at *The Human Condition*, p. 45. I think that she misunderstands Engels on this point, but this is not the place to argue it.

Alongside this theoretical development, however, is an important shift in Habermas's focus from *Legitimation Crisis*. His concern with social evolution and social capacities continues, as does his concern with the integration of individuals into society. In the *Theory*, however, the account given of social evolution and social integration incorporates important elements of ontogeny where functionalism can only offer phylogenetic accounts. For Habermas, this shift seems mostly a consequence of concern with linguistic competence and the access of agents to processes of agreement and justification. For my project, this implicates the family in the account not only as the center of the private sphere, but also as the (unaddressed by Habermas) center of the labor of socialization which produces the social and linguistic competences upon which justification depends.

The division Habermas draws in the *Theory* between the public and private spheres has changed somewhat since *Structural Transformation*. In the earlier work, the family was identified as the heart of the private sphere, and the state as the heart of the public sphere. Civil society and economic activity flowed between the two to connect them. In the later work, the private side of the schema constitutes the "institutional orders of the lifeworld," and the lifeworld itself is divided into a private sphere and publicity. These lifeworld sub-spheres are set opposite the media-controlled economic and administrative social sub-systems. Mediating between the two spheres is a series of exchange relations categorized as set in the medium of power (labor power, political decisions, the provision of organization and the loyalty of the masses) or that of money (wages, goods and services, demand and taxes).²⁵⁴

This use of the rubric of lifeworld and system to address the divide between publicity and privacy is familiar from *Legitimation Crisis*. In the *Theory*, Habermas provides content to this first rubric by undertaking an exposition of a second rubric, arising from a theory of the sorts of action and linguistic behaviors appropriate to the domains of human activity, such that concern with the openness or generality of publicity is replaced with concern about the way in which people interact.

The sense of 'action' here is that of pragmatics: an action is a behavior across which an actor relates herself to a 'world.'²⁵⁵ The relevant worlds here are

²⁵⁴ *Theorie des kommunikativen Handelns* (Suhrkamp, 1981), vol. II, p. 472-3; *Theory of Communicative Action* I.319-20.

²⁵⁵ *Theorie des kommunikativen Handelns* I.144; *Theory of Communicative Action* I.96. The action is the particular activity undertaken by the actor; the action itself can have several characters. Habermas divides actions into teleological, normatively regulated, dramaturgical and communicative actions (*Theorie des*

three: the objective world, defined as the “totality of all entities over which true pronouncements are possible,” the social world, the “totality of all legitimately ruled interpersonal relations” and the subjective world, “the totality of experiences to which the speaker has privileged access.”²⁵⁶ A teleological action is an action that, in aiming at an end, relates the actor to the objective world. Normatively regulated action relates to the social world and the validity claims that are possible across interpersonal relations, while communicative action aims at agreement and understanding.²⁵⁷

Normatively regulated and communicative action relate the speaker to another epistemic agent and to facts or norms about which they can come to agreement. Teleological action relates the agent simply to the objective world. Thus if I attempt communication, I must recognize my interlocutor as a competent linguistic agent before it is possible to undertake the business of reaching agreement and understanding.²⁵⁸

This business of reaching agreement and understanding takes place within the epistemic horizon of a shared lifeworld, providing a background of currently

kommunikativen Handelns I.126ff; *Theory of Communicative Action* I.85ff.), across each of which an actor takes up a relation to a particular ‘world.’ This is, clearly, an extremely brief treatment. For a more engaged, but still clear and concise overview, see Thomas A. McCarthy, *The Critical Theory of Jürgen Habermas* (Cambridge: MIT Press, 1981), ch. 4.

²⁵⁶ *Theorie des kommunikativen Handelns* I.149; *Theory of Communicative Action* I.98-99.

²⁵⁷ In the previous section I analyzed Arendt’s distinction between labor, work and action according to the characterization of the actor and object of action as cognitive/affective or physical. The schematism presented here makes Habermas’s classification of action look fairly similar to that one, albeit overlaid with epistemological vocabulary. All of the activity analyzed under this description of action would characterize the agent primarily as cognitive; the important distinctions here are the epistemic distinctions of the subjective, intersubjective, objective and discursive. The status of the world to which the action relates the actor is such as to determine the sort of rational attitude the actor takes up towards that world.

²⁵⁸ The status of agreement with respect to various sorts of action receives several treatments across Habermas’s work. For a final, clear and concise version, see “What is Universal Pragmatics,” n.2.

unquestioned assumptions against which it is possible to disagree.²⁵⁹ Particular elements of a lifeworld become problematizable when they become relevant to a situation,²⁶⁰ but in principle the lifeworld is “nicht hintergebar” and inexhaustible.²⁶¹ We can neither ‘go behind’ nor exhaust the context of the lifeworld, we cannot investigate its foundations, for the simple reason that we can have no arguments for rejecting our most basic rules of argument; we can have no evidence for rejecting our most basic evidence.

Social systems, however, are not oriented towards understanding but towards achieving ends. The teleological actions of systems are coordinated and controlled by the media of money and power.²⁶² The coordination possible through these media is non-linguistic and amoral,²⁶³ thus incapable of providing a foundation for discourses of legitimation. The lifeworld is the perspective of a social participant, whereas the system is the perspective of a non-participant.²⁶⁴

²⁵⁹ *Theorie des kommunikativen Handelns* I.107; *Theory of Communicative Action* I.70.

²⁶⁰ *Theorie des kommunikativen Handelns* II.189; *Theory of Communicative Action* II.123-4.

²⁶¹ ‘Nicht hintergebar’ is a term, relatively common in the context of epistemology, that literally means ‘not go-behindable.’ The term is first used by Karl-Otto Apel, where Eduardo Mendieta translates it as “uncircumventable.” Habermas’s German sentence is “Für Angehörige bildet die Lebenswelt einen nicht hintergehbaren und prinzipiell unerschöpflichen Kontext” (*Theorie des kommunikativen Handelns* II.202). Thomas A. McCarthy translates this as “For members, the lifeworld is a context that cannot be gotten behind and cannot in principle be exhausted” (*Theory of Communicative Action* II.133).

²⁶² *Theorie des kommunikativen Handelns* II.506; *Theory of Communicative Action* II.344.

²⁶³ *Theorie des kommunikativen Handelns* II.265; *Theory of Communicative Action* II.178, but cf. also ‘Technik und Wissenschaft als “Ideologie,”’ in *Technik und Wissenschaft als ‘Ideologie’* (Suhrkamp, 1968), p. 62, distinguishing instrumental from communicative action on the basis of symbolic mediation.

²⁶⁴ *Theorie des kommunikativen Handelns* II.179; *Theory of Communicative Action* II.117.

The lifeworld is linguistic, cultural and historical, whereas the system is scientific and technological.²⁶⁵

Modern societies have sacrificed the cohesion of the lifeworld to system functions.²⁶⁶ This tends to damage their ability to remain integrated, but whatever integration capacities they retain still flow from the decreasingly functional lifeworld, rather than from the social systems.²⁶⁷ The subjugation of the structures of the lifeworld to the administrative demands of social systems is the form of social dysfunction Habermas identifies as “colonization.”²⁶⁸ The process of colonization results in the inability to generate legitimation as agents are increasingly oriented to one another instrumentally even in contexts where communication is demanded.²⁶⁹

Thus the main achievement of the *Theory* is to provide a foundation for and account of the normative element of legitimation missing from *Legitimation Crisis*. By providing an account of the forms of action appropriate to the lifeworld and social systems, Habermas is able to diagnose at a much deeper and theoretically richer level the difficulties of late capitalist societies to integrate subjects and achieve legitimation.

Returning to the language of publicity and privacy, it is in the private, familial sphere that this process of integration and legitimation must begin. This process is continued in the public sphere of communication, and it is from this communication that legitimacy must flow. In Habermas’s account of the transition to late capitalist society, the family is “relieved of productive functions and specialized in the tasks of socialization” and the public sphere is left as the sole “environment relevant to *generating legitimation*.”²⁷⁰

²⁶⁵ *Theorie des kommunikativen Handelns* II.189-90; *Theory of Communicative Action* II.124-5.

²⁶⁶ *Theorie des kommunikativen Handelns* II.533-4; *Theory of Communicative Action* II.363-4.

²⁶⁷ *Theorie des kommunikativen Handelns* II.226; *Theory of Communicative Action* II.150-1.

²⁶⁸ *Theorie des kommunikativen Handelns* II.536-8; *Theory of Communicative Action* II.365-7.

²⁶⁹ *Theorie des kommunikativen Handelns* II.540-2; *Theory of Communicative Action* II.369-71.

²⁷⁰ *Theorie des kommunikativen Handelns* II.471-2; *Theory of Communicative Action* II.318-9. Emphasis in the original.

The “productive functions” of which the family is relieved are those associated with the economic system. According to Habermas’s account here, the family provides labor power to the economy and receives a wage, and then provides the demand for goods and receives goods and services. This is to commit the common mistake of seeing as production only that labor which is incorporated into the economy on the basis of the wage. This labor is important enough on its own, but it is particularly central given the importance of the development of linguistic and social competencies in the generation of legitimacy. I will discuss the role of the family and familial labor further in the context of socialization and individuation in section 1.3.3, but for now it is sufficient to note the centrality of this labor to the lifeworld and its simultaneous disappearance from the account of the role of labor in political action.

After linguistic and social competencies are developed in the family, it is in the communication of the public sphere that they are perfected in the process of reciprocal reason giving. Habermas’s concerns in the *Theory* lead him to more than ample discussion of the way that the instrumentalization of public discourse, the failure of colonized spaces of communication to achieve integration, leads to the separation of interpersonal, social relations from individual identity,²⁷¹ but he stops short of providing a clear account of a model of the relationship between this communication and the administration of the state. The public sphere is responsible for the generation of legitimation, and it does this by means of the preservation of communication, but the relationship between this communication and the reproduction of society remains unspecified.

1.3.2.3. Communicative power and administration

This question of the relationship between the reproduction of society and communication in the lifeworld is to some extent addressed by the account Habermas provides of civil society at the fourth pivot of my reconstruction, in *Between Facts and Norms*. This work is primarily an attempt to articulate a theory of law, but my concern here is with the account Habermas provides of civil society.²⁷²

²⁷¹ *Theorie des kommunikativen Handelns* II.461; *Theory of Communicative Action* II.311.

²⁷² Andrew Arato and Jean Cohen provide a very detailed discussion of civil society and Habermas in *Civil Society and Political Theory* (Cambridge: MIT Press, 1992); it is only unfortunate that their treatment appeared too early to take account of the significant increase in importance bestowed upon civil society with *Between Facts & Norms*. One helpful attempt is Graham Scambler and Leslie Martin’s “Civil society, the public sphere and deliberative democracy,” in

Civil society is an important element in the theory of law to the extent that Habermas here specifies that it is in the generation of public opinion and its juridification into law that legitimacy is achieved. More specifically, the ability of the individual to participate autonomously in civil society is the fundamental component of the autonomy of civil society as a whole. These distinct forms of autonomy, then, are juridified and enforced by the administrative apparatus of the state.²⁷³

The immediate surprise of this formulation, following the discussion of the *Theory of Communicative Action*, is the significant shift in the characterization of the fundamental nature of the public sphere. In *Structural Transformation*, the public sphere was identified by the general concern of its content. In the *Theory*, publicity was marked by communication. With *Between Facts and Norms*, publicity is characterized by its (I am tempted to say functionalistic) mediating role between the individual and the law.²⁷⁴

Where publicity is determined by content, the displacement of content of general concern by a content of consumption is its greatest threat. When publicity is communicative, it is colonization that threatens it. In *Between Facts and Norms*, “the largest part of operations in the central domain of the political system runs according to routine.”²⁷⁵ Since the state has a responsibility to ensure the autonomy of the public sphere, it is once again subject to crises of legitimation brought on by the ineffectiveness of its decisions.²⁷⁶ Civil society plays some role in the fundamental orientation of state administration,²⁷⁷ but ultimately publicity functions through the attempt to develop influence, whereas it is the state that

Habermas, Critical Theory and Health, ed. Graham Scambler (New York: Routledge Press, 2001). Habermas, however, devotes a significant amount of space to a discussion of Arato and Cohen’s work at *Faktizität und Geltung*, pp. 444ff.

²⁷³ *Faktizität und Geltung*, p. 134-5.

²⁷⁴ *Faktizität und Geltung*, p. 436.

²⁷⁵ *Faktizität und Geltung*, p. 432.

²⁷⁶ *Faktizität und Geltung*, p. 466.

²⁷⁷ *Faktizität und Geltung*, p. 460.

operates with the power to issue binding decisions, to codify public opinion in law.²⁷⁸

Thus juridification replaces colonization in the sense of the description of the process by which social systems determine the space of the communication of the lifeworld. In this transition, however, the critical aspect of this description is jettisoned, as juridification is precisely what is demanded in order to connect administration to deliberation. What Habermas earlier protested as the reduction of publicity to a plebiscite,²⁷⁹ where he once identified the restriction of political participation to voting as a particularly nefarious form of social control,²⁸⁰ here it is the approved course of things.

In this new picture, civil society is constituted of a variety of groups which themselves are often oriented towards particular interests and goals.²⁸¹ There are two senses in which this is an important departure from the *Theory*: first, individuals gain access to publicity not through their integration into society, their development of similar linguistic competences and the universal demands of communicative rationality, but through their concrete, ethical (in the Hegelian sense) positions in society. Since some of these organizations are things like trade unions, formed through activities in the world of work, this represents the possibility of a union of the worlds of work and politics.

Second, the institutions formed around these positions are instrumentally oriented, in the language of the *Theory*. Thus the process of the formation of public opinion must begin in instrumentally-oriented interest groups, be transformed into communication in the space of publicity, and then be transformed back into instrumental action in the legislative apparatus at the center

²⁷⁸ *Faktizität und Geltung*, p. 439. A look back at the treatment of the notion of “influence” in *Structural Transformation* is extremely revealing here. There (*Strukturwandel*, pp. 355ff.; *Structural Transformation*, pp. 246ff.) influence is identified as something which militates against free discussion in the public sphere, the practice of political parties “advertising” their positions to constituents. That such practices are countenanced by Habermas as the “routine” state of affairs in *Between Facts and Norms* goes a long way to ground suspicions that Habermas has abandoned much of his earlier commitment to more radical forms of democracy in his late work.

²⁷⁹ *Strukturwandel*, pp. 306-7; *Structural Transformation*, pp. 206-7.

²⁸⁰ *Theorie des kommunikativen Handelns* II.509-10; *Theory of Communicative Action* II.364-5.

²⁸¹ *Faktizität und Geltung*, p. 442.

of publicity.²⁸² It is over the course of this process that what Habermas terms “communicative power” is constituted.²⁸³

The meaning of communicative power, and the radicality of the form of democracy described in *Between Facts and Norms*, is going to hang on the relationship between communicative power and administrative decision-making. I have noted Habermas’s claim that civil society ought to orient administration, but the center of the political apparatus remains institutions like the parliament and judiciary. These are anything but informal, and rarely open to all. It is in this center that normal, everyday politics happens, a formulation that seems to suggest a certain passivity of the citizenry in the ‘normal’ state of affairs.²⁸⁴

Structural Transformation was published in German in 1962, but it was not until 1989 that it was translated into English. Its appearance was marked by a conference, attended by Habermas, which became the basis of *Habermas and the Public Sphere*. It was at this conference, in response to *Structural Transformation* that Nancy Fraser formulated her “Contribution to the Critique of Actually Existing Democracy,” only a few years before the appearance of *Between Facts and Norms*. Fraser criticizes *Structural Transformation*’s account of the public sphere as promoting a distinction between a “weak public,” comprised of private persons acting in no official capacity, whose deliberation produces public opinion, and a “strong public,” the penetration of discursive practices into the state, parliamentary bodies whose deliberations do in fact result in binding decisions.²⁸⁵

Given the limitations of the critical apparatus at Habermas’s disposal in *Structural Transformation*, Fraser’s critique strikes me as unduly harsh. Given the fact that precisely the same distinction is so firmly embedded in the apparatus of *Between Facts and Norms*, her critique must strike anyone as remarkably

²⁸² The main devices for making these shifts in *Between Facts and Norms* are the discourse principle (138ff.) and the democracy principle (141ff.). These expressions of the ideal of the accessibility of discussion and its basis in rational consensus repeat themes well-established in Habermas’s work.

²⁸³ The notion of communicative power is importantly related by Habermas to Arendt. Cf. *Faktizität und Geltung* p. 182ff., 435-467.

²⁸⁴ This distinction goes even deeper with Habermas’s frequent references to the differences between those who are active in the public sphere and “members of society,” those who lead the institutions that comprise civil society and those who simply belong to them.

²⁸⁵ “Rethinking the Public Sphere,” in *Habermas & The Public Sphere*, pp. 133-4.

prescient.²⁸⁶ Indeed, depending on the way in which communicative power relates the public and the administration, publicity in general can be construed as quite weak indeed in the later account.

The turn to communicative power results in a certain tension between the accounts of power in the *Theory of Communicative Action* and *Between Facts and Norms*. In banishing power from communication, Habermas develops a conception of agreement according to which true agreement is necessarily free. In attempting to establish a basis for law, however, he finds that he needs a productive conception of power, one that is capable of binding citizens to the dictates of law. The communicative formulation seems to imply the “*gewaltlose Gewalt*” of universal consensus, in the sense that I ought to be able to convince anyone of the validity of my claims, whereas the juridical formulation describes the functionally necessary grounds for binding others to the laws that arise from those validity claims.

This aside, it often appears that communicative power as it is depicted in *Between Facts and Norms* doesn't have much decisive force. William E. Scheuerman points out the significant limitations that Habermas places on the effectiveness of communicative power, culminating in the claim that communicative power “itself cannot ‘rule,’ but only steers the use of administrative power in certain directions.”²⁸⁷

It is possible that Scheuerman is being uncharitable to Habermas here. The most charitable reading of this passage would be to understand by “rule” something like “administrate.” This would allow the understanding of communicative power in very Arendtian terms, such that communicative power is the center of the sort of political action that Arendt celebrates, and Habermas differs from Arendt only in the way in which he describes administration. Administration is perhaps not an important part of a valuable human life, but it is a support to the practice of an active politics.

On the other hand, the term translated here as ‘rule’ is ‘*herrschen*.’ The perfectly common, normal German term for ‘to administrate’ is ‘*verwalten*.’

²⁸⁶ There is also a sense in which the distinction between strong and weak publics seems like a concession to the critique of *Structural Transformation* carried out by Oskar Negt and Alexander Kluge in *Öffentlichkeit und Erfahrung* (Frankfurt a.M.: Suhrkamp Verlag, 1972), which importantly expands upon *Structural Transformation* in its attempt to thematize not just the public sphere but a notion of oppositional and competing public spheres.

²⁸⁷ *Faktizität und Geltung*, p. 364, cited in “Between Radicalism and Resignation: Democratic Theory in Habermas’s *Between Facts and Norms*,” in *Discourse and Democracy*, pp. 61-85, here p. 70.

Somewhere in between the two is the term ‘*regieren*,’ which carries administrative-state connotations of rule through administration. If Habermas had meant to attribute to administrative power something other than a final, determining authority, he certainly could have employed ‘*verwalten*’ or ‘*regieren*.’

The linguistic point is supported by the theoretical stubbornness of Habermas’s acceptance of political passivity. He seems to take from Arendt the notion of power constituted in political action but employ it for the legitimation of the mere administration of things.²⁸⁸ To reduce the generation of communicative power to extraordinary circumstances is to risk instating a political passivity that is completely foreign not only to Arendt, but also to the Habermas who sees in the lifeworld, in communication and the public sphere essential fora for connecting individuals to one another and to the most important aspects of their humanity. *Pace* Habermas, it seems that the constitution of genuine communicative power requires the active and regular participation of those generating the power.

The resources for a post-*Between Facts and Norms* rehabilitation of the lifeworld exist in Habermas’s treatment of the family. The family bears a chief responsibility for the transmission of the cultural traditions of the lifeworld, and so restoring the lifeworld to its role not just in justification but as a basis of essential human activity will require reconceptualizing family activity both with and beyond what is done in the work of Habermas.

In what follows, I will attempt to recover some of Habermas’s analysis of the role of the family in the relationship between privacy and publicity, but for an end that is often distinct from those he was pursuing in his earlier work: I want to

²⁸⁸ In an ironic move, Margaret Canovan makes the following claim: in appropriating Arendt’s conception of power, Habermas engages in creative misreading. This creative misreading, she claims, is an instance of failed communication by Habermas’s lights. “A Case of Distorted Communication,” in *Political Theory* 11:1 (February 1983), pp. 105-116. Canovan is discussing Habermas’s treatment of Arendt in *Philosophisch-politisch Profile* (Frankfurt a.M.: Suhrkamp Verlag, 2001), but her discussion is applicable without much difficulty to Habermas’s discussion in *Between Facts and Norms*. Indeed, his discussion in *Between Facts and Norms* seems to be the result of his earlier treatment. At the Twentieth World Congress of Philosophy, Abdollah Payrow Shabani argued, in “Habermas’ *Between Facts and Norms*: Legitimizing Power?” (available at <http://www.bu.edu/wcp/Papers/Poli/PoliShab.htm>), that Habermas’s incorporation of the Arendtian framework represents a political shift to the right in Habermas’s work. While this conclusion seems unwarranted, the discussion of the two conceptions of power in the paper is quite helpful.

ask about family labor as a labor of social reproduction, as the locus of the construction of the lifeworld. Thus from the perspective of Habermas's mature work, investigation into the family represents an attempt at the recovery and rehabilitation of the lifeworld in the conversation of publicity.

1.3.3. Work and the family

The history of *Structural Transformation* is that of the transformation of the public sphere from a non-rational sphere of force to a rational sphere of argument. The later pivots in my trajectory follow the problems encountered by late capitalist societies in the process of maintaining this sphere, and Habermas's attempts to provide a normatively-grounded account of its content. The attempt to describe an autonomous public sphere reaches its apex in the *Theory of Communicative Action*, whereas *Between Facts and Norms* only makes appeal to the autonomy of the public sphere at the margins of the orientation of public discourse, or in extraordinary political circumstances.

This lightening of the emphasis on autonomy has consequences leading in two directions: on the one hand, it threatens the centrality of public discourse to Habermas's conception of politics. On the other hand, it allows for a picture of society in which individuals exist not merely as noumenal sites of linguistic competence but as full persons socialized in specific, concrete and similar-but-not-identical ways.

While he does not develop it in this direction, the inclusion of instrumentally oriented ethical communities in *Between Facts and Norms* provides a Habermasian grounding for addressing the role of the family in the constitution of publicity. Where leisure and the extraction of surplus value is the unaddressed prerequisite for classical publicity, in the contemporary age it is the instrumental labor of socialization in the family that serves as a condition of possibility for communication.

Making sense of the family in the context of Habermas's account of publicity demands being able to understand familial relations as simultaneously instrumental and communicative, located precisely at the point of indistinction between the lifeworld and both the social sub-systems of the state and the economy. The family is a pineal gland through which the *res cogitans* can interact with the *res extensa*.²⁸⁹ It is clearly the object of a variety of administrative policies after the establishment of the welfare state, and it is in the family that individuals come into the lifeworld of expectations and assumptions from which they undertake communication.

²⁸⁹ I owe this metaphor to Eduardo Mendieta.

Providing an account of the family in this sense is the essential first step to my larger project here, which is to develop an account of the public significance of seemingly private work as well as an account of the way in which political community can and does develop out of the processes of immaterial labor.

1.3.3.1. Instrumentalization and juridification

Towards the end of the *Theory of Communicative Action*, Habermas remarks that the colonization of the lifeworld by the system subjugates the lifeworld in such a way that it is impossible to consolidate a world picture, resulting in fragmented consciousness.²⁹⁰ The response there to these events is to attempt to reinstate rational culture in our political lives in a way that will restore the possibility of discourse and thereby the possibility of the consolidation of a world picture.

By the time of *Between Facts and Norms*, the critical talk of colonization is replaced by talk of juridification. Habermas is interested in the juridification of public opinion and the way in which the cultural traditions of the lifeworld are reproduced and transmitted across the various levels of publicity.

Because of the close connections between the family and the public sphere, Habermas's analyses of the transformations of the public sphere must constantly make implicit reference to the transformation of the family. The restricted bourgeois family of early capitalism is grounded in the three ideals (which in a later vocabulary would be characterized as communicative) of free choice, community of love and education, even if these ideals do not correspond to the reality of the family.²⁹¹ Thus the ideal image of the family begins as solidly situated within the sphere of the lifeworld.

What is more, family relations are amongst the most important of the traditional sources of the justification of the political order that are undermined in the transition to modernity. In section 1.3.1, I observed the way in which noble family relations were invested with legitimating political power during the medieval period; John Locke's refutation of Sir Robert Filmer's account of the patriarchal origins of political authority in *The First Treatise of Government* is a central point in the intellectual history of this transition.

The loss of legitimating force by family relations is like the loss of any other source of legitimating force, in that the deficit of legitimation must be filled by something. As *Legitimation Crisis* depicts the attempt to found legitimation on

²⁹⁰ *Theorie des kommunikativen Handelns* II.521-522; *Theory of Communicative Action* II.355. Cf. also Axel Honneth's discussion in "Arbeit und instrumentelles Handeln," in *Arbeit, Handlung, Normativität*.

²⁹¹ *Strukturwandel* p. 112; *Structural Transformation* p. 48.

the basis of social systems as a result of the loss of legitimating force for the lifeworld in general, so with the family it is the juridification of family relationships that fills in for their loss of authority. This creates both new freedoms and new areas of subjugation.²⁹²

In what concerns the freedoms created by this process, there is an extent to which family relations can seem more freely chosen in this context. One clear achievement of the feminist movement is the challenging of the apparent privacy of these relations. Familial space is reconstructed as a quasi-public space in the extension of citizen rights to the individual members of the family.²⁹³ The quasi-public nature of the contemporary family holds out the possibility of the achievement of levels of communication within the family.

This publicization of the family occurs alongside the colonization of the family, as economic and administrative systems extend their reach ever deeper into family relations. Thus the extension of rights to family members must be set against the way in which relations of money and power continue to exist within the family, albeit in a transformed manner. Habermas fears that the introduction of right into the familial sphere orients the family-members-made-citizens to each other instrumentally.²⁹⁴ Where family members are oriented to one another in a uniquely instrumental manner, any autonomous interaction within the family will be merely apparent.

An investigation of the possibilities of familial relations, however, reveals rich possibilities for both communication and strategy throughout. While there is a sense in which the juridification of familial relations is a form of colonization, it also seems to provide a rigorous ground for the sort of recognition that undergirds individuation.²⁹⁵ It is a formal, systems-level recognition, but one which would seem to conduce to an informal, lifeworld practice of recognition.

²⁹² “Individuierung durch Vergesellschaftung. Zu G.H. Meads Theorie der Subjektivität,” in *Nachmetaphysisches Denken* (Suhrkamp, 1988), pp. 187-241, here p. 234; cf. “Individuation through Socialization: On George Herbert Mead’s Theory of Subjectivity,” in *Postmetaphysical Thinking*, tr. William Mark Hohengarten (Cambridge: MIT Press, 1994), pp. 149-204, here p. 193.

²⁹³ *Strukturwandel* p. 241-243; *Structural Transformation* pp. 154-157.

²⁹⁴ *Theorie des kommunikativen Handelns* II.540-542; *Theory of Communicative Action* II.368-370.

²⁹⁵ “Individuierung durch Vergesellschaftung,” pp. 226, 230; “Individuation through Socialization,” pp. 186, 189-90.

As women have gained property rights, as their labor has been transformed from unwaged domestic labor to wage labor, the practice of sharing decision-making about the employment of material resources in the heterosexual couple has become more firmly entrenched in the lifeworld. Children, on the other hand, lack full juridical personhood, and accordingly a substantial part of teenage rebellion seems oriented precisely towards the achievement of some sort of informal recognition. In contemporary society, linguistic competence moves ahead of economic competence, such that teenagers usually remain materially dependent upon their parents long after they have learned to identify the communicative shortcomings of their parents.

The claim from the *Theory of Communicative Action* that relations steered by money distort communication would seem to rule out the possibility of real communication between dependents and parents, but here again processes that can only be described as colonization seem to have changed lifeworld practices for the better. To be clear, these transformations fall significantly short of the standard of achieving autonomy. To move one's labor from the domestic sphere to the economic sphere is to enter into a distinct set of instrumental relations. It does not represent the opportunity for open-ended discourse about the range of possibilities, but only the possibility of choice amongst a set of systemically determined possibilities.²⁹⁶

All the same, it would be shortsighted to miss the ways in which the community of the family has become more communicative through its interactions with the social system, the ways in which this concrete ethical community has become a better forum for socialization for individuation. Thus Habermas's willingness in *Between Facts and Norms* to accept the admixture of contexts of strategy and contexts of communication allows us to make better sense of the effects of both the economic and juridical colonization of the family.

1.3.3.2. Labor and interaction

Taking this development one step further, I want to argue, will allow us to recast our conception of the relationship not just between the lifeworld and the system, but between the fundamentally human activities of labor and political interaction. According to the picture of *Between Facts and Norms*, the price of the coexistence of strategy and communication is the acceptance of a certain political passivity. This acceptance should be troubling in a society where individuals labor ever more and participate ever less in political action.

²⁹⁶ "Individuierung durch Vergesellschaftung," p. 238; "Individuation through Socialization," p. 197.

On the classical view of politics, political passivity is troubling to the extent that political action is a part of a good human life. On the 'postmetaphysical' critical theory of *Between Facts and Norms*, such a comprehensive conception cannot be so easily baldly put forth.²⁹⁷ For my purposes, however, a similar result is achieved by the critical theoretical link, maintained in *Between Facts and Norms* in spite of its grounding of autonomy in concrete ethical life, between individual moral and communal political autonomy.²⁹⁸

Habermas provides a new account of the relationships between communal political autonomy and the ethical life of the institutions of civil society, but does not go so far to follow this to the implications that it has for the relationship between labor and politics. Certainly things like labor unions are part of civil society, but political passivity can be just as much a part of the quasi-public space of a labor union as it can be part of the civil society of a mass democracy.

My larger project here is to follow the development of work that eventuates in a form of activity that is irreducibly both work and politics. It will be a significant step in that project to reconstruct the world of work on Habermasian terms in accordance with the developments of *Between Facts and Norms*, with the result of a stronger connection between work and an autonomous politics.

The process of socialization is at the heart of the political work of the family. It is through socialization that children become fully participating members of society (when, in fact, they do become such), and it is in the context of socialization that the most difficult questions for communication arise. The relationship between a parent and a child is one in which a parent must balance the anticipation of a child's future capacities and desires, a sense of the child's current well-being, and an understanding of the current capacities of the child to anticipate her own future well-being. To encounter the child as an autonomous being is to abdicate parental responsibility, whereas to wholly subsume a child under the contingent preferences of the parent is to be despotic.

In his early investigation of Hegel's Jena *Philosophy of Spirit*, Habermas underscores the importance of the process of socialization in the development of

²⁹⁷ *Faktizität und Geltung*, p. 83.

²⁹⁸ *Faktizität und Geltung*, p. 134.

individuality for Hegel.²⁹⁹ Socialization is analyzed as a structure comprised of the interactions of language, tool and family.³⁰⁰

‘Language’ here is not employed in the way that Habermas employs it in his later work, but is restricted to denotation. It mediates the relation between the individual and the world in a way that is analogous to the tool: the one is a cognitive mediation of a cognitive relation; the other is a physical mediation of a physical relation.³⁰¹

The family, on the other hand, is a space of reciprocal interaction.³⁰² ‘Interaction’ here takes on a specific meaning, according to which it is opposed to the one-sidedness of the ‘actions’ of labor and language. Labor and language are part of socialization, but they must be distinguished from the interaction in which the perfection of socialization is achieved. The only meaning available to language and labor derives from the world of interaction in which they are embedded.³⁰³

Returning to the mature vocabulary, I can point out that the world of experience is a world constructed by labor, so that the lifeworld horizon within which we experience the world is, after all, substantially constituted through labor. This is true both in a material sense as well as in the cultural sense that we experience the world through a socialization constituted in no small part by care work.

The labor that results in socialization, however, is importantly different from more straightforwardly systemic labor. Possibilities for interaction are somewhat determined by the concrete ethical life of the culture in which the labor takes place, but they remain underdetermined in a way that allows for the variations in socialization that make it interesting, useful and necessary to actually communicate with others. The worker who is involved in the labor of socialization is not simply ‘worldless’ in the sense of the strategic actor who

²⁹⁹ John Keane provides an extremely helpful discussion of many of these issues in “On Tools and Language: Habermas on Work and Interaction,” in *New German Critique* (1975).

³⁰⁰ “Arbeit und Interaktion,” in *Technik und Wissenschaft als ‘Ideologie,’* p. 9; “Labor and Interaction,” in *Theory and Practice*, p. 142.

³⁰¹ “Arbeit und Interaktion” pp. 24-6; “Labor and Interaction” pp. 152-4.

³⁰² “Arbeit und Interaktion” pp. 9-10; “Labor and Interaction” p. 142.

³⁰³ “Arbeit und Interaktion” p. 32; “Labor and Interaction” pp. 158-9.

reduces other agents to objects;³⁰⁴ rather, she navigates in a space that at once must make sense of the complex relations of power between the care worker and the charge, that has as a ‘goal’ the development of independent linguistic and moral competences.

Bracketing instances where autonomy is not an appropriate goal, the child seeks recognition in the same complex context. Here the relevant issues run through the interrelation of recognition and agreement. Rather than recognition founding agreement,³⁰⁵ it is through the successful reproduction of language—that is, reliably producing utterances that achieve agreement from competent linguistic agents—that the child achieves the recognition that founds the possibility of *disagreement* and communication.

This interactive labor of socialization is at the basis of entry into the class of competent linguistic and moral agents, but it is also at the basis of entry into the sorts of concrete ethical communities located at the margins of publicity in *Between Facts and Norms*. It is by paying attention to this sort of labor that we can come to understand the nature of contemporary politics, and the sorts of ethical communities we reproduce by carrying it out.

The work of the subsequent chapters will be to ask whether the claim remains tenable in the face of technological changes that seem to have transformed the work world precisely into a space of communication, which seem to transform the content of much work from reproduction to production and creation. If our abilities to engage in communication are already fundamentally tied up with labor, should we in fact call the labor that produces those abilities communicative? If this sort of labor is as central to our lives as I think it is, does the recognition of its political character point to a path for reinvigorating our explicitly political lives? I will argue that it is in the contours of this labor that we can found a political practice aimed not merely at the reproduction of social force, but instead at the creation of a truly communicative power.

³⁰⁴ Cf. “Individuierung durch Vergesellschaftung,” p. 233; “Individuation through Socialization,” p. 192.

³⁰⁵ Cf. “Individuierung durch Vergesellschaftung,” p. 226; “Individuation through Socialization,” p. 186.

2. The thesis of immaterial labor and the content of the political

At least as long as work, distribution and power are bound up with each other, the problem of the relationship between work and politics will continue to be unavoidable. In particular, class-based coalitions find their constituencies defined by their relationship to their work and—in the case of the working class organizations of the left—work provides the best opportunity to intervene in political processes for those usually situated at several degrees of remove from the political elite.

One of the most consistently innovative movements on the left, continually concerned with forging new understandings of the relationship between work and the political, is the movement of Italian workerism known variously as *Operaismo* or, later, as autonomist Marxism. Italian workerism is the source of a string of concepts relevant to this discussion, from the ‘social factory’ and the ‘self valorization’ of labor to the ‘refusal of work’ and the ‘social worker’ who takes up ‘immaterial labor.’ I approach this work in this section through the lens of immaterial labor, arguing that it is this concept that carries the key to a new understanding of the relationship between work and politics.

In the most succinct terms possible, I take the thesis of immaterial labor to run as follows: from the industrial revolution up until recently, our understanding of work was shaped by the industrial factory and the workers who work there. The efficiencies made possible in the factory were applied to other forms of production, and our conceptions of working class politics grew out of the forms of union organizing which arose in the context of labor struggle in the factories.³⁰⁶

The conceptual hegemony of industrial labor began to wane with the information revolution. The informational worker manipulates information instead of making a physical product; she might be joined to her co-workers by a communications network rather than by the physical proximity of the factory. Her work often involves the establishment or maintenance of relationships in a way that fundamentally moves away from the paradigm of alienation familiar from industrial labor. She builds relationships by applying her personality, her affective labor, to them. If anything, the danger with the immaterial laborer is that of an over-identification with her work, an internalization of the goals of the enterprise to the point of self-exploitation.

At the same time, the fact that her tools are communicative seems to suggest that her work is directly political in a way that forces us to rethink the role of unions and parties, even the nature of the political. In section 2, I argue that her

³⁰⁶ I should note, for the sake of clarity, that I do not continue to use the terms ‘work’ and ‘labor’ in their Arendtian senses in this section or beyond, except where specifically noted.

work provides a platform for political action—thus a new conception of the public sphere—but that the description of immaterial labor must be completed with the analysis of care work to provide action in that sphere with a determinate orientation.

In section 2.1, I trace aspects of the political and theoretical pre-history of workerism in broad outline. This is a somewhat dangerous move to make. I do not want to simply reduce the ideas to their origins, to suggest that a historical understanding can replace a theoretical or political understanding of the movement. Instead, I want to present workerism as a source for several fruitful attempts to answer the question of how a working class might be able to get by without a vanguard party.

While historical situation clearly cannot replace conceptual analysis, it is an indispensable preamble to the work of developing an understanding of the social ontology of workerism. I begin that work in the second part of section 2.1 by laying out some of the most important aspects of the thesis of immaterial labor as it has been developed by workerism, concentrating on the work of Paolo Virno, Antonio Negri and Michael Hardt. My chief concern there is with showing the continuities and discontinuities between the modes of production that preceded immaterial labor and contemporary production.

This sets the stage for section 2.2, in which I examine the role of property and value in immaterial labor. Here I rely on Gabriel Tarde and his appropriation by Maurizio Lazzarato for the development of a new theory of value that stresses originality and cultural production. I add to Lazzarato's work a reading of G.W.F. Hegel's notion of intellectual property as a demonstration of the way in which the commercialization of culture makes possible the reappropriation of culture for anti-commercial ends.

The cultural concerns of section 2.2 become political in section 2.3, when I turn to the use of the Foucaultian notion of biopower by Hardt and Negri. If immaterial labor produces community rather than products, then perhaps, suggest Hardt and Negri, that community is a potential site of political resistance. I examine how labor produces subjects, ending with what remains an unanswered question for workerism: is there any reason to hope that the communities produced by these new processes of labor might have any emancipatory political content?

2.1. The thesis of immaterial labor

Today a descendent of workerism—sometimes called ‘post-operaismo,’ sometimes simply ‘critical theory’ or ‘work about globalization’—has won a significant audience in activist and academic circles in many areas of the world. Leftists of a historical bent and nagging intellectual conscience have sometimes followed the threads of history back to what has now come to be called ‘classical workerism,’ but this has been an exception more than a rule. Most academic treatments of the joint projects of Negri and Hardt treat the projects as spontaneous uprisings of critical acumen.³⁰⁷ As with political movements, however, spontaneity in political insight is most often an illusion created by ignoring the long history of day-to-day struggles that lead up to the breakthrough.

I begin my examination of the thesis of immaterial labor by discussing its development from two distinct perspectives: on the one hand, I trace it as a political concept which provides a response to the dilemma of spontaneism as it presented itself to the left in 1960’s Italy. On this construal, the thesis of immaterial labor represents an alternative to the vanguardist Leninism of official Marxism,³⁰⁸ one that allowed the workerists to draw on the experiences of the left

³⁰⁷ It remains to be seen how long this ahistoricism will last. It is worth nothing, for example, that Antonio Negri refers quite frequently to the influence of classical workerists on his research in the recent *Reflections on Empire* (Cambridge: Polity Press, 2008), including a somewhat extended discussion at pp. 35ff.

³⁰⁸ The scholastic nature of much of the history of Marxist writing, particularly in the 20th century, makes it difficult to establish a definition for fundamental terms like ‘Leninism.’ In my discussion here, I use the term ‘Leninism’ primarily to signify the claims that the masses, left to themselves, will never develop more than a ‘trade-union consciousness’ and must therefore be lead by a communist party of ‘professional revolutionaries.’ These claims are developed by Lenin in *What Is to Be Done? Burning Questions of Our Movement* [1902] (New York: International Publishers, 1969).

This scholasticism and the methodological constraints it imposed upon the European left in the middle of the 20th century are acknowledged by Negri when he writes in “On Social Ontology: Material Labour, Immaterial Labour and Biopolitics,” in *Reflections on Empire* that “in our younger days we were persecuted by a Marxist orthodoxy which imposed these methodological determinations on us as necessities” (60). I present workerism as moving beyond Leninism in this sense, although the actual history of the relationship between workerism and Leninism (or various things called ‘Leninist’ or attributed to Lenin) is much more complicated.

in the United States, particularly those of the International Workers of the World and the Johnson-Forest Tendency.

Second, I provide a picture of the way in which the immaterial labor thesis presents itself as the conceptual offspring of the distinction between productive and unproductive labor in classical economics. Particularly with Adam Smith, this distinction highlights the tension between the maximization of economic utility and the pursuit of the good life.

This tension can only be resolved by moving to the contemporary notion of immaterial labor, a form of labor which insinuates itself into the very center of our conception of the good life. The fundamental argument of this section, then, is that the concept and phenomenon of immaterial labor presents itself with such force today precisely because it seems to offer a way of reconciling seemingly intractable tensions between the economic and the political.

2.1.1. The historical development of the thesis of immaterial labor

In section 1.2.4, I rehearsed Hannah Arendt's distinction between the roles played by poverty and misery in the American and European models of revolution, which she posits as explanation of the success of the American revolution in the establishment of lasting political institutions and the failure of European revolutions to do the same. I gave particular attention to her account of revolutionary affect in the elaboration of this distinction, connecting the American revolution to the will to establish the possibility of action and the French revolution with a pity-driven desire to abolish misery and poverty.³⁰⁹

2.1.1.1. The European pre-history of workerism

The principle revolutions Arendt diagnoses as consciously following the European model of the French revolution are the Paris commune of 1871, the October revolution of 1917 and the November revolution of 1918-1919. In

To take an example from the same book: in "What to Make of 'What Is to Be Done?' Today: The Body of General Intellect," Negri shows himself to be not at all immune to what might be easily read as the same sort of scholasticism. He claims that "Lenin should not be merely interrogated with exegetic fidelity, but should also be re-proposed—going, as we used to say, beyond Lenin" (150), ending up with a Lenin who agrees with Rosa Luxemburg that revolution is biopolitical. One might wonder what the point of returning to Lenin is in this instance, if not to be able to claim fidelity (with whatever level of plausibility might remain) to the originary revolutionary project.

³⁰⁹ This argument stretches across all of *On Revolution* [1963] (New York: Penguin, 1990), but the claim appears succinctly at p. 92.

addition to the role the conception of impoverished masses played in each of these movements, it should also be pointed out that they are tied together by the notion of democracy through local councils. This notion was central to the Paris commune; Russia was transformed (at least in theory) into a union of locally sovereign soviets (communism being, as Lenin put it, soviets plus electrification); in Germany the revolutions took place against the backdrop of the *Rätebewegung*.³¹⁰ The establishment of democratic practice at the local level provides all citizens with a place in which to practice active self-governance. The hierarchical relationship of the local to regional or national councils ensures, at least in theory, that the benefits of Athenian participatory democracy can be preserved by the citizens of the nation-state.³¹¹

Arendt maintains an enthusiasm for council democracy even as she condemns the European revolutions that tried to establish it. A skeptic of these revolutions might well note that the legacy of the Paris commune is largely that of a bit of folklore, an inspiring image of hope for anarchists and socialists alike. The October and November revolutions, on the other hand, were followed by the two great systems of European totalitarianism of the 20th century, national socialism and Stalinism. National socialism never exercised any particular influence over the imagination of the European left, but Stalinism was to cause significant confusion for Marxists of the 20th century. Debates proliferated concerning the extent to which the Soviet Union was a socialist state, what the role of democracy in that state was or should be, and what its relationship to leftist movements and communist practices in capitalist Western Europe ought to be.³¹²

³¹⁰ Two of the most important works here are H.N. Brailsford's *How the Soviets Work* (New York: Vanguard Press, 1927) and José Carlos Mariátegui's *Historia de la crisis mundial* [1923], 3rd ed. (Buenos Aires: Amauta, 1969).

³¹¹ This is, at least, Arendt's argument. While my argument here does not rely on Arendt's, her attitude towards council democracy is helpfully laid out by John F. Sitton in "Hannah Arendt's Argument for Council Democracy," in *Hannah Arendt: Critical Essays*, eds. Lewis P. Hinchman and Sandra K. Hinchman (Albany: SUNY Press, 1994), pp. 307-332. Of chief importance in Arendt's work is *On Revolution*, pp. 261ff. and *On Violence* (New York: Harvest Press, 1970), pp. 22ff.

³¹² The work of Wendy Z. Goldman is a reminder that terror and democracy are not, of course, mutually exclusive. See her *Terror and Democracy in the Age of Stalin: The Social Dynamics of Repression* (Cambridge: Cambridge University Press, 2007).

On the one hand, the Bolshevik revolution seemed to represent a victory for Marxism, or at least for Marxism-Leninism. This victory provided significant support and direction to leftist movements around the world. At the same time, the Stalinist government sought to exercise control over the production of leftist theory and the practice of leftist politics, certainly within the Soviet Union and the eastern bloc, but also within communist parties around the world. At its most benign, such control could be cast as part of a necessary program of the consolidation of power in the wake of the revolution. At its most malignant, it was a product of a totalitarian government, continuous with the program of purges the extent of which rivaled the Holocaust.

The 1953 death of Stalin and the assumption of the post of General Secretary of the Communist Party of the Soviet Union by Nikita Khrushchev marked a political liberalization of Soviet policies towards the Soviet population as well as towards foreign communist parties, but much of the character of official communism in the 20th century had already been established. The preference for bureaucracy over democracy which made so many on the left skeptical of the revolution at its outset³¹³ was repeated in the Leninist self-portrayal of national communist parties as a vanguard entrusted with the safe-keeping of the revolutionary consciousness of the working class, uniquely responsible for directing or deflecting its political impulses in accordance with its understanding of the demands of the situation.

2.1.1.2. The American pre-history of workerism

Particularly in light of the horrors of Stalinism, this vanguardist Leninism seems untenable. Promises that the revolution would eventuate in democracy would have seemed farcical if they had not been such effective ideology. The failure of vanguardism was obvious, but spontaneism seemed clearly to be an empty political strategy. New experiences and new ideas were badly needed.³¹⁴

³¹³ The most enduring of these critiques is that of Rosa Luxemburg, published as “Organisationsfragen der russischen Sozialdemokratie,” *Die neue Zeit* Jahrgang 22, 1903/1904.

³¹⁴ I am attempting to describe here the same sort of development that Sergio Bologna calls “the decentralization of the system of struggles” in his classic history of workerism, “The Tribe of Moles,” in *Autonomia: Post-political Politics*, eds. Sylvère Lotringer and Christian Marazzi (New York: Semiotext(e), 1980), pp. 36-61. I presume that the mole metaphor ought to be fleshed out as follows: it is bad strategy to attempt to gather all moles together and teach them to dig in the same way. They are moles; they know how to dig. At the same time, it

The United States presented itself as a possible source of new ideas and experiences arising from a political context similar to that of Europe. This similarity made the adaptation of strategies from one context to the other seem straightforward, while important differences between the two contexts held out the hope of escape from well-explored political dead ends. The significantly more rural character of the population in the US, the important role played on the left by immigrants (as well as popular xenophobia) and the somewhat more pragmatic nature of the more important groups on the political left produced a political reality distinct from that of Europe. While the Socialist Party of America was an important political force from its foundation in 1901 through the Red Scare precipitated by the Bolshevik revolution, direct action was to be much more influential in shaping the landscape of working class life and labor in the United States.

From the perspective of the left, no direct action organization was more important than the Industrial Workers of the World.³¹⁵ Founded in 1905, it provided a leftist challenge to other union federations like the American Federation of Labor. Where more traditional unions organized according to skill level or job description, the IWW advanced a program of organizing workers across an industry or, eventually, across the world into One Big Union.³¹⁶ Extraordinarily for the time, they included immigrants, Black workers and women amongst their rank-and-file and in their leadership.

The IWW model of organization employs democracy as a tool of direct action. The distinction between this and the use of democracy in the service of political action should not be overlooked. Of primary importance is the fact that democratic decision making in the context of direct action is a preparation and organization of the action itself, whereas democratic decision making in the

is important to promote digging; holes do not simply spontaneously appear in the ground.

³¹⁵ The account here is based substantially on the 1917 edition of the Vincent St. John pamphlet, "The I.W.W.—Its History, Structure and Methods." The most comprehensive academic analysis of the IWW is Melvyn Dubofsky's *We Shall Be All: A History of the Industrial Workers of the World* (San Antonio: Quadrangle Press, 1969).

³¹⁶ As St. John puts it, "The future belongs to the I.W.W. The day of the skilled worker is passed. Machine production has made the unskilled worker the main factor in industry. Under modern industrial conditions the workers can no longer act in small groups with any chance of success. They must organize and act as a class."

context of political action is the culmination of the process. A deliberative body discussing a policy decision has no more work to do after a decision has been reached. At the most, the decision might be transferred to an executive or enforcement corps for execution. In the context of direct action, however, this political division of labor does not exist. Instead, those deliberating on a course of action are agreeing to bind their actions together in a future act of solidarity.

This distinction makes the direct action model less susceptible to bureaucratization. As Jürgen Habermas recognized, “participation” in a plebiscitary public sphere is perfectly compatible with alienation from and ignorance of the relevant issues and processes.³¹⁷ Direct action in the workplace builds on the intimate involvement of a worker with the processes of labor and depends upon her capability and willingness to maintain engagement in the action.

If the IWW model emphasizes direct action in its organizing, it remains true that the basis of its constitution must be classified as political. A traditional union can be classified as an economic body in the sense that its members are brought together by the economic processes that put them in physical proximity at a worksite. The IWW, on the other hand, has no worksite. It is a political group of the left. Its members are joined by political orientation. Seen in this light, the notion of “One Big Union” begins to look like a category mistake, running together an economic concept (of a labor union) with a political one (a political party).

This ambiguity runs to the bottom of working class politics, however. A worksite is established by capital; a union organizes the workers there *post festum*. IWW members find themselves to be workers, and they might even find themselves working in an organized shop. Joining the IWW, however, can only ever be an additional, political action, whatever economic conditions contribute to it.

Whatever its ontological status, the IWW represents an important alternative to Leninism in its incorporation of working class agency at the centre of its political project. Once working class political agency is elevated to a place of central importance, the necessity of understanding the subjective realities of working class life presents itself with a new force, insofar as these are the realities

³¹⁷ This insight is, of course, not unique to Habermas. In an interview with Paolo Virno, Héctor Pavón attempts to challenge the idea of a multitude opposed to representative democracy by pointing out that people vote. Virno responds, “Yes, of course they vote. They vote just like they do so many other things that don’t matter.” “Crear una nueva esfera pública, sin Estado,” in *Revista Ñ*, December 24, 2004.

which shape the class's exercise of political agency. It is in the service of this exigency that workerism undertakes its engagement with the sociological work of the Johnson-Forest Tendency. While Johnsonites like C.L.R. James, Raya Dunayevskaya and Grace Lee Boggs had many theoretical objections to Leninism, it was their work on the Detroit auto industry that provided a concrete return to the experience of work and working class life in leftist political organization.³¹⁸

2.1.1.3. Political adaptation and intellectual production

I present these two broad histories as an extremely rough sketch of the political history out of which Italian workerism arose. The left in the 20th century continually struggled with the legacy and influence of Stalinism and centralism, but it seems that this struggle was waged somewhat more successfully in the US than in Europe. The IWW and the Johnsonites represent two of the most important attempts to organize and research in a way that understands and advances, rather than appropriates, the struggles of the working class. It is thus not surprising that they play a decisive role in the pre-history of workerism.³¹⁹

Thus there is an important sense in which Italian workerism represents the adaptation of various strands of leftist thought and organization from the US to the European context. Out of the work of the Johnson-Forest Tendency, and in the organ of *Quaderni Rossi*, founded in 1961 by Raniero Panzieri and Mario Tronti, workerism developed the notion of '*conricerca*': investigations of work and working class life carried out as a joint project of workers and intellectuals.³²⁰

³¹⁸ Steve Wright, *Storming Heaven: Class Composition and Struggle in Italian Autonomia* (London: Pluto Press, 2002) documents the connection between the Johnsonites and the workerists at several places, including pp. 23 and 190. Wright's work also represents an extremely helpful overview of the development of (particularly early) workerism.

³¹⁹ As Sergio Bologna puts it in "Der Operaismus als Objekt der historischen Forschung," in *Sozial.Geschichte* 18:3 (2003), pp. 132-147, "The Italian operaisti aimed to be neither 'class vanguard' nor political class or 'small party,' and thus experienced to the bitter end the contradictions of exercising political theory while at the same time refusing traditional models of organization."

³²⁰ In "Der Operaismus als Objekt," Bologna credits Romano Alquati, Romolo Gobbi and Gianfranco Faina as being the primary developers of the methods of *conricerca*. Peter Wagner provides a helpful discussion of *conricerca*, workerism and *Quaderni Rossi* in *A History and Theory of the Social Sciences: Not All that Is Solid Melts into Air* (New York: Sage Books, 2001), pp. 66ff.

Whatever the limits of its realization, the program of *conricerca* represents a clear movement towards establishing workers as subjects capable of producing their own knowledge, political subjects who have no need of an external vanguard party to represent their interests.

These intellectual trends are traced in the issues of *Quaderni Rossi*, as well as in those of its successor, *Classe Operaia*. It was with *Classe Operaia*, and particularly the work of Feruccio Gambino, that workerism renewed its contacts with American left movements of the late 60's, including but not limited to the Johnsonites.

Many of the individuals associated with classical workerism, and with *Quaderni Rossi* and *Classe Operaia*, were united for the last time in the group *Potere Operaio*, active between 1968 and 1973. It is with the decline of this group that one can date the end of workerism and its passage into autonomism. Politically, the autonomist movement was significantly injured by the arrests and trials of many of its most prominent members in the late 70's, with charges ranging from simple 'subversion' to the kidnapping and assassination of Aldo Moro. Political links forged with the French left in the late 60's became stronger and of the nature of intellectual exchange as several important autonomist intellectuals went into exile in France. If one insists on the division, the transition to post-*operaismo*, marked by a significant surge in intellectual production and a more sustained engagement with the work of French intellectuals such as Michel Foucault, Gilles Deleuze and Félix Guattari, ought to be dated to this time.

Quaderni Rossi, *Classe Operaia* and *Potere Operaio* represent what passes for the center of the workerist movement, but they are joined by an overwhelming multitude of journals and groups, short-lived alliances and partnerships that were born, nurtured and dissolved in the most disparate of political circumstances. For all of the discontinuity of its institutions, however, there is a clear intellectual and theoretical continuity that stretches across the history of workerism, particularly with respect to the problematic of the relationship between work and politics and the ramifications of that relationship for working class organization. Its theoretical production returns time and again to its origins.

As an example, take the foundational workerist concept of the "factory society," developed for the first time by Tronti in the article, "Lenin in England," from the January 1964 issue of *Classe Operaia*.³²¹ In this article, Tronti attempts to defend the claim that the "practical work" of the factory is "then made to

³²¹ *Classe Operaia* 1 (1964). English version available at <http://www.marxists.org/reference/subject/philosophy/works/it/tronti.htm>.

function throughout the terrain of the social relations of production.”³²² Early capitalism brought workers together in the setting of the factory, but it is with the advent of the factory society that the fact of being physically contiguous is joined by the means of political organization. In one sense, the notion of the factory society reaches back to IWW attempts to re-form society within the context of a revolutionary union. In another sense, the concept directly speaks to the 1964 in which it appeared, as an attempt to give an account of how a class can organize itself without a vanguard. In the claim that the working class can do without a vanguard party, an account must be given of how it is possible for the class to organize itself. This account is given in a string of concepts that emphasize the connection between the *prima facie* material production of the working class and the *prima facie* social or political work of organization.

Out of the notion of the factory society is developed the thesis of the social worker who succeeds the mass worker as the hegemonic figure of labor. When several members of *Potere Operaio* formed the journal *Primo Maggio* in 1973, they devoted much of their first issue to the IWW. By the time the notion of immaterial labor came to play an important role in the conceptual apparatus of workerism, several autonomists could be found suggesting the formation of the “Immaterial Workers of the World.”³²³ It is, after all, immaterial labor that lies at the heart of the optimism of workerism about the ability of the working class to determine its own political orientation. It is at the point where work becomes directly political that working class politics glimpses its broadest potential.

2.1.2. The theoretical development of the thesis of immaterial labor

The direct incorporation of immaterial labor into the economy, the possibility of suggesting the formation of the Immaterial Workers of the World, is a relatively new phenomenon. It is a phenomenon that ought to be contextualized in the development of economics. If immaterial labor represented a political alternative to Leninism and spontaneism, it is likewise an attempt to make sense of new economic realities and a reaction to tensions that go back to the roots of classical economics. Thus here I shift from a historical political register to an economic one, situating immaterial labor with respect to the distinction maintained by Smith and Karl Marx between ‘productive’ and ‘unproductive’ labor.

³²² Bologna cites this article as the source of the concept of ‘factory-society,’ although the phrase as such doesn’t appear in Tronti’s article. Cf. “Der Operaismus als Objekt der historischen Forschung.”

³²³ *DeriveApprodi* dedicated issues 18 and 19 (1999) to “Immaterial Workers of the World” and “IWW—Se non ora, quando?” respectively.

I argue that this classical distinction presages the contemporary ‘three-sector’ model of economic development, according to which workers are shifted from agriculture and extraction to industry and then to service work as economies develop and grow. It is from this three-sector model that the thesis of immaterial labor arises.

2.1.2.1. Classical economics and productive labor

There is a sense in which both Smith and Marx are philosophers whose work is directly contrary in its orientation to that of Arendt or Habermas. Smith’s intellectual development can be seen in the shift between *The Theory of Moral Sentiments*³²⁴ and *The Wealth of Nations*.³²⁵ The former is firmly a work of moral philosophy or perhaps moral psychology, even if its preferred mode of investigation is social and relational. It is bound to *The Wealth of Nations* by its interest in the motivation of human action, but the latter work is of a peculiarly descriptive character for a philosopher.³²⁶ It describes the sources of the wealth of nations and endorses certain policies and practices as tending towards the increase of that wealth. It regards the sort of limited egoism associated with capitalist economic activity as generally tending towards increasing the wealth of society, but it makes little effort towards arguing that we *ought*, as moral beings, particularly care about increasing the wealth of society.

³²⁴ *The Theory of Moral Sentiments* [1761] (Amherst, NY: Prometheus Books, 2000).

³²⁵ *The Wealth of Nations* [1776] (New York: Modern Library, 1994).

³²⁶ John Cunningham Wood seems to claim precisely the opposite when he writes that “the moral theory was in the main descriptive; the economic theory neatly wove prescriptive elements into its descriptive predictive fabric” (*Adam Smith: Critical Assessments* (Oxford: Taylor & Francis Books, 1993), p. 204). This rests, however, upon calling “an attempt to discover a valid theory of morals by empirical methods” descriptive. If an attempt to ‘describe’ moral reality doesn’t count as prescriptive in any interesting sense, then it is hard to imagine what prescription could ever be. As with Marx, however, it seems to me incumbent upon Smith readers to make a sincere attempt to read the two works as continuous. A particularly helpful effort to do just this is John Dwyer’s “Ethics and Economics: Bridging Adam Smith’s *Theory of Moral Sentiments* and *Wealth of Nations*,” in *The Journal of British Studies* 44:4 (October 2005), pp. 662-687.

There is a similar development over the course of the work of Marx. Works like *The German Ideology*³²⁷ or the *Economic and Philosophical Manuscripts*³²⁸ might be the analogue of Smith's *Theory of Moral Sentiments*. It is not that Marx was ever a moral philosopher, but he was a philosopher concerned with the effects of capitalism upon moral life and culture. This early labor, Marx considered, settled up his philosophical intellectual tab,³²⁹ and by the time *Capital* was published he could claim that his approach was thoroughly incapable of making any sort of ethical or moral claims about capitalist relations of production or the individuals who participated in them.³³⁰

There is an old distinction in economics between productive and unproductive labor.³³¹ When Smith draws it in *The Wealth of Nations*, the basis of the distinction is that productive labor adds to the wealth of a nation, insofar as that wealth is measured in terms of capital.³³² Capital is produced by making

³²⁷ Karl Marx and Friedrich Engels, *Die deutsche Ideologie* [1845-1846], in *Werke*, v. 3 (Berlin: Dietz Verlag, 1969), pp. 5-530.

³²⁸ Karl Marx and Friedrich Engels, *Ökonomisch-philosophisch Manuskripte aus dem Jahre 1844*, in *Werke, Ergänzungsband 1* (Berlin: Dietz Verlag, 1968), pp. 465-588.

³²⁹ The economic overtones of the English translation of “settling accounts” with his philosophical conscience are very much in agreement with those of the German “abrechnen.” *Zur Kritik der politischen Ökonomie* [1859], in *Werke*, v. 13 (Berlin: Dietz Verlag, 1972), pp. 7-160, here p. 10. Cf. Preface to *A Contribution to the Critique of Political Economy*, in *Karl Marx: Selected Writings*, ed. Lawrence H. Simon (Indianapolis: Hackett Publishing, 1994), pp. 209-213, here p. 212.

³³⁰ *Kapital* [1867], v. 1, in *Werke*, v. 23 (Berlin: Dietz Verlag, 1962), p. 16. Cf. *Capital*, v. 1 in *Karl Marx: Selected Writings*, pp. 214-300, here pp. 218-219.

³³¹ There is likewise a long literature debating the usefulness of the distinction, the extent to which it is abolished with the decline of classical economics, and the extent to which it draws on physiocratic ideas. I ignore that literature here because it doesn't seem to me to move this discussion in a useful direction, and because it seems to me that Smith is perfectly clear on the content of the distinction as well as its importance for human action. I hope to prove the second of these claims immediately.

³³² *The Wealth of Nations*. Smith's discussion of productive and unproductive labor is in Book II, Chapter III, “Of the Accumulation of Capital, or of productive

physical products for exchange—commodities whose value consists in their containing natural resources made available for human use or consumption by the transformative power of labor. The product is exchanged; the result is the conversion of the commodity into value. That value is put towards paying the expense of manufacture—the cost of materials and rent and the wages of labor. Whenever the commodity is exchanged at or above its natural value, there remains value left over after paying off the cost of manufacture.³³³ Assuming parsimony amongst the capitalists, this value is put towards the augmentation of capital, increasing the wealth of the nation and making it possible to expand production.

Smith contrasts this sort of process with unproductive labor, labor that simply expends resources and capital without contributing to their replenishment or augmentation. For Smith, instances of unproductive labor include the labor of entertainers and political leaders, servants and artists.³³⁴ Smith notes at the end of the discussion that—in spite of the appearance that this sort of labor is economically wasteful, it also has its beneficial properties: he who “spends his revenue chiefly in hospitality” shares his wealth with his friends, whereas the accumulation of capital can be a sign of a “base and selfish disposition,” even if it might be ultimately more useful in increasing the wealth of the nation.³³⁵

These are all positions incorporated relatively straightforwardly into the corpus of received wisdom of classical economics. For Marx, for example, service work is clearly unproductive work.³³⁶ Where Smith distinguishes productive from unproductive labor on the basis of the production of value, Marx expresses the distinction in terms of the form of the money that is exchanged for the labor:

and unproductive Labour,” which begins with the description, “there is one sort of labour which adds to the value of the subject upon which it is bestowed: there is another which has no such affect. The former, as it produces a value, may be called productive; the latter, unproductive labour” (360).

³³³ Cf. *The Wealth of Nations*, Book I, Chapter VII, “Of the natural and market Price of Commodities.”

³³⁴ *The Wealth of Nations*, pp. 360-361.

³³⁵ *The Wealth of Nations*, p. 380.

³³⁶ *Resultate des unmittelbaren Produktionsprozesses* [1863-1865] (Frankfurt, a.M.: Neue Kritik, 1968), pp. 66-67. Cf. *Results of the Immediate Process of Production*, tr. Ben Fowkes, in *Capital* (New York: Penguin, 1976), p. 1041. Cf. also *Kapital*, ch. 14.

productive labor is purchased with money as capital, whereas unproductive labor is purchased with money as money, or revenue.³³⁷ The consumption of productive labor power results in a commodity, while the consumption of unproductive labor power results in a service. It is productive labor that Marx uses to give an account of the origin of surplus value, namely that surplus value is created by the discrepancy between the value of what is required to sustain a laborer for a day (that is, what is required to produce a day's labor power) and the amount of value the laborer can produce during that day.³³⁸

On both of these accounts, immaterial labor would be on the side of unproductive labor. The framework in which Marx places his account of labor is substantially more capacious than that in which Smith works, but it is still productive labor that drives social transformation for Marx, rather than unproductive labor. The accumulation of capital, the accessibility of greater amounts of leisure, the ability to pursue projects of human flourishing beyond subsistence, all of these are possible because of the qualities of productive labor. To the extent that unproductive labor is potentially productive labor consumed in ways that do not increase capital, engaging in unproductive labor is wasteful in a way that has a normative sense: If circumstances are such that labor can be expended in either productive or unproductive ways, then expending labor in unproductive ways means subtracting a certain quantum of labor from the social sum of productive labor. Pursuing unproductive labor, spending revenue instead of investing capital, delays the advance of the productive forces of society. The advance of the productive forces of society is linked to the expansion of leisure and the possibility of the generalization of a state of flourishing. If the generalization of a state of flourishing is morally valuable, then delaying it through the pursuit of unproductive labor is normatively objectionable, insofar as it represents the deferral of the achievement of ethical goods.³³⁹

³³⁷ *Resultate*, p. 73; *Results*, p. 1047.

³³⁸ Cf. *Kapital*, p. 208; *Capital* pp. 289-290.

³³⁹ I'm not particularly interested in pursuing the question of the normative status of the revolution for Marx. Allan Wood argues against interpreting Marx's program morally in *Karl Marx* (New York: Routledge Press, 1981), pt. 3. Wood's conclusion is based primarily on asking whether Marx relies in some manner on a Kantian notion of morality (cf. particularly pp. 139ff.), one that is quite distinct from what I am suggesting here. The framework I am suggesting here is broadly Aristotelian, and relies on two vague but unproblematic claims: (1) human flourishing is morally desirable. (2) That which advances flourishing is, in general, desirable as a means to flourishing. While these claims certainly don't

Smith is more tolerant in his depiction of unproductive labor. To the extent that he resists the reduction of human well-being to economic well-being, he can portray a practice that does not increase capital as being nevertheless a part of a good human life.³⁴⁰ The virtues of the capitalistic entrepreneur are not the only virtues Smith recognizes, and he is able to celebrate the way in which unproductive labor might give rise to these economically questionable practices.

Smith's appreciation of the pursuit of various goods, some economic and some non-economic, is carried to its logical conclusion by Thorstein Veblen. Veblen's leisure class is very little concerned with increasing production or capital, insofar as it is wholly insulated from the exigencies of the provision of the material means of subsistence.³⁴¹ Veblen's leisure class is pressed much more by the urgency of demonstrating its wealth through a variety of wasteful displays of the consumption of unproductive labor. It is with Veblen that the appreciation of the virtues of unproductive labor are most fully developed, even if that fullest development often appears to be a *reductio ad absurdum*.

To the extent that the distinction between productive and unproductive labor is established by stipulative definition in classical economics, it doesn't present much interest for a philosophical project. When the descriptive economics begins to bleed over into normative prescription, however, philosophical tools seem appropriate. The basis of the pervasive irony in Veblen's analysis of leisure lies in an implicit set of claims about the relative normative urgency of needs and desires, in the idea that there is something normatively urgent about providing for the material needs of individuals before social wealth is expended in the pursuit of immaterial desires. In the descriptive terms of classical economics, immaterial labor appears as unproductive. The normative implication of this claim is that immaterial labor is frivolous. It is that which can and should be pursued only after primary needs have been met. It is the symbol of the excesses of a leisure class entirely sheltered from the material basis of its existence.

provide a comprehensive procedure for moral decision-making, I think they do distill something of the flavor of Marx's view of the revolution.

³⁴⁰ If Smith seems somewhat more moderated in separating the economic and the moral than Marx, the issue remains confused enough that he has to explicitly refute the attribution of normative preferability to economic maximization. The refutation follows shortly upon the heels of his moralizing condemnation of the prodigal as a "public enemy" (*The Wealth of Nations*, p. 372, retracted at p. 380).

³⁴¹ *Theory of the Leisure Class* [1899] (Amherst, NY: Prometheus Books, 1998), pp. 193-195.

2.1.2.2. The contemporary face of the productive/unproductive distinction

So far as description is concerned, the distinction between productive and unproductive labor is reproduced in the contemporary practice of describing economic activity in terms of primary, secondary and tertiary activity, where the activities are hierarchized with respect to their distance from the natural environment and material needs. Primary activity, on this model, is agricultural or extractive activity; secondary activity is industrial or manufacturing; tertiary activity is service work.³⁴² As one ascends this hierarchy, the processes, materials and environment of labor are increasingly the result of human activity. Primary activity interacts directly with the products and processes of nature; secondary activity refines or reforms those primary products into industrial goods; tertiary activity makes the leap to working entirely with a human world of interaction and the production of affect.

The three-sector hypothesis was developed in the work of British economist Colin Clark and French economist Jean Fourastié, around the time of the Second World War.³⁴³ The heart of the argument lies not so much in the distinction amongst the three sectors, but in the claim that one can classify the development of an economy by reference to the number of people employed in each of these sectors. Fourastié, focusing on the development of Europe, is able to account for the decline in employment in the primary sector from the beginning of the 19th century. This decline was met with an expansion of the secondary sector, an expansion that was to reach its height in the middle of the 20th century. It is at this point that Fourastié predicts the rise of the tertiary sector—the tertiarization of the economy.

There is a sense in which the three-sector hypothesis is continuous with concern about the wealth of nations: the analyses from which the hypothesis arises pay particular attention to the growth of gross national product over the course of this path to tertiarization. In what concerns Clark, he was one of the first to advocate the use of GNP as a measure of development. GNP measures the produce of a particular group of people—citizens of a particular country, whether residing at home or abroad. GNP does not incorporate concern with the distribution of wealth, as with the Gini coefficient, nor does it ask questions about

³⁴² The similarity between the three-sector hypothesis and Arendt's distinctions between labor, work and action is unmistakable. I am unaware, however, of any indication that Arendt knew of the three-sector hypothesis or any subsequent attempt to compare her distinction with the economic one.

³⁴³ The two foundational works of the three-sector hypothesis are Clark's *Conditions of Economic Progress* [1939] (New York: MacMillan & Co., 1957) and Fourastié's *Le grand espoir du XXe siècle* [1946] (Paris: Gallimard, 1989).

the sorts of access individuals in a society tend to have to basic goods like healthcare or education. Consider the example of two countries with similar population size and GNPs and dissimilar Gini coefficients: the poor of the country with the higher Gini coefficient would be poorer than the poor of the country with a lower Gini coefficient. Since one must impoverish many to enrich a few, there will, in absolute terms, be more poverty in the country with the higher Gini coefficient. Assuming that poverty coincides with lack of access to healthcare and education, one would expect the two countries to have very different standards of living in spite of their similar GNPs.

If the three-sector hypothesis began with Europe, its truly pernicious effects came at the point when development organizations began to use GNP or GDP as a sole indicator of the well-being of a country, dictating social policy from its fluctuations. While this story is well known and well presented by many specialists,³⁴⁴ I have been able to find no documentation of a beautifully illustrative irony drawn from across Fourastié's work.

The story begins with the 19th-century romantic French novelist François-René de Chateaubriand. The Chateaubriand family was a family of fallen aristocrats situated in the reluctantly French region of Brittany. The family had fallen into ruin, and had their economic standing restored by the colonial commercial interests pursued by François-René's father, René-Auguste. Born in 1768, François-René attained the age of majority shortly before the French revolution, and was forced to flee to the United States in 1791. He claimed to have lived for awhile with the Natchez tribe, a nation that occupied the lower Mississippi basin until they were all but wiped out in wars against the French in 1716, 1722 and 1729. Natchez culture was preserved by several groups of refugees sheltered by the Cherokee and Creek nations, amongst others. It was his supposed experiences in the Deep South that provided Chateaubriand with the material for works such as *Atala*, published in 1801 and its sequel *René*, published in 1802.³⁴⁵

The novels consist of a story related to a young French man named René by an old Natchez man named Chactas. Chactas himself was somewhat Europeanized, having visited France during the reign of Louis XIV, after having been raised by a man named Lopez. Chactas tells of being taken prisoner by an enemy tribe and rescued by a young Native American Christian woman named

³⁴⁴ Amartya Sen presents an extremely compelling argument against the use of GNP (or gross domestic product, for that matter) as a standard of the well-being of a region, presented in *Development as Freedom* (New York: Anchor Books, 2000).

³⁴⁵ *Atala, suivi de René* (Paris: Flammarion, 1978).

Atala. The two wander through the forest until they come across a missionary, Father Aubry. Father Aubry tries to marry the couple and convert Chactas to Christianity, but it surfaces that Atala had promised her mother as she lay dying to remain a virgin her entire life. To avoid the temptation of her love for Chactas, she poisons herself.

If Atala left this world to preserve her purity, she left her mark upon the French imagination as an image of Christianized savage purity. Thus to express the passage of the French economy from pastoral, agricultural labor to industrial labor, Fourastié comes across Atala. Only now Atala works at Citroën.³⁴⁶ Reflecting later upon the metaphor, he remarked,

I was looking for a character who would evoke something not at all technical: dreams and poetry, as opposed to rational and experimental science. I wanted to underline that, in large-scale modern industry, men of developed scientific spirit, selected by schools and difficult studies, then by a discriminating professional activity, define labor, command the daily gestures of thousands of workers directly descended from peasant roots where there dominated, or still dominate, mystical mentalities and interests of affect, sentiment and passion.³⁴⁷

I dislike citing a text at such length, but sometimes it is unavoidable. If industrialization forced Atala to work for Citroën, I suppose that now she has lost her factory job and is trying to learn to speak with a Midwestern accent so that she can get a job at a call center in Paris.

The claim that the development of an economy shifts workers from the primary to the tertiary sector, by way of the secondary sector, establishes a diachronous hierarchy amongst the sectors. The claim that a given sector builds upon the results of a more basic sector establishes a synchronic hierarchy amongst them. The synchronic hierarchy, however, is based not merely upon the products of a particular sector, however, but also on the processes employed within it.

So the argument goes, the industrial revolution produced industry, but it was the green revolution that applied the results of the development of industry to the processes of agriculture. There is then an analogy between the industrial revolution dated to the development of the steam engine and the informational

³⁴⁶ The extended metaphor appears in his *Machinisme et bien-être* (Paris: Éditions de minuit, 1951).

³⁴⁷ *Jean Fourastié entre deux mondes: mémoires en forme de dialogues avec sa fille Jacqueline* (Paris: Éditions Beauchesne, 1994), pp. 146-147.

revolution dated to the development of the computer. Where the green revolution brought about the industrialization of processes of agriculture, the informational revolution is bringing about the informationalization, or tertiarization, of processes of industry. The techniques, rhythms and processes of tertiary activity are applied to primary and secondary activity: manufacturing becomes a service.³⁴⁸

From the perspective of production processes, the claim of the tertiarization of production is a claim that tertiary activity has been elevated to a position of productive hegemony. This means that tertiary activity is the place to which people look for inspiration in developing new processes of primary and secondary activity. It means that the tertiary worker is increasingly the paradigm of the worker in general, in a way that farmers or fishers, coalminers or autoworkers have been in other times and places. The question of the image of the worker for working class politics is a question of the same level as that of the image of the citizen in discussions of sovereignty—the conception of the project as a whole must be formed in such a way as to be compatible with the conception of the project’s most basic unit.

I want to offer a bad reason to be skeptical of the thesis of tertiarization as well as a good one. The bad reason to be skeptical is the claim that tertiary activity doesn’t replace primary activity. The claim that the informational revolution tertiarizes primary and secondary activity is often misread as the claim that the informational revolution *abolishes* primary and secondary activity.³⁴⁹ As

³⁴⁸ Michael Hardt, “Affective Labor,” in *boundary 2* 26:2 (Summer 1999), pp. 89-100, p. 97. Cf. Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2001), p. 285-286, which cites Robert Chase and David Garvin, “The Service Factory,” in *Manufacturing Renaissance*, eds. Gary Pisano and Robert Haynes (Cambridge: Harvard University Business School 1995), pp. 35-45.

³⁴⁹ For one of many articulations of this claim, see George Caffentzis’s “The End of Work or the Renaissance of Slavery? A Critique of Rifkin and Negri,” presented at Globalization from Below, Duke University, February 6, 1998. This is also one of the many charges leveled against *Empire* by Timothy Brennan in “Empire’s New Clothes,” in *Critical Inquiry* 29:2 (Winter 2003), pp. 337-367, here p. 344. Brennan’s criticism is addressed in the terms I suggest here in Hardt and Negri’s “The Rod of the Forest Warden: A Response to Timothy Brennan,” in *Critical Inquiry* 29:2, pp. 268-373, here pp. 370-371. The misreading is addressed in a more general way by Hardt and Negri at *Multitude: War and Peace in the Age of Empire* (New York: Penguin, 2004), pp. 114-115. For a treatment of it couched in a critical examination of Hardt and Negri’s use of the concept of

Bob Dylan was already writing in 1983, “They used to grow food in Kansas; now they wanna grow it on the moon and eat it raw.”³⁵⁰ The misreading lies in the suggestion that tertiarization means that all production is directly and exclusively tertiary, that food and industrial products are now simply the result of pushing buttons and writing prose. Fourastié’s original claim, however, is that jobs are transferred from one sector to another. The heart of the workerist claim lies with the concept of productive hegemony. Neither of these claims includes the abolition of a sector. The tertiarization of production doesn’t entail the abolition of primary and secondary activity any more than the green revolution entailed the abolition of agriculture.

If skepticism is going to be deployed at this stage, it seems to me much more defensible to be skeptical about the attribution of revolutionary magnitude to these changes. One can imagine an extremely primitive form of agriculture that doesn’t involve tools, but the introduction of tools to agriculture in any event preceded by far the industrial revolution, and certainly the green revolution. The importance of this lies in the fact that the products of secondary activity were in the business of reshaping primary activity long before the ‘secondarization’ of primary activity. Likewise service and administrative work have long been tied up in artisanal and industrial production, whether in the administration of household economies, the formation of artisanal guilds or the work of foremen on a shop floor. If the information revolution has allowed for a much closer coordination of production and demand, if it allows a new car buyer to choose all sorts of optional equipment on a car and watch that car being produced instead of walking around car lots, the difference seems nevertheless to be a difference of degree rather than of kind.

2.1.2.3. The new worker: Fordism, Taylorism, Toyotism

It is in the context of this theorization of economic sectors and the thesis of tertiarization that Negri develops his periodization of the revolutionary subject, one which begins with the pre-industrial craft worker, moves to the mass worker of the industrial revolution and concludes with the ‘social’ or ‘global’ worker of

immaterial labor, see Nick Dyer-Witheford’s “Empire, Immaterial Labor, the New Combinations, and the Global Worker,” in *Rethinking Marxism* 13:3 (Fall/Winter 2001), pp. 70-80, particularly pp. 70-71.

³⁵⁰ “Union Sundown,” *Infidels* (New York: Special Rider Music, 1983). Appropriately enough, the focus of the song is the outsourcing of production by U.S. industry.

the informational revolution.³⁵¹ The development of industrial production brought workers together in close proximity in factory work, a proximity that facilitated the development of worker politics. This worker politics produced new political possibilities ranging from the grandiosities of anarchism and communism to the less ambitious projects of labor unions and labor law. Negri argues that, analogously, the socialized worker works with tools of information that allow for communication on a scale heretofore unprecedented, and this communication is the locus of the development of another round of political possibilities that are proper to the informational revolution. The immaterial laborer of tertiary production thus is the new revolutionary subject.

What is it, then, that is distinct about the tertiary worker? In what ways is the work of primary or secondary workers being transformed in accordance with the themes and rhythms of tertiary activity? The ascension of tertiary activity to a position of productive hegemony is a transformation that is best expressed by turning to the language of regimes of production, particularly the succession of three 20th-century production regimes: Fordism, Taylorism and Toyotism.

Fordism, in this context, is associated with the development of a system of mass production of identical products on the basis of the assembly line. As far as concerns mass production, Fordism is traceable to the system of interchangeability associated with Jean Baptiste Vaquette de Gribeauval, a system disseminated in the United States by Eli Whitney's work on muskets at the end of the 18th and beginning of the 19th century.³⁵² The manufacture of interchangeable parts opens up myriad possibilities for the division of labor and the organization of production, as there is no longer any need for various aspects of the production process to be linked until the final stages of assembly.

What Fordism represents at the level of the factory, Taylorism represents at the level of the worker. Taylorism, as developed by Frederick Winslow Taylor in works like *The Principles of Scientific Management*,³⁵³ aims at the rationalization of the production process through the small-scale analysis of production processes and activities.³⁵⁴ Taylorism involves the identification of

³⁵¹ "Archaeology and project: The mass worker and the social worker" [1982] in *Revolution retrieved: Selected writings on Marx, Keynes, capitalist crises and new social subjects* (London: Red Notes, 1988), pp. 199-228.

³⁵² Cf. David A. Hounshell, *From the American System to Mass Production* (Baltimore: Johns Hopkins University Press, 1984).

³⁵³ [1911] (New York: W.W. Norton & Co., 1967).

³⁵⁴ Two of the better overviews of Taylor and Taylorism are Robert Kanigel's *The One Best Way* (New York: Penguin, 1999) and Daniel Nelson's *Frederick W.*

discrete motions required by a production process, and then attempts to quantify those motions so as to establish benchmarks for production. This process of quantification enables the identification of small-scale inefficiencies in individual performances of production activity in such a way that appreciable overall increases in efficiency can be achieved through their systematic elimination.

The combination of Taylorism with Fordism produces the paradigm of 20th century industrial production: assembly lines optimally arranged within a factory, attended to by workers whose smallest movements are choreographed to the utmost efficiency. The speed of the assembly line can then function as a means of coordinating and disciplining workers, as small departures from the Taylorist description of the activity of production results in individual workers falling behind at their work stations. The results of this combination of Taylorism and Fordism are well known: mass production of identical goods, optimal use of time on the clock, monotonous labor processes and the accumulation of repetitive-stress injuries.

Fordism, suitably augmented by Taylorism, is very good at making stuff. The accumulation of capital, however, is less about making stuff than about moving that stuff around in the series of exchanges that constitutes economic activity. Economic activity requires a certain amount of social stability. In the wake of the Great Depression and World War II, it came to seem that the application of principles of efficient production was insufficient for ensuring the continuity of production and exchange. The macroeconomic policies suggested by the research of John Maynard Keynes were applied on a worldwide scale following World War II—principally at the Bretton Woods conference of 1944—in an effort to resurrect capitalism.³⁵⁵

For my purposes, the most important aspect of Keynesianism is the abandonment of the claim that markets can regulate production by themselves.³⁵⁶ Keynes prescribes a substantial role for national governments and international

Taylor and the Rise of Scientific Management (Madison: University of Wisconsin Press, 1980).

³⁵⁵ Alice O'Connor presents a succinct history of the influence of Keynesianism in the United States in her *Poverty Knowledge* (Princeton: Princeton University Press, 2002), pp. 140ff.

³⁵⁶ It is, of course, this aspect that brings Keynesianism to the forefront of conversations in economics once again in the wake of the most recent market crash. Somewhat presciently, see Francesco Zanetti's "Effects of product and labor market regulation on macroeconomic outcomes," forthcoming in *Journal of Macroeconomics*.

organizations, regulating the supply of money, the direction and magnitude of trade, and eventually the pace of production. Domestically, attempts are made to establish stability and assuage class antagonisms first by intervening in the economy in the attempt to approach full employment and second by creating a network of social programs aimed at alleviating the impacts of the unemployment that remains.

Keynesianism thus represents the acceptance of the claim that there is an irreducibly political aspect to production. Through government intervention, Keynesianism was able to achieve a *détente* between labor and capital. Labor unions were accepted as a part of the production process, and many industrial workers had stable jobs with wages substantially higher than anything workers had previously been able to achieve. In the United States, this led even to the paradoxical state of affairs where unions began to refer to the rank-and-file as “middle-class workers.”

While capital certainly benefited from the stability achieved by Keynesianism, it came at the price of relinquishing a certain amount of control over the production process: workers necessarily influence production directly as producers, and the acceptance of unions solidifies that influence. With Keynesianism, they gain additional indirect influence over production as union members and political influence as citizens of a state now committed to interventionism. The preservation of the influence of capital in politics tends to lessen the effects of this arrangement, but it is understandable that capital began to look for ways to achieve the stability provided by Keynesianism without ceding political and economic representation to workers.

Thus we arrive at the advent of the production regime that succeeds Fordism and Taylorism, known alternatively as Toyotism or post-Fordism.³⁵⁷ At the level of the enterprise, it is marked by heightened, more continuous communication between production and consumption, such that production is continually fine-tuned to meet micro-fluctuations in demand.³⁵⁸ Rather than mass production to generate stock sold subsequently to consumers, production is tightly bound to consumption. In its most thorough implementation, this ‘just in time’ production can harness the processes of the assembly line to respond to the demand of individual consumers. This piece is no longer an alternator for some Camry or other, but the alternator for the blue Camry with the optional CD

³⁵⁷ The two classic presentations of Toyotism are Taiichi Ohno’s *Toyota Production System: Beyond Large-Scale Production* (Productivity 1988) and Shigeo Shingo’s *A Study of the Toyota Production System*, tr. Andrew P. Dillon (Productivity 1989).

³⁵⁸ Cf. “Affective Labor,” p. 93. Cf. *Empire*, pp. 289-290.

changer ordered by Maxine Riggs last November 5. At the level of the worker, post-Fordism is synonymous with the socialized, tertiarized, informationalized worker that is paradigmatic for workerism.

The socialized worker does not cease to be a worker at quitting time, insofar as the boundaries between society and factory have been dissolved. Keynesianism incorporates the worker into production as a citizen, but it is only with post-Fordism that capital is able to benefit from the inclusion of what were previously spheres of leisure in the production process. Thus we return to Tronti to find the social factory in which the factory and society are coextensive.³⁵⁹

2.1.3. Typology of immaterial labor

Enough of the historical and theoretical developments that led to the rise of immaterial labor. Tracing this path has furnished the tools necessary for articulating a precise notion of what sorts of activity is encompassed by the term ‘immaterial labor.’ In the earliest articulations of immaterial labor, in the work of Virno, Lazzarato and, to a lesser extent, Negri, the emphasis is on immaterial labor as cultural production.³⁶⁰ In this guise, immaterial labor is the sort of labor taken up by writers and graphic designers, web lackeys and copy editors. It is of the nature of such creative work that time on the clock becomes indistinguishable from time off of the clock. Immaterial labor is thus “work without work,” as Paolo Virno puts it.³⁶¹

Post-Fordist labor requires a post-Fordist laborer, one able to operate and innovate within a relatively loosely-defined sphere of activity, one able to manipulate language, organize labor and adapt the labor process to new

³⁵⁹ In addition to Tronti’s “Lenin in England,” see “Affective Labor,” p. 91 as well as *Empire*, pp. 196, 273 and 284-285.

³⁶⁰ Virno claims (incorrectly) that he has “never used the term ‘immaterial labor,’” preferring instead to speak of ‘post-Fordist labor.’ Branden W. Joseph. “Interview with Paolo Virno,” tr. Alessia Ricciardi, in *Grey Room* 21 (Fall 2005), pp. 26-37, p. 29. Cf. Virno’s “Do You Remember Counterrevolution?,” tr. Michael Hardt, in *Radical Thought in Italy*, ed. Paolo Virno and Michael Hardt (Minneapolis: University of Minnesota Press, 1996), pp. 241-258, where he uses the term at p. 255. For my purposes, I treat immaterial labor, post-Fordist labor and tertiary labor as the same phenomenon described by different vocabularies.

³⁶¹ Paolo Virno, “Labour and Language,” tr. Arianna Bove, at <http://www.generation-online.org/t/labourlanguage.htm>.

situations.³⁶² Virno claims that post-Fordist production is a form of “virtuosity.”³⁶³ To follow Virno in the use of the language of artistic production, virtuosic labor is more like the work of a musician performing a concert than that of a musician making a recording. Virtuosic labor is performative in the sense that its ‘product’ is an event, an occurrence. It requires an audience in order for the event to take place, and the only sort of residue it leaves behind in the world is in the form of memories, of an experience shared by the performer and the audience.

At first glance, the metaphor here is quite surprising, and perhaps not particularly plausible. There is not, however, much work to be done in applying the metaphor before it begins to seem much less fanciful. The provision of a service seems to fall straightforwardly under the description Virno gives of virtuosic labor. Several examples from food service are helpful here: at one extreme are the elaborate performances of hibachi chefs emphasized to the extent of seating diners around the grill at the restaurant. A slightly less obviously performative example is to be seen in the work of a bartender in a bar, who might incorporate elements of showmanship in the preparation of drinks. On a slow night, the bartender might chat with patrons around the bar, making the transition from ‘performance’ as something which fundamentally separates performer from audience to one in which the ‘performer’ is involved in the direct and individualized production of affects, of a particular environment. A bartender in an expensive bar might converse in a linguistic register appropriate to the class pretensions of such an establishment, while the blue language, off-color jokes and gratuitous commentary of a bartender in a sports bar are likewise part of the environment of a different sort of place. The spectrum that runs from performance proper to the establishment of an environment is not particularly broad, and Virno’s metaphor of virtuosic labor seems appropriate for its entirety.

One very real danger of the immaterial labor thesis is that of losing class distinctions between workers and entrepreneurs. How is it possible to show the revolutionary potential of this form of production while attempting to connect this sort of *prima facie* white-collar work with forms of labor more traditionally

³⁶² Paolo Virno, “Virtuosity and Revolution: The Political Theory of Exodus,” tr. Ed Emory, in *Radical Thought in Italy*, ed. Paolo Virno and Michael Hardt (Minneapolis: University of Minnesota Press, 1996), pp. 188-209, p. 190.

³⁶³ Paolo Virno, *A Grammar of the Multitude*, tr. Isabella Bertolotti, James Cascaito, Andrea Casson, foreword by Sylvère Lotringer (Cambridge: Semiotext(e), 2004), pp. 52-66. Cf. also Michael Hardt’s discussion of the virtuosic nature of immaterial labor in “Immaterial Labor and Artistic Production,” in *Rethinking Marxism* 17:2 (2005), pp. 175-177.

conceived of as blue-collar?³⁶⁴ When Hardt and Negri brought workerism to the attention of a new generation of activists and academics in the United States, they also made the move of analyzing immaterial labor into different categories: informational, service and affective labor.³⁶⁵ While the analysis is useful in and of itself insofar as developing a more precise notion of the content of the term ‘immaterial labor’ is concerned, it is worth underlining that including a category of affective labor under the heading of immaterial labor opens the theoretical perspectives of the category onto wide vistas explored by feminist research under the headings of care work and women’s work.

I am convinced that it is important to place in communication conversations about care work and conversations about immaterial labor, but the attempt to do so must take into account not only the workerist research but also the criticisms advanced against Hardt and Negri’s appropriations of the concept of care work. Dyer-Witheford articulates a skepticism concerning the possibility of simply adding care work *post festum* to a conception of immaterial labor whose theoretical roots lie more fundamentally in a notion of a post-Fordist cybertariat.³⁶⁶ Susanne Schultz charges Hardt and Negri with simply appropriating feminist terminology, rather than using it to shape their analyses in a more fundamental way.³⁶⁷ She argues that Hardt and Negri focus too much on

³⁶⁴ I take it that Slavoj Žižek intends a critique of this sort when he writes, in “Have Michael Hardt and Antonio Negri Rewritten the *Communist Manifesto* for the Twenty-First Century?” in *Rethinking Marxism* 13:3/4 (Fall/Winter 2001), pp. 190-198, that *Empire* “remains a pre-Marxist book” and suggests the need to “return to Lenin” (193). While Žižek doesn’t go so far as to call *Empire* a liberal book, he remarks that “Lenin’s reproach to liberals is crucial: they only exploit the working class’s discontent to strengthen their own positions vis-à-vis the conservatives, instead of identifying with it to the end” (198).

³⁶⁵ This is the list as it appears at *Empire*, p. 293 (cf. “Affective Labor,” pp. 97-98). Informational labor was dropped from the list in *Multitude* (pp. 108-111). Immaterial labor is often mentioned in *Labor of Dionysus* (Minneapolis: University of Minnesota Press, 1994), but it doesn’t seem to play the same sort of pivotal role that it comes to play in *Empire*.

³⁶⁶ “Empire, Immaterial Labor, the New Combinations, and the Global Worker,” pp. 72-73. Cf. also Ursula Huws’s *The Making of a Cybertariat* (New York: Monthly Review Press, 2003).

³⁶⁷ “Dissolved Boundaries and ‘Affective Labor’: On the Disappearance of Reproductive Labor and Feminist Critique in *Empire*,” tr. Frederick Peters, in *Capitalism Nature Socialism* 17:1 (March 2006), pp. 77-82.

waged affective labor, neglecting the long feminist tradition of concern with the double shift and unwaged labor. I hope that the same is not true of my analysis here. I propose to begin with immaterial labor, it is true, but I hope that my method of exposition will not lead to the conclusion that my process of conception has unduly prioritized immaterial labor over care work. My goal here is to come to an understanding of immaterial labor that can make sense of its various incarnations, without forcing an untenable homogeneity on the phenomenon.

Taking all of this into account, I want to offer both an economic and a phenomenological typology of immaterial labor. I suggest two different and even divergent typologies because the rise of the paradigm of immaterial labor transforms both the way labor fits into the economy and the way labor fits into an individual's life.

According to the economic typology, immaterial labor is divided into the production of cultural commodities, the (usually waged) provision of commodified services and the (often unwaged) provision of care. These categories are not hermetically isolated from each other, but they do seem to have the advantage of grouping together workers who share certain important aspects of their social positioning: on this version of things, cultural producers are marked by a relatively high level of productive autonomy, by a particularly contingent, freelance, occasional sort of work contract and by the production of a product whose main instantiation in the market is as a commodity with a relatively low material value and relatively high cultural value.³⁶⁸ The commodities of cultural workers thus give rise to all the problems of commodification that underlie any intellectual property.

Service workers, on the contrary, are usually paid a wage. The main point of differentiation between service workers and material producers lies in the fact that service workers tend to enhance the appreciation of a physical product rather than creating a product themselves. On this reading, repair people enable the continued use of a product, and waitstaff help to establish the atmosphere (and thus perceived value) of the consumption of products in a bar or restaurant. The nature of service 'products' is such that it is impossible to quantify the marginal utility of service work with precision; further, there can be no definition of physical tolerances within which the product must fall. Instead there is only the vague demand of a customer or supervisor that a service worker be 'welcoming' or 'polite.' While a service worker is paid a wage, the unquantifiable nature of the work and the vagueness of the standards of adequacy, not to mention the usually

³⁶⁸ For discussion of the concepts of material and cultural value, see discussion of the work of Tarde and Hegel on intellectual property, below.

explicitly at-will nature of employment, mean that these workers' situation appears to be as precarious as that of cultural workers.

Care workers help people, in some combination of the immaterial labor of producing affects and the physical work of bodily maintenance. Care work is separated on its own in this rubric because of its unique and incomplete subsumption under the processes of capital. Whether waged or unwaged, the association of care with the unremunerated labor traditionally performed by women in the home suppresses estimates of its worth. Thus when it is commodified, it is badly remunerated. Care work shares with service work to a certain extent the vagueness of criteria of successful performance. Coupled with its more thorough gendering as female, care work looks equally precarious.

I cautiously accept the criticisms that care work is incompletely incorporated into the workerist framework of immaterial labor, and my focus in the remainder of section 2 is accordingly on the way in which the thesis of immaterial labor theorizes cultural production and service work. If I occasionally use examples of care to illustrate or refute individual arguments here, a full discussion of care will only be taken up in section 3.

According to the phenomenological typology of immaterial labor, the important distinctions are those between affective and cognitive work on the one hand, and between cathected and alienated labor on the other.

The affective/cognitive distinction sometimes separates one sort of labor from another, while at other times it separates two aspects of the same labor. Within the category of cultural production, a journalist's work is primarily cognitive, whereas an actor's work is primarily affective. Service work is primarily affective labor combined with physical labor, and care work often combines aspects that are affective, cognitive and physical.

Affective and cognitive labor can be alienated or cathected. Alienated labor is a familiar category from the Marxist tradition, and alienated immaterial labor looks largely like alienated material labor. Immaterial labor is unique in the possibility that, particularly with affective labor, the investment (in an economic sense) of affect over the course of the labor process often leads to the investment (in a psychoanalytic sense) of the labor process itself with significance on the part of the laborer. When the laborer desires not simply the wage extrinsically connected to the labor but also the intrinsic experience of performing the labor, the ramifications for our conception of the relationship between labor and capital, or those between work, significance and politics, are tremendous. I will have more to say about these issues in section 2.3.1 as well as the conclusion.

The thesis of immaterial labor forces us to rethink much of what we thought we knew about the working class and working class politics. It promises solutions to many old problems, but likewise poses new problems to be addressed. It provides a vision of the working class that moves past the old image of the

white, male, industrial worker waiting to be organized, but it risks understating the continued importance of organization and developing new methods of organization adequate to new political realities.

In section 2.2, I investigate the nature of property and value in an age of immaterial labor. If immaterial workers are virtuosic and entrepreneurial, they nevertheless remain workers. Their labor is the production of value for others, and understanding the relationship of their labor to the political requires situating that labor with respect to the extraction of surplus value.

Surplus value remains, after all, the most important point at which workers can exercise agency. It is, then, unsurprising that alongside the hegemony of immaterial labor there have arisen technologies that militate against the exercise of that control. I turn to the examination of these technologies in section 2.3. If immaterial labor seems to entail a politicized worker, it does not turn out to be so obvious that her politics are those of the working class.

2.2. Immaterial value and immaterial property

In section 2.1, I was concerned with the way in which the thesis of immaterial labor represented a way out of the dilemma of Leninism and spontaneism, the way in which it seems to give an account of how the working class can organize itself. I then situated it in terms of first the classical economic distinction between productive and unproductive labor, and fit it into the contemporary three-sector model of economic development.

There is an immediate workerist objection to the exposition I laid out in that section, particularly in its economic details: it seems to attribute primary agency to capital. It is a central tenet of workerism that capital develops by incorporating the activity of the working class, however, such that labor is seen to be active and capital reactive.³⁶⁹

This workerist position has two aspects, one political-strategic and the other economic-descriptive. The political-strategic aspect seems to be based on something like a Jamesian notion of truth: if you get stuck on a mountain, and can only escape by making an improbable leap, you ought to believe in your own future success in such a way that “faith creates its own verification.”³⁷⁰ The economic-descriptive aspect can be proven or disproven based upon observations of economic phenomena: does working class practice in fact precede capitalist development? This latter aspect is an important component of the former—the more evidence there is for a claim, the easier it (often) is to convince oneself of it.

For my part, I am content to remain agnostic on the question of the primacy of the agency of labor or capital. It seems enough to me to realize that new practices arise, and that they present new possibilities. This is, to be blunt, the main object of my research here: immaterial labor has arisen; what new possibilities does it present?

For the most part, I am concerned with the new political possibilities presented by immaterial labor. These are, however, tightly bound up with the

³⁶⁹ See, for example, Michael Hardt and Antonio Negri’s *Empire* (Cambridge: Harvard University Press, 2001), pp. 44ff. and 268ff. Sylvère Lotringer discusses this position briefly in the forward to *A Grammar of the Multitude*, tr. Isabella Bertolotti, James Cascaito, Andrea Casson (Cambridge: Semiotext(e), 2004), p. 11ff., attributing its original formulation to Mario Tronti in “The Strategy of Refusal,” [1965] in *Italy: Autonomia: Post-political politics*, eds. Sylvère Lotringer and Christian Marazzi (Cambridge: Semiotext(e), 1980), pp. 28-35.

³⁷⁰ William James, “The Sentiment of Rationality,” in *The Will to Believe and Other Essays in Popular Philosophy* [1897] (Cambridge: Harvard University Press, 1979), pp. 63-110, here pp. 96-97. Cf. the nearly identical example in “Is Life Worth Living,” in the same volume, pp. 32-62, at p. 59.

economic possibilities it presents. We are currently in a position where some forms of immaterial labor are universally recognized as labor, whereas others are only very rarely recognized as such. The recognition of labor as labor is bound up with its place in a mode of production, such that the incorporation of a form of labor into a mode of production paves the way for its acceptance as labor. Once this occurs, new, derivative forms of labor become possible within the context of the new mode of production.

In this section, I examine this process of recognition and expansion as it relates to immaterial labor, particularly cultural production. There have always been cultural producers who participate in some way in the economy, but contemporary capitalism is reshaping many forms of labor to incorporate into them a new, immaterial component. As a form of labor is incorporated into capitalism, it must be analyzed and reconfigured in accordance with capitalist systems of evaluation. This means that notions of value and property must be reconstrued so as to be able to make sense of the new form of labor. Thus I devote the first part of this section to the decline of the labor theory of value and the proposal of new forms of value that could make sense of cultural production.

In the second half, I turn to the Tardian and Hegelian attempts to make sense of the cultural products that come from this production. If cultural production is central to contemporary production, then it is of great importance to understand the extent to which cultural products are and are not analogous to material products. I respond to Hegel and Tarde by arguing that their attempts to make sense of cultural production rely upon the attribution of authorship, and that this sort of attribution is much less tenable with respect to the cultural products that are the result of communal interaction. To the extent that I am concerned with the political significance of immaterial production, the communal nature of that production must take precedence.

2.2.1. Immaterial value

The account of value I offer here has two primary components: the first is that of the decline of the labor theory of value. Here I describe the process of increasing surplus value, the notion that capitalism tends both to extract as much surplus value as possible from those forms of labor which are already incorporated into it, as well as to incorporate into its system forms of labor which arise outside of its boundaries.

Once capitalism has incorporated a form of labor, it reconfigures it so as to make it compatible with its own processes. This reconfiguration constitutes a development of the social understanding of a form of labor. The workerists follow Karl Marx in claiming that, as capitalism develops, the role of labor time decreases as the role of this social understanding, which he calls “general intellect,” increases.

I conclude the section by turning to Gabriel Tarde, who has been adopted by workerist Maurizio Lazzarato as a standard bearer of intellectual production. Even if I find aspects of his presentation wanting, Tarde has gone further than anyone in attempting to think about cultural production under the guise of industrial production. If his attempts to formulate conceptions of “truth values” and “beauty values” along the lines of economic values are too positivistic to be plausible, they nevertheless illustrate the nature of the problems faced by the attempt to incorporate cultural production into capitalism.

2.2.1.1. The decline of the labor theory of value

The dynamics of the production and destruction, the increase and diminution of value is one of the fundamental problems of economics. For classical economics, the production of value was fundamentally associated with productive labor, resulting in the various forms of the labor theory of value advanced by thinkers like Adam Smith, David Ricardo and Marx. So the story goes, the labor theory of value reached its apex with Marx, but serious economists have long since abandoned the labor theory of value for the investigation of marginal utility. There is a competing story that the labor theory of value is a fundamental part of Marx’s insight into capitalism, and that its fall from favor in economics is a result of mystification and obfuscation. Accordingly, there have been several competing attempts in the 20th century to reformulate the labor theory of value.³⁷¹

Workerism largely ignores this dispute, claiming instead that the labor theory of value is appropriate for a particular phase of capitalism, but that Marx already foretells of the decline in the importance of labor time in the production of value in the *Grundrisse*. The workerists have labeled the relevant section of the *Grundrisse* the “Fragment on Machines,” from their printing of it in the 1976 issue of *Quaderni Rossi*.³⁷²

³⁷¹ David Harvey provides a thorough summary of this literature in *Limits to Capital* (New York: Verso, 1999), pp. 35-38. Max Henniger provides a useful overview of the debates about the labor theory of value unleashed by Piero Sraffa’s *Production of Commodities by Means of Commodities* in his article “Doing the Math: Reflections on the Alleged Obsolescence of the Law of Value under Post-Fordism,” in *ephemera* 7:1 (2007), pp. 158-177.

³⁷² Vol. 4: Produzione, consumi e lotta di classe, 1976. Cf. also Virno’s discussion in “General Intellect,” in *Historical Materialism* 15:3 (September 2007), pp. 3-8. The precise location of the fragment is not a point of general agreement. In the Penguin edition of the *Grundrisse*, tr. Martin Nicolaus (New York: Penguin, 1993), the section headed “Fixed Capital. Means of Labour. Machine.” begins at

The labor theory account of surplus value clearly relies on the conception of labor time: surplus value is the discrepancy between the labor time socially necessary to sustain the laborer and the amount of value the laborer produces, likewise measured in socially necessary labor time. It is on the basis of the relation between the labor theory of value and labor time that surplus value can be expanded by lengthening the working day: it takes the same amount of material goods to sustain a laborer for 24 hours, regardless of whether she works for 8 hours during that day or 16. A 16-hour workday thus represents an increase in the amount of surplus value insofar as there is no additional expense in sustaining the worker.

There are obvious limits to this approach: workers militate for shorter working days. Insufficient time of recuperation conduces to bad health and fatigue amongst workers. Oversight can be whatever it might, there is a limit to the amount of time per day a worker can expend effort. When the workday is increased beyond that limit, the worker's work is made slow and clumsy by fatigue and exhaustion, precipitating a marked decline in work rate. Increasing the length of the workday to the limits imposed by these factors is the pursuit of what Marx terms the "absolute" increase of surplus value.³⁷³

When the limits of this absolute increase of surplus value are reached, then, there remains only the increase of surplus value in what Marx calls a "relative" sense, by transforming the production process.³⁷⁴ Introducing new techniques of production or new technologies to the production process can amplify the worker's work in such a way that a larger quantity of production is derived without the need to extract a greater quantity of labor power from the worker.

I want to underline three aspects of this distinction between the absolute and relative increase in surplus value that are important for my exposition: (1) the

p. 690. It is not until p. 693, however, that the text centers on machines, and so some consider the fragment to begin there. The fragment is sometimes said to end at p. 706 when the text turns to the consideration of the development of fixed capital; others consider it to continue through to p. 712, to include the discussion of the saving of labor time. On the obsolescence of the labor theory of value, see *Empire*, pp. 355-359.

³⁷³ *Kapital*, chs. 7-9.

³⁷⁴ *Kapital*, ch. 10, 13. The method of presentation here shouldn't be taken to imply that the pursuit of the absolute increase of surplus value is necessarily prior to the pursuit of its relative increase. The two are pursued by different means, and can very well be pursued simultaneously.

distinction is importantly related to a version of the distinction between the formal and real subsumption of labor under capital. (2) The introduction of technology into the production process requires the availability of technical and scientific knowledge that can be appropriated by capital. (3) As production is increasingly saturated by technology, labor time is less important to the valuation of the final product. I will address (1) immediately, which will lay the grounds for a discussion of (2) and the concept of the general intellect. (3) I will save until the section on production time in immaterial labor, in section 2.3.

As far as concerns (1), I need to introduce Marx's distinction between the real and the formal subsumption of labor under capital. As Marx uses it, production is formally subsumed under capital when forms of production that predate the capitalist mode of production are brought into a capitalist framework, without fundamental modification of the production process itself.³⁷⁵ This transformation is evident enough, for example, in agricultural production. Clearly there was agriculture before capital; over time agricultural processes like serf farming were transformed into agricultural processes like sharecropping. The distinction between the two lies not in the technologies employed, but rather in the economic context in which they occur.

This sort of transformation is distinguished from the real subsumption of labor under capital, in which the incorporation of a form of labor into capital leads not only to the situation of the labor in a capitalist economic context, but also to the transformation of the labor processes themselves.³⁷⁶ Here capitalism acts not only in the guise of attempting to incorporate productive processes under its aegis, but likewise out of the need to maximize the efficiency of production processes in order to achieve the extraction of the greatest possible quantity of surplus value.³⁷⁷

³⁷⁵ *Resultate des unmittelbaren Produktionsprozesses* [1863-1865] (Frankfurt, a.M.: Neue Kritik, 1968), pp. 44-47, 49-57. Cf. *Results of the Immediate Process of Production*, tr. Ben Fowkes, in *Capital* (New York: Penguin, 1976), pp. 1019-1023, 1025-1034. Cf. Hardt and Negri's discussion in *Empire*, p. 255ff.

³⁷⁶ *Resultate*, pp. 47-49, 57-60. Cf. *Results*, pp. 1023-1025, 1034-1038.

³⁷⁷ Michael Hardt, in "The Withering of Civil Society," in *Social Text* 45 (Winter 1995), pp. 27-44, claims that Marx recognizes the passage from the formal to the real subsumption of labor under capital as a tendency, but that "this passage has come to be generalized only in the most completely capitalist countries in our times" (38). It seems to me, however, that the nature of the distinction, coupled with the assumption that capitalism must expand to maintain itself, entails that capitalism will tend to subsume more and more pre-existing labor processes as much as possible. If this formal argument is insufficient, it seems that even when

The real subsumption of labor is closely related to the relative increase of surplus value in the innovation of production methods. Capitalism first establishes itself by incorporating older forms of labor, and then revolutionizes them by modifying the labor process itself. Thus it can be claimed, as do some workerists, that it is the action of labor which forces capital to give up the absolute increase of surplus value and the formal subsumption of labor, both of which present themselves straightforwardly as a form of domination.³⁷⁸ By resisting this domination, labor forces capital to seek the increase of value less by being a mode of production than by being a system for revolutionizing the mode of production.³⁷⁹ This is a process of reshaping production processes, but also of incorporating new technologies of production, as is claimed in (2). It is the technical knowledge associated with these productive technologies that Marx intends with his use of the term ‘general intellect.’³⁸⁰

2.2.1.2. General intellect

The workerists read the Fragment on Machines as analyzing the importance of knowledge in the production process and foretelling the decline of wage labor.³⁸¹ For the Marx of the Fragment, the advance of productive

one lives in London, one must be struck by the differences in the extent to which the labor processes of day-to-day life are subsumed under capitalist relations of production in, for example, the city and the country.

³⁷⁸ Cf. Mario Tronti, “Lenin in England,” *Classe Operaia* 1 (1964). English version available at <http://www.marx.org/reference/subject/philosophy/works/it/tronti.htm>.

³⁷⁹ Maurizio Lazzarato, *Les révolutions du capitalisme* (Paris: Empêcheurs de penser en rond, 2004), ch. 3. On the one hand, this seems very much in line with the workerist emphasis on the succession of regimes of production that makes up the history of capitalism. On the other hand, the refusal to attribute primary agency to capital seems to require workerism to place more emphasis on the (formal) subsumption of labor under capital than on any sort of agency that capital might have to revolutionize the mode of production.

³⁸⁰ The passage between these two problematics is also helpfully treated by Carlo Vercellone in “From Formal Subsumption to General Intellect: Elements for a Marxist Reading of the Thesis of Cognitive Capitalism,” in *Historical Materialism* 15:1 (March 2007), pp. 13-36.

³⁸¹ For example, in Maurizio Lazzarato and Antonio Negri, “Travail immatériel et subjectivité,” in *Futur Antérieur* 6 (1991). Habermas concluded independently in

technologies causes the worker to “step to the side” of the production process, making way for general intellect—that technical knowledge which exists in society as a backdrop for innovation.³⁸² As a backdrop for innovation, the phenomenon Marx is identifying is not at the relatively concrete, applied level of particular inventions that seem to spring, fully formed, from the heads of inventors. Rather, general intellect is a product and characteristic of a community. It is, in some sense, a common of shared knowledge against which technologized production can be carried out.

The common, as the notion is developed by Antonio Negri, is that storehouse of social stuff that is available for appropriation by capital.³⁸³ Marx’s general intellect is part of the common in this sense, but the shift from Fordist to post-Fordist labor has as a consequence a shift in the nature of the class of social practices and resources that are available for capitalist appropriation. For Marx, general intellect seems to consist in the existence of an educated class whose work is available for incorporation into production processes. It is the industrial knowledge of the schema of the division of labor in Smith’s pin factory. There might well be a sense in which the activity of this class is partially a result of social efforts, insofar as the development of an infrastructure of educational and publicly funded research organizations is concerned, but it remains lodged in a particular class.

At the same time, it seems to me that this notion of general intellect is distinct from the work to which the workerists put it. Under its workerist guise, general intellect is a resource common not only to an educated class, but one that is available to an average worker in society: in post-industrial nations, the ability

“Technology and Science as ‘Ideology’” that technical knowledge, rather than labor, was the primary motor of productive development. “Technik und Wissenschaft als ‘Ideologie,’” in *Technik und Wissenschaft als ‘Ideologie,’”* (Frankfurt a.M.: Suhrkamp Verlag, 1968), pp. 48-103, here pp. 79-80. Cf. “Technology and Science as ‘Ideology,’” in *Toward a Rational Society: Student Protest, Science and Politics*, tr. Jeremy J. Shapiro (Boston: Beacon Press, 1970), pp. 81-122, here, pp. 104-105.

³⁸² *Grundrisse* [1857-8] (Berlin: Dietz Verlag, 1953), pp. 593-594. Cf. *Grundrisse*, tr. Martin Nicolaus (New York: Penguin, 1993), p. 705.

³⁸³ “Public Sphere, labour, multitude: Strategies of resistance to Empire,” tr. Arianna Bove. Seminar organized by Officine Precarie in Pisa with Toni Negri and Paolo Virno. Coordinator: Marco Bascetta (February 5, 2003). Cf. also Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin, 2004), pp. xv and 196-208.

to operate computer interfaces, to send email, to use the internet.³⁸⁴ It is no longer strictly industrial; its cultural side becomes more evident. Hardt and Negri describe it as a “collective, social intelligence created by accumulated knowledges, techniques and know-how.”³⁸⁵ The top-heavy, Marxian notion of general intellect is distinct from the more pervasive, common-based notion of the workerists, but it doesn’t seem implausible to me to suggest that the two are temporally distinct points in a single development.

The activities of the post-Fordist worker thus have both a technological and a social side. Tools like computers are technological tools, but they are tools that must be animated with social knowledge, with the ability to manipulate language, organize labor and adapt the labor process to new situations. Thus alongside the use of technology, culture and shared social practices enter into post-Fordist labor as raw materials to be manipulated, modified and redistributed. It is within the context of a culture and social practices that workers capable of carrying out post-Fordist labor are produced.

2.2.1.3. Truth values

This two-sided nature of post-Fordist labor, technologized on the one side and socialized on the other, seems to require a new account of value. It is no longer clear what it might mean for labor to be skilled or unskilled, insofar as the skills required by post-Fordist labor are no longer part of a specialized occupational knowledge but a part of human social interaction. Lazzarato attempts to address this need through a re-reading of the sociological work of Gabriel Tarde.³⁸⁶

While Lazzarato’s work clearly falls within the workerist tradition, I should be clear that it does not endorse the sort of continuity with Marx that my introduction of it here might suggest. Rather, Lazzarato’s appropriation of Tarde

³⁸⁴ At *Empire*, p. 292, Hardt and Negri label the computer the “universal tool.”

³⁸⁵ *Empire*, p. 364.

³⁸⁶ Particularly in *Puissances de l’invention: La Psychologie économique de Gabriel Tarde contre l’économie politique* (Paris : Empêcheurs de penser en rond, 2002), but cf. also “European Cultural Tradition and the New Forms of Production and Circulation of Knowledge,” *Multitudes* 2004. Lazzarato’s work has contributed tremendously to the recovery of Tarde’s writings. Already in 1961 Everett C. Hughes could entitle an article, “Tarde’s *Psychologie économique*: An Unknown Classic by a Forgotten Sociologist” in *The American Journal of Sociology* 66:6 (May 1961), pp. 553-559. In recent years, *Economy and Society* has devoted an entire issue to Tarde’s work: 36:4, 2007.

seems almost peculiarly oriented towards the rejection of Marx. He leaves one with the impression that he is more of an anarchist than a Marxist, as he continually emphasizes Marx's modernity, his treatment of subjects as prior to relations, his concentration on material production. Lazzarato's Tarde is subject to none of these shortcomings.³⁸⁷ Tarde has an ontology of becoming, rather than of existence. He has a conception of economic progress that is driven by invention and cooperation rather than by competition. Where a Marxist analysis can incorporate at the most Foucault's disciplinary society, Tarde seems to presage the development of biopolitical analysis.³⁸⁸

Tarde's emphasis on becoming rather than existence puts him into a unique position for developing a distinction between two forms of work: he characterizes the first as creative or productive, the work of genius; the second is repetitive or reproductive, the work of the automaton.³⁸⁹ The relationship between these two forms of labor is quite similar to the relationship Thomas Kuhn describes between scientific work within a paradigm and paradigm-shifting work,³⁹⁰ or that Richard Rorty attributes to edifying and systematic philosophical work.³⁹¹ The two forms of work are interconnected, such that the work of inventors is confirmed or preserved by the work of reproducers.³⁹² An invention that is not reproduced is socially non-existent.³⁹³ Invention is enjoyable, while reproduction is drudgery. Invention is the motor of economic progress, the true source of economic value.

I take it that the relationship between invention and reproduction is both technical and social in the following way: an invention itself might well be of an

³⁸⁷ Cf., for example, *Puissances*, p. 341ff.

³⁸⁸ Lazzarato, *Les révolutions du capitalisme*, p. 60ff.

³⁸⁹ *Psychologie économique*, 2 vols. (Paris: Félix Alcan, 1902), bk. 1, ch. 5 and bk. 3, ch. 3.

³⁹⁰ In *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962), particularly chs. 3 and 7.

³⁹¹ In *Philosophy and the Mirror of Nature* (Princeton: Princeton University Press, 1979), ch. 8.

³⁹² Cf. Jussi Kinnunen, "Gabriel Tarde as a Founding Father of Innovation Diffusion Research," in *Acta Sociologica* 39:4 (1996), pp. 431-442.

³⁹³ *Psychologie économique*, v. 1, pp. 32-38.

extremely technical nature, but it nevertheless must be validated by the social processes that lead to its reproduction.³⁹⁴ If the technological takes the lead as the motor of economic progress, it still requires the drive shaft of reproduction to transmit its energy to the wheels.

While invention is important and relevant in a simple economic-technical context, it is in attempting to construct an account of various sorts of ‘social values’ that Tarde’s work is truly unique and helpful in developing an understanding of the subsumption of immaterial labor.³⁹⁵ Beyond mere economic value, it is invention that produces new beauty-values and truth-values, accumulating the cultural capital necessary for further cultural production.

Tarde’s attempts to ascribe more or less quantifiable values to social goods like truth and beauty, producing beauty-values or truth-values to stand alongside the utilities of more traditional economic thinkers, hold open the possibility of conceiving of the relationship between the economic and the cultural in compelling new ways. Unfortunately, his overall approach is positivistic in a manner that would draw little sympathy today. It is a positivism infused with an enthusiasm for quantificational analysis that does not, however, do quantificational analysis on its own. Rather, it takes the quantificational categories of economics and applies them without embarrassment to social and political life.³⁹⁶ Economic capital, income, cost and value can be expressed in quantities; applying these terms directly to socio-political life doesn’t give the same results. I might well be able to make accurate judgments regarding the relative prestige enjoyed by two individuals in a society, but to derive the possibility of a complete hierarchization of prestige-holders in a given society from the possibility of articulating certain broad distinctions is clearly fallacious. It is a fallacy of this sort that pervades Tarde’s *Psychologie économique*. It is probably true that we could greatly extend our ability to make judgments like ‘x has more prestige than y,’ and it might even be worthwhile to do so. If, however, this analysis can’t incorporate qualitative information about society, then the approach risks ceasing to be useful.

A concrete example is useful: some books are better than others. *Capital* is a better book than *Problems of Leninism*, just as *A Theory of Justice* is better than

³⁹⁴ There is, thus, a certain similarity between Tarde’s position here and the influential research of Manuel Castells, as presented in the *Information Age* trilogy, particularly in the interrelationships between production and power.

³⁹⁵ *Psychologie économique*, v. 1., pp. 65-66; bk. 2, ch. 2.

³⁹⁶ Cf., for example, Tarde’s longing for a ‘glorimeter’ capable of measuring social values at *Psychologie économique*, v. 1, p. 71.

State, Anarchy and Utopia. Is *Capital* better than *A Theory of Justice*? I don't know, and I don't think the question is particularly interesting. Tarde disagrees. It is obvious to him that books compete for attention in a sort of intellectual evolution. Some of them win, and they are the fittest. There is no reason to keep the others around.³⁹⁷ There is a sense in which this is affected by editorial decisions—*Capital* is continually reprinted, while *Psychologie économique* is rather hard to find. The important difference between editorial obscurity and evolutionary non-existence, however, is that one can be rescued from obscurity—as Lazzarato is attempting to do with Tarde—much more easily than from non-existence.

Whatever its shortcomings, the interest of Tarde's attempt to provide an analysis of beauty values and truth values lies in the claim that post-Fordist labor incorporates culture as a raw material into the processes of production. The analogues of this incorporation are the processes by which the content of the general intellect relevant to production ceases being exclusively technical and becomes social, as well as the incorporation of processes and patterns of interaction into the common.

There is a sense in which labor has always required culture as a raw material, in the sense that any form of socially shared labor requires some level of individual socialization. Yet there is a fundamental difference between the incorporation of the social skills of a worker at the level of the social context of labor and the incorporation of the social skills of a worker at the level of the work itself. Fordist labor incorporates acculturated individuals, whereas post-Fordist labor is wrapped up in the production of culture in a much more intimate way. It appropriates pre-existing bits of culture, as well as the abilities of individuals to shape and modify culture. Both the bits of culture as well as the culture-modifying abilities of individuals are mostly produced outside of the framework of capital, suggesting that the value-producing mechanism of post-Fordist labor lies not so much in the production of value itself as in the subsumption under capital of non-capitalist sources of value.³⁹⁸ Tarde's attempt to make sense of beauty values and truth values is helpful to the extent that it articulates the way in which the apparatuses of the production of these values appear to be situated at the border of capital: the production of truth and beauty is substantially different from traditional capitalist commodity production, in terms of the economic framework in which the production takes place, the production process and the 'products' in which it eventuates. The challenge for capital in a tertiary age is the transcendence of this difference.

³⁹⁷ *Psychologie économique*, v. 1, pp. 95-96.

³⁹⁸ This is, of course, not news for care workers, as will be discussed in section 3.

2.2.2. Immaterial property

Even with the decline of the labor theory of value and the rising importance of general intellect, value in a capitalist economy continues to be based on a notion of property. With the rise of immaterial labor, this property is increasingly immaterial, however, and does not always function in the same way as material property.

Copyright law represents an attempt to bring intellectual property under the paradigm developed for material property. Intellectual property is attributed to a creator—an ‘inventor,’ in Tarde’s language—but also entails rights of reproduction that the creator can alienate. The creation of alienable rights of reproduction, along with a stricture on the creation of derivative works, is designed to enable intellectual producers to convert their content into material goods while simultaneously enabling the reproduction necessary for intellectual labor to be of social utility.³⁹⁹

This is, at least, the official story. In the discussion that follows, I want to problematize this story, suggesting that the dialectic between production and reproduction is one that is not properly addressed by juridification and the application of analogies to material property.

I begin this section by continuing with the work of Tarde, moving on to the distinction he draws between cultural and venal value. Immaterial property is most tied to the paradigms of material property at the point where it has a material medium. I then turn to G.W.F. Hegel, and his accounts of property, originality and learning. These accounts seem to cast fundamental doubt on the compatibility of immaterial property and capitalist paradigms of valorization and property, posing significant barriers to the adaptation of capitalism to the paradigm of immaterial production.

³⁹⁹ This is the usual rationale given for having a copyright that expires. With the first copyright law, Britain’s 1710 Statute of Anne, works passed into the public domain after 28 years. Under current U.S. law, work passes into the public domain 70 years after the death of the author. While the arguments for protection have remained largely the same (see Stephen Breyer’s “The Uneasy Case for Copyright: A Study of Copyright in Books, Photocopies, and Computer Programs,” in *Harvard Law Review* 84:2 (December 1970), pp. 281-351 for an overview of many of the relevant ones), the length of protection has increased dramatically.

2.2.2.1. Cultural and venal value

Post-Fordist labor incorporates the acculturation of the worker to an unprecedented extent. Put more precisely, it incorporates culture in a way unprecedented for people we call ‘workers,’ although it seems to have quite a lot in common with the way that culture is incorporated into production in the case of cultural producers like artists.

With artistic production, the appropriation of culture is rendered compatible with private property in a first instance by attributing authorship: an artist produces a work, that work is instantiated in a medium which can be bought and sold like a physical commodity.

This sort of artistic production thus presents a double aspect as property: its medium and its artistic product appear to instantiate wildly different sorts of value. These products have both, in Tarde’s terms, a cultural value and a venal value.⁴⁰⁰ This bifurcation extends throughout their existence. As a material commodity, the medium of intellectual property is subject to all of the usual tendencies of economics: it is possessed by an individual. The presence of similar commodities on the market tends to suppress its price. Use or consumption of it tends to degrade or destroy it.

None of these are true of the cultural content. Knowledge consumption is neither alienative nor destructive.⁴⁰¹ The exchange of ideas, of beauty values or truth values, is in some sense profitable for all involved.⁴⁰² The cultural content ‘belongs’ to a culture, to an intellectual or artistic tradition. It functions as a sort of cultural capital, making it possible for others with access to the tradition to produce new cultural values under its aegis. The presence of similar productions increases its value by expanding its potential audience. Reading, viewing, listening to or discussing it instills it with a new vibrancy that is the opposite of destruction.

Articulating the distinction between cultural and venal value leads to the observation that the two can have extremely different relationships to one another depending upon the nature of the physical instantiation of the product. The material instantiation of paintings or sculptures is important to their cultural value in a way that the material instantiation of books is not. It is when the material instantiation is unimportant that rights of reproduction take on importance.

Limiting reproduction is an attempt to preserve the value of the right of reproduction. Classic works of literature and philosophy, old enough to be in the

⁴⁰⁰ *Psychologie économique*, v. 1, p. 90ff., v. 2, p. 11ff.

⁴⁰¹ *Psychologie économique*, v. 1, pp. 78-79.

⁴⁰² *Psychologie économique*, v. 1, pp. 88-89.

public domain, have a high cultural value but there is very little venal value in the right to reproduce them. Thus, for example, there are pocket editions of these classics whose low-cost media permit the wide dissemination of highly valued artistic production. What's more, if the costs of the material transmission of knowledge decreases with the frequency of transmission—more books printed, more downloads, more viewings—the greater the demand for a truth value (perhaps an indication of a greater cultural value),⁴⁰³ the lower the value of its material incarnation. If you are in the business of consuming culture, this is a good thing. If you are in the business of reproducing it, it is not.

This ease of multiplication of intellectual property—particularly in the age of digital reproduction—goes nicely with the unusual relationship of production and consumption of culture. With material production, only the leisure class can consume more than it produces. With immaterial production, everyone does and, due to the nature of immaterial production, it seems as though everyone must: producers of culture are amongst the most faithful consumers of culture. This is only possible because of the ease of multiplication of intellectual property.

2.2.2.2. Hegel, intellectual property and learning

It is unsurprising that Hegel's approach to these issues should be marked by the attention it gives to the necessity of maintaining the processes of intellectual production. Specifically, Hegel is concerned with the extent to which the institution of property can be made compatible with the production and transmission of original cultural products.

Hegel is perhaps uniquely situated to provide an account of intellectual property, insofar as his account of material property is importantly reliant upon a notion of self-expression. Hegel devotes a large section at the beginning of his *Philosophy of Right* to developing an account of property in the modern state, the way that it functions and the ramifications of its existence.⁴⁰⁴ It is here that he develops the entity of the “person” as the being who exists as a potential owner of property.⁴⁰⁵

Hegel argues that it is absolutely necessary to have property in the state.⁴⁰⁶ He criticizes Plato's ban on property amongst the protectors of his *Republic* for

⁴⁰³ *Puissances*, p. 316.

⁴⁰⁴ *Grundlinien der Philosophie des Rechts* [1821], in *Werke*, v. 7 (Frankfurt a.M.: Suhrkamp Verlag, 1970), §§41-71.

⁴⁰⁵ *Philosophie des Rechts*, §40.

⁴⁰⁶ It is perhaps useful to specify that “to have property in the state” here means, “to have the institution of property.” Individuality, for Hegel, is a result of

misunderstanding “the nature of the spirit of freedom and of right.”⁴⁰⁷ In insisting on the necessity of property, Hegel wants to recognize the fundamental individuality of persons in the state. By having individual property (rather than communal property), they are assured of their individuality.⁴⁰⁸

Paradoxically, the ability to have property individually is also for Hegel a guarantor of their equality as persons. In a remark to §49, he writes that “people are surely equal, but only as persons, that is to say, with respect to the source of their possessions. Therefore each must have property.”⁴⁰⁹ The potential ownership of property is the mark of equality within the state. Insofar as it is a mark of equality, people are, all else being equal, free to acquire property. In turn, this existence as potential owner, or personhood, is the prerequisite for individuality. In actually acquiring property, persons are able to give concrete expression to their individual desires—thus property is a form of expression.

potential ownership, not of actual ownership. This confusion is common, as for example in Stephen R. Munzer’s criticisms of Hegel in *A Theory of Property* (Cambridge: Cambridge University Press, 1990), pp. 153ff. Dudley Knowles’s discussion in “Hegel on Property and Personality,” in *The Philosophical Quarterly* 33:130 (January 1983), pp. 45-62 likewise seems peculiarly to take the question of property and personality to fundamentally concern the relationship of an individual and an object. As Hegel writes in §71, “The sphere of contract is made up of this mediation whereby I hold property not merely by means of a thing and my subjective will, but by means of another person's will as well and so hold it in virtue of my participation in a common will.” The institution of property in society is different from mere possession, which *is* a relationship between an individual and a thing. Property is possession plus recognition, so that the property relation is at bottom a relation between people with regards to a thing: we all agree that the pen is your property. Donna Dickenson seems to me to present this aspect of Hegel’s notion of property quite well in her *Property in the Body: Feminist Perspectives* (Cambridge: Cambridge University Press, 2007), pp. 71ff.

⁴⁰⁷ *Philosophie des Rechts*, §46. The translations in this section are based upon those given in *Philosophy of Right*, tr. T.M. Knox (Oxford: Oxford University Press, 1967), although I have freely amended many of them. The paragraph numbers should be sufficient for consulting the text, so I do not provide references to the English translation here.

⁴⁰⁸ Indeed, in a marginal note to §46, Hegel remarks, “Private property, because persons are individual and I as such, must have instantiation” [i.e., in property].

⁴⁰⁹ *Philosophie des Rechts*, §46a.

Property as expression is the form through which the will of a person is able to have being in the world. The “will of the proprietor, according to which a thing is his” is the “basis” of all uses of property, of being able to use it, to exchange it or give it away.⁴¹⁰ If we have, as persons, wills about the way the world should be, then we must at least potentially be able, as a consequence of our personhood, to give those wills some sort of existence in the world. If we are unable to express our will in this way because there is no institution of property, then our will has no real existence in the world at all.⁴¹¹

By assuring the necessary existence of property, Hegel is arguing for the possibility of shaping the world to our will, of giving our will (and therefore ourselves as persons) existence in the world. He writes, “Since I instantiate my will through property, property has the character of being ‘this,’ of being ‘mine.’ This is the most important doctrine of the necessity of private property.”⁴¹²

Finally, the practice of property, if it is to truly function as property and preserve these freedoms and equality, must be assured across society. The development from ‘possession’ to property is outlined by Hegel, and he stresses the need that “the determination that something is ‘mine’ [obtain] *an absolute* externality and [cease] to be confined to my presence in *this* space and *this* time and the presence of my awareness and desire.”⁴¹³ Through property, not only does my will gain expression; it gains expression across the property-recognizing community.

It is within this framework that Hegel then addresses the specific case of property with which I am concerned here, intellectual property. The question of intellectual property is situated within the context of the more general issue of being able to have as property the labor of another. If we possess something as property, then we are able to alienate it. Therefore, if we possess our labor as property, we can sell it to an employer. Hegel is careful to restrict the possibility

⁴¹⁰ *Philosophie des Rechts*, §59. Cf. also the §50 addition, where Hegel sums up his argument by saying that “the determinations up to this point concern primarily the belief that personhood must have instantiation in property.”

⁴¹¹ The sort of frustration due to the lack of the institution of property is different for Hegel than the sort of frustration that might arise when, in a society of property, all potential property is already the property of another. The desire for welfare (in the sense of *Wohl*) and the existence of poverty are two motivating realities in Hegel’s transition from property through morality to ethicality.

⁴¹² *Philosophie des Rechts*, §46a.

⁴¹³ *Philosophie des Rechts*, §56.

of selling one's labor (whether physical or intellectual) to another such that slavery does not become countenanced by his theory of property—one can alienate bodily products, capabilities and talents, but only for use “in a restricted time.”⁴¹⁴ *Mutatis mutandis*, it is possible to alienate and sell one's intellectual labor.

There is, of course, a limit to the extent to which I can make another's ideas ‘my own.’ I can buy a copy of the *Philosophy of Right*, but that gives me ownership over the book rather than the ideas. I can work with the ideas, but my work is then derivative. Understanding what it means to transmit ideas without transmitting their ownership requires developing an account of originality. Originality is important in the discussion of intellectual property insofar as intellectual property is exclusively the product of original production for Hegel. It is only by an original self-expression that a producer can claim to have produced new property.

In his *Lectures on Aesthetics*, Hegel presents an analysis of originality such that the originality of a work of art is a function both of the synthesized truth it expresses as well as of its artistic merit.⁴¹⁵ The notion of originality is at the heart of the debate around plagiarism and copyright law. Tarde doesn't offer a definition of ‘invention,’ but I take it that investigation can begin with the relatively intuitive notion of originality as ‘something different.’ Implicit in this notion of originality is the conviction that there is a distinction between originality and artistic worth. For Tarde, the distinction is socially determined—the worth of an invention is established by its being taken up and reproduced by others.⁴¹⁶

⁴¹⁴ *Philosophie des Rechts*, §67.

⁴¹⁵ *Vorlesungen über die Ästhetik* [1817-1829], in *Werke*, v. 13-5 (Frankfurt a.M.: Suhrkamp Verlag, 1970). Perhaps because it seems for the most part to be a straightforward application of general Hegelian epistemic themes to the question of artistic production, Hegel's notion of originality has not received much scholarly attention. For a notable exception, see Charles Taylor, *Hegel* (Cambridge: Cambridge University Press, 1977), 92ff., where originality becomes an important theme in the articulation of Hegel's notion of *Geist*.

⁴¹⁶ It may not be immediately apparent that there is a significant parallel between Tarde's analysis and the paradigm of material production. A producer learns the value of his product by taking it to market. A fast producer finds he can receive more, a slow producer less, for the produce of a day's labor. So, for Tarde, that invention is valuable which is circulated by many.

On the other hand, Hegel's notion of originality excludes the "caprice of mere fancies," which represents "only a bad particularity,"⁴¹⁷ regardless of the number of people who want to circulate the work. Hegel's notion of originality is thus quite bound up with the project of articulating a criterion of artistic worth, one that is prior to social reception. The point is not simply to reproduce the chosen object of the work of art, but rather to invent it in a way that reflects the (in some important sense original or unique) participation of the artist in it.⁴¹⁸ Value in art is a combination of the individual rendering and the object itself.

For Hegel, originality is about (subjective) expression coinciding with the (objective) being of an object. True originality lies in embodying the deeper "rationality" of the "inherently true content" of the subject.⁴¹⁹ The point is not just to follow the "laws of the style" or to parrot back the "simple manner," but rather "to grasp an absolutely rational substance."⁴²⁰

This becomes particularly interesting, however, when the topic is expanded to include such products of intellectual labor as painting or writing. Intellectual labor is about the transmission of ideas, therefore the possibility of making another's ideas one's own is "the unique character and worth of the possession."⁴²¹ Returning to the *Philosophy of Right*, we see Hegel attempt to draw a distinction between the possession of "works of art" and writing.⁴²² In works of art, the process of reproduction is such that the reproducer retains ownership over the reproduction. If I were to perform a violin concerto, the reproduction is in some sense my own because of the technical and artistic abilities involved in making the reproduction. The same is not true of a reproduction of a book. The kernel of the distinction here is that some reproductions are, owing to the technique of reproduction, always imperfect reproductions always bearing therefore the mark of the authorship of the

⁴¹⁷ *Vorlesungen über die Ästhetik*, I.381. Cf. *Lectures on Fine Art*, v. I, tr. T.M. Knox (Oxford: Oxford University Press, 1998), p. 294.

⁴¹⁸ *Vorlesungen über die Ästhetik*, I.375. Cf. *Lectures on Fine Art*, I.290.

⁴¹⁹ *Vorlesungen über die Ästhetik*, I.385. Cf. *Lectures on Fine Art*, I.298.

⁴²⁰ *Vorlesungen über die Ästhetik*, I.380. Cf. *Lectures on Fine Art*, I.294.

⁴²¹ *Philosophie des Rechts*, §68.

⁴²² 'Kunstwerke' is the category Hegel here opposes to writing. The character of the opposition leaves one to think that he has in mind certain media only, however, such as painting or performed music.

reproducers. Hegel stands this sort of reproduction in contrast to the reproduction of a book, which is merely technical and mechanical. The opposition represents the two possible extremes; many instances of reproduction have the character of both.

It is in §69 and the following remark that Hegel heads most fearlessly, albeit briefly, into the copyright debate. He recognizes that debates over copyright are debates not over property *per se*, but rather over the right to reproduction. Further, he recognizes that ownership of the work is “separate and divisible” from ownership of privileges of reproduction. The author retains ownership of the work even as a publisher purchases privileges of reproduction.

The weakness of copyright law for Hegel is that it allows the possibility of changing “something about the form or making a slight modification to a large science” in order to produce an ‘original’ work which will then diminish or eliminate the profits of the original author, whose rights copyright law is supposed to protect. Because of the difficulty of articulating a criterion of ‘slightness,’ the issue of plagiarism remains for Hegel an issue of honor. Since it “does not permit precise determinations,” it cannot be truly legislated against. Hegel concludes the section by remarking that one no longer hears much talk of plagiarism or “*learned thievery*,” concluding that either honor has done its work against plagiarism, or plagiarism has ceased to be perceived as dishonorable.⁴²³

What is particularly interesting about Hegel’s discussion of copyright here is the inclusion of the question of learning.⁴²⁴ Hegel sees teaching as the

⁴²³ Hegel might be amused by the situation on college campuses at present, where there is much condemnation of plagiarism, but one gets the impression that neither has plagiarism diminished nor do those perpetrating it feel particularly dishonored.

⁴²⁴ Jeanne L. Schroeder, in “Unnatural Rights: Hegel and Intellectual Property,” *Cardozo Law, Legal Studies Research Paper* 80 (March 2004), argues against those who would use Hegel as an inspiration for intellectual property rights on the grounds that those arguments rely on a natural law theory of property, and Hegel rejects the notion of natural law. It seems to me that arguments for intellectual property from natural law are markedly weaker than those arguments that claim that intellectual property is necessary to encourage innovation. Thus I am concerned here less with Hegel’s position on natural law than with his consideration of the compatibility of intellectual communication and intellectual property. For a more empirical treatment of this second issue, see Michele Boldrin and David K. Levine, *Against Intellectual Monopoly* (Cambridge: Cambridge University Press, 2008), particularly ch. 8: “Does Intellectual Monopoly Increase Innovation?”

transmission of ideas and ways of thinking, and takes it that the publication of books has as an aim teaching in this sense. Further, to transmit an idea is not simply to exchange a string of words for money, but to achieve the development in the student of the ability to, in some sense, think the thoughts of the instructor. In order for learning to have occurred, then, the student must be able to possess and make use of those thoughts. This is possible only with the realization that the learning process is more like the reproduction of paintings than like the reproduction of books. As I learn from Hegel, I think according to Hegel, I think Hegelian thoughts. But Hegelian thoughts are not (only) Hegel's thoughts, but also thoughts produced (with some degree of originality) by those learning from Hegel.

The producer of an original work can retain authorship of the original work, and indeed cannot alienate that possession. What the original producer can alienate is the privilege of reproducing that work. This reproduction may have the character of mechanical reproduction (in which case the copies remain the property of the reproducer, whether that be the original producer or someone who has acquired the right to reproduction from the producer) or of non-mechanical reproduction (in which case the copies bear the authorship of the reproducer, who is bound by honor—but not by law—to make sure that the copies do not infringe upon the authorship of the original producer in such a way as to constitute plagiarism).

Hegel does not provide a criterion for distinguishing a substantial expansion from a slight modification, but does indicate that the latter has the effect of reducing the proceeds of the original author in a dishonorable way. It might be fairly speculated that a substantial expansion would also reduce the proceeds of the original author, but in a way that is honorable. The so-called 'Young Hegelians' produced a great deal of work which expanded, criticized and applied Hegel's philosophy, and these projects presumably cut into Hegel's profits. If these represent substantially new works, then their projects would be properly considered substantial expansions.

2.2.3. Conclusion

To retrace my path a bit: Hegel and Tarde each make a serious attempt to bring the immaterial labor associated with intellectual property under the rubric of capitalist production. For Tarde, the important aspects of this production lie in the relationship between production and reproduction; for Hegel it is essential to conceive of intellectual property in a way that does not interfere with the rights of the producer to recognition and remuneration or with the goal of the activity, communication.

Viewed from a juridical perspective, Hegel's position represents an extremely weak defense of intellectual property rights: the appeal to honor

consigns intellectual property to the realm of ethically required action that is not supported by the force of law. We are bound by honor to give credit where credit is due, but juridifying this obligation risks stifling the circulation of ideas.

On the one side, this position is determined by claims about the way ideas circulate, but it also seems to follow from his account of originality: an interesting new idea must have both objective and subjective purchase. To the extent that it relates to the objective world, it is available to all. With regards to the subjective aspect, the subjective element must be expressed in a way that hooks up with others' subjective experience. If an idea has objective purchase but too closely mimics my own subjective experience, it is boring. If it has objective purchase but has too little in common with my subjective experience, I experience it as incomprehensible. Originality is, then, very much bound up with the relationship between the creator and the community, something that tends to rob the creative act of its veneer of majesty.

No such deflation takes place with Tarde. While Tarde doesn't make explicit arguments for any particular structure of intellectual property rights, the depth of his reverence for what he sees as the genius of creation would tend to lead him in the direction of support for a strong notion of intellectual property. Such a position follows straightforwardly from his conviction that invention is particularly original, together with the claims that innovation, as the motor of economic progress, ought to reap some of the benefit of that progress and that strong intellectual property laws are the best way to assure this.

This string of argument, in itself, can be challenged at three points: (1) the conception of originality, (2) the attribution of desert and (3) the claim that copyright is the best vehicle for distribution in accordance with desert. If one adds a (4), that strong copyright is an incentive to innovation, one has the standard argument for intellectual property.

Hegel clearly rejects (1). He agrees with (2), however, and rejects (3). He never comes to (4). I want to take issue with (1), going beyond Hegel. Both Hegel and Tarde assume that it is easy to identify the producer of a work, that the activities of producers and reproducers are distinct and distinguishable. There are many instances in which this is true. There are also, however, many instances in which the attempt to apply the producer/reproducer paradigm will lead to results that are misleading at best, and false at worst.

In high art, there come immediately to mind the bodies of work of Marcel Duchamp in visual art and John Cage in music, both of whom went to great lengths to cast doubt on the centrality of the author to the work of art. As interesting and revolutionary as these artists seem in the world of high art, they are in this respect merely applying to high art compositional techniques that have long been used in folk music and literature. When you hear a song you like, you learn it, or change it around a bit, or write new words for it. When the paradigm of

private, individual authorship demands that someone be credited, it is usually ‘traditional’ who receives the honor.

Seen from the perspective of high art’s paradigm of attribution, folk art looks less like intellectual production than like a cultural practice—precisely the sort of cultural practice taken up in post-Fordist labor. In spite of the fact that she is discussing the labor of building online communities, Tiziana Terranova’s identification of the possibility of so ordering communal production that it results in individual compensation is apt here.⁴²⁵

Communal production seems to be directly antagonistic to the ideal of the genius creator. The notion of the genius seems to require that someone stand above and outside of her culture, that she be able to see things no one else sees. Creation through exchange and dialogue is incompatible with such a model. All the same, it does eventuate in a product, albeit a product upon which no creator has a clear claim. Paradoxically, the lack of a property claim can function such that it seems that the first to stake a claim has a right to the intellectual product, regardless of whether the claimant had a role in the communal production.⁴²⁶

Even beyond the realm of cultural products, the phenomenon known as ‘biopiracy’ involves the staking of a property claim where no one has yet thought to make a claim, oftentimes without even making “a slight modification to a large science.” The usual pattern of biopiracy is to subsume a local practice under capital, such as industrializing an herbal cure. Intellectual property rights granted in this way then make it possible to claim desert without any participation in creation.⁴²⁷ It is in cases such as these that it makes the most sense to conceive of

⁴²⁵ Tiziana Terranova, “Free Labor: Producing Culture for the Digital Economy,” in *Social Text* 63, 18:2 (Summer 2000), pp. 33-58, here p. 42.

⁴²⁶ This makes an example like that of the attempt to copyright elements of Carnival in Trinidad all the more interesting. See Philip W. Scher, “Copyright Heritage: Preservation, Carnival and the State in Trinidad,” in *Anthropological Quarterly* 75:3 (Summer 2002), pp. 453-484.

⁴²⁷ The most well established treatment is that of Vandana Shiva in *Biopiracy: The Plunder of Nature and Knowledge* (Boston: South End Press, Press, 1999). The issue is closely related to the issue of intellectual property rights in genetically modified organisms. For those farmers who choose to grow GMO crops, the distribution contract usually forbids seed saving, so that the farmer has to buy new seed each year from the corporation that owns the patent on the seed. Farmers who choose not to grow GMO crops often find GMO plants in their fields through the normal processes of pollination. For an economic treatment of these issues, see Sergio H. Lence et al., “Welfare Impacts of Intellectual Property Protection in the Seed Industry,” in *American Journal of Agricultural Economics*

capital as expanding through the appropriation of the pre-existing knowledges and practices of labor. To use the workerist language for an instance where innovation must clearly be located on the side of labor, capital in a post-Fordist age expands via the appropriation of the common.

At a certain stage of its development, capital expanded by means of the subsumption of work processes—the transformation of serf farming into sharecropping I offered above as an example. Under post-Fordism, however, capital subsumes not only processes we have traditionally conceived of as labor processes, but also many processes and practices that we have traditionally distinguished from labor under the heading of ‘cultural practices’: practices of socialization and language, the construction of community and the establishment of solidarity.

This new form of subsumption demands a new understanding of the relationship between labor and identity. If previously, Marx could criticize capitalism on the grounds that it alienated workers from their labor, the picture now looks quite different. It is possible to argue about whether one’s labor ought to be an important element of one’s identity, but the sorts of cultural practices subsumed by post-Fordist labor form the very basis of identity. Post-Fordist labor brings forth not alienation, but its opposite. The most pressing issue, then, becomes the question of whether this new form of labor tends towards the self-exploitation that comes from over-identification with one’s work, or if it represents a new site for the formation of political solidarity at the center of our labor practices. It is to these questions that I turn in section 2.3.

87:4 (November 2005), pp. 951-968. For a political analysis, see Ted Nace’s “The New North Dakota Populists: The Red State Rebellion Against Corporate Hegemony,” in *Red State Rebels: Tales of Grassroots Resistance in the Heart Land*, eds. Joshua Frank and Jeffrey St. Clair (Oakland: AK Press, 2008).

2.3. Subjectivity, labor and politics

At the beginning of section 2.2, I presented briefly the workerist rejection of the labor theory of value and its related explanation of the extraction of surplus value based on the distinction between the time necessary for the production of labor power and the time that labor power can labor. In the discussion on value in section 2.2.1, I laid out the distinction between the absolute and relative augmentation of surplus value, underlining the sense in which the shift from absolute to relative augmentation coincides with a decline in the importance of labor time.

These shifts in econometric ontology have two sorts of consequences: the first is the rise in the importance of general intellect, which I examined in section 2.2.1.2. The second is a series of changes in the phenomenology of working and the subjectivity of workers. In this section, I want to examine these shifts, laying out an understanding of the new way in which time functions in the phenomenology of post-Fordist labor. It is here that I can treat the third aspect of the distinction between absolute and relative increase in surplus value I identified at the beginning of section 2.2, namely, that as production is increasingly saturated by technology, labor time becomes less important as an aspect of work.

The main conceptual tool I use here is that of Maurizio Lazzarato, Michael Hardt and Antonio Negri's appropriation of Michel Foucault's conception of biopolitics. Lazzarato connects biopolitics to immaterial labor at the foundational level of the formation of subjects and the construction of identity, while for Hardt and Negri, biopolitics is a way of understanding the formation of political ties, one that they immediately connect to a global level as a means of resistance to a globalization driven by capitalism.⁴²⁸ The fundamental innovation of Hardt and Negri's project is the attempt to connect the "microphysics of power" in the Foucaultian sense with politics on a global scale.

Particularly by the standard of Hardt and Negri's work, my project here is quite humble. I am concerned with connecting the daily processes of work to the political sphere, and beg off the question of the relationship between local and global politics. I think that if I can provide a clear articulation of the way that labor takes on new political significance in the era that succeeds Fordism and Fordist unions, I can claim to have contributed something valuable to our understanding of the role of labor in our lives and our politics.

⁴²⁸ As they put it in "What the Protesters in Genoa Want," in *The New York Times* (July 20, 2001), "the protesters [...] are not against globalizing currents and forces as such," but have as "one of their clearest objectives [...] the democratization of globalizing processes."

It is with this chapter that my argument can begin to approach the political sphere as such. The account given here of the relationship between subjectivity, immaterial labor and politics represents, then, a response to the skepticisms about the connection between labor and politics I laid out in the work of Hannah Arendt and Jürgen Habermas. On the other hand, this chapter cannot conclude the project, for a straightforward reason: the argument in this chapter establishes that workers encounter one another in a political realm, but does little to give content to that political encounter. That content will have to await the discussion of care, in section 3.

2.3.1. Subjectivity and labor time

The first part of this project involves drawing together much of what I have argued in section 2 towards the articulation of the relationship between labor and the formation of identity. On the side of the worker, immaterial labor represents a dramatic change principally in terms of the attitudes towards work it requires and develops, such that the importance the worker places on the processes of leisure and labor, not to mention alienation, is fundamentally reformed in accord with the demands of post-Fordist production.

I begin this section with an examination of the face of leisure, with the way in which the role of leisure-time consumption declines in the transition from Fordist to post-Fordist labor. With the incorporation of subjectivity into the production process, consumption and production cease to be diametrically opposed. The danger this creates is the opposite of alienation, an over-identification with productive activity, a form of production that I call “cathected production.” When a producer invests production with desire, this becomes an important point at which the bargaining position of the worker is weakened—access to the labor becomes a part of self-expression, so that the capitalist offers not simply a wage, but an important avenue to selfhood.

This lays the ground for connecting this notion of cathected production to Hardt and Negri’s version of “biopolitics from below.” Their appropriation of the notion of biopolitics is a way to express the primary agency of labor, but this agency seems to be called into doubt by the phenomenon of cathected production at the level of the constitution of the political.

2.3.1.1. Time, leisure and labor

I have detailed the way in which Fordism’s appropriation of culture remains extremely limited. There is a need for a worker to be somewhat acculturated, but Fordism lacks the commodification of the non-working cultural activity of the worker. The fact that this cultural activity is not commodified under Fordism means that there is a part of a worker’s life that exists, in large part, outside of capital. It seems plausible to suggest that it is the existence of this

aspect of life that allows Arendt to write about action and Habermas to write about communication. The fact that Arendt and Habermas are protesting against the reduction of the *zōon politikon* to *homo laborans* or the colonization of the lifeworld by system doesn't negate this claim. These transformations are an incursion of capital into free time largely in the form of a consumerization: leisure activities are transformed in such a way that they increasingly involve consumption.

Consumerization is the sort of thing that Arendt and Habermas are describing when they write of the advent of waste economies, the reduction of the family to a unit of consumption, and so forth. Arendt and Habermas are right when they claim that consumerization represents a stage of the incorporation of leisure time into the rhythms and processes of capital. The construction of free time as consumption time does indeed—as Arendt indicates—require us to distinguish between the English term 'leisure'—now inflected with the connotation of consumption—and the Greek term *scholé*.⁴²⁹ To the extent, however, that this incorporation remains oriented towards consumption, the incorporation remains partial.

Post-Fordist labor provides the means for the completion of this incorporation. Immaterial production relies on an initial development of subjectivity outside of the production process.⁴³⁰ Subjectivity is developed in the family and community, in the sphere of biological and social reproduction. The novelty of the thesis of immaterial labor for the familial sphere lies in the expansion of the family beyond social and biological reproduction to include material reproduction in the form of general intellect and immaterial labor power suitable for the extraction of profit. The cycle production—consumption—reproduction is not an adequate analysis of production in the face of immaterial labor. Immaterial labor re-forms all three in its likeness.

The collapse of the distinction between free time and labor time here takes the form not of the construal of free time as a time of consumption, but of free time as a time of production—of subjectivities, of cultural practices available for appropriation by capital. Where cultural production seems to achieve a unification of the activities of consumption and production, the rise in importance of cultural production means that free time can be collapsed into a time of labor off of the clock.

⁴²⁹ Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1998), §11.

⁴³⁰ Cf. Maurizio Lazzarato and Antonio Negri. "Travail immatériel et subjectivité," in *Futur Antérieur* 6 (1991).

Whereas theorists in the middle of the 20th century saw in the construction of free time as consumption time a process of the increased passivity of individuals, the beginning of the 21st century sees in the unification of consumption and production the rise of a form of production which is able to reap benefit from new, more active forms of consumption which likewise produce cultural products.⁴³¹ If once a worker was not at home when he was at work and not at work when he was at home, the immaterial laborer is constantly at work, even when he is at home. The fundamental distinction is not between producing at work and consuming at home, but rather between producing for a wage at work and producing off the clock at home.

The appropriation of time off of the clock for production presents itself as the descendant of an older form of the appropriation of non-labor time, expressed in the distinction between labor time and production time. As Karl Marx expresses the distinction, labor time represents the amount of labor invested by a worker for the production of a product. Production time, on the other hand, represents the total amount of time elapsed for the production of a product.⁴³² In a product achieved solely by the investment of labor, the two are equivalent. There is a discrepancy between the two in any case in which the production process incorporates not just labor, but processes external to capital.

An example would be the production of bread: flour is the primary ingredient of bread. In order to produce flour, wheat must be grown, threshed and milled. In growing wheat, the farmer must invest labor to prepare the soil, to sow the wheat, to maintain the field and to harvest the wheat. The farmer's labor might well fill the period from dawn to dusk, but the wheat continues growing constantly from germination to harvest. In the bakery, dough must be mixed and loaves must be shaped and baked. Measuring flour, leavening, salt and water for a 50-pound batch of dough takes perhaps 5 minutes. The dough is mixed and then left to rise for an amount of time that varies depending on ambient temperature, the amount and kind of leavening used. Scaling and shaping an individual loaf takes perhaps one minute, after which it is left to rise again. Perhaps another minute per loaf is needed to transfer them to the oven, rotate them occasionally while they bake and remove them when they are done. It is only by exploiting the

⁴³¹ Most of the literature that takes up this point concerns the production of online communities, but it is also relevant to the production of non-online communities that become commodified through the production of music or clothing, as well as the construction of neighborhood communities and the influence this has on property values and rent.

⁴³² *Grundrisse* [1857-8] (Berlin: Dietz Verlag, 1953), pp. 496-497. Cf. *Grundrisse*, tr. Martin Nicolaus (New York: Penguin, 1993), pp. 668-669.

difference between labor time and production time that an artisanal baker can produce 10 batches of bread in an 8 hour shift when each batch requires six hours from start to finish.

The discrepancy between labor time and production time in the production of bread results from a variety of appropriations of nature—the growing of the wheat, the reproduction of the yeast and lactobacteria in a leaven. Post-Fordism appropriates culture in a similar manner. For these processes, surplus value is created by appropriation, by subsuming processes from outside of capital under those of capital. The more of the burden that can be transferred to processes external to capital, the greater the value available to be realized. Introducing predators to a field relieves capital of the burden of having to produce and apply pesticides. Subsuming culture under post-Fordist production relieves capital of the burden of having to produce acculturated workers. Work time is spent in producing culture that is directly commodified. Free time is spent in producing culture that is available for subsequent appropriation and eventual commodification. To continue the analogy, it can even be said that the ‘reproductive time’ of domestic labor is spent producing the sort of subjects necessary for pulling down the distinction between work time and free time.

Cultural production fits in badly with the idea of labor time. In drawing a distinction between (post-Fordist) professionalism and (Fordist) specialization, Paolo Virno notes that professionalism is not a set of skills but a way of being.⁴³³ Skills are applied, but a way of being produces culture as a consequences of its very existence. Immaterial labor resists measurement to the extent that emphasis is no longer on completing a particular number of iterations but on achieving customer satisfaction or maximal optimization of the productive process.⁴³⁴ In “Producing the Dining Experience,” Emma Dowling draws on her experience as a waitress to dispute this claim.⁴³⁵ She defends the claim that her affective labor was quantifiable through evaluations of her performance, its timing and so forth, citing Tayloristic evaluations of her performance based on minute measurements of the time she took to take and fill orders, counts of the number of expensive special items her tables ordered and so forth.

⁴³³ Paolo Virno, “Post-Fordist Semblance,” tr. Max Henninger, in *SubStance* #112 36:1(2007), pp. 42-46, here pp. 44-45.

⁴³⁴ See, for example, Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin, 2004), pp. 145-147.

⁴³⁵ Emma Dowling. “Producing the Dining Experience: Measure, Subjectivity and the Affective Worker,” in *ephemera* 7:1 (2007), pp. 117-132.

Kristin Carls describes two contradictory tendencies of immaterial labor—one towards decentralization and autonomous production, the other towards a reapplication of Taylorism.⁴³⁶ The contradiction is greatest with respect to this issue of measurability. While Carls doesn't put it in these terms, one can see re-Taylorization as a reaction of management against the still-new demands of tertiarization. The shortcoming of Dowling's analysis lies in her failure to appreciate the coexistence of both (quantifiable) material aspects and (non-quantifiable) immaterial aspects of her work. The production of affect must be materially manifest, but is too complex and context-dependent for the application of Taylorism.

It is true that waiting is commonly given as an archetype of affective labor, but this doesn't negate the fact that there is still a very real material element to the work: the work of materially delivering food from the kitchen to the table. If it is true that tips are substantially based upon the success of a waitperson in producing a certain set of desired affects, it is equally clear that the adequate performance of the material work of the transport of food functions, in many ways, as a baseline of adequate performance.⁴³⁷

Completion of the material aspects of waiting requires the expenditure of effort, as does the production of affects. The two aspects differ in the way in which effort can be expended: on the material side, satisfactory performance is associated with the expenditure of effort, whereas unsatisfactory performance is associated with the lack of such expenditure. On the affective side, effort is required for the production of affect, regardless of whether the affect is desired or not. More bluntly, it requires effort to be rude just as it requires effort to be pleasant. The non-expenditure of effort on the affective side results in the non-production of affect. An efficient but affectively neutral waitperson can expect a tip, whereas one who expends no effort on the material aspects of the labor cannot.

In practice, there is a much more textured notion of the production of affects amongst waitpeople, one which incorporates paradigms not only of work but also of gender. A woman who fails to produce desired affects often fails to receive a tip by being perceived as cold, whereas a man can often maximize his tip by using the same performance to project the impression of competence and

⁴³⁶ Kristin Carls, "Affective Labor in Milanese Large Scale Retailing: Labour Control and Employees' Coping Strategies," in *ephemera* 7:1 (2007), pp. 46-59, here pp. 48-49.

⁴³⁷ Cf. Emmanuel Ogbonna and Lloyd C. Harris, "Institutionalisation of Tipping as a Source of Managerial Control," *British Journal of Industrial Relations* 40:4, pp. 725-752.

efficiency. At the same time, neither of these judgments can be adequately tested in the absence of the adequate performance of the material aspects of waiting.⁴³⁸

With respect to Dowling's rejection of the distinction between affective and material labor, it is not borne out by her analysis of her experience waiting. The evaluation of her labor with a stopwatch is not evaluation of her affective labor, but of her material labor. To the extent that the performance evaluation concentrated exclusively on the material aspects of her labor, it neglected the importance of the affective aspect.

Viewed from the point of view of production, this ability to produce affects is produced in the 'leisure' time devoted to becoming a mature human. It is facilitated by parents and the society in which one comes of age. In this sense, it represents an appropriation of leisure processes for labor processes. Viewed from the point of view of the worker, the incorporation of affect into production represents the investment of the worker's self in an unprecedented way. Affective labor requires that one be able to exploit the ability to interact with others, a condition which has deep consequences for the relationship between a worker and her work.

2.3.1.2. Alienation and cathected production

For the classical Marxist tradition, capitalist labor is marked by the exclusion of the subjectivity of the worker in the phenomenon known as 'alienation.' There are a variety of things from which the capitalist worker is alienated, for Marx: from the commodified product, which is the result of the worker's labor yet confronts him as a hostile, constructed world;⁴³⁹ from the ends of production itself, over which the worker has no control in spite of his intimate involvement with them;⁴⁴⁰ from the productive aspect of his human nature, in the

⁴³⁸ It is worth remarking that the incorporation of subjectivity into labor seems to reinvigorate certain forms of discrimination in hiring, as it becomes possible to consider characteristics like gender, race, accent and physical attractiveness as necessary assets for the performance of certain types of immaterial labor. The Restaurant Opportunities Center of New York, for example, finds the managers of expensive restaurants speaking of the necessity of waitstaff having certain racial and ethnic characteristics in order to achieve the desired atmosphere in the restaurant, in "The Great Service Divide: Occupational Segregation & Inequality in the New York City Restaurant Industry" (March 31, 2009), available at <http://www.rocunited.org/files/GREATSERVICEDIVIDE.PDF>.

⁴³⁹ *Kapital* [1867], v. 1 in *Werke*, v. 23 (Berlin: Dietz Verlag, 1962), pp. 674-675. Cf. *Capital*, tr. Ben Fowkes (New York: Penguin, 1976), p. 799.

⁴⁴⁰ *Kapital*, p. 649. Cf. *Capital*, p. 771.

sense that labor, fundamentally connected to human flourishing for Marx, becomes a primary tool of the worker's subjugation under capital.⁴⁴¹

So long as workers remain alienated, the production of surplus can only be achieved by more or less hidden coercion. In *Results of the Immediate Process of Production*, Marx discusses approvingly and at some length James Steuart's discussion of the difficulty of this process.⁴⁴² Left only to their needs, workers will produce to meet those needs. They will not produce a surplus, and therefore there will be no question of sustaining a leisure class. Compulsion must be introduced into the production process. A slave is compelled to produce a surplus by physical threats, whereas the approach of wage labor is more subtle. The mediated threats of starvation and homelessness constitute some sort of a physical threat to a worker, but more effective is the achievement of the internalization of the goals of production.⁴⁴³ By linking the wage to the extraction of surplus value, the capitalist is able to induce the worker to produce more surplus value, achieving a relative increase of surplus value.

How does this work? Adopting the language of marginalism, it can be said that the marginal utility to a worker of an extra dollar per hour is taken to be much greater than the marginal utility to the capitalist of the \$2000 this represents over the course of a working year. As a result, the capitalist is in a much stronger bargaining position when it comes to negotiating the extraction of surplus value. Intensifying the amount of effort associated with a job is thus something at which wage labor is fairly adept—certainly more adept than slavery. If the ends of the employer and the worker are disparate with respect to the production process, there remains a sense in which the wage functions to identify them, even given the disparity in negotiating positions and marginal utility of increased output. The employer and the worker are both benefited by an increase in output, assuming that a the level of the wage is tied in some sense to output.

There is then something of a tension in Marx between the analysis of alienation and the recognition that, to a certain extent, the wage is capable of effecting a unification of the ends of the worker and the employer. This

⁴⁴¹ *Ökonomisch-philosophische Manuskripte aus dem Jahre 1844*, in *Marx-Engels Werke* Ergänzungsband I (Berlin: Dietz Verlag, 1968), pp. 513-514. Cf. *Economic and Philosophic Manuscripts*, in *Karl Marx: Selected Writings*, ed. Lawrence H. Simon (Indianapolis: Hackett Publishing, 1994), pp. 54-97, here pp. 61-62.

⁴⁴² *Resultate des unmittelbaren Produktionsprozesses*, [1863-1865] (Frankfurt, a.M.: Neue Kritik, 1968), p. 51n. Cf. *Results of the Immediate Process of Production*, tr. Ben Fowkes, in *Capital*, p. 1027n.

⁴⁴³ *Resultate*, p. 54. Cf. *Results*, p. 1031.

unification of ends didn't prevent Marx from analyzing alienation as a fundamental characteristic of capitalist production, but the tertiarization of labor raises serious doubts about the adequacy of the concept to contemporary production relations. Tiziana Terranova argues that the model of 'production off the clock'—the collapse of the distinction between free time and work time, is possible at least in part because the convergence of consumption and production in cultural production results in the investment of desire—once reserved for consumption—in the process of production.⁴⁴⁴

She doesn't elaborate on this claim, but it seems that a further distinction is needed: first, it's not clear whether there might be any sort of predictable reaction by cultural producers to the extraction of profit from their work. One could imagine versions of this scenario where the desire-investment on the part of the producers was so strong that capital could extract profit from the work with the full knowledge and consent of the producers, themselves overjoyed at the very fact of being able to support themselves (however modestly) with cultural production. On the other hand, it is quite easy to imagine the generation of profit going on without the knowledge of the cultural producers.

As a result of these considerations, I want to suggest that (1) alienation is inadequate to the phenomenon of immaterial labor and that (2) immaterial labor presents the danger not of alienation of the worker from the production process, but something quite the opposite: with the investment of desire in production, with the abolition of the distinction between free time and work time, it is all too common for a worker to be, in a sense, *insufficiently alienated* from the work process. The worker *is* at work when she is at home, she is only not paid for the activities of cultural production she is carrying out. The more of her activities can be shifted off the clock, the more profit there is for the capitalist to realize. Direct evidence of insufficient alienation beyond worker anecdotes is difficult to come by, but it seems that the shift of *responsibility for production* from capital to labor is possible only in the context of insufficient alienation.

This claim is straightforward for cultural producers, although it might need elaboration to be applicable to affect workers. An affect worker is faced with the choice of affectively engaging with a client—a process which often makes the work more enjoyable for the mere reason that socialization is enjoyable—or attempting to produce affect in an alienated manner. This second option is a particularly severe form of alienation—the alienation of one's own personality—and also relatively difficult, limiting its applicability to immaterial labor. More

⁴⁴⁴ Tiziana Terranova, "Free Labor: Producing Culture for the Digital Economy," in *Social Text* 63, 18:2 (Summer 2000), pp. 33-58, p. 42.

commonly, a worker either quits or accepts responsibility for customer satisfaction.

Traditionally, it is a matter of the utmost concern for the apologists for capitalism to justify the fact that the capitalist and the worker receive such unequal remuneration from their involvement in production. A standard axis of argument concerns shouldering the burden of the risks of production. If an enterprise fails, it is the capitalist rather than the worker who loses money; therefore it is the capitalist rather than the worker who gains the reward if the enterprise succeeds. This argument is simply a variation on the idea that it is the capitalist who undertakes⁴⁴⁵ production and then separately contracts with workers for the provision of labor. The workers are no more involved in the production process than are the providers of other raw materials, with the slight exception that their provision of material must be done in person.

As work becomes oriented towards a notion of responsibility rather than labor-time, the distinction between that labor time exchanged for a wage and the leisure time retained as one's own begins to disappear. Instead there is a duration of time and a responsibility for production that permeates the entirety of the employment contract.⁴⁴⁶ While Christoph Hermann doesn't draw the connection explicitly, his juxtaposition of the discussion of the political tendencies of communication and the discussion of the use of production benchmarks opens up a space for the discussion of the use of communications technologies for worker control.⁴⁴⁷ A medium of communication serves, after all, to transmit information. The market in a capitalist economy is supposed to be this sort of medium, transferring information about the relative demand for various productive activities. Carrying out production in the presence of an efficient infrastructure of communication allows for more information to be available to various market

⁴⁴⁵ There is great irony in the term 'to undertake': the German, French and English verbs are all transliterations of each other: *unternehmen*, *entreprendre*. In German and French the relevant nouns for the subject and object of the action come directly from the verb: *Unternehmung/Unternehmer*, *entreprise/entrepreneur*, while English has to borrow the French terms. It seems that the pair 'undertaking/undertaker' were already dedicated to another purpose. The Merriam-Webster dictionary gives three definitions for 'undertaker': one who takes the risk and management of a business, one who prepares the dead for burial and an English person appropriating Irish land in the 16th and 17th centuries.

⁴⁴⁶ Cf. "Travail immatériel et subjectivité."

⁴⁴⁷ "Laboring in the Network," in *Capitalism Nature Socialism* 17:1 (March 2006), pp. 65-76, pp. 72-73.

agents. Ease of communication between producer and consumer is one of the fundamental differentiations between Toyotism and Fordism.

Restricting analysis to the producer, however, it is possible to see the extension of the market not only to the producer but to each part of the production process. The threats of plant closures that used to crop up only at the time of the negotiation of a new contract now become a daily variation in the required extraction of surplus value.⁴⁴⁸ Workers are asked to work overtime without pay; plants are temporarily shut down as capital acquires the ability to extract surplus value in accordance with microfluctuations in market demand. The Fordist/Taylorist regime saw capital purchasing labor power essentially in bulk: surplus stock was accumulated and sold off as a result of the inability of the communications infrastructure to permit the variation of production with much more precision than yearly or quarterly benchmarks. Communication no longer limits the flexibility of the production process, and the effective result is a shifting of risk from employer to employee.

Once the employee bears the risk of the success or failure of production, she becomes an accomplice in her own exploitation through laboring in conditions of insufficient alienation. The risk of being fired is joined by the risk of the failure of the enterprise or the transfer of production. If Taylorism, with its minute analyses of the physical actions of production, corresponds to Foucault's notion of discipline, Toyotism seems a more than serviceable application of biopolitics to production. Biopolitical production incorporates the demand for optimization into the activity of the worker.

2.3.2. Biopower

In Foucault's terms, the thesis of biopolitics is that power is relational rather than repressive, that biopolitical power is distinguished from the power of sovereignty in that it constructs populations rather than threatening them with death.⁴⁴⁹ It constructs populations by establishing norms of hygiene, by

⁴⁴⁸ As one example documented in recent literature, see that of the Apex call center in Rosario, Argentina, analyzed in a project of *conricerca* carried out by the Experimental Chair on the Production of Subjectivity (also in Rosario) in "Call Center: The Art of Virtual Control," tr. Nate Holdren in *ephemera* 7:1 (2007), pp. 133-138.

⁴⁴⁹ This specific claim is developed in *Il faut défendre la société* (Paris: Gallimard, 1997), p. 214. Cf. *Society Must Be Defended: Lectures at the Collège de France, 1975-1976*, tr. David Macey (New York: Picador, 2003), p. 241.

establishing definitions of disease and health.⁴⁵⁰ In the context of these norms, subjects are constructed in such a way as to incorporate these norms volitionally.

This is in some ways a refiguration in a more materialist mode of the Marxian thesis of ideology: power works here not by opposing or preventing the realization of will or desire, but rather at the level of will or desire formation—the production of subjectivities. There then eventuates an identity of wills that—and here I leave Foucault—may or may not coincide with an identity of interests. There is a connection between this conception of power and the Habermasian characterization of an increasingly “continual state activity,” except of course that Foucault doesn’t want to go so far, in a post-spectacular age, of nonchalantly locating power uniquely on one side of a struggle.⁴⁵¹ Rather, power produces the sides and the struggle themselves. Power is, in some sense, implicated at each level of relations between individuals.⁴⁵²

In the notion that power animates political relations, Foucault’s conception of power seems to have something in common with Arendt’s. Habermas seems to waver on the conception of power between a straightforwardly repressive notion that ought to be excluded from communicative action and a more productive/generative notion—particularly in *Strukturwandel*—according to which the increase in continuity of state activity shapes the state in the image of the family,⁴⁵³ but which also is in evidence in the course of the development of the notion of public opinion (in its “*leichtfüßig*” incarnation).⁴⁵⁴ In this sense, his late development of a notion of communicative power represents both a *rapprochement* to Foucault and Arendt as well as a reconciliation of two divergent tendencies in his earlier work.⁴⁵⁵

⁴⁵⁰ *Il faut défendre la société*, p. 220. Cf. *Society Must Be Defended*, p. 244.

⁴⁵¹ *Strukturwandel der Öffentlichkeit* (Frankfurt a.M.: Suhrkamp Verlag, 1962), p. 74. Cf. *The Structural Transformation of the Public Sphere*, tr. Thomas Burger (Cambridge: MIT Press, 1991), p. 18. See also Foucault’s “Sécurité, territoire et population,” in *Dits et écrits*, vol. iii (Paris: Gallimard, 1994), pp. 719-723, p. 719. Cf. *Security, Territory, Population: Lectures at the College de France, 1977-1978*, tr. Graham Burchell (New York: Picador, 2009), p. 2.

⁴⁵² “Du biopouvoir à la biopolitique,” §6.

⁴⁵³ Cf. “Du biopouvoir à la biopolitique,” §5.

⁴⁵⁴ *Strukturwandel*, p. 159. Cf. *Structural Transformation*, p. 88.

⁴⁵⁵ Axel Honneth’s attempt to identify a common point of reference for Foucault and Habermas, as well as to develop this point into a version of critical theory

2.3.2.1. Biopower from below

Hardt and Negri describe biopower as being importantly ‘internal’ to life, “absorbing” and “rearticulating” it.⁴⁵⁶ This notion of absorption and rearticulation already implies a productivity of a sort, and indeed they argue that productivity is the “primary aspect” of the biopolitical order.⁴⁵⁷ They claim that Foucault’s conception of biopower is fundamentally incapable of providing an account of the productivity of the biopolitical order, and switch theoretical registers somewhat to take up the account of productivity provided by Gilles Deleuze and Félix Guattari.⁴⁵⁸ The conception of biopolitical production that results is one which consists of “the production of social life itself,” including the overlapping and intersection of the economic, political and cultural.⁴⁵⁹

Maurizio Lazzarato, on the other hand, claims to be incorporating the Foucaultian notion of biopower straightforwardly into his work on immaterial labor, addressing the issue directly in his article, “Du biopouvoir à la biopolitique.”⁴⁶⁰ For Lazzarato, Foucault is essential to the understanding of immaterial labor in the sense that his model of power depicts power as arising from the smallest political units. The social movements and political actors we normally associate with the realm of the political are the macroscopic effects of the microphysics of power.

capable of avoiding the shortcomings of both of their programs, is a particularly important effort to take this line of thought to its conclusion. See his *Kritik der Macht* (Frankfurt a.M.: Suhrkamp Verlag, 1985).

⁴⁵⁶ *Empire*, p. 23. In a more recent formulation, Negri claims that biopolitics serves to “reveal the immediate political meaning of life itself.” “The Italian Difference,” tr. Lorenzo Chiesa, in *The Italian Difference: Between Nihilism and Biopolitics*, ed. Lorenzo Chiesa and Alberto Toscano (Prahan, Victoria, Australia: re.press, 2009), p. 18.

⁴⁵⁷ *Empire*, p. 387

⁴⁵⁸ Cf. *Empire*, p. 28 and n.14. This criticism of Foucault is developed further in Hardt and Negri’s article “La production biopolitique,” in *Multitudes 1:1* (March 2000), pp. 16-28.

⁴⁵⁹ *Empire*, p. xiii.

⁴⁶⁰ In *Multitudes 1:1* (March 2000), pp. 45-57.

Hardt and Negri, however, are concerned with a second meaning of ‘below,’—they argue that power is constituted at the lowest levels of the socioeconomic hierarchy. This is at least part of the sense of their claim that their appropriation of Foucault allows them to develop a notion of “biopower from below.”⁴⁶¹

It is extremely tempting to seek confirmation or disconfirmation of the claim that power is fundamentally generated from beneath in society. It seems that changing relations of power requires knowing something about the sources of power. The question is tempting, but it seems ultimately doomed. It is another face of the question of whether capital or labor disposes of primary agency. On the Foucaultian conception of power, it is not at all clear that asking about the *origins* or *sources* of power doesn’t lead to a sort of antinomy of political reason. If power is what arises when people undertake relations with each other, then the origins of power lie in the origins of interpersonal relations—it is the question of the beginning of social time. If a theory of social change needs to address questions like this to undertake the business of changing the world, it seems to me that it is in trouble.

In spite of this dead end, the application of the notion of biopower provides a powerful analytic for beginning to understand the relationship between the functioning of power in contemporary society and immaterial labor. Bringing together questions of relations of power and relations of production conserves in a reconfigured form the original Marxian insight that humans produce their social relations from within their productive relations. The division of labor is not, as Adam Smith would have it, simply a productive technology, but rather the beginnings of a basis for a classed political order.

Likewise tertiarization and biopoliticization introduce a new set of social and productive relations. In “La construction du marché du travail culturel,” Lazzarato attempts to articulate the way in which the operation of biopower overlays the regime of material production, creating and enforcing divisions within the population.⁴⁶² His analysis here connects unemployment insurance and basic income with the themes of the Foucaultian control society and the need to create and maintain divisions within a population. By applying the theoretical apparatus of biopolitical analysis to smaller sub-populations in society, Lazzarato illustrates the limitations of disciplinary power, restricted as it is to precisely defined, enclosed spaces. The unemployed and intermittent laborers have never

⁴⁶¹ Cf. Michael Hardt, “Affective Labor,” in *boundary 2* 26:2 (Summer 1999), pp. 89-100, here pp. 98-100, as well as *Empire*, p. 27ff.

⁴⁶² In *A Critique of Creative Industries*, European Institute for Progressive Cultural Policies (February 2007, <http://eipcp.net/policies/cci>).

occupied such a space, and employment relations within a post-Fordist regime increasingly construct ‘regular’ employment in an intermittent fashion.⁴⁶³

If biopower is capable of operation in spaces where discipline fails, this doesn’t mean that biopower displaces discipline altogether, just as the tertiarization of production doesn’t entail the abolition of primary and secondary production. It is a weakness of Hardt and Negri’s analysis in *Empire* that they often portray the development of biopower as a *passage to* biopower rather than the development of new, auxiliary techniques of biopolitical control, or the rise to hegemony of biopolitics.⁴⁶⁴ Lazzarato seems correct in insisting that the development of alternative dispositives of power simply adds to the repertoire of social relations, rather than displacing old ones entirely.⁴⁶⁵

There is a clear parallel between the prevalence of Fordist, factory production and the disciplinary society, just as there is a parallel between the dispersal of production throughout life and the more dispersed operation of biopower. On the production side of things, Hardt and Negri want to argue that a productive revolution consists in the elevation of a particular paradigm of production to the top of the hierarchy of production, by the qualitative transformation of other forms of production to incorporate the techniques, rhythms, and thematic structure of the new mode of production. The analogous development for the power side of the equation would mean that there would still be prisons, but the prisons would be, to some extent, transformed to operate on the basis of biopolitics. This seems far-fetched. On the other hand, there might well be a sense in which biopower is very much present in other archetypical institutions of discipline, like schools and factories. It seems to me unrealistic to separate a biopolitical operation of power in society from biopolitical production in the factory—if manufacturing becomes a service, and this transformation makes the work of a few, many or most workers begin to look like service work,

⁴⁶³ This is, I take it, the sense of Hardt and Negri’s celebration in *Multitude* (129-138) of the slogans of poor Black and Indian South Africans that “We are not Indians, we are the poors!” or “We are not Africans, we are the poors!” While Foucault’s notion goes hand in hand with the deployment of racism, Hardt and Negri want to underscore its potential for the creation of solidarity.

⁴⁶⁴ *Empire*, p. 22ff.

⁴⁶⁵ It is worth noting that, in describing the rise of biopower, Foucault is careful to say that biopower represents a “complement,” rather than a “replacement” of older forms of sovereignty (*Il faut défendre la société*, p. 214. Cf. *Society Must Be Defended*, p. 241).

when and how can this be distinguished from a broader, social operation of biopower?

Analysis of the disciplinary apparatus of the school, however, looks somewhat more promising. Here it is relatively easy to read off of pedagogical theory the variety of relationships between, say, attempts to create students as docile subjects capable of sitting quietly for six hours a day on the one hand and taking pains to instill self-esteem in them on the other. The multiplication of after school and extracurricular activities clearly extends the reach of school further into the lives of the students, at the same time as college admissions officers advance more and more audacious pretensions of being able to judge not the academic performance of a student but rather her whole potential and actual person.

2.3.2.2. Refusal and exodus

When production threatens to encompass the entirety of one's existence and monopolize all possibilities for self-development, it may well be that the most promising avenues of resistance lie not in the appropriation of the productive apparatus, but in its rejection. It is this possibility which underlies the workerist concepts of the "refusal of work" and of "exodus."

The work to be refused is not 'work in general,' the provision for material needs that is more or less imposed by nature, but rather capitalist labor. Mario Tronti, in the classic formulation of the concept, claims that control of society is exercised by the capitalist class through control of production, and that economic necessity is the basis of political power in capitalist society.⁴⁶⁶ The refusal of work, then, is the refusal of capitalist-controlled production. It is from Tronti that Virno derives his own notion of 'refusal' and, to a lesser extent, the related notion of 'exodus'—the crux of both are the claims that the producing class is integral to the functioning of society, that its participation is an essential part of its subjugation and that if it ceases to participate in capitalist production, it can put an end to its subjugation.⁴⁶⁷

It is a nice story, but it seems to be deeply flawed. It is true that some aspects of participation in capitalist production are relatively negotiable—fulfilling the 'need' for fashionable clothing in order to perform membership in

⁴⁶⁶ "The Strategy of the Refusal," in *Autonomia: Post-Political Politics* [1980], eds. Sylvère Lotringer and Christian Mazzarati (Cambridge: Semiotext(e), 2007), pp. 28-35. Cf. *Empire*, pp. 262 and 278.

⁴⁶⁷ Paolo Virno. "Virtuosity and Revolution: The Political Theory of Exodus," tr. Ed Emory, in *Radical Thought in Italy*, ed. Paolo Virno and Michael Hardt (Minneapolis: University of Minnesota Press, 1996), pp. 188-209.

various social groups, say—but others don't seem negotiable at all—fulfilling the need for food or shelter. What's more, a capitalist system seems to provide a certain individual latitude with respect to consumption (even if exercise of this latitude isn't encouraged) in a way that it doesn't with respect to production—I can spend my money on a variety of things, ranging from the most necessary to the most frivolous. This latitude in consumption often stands in the starkest contrast to the choice of the sorts of production in which one engages, a choice severely constrained by factors like the availability of jobs, the need to support dependents, etc. If I refuse to buy designer jeans for my children, the likely result is that they will learn to separate self-expression from commodity consumption. If I refuse to take a job at the only plant in town, I run a very serious risk of being unable to provide food or clothing whatsoever for my children.

This vein of argument seems to me the most important criticism of the workerist notion of the refusal to work. The workerist position approaches the extreme of a perpetual strike, without the acknowledgement that strikes are funded by drawing upon wealth accumulated from participation in capitalist labor by individual workers in the form of savings or by labor unions in the form of strike funds. There is a certain point at which the refusal to work might be sensible: the worker sells labor power and, in some circumstances, she can exercise some degree of choice regarding to whom she might sell that labor power. Workers do sometimes enjoy the choice between working for a union shop or a non-union shop, or a choice between a socially beneficial enterprise and a socially harmful one. Such a choice is not, however, always and everywhere available.

An alternative to a strategy of refusal, however, seems quite useful as a means of resistance to the biopower in which immaterial labor is couched. The lack of a standard of the satisfactory discharge of one's responsibilities runs across immaterial labor. Service work aims to produce the 'satisfaction' of the client, a phenomenon whose epistemological distance from the production of 'a verifiable state of affairs that would tend to satisfy a reasonable client' is immense. If the customer is always right, and if the success of the enterprise depends upon satisfying the majority of customers, then the only way the enterprise can be successful is through an extraction of surplus value flexible both in magnitude and in kind, adapted to the almost limitless possibility of idiosyncrasy the client might choose to indulge. Feminists have long criticized the incorporation of this element into the work of mothering, advancing the concept of the 'good enough mother' in an attempt to place some limit on the exploitation of domestic labor. Deploying such a concept in service work is clearly necessary.

The success of such a strategy requires a disentanglement of the interests of the worker on the one hand and the boss or client on the other. Given the widely varying levels of desire with which immaterial labor is invested by the

workers who perform it, the possibility of achieving this disentanglement appears quite low in many cases, not to mention the difficulty of having it recognized by others. I want to suggest here that a strategy of ‘good enough’ immaterial labor might well provide the sort of resistance the workerists are looking for: at a bare minimum, achieving some level of separation between the interests of labor and those of capital would provide for some protection against the exploitation that coincides with insufficient alienation. This disentanglement likewise seems to hold out promise for avoiding adopting responsibility and risk without sharing in their benefits.

2.3.2.3. Refusal and cathected production

The attempt to imagine forms of resistance to biopower is important insofar as the combination of biopower and immaterial labor is a formidable means of social control. A worker who is responsible for production beyond the walls of the factory is controlled by that production in a way impossible to achieve under a Taylorist regime. The contemporary capitalist, however, needs various elements of society to be in place in order to carry out production: public opinion, public education of a certain sort, even public health; the pursuit of these programs leads to the engagement of the capitalist in the public sphere as a capitalist. That is to say, his engagement in the public sphere will have the goal not of reaching consensus, but of ensuring the social conditions necessary for immaterial production. Beyond the public sphere, the subsumption of the sphere of reproduction under the sphere of production gives the capitalist license to concern himself with the health and conduct of his employees. Since, for example, the unhealthy habits of employees represent additional expense to an employer who partially pays for health insurance, such an employer has license to forbid employees to smoke. In such instances, biopower can be seen to circulate freely between the state and the factory.

This scenario draws class boundaries in a way that is perhaps too clear for workerism, however. Whether at the macropolitical level where Hardt and Negri want to attribute primary agency to labor, or at the micropolitical level where the Foucaultian notion of power rejects claims that one class exercises power over another, the structure of the workerist conception of power seems to make it more difficult to identify a class of rulers and a class of the ruled. If this possibility is foreclosed, then social class cannot be a function of the exercise of power.⁴⁶⁸ The working class cannot then be identified as the class that exercises power in solidarity, but not individually.

⁴⁶⁸ Cf. Michael Zweig, *The Working Class Majority: America's Best Kept Secret* (Ithaca: Cornell University Press, 2001), p. 11.

This transformation is particularly striking in the context of the new features of labor I have been tracing throughout this section. Immaterial labor seems to infuse the entire workforce with demands of creativity and responsibility for success in a way that used to mark the executive class. In the absence of a difference in kind in the involvement of capitalists and workers in the production process, it appears that the division between purchasers and sellers of labor power is replaced by a division between those who are entrepreneurs of enterprises and those who can only be entrepreneurs of themselves.

2.3.3. Immaterial labor, action, communication

This is not to say that the thesis of immaterial labor is not extremely useful in the way it forces us to reconsider the relationship between politics and economics as understood by Arendt and Habermas. At bottom, the claims are relatively simple: *pace* Arendt, immaterial labor seems to represent an open ended form of labor that can very well be the occasion of human flourishing. This is to say that immaterial labor seems to take on the sorts of characteristics she ascribed to politics. I suggest below that this allows us to understand her claim in *The Human Condition* that contemporary scientific work represents action, and to develop her position there further to make sense of contemporary transformations in the worlds of work and politics.

The situation is somewhat less hopeful for Habermas's later categorical distinction between strategy and communication. Viewed from a Habermasian perspective, one could perhaps say that the system has completely colonized the lifeworld. Viewed from a workerist perspective, however, this means less that it is impossible to undertake political action than that the realm of possibility of political action has been markedly expanded to include the economic sphere.

Both of these developments are the result of changes in the technologies of production. I conclude by conceding a certain amount of ground to Habermas in the following way: I do not see how it is possible to refuse to acknowledge that the shifting nature of production has altered the content of the political, but Habermas does seem correct to me in denying that the emergence of new political regions brings along with itself an orientation in those regions. While they do not use the Habermasian language, workerists themselves admit as much from their own political experience. As a result, I suggest that workerism would do well to incorporate the results that I will present in section 3, those which come from an examination of the labor of care.

2.3.3.1. Labor and action

I mentioned in section 2.1.3 Virno's claim that post-Fordist labor, communicative labor, is "work without work." There the important element of the claim was the loss of the distinction between labor time and leisure time; here the

claim can be understood in a fuller sense: communicative labor is work in the sense of the position it occupies in the productive system of capitalism, but it is not work in the sense that it makes use of traditionally non-laboring aspects of human activity. One of the ways in which Arendt distinguishes action from work and labor is in the way in which the outcome of successfully executed work and labor is given in advance, something which is not true of action. If, however, the process of reforming techniques of production is included under the heading of work or labor, then processes of the discovery of new forms of producing value or extracting profit would belong under this heading. These processes would seem precisely to lack a pre-determined end, and thus look in this sense more akin to action.⁴⁶⁹

While none of the workerists engage with Arendt in a sustained enough fashion to articulate this, portraying work-like activities as action is not at all beyond the reach of Arendt's theoretical framework. I don't, for example, know of any workerist who notes the inclusion by Arendt of scientific 'work' under the heading of action.⁴⁷⁰ For Arendt, the work of scientists is action insofar as it is an important locus of the production of new possibilities, of the open-ended exploration of the limits of human potential and activities. From the perspective of workerism, the important way in which immaterial labor is bound up with the scientific content of general intellect ought, I would think, give sufficient reason to take seriously Arendt's location of the production of new human possibilities via scientific reasoning under the rubric of action. It is, after all, the extension of technical-scientific horizons of possibility that raises the possibility of the tertiarization of labor in the first place.

Arendt's inclusion of scientific work under the heading of action has its counterpart in the exclusion of activities like artistic production from the sphere of action.⁴⁷¹ Instead, she includes artistic production under the sphere of work, the production of a moderately durable constructed human world. While Arendt doesn't explicitly offer this argument in *The Human Condition*, the implication seems to be that scientists widen the horizon of human possibility by enlarging our ability to make and to do, whereas artists merely rearrange the pre-existent into new combinations. While I think Arendt would be embarrassed by the wholly

⁴⁶⁹ In "From Capital-Labour to Capital-Life," tr. Valerie Fournier, Akseli Virtanen and Jussi Vähämäki, in *ephemera* 3:4 (2004), pp. 187-208, Maurizio Lazzarato describes immaterial labor as concerning the "creation of worlds"—sets of new possibilities in precisely the sense Arendt had in mind.

⁴⁷⁰ *The Human Condition*, p. 231.

⁴⁷¹ *The Human Condition*, pp. 180-181.

materialist implications of her analysis of human activity, the reading nevertheless seems a useful way of shedding light not only on the relationship between the economic and the social but also on the use of Arendt's theoretical framework for making sense of immaterial labor.

I think Arendt would be embarrassed by this insofar as the standard reading of her work (this is also true of Habermas) is that she expands upon the Kantian prescription of the most categorical separation of the economic and the political.⁴⁷² This reading is formally the same as the economistic reading of Marx according to which the economic base wholly determines the cultural superstructure—the difference between the two positions lies entirely in the fundamental importance awarded the economic in the one position and the political on the other. As far as Marx is concerned, there is a well-established tradition of Marxism that rejects the economistic reading, emphasizing instead the dialectical interaction of the economic and the political. Workerism is amongst the most interesting threads of this tradition.

2.3.3.2. Labor and communication

This refusal of primacy to the economic leads the workerists to pay particular attention to the sorts of relations—whether economic or political—that arise between individuals and groups in the context of a regime of production. This emphasis is driven from two separate directions: on the one hand there is the classical Marxian notion of general intellect, a notion of a background of technical-scientific knowledge in society against which production can be revolutionized. Understanding this version of the general intellect in Arendtian terms provides a basis for taking seriously the work of scientists and technological researchers in opening up new possibilities for human interaction.

On the other hand there is the workerist notion of general intellect, a version on which general intellect is comprised of social knowledges and skills. The Tardian treatment brings these activities under the same analytic lens as the activities of production, and Lazzarato's extension of Tarde applies this analysis to contemporary production.

This second, social conception of general intellect has important consequences for the Habermasian framework. It points to the need for a reevaluation of the difference between lifeworld and system, given the loss of the difference between working time and free time. This is importantly different from the sort of proposals Habermas has offered along these lines with respect to the

⁴⁷² I put the responsibility for these readings on “the standard reader” because, as I hope I've shown in sections 1.2 and 1.3, their approaches are more nuanced than this description suggests.

commodification of free time, insofar as the claim that ‘one ought to spend one’s free time in the consumption of commodities’ remains an ethico-moral claim, even if it is one with clear implications for the economic system. Here there is a thorough infusion of the lifeworld with the processes of production, something which would seem to reinstate a unified picture of human activity, *pace* Arendt.

The important development of post-Fordism is the idea that it is not that politics has incorporated the rationality of production, but rather that production has incorporated the rationality of politics. The previously political activities of cooperating, organizing and communicating are now a part of a job description. The open-endedness that Arendt associates with action is now a feature of continually evolving and adapting processes of production. Action is left as a pale imitation of this new process of production.

It is clear that immaterial labor involves interaction. Fordist labor, undertaken in the midst of the cacophony of the factory, is itself silent and mute, where post-Fordist labor, performed beside the machines, is necessarily talkative.⁴⁷³ It is less clear whether the linguistic activity of post-Fordist production can be said to impinge upon Habermas’s notion of communication, insofar as ‘communication’ for Habermas involves the absence of coercion or manipulation and the orientation towards understanding.

It seems to me that Virno, who discusses Habermas much more often than other workerists, is left unable to articulate the implications of workerism for Habermas by fundamental misreadings such as construing ‘communication’ in the relatively limited sense of ‘linguistic exchange.’ He fails to take into account that the more fundamental distinction between communication and strategy is not so much the use of language as the orientation towards achieving understanding. Habermas takes great pains to distinguish understanding from agreement, and it seems to me that casting linguistically mediated labor as understanding-oriented communication ignores this distinction.

This difficulty should be taken seriously. Perhaps the linguistically-mediated activity of immaterial labor is simply ‘doing things with words.’ It looks like communication, but it is not. It is simply linguistically-mediated strategic action. If this is the case, then it would turn out to be relatively straightforward to apply the Habermasian thesis of colonization to immaterial labor.

The difficulty with this approach seems to lie in addressing the questions of justification that are central to the colonization thesis. For Virno, it is not so

⁴⁷³ Paolo Virno, “Labour and Language,” tr. Arianna Bove (n.d.), <http://www.generation-online.org/t/labourlanguage.htm>. The notion that labor is performed ‘beside the machines’ is taken from the Fragment on Machines, at *Grundrisse*, p. 593 (Dietz) or p. 691 (Penguin).

much that the justificatory power of the lifeworld is displaced by appeals to system as that the processes and results of lifeworld activities are incorporated into the processes of system. The integrity of lifeworld processes is respected, according to Virno, insofar as immaterial labor makes use of actual communication actually oriented towards understanding. The innovation of immaterial labor lies in being able to extract value from these processes by placing them at the center of a productive regime.

This appears, however, to retain the distinction between communication and production. Even if communication is inserted into production, it is inserted in such a way as to retain all the qualities Habermas wants to ascribe to it. The result is a form of the subsumption of communication under production, and the obvious response is a normative objection to this subsumption: to be a Habermasian.

The reply to this criticism would be to argue, as Virno does, that immaterial labor entails the attenuation of the teleological character of labor. Whereas material labor was oriented towards a goal articulated in advance, immaterial labor with its incorporation of the open-ended activities of action cannot articulate standards of success or failure in advance. The centrality of communication to immaterial labor would then be cast as pervading the production process as a whole, removing it from the strict teleology that marks Fordist production. Thus, Arendt's classification of scientific work takes on a new sort of importance.

2.3.3.3. The politics of communicative production

Accepting this response means opening windows to vast horizons of political uncertainty. Christoph Hermann does much to question the political valence of the incorporation of subjectivity and communications technology into the productive process. He points out what should be obvious in Hardt and Negri's appropriation of Foucault, that means of communication are easily transformed into means of control.⁴⁷⁴ This seems particularly likely when communications technology is inserted into the workplace specifically *as* a means of control: here, after all, the workforce must not only circumvent the orientation of the technology towards control by management, but likewise do so in such a way that it produces useful political consequences. As Hermann points out (and Negri acknowledges), the rise of the dispersed factory in Italy was not only grounds for the theorizing of the workerists, but also gave rise to the reactionary

⁴⁷⁴ Christoph Herrman, "Laboring in the Network," in *Capitalism Nature Socialism* 17:1, pp. 65-76, here p. 65.

Lega Nord.⁴⁷⁵ Pointing to this historical chain of events means understanding that there is not a particularly close connection between the immaterialization of work and the reduction of domination in the workplace or in society.

Particularly if the technology is easily adaptable to consumer use, it might be the case that the introduction of new technology in the workplace leads relatively directly to new possibilities for communication. Where there are new possibilities for communication, there is the possibility of the formation of new communities. However: if there is a technological link between the easy availability of security cameras to monitor employees and the dissemination of consumer cameras to the general public, it is also true that cameras in the hands of the general public are as likely to produce videos of motorcycle crashes in parking lots as to deter police brutality at protests. The technology itself is no more likely to produce Indymedia than to produce YouTube. The step between the introduction of the possibility of community and the determination of the political orientation of that community needs to be examined more closely. Communication needs both a medium and a message, and communications technology supplies only the medium.

The insertion of communication into production permits the decentralization of production, but the decentralization of production and dissemination of responsibility are no guarantee of autonomy. If dispersed producers are unable to negotiate collectively, it might well be the case that the final purchaser of components is able to retain as much control over the manufacturing processes of the suppliers as if they were part of the same enterprise. With Hermann's example of Cisco, this takes the form of the domination of suppliers by an end-stage producer. In his examples of Reebok and Nike, it is the domination of the producers of the material product by the producer of a cultural brand.⁴⁷⁶

The athletic shoe example is a vivid illustration of the way that the immaterialization of labor might not break away altogether from the old classed distinction between upper class intellectual labor and lower class manual labor. However true it may be that all labor incorporates intellectual and manual elements, there might still be a useful distinction between labor that is primarily intellectual and labor that is primarily material. The ability to manipulate symbols varies greatly depending upon the valuation of the cultural milieu of which those

⁴⁷⁵ "Laboring in the Network," p. 66; cf. Negri's "Autonomie und Separatismus. Netzwerke der Produktion und die Bedeutung des Territoriums im italienischen Norden," in *Umherschweifende Produzenten*, ed. Thomas Atzert (Mannheim: ID Verlag, 1998).

⁴⁷⁶ "Laboring in the Network," p. 68.

symbols are a part, and the result can be read off of the history of the migrations of manual and intellectual labor power as well as those of manufacturing. Immaterial labor might well be the site of a substantial subversive potential, but it remains to be seen whether it results in a new hegemony of labor or in a hegemony of new forms of management.⁴⁷⁷ If the workplace is bound up in some interestingly new way with the production of identity, it seems perfectly likely that this is simply an additional aspect of labor appropriated by capital.

⁴⁷⁷ Rick Iedema, Carl Rhodes and Hermine Scheeres use the thesis of immaterial labor, along with the Heideggerian notion of “presencing,” to celebrate the subversive potential of immaterial labor in “Presencing identity: organizational change and immaterial labor,” in *Journal of Organizational Change Management* 18:4 (2005), pp. 327-337.

3. Care

In section 2, I treated care work as one sort of immaterial labor amongst others. I spent more time with the research of those workerists, like Maurizio Lazzarato, who approach immaterial labor primarily in its aspect as cultural production than with those, like Mariarosa Dalla Costa, for whom care is of primary concern.

I delayed discussion of Dalla Costa's work until section 3 so as to be able to show the extent to which care carries forward the concerns of the immaterial labor approach. In the interests of clarity, I should note that Dalla Costa provides something of a bridge between the concerns of sections 2 and 3, insofar as she is very much concerned with care but addresses it from the workerist tradition. While Michael Hardt and Antonio Negri do realize the importance of care, they do not give it the same attention as does Dalla Costa. If anything, one would criticize Dalla Costa for not connecting her research more closely to workerist research on immaterial labor.

I hope to show in this section that the workerist approach demands that closer attention be paid to the realities of care, even as it provides valuable new tools for understanding those realities. Immaterial labor makes labor communicative, but leaves it without an obvious political orientation. Care provides that orientation.

In section 1, my concerns were primarily those of the Western tradition of political philosophy. If I began with a discussion of the political implications of Socrates's philosophical activity, it was primarily to set the stage for the discussions of Hannah Arendt and Jürgen Habermas that followed. In section 2, I presented workerism as a political movement that has recently come to exercise a certain influence over political theory in the academy. Here, in section 3, I engage with work on care as a research program that has resulted from the attempts of feminism to make a place for itself in the academy. The best academic feminism has not lost touch with the women's movement, but rather attempts to assist that movement by challenging research that overlooks important questions of gender. I include under this heading that work in moral psychology and moral philosophy which goes under the heading of care ethics as well as that work that attempts to develop a notion of a just society that can account for the centrality of care work to our lives.

Care ethics, as represented in the writings of people like Carol Gilligan⁴⁷⁸ or Nel Noddings,⁴⁷⁹ asks questions about the relationship between the ethical

⁴⁷⁸ My focus here is on *In a Different Voice* (Cambridge: Harvard University Press, 1982).

agent, the demands of morality and other people. The heart of Gilligan's criticism of Lawrence Kohlberg⁴⁸⁰ in *In a Different Voice* is that he (and most moral psychologists, not to speak of moral philosophers) overprivilege the relationship between the moral agent and the demands of an abstract moral law, obscuring the fact that actions are couched within a network of human relations whose preservation and nurturance ought to be important elements of moral deliberation. According to some surveys, it turns out that, in our society, women are more likely to have incorporated these concerns into their moral intuitions.

Joan Tronto, on the other hand, argues convincingly that it is a misreading of the results of Gilligan's research to see the moral 'different voice' as a female voice.⁴⁸¹ She points particularly to the shortcomings of Gilligan's sample groups with respect to racial and class differences.⁴⁸² Nevertheless, Tronto accepts the tremendous influence of Gilligan's research, and the reading that the different voice is female. For Kohlberg and Gilligan, this means that women's moral development is more likely to appear arrested according to models of moral development that would have us all become Kantians. Whatever the gendering of care *ethics*, it remains true that care *work* is clearly almost always gendered female.

Research into care work, on the other hand, begins with three straightforward observations: (1) dependency is an inescapable aspect of the

⁴⁷⁹ Particularly *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 1984), but also *The Challenge to Care in Schools* (Teachers College 1992), amongst others.

⁴⁸⁰ Kohlberg's position is presented in *From Is to Ought* (Academic 1971). Cf. also Kohlberg et al., *Moral Stages* (Karger 1983). It is also worth noting that Kohlberg's work carries some significance for Habermas in his attempt to understand social integration as, e.g., in his discussion in *Theory of Communicative Action*, tr. Thomas McCarthy (Boston: Beacon Press, 1985), VI.2.(4).

⁴⁸¹ *Moral Boundaries* (Routledge, 1993), pp. 82-85.

⁴⁸² Some of Gilligan's later research, such as in Lyn Mikel Brown and Carol Gilligan, *Meeting at the Crossroads: Women's Psychology and Girls' Development* (Cambridge: Harvard University Press, 1993), pays much more explicit attention to issues of race and class. In fairness to Gilligan, in *In a Different Voice* she draws a distinction between the questions of whether there is a different moral paradigm worth understanding and the question of whether that paradigm is gendered.

human condition, (2) the decent, humane response to dependency is caring and (3) the overwhelming majority of societies gender care work as feminine. From these observations, researchers can investigate the sorts of rights and duties that might exist between caregivers and the societies in which they labor, or they can investigate the work itself.

My focus here is on care work, so I simply assume some of the findings of care ethics. I assume that caring is gendered feminine, although I also assume that the gender-based division of labor is as amenable to social modification as any other part of the division of labor. I am interested in the way in which care work fits in with a broader conception of a human life, something which raises the possibility of investigating an Aristotelian or Hegelian notion of ethics (as opposed to a Kantian morality of the sort examined by Gilligan). These are relevant to the extent that care work represents an important aspect of the contemporary terrain of labor, one which forces us to reconceive the meanings of work, the political, and the relationship between the two.

In section 3.1, I establish a definition of care work and argue that it is necessarily a form of communicative labor, in the same vein as other forms of immaterial labor. In section 3.2, I examine the challenges care work poses for liberalism in its basis in an interpersonal unit of care. While calling the individual into doubt as the basic unit of political ontology is grave enough for liberalism, I go further in section 3.3 to argue that the realities of care undermine the liberal conceptions of fairness and reciprocity. Understanding care as a political labor forces us to look elsewhere for images of a society worth working for.

3.1. Care, expression and communication

This investigation requires that I begin by establishing a definition of care work. It is essential that the definition transcend several divisions in political ontology: care is importantly a relationship between individuals, but its situation within the gender division of labor means that care work also situates individuals within a network of social relations. In 3.1.1, I argue for Diemut Bubeck's formulation, according to which care is labor provided for a recipient which that recipient is in principle incapable of performing for herself.⁴⁸³ This definition has the important consequence of distinguishing care work from other varieties of women's work.

This definition likewise provides the basis for an analysis of the subject positions of care, an analysis which takes into account the position of individuals in a care unit with respect to one another as well as the economic grounds of possibility of the performance of care work.

Finally, this definition provides grounds for understanding care as communicative labor in section 3.1.2. If care work is going to be communicative, it seems, there must be some content to be communicated over the course of the performance of the work. Thus I first consider care work in the light of the Hegelian thesis of the crystallization of an individual in her labor. I argue that, where Hegel has individuals related to one another through their objects on the basis of artisanal labor, care work relates individuals to one another immediately through relations of care. Thus the relations instated between individuals over the course of care work appear to be more intimate and immediate, in a way that seems to provide grounds for taking care work seriously as communication.

I extend this argument somewhat to examine the way in which care positions the individuals who perform it. The thesis of crystallization is about individuals in a primary sense, whereas the thesis of the social situation of care is about the way in which care relates individuals to a social structure. Thus after section 3.1.2, I will have argued that care is the grounds for relations between individuals, as well as between individuals and their community.

This permits the examination of the extent to which care can be said to have expressive content, in 3.1.3. For care work to be expressive, it is necessary to acknowledge the challenge care work poses to the distinction between manual and physical labor. Care work seems to be both manual and physical, and immediately so. Neither side, it seems, can be removed without disqualifying the labor as care, such that care is necessarily expressive, physical labor.

This is, I argue in conclusion, as far as one can get with the concept of communicative labor without undertaking a larger discussion of the relationship

⁴⁸³ *Care, Gender, and Justice* (Oxford: Oxford University Press, 1995), p. 129.

between care and the liberal self. The independent liberal individual confronts other independent individuals as a bearer of claims, and the thesis of care seems to fundamentally undermine this conception of individuals. Caring individuals are already bound up with one another in the determination of ends and interests, such that a disentanglement of interests must always be partial and artificial. In the final section, I argue that a full judgment about the way in which care is or is not communicative must take a detour through attempts to make liberalism compatible with questions of care—a detour taken up in section 3.2.

3.1.1. A definition of care

Care work, like all forms of work, is carried out by individuals enmeshed in a web of social and political relations. To describe it exclusively as an activity of isolated individuals is to fail to appreciate the way in which social structures can influence or determine patterns of distribution, evaluation and performance of the work. To describe care exclusively in a social or political register is to discuss the work as it is currently inscribed in a particular socio-political locus, risking being unable to imagine organizing the work in a different, perhaps better way.

Put concretely, I mean to say that addressing care work as an activity undertaken by individuals is to risk obscuring patterns like the fact that the individuals who perform care work in our society are much more likely to be women than men.⁴⁸⁴ It is to risk obscuring the way in which its function as an archetype of women's work makes other forms of women's work seem more like

⁴⁸⁴ Relatively few time use surveys distinguish well between domestic care work and domestic labor in general. As far as domestic labor is concerned, the story runs as follows: the second half of the 20th century saw a marked increase in labor market participation amongst women. This increase has led to a decrease in domestic labor performed by women (which does not equal the additional time spent in market labor), as well as a slight increase in the amount of domestic labor performed by men. Men currently perform domestic labor at roughly half the rate of women. Cf. Juliet B. Schor, "Time Squeeze: The Extra Month of Work," in *Families in the U.S.: Kinship and Domestic Politics*, eds. Karen V. Hansen and Anita Iltis Garey (Philadelphia: Temple University Press, 1998), pp. 113-130. Nancy Folbré is probably the economist making fullest use of domestic labor time use surveys at present, as in Michelle J. Budig and Nancy Folbré, "Activity, proximity, or responsibility? Measuring parental childcare time," in *Family Time: The Social Organization of Care*, eds. Nancy Folbré and Michael Bittman (New York: Routledge Press, 2004), pp. 51-68 or Nancy Folbré, Jayoung Yoon, Kade Finnoff and Allison Sidle Fuligni, "By What Measure? Family Time Devoted to Children in the United States," in *Demography* 42:2 (May 2005), pp. 373-390.

care than they perhaps otherwise would. At the same time, to focus too completely on the socio-political situation of care work is to risk seeing it as ineluctably women's work. If we identify care in large part by its position as women's work, we risk being unable to productively criticize the gender division of labor or to deploy the concept in other circumstances, such as the philosophy of work. In this first section I advance a definition of care that is two sided—both individual and socio-political—in an attempt to address these concerns.

Secondly, the definition I advance will be concerned with distinguishing care work from the larger category of women's work. Because care is so archetypal of women's work, and because the archetype influences our conception of other members of the class, it becomes difficult to delimit the activities of care from other forms of women's work. What I want to call a 'capacious' conception of care simply deflates the distinction. There are certain virtues to developing a capacious conception of care. If, for example, one is concerned with accentuating the extent to which various sorts of women's work look similar (for purposes of nurturing solidarity, for example), then it might seem quite appealing to categorize nearly all women's work as care. Further, the way in which care functions as an archetype of women's work does indeed seem to infuse other forms of women's work with something of a caring content. This means that there is a certain accuracy to refusing strict distinctions within the category of women's work between caring and non-caring work. Nevertheless, I argue that one ought to reject capacious definitions of care to the extent that they unhelpfully obscure that which is most characteristic and politically interesting in care work: its way of constructing content-laden political relationships through labor.

3.1.1.1. Two principles of care

Two particularly capacious approaches to the definition of care are represented in the work of Mariarosa Dalla Costa and Selma James,⁴⁸⁵ on the one hand, and Berenice Fisher and Joan Tronto,⁴⁸⁶ on the other. Even if Dalla Costa and James write in a less academic register than Fisher and Tronto, it doesn't

⁴⁸⁵ Particularly Mariarosa Dalla Costa and Selma James, *The Power of Women and the Subversion of the Community* (New York: Falling Wall Press, 1975), but also Selma James's *Marx and Feminism* (London: Crossroads Books, 1994) and *Women, the Unions and Work or, What is Not to Be Done* (Canadian Women's Educational Press 1974).

⁴⁸⁶ Berenice Fisher and Joan Tronto, "Toward a Feminist Theory of Care," in *Circles of Care: Work and Identity in Women's Lives*, eds. Emily Abel and Margaret Nelson (Albany: SUNY Press, 1991).

seem inaccurate to me to suggest that all four writers are fundamentally motivated by the concerns I suggested above. The speed with which Dalla Costa and James move from discussions of marital relations to childcare to workplace solidarity to housework seems precisely intended to show that women are in similar situations in all of these milieux, and can only improve their political situation through a solidarity which flows from that similarity. Fisher and Tronto, in developing a more academic notion of care, are quite deeply impressed by the way in which aspects of care come to mark all parts of women's work, eventually categorizing as care anything done to "maintain, continue and reproduce our 'world.'"⁴⁸⁷

The capacious approach to care does not seem to me to be a particularly fruitful one. Bringing nearly all women's work under the heading of care runs roughshod over historically and actually relevant distinctions of class and race amongst women. There are important differences of prestige and remuneration between working as a secretary in an office and working as a nanny in the home of that secretary.⁴⁸⁸ To build a politics on a conception of the world of work incapable of making sense of such distinctions seems implausibly inattentive to the realities of social life.

If the approach is too unsubtle to make for good politics, it is even more doomed as scholarship. It is not at all clear to me that there is any form of work—or even too many forms of non-work—that would fall outside of Fisher and Tronto's definition. Indeed, to recall Hannah Arendt's definitions of labor, work

⁴⁸⁷ "Toward a Feminist Theory of Care," p. 40; cf. Joan Tronto, *Moral Boundaries: A Political Argument for an Ethics of Care* (New York: Routledge Press, 1993), p. 103. I emphatically do not want to imply, by my characterization of Fisher and Tronto's work as "academic," that it is marked by the sort of political disengagement sometimes implicit in the term. Nearly all the researchers I discuss in section 3 are solidly grounded in the concrete world of political practice—a fact which ought to be unsurprising given the importance of such grounding to the production of worthwhile analysis.

⁴⁸⁸ It is often noted that the entry of women into the workforce in the United States has sometimes had the effect of shifting domestic labor from white women to brown women, as white women hire brown women to do domestic labor for them so that they can go to work. Cf. Irene Browne and Joya Misra, "The Intersection of Gender and Race in the Labor Market," *Annual Review of Sociology* 29 (August 2003), pp. 487-513, Tanya Schechter, *Race, Class, Women and the State: The Case of Domestic Labor* (Montreal: Black Rose Books, 1998), and Nicki Gregson and Michelle Lowe, *Servicing the Middle Classes: Class, Gender and Waged Domestic Labour in Contemporary Britain* (New York: Routledge Press, 1994).

and action: (1) all labor would count as care insofar as it maintains, continues and reproduces the species, (2) all work counts as care insofar as it establishes or maintains the built world and (3) all action counts as care insofar as it maintains the cultural world.

Diemut Bubeck's attempt to formulate a stricter, more rigorous notion of care work continues to be that thought through and expressed with the most clarity. Bubeck's methodology consists of working through a series of preliminary definitions and characterizations such that she variously (1) identifies care with "meeting needs,"⁴⁸⁹ (2) claims that care involves face-to-face interaction⁴⁹⁰ and (3) distinguishes it from the mere forging of an emotional bond.⁴⁹¹ She (4) characterizes care as non-mechanizable,⁴⁹² (5) claims that it enacts distinctively human capacities,⁴⁹³ that (6) it is affective and (7) active.⁴⁹⁴ Finally, (8) care is provided on behalf of a charge who is in principle incapable of doing the work on her own behalf.⁴⁹⁵

Each of these characterizations provides something of an indication of the nature of care, but most are clearly not definitions on their own. Merely analyzing the claims themselves shows that, at most, (1)-(7) might be necessary conditions for considering an activity to be care, whereas (8) is the only one that might

⁴⁸⁹ *Care, Gender, and Justice*, p. 9. Cf. "Justice and the Labor of Care," in *The Subject of Care: Feminist Perspectives on Dependency*, eds. Eva Feder Kittay and Ellen K. Feder (Lanham, MD: Rowman & Littlefield, 2003), p. 160. Bubeck's final, full definition is at *Care, Gender, and Justice*, p. 129: "the meeting of the needs of one person by another person where face-to-face interaction between carer and cared-for is a crucial element of the overall activity and where the need is of such a nature that it cannot possibly be met by the person in need herself." I will incorporate the proviso that the need met by care cannot in principle be met by the charge at a later point in the argument.

⁴⁹⁰ *Care, Gender, and Justice*, p. 129. Cf. "Justice and the Labor of Care," p. 163.

⁴⁹¹ *Care, Gender, and Justice*, p. 134. Cf. "Justice and the Labor of Care," p. 165.

⁴⁹² *Care, Gender, and Justice*, p. 24. Cf. "Justice and the Labor of Care," pp. 160-161.

⁴⁹³ *Care, Gender, and Justice*, p. 29. Cf. "Justice and the Labor of Care," p. 162.

⁴⁹⁴ *Care, Gender, and Justice*, p. 127. Cf. "Justice and the Labor of Care," p. 163.

⁴⁹⁵ *Care, Gender, and Justice*, p. 129. Cf. "Justice and the Labor of Care," p. 163.

plausibly provide a sufficient condition. I want to claim that it is more helpful to degrade the status of (1)-(7) further, such that they are conceived of as generally, but not necessarily, characteristic of care.

Two examples: Care often meets needs. A friend providing companionship during a difficult period is meeting a need for companionship. Over the course of the friend's presence, however, it is most likely true that the character of her visit fluctuates between a range of 'needed companionship' and a range of 'enjoyable, but not strictly needed companionship.' If we take 'meeting needs' as strictly necessary for the performance of care, then we will have to say that the same activity is care at half past three, but not at a quarter to four. It seems preferable to me to avoid such a slightly absurd conclusion by saying that the entire visit counts as care because it generally provides needed companionship that cannot be provided by the recipient herself.

I want to spend a bit more time with (5), in a second example. (5) claims that care enacts distinctively human capacities, immediately bringing to mind Arendt's analysis of human activity on which humans, freed from the demands of labor and work, are able to enact distinctively human capacities in the sphere of action.⁴⁹⁶ Since they enact distinctively human capacities, both care and action are taken to be activities worthwhile in themselves, intrinsically valuable: it is worthwhile to enact these capacities, therefore it is worthwhile to pursue action or care work regardless of the outcome of the caring or the action.⁴⁹⁷

If the pursuit of care work is valuable in and of itself, then non-caring, analyzed only from the perspective of the potential carer, represents a lost opportunity to engage in a valuable undertaking. Thus, if it were possible to automate care, by constructing caring robots, it would be undesirable to do so—

⁴⁹⁶ Cf. section 1.2.3.

⁴⁹⁷ The language here calls to mind the claim expressed in Martha Nussbaum's various articulations of the list of human capabilities to be promoted in a just society, as in, e.g., *Sex and Social Justice* (Oxford: Oxford University Press, 1999), pp. 41-42, *Women and Human Development: The Capabilities Approach* (Cambridge: Cambridge University Press, 2000), pp. 78-80 or "Adaptive Preferences and Women's Options," in *Economics and Philosophy* 17:1 (2001), pp. 87-88. Nussbaum, of course, would reject as illiberal the notion that actually acting or actually caring (the "functionings" of action or caring, in her terminology) ought to be promoted, preferring instead the promotion of the capabilities of action or caring. The similarity between Arendt and Nussbaum is unsurprising given their underlying Aristotelianism; the divergence between the two is due in no small part to the expression of Aristotelianism through republicanism on the one hand and through liberalism on the other.

even before we address questions of the desirability of robot care for those who might receive it. As for the desirability of robot care, Bubeck advances what seems to me to be an extremely hyperbolic claim, that having the care work of a society performed by robots is a “nightmare vision.”⁴⁹⁸

Robot care could only be a nightmare vision from the perspective of potential or actual recipients of care, unless we want to claim that the lives of those who don’t perform care work are “nightmares.” Thus, (5) can be fleshed out as follows: care work necessarily enacts distinctively human capacities. These distinctively human capacities are tied up with the performance of care work in such a way that, of two performances of the activities of care, the one devoid of distinctively human capacities is not only not care but even a nightmare.

I want to argue that this is incorrect. An argument can be built from the use of animals,⁴⁹⁹ or eventually certain sorts of robots in the provision of care. Animals are commonly used to provide companionship to those who lack it, and providing companionship, as with the example offered above, is a form of care. One shortcoming with the practice of using animals in this way is that the animals themselves need to be maintained, tasks which are sometimes beyond the capabilities of those to whom the animals would provide companionship. As a response to this shortcoming, a robot called ‘Paro’ was introduced into elder care in 2004. Paro resembles a baby seal—amongst the easiest of animals to cathect—but, because it is a robot, it requires no maintenance from the recipient of care.

It is analytically true that an animal or a robot cannot enact distinctively human capacities.⁵⁰⁰ If (5) is taken to be a necessary condition for the

⁴⁹⁸ *Care, Gender and Justice*, p. 28. Cf. “Justice and the Labor of Care,” p. 162, as well as Eva Feder Kittay’s *Love’s Labor: Essays on Women, Equality and Dependency* (New York: Routledge Press, 1999), p. 30 n.50.

⁴⁹⁹ Cf. the entry on “Animal-Assisted Health Care,” in *The Encyclopedia of Elder Care*, Mathy Doval Mezey and Barbara J. Berkman (New York, Springer, 2000), pp. 59-61.

⁵⁰⁰ This ought not be problematic for research into artificial intelligence or consciousness. I am simply assuming that a robot cannot be human. Thus if we can replicate a capacity in a robot, then it follows that the capacity was not a distinctively human one. It might, then, turn out to be the case that there are no distinctively human activities. This leaves untouched the further question of exactly what it is that those who interact with Paro are doing. With respect to care, there seem to be two possibilities here, one of which is much more straightforward than the other. First, it is possible to understand care in a strictly physical sense, and to say that those who interact with Paro anthropomorphize the robot in a way precisely analogous to the way so many humans anthropomorphize

performance of care, then the companionship provided by animals or Paro is not care. If it is care, then the capacities enacted over the course of care are such as are generally, but not exclusively, displayed by humans. I want to claim that the companionship provided by animals or Paro should count as care, and it should count as care on the basis of the response it elicits from those humans who are

pets. In this case, the interaction is counted as care because the human experiences it as companionship.

Second, it is possible to say that Paro is some sort of tool, whose function remains to be analyzed through an understanding of the relationship between humans and tools. I think that Don Ihde, for example, would argue as follows: Paro is an example of what Bruno LaTour calls “A Collective of Humans and Nonhumans” (in *Pandora’s Hope: Essays on the Reality of Science Studies* (Cambridge: Harvard University Press, 1999), pp. 193-215). That is to say that Paro represents the embodiment of a team of roboticists and programmers in a bit of technology. (Ihde uses LaTour’s concept in this way as an interpretation of the chess-playing computer “Big Blue” in “Of Which Human Are We Post?” in *The Global Spiral* (June 6, 2008), <http://www.metanexus.net/magazine/tabid/68/id/10552/Default.aspx>.)

This appears *prima facie* to be an instance in which the care of Paro’s developers might be said to be amplified via technology, but this appearance is misleading. In order for this to be the case, the human would have to see in Paro an expression of concern on the part of the team of roboticists and programmers. This strikes me as unlikely if for no other reason than that it would suggest that the roboticists and programmers care about people they have never met.

An alternative Ihdean possibility would be to look at the way in which machines are incorporated into the consciousness and experience of a charge. Ihde tends to write of things like driving sports cars, typing or looking through a telescope, but the basic point is easily extended to a variety of enabling technologies used by individuals with various disabilities. The point is that, with these examples, one ceases to experience the technology as such and experiences the world through the technology. However useful such a paradigm is for evaluating enabling technologies, it is fundamentally foreign to the idea of care and the prospects for providing care via robots. To incorporate care into one’s way of being in the world, to live through a caring relationship instead of in a caring relationship is to erase the specificity and even existence of care.

provided companionship by the animals.⁵⁰¹ On this approach, the determination of care is determined primarily by the reaction of the recipient of care, such that whether the animal provides adequate and valuable companionship is determined by the reaction of the human who receives the companionship. This means that the companionship provided by Paro is analyzed in a way similar to that provided by a non-robotic animal. Further, there is no theoretical obstacle to designing robots capable of performing care work, where the standard of their success would be the extent to which they were able to elicit certain affective responses from those who received their companionship.

Speaking of companionship already puts the discussion in the domain of Bubeck's principle (8), according to which care is some work provided for someone who is in principle incapable of providing that work for herself. Companionship is by definition of this character, whereas the extent to which things like bathing, feeding or dressing qualify as care would flow from the specific capabilities of the recipient of care. (8) is important here insofar as it provides both a clear picture of why care should be so often run together with other women's work as well as a principle for distinguishing care proper from other women's work. Housework, for example, qualifies as care if and only if it is provided on behalf of a charge who is incapable of doing the work herself. Thus housework provided for family members who are themselves capable of doing the housework here counts as a service, rather than as care. Doing one's own housework, likewise, counts as a service rendered to oneself. Non-care women's work is often construed as care by both the performer and the recipient of the service, such that both parties take the work to be an instance of care. In such a way, husbands and wives enthusiastic about the gender division of labor often collaborate in their insistence that husbands are in principle incapable of learning

⁵⁰¹ This bears a certain resemblance to one of Nel Noddings's conditions for the characterization of an activity as care: she writes of caring being 'completed' in the cared-for in *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 2003), p. 4 (amongst others). Noddings illustrates the notion with an analogy with teaching: "teaching is completed in learning and [...] caring is completed in reception by the cared-for" (69). Of course, it is quite possible to learn from someone who isn't teaching, and it seems to me equally possible to respond to something as caring without any knowledge of that thing's mental states—as, for example, the projection and anthropomorphization that are such a large part of the joy of having a pet. Thus while the claims are similar, I take my version to be significantly more ontologically parsimonious than Noddings's.

to perform housework or cooking.⁵⁰² Even in such a situation, however, it is telling that the status of the service as care is importantly premised upon the supposed inability of the recipient to perform the service himself. Thus it is only this last description that provides a workable definition of care, even if care is frequently characterized by all of (1)-(7).

3.1.1.2. The subject positions of care

Now that I have established a definition of what care is, I can turn to the question of how care happens. How does care relate individuals to one another? It turns out that establishing a conception of what care is entails a fairly complete set of subject positions of care, of individual relationships that must obtain if care is to be performed.

Care analyzed as a form of labor requires at the very least a laborer and an object of labor. It seems self-evident that, in a caring relationship, these are the person providing care and the person receiving care. Sara Ruddick, whose early research was particularly centered on familial relationships, casts this as a relationship between a “mother”—her technical term for a caregiver—and a “child” who receives care.⁵⁰³ Noddings, in turn, describes the relationship as between a “one-caring” and a “cared-for.”⁵⁰⁴

Ruddick’s choice of terminology does the most to call attention to the fact of the gendered distribution of care work. It begins to seem somewhat inappropriate in its application, however, once one’s investigation moves substantially away from the family, attempting to understand care not only in the intimate, familial sphere, but also in the economic sphere. In this sense, Ruddick’s terminology strikes me as too enmeshed in a particular location of care (a particular work site, if you will) to be easily applied to other sites in which care is certainly performed. If Ruddick’s terminology is too centered on the family, however, I do find its attention to gender useful. As an acknowledgement of the nearly universal, long-standing and continuing gendering of care work, I will refer to care workers as ‘she’ throughout my discussion.

If Ruddick’s terminology strikes me as too specific, Noddings’s strikes me as needlessly abstract. I don’t think that her terms capture the urgency and necessity of care as well as the terms I will suggest; further, they offend against my aversion to neologism. I prefer to use terms concrete enough to be familiar, and abstract enough to be easily applied to the entire class under discussion.

⁵⁰² *Care, Gender and Justice*, p. 135. Cf. “Justice and the Labor of Care,” p. 166.

⁵⁰³ *Maternal Thinking* (Boston: Beacon Press, 1989), pp. 40ff.

⁵⁰⁴ *Caring*, p. 4.

Given my project of describing care work *as* work, I prefer to use the broader terminology of ‘care worker’ and ‘charge.’⁵⁰⁵ ‘Care worker’ and ‘charge’ seem to me to flow easily with broader discussions of work, they convey something of the importance of care work, and they don’t require much syntactic open-mindedness.

That care can be analyzed into these two subject positions flows straightforwardly from the decision to analyze care as work. A third subject position of care comes from the fact that care work is unproductive labor.⁵⁰⁶ The categorization of care work as unproductive labor gives warrant for the claim that, in addition to the care worker and the charge, care work also requires that there be performed productive labor which provides the leisure necessary for the performance of care work.

This turn of phrase is precise, but somewhat tortured. A more roundabout, but clearer, way of putting it would be to remind the reader that productive labor is categorized by its tendency to increase the wealth of society, whereas unproductive labor reduces that wealth. Production, for instance, counts as productive labor (because of its role in the creation of surplus value), whereas service counts as unproductive labor. (Because, for example, having a butler for a day requires that the means of subsistence which could have been used to support a productive laborer for a day were instead used to support the butler for the day. The laborer would have converted those means of subsistence into a certain quantity of goods, whereas the butler has not converted them into anything—they were simply consumed.) Care counts as unproductive labor insofar as it consumes goods without producing goods of greater value (without producing surplus

⁵⁰⁵ Kittay, in *Love’s Labor*, uses the terms “dependency worker” and “charge.” She writes, “Although we sometimes speak of dependency care, I have chosen the word *work* to emphasize that care of dependents *is work*” (30).

⁵⁰⁶ Nancy J. Hirschmann provides a detailed analysis of John Stuart Mill’s use of the term ‘unproductive labor’ with respect to women’s work in “Mill, Political Economy, and Women’s Work,” in *American Political Science Review* 102:2 (May 2008). Mill defines as ‘productive’ labor that is “either directly or indirectly an investment in people who will produce objects that increase wealth” (205). This makes his definition quite interesting for some purposes, but too confused for mine. Thus when I say that care work is unproductive labor, I am using the more straightforward Smithian definition offered in section 2.1.2.1, according to which productive labor increases wealth, whereas unproductive labor does not. The production of commodities increases wealth, the performance of care does not. It is also worth noting here Kittay’s conjecture that extreme scarcity—thus conditions under which unproductive labor is impossible—might eliminate the obligation to care, at *Love’s Labor*, p. 28 n.44.

value). Since it is a net consumer of goods, it requires there to be a surplus for it to consume. That surplus could only come from a productive laborer.

Ruddick includes this necessity in her analysis of the subject positions of care, terming this subject position the “father,” who provides income for the “mother” to care.⁵⁰⁷ I retain my preference for economic over familial terminology, and so will refer to this third subject position of care as a “provider.”

A first caveat is that it is, of course, entirely possible for one individual to function as both a care worker and a provider, assuming that her productive labor is efficient enough to permit time for unproductive labor as a care worker. It is also often possible for a charge to function as a provider, when she has resources from previous productive labor or when her need for care does not preclude her performance of productive labor. On the other hand, it is analytically impossible for one person to function as both a charge and her own care worker (which is not to say that she might not be both a charge and a care worker for another).

A second caveat comes from the recognition that the performance of unproductive labor requires the performance of productive labor at a macroeconomic level, but not at a microeconomic level. To indulge for a moment in a familial Robinsonade: an isolated, familial economy creates a situation in which the necessity of productive labor for unproductive labor is clear. Crops must be tended to make caring for an infant possible. In a larger economy with a more extensive division of labor, the access of a care unit to the products of productive labor might well be mediated by several market mechanisms, such that a provider might well wait tables (and thus perform unproductive labor) in order to gain access to the products of productive labor so as to enable the pursuit of care within the caring unit. It would thus perhaps be more accurate to speak of a distinction between a Robinsonading, absolute producer whose producing is not market mediated and a relative producer whose producing is mediated by the market, but this distinction falls away as soon as productive labor is by and large subsumed under capital. Contemporary potato farmers must also sell their potatoes in order to have money to buy bread.

These first three subject positions are recognized by most of those who write about care work; after some discussion I will present an argument for the inclusion of a fourth subject position of care, one who connects the care unit to the political sphere in a way similar to that in which the provider connects the care unit to the economic sphere. At the moment, then, the definition of care is as follows: care tends to meet needs of the charge through face-to-face interaction and all of the rest, but care counts as care only because it is provided on behalf of a charge who is in principle incapable of doing the work on her own behalf.

⁵⁰⁷ *Maternal Thinking*, pp. 42-43.

Further, the attention of the care worker to the charge prevents the care worker to at least some extent from participating in productive labor, such that a care unit must also comprise a provider who makes possible the exemption from productive labor that underlies care.

3.1.2. The significance of care

Focusing on the relationship between the care worker and the charge, particularly in instances like the provision of companionship, draws attention to the way in which care work is a labor of relating, in an important sense. It appears, at least *prima facie*, that care work orients the care worker and the charge to each other in a way that calls into question Habermasian distinctions like that between labor and interaction, or that between strategic and communicative reason.

These Habermasian distinctions are, of course, part of a long philosophical debate about the relationship between making things and relating to others. On the one side is a liberal tradition which argues that the construction of our built world is fundamentally separate from the achievement of our political world. Individuals are made into citizens without regard for their productive activity, and democracy is possible regardless of the economic structure of society.

Against this vein of argument is a mostly illiberal tradition arguing precisely the opposite: the way in which individuals labor is an important part of who they are, affecting the way in which they think about political issues and the way they develop as individuals. With Aristotle, this position leads to an argument for the exclusion of menial workers from the political sphere,⁵⁰⁸ whereas for Karl Marx and Friedrich Engels it leads to a vision of a society where no one is chiefly a menial worker.⁵⁰⁹

For my purposes of reaching a definition and preliminary characterization of care work, the important aspect of this disagreement is the opposing claims entailed by each position about the extent to which (1) labor can have expressible content and (2) that content is or can be relevant to the political.

3.1.2.1. Individual crystallization

The thesis of crystallization has to do with the relationship between a laborer and an object of labor. So the thesis goes, when a laborer transforms an

⁵⁰⁸ *Politics* 1277a-8a. Cf. section 1.1.2.2.

⁵⁰⁹ *Die deutsche Ideologie* [1845-1846], in *Werke*, v. 3 (Berlin: Dietz Verlag, 1969), pp. 5-530, here p. 33. Cf. *The German Ideology*, Part I (selections), in *Karl Marx: Selected Writings*, ed. Lawrence H. Simon (Indianapolis: Hackett Publishing, 1994), pp. 102-156, here p. 109.

object of labor, something of the identity of the laborer is added to the object, creating a lasting, significant connection between the object and the laborer. For those with whom this thesis is most commonly associated, G.W.F. Hegel and Marx, the thesis leads to concern with patterns of alienation of the object from its creator, with the exchange of commodities.⁵¹⁰

Since I am interested in the extent to which labor can create, embody or bear expressive content, I am fundamentally concerned with the connection between the laborer and the object of labor. This connection is particularly brought to the foreground in Hegel's example of the lord and the bondsman.⁵¹¹ The bondsman is related to the earth, to the object of his labor, as well as to the lord, who owns his labor. For the bondsman, the object of labor exists beyond and against him, in such a way that he is able to crystallize his labor outside of himself in the land. Since he recognizes that the land is not a part of him, the investment of his labor in the land allows him to see himself in the world, to gain a certain sort of freedom that goes beyond himself.

The object of labor both is and is not a part of the laborer in two senses: (1) insofar as the laborer's self is to some extent represented in it, and not a part of the laborer and (2) insofar as the fact of its being made concrete means that it can be controlled by another. Elsewhere, after all, Hegel insists on the importance of private property in terms that seem quite similar to the description of labor here—it is the existence and disposition of private property which provides an individual with the basis of existing in the world, with the ability to express himself by the manipulation of part of the world.⁵¹²

⁵¹⁰ These ideas are present throughout much of Hegel and Marx's writings. Amongst others, see *Phänomenologie des Geistes*, B.IV.A (in the example of the lord and bondsman discussed immediately below), *Philosophie des Rechts* §§41-71 and §§189-208. For Marx in a philosophical voice, see *Ökonomisch-philosophisch Manuskripte aus dem Jahre 1844*, in *Werke, Ergänzungsband 1* (Berlin: Dietz Verlag, 1968), pp. 465-588, here pp. 513ff. Cf. *Economic and Philosophic Manuscripts*, in *Karl Marx: Selected Writings*, ed. Lawrence H. Simon (Indianapolis: Hackett Publishing, 1994), pp. 54-97, here pp. 60ff. It is worth noting that Marx eventually adapts the concept for use in a much more economic sense, when value becomes crystallized *social* labor, and thus quite distinct from the earlier use I reference here.

⁵¹¹ Kelly Oliver presents a reading of the example of the lord and bondsman through the paradigm of care in "Subjectivity as Responsivity: The Ethical Implications of Dependency," in *The Subject of Care*.

⁵¹² *Philosophie des Rechts*, §41. Cf. section 2.2.2.2.

This fragility of crystallization, whether it comes in the form of ownership or in the form of artisanship, is an important aspect of the Hegelian thesis. If I do not relate myself materially to the world, then my self-expression is limited; once I do express myself by engaging with the material world, however, I make it possible for another to interfere with, modify or destroy my self expression.⁵¹³ The essence of the irony of the self-expression of the wage worker in his products is that he is confronted by a world which is constructed by his hands yet not at his disposition. His ability for self-expression via the manipulation of the external world is used for the advantage of another.

To incorporate this into prior argument: to define care as consisting in labor of which the charge is in principle incapable implies that the labor aims at some good of the charge. The care worker, then, presumably aims at the achievement of that good in the course of performing her labor. Applying the Hegelian thesis of crystallization here suggests that the care worker's self is achieved in the person of the charge in the process of performing this labor. At the same time, what is 'good for the charge' is determined by basic facts about the charge, such that the content of the care worker's labor (and thus the terms of her self-crystallization) are determined according to criteria which originate in the charge.

This is importantly different from the way in which an artisan's crystallization is determined in part by the qualities of the raw materials with which he works. It is true that an empty environment offers no possibilities for crystallization, whereas a fertile environment might offer plenty. The difference between the two situations is the difference between the environment's determination of the possibility of achieving an end and the charge's determination of the end itself. The artisan might find his designs thwarted by his environment of labor, but the care worker finds her designs thoroughly determined (beyond the most abstract, formal level of 'achieving a good') by her environment of labor.

The artisan achieves crystallization of himself in his object of labor upon successful execution of his designs. It is at that point that his self becomes subject to the intentions of another insofar as it is incarnated in the material world that is

⁵¹³ Under this light, the important distinction between care work and material labor has to do with the object of labor: namely, care work has as its object another human where material labor has as its object a material object. It is entirely customary to think of expressing oneself in one's actions upon a material object, but presumably we ought to be much more careful with talk of self-expression when the object of labor concerned is a human likewise concerned with self-expression.

part of the environment in which others act. If the artisan has labored on his own property, then the artisan needn't worry about having made himself vulnerable to the imposition of the will of another through the reshaping of his object of labor.

The situation is very different with the care worker. The care worker adopts 'the good of the charge'—whatever the content of this phrase might end up being—as her project. Upon taking up the project of caring, her self is extended into that of the charge, such that her will is vulnerable to the will of the charge (in a case of disagreement—with the charge or with other workers also providing care for the charge—about the content of the phrase 'the good of the charge') or the will of others who might act to contravene the good of the charge. This can be the source both of an enlargement of her capacity for experiencing good, insofar as she is positively affected by increases in her own well-being as well as that of the charge, as well as an increase in her vulnerability, *mutatis mutandis*.⁵¹⁴ If her charge flourishes, she might justly accept some of the credit and consider it a success for herself, as well; if the charge does not flourish, she might well consider it a failure of her own.⁵¹⁵

The thesis of crystallization holds that labor places individuals in relations with one another, mediated by the physical world which forms the environment in which they labor. With care work, this aspect of mediation drops out, as care work places individuals immediately in relations of care. Thus the way in which artisanal labor relates individual laborers relies on the incidental fact that laborers share the same physical environment, whereas care work necessarily relates a care worker and a charge.

3.1.2.2. Social situation

It is possible at this point to object that what I have described are relationships between individuals, where I have announced an intention to describe political relationships. Individual relationships might have been political relationships in ancient Greek *poleis*, but political relationships in modern mass

⁵¹⁴ Cf. Kittay's notion of the "transparent self," in *Love's Labor*, pp. 51ff.

⁵¹⁵ Of course, the effort and skill of the care worker are rarely all-determining. Neglectful care can be adequate in otherwise hospitable circumstances, and heroic care can be insufficient in hostile ones. The charge might be incapable of flourishing, for example, if a terminal illness runs its course and the charge dies. In such a case 'flourishing' is a less appropriate goal of care than something like minimization of suffering. I take it that such a case is largely beyond my concerns here, as is the instance where a charge becomes capable of developing a conception of flourishing, and that conception happens to be different from that held by the care worker.

democracies are of a fundamentally different character: contemporary political relationships situate individuals with respect to groups, such that a given individual is encountered as a member of several different socio-political groups.

It is in the context of such concerns that it becomes necessary to examine the way in which care work is gendered, and the way in which it genders those who perform it.⁵¹⁶ In a first moment, certain labors are assigned to certain individuals as an aspect of the larger gendering of those individuals; in a second moment, acceptance of individuals into gendered communities is premised upon their satisfactory performance of their gendered labor.

The reluctance I attributed previously to Dalla Costa and James to distinguish care work from other forms of women's labor is no barrier to incorporating aspects of their account of the gendering of labor here; in fact the capaciousness of their account might enable them to give a stronger account of the gendered nature of care than would be possible were care more sharply distinguished from other forms of women's work.

Dalla Costa and James's picture of the socio-political constitution of a laborer runs through a thesis of individual crystallization. They claim, for instance, that a person performing housework can objectify herself in this work, can realize herself in the production of a clean and tidy house.⁵¹⁷ When Dalla Costa and James advance the claim, it is in the context of providing an explanation for why women do housework that "isn't necessary," of understanding the way in which women's work occurs in a way that both is and is not "isolated."⁵¹⁸ On a social level, James portrays in many places the connections formed between housewives, with special attention to the way in which these relationships are overlaid with the expectations of domestic work. She writes, "The women will exclude someone from their group because she is not doing what is expected of her. A mother who neglects her child or does not take care of

⁵¹⁶ Alice Kessler-Harris's "Stratifying by Sex: Understanding the History of Working Women," in *Gendering Labor History* (Champaign: University of Illinois Press, 2006) manages to place these issues in a historical setting while remaining consistently theoretically critical. The basic structure of what I suggest here clearly has quite a lot in common with Judith Butler's account in *Gender Trouble* (New York: Routledge Press, 1990).

⁵¹⁷ *The Power of Women and the Subversion of the Community*, p. 36.

⁵¹⁸ *The Power of Women and the Subversion of the Community*, p. 36, but cf. Selma James's "A Woman's Place," in *The Power of Women and the Subversion of the Community*, p. 66.

the house and has no excuse for it will not have the time or confidence of the other women.”⁵¹⁹

Thus immediately the crystallization of the self in the labor of keeping house is connected to the achievement of belonging in a community. By doing “what is expected of her,” a woman establishes her right to active participation in the community of housewives. This is all the more remarkable given the *prima facie* isolated nature of the labor. There are many labor arrangements in which the lassitude of one worker imposes greater demands on the others, but this is not generally the case with domestic labor. The point at which domestic labor approaches most closely to socialized labor—doing another’s work in times of indisposition—is generally subject to *ad hoc* arrangements which are superimposed on the ordinary, individual organization of the work. This being the case, one would expect the inadequate performance of housework to result in the withdrawal of willingness to assist, but not in the withdrawal of “time or confidence.”

What this shows is that, in Dalla Costa and James’s portrayal, the self objectified in housework is not simply a laboring self but a self whose labor inscribes her in a particular socio-political community. There are thus two distinct classes of effects that arise from the labor, one material and one socio-political. The material effects of housework are a clean home. The socio-political effects are inscription in the (female) community of houseworkers. The individual nature of housework is such that those who bestow the benefits of group inclusion (other houseworkers) are quite distinct from those who receive the benefits of the work (the family and, according to Dalla Costa and James, the boss⁵²⁰).

Dalla Costa and James focus on the way in which labor provides access to a particular social sphere, but it is also important to note that—insofar as that sphere is undervalued in society—access to the circle of housewives coincides with exclusion from the sphere of political participants. By valuing women’s work, Dalla Costa and James hope to make it so that access to the sphere of housewives does not conduce to exclusion from the political sphere. However, by recognizing the political reality to which they are reacting, one can see the connection between the Aristotelian and Hegelian notions of work. The community-constitutive aspect of the performance of labor can very well be part of a general system of social oppression. If labor is a component of a system of oppression, forced labor and oppression stand in a dialectic where the self is formed with the expectation of taking part in oppressive labor and the continual

⁵¹⁹ “A Woman’s Place,” p. 69.

⁵²⁰ The argument that care work is beneficial to the employer is developed further in section 3.3.2.2.

performance of oppressive labor acculturates the self to a system of oppression. Thus the claim that a self is objectified or that communities are achieved in labor needn't have the slightest liberatory content; labor is perfectly capable of objectifying oppressed selves.

It is necessary, then, to bear in mind the content of care work both at an individual as well as at a socio-political level: at an individual level, care relates the care worker and the charge, and potentially a series of care workers, charges and providers through networks of care. At a socio-political level, the performance of care work inscribes a care worker in a particular segment of the population, one which is gendered female, economically underrecognized and politically underrepresented.

The first of these aspects of care seems integrally bound up with the nature of care, whereas the second seems entirely accidental. It seems relatively easy to imagine a redistribution of the burdens of care that would not be gendered, one which would not immediately situate a care worker in a disempowered socio-political group.⁵²¹ For the moment, however, I hope to have shown that care work is a labor with specific content: the content of a self invested in a charge, and the content of a self placed in a socio-political structure.

3.1.3. Communicating significance

If care work does in fact have content which is in principle expressible, what would it mean for care work, or any other work, to be communicative? There are at least three ways in which it is possible to imagine labor serving as a medium for the transmission of information between individuals.

First, there is an archaeological sense in which work can be communicative: work produces things, and those things entail certain facts about the society in which they were produced. With respect to this archaeological sense of communicative work, a Habermasian would be correct to point out that an artisan produced these artifacts with the intention of using them, rather than with the intention of communicating something about her culture to an observer from another culture. Thus this archaeological sense of communicative work can at most be used to describe the tendency of care work to inscribe care workers in particular socio-political positions.

⁵²¹ For the time being, I will leave this claim as it is. In section 3.2, I will take up the claim that the investment of the self of the care worker in the person of the charge represents a danger for the political participation of the care worker. If indeed this is the case, then it would appear that the socio-political situation of care workers does indeed have a connection to the way in which care situates individuals with respect to one another.

A second sense of communicative work could be called artisanal: an artisan produces an object not merely to use it, but also as an embodiment of certain skills and values.⁵²² The object is then the crystallization of both the training and expertise of the artisan, as well as certain beliefs held by the artisan about the value of workmanship or perhaps decoration. This is more interesting for a discussion of communicative work insofar as here it seems proper to suggest that the artisan's labor is a process of both strategic and communicative action.

Taking a final step, then, there is a form of communicative work which is closer to the sense intended by the workerists, a form in which what is produced is primarily communicative. The physical means whereby the content is communicated does not take the position of primary importance; in fact, it may even be secondary to the content itself. In Arendtian terms, it is difficult to categorize this activity: there is a sense in which much communication is produced for simple, momentary consumption, as with small talk or gossip. There is other communication which seems to be produced to be used for a period, to be constitutive of a cultural world; in constructing a cultural world, however, it seems already to be moving towards the Arendtian notion of action.

3.1.3.1. Manual and physical care

Speaking of the relative importance of the physical and communicative aspects of communicative labor seems to raise the question of the distinction between manual and intellectual labor, one that the workerists attempt to avoid.⁵²³ They point out that immaterial production must flow through a physical conduit, declining to ask about the relative importance of the content and the conduit to the labor itself.⁵²⁴ In some sense, it is trivially true that all labor has some physical element, whereby it represents a modification of the world. Intellectual laborers like musicians are only said to be making music if indeed they are making

⁵²² A classic discussion of the ideal of craftsmanship can be found in C. Wright Mills's *White Collar*, 10.2 (Oxford: Oxford University Press, 2002). Richard Sennett has recently attempted to articulate an ideal of craftsmanship that goes beyond skilled, artisanal, manual labor in *The Craftsman* (New Haven: Yale University Press, 2008).

⁵²³ While he predates the workerists, Alfred Sohn-Rethel's *Geistige und körperliche Arbeit* (Berlin: Akademie Verlag, 1989) remains an important engagement with this problematic for the movement.

⁵²⁴ Cf. Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin, 2004), pp. 108-109.

material recordings, or at least—as one musician puts it—“smudging the air with my song.”⁵²⁵

On the other hand, we often deny the importance of the physical element of what we deem intellectual labor in questions of the attribution of credit or authorship. Poetry is intellectual labor. Thus when Milton or Borges became blind and began to dictate their ‘writing’ to someone who transcribed it, we don’t consider ascribing to their assistants authorship (the fact of ‘having produced’) the work. On the other hand, washing dishes is manual labor. Thus when my partner suggests that I do the dishes and I do them, it is I who receive credit for having done the dishes. Intellectual labor involves its physical elements only accidentally, as an aside to the transmission or preservation of the content to which we direct our attention. Manual labor involves its physical elements essentially.

If we do use the distinction in our thinking about much labor, it is significantly more difficult to maintain its coherence with respect to care work. Much care work clearly has essential, physical elements: Bathing a charge with difficulties with mobility is care work. Feeding a baby is care work. Cooking for a charge who cannot prepare her own food is care work.

And what of the affective elements of care work? Can someone be said to be performing care work if she performs the above tasks without any affective engagement? Kittay defends a deeper notion of the role of affect in care work, claiming that a care worker must herself care in order to do care work well.⁵²⁶ It is often the case that commodified care work overtaxes the affective capacities of care workers to the point that they cannot care. Institutional care is often undesirable because it is care work performed in a factory setting, a setting that stresses the efficiency of the manual aspects of care work to the exclusion of the affective ones.

On the other hand, I argued above that a robot could in fact (does in fact) provide care, but it was important that the robot be so constructed that it was possible for the charge to cathect it. Similarly, there is no need to prove that a care worker has a particular mental state with the content of concern or well-wishing for a charge in order to show that a particular labor is care, but it seems that we would want to claim that care must be performed in such a way that a charge can

⁵²⁵ Leonard Cohen, “A Singer Must Die,” *New Skin for the Old Ceremony* (New York: Columbia Records, 1974). It is perhaps an interesting puzzle to consider the extent to which John Cage’s *4’33*” counts as music, or labor, on this definition.

⁵²⁶ *Love’s Labor*, p. 30 and n. 49.

develop an emotional bond with a care worker.⁵²⁷ A care worker skilled in this manner would thus be one capable not so much of significant empathy with her charge, but rather one capable of eliciting certain affects from her charge.⁵²⁸

Eliciting affects, like care work in general, is a business that is at the same time both physical and affective. It is difficult enough to separate the two aspects, and it is impossible to claim primacy for either. The connection of the manual and physical aspects of care is so strong that the activities of care work carry with them a strong *prima facie* presumption of the attitude of care. Activities of care carried out brusquely can appear to be uncaring, just as verbal expressions of concern unaccompanied by a willingness to undertake activities of care can seem insincere. A minister who stops by a hospital room appears to care less than a family member willing to endure the physical discomfort and anxiety of staying with a patient for days on end. Making a casserole to take to a funeral expresses a greater level of concern for the bereaved than, say, bringing Chinese takeout.

3.1.3.2. The expression of care

This expressive character of care work is not simply a result of the fact that labor was invested, nor is it true that increased quantities of labor necessarily express greater concern. The minister has, after all, invested labor in traveling to the hospital, and most people who brought Chinese takeout to the funeral would have been able to purchase it from wage income, hence with labor embodied in money. The mediation of both forms of care through market mechanisms seems

⁵²⁷ This might seem to be in tension with my claim in section 3.1.2.1 that a care worker takes as an end the good of the charge. I would respond only by denying that we need an account of mental states in order to ascribe an end to an agent, and that it is possible to ascribe an end like ‘the good of the charge’ to a care worker without having access to mental states.

⁵²⁸ There is a worthwhile objection to including the eliciting of affect in the definition of care that runs as follows: some charges, such as those with Asperger’s syndrome, experience difficulty in developing and maintaining social bonds. Isn’t it the case that a definition of care which includes the ability to elicit an emotional response risks entailing the impossibility of extending care to such charges? My response would be that it is indeed more difficult to care for a charge with Asperger’s syndrome, and that quite often what would occur as care for charges with more expansive affective capacities might well occur as service in such cases. This seems to me to be the correct response, insofar as it would be misleading to suggest that limited affective capacity on the part of the charge presents no obstacles to the provision of care.

to divest the actions of visiting and providing food of much of the aspect of communicating concern.

Care activities are generally expressive of greater concern as the labor required for their performance increases, although the investment of extraordinary amounts of labor does not seem to increase their expressive capacity. If the bereaved were to learn that the casserole-maker had invested extraordinary amounts of labor in the dish by, say, butchering a hog herself and making her own sausage to cook into it, this would be indicative of idiosyncrasy on the part of the casserole-maker, not extraordinary concern. Most of us have a fairly good idea of the labor time necessary for the production of products in the home, even if that time is tremendously variable.

Investing the quantity of labor socially necessary for the production of a home-produced good or service seems to express concern, I want to claim, according to the following implicit chain of associations: relations of care are associated with the family and with the home. The home is the site of several forms of service labor beyond care, such that care becomes associated with those forms of service labor. Performing these forms of service labor for someone outside of the family, then, imbues the labor with the affective valence associated with family relations and care. Put concretely: since most people cook for their families more often than they cook for anyone else, to cook food for someone is to communicate a sort of quasi-familial intimacy to them. The unity in such labor of both strategic and communicative content seems to place the distinction between the two on questionable footing.

There is a structural continuity between this expression of inclusion and the gendering of care work discussed in 3.1.2.2. In that section, the socio-political situation of care work was seen to be such that the performance of care work communicated to a community at large the socio-political situation of the care worker. Thus the significance of care work there contrasted sharply with any sort of intention that could be ascribed to the care worker. In this second, more specific form of communication, we see that the communicated content of care is wrapped up with the intention of she who performs it, or at least as wrapped up with intention as any other form of communication might be.

3.1.3.3. Labor of social reproduction

None of this has the character of Habermasian communication, of an independent, unconstrained interaction. In fact, care seems to be antithetical to something like true communication, at least in cases in which the dependence of the charge extends to something like the formation or expression of judgments, interests, desires and ends.

To flesh the objection out a bit more, consider John Rawls's concern with the difference between habilitating children to an appreciation for justice and

indoctrinating them to the unfree acquiescence to an unjust system.⁵²⁹ For Rawls, the distinction ultimately lies in the distinction between developing the full use of the two moral powers (which will allow the free choice of a conception of the good) and hindering this development. In many children, the development of the two moral powers is a worthwhile and appropriate goal, but it is a goal that will remain unattainable for others. For charges whose ability to form judgments is permanently inhibited, there is no place for such development. Thus there are significant regions of care in which communication in a Habermasian sense will remain impossible, in which the natural inequalities that for Arendt and Aristotle mark the non-political realm cannot be gotten around.

Even to take the most optimistic case, in which it is appropriate to make the attempt to develop in a child the full use of the two moral powers: it is the business of care, as noted by Arendt, to habilitate a child to the existing cultural world. Even in an age in which education has been removed from the family sphere, in which social sites of discipline have been multiplied to an unprecedented extent, it is in the care of the family that the most basic moral impulses are instilled. If Habermasian communication includes the ability to challenge the basis of a conversation, then it must not be overlooked that the relationship between a parent and a child would involve the parent's transmitting to the child any possible reason for challenging the basis of a conversation.

This objection flows, I think, from a deep tension between care and the liberal tradition, a tension that I will examine in the next chapter. Even beyond the liberal tradition, Aristotle and Arendt shared the conviction that the political sphere was a sphere of equality, a criterion to which it seems that a relationship of care cannot rise. Thus without seriously examining care-based objections to liberalism, and liberal objections to including care in the public sphere, it is only possible to conclude that care is a labor with expressive content. A judgment as to the compatibility of care and communication will thus have to be postponed.

⁵²⁹ *A Theory of Justice* (Cambridge: Belknap Press, 1971/1999), §78.

3.2. Care and the liberal individual

Since the advent of the modern era, discussions of liberalism—particularly contractarian liberalism—have dominated the mainstream of political philosophy. The analysis of care work becomes essential to an evaluation of the plausibility of the liberal tradition at the point where care work seems to cast doubt upon the primacy and tenability of the liberal conception of the person. Hence in this section I will be concerned with articulating more rigorously the subject positions of care work, and developing a fuller understanding of the way in which care work situates those involved with it with respect to the political sphere.

According to contractarianism, humans can be thought of as forming a state by removing themselves from the state of nature in order to enter into a social contract with one another. Each agrees to the contract on the basis that the political rights he is able to gain by agreeing to the contract are a benefit that outweighs the natural rights he relinquishes in leaving the state of nature. In its Rawlsian version, this conception of society is expressed in the notion that social justice is the question of deciding how the benefits and burdens of social cooperation ought to be distributed, undertaken against the foundational assumption that, in order for it to be possible to justify a society to its members, the benefits to be gained by social cooperation must outweigh the burdens that must be shouldered.

The ambiguous position of the family is well-established in the literature critiquing such an approach to political philosophy. Thomas Hobbes conceives of his contractors “as if but even now sprung out of the earth, and suddenly (like Mushromes) come to full maturity without all kind of engagement to each other,”⁵³⁰ and there is nothing like the family in the state of nature for Jean-

⁵³⁰ *De Cive* [1651] (Whitefish, MT: Kessinger Publishing, 2004), VIII.I. Cited by Eva Feder Kittay at *Love’s Labor: Essays on Women, Equality, and Dependency* (New York: Routledge Press, 1999), pp. 23 and 108 n.185. Susan Moller Okin’s *Women in Western Political Thought* (Princeton: Princeton University Press, 1979) is probably the classic approach to this problem: although she does not examine Hobbes specifically, her basic argument that social realities such as the family limit the extent to which women can be fit *post festum* into political orders arranged for and by men applies very much to Hobbes as well. Carole Pateman’s *The Sexual Contract* (Palo Alto: Stanford University Press, 1988) focuses more specifically on the relationship between the gendered order and contractarianism, although concern with the family is rarely absent. Pateman’s arguments that Hobbes rejects the claim of the natural subjugation of women but reinstates it through a contract established by force is of significant consequence for the understanding of contract and gender, but beside the point here. See *The Sexual Contract*, ch. 3 as well as her “‘God Hath Ordained to Man a Helper’: Hobbes,

Jacques Rousseau. John Rawls conceives of the family as a basic institution of society, but one whose internal structure ought not be subject to the demands of justice. Rawls seems to assume, along with neo-classical economics, that individuals will be mostly self-interested outside of the family and altruistic within it, to the extent that only heads of households need to be represented in the original position.^{531,532}

The family remains a principal location for the performance of care work, but there are many others. Thus in this section I do not examine the family itself so much as the political ramifications of the relationships that surround care. Contractarianism relies on the notion that contractors can bargain for their political rights on the basis of their independence: each is free to refuse the contract and return to the state of nature, and none has any obligation to the other in the conversation that produces the contract.

The realities of care work force us to reckon with the fact that people are related to one another, and have obligations to one another that go beyond those demanded by justice. Some of these relations are between individuals who are roughly equal in power, but many of them are between those who are anything but equal. In many relationships, one person is often dependent to a greater or lesser extent on the other. This is true in a care relationship, and Eva Feder Kittay notes that the caring relationship itself produces other, “derivational,” or “secondary” dependencies.⁵³³ In this section I explore this network of derivational dependencies as it emanates outwards from the caring relationship.

Patriarchy and Conjugal Right,” in *British Journal of Political Science* 19:4 (October 1989), pp. 445-463.

⁵³¹ The Rawlsian formulation based around “heads of household” is used in the earlier formulations of Justice as Fairness. Over the 30 years between the publication of the first edition of *A Theory of Justice* (Cambridge: Belknap Press, 1971) and Rawls’s death, he was able to benefit substantially from the criticism of a number of feminist theorists of his portrayal of the family. Amongst the most important of these is that of Okin in *Justice, Gender and the Family* (New York: Basic Books, 1989), particularly chs. 2 and 5. Rawls attempts to distance himself from the undesirable implications of the formulation of the parties to the original position as ‘heads of households’ by eventually describing the parties as “abstract persons,” “trustees” or “guardians” of those they represent (*Justice as Fairness*, ed. Erin Kelly (Cambridge: Harvard University Press, 2001), pp. 81-85).

⁵³² Rawls’s approach to questions of altruism and selfishness will be treated more fully below, in 3.2.2.3.

⁵³³ *Love’s Labor*, pp. 46-48; 129-130.

3.2.1. The care unit

On the largely Bubeckian definition of care with which I am working, the charge, in order to qualify as a charge, must be dependent—namely, dependent upon the care worker for the provision of needs the charge is in principle incapable of attending to herself. This dependency can vary tremendously in terms of the domain in which it occurs as well as its depth. Someone who has difficulties with mobility is dependent in a different sense than someone who has difficulties with formulating or expressing a will. An infant is nearly completely dependent, whereas a teenager is hardly dependent at all.

I don't have anything particularly interesting to add to the literature on the sorts of dependencies that might arise from physical disability. Claims that have risen to the level of truisms in dependency studies are adequate for my approach: our built environment often creates dependency where none need exist. Society has some sort of obligation to provide (at least some) people with disabilities with access to (at least some) tools and environmental modifications towards the end of better being able to pursue a full and varied life.⁵³⁴

As Kittay notes, this approach works well for many people, but ultimately it works by attempting to continue the exclusion of dependency from the political sphere. People with disabilities are part of society; those disabilities seem to make them less fully participants in that society; therefore what ought to be done is to modify the built environment so as to minimize their dependency. Kittay poses a difficult question: how can political philosophy address the situation of those

⁵³⁴ Such claims are succinctly articulated by Kittay in “When Caring Is Just and Justice Is Caring: Justice and Mental Retardation,” in *The Subject of Care: Feminist Perspectives on Dependency*, eds. Eva Feder Kittay and Ellen K. Feder (Lanham, MD: Rowman & Littlefield, 2003), pp. 257-276, particularly at pp. 264-265. It would be remiss to fail to note the vigorous questioning of the social model of disability within the disabilities studies literature over the past several years, as, for instance, in Tom Shakespeare's *Disability Rights and Wrongs* (New York: Routledge Press, 2006), which provides a helpful overview of literature in the field. More applied approaches to the relationship between disability and politics as part of a full and varied life are developed in Helen Meekosha and Leanne Dowse, “Enabling Citizenship: Gender, Disability and Citizenship in Australia,” in *Feminist Review* 57 (Autumn 1997), pp. 49-72 and Lisa Schur, Todd Shields and Kay Schriener “Can I Make a Difference? Efficacy, Employment and Disability,” in *Political Psychology* 24:1 (March 2003), pp. 119-149.

whose sets of abilities are limited enough that independence and productivity fail to be useful goals?⁵³⁵

For such people, independence cannot be achieved by access to tools or modifications in the built environment. It seems to me that posing this question leads to a deep skepticism that a liberalism based on a model of equal individuals contracting and bargaining for distribution on equal footing is adequate to the complexities of our social reality. What is to be done to construct a society that is decent to those who can, for a time or permanently, voice no claims upon it? Understanding the way in which a society might be able to include such people in a dignified, fair way requires developing a fuller account of the relationships of care that mediate between these individuals and society.

3.2.1.1. The care claimant

When a charge is capable of formulating and expressing needs and desires, the charge can to some extent direct the provision of care. If the charge is incapable of formulating or expressing needs or desires, then this becomes part of the regime of care needed by the charge. According to most conceptions of care work, this sort of public/political work is thrown together with the more immediately private work of physically and emotionally caring for the charge. It is true that one worker often carries out both tasks, but the fact that one is primarily concerned with relating to the public sphere on behalf of the charge, whereas the other is fundamentally concerned with relating to the charge herself, is sufficient grounds for suggesting a distinction between the two. I will call ‘care claiming’ (performed by a ‘care claimant’) the work of relating to the public on behalf of the charge, while I will use the term ‘care work’ in the more restricted sense of relating to the charge herself.

The care claimant takes up the labor of formulating and expressing a conception of the good for the charge. Where the charge has no need of assistance in formulating and expressing a conception of the good, the charge performs the role of care claimant. If the charge is incapable of formulating a conception of the good, then this labor might be carried out by the care worker or by a worker fulfilling the care claimant role uniquely. The labor of claiming care on the one hand faces the provider, insofar as it is the claimant who advances claims on behalf of the charge. Bearing in mind that the provider position can be filled by a wage-earner, by social service agencies or by the state, this labor might entail activities as diverse as negotiation with family, negotiation of complex bureaucracies or participation in political movements aimed at public awareness, research funding or state support.

⁵³⁵ “When Caring Is Just,” p. 267.

The other aspect of the labor of the care claimant consists in the procurement of care work. In some instances—particularly in the procurement of medical care—the care claimant finds herself epistemically dependent upon others in her work. Ellen K. Feder expresses with admirable clarity the complex epistemic context in which care claiming decisions are often couched. Feder’s research shows how identifying and pursuing the good of the charge can be a significant and difficult struggle.⁵³⁶

Feder uses the example of sex assignment surgeries, although the point is applicable to almost any aspect of life in which there is a division between what Feder terms “expert” and “everyday social knowledge.” Most people know that children are unhealthy if they cough constantly or that it is psychologically beneficial for them to interact with others, but the advantages and disadvantages of sex assignment surgery on infants are clearly beyond the experience of most parents. Feder’s analysis equally places them beyond the reach of most experts.

Feder identifies two important consequences of being faced with the necessity of action in the face of woefully inadequate knowledge: first, she identifies the way in which the reliance of the parent (here as a care claimant) upon expert knowledge can damage her relationship with the charge. This is particularly true in the case of children, where the ramifications of a decision spell themselves out over time as the child develops the ability to evaluate the decision taken. Feder likewise identifies the way in which the epistemic inequality of the expert and the care claimant represents a barrier to what she terms the “autonomy” with which a care claimant pursues the good of the charge.⁵³⁷

There is a possibility for resistance by the care claimant to these barriers to her work. The father in Feder’s research who began researching sex assignment surgery when informed of his child’s ambiguous sex was acting in just such a way by pursuing knowledge beyond that made available by the experts. Pursuing

⁵³⁶ “Doctor’s Orders: Parents and Intersexed Children,” in *The Subject of Care*, pp. 294-320. The issue is common to many medical situations, as in Gerald Markowitz and David Rosner, “Expert Panels and Medical Uncertainty,” in *American Journal of Industrial Medicine* 19:1, pp. 131-134 or Daniel W. Shuman, “Expertise in Law, Medicine and Health Care,” in *Journal of Health Politics, Policy and Law* 26:2 (April 2001), pp. 267-290. Beyond uncertainty is the practice of the instrumental use of medical knowledge, commonly used against workers in dangerous jobs. See, for example, the discussion of company doctors in David Alan Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922* (Champaign: University of Illinois Press, 1981), pp. 135ff.

⁵³⁷ “Doctor’s Orders,” p. 300.

knowledge in such a situation is an attempt to improve the position from which the care claimant makes a decision; an analogous reaction would be to expand upon the possibilities for pursuing the good of the charge by attempting to create new political and economic possibilities.

The relationship between the care claimant and the expert is one in which it is the care claimant who is largely dependent upon the expert for the knowledge necessary to make a competent decision on behalf of the charge. In the relationship between the care claimant and the care worker, the care claimant exercises considerably more power. This relationship is largely a typical employment relationship, with a proviso concerning the limited fungibility of care work. Since a care claimant is less likely than most employers to view the labor of a care worker as fungible, she might be in a weaker bargaining position towards the care worker than most employers are towards their employees. For a care claimant, replacing an employee means not simply training a new one as much as hoping that a new care worker can form a relationship with the charge.

To the extent that the care claiming is performed by an individual distinct from the care worker, there are the normal tensions between worker and employer extant between the two, slightly modified as befits the unique circumstances of care. It would appear, *prima facie*, that these tensions could be resolved by recourse to the principles of justice, insofar as they appear to arise from the conflicting claims of discrete moral persons.

Thinkers carrying out research on care have often rejected a justice-based approach to the adjudication of the relationship between the care worker and the charge, suggesting that their interests are too bound up with each other to be the proper object of moral adjudication.⁵³⁸ The good of the charge is part of the good of the care worker in such a way that the good of the care worker is injured if either (1) the labor of the care worker is made less demanding by underestimating the needs of the charge or (2) the labor of the care worker is made more demanding by increasing the estimation of the needs of the charge. To interpellate

⁵³⁸ This is not to say that care displaces justice generally, as indeed very few would make such a claim. Most of the earliest writers on care ethics (such as Carol Gilligan, Sara Ruddick or Diemut Bubeck) claimed that justice and care were indeed compatible. My point here is simply that principles of justice operate over competing claims in a sense that is often inappropriate for the relationship between the care worker and the charge. The question is not one of selfishness or altruism, but of intertwined interests. This is not incompatible with the recognition that willing that a charge be cared for and that oneself is uniquely situated to provide that care seems to require willing one's own well-being as a condition of the care of the charge.

the care worker and charge into a conflictual relationship of zero-sum redistribution of benefits is to damage the good of the care worker. The only difference is whether the good of the care worker is damaged in a way that is immediately of her concern or relationally so. Given the relational conception of the individual advanced by care ethics, this distinction identifies different sources of concern without suggesting that immediate concerns are more important than relational ones.

This argument ought to be extended to cover the case of the care claimant, as well, particularly when the care claimant is also the care worker. It is quite easy for there to arise in such a situation a tension between the carer in her claimant role of determining the good of the charge and the carer in her worker role of pursuing that good. The more ambitious the conception of the good she forms on behalf of her charge, the more demanding will be the labor of advancing that good. It would be a moral failure for her to set the needs of the charge at too low a level in order to ease her burden as a care worker, yet there is likewise a limit of plausibility on what she conceives as achievable, and this limit is imposed by judgments about political reality, as well as the insuperable boundaries of her time and energy. There is, therefore, a strong tendency towards self-exploitation in such conditions of labor.

This self-exploitation is fundamentally similar to the self-exploitation for which all immaterial labor is at risk. Whether the labor is performed as wage labor has little influence on the dynamic of self-exploitation. Even where the labor is uncommodified, the fact of experiencing the labor as an important good renders the worker willing to sacrifice other goods to ensure that the work is done. When this involves the inordinate sacrifice of goods to which the worker has a right, it begins to be possible to speak of self-exploitation outside of the commodified economic sphere.

The fact of this self-exploitation as a particular manifestation of the intertwining of interests within the care unit must be addressed as a political issue. The resources of liberalism for dealing with instances of the inability to develop or express interests are limited, and articulating the extent to which not only dependent charges but also those involved in secondary (and here, tertiary and quaternary) dependencies begins to expose something of the magnitude of the doubt cast upon liberalism by the realities of dependency.

3.2.1.2. The care unit in the public realm

Politically, the problem appears as follows: each member of a liberal state has the right to express her interests. This extends to the charge, yet the charge is unable to express any interests. Thus the charge must be represented by someone who is competent to judge her interests—the care claimant. If the care claimant expresses the interests of the charge, then it is not obvious that she is also able to

express her own interests. The care claimant, care worker and charge represent a network of tightly interwoven interests in a political system that seems to demand that interests be identified with individuals.

The intertwined nature of caring interests is primarily a problem for liberalism to the extent that it is characterized by the sort of plebiscitary publicity characteristic of late capitalism. A discursive public would present, at the most, the possibility that a care claimant would need to adjudicate between competing interests within the care unit. This is the case when any parent is faced with the possibility of raising taxes to better fund local schools. Ideally, discursive publicity makes use of participation rather than representation and reasoned consensus rather than majoritarian coercion. It seems, however, that some model of representation and majoritarianism is unavoidable in the age of the nation-state.

Even within such a paradigm, there is a potential solution that presents itself immediately: if the challenge care represents for liberalism lies in the fact that it poses difficulty for the representation of individual interests, why not simply adjust the resolution of political ontology a bit? Why not have a political ontology that includes not only individuals, but also care units comprised of a charge, care worker and care claimant, and perhaps a provider as well?

Such a proposal is along the same lines as the proposal for disproportional representation Kittay briefly considers and rejects. She cites as a reason the simple fact that allowing a guardian to vote for a dependent violates the principle that each individual get one voice,⁵³⁹ but I think that the problems go deeper than this. A particularly decisive problem is one based in the history of feminist thought: Advocating representation of care units would mean that the care unit would need some sort of spokesperson, someone charged with the responsibility of determining the needs of the care unit and advancing those needs in much the same way that a care claimant acts in place of a charge. A care claimant makes a good-faith effort on behalf of a charge by definition—someone who fails to do so does not qualify as a care claimant. This is fine for developing a theoretical account of care, but significantly less than satisfactory for imagining a political system of representation. To claim that all spokespeople for care units would necessarily make good faith efforts to determine the good of their care units seems dangerously naïve. It seems to return to the notion that the head of household will make altruistic decisions on behalf of his household, and never make any attempt to leverage the power he possesses as the member of the household who is publicly active into a despotism over the other members of the household. We have seen that this fiction has failed, and it ought not to be resurrected for a political ontology in which ‘care unit’ replaces ‘family.’

⁵³⁹ *Love's Labor*, p. 110.

This is not to suggest that there aren't any differences between care units and families, of course. In societies where families are a significant element of political ontology, it is assumed that everyone belongs to a family. Thus the representation of families need not be reconciled with the representation of individuals. The same could not be said for a political ontology of care units. While everyone requires care, at some time, not everyone is always involved in relationships of care, and it is implausible to suggest that an individual who is not a part of a care unit does not deserve political representation. Thus the representation of care units must be reconciled with the representation of individuals. The most obvious way to do this seems to be to represent care units based on the number of individuals within them. By taking this step, however, care units do not become an alternative fundamental unit of political ontology, but rather a certain way to group together individuals. All of the problems with dependency and liberal political representation remain firmly in place.

3.2.2. The care worker and the public

The charge is dependent upon a care worker for care and, in the cases I have been discussing, upon a care claimant for formulation and expression of a conception of the good. The care worker is dependent upon the care claimant and the provider as an employee. The care claimant is dependent upon the care worker as a necessary component of realizing the good of the charge, as well as on the provider for the provision of the means to undertake care. Some of these dependencies are straightforwardly economic, whereas others are political or moral. Some appear to be both at the same time. This complex web of derivative dependencies is threatening to the liberal contractualist image of the political actor as an independent person, but liberalism has often had to reconsider its notion of independence in order to save its notion of political personhood.

I begin this section by tracing a genealogy of the contemporary notion of the liberal individual, paying attention to the way in which the concept was modified in order to accommodate the economic developments of early capitalism. I then consider two attempts to save liberal individualism in the face of more recent economic transformations and the development of our understanding of work.

3.2.2.1. A genealogy of dependency

Genealogy is one of the most important tools Michel Foucault employs in developing his histories of the present. The approach is historically enlightening, although I often wonder if it isn't somewhat rhetorically suspect. By placing current institutions and social practices in the often eerie light of past ones, it seems to me that Foucault frequently comes quite close to making the claim that contemporary institutions share with past ones not only certain logics, but

likewise a level of unconscionable cruelty.⁵⁴⁰ There is certainly a similarity between the Panopticon and the proliferation of speed and red light cameras; that similarity is not the level of cruelty they inflict.

I object to this use of history because it seems to me that history is important insofar as it is present, insofar as its accretions continue to guide our judgments and intuitions. The persistence of sexism in the United States as well as the remarkable victories of feminist movements over the past 100 years must be understood against the backdrop of such a history. Used in this way, history can deepen our understanding of present political reality and be a useful guide for the political imagination. If I am skeptical of the possibility of achieving the ‘scientific socialism’ advocated by Karl Marx and Friedrich Engels, I continue to think that there is bite to the charge of utopianism they frequently directed against ‘nonscientific’ socialists: a political program is utopian to the extent that it is divorced from and discontinuous with our historical reality.⁵⁴¹ The only worthwhile response to a charge of utopianism is historical: the argument that you can get there from here because we have already been some other place over here—have you forgotten so soon? I take it that this is what Nancy Fraser and Linda Gordon are doing in their genealogy of dependency, rather than implying that new dependencies share the sometimes unsavory political character of the old ones.

Fraser and Gordon claim that economic independence was the first sense in which individuals were said to be independent,⁵⁴² and this independence accrued to those at the higher and lower reaches of the socio-economic scale. Those citizens who disposed of a complete household could be said to be independent in the sense that their material sustenance came from the productive

⁵⁴⁰ Cf. Richard Rorty, “The Contingency of a Liberal Community,” in *Contingency, Irony and Solidarity* (Cambridge: Cambridge University Press, 1989), pp. 44-71, here p. 63.

⁵⁴¹ Cf. section III of *The Communist Manifesto* [1848], in *Karl Marx: Selected Writings*, ed. Lawrence H. Simon (Indianapolis: Hackett Publishing, 1994) pp. 157-186 or Engels’s “Socialism: Utopian and Scientific,” in *The Marx-Engels Reader*, ed. Robert C. Tucker (New York: W.W. Norton & Co., 1978), pp. 683-718.

⁵⁴² Nancy Fraser and Linda Gordon, “A Genealogy of Dependency: Tracing a Keyword of the U.S. Welfare State,” in *The Subject of Care*, pp. 14-39, here p. 17. Cf. Kittay’s claim at *Love’s Labor*, p. 183 that the “purchase price of independence is a wife, a mother, a nursemaid, a nanny,” in what concerns those with dependency responsibilities.

activity of those in their household. This domestic labor falls, for juridical purposes, under the aegis of their legal personhood. This is to say that their dependency is confined to a zone of private transfers, hence they are publicly independent. This public independence, in turn, is sufficient to grant them access to the fully human sphere of action, the political sphere.

At the opposite extreme, Fraser and Gordon cite as an impetus for the 1601 English Poor Law the desire to abolish the independence of the poor.⁵⁴³ The poor, I would claim, are independent of public economic transactions in the same sense that the rich are, yet this independence is achieved not by increasing domestic production, but by reducing individual consumption. Long before the advent of the welfare state, the poor subsisted by some combination of private charity, irregular hunting or gathering, scavenging and theft. The language of leisure gives ample means for describing the difficulty of combining this time-intensive means of subsistence with public activity, while Fraser and Gordon's language of independence lends itself to talk of social control, of the unease caused by the existence of the wandering poor, tied to no town or guild.

Over time, property requirements for political participation were at least formally abolished. Radical forms of Protestantism rejected feudal forms of social hierarchy, capitalist revolutions of the countries of the North Atlantic expanded markedly the class of political participants, introducing voting as a sort of political participation.⁵⁴⁴ Wage laborers, the productive descendants of artisans, needed to be situated with respect to the old convictions according to which political participation was restricted to the economically independent. Where feudal hierarchies inserted producers into a complex hierarchy of dependence, Catholicism cared for their souls in a complex web of spiritual mediations. Protestantism abolished these mediations in favor of a direct relationship with God as capitalism abolished the web of dependencies of feudal society in favor of a direct contract with the capitalist. Wage labor on a contract basis—that seemingly free exchange at the heart of capitalist production—was accordingly conceived of as a contract between two independent market agents. If, after all, the wage laborer is seen to be dependent on the capitalist in a way that the

⁵⁴³ Paul Slack provides a comprehensive history of the early period of the Poor Law in *The English Poor Law, 1531-1782* (Cambridge: Cambridge University Press, 1995).

⁵⁴⁴ Amy Dru Stanley's *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998) is a particularly helpful account of these transformations in the United States in the 19th century.

capitalist is not dependent on the worker, the basis of the free exchange is undermined, and the labor contract is no longer free of coercion.

The dependency of the capitalist on the labor of workers under capitalism is easily enough pushed under the heading of the dependency of the *oikoturranos* on the labor of those in the *oikos* or the dependency of the lord on the labor of those working his *demein*. The dependency of the worker on the capitalist for the wage, however, must be cast as an economic relationship that does not injure political independence. The economic dependency of the care unit on the provider mirrors the economic dependency of the worker on the capitalist, with the additional intertwining of ends that occurs throughout the care unit. Thus the analysis of dependence and independence as it relates to care must be situated against the backdrop of the larger construction of independence in the development of wage labor and representational democracy. In the remainder of this section, I consider the attempts by Martha Nussbaum and Kittay to reformulate liberalism and the notion of the individual at its center in such a way as to make sense not only of economic interdependencies but also interdependencies with respect to the formulation, expression and pursuit of ends. Is it possible or desirable to reformulate liberalism or its notion of the independent person in such a way that the derivative dependencies of care do not appear as a barrier to functioning in the public sphere?

3.2.2.2. Nussbaum's individualism

Martha Nussbaum is uniquely situated to defend liberalism against those who would attack or reject it based on the central place it gives to individuality. Her work on the capabilities approach represents, in many ways, a culmination of two previously apparently disparate areas of her research: the one centered around liberalism, the other around Aristotle.⁵⁴⁵ Nussbaum accepts the centrality of dependency and care in society, but suggests that the correct way to address these

⁵⁴⁵ Rosemarie de la Cruz Bernabe's 2006 master's thesis presented at the Centrum för tillämpad etik at Linköpings Universitet, "An Investigation on the Aristotelian Foundations of Martha Nussbaum's Capabilities Approach and the Disability Issue Utilizing Nussbaum's Earlier Works on Aristotle" is particularly useful on this issue. In Nussbaum's work, see *The Fragility of Goodness* (Cambridge: Cambridge University Press, 1986), "Nature, function and disability: Aristotle on political distribution" in *Oxford Studies in Ancient Philosophy: Supplementary Volume*, eds. Julia Annas and Robert Grimm (Oxford: Oxford University Press, 1988), pp. 145-184, and "Aristotelian Social Democracy," in *Liberalism and the Good*, eds. R. Bruce Douglas, Gerald Mara and Henry Richardson (New York: Routledge Press, 1990), pp. 203-252.

aspects of the human condition is not to give up on the individual to concentrate on relations, but rather to acknowledge that the individuals with which we are concerned are individuals who ought to have the capability to engage in relationships.⁵⁴⁶

Nussbaum attempts to defend her emphasis on the individual by claiming that (presumably more or less autonomous) individuality is an important goal for many dependents, that the reasons issues of care are important to us is because it is important to enable the dependent to express herself as fully as possible. Nussbaum defends liberalism's emphasis on individuals rather than a larger unit such as the family, arguing that larger social units must always be judged by their tendencies to provide care and support to individuals. If it were to turn out that the best way of improving the lot of individuals was to abolish the family, then that is what we ought to do—perhaps in favor of other social formations.

As a corollary of this emphasis on individuals, Nussbaum argues that, in spite of the state's fundamental involvement with the family, the state should be more concerned with care payments that recognize the dignity, importance and value of care work, a solution that she prefers on the grounds that recompensing care work preserves the individuality and autonomy of the care worker in a way that emphasis on security and well-being does not.

This solution recognizes the problems of political ontologies that attempt to add some sort of collective unit alongside the unit of the individual. Biting the individualistic bullet in this manner, however, does nothing to address the difficulties of individual-based representation that are posed by the complex networks of the determination of the good that arise in the context of care. Dependents who have no public voice cannot take part in public decision-making, and those who act in their place in the public do so to the detriment of their own representation if the public sphere continues to be one of representation rather than discourse and no allowance is made in the system of representation to account for those whose 'individual' voice already serves as the *de facto* representation of a care unit.

In spite of this difficulty, it must be admitted that Nussbaum's attempt represents one of the most imaginative reconfigurings of liberalism advanced in the effort to accommodate liberalism to care. When the liberal individual is seen as indefensibly ahistorical and universalistic, the list of capabilities is stipulated to

⁵⁴⁶ Nussbaum has been refining the capabilities approach for some time now, and my concern is more with the position that approach attributes to the individual rather than with the variations between individual versions. Here I follow the outlines of the version presented in "The Future of Feminist Liberalism," in *The Subject of Care*, pp. 186-214.

be open to modification and amendment by historically and socially situated individuals. When liberalism's strong division between the public and private is brought into question, Nussbaum attempts to respond by acknowledging, for example, that the family is both a voluntary and involuntary institution,⁵⁴⁷ but maintaining that the state ought not be too involved in the interrelationships between its members. When the individual is rejected as an element of fundamental social ontology because of the need of individuals to pursue relationships, Nussbaum responds by accepting the criticisms and claiming that individuals ought to have the capability to pursue relationships. In short, the capabilities approach allows Nussbaum to appropriate any notion of the good life, accept it as valid so long as it is freely chosen by individuals, and thereby avoid making any commitment to instilling a human life with content.

The capabilities position improves on more traditional articulations of liberalism in that it cannot be criticized by showing that humans are not atomistic individuals or that what it means for them to lead a full, flourishing life is open to historical and cultural variation. It places at the heart of liberalism the claim that individuals ought to be free to choose what sort of life they lead, guaranteeing the value of this freedom by providing a variety of capabilities from which they can choose.

Within the context of the concerns at issue here, skepticism about the capabilities approach can only arise from two sources: first, there is the fact that certain sorts of dependency impinge precisely on the power of choosing, calling into doubt the plausibility of retaining the notion of choice at the center of political normativity. Second, there is significant doubt that it is theoretically sufficient to stipulate the availability both of public participation and the receipt and provision of care. These doubts would say that the tendency of dependency and care to impinge upon public sphere participation requires a deeper treatment than can be attained by stipulation, and that our notions of participation must be revised in order to be able to address the realities of care. If in fact care requires a more thoroughgoing reconfiguration of liberal participation, then the extensive modifications to liberalism's conceptions of justice and the individual suggested by Kittay hold out a final hope for the tradition.

3.2.2.3. Kittay's liberalism

Although her critique is explicitly a series of modifications to the Rawlsian framework of political liberalism, it remains an open question whether the formulation at which Kittay arrives is, in the end, a liberal formulation or if

⁵⁴⁷ E.g., "The Future of Feminist Liberalism," p. 202.

her emphases on the security and well-being of people crosses the line from liberalism to a more comprehensive conception of political activity.

Asking whether Kittay's dependency critique necessitates a reformulation or abandonment of the liberal project can be done by examining three relatively discrete aspects of that critique: (1) the rejection of the autonomous liberal individual, "as if but even now sprung out of the earth, and suddenly (like Mushromes) come to full maturity without all kind of engagement to each other," (2) the reformation of the Rawlsian lists of basic goods and principles of justice and (3) the relationship between the public and private spheres that results. (1) is an important basis of contractarian liberalism, such that Kittay's rejection of the liberal notion of the individual seems already to come close to implying a rejection of liberalism. By moving on to (2), Kittay suggests that liberalism can be reformed to accommodate the dependency critique, often commenting hopefully on the capabilities approach developed by Amartya Sen and Nussbaum. With (3), however, the changes to the structure of liberalism necessitated by the dependency critique seem to constitute such a substantial deflation of a primary distinction in liberalism that it is questionable whether one can still speak of liberalism at all.

Kittay uses Hobbes's mushroom men as a dramatic illustration of liberalism's originary exclusion of issues of dependency, an exclusion reproduced in Rawls's insistence that questions of justice ought to be considered across individuals who are mutually disinterested, fully-cooperating members of society over a lifetime. In what concerns the matter of the interest parties have in one another's well-being, this much is clear: Rawls draws a distinction between characterizing the parties in the original position as taking "no direct interest in the interests of those represented by the other parties" and as "self-interested, or even selfish," implying a broad scale of possibility from total altruism or even self-abnegation to egoism.⁵⁴⁸ Rawls consistently rejects characterizations on either extreme of the scale. His dismissal of envy in questions of distributive justice, likewise, deserves to be considered under the heading of his characterization of the parties. To say that the parties are "mutally disinterested" is to say that they want to advance their own interests in a way that is significantly constrained by their desire to reach agreement on principles of justice.

As far as the claim that they are fully-cooperating members of society, Kittay considers two possible construals. She rightly rejects the stronger interpretation of full cooperation, that the citizens around whom Rawls's

⁵⁴⁸ *Theory of Justice*, p. 12; *Justice as Fairness* 24.2.

conception is built are productively active at every point in their lives.⁵⁴⁹ The weaker interpretation, that “a full lifetime” does include periods of dependency and abstinence from social participation, brings dependency into the original position, in the sense that the un-mushroom-like parties to the original position can know that they will experience periods of dependency over the course of their lifetime.

On one reading, this additional knowledge might not change the deliberations in the original position significantly. At least some dependency is an unavoidable fact. The age at which children tend to be able to perform an amount of socially necessary labor equal to the resources they consume varies greatly from one society to another, but the fact that they are born dependent and remain that way for several years does not. There are no societies of John Henrys, and presumably this fact is a part of the “basic tenets of social theory” available in the original position.

On the other hand, the history of the division between the public and private spheres has until recently rendered this fact politically invisible. Paying attention to the definition of “cooperation over a full lifetime” ensures that the fact is in the political sphere. Even if the fact is in the political sphere, however, it is not out of place to question how much knowledge about the basic facts of dependency might be available in the original position. Do parties in the original position know that dependency requires care? Do they know that caring creates dependencies?

Altering the description of the parties in the original position is a significant step. The description of the parties in Rawls’s framework is the description of political deliberators, the noumenal selves with which fair political decisions ought to be made. A fundamental distinction between the Rawlsian original position and the Habermasian ideal speech situation, after all, is the following: Habermasian agents are similar with respect to power. Each has the ability to challenge the terms of the discussion, the questions being asked, and so forth. Anyone affected by a decision has a right to take part in it. For Rawls, the parties to the original position are absolutely identical, to the point that it is not necessary to actually converse in the original position.⁵⁵⁰ Reduced to their rational and moral selves, parties have no access to information that would distinguish one

⁵⁴⁹ *Love’s Labor*, pp. 88-90. Cf. several discussions throughout some of the most central of Rawls’s works, including *Theory of Justice*, p. 83, *Political Liberalism* (New York: Columbia University Press, 1993), p. 18, *Justice as Fairness*, p. 179 and “A Kantian Concept of Equality,” in *Cambridge Review* (February 1975), p. 96 (this last cited by Kittay at *Love’s Labor*, p. 88).

⁵⁵⁰ *Theory of Justice*, p. 120.

from the other. Thus it seems that either dependency must be considered as so fundamental to social theory that knowledge about dependency can be attributed to the universal party of the original position, or dependency must be included more fundamentally in deliberations of justice.

Kittay criticizes the weaker interpretation of “cooperation over a full lifetime” on the grounds that there is nothing to assure the consideration of the needs of the workers who will care for the un-mushroom-like parties in the original position. While those with the smallest share of the benefits of social cooperation—the least well-off—are to be explicitly considered in the original position, those with the heaviest burdens of social cooperation are not given a special moral attention by virtue of their social position.

In response, Kittay advances (2), a series of much more substantial alterations to the Rawlsian framework: (a) the position of the care worker is added as a specific social position to be considered alongside those of the citizen and the least well-off,⁵⁵¹ (b) care is added as a third moral power to the two canonical ones of a sense of justice and the ability to form a conception of the good,⁵⁵² and (c) the work of caring, both in the sense of receiving care as well as being supported in providing care, is added to the list of primary goods.⁵⁵³

(a) directly addresses the issue I have been discussing—it explicitly rejects the universal deliberator and includes the care worker in the original position. (b) seems to be a necessary correlate in order to enable deliberation from the original position to make sense of this new figure whose well-being must be considered. (c), in turn, might represent the expected decision from the original position made by a moral person whose constitution now explicitly includes awareness of the importance of care.

Kittay’s proposals remain individualistic in the sense that the individual is still the most important unit of political ontology. Her individualism is certainly less entrenched than that of Rawls or even Nussbaum in that these individuals undertake their deliberations with the explicit assumption that many people in society have ties to one another. These ties are brought into the political sphere in Kittay’s proposal in a way that they are not in Rawls’s by the inclusion of the ability to form such ties as a moral power. Does this represent a proposal that is sufficiently liberal to stand under Rawls’s framework while still ‘doing justice’ to care?

⁵⁵¹ *Love’s Labor*, pp. 112-113.

⁵⁵² *Love’s Labor*, p. 131.

⁵⁵³ *Love’s Labor*, p. 102.

Thus the argument is brought to issue (3). Perhaps it is possible to have liberalism without the atomistic individual, but surely liberalism does require a separation of the public and private spheres. Some of the most important innovations of liberalism concern the *de facto* or *de iure* secularization of the liberal state, which is to say the creation and maintenance of a private sphere for the pursuit of private matters. It is this aspect of liberalism which is preserved by Nussbaum with the idea that capabilities represent the public provision of the possibility of making private choices. The way in which the distinction is drawn might well be an object of dispute, but acknowledging the desirability of such a distinction is surely a *sine qua non* of liberalism.

The tension between the two spheres for Rawls is perhaps best expressed in the two moral powers: to be able to form a conception of the good is to have content for a private life, while to have a sense of justice is to be able to begin to deal with those instances in which the pursuit of disparate private goods brings individuals into conflict with one another. On the usual understanding, public justice provides a boundary for the private pursuit of the good in a way analogous to the lexical priority of the first principle of justice over the second. Social unions and other private institutions are permitted a certain amount of free operation of their internal affairs, relieved of the requirements of justice.

This said, Rawls—if not always explicitly—treats the economic sphere and civil society as private spheres of public concern: the economy functions as it will, so long as it achieves equal opportunity and permits inequality only as condoned by the difference principle. Institutions of civil society needn't be democratic in their internal affairs, but individuals must be free to leave when they wish to do so.

The Platonic proposal of removing care work from the private sphere, combined with a market-based economy, would result in care work's being governed by the principle of equal opportunity and the difference principle. Yet by definition many dependents would need other citizens to act as market agents on their behalf. Without the affective bond of a caring relationship with someone capable of market agency, it is not clear how market-based care would work.

What Kittay's proposals for incorporating care into the theory of justice do to the distinction between the public and private spheres is difficult to spell out. Nussbaum claims that Kittay's proposals cast the state as a "universal mother," responsible for the provision of care.⁵⁵⁴ This is clearly misleading, if she is using the term in Ruddick's sense of one in the role of care claimant or care worker. Remaining with Ruddick's terminology, it is more plausible to suggest that Kittay casts the state as a 'universal father,' as the provider who enables care, or at least

⁵⁵⁴ "The Future of Feminist Liberalism," p. 195.

as the provider of last resort. Kittay is no more committed to the state's being a universal provider than Rawls is committed to the state's being a universal employer—as private ownership of the means of production and wage inequalities are permissible subject to the difference principle for Rawls, it seems reasonable to assume that private providers are permissible for Kittay subject to some combination of the difference principle and the care principle.

Kittay's proposals ought to be difficult for a liberal to swallow not insofar as they saddle the state with the 'mother's' work of claiming care or doing care work, but insofar as they saddle the state with the 'father's' work of providing the means for care. It is an open question whether casting the state as 'father of last resort' would eventuate in generous care allowances or in means-tested transfers accompanied by invasive state monitoring, of the sort currently practiced by state welfare agencies.

The question posed by allowances is whether they are just. If transfers are organized as a reciprocal provision to sustain a caring relationship, then care must either be verified or not verified. If it is verified, then one seems to run into state surveillance of care, a clear violation of the liberal separation between the public and private spheres. If it is unverified, then it appears that the state accepts the necessity of care work, accepts the burden of care work, yet has no way of assuring reciprocity by ensuring that transfers are actually effective in assuring that care work is done.

Kittay's response is a significant reconfiguring of the notion of reciprocity, in which she develops a notion of what she calls "reciprocity in connection," arguing that this is a form of reciprocity better suited to the realities of care than what she calls "exchange reciprocity." Rather than pursue her notion of reciprocity at this point in the context of the relationship between care and liberalism, I want to situate it within a broader discussion of the relationship between care and reciprocity. It is to this project that I turn in the next section.

3.3. Care and reciprocity

The notion of reciprocity permeates liberal thought, in its conception of the private, economic sphere where producers meet in the market for the exchange of equivalent values as well as in the public, political sphere where individuals relinquish similar natural rights to gain equal political rights.⁵⁵⁵ An agent in the market cannot continually exchange goods above or below their value, and a political agent cannot lay claim to the exercise of rights she is unwilling to grant to other citizens.

Doubtless some of the force liberalism holds for modern intuitions stems from the straightforward analogy it is able to achieve between the public and private spheres. I can easily conceive of having natural rights of which I have little use, such as the right to violence. I thus have a surplus of natural rights, just as I have a surplus of the produce of my divided labor. I trade my natural rights for political rights, such as the right to be protected from crime or to defend myself in court against criminal charges, just as I trade my extra produce for goods from whose possession I could benefit more.

Against this powerful analogy stands a resistance to conceiving of intimate, interpersonal relations in the same way. With extremely few exceptions, no justification is needed for the termination of an economic relationship, whereas we are deeply suspicious of those who capriciously terminate interpersonal relationships. We would find it obscene to reduce a romantic relationship to the services offered by a therapist and a prostitute.

Caring relationships stand defiantly astride this distinction. Sometimes they are wholly voluntary, but often they are not, or they mix relations that are voluntary on one side and involuntary on the other. They consist significantly in the exchange and transmission of resources and the performance of labor, but reciprocity is the exception here rather than the rule.

The parent-child relationship often serves as a paradigm of care, and it is here that it is easiest to fit care into the liberal framework. The child's existence is

⁵⁵⁵ *Reciprocity in Ancient Greece*, eds. Christopher Gill, Norman Postlethwaite and Richard Seaford (Oxford: Oxford University Press, 1998) offers a historical examination of reciprocity long before the rise of the liberal tradition. Indeed, a variety of social scientists have argued that the value of reciprocity is quite constant across history and cultures, so much so that Samuel Bowles and Herbert Gintis suggested the redefinition of the human as "*Homo reciprocans*." (Cf. "Behavioral Science: *Homo reciprocans*," in *Nature* 415 (10 January 2002), pp. 125-128.) The most ambitious approach to the various philosophical uses of the concept is probably that of Lawrence C. Becker in *Reciprocity* (New York: Routledge Press, 1986).

said to be the result of a free, private decision of the parent, and so the responsibility for its care accrues privately to the parent. This can be extended to account for some elder care, such that elders have a right to be cared for by their children in exchange for the care they provided for their children.⁵⁵⁶ Along with our expectations that adults have children and care for their parents, this accomplishes an astounding amount of the work of assigning responsibility for care. When it has failed, society has often provided orphanages or, since the advent of expected late-life dependency, some form of provision for elder care.

The most straightforward example of reciprocal care, unsurprisingly, is that of a particular sort of care of adult dependents, the form of care that is the most fully subsumed under the mechanisms of the market. Thus the charge here is also the care provider and care claimant, and hires a care worker at market rates. It appears that the charge receives the benefit of the care work, and the care worker is able to convert her labor into a wage. Against the backdrop of a society that has accepted the responsibility of being the care provider of last resort, however, it begins to look as though society also benefits from being spared the expense of providing for this charge's care. If this is the case, then perhaps the charge has a right to some sort of social stipend to offset the cost of his care.

Once society accepts the responsibility of being a care provider of last resort, it begins to seem that individuals who serve as care providers are providing some sort of benefit to society. Such a claim is reflected in the institutions of maternal allowances and income tax credits for dependents. The justice of such institutions rests on the answers to the questions of who is benefiting from this care, and what the value of that benefit is. The preservation of reciprocity would require that care providers, care claimants and care workers receive from the beneficiaries of care a value equivalent to that of the labor expended in care.

The more difficult questions involve the provision of care as it is less subsumed by the market, as questions of who benefits from care are joined by questions of the valuation of non-market care work. In this section, I divide these questions into three parts.

⁵⁵⁶ It must be admitted here as well that we are uncomfortable with using terms like a 'right to support' or a 'responsibility to provide it' in the same sense as we use 'debt' and 'credit' for economic relations. There is a sense in which the responsibility to support children stems not from a decision to procreate, but from retaining custody. Jane English's article "What Do Grown Children Owe Their Parents?" in *Philosophical and Legal Reflections on Parenthood*, eds. Onora O'Neill and William Ruddick (Oxford: Oxford University Press, 1979), pp. 351-356, argues that, while children don't 'owe' their parents anything, there might be things they 'ought' to do for them.

The charge is clearly the primary beneficiary of care, but a society which accepts the necessity of care—on whichever grounds—also benefits from care. In section 3.3.1, I consider society as a secondary beneficiary of care and potential partner in reciprocity for carers by examining existing practices of providing assistance to families with dependent children and the administration of foster care. The state acts here as a provider of last resort, but the fact that such programs target the least well off (and politically least represented) members of society instills them with a punitive, exploitative character that prevents them from being instituted as reciprocal institutions.

In section 3.3.2, I consider a much more loosely organized conception of society, and argue that society as an economic agglomeration benefits from those forms of care which count as the production of labor power. Child care is the most significant of these, but the characterization is likewise accurate for the care of temporarily dependent adults. Here I examine various attempts to construe care as abstract, exchangeable labor towards the end of assigning it a value. If a value can be assigned to care in this way, reciprocity would seem to demand that the wage be expanded in the manner of the family wage to enable remuneration of carers as a wage supplement. For all its incompatibility with contemporary understandings of gender and labor, the family wage was won through the combination of the power of a solidaristic workforce and the force of the belief that a worker ought to provide for his dependents.⁵⁵⁷ No such belief exists towards those who have cared for a wage earner, nor would such a program address all dependency if it did exist.

I conclude in section 3.3.3 by examining Eva Feder Kittay's attempt to articulate a new form of reciprocity, which she calls "reciprocity in connection." This form of reciprocity requires no fixed partner of exchange. I argue that this form of reciprocity seems to require something like a participation income or a basic income guarantee, but that such proposals are so radical that they require nothing less than a new conception of politics. It is such a conception that I try to articulate in the conclusion, section 4.

⁵⁵⁷ On the history of the family wage, see Martha May's article "The Historical Problem of the Family Wage: The Ford Motor Company and the Five-Dollar Day," in *Feminist Studies* 8 (Summer 1982), pp. 399-424. On the connection between the family wage and the variety of contemporary family supports practiced in Europe, see Ingalill Montanari's "From family wage to marriage subsidy and child benefits: controversy and consensus in the development of family support," in *Journal of European Social Policy* 10:4 (2000), pp. 307-333.

3.3.1. The state as a partner in reciprocity

With respect to paying for care, the care unit is divided in the following way: on one side stand the care claimant and, at one step removed, the provider. These have the responsibility or goal of administering and providing the resources for care. On the other hand is the care worker, who (in market care work) provides care in exchange for a wage. Thus to say that a relationship of reciprocity can obtain between the provider and care claimant on the one hand and the care worker on the other is simply to say that the care worker performs labor contingent upon the receipt of a wage from the care claimant. The wage represents compensation for the care work and, bracketing the issues concerning the gendering and undercompensation of care, this exchange is a possible site of reciprocity.

As this suggests, the state can be a partner in reciprocity either by taking up the role of provider or by taking up the role of care claimant in addition. (I am unaware of practices of the state taking up the role of claimant but not provider, and I can't imagine what purpose such an arrangement might serve.) When the state as provider or claimant arranges for the performance of care labor, this is a possible instance of the performance of care where relations of reciprocity can in principle be preserved.

This in-principle possibility does not mean that such a solution does not pose its own problems. Particularly in a society with significant inequalities of wealth and power between social classes, the institution of the state as the provider of last resort tends to incorporate an aspect of punishment and discipline. In this section, I examine the structure of state provision for child care through welfare and foster arrangements, with attention to the disciplinary and penal nature of these programs. While these characteristics are not necessarily a part of such programs, they are pervasive enough to cast doubt on the institution of the state as provider of last resort.

3.3.1.1. The state as provider

If the state were to play the role of provider but not care claimant, the state would provide resources for care. A care claimant would take up the role of securing these resources from the state and administering their conversion into care. The primary responsibility for assuring that care is well provided falls with the care claimant, but I don't think that it is a distortion of the relationships to suggest that a provider might be able to verify, for example, that there is in fact a need for care.

On the other hand, the state accepts something of a responsibility to protect dependents against gross negligence, regardless of whether the state is involved in the provision of resources for care. I take it, however, that this

represents supervision at an extreme that can be distinguished from the more detailed supervision involved with claiming care.

To say that the state, if it were to take up the role of provider, would decline responsibility for supervision of care is to say that the state would construe as private the relations between the care claimant, care worker and charge. Private relationships are subject to some surveillance, as with prohibitions against abusive labor conditions, assault or neglect, but it is only at these extremes that state surveillance would occur. Indeed, the protection of this privacy is integral to the preservation of the liberal social contract.

Martha L.A. Fineman argues in support of the privacy of these relationships on the following grounds: dependency is a fact of social reality which the state is ill-suited to address directly. The family does address it directly, and so removes dependency from the public sphere. Fineman wants to construe the privacy of the family as recompense for removing dependency from the public sphere.⁵⁵⁸

It is true that the family deals with dependency by removing it from the public sphere, and surely the family is owed something for dealing with issues of dependency. It seems doubtful to me that a liberal framework can countenance trading the political right to privacy for the performance of care work, but otherwise Fineman's argument seems to be the sort of argument that one ought to advance when one is committed to the premises of liberal exchange reciprocity and the practice of the state's assuming the role of provider. If the burden of dependency is a public one, then the public ought to recompense those who take up the burden.⁵⁵⁹

Construing privacy as recompense for dealing with dependency seems to open the door to policies like current welfare policy in the United States. Under these policies, a family receives assistance and is simultaneously required to submit to a greater level of monitoring of its care work. Where all families are monitored to some extent against signs of neglect or abuse, the monitoring of families receiving welfare requires practices like the inspection of the home. Rather than ensuring the success of care in broad terms, these practices tend to

⁵⁵⁸ Martha L.A. Fineman, "Masking Dependency: The Political Role of Family Rhetoric," in *The Subject of Care*, eds. Eva Feder Kittay and Ellen K. Feder (Lanham, MD: Rowman & Littlefield, 2003), pp. 215-244, here pp. 223-224.

⁵⁵⁹ Cf. the more straightforwardly descriptive approach taken to these issues by Michele E. Gilman in "Welfare, Privacy, and Feminism," in *University of Baltimore School of Law Legal Studies*, Research Paper No. 2009-2, or Nancy J. Hirschmann's discussion in *The Subject of Liberty: Toward a Feminist Theory of Freedom* (Princeton: Princeton University Press, 2002), ch. 5.

simply undermine the privacy of families, exposing them to the imposition of the rhythms and organizational forms deemed appropriate for family life by the department of social services.

Fineman recognizes that families on public support are stripped of much of their privacy, but doesn't seem to recognize that construing privacy as recompense for care work in fact justifies this treatment. Since part of the labor of being a care claimant is securing resources for care work, a mother who is forced to seek public assistance can be said to have failed as a care claimant. Since privacy is construed as part of a reciprocal arrangement, her failure removes her claim to privacy.

Fineman moves in fact in the opposite direction, claiming that the supervision of poor families gives them an entitlement to support. This is to equate not care work and support, but privacy and support. Thus privacy is first recompense for dealing with dependency. If a family fails to deal with dependency for want of material means, they relinquish the right to privacy but receive support (which is then presumably earned subsequently in dealing with dependency). Ensuring reciprocity in such an arrangement would require determining not only the value of care work, but also of the state's freedom from dependency and a family's privacy. Even if this proves to be possible, claiming that individuals are entitled to support because of encroachment upon their rights to privacy seems a fundamental category mistake with respect to the categories of liberal thought. Most societies do offer support to those who are stripped of their rights, such as felons who are supported in prisons, with an important difference: here there is no pretense of reciprocity.

What is important about Fineman's argument is less the fact that I disagree with it than the fact that it arises so directly out of current practice. It is impossible to give an account of the contingency of privacy upon financial solvency from within liberal premises, something which suggests that the state in this example has moved beyond the traditional sphere of activity of the liberal state. The welfare contract looks less and less like an aspect of the social contract and begins to take on the appearance of an employment contract between a worker with no other employment possibilities and an extremely powerful employer.

3.3.1.2. The state as care claimant

In its current surveillance of welfare recipients, the state seems to assume the role not just of provider but also of care claimant. While welfare recipients are not formally employees of the state, the inspection of their home by social service workers seems to construe their home as a place of employment to which the quasi-employer has the right of access. The construal of the home as a workplace

seems both a throwback to the *oikos* as well as a glance forward to the social factory, the extension of production relations to all aspects of social life.

Welfare recipients are not formally employees of the state, but foster parents often are.⁵⁶⁰ Orphans are wards of the state, and so the state does have formal responsibility for ensuring their care. Thus the state explicitly takes up the position of care claimant as well as provider, and employs foster parents as care workers to provide care to charges.⁵⁶¹

There is a connection between the situation of welfare recipients and foster parents, insofar as children are often placed in foster homes as a result of state surveillance of welfare recipients when welfare recipients are judged too poor to care for their children adequately. Dorothy E. Roberts chronicles the irony that payments to foster parents (1) are much larger than welfare payments (here Temporary Assistance to Needy Families, or TANF) and (2) do not assume economies of scale.⁵⁶² (2) means that the foster care payment represents a set amount awarded per child, as distinguished from the TANF system which increases payments incrementally. It is true that the incremental increases of TANF are justified as a disincentive to increased fertility,⁵⁶³ yet the decision to

⁵⁶⁰ Cf. Teresa Toguchi Swartz's analysis of this sort of employment in "Mothering for the State: Foster Parenting and the Challenges of Government-Contracted Carework," in *Gender and Society*, 18:5 (October 2004), pp. 567-587. Jill Duerr Berrick attempts to interpret the results of these policies in "Assessing Quality of Care in Kinship and Foster Family Care," in *Family Relations*, 46:3 (July 1997), pp. 273-280. Finally, Christopher A. Swann and Michelle Sheran Sylvester analyze trends in the funding and staffing of fostering programs in "The Foster Care Crisis: What Caused Caseloads to Grow?" in *Demography*, 43:2 (May 2006), pp. 309-335.

⁵⁶¹ Nancy Folbré argues that the payments for fostering children are insufficient to cover average expenditures on the children, so that it would be difficult to interpret the payments to foster parents as a wage. It might be more accurate to describe them as unwaged employees with capped, unverified expense accounts. *Valuing Children: rethinking the economics of the family* (Cambridge: Harvard University Press, 2008), p. 156.

⁵⁶² Dorothy E. Roberts, "Poverty, Race and the Distortion of Dependency," in *The Subject of Care*, pp. 277-293, here p. 281.

⁵⁶³ I mean that the disincentive to fertility is offered as a justification, not that it actually justifies the policy. It turns out that the birthrate to mothers on public assistance is quite similar to those with other means of support, but the association of high fertility and poverty is deeply entrenched in the American imagination.

provide greater assistance to foster parents than to non-foster parents evinces a preference on the part of the state which is difficult to account for.

Against the backdrop of the higher incidence of poverty in the Black community, Roberts describes the policy as part of a generalized racist system, an attempt to portray Black people certainly as economically dependent, and perhaps as morally dependent as well.⁵⁶⁴ She describes a system of state norms of parenting that demand that parents serve as sole caregivers, ignoring established practices of sharing caregiving responsibilities in networks of poor and Black mothers. When harm befalls children, it evidences a parental failure rather than a failure of the state to provide adequate support for parents. In the case of family failure, the family loses its right to privacy and the state asserts custody over the children.

Kinship care, however, is a deep irony running through the relationship between parent and state. Some states have policies that give precedence to non-parent family members seeking foster custody of children. In such a situation, it is entirely possible for a child to be removed from the parental home and placed in the home of a grandparent, whose foster care payments might well be two to four times what the TANF payment to the parent was.

The relatively better support received by foster parents demands some sort of explanation, but it proves to be extremely difficult to formulate such an explanation in terms of any sort of utility or advantage the state might receive from foster care that it does not receive from welfare-assisted care. The fact that the state acts as both care provider and claimant in the case of foster care means that the state accepts an additional burden, and paradoxically responds to that burden by providing more support.

A certain part of the explanation for this arrangement doubtless lies in the national ideology of meritocracy and its correlate that anyone receiving public assistance must necessarily be lazy, profligate, or both. A more concrete explanation is that foster parents are more able to pursue political action than are those who receive welfare. This would apply *a fortiori* to parents in general, as evidenced by the relative political security of maternal allowances and income tax deductions for dependents. Welfare recipients are so politically underrepresented

See Mark R. Rank, "Fertility Among Women on Welfare: Incidence and Determinants," in *American Sociological Review* 54:2 (April 1989), pp. 296-304. Cf. also Rank's *Living on the Edge: The Realities of Welfare in America* (New York: Columbia University Press, 1994), particularly pp. 71ff.

⁵⁶⁴ The connection Roberts develops between economic and moral dependence evinces the parallel drawn by Iris Marion Young between economic self-sufficiency and moral autonomy, discussed in section 3.3.3.2.

that not only is it always politically safe to attack their benefits, but they can even be forced, in workfare programs, to labor for the state at rates far below the minimum wage. Employees can strike for better wages, but it proves extremely difficult for workfare participants to exert economic pressure on the state.

3.3.1.3. Reservations with respect to the state

In the examples of both welfare and foster care, it ought to be admitted that the extant relationship between the state and the care unit merely points the way towards a reciprocal relationship, without actually rising to the level of reciprocity. The examples thus tend to show that the United States, as a society, does not so much accept a responsibility as a care provider as it engages in a charitable project to support care.⁵⁶⁵

Charity is by definition a non-reciprocal transfer, so it is perhaps not surprising to see the larger power structures of class, gender and race reflected in the microcosm of the relationship between the recipient of assistance and the state. Nevertheless, it is true that the inequalities of power that are evident in the above examples could be taken as arising from the way in which the particular instance of the relationship falls short of reciprocity, rather than as arising from a categorical impossibility of reciprocity in such relationships.

The construction of these transfers as charitable relies on the maintenance of the conviction that engaging in care work is fundamentally a private choice, one that is not paralleled by public obligation or even a very substantial public interest. Welfare recipients are thus punished for an irresponsible choice, while foster parents maintain their privacy by not relying on transfers. The responsibility for care falls uniquely on the care unit, leaving to society only the possibility of charitable—thus supererogatory—transfers. Supererogatory transfers can be revoked when there is no longer interest in continuing charitable activity, and indeed ought to be revoked if they conflict with a perfect duty.

This construal of state assistance is perhaps unavoidable so long as the assistance is targeted at the least well off, at least to the extent that the least well off are underrepresented in the political sphere. Even before considering the problems for political representation posed by care as discussed in section 3.2, the association of economic and political power in most liberal capitalist democracies implies the weakness of welfare recipients as a political group.

It might appear, then, that the solution to this problem is the attempt to situate care work in a context more hospitable to the development of reciprocity,

⁵⁶⁵ Cf. Jeffrey Obler's construal of the distinction between charity and moral duty in "Generosity, Duty and the Welfare State," in *Polity* 18:3 (Spring 1986), pp. 408-430.

wherever that context might be found. In the following section, I consider the prospects for doing just this by moving the discussion closer to the market. At least in the market we know how to go on strike.

3.3.2. Care and market reciprocity

According to the liberal conception, society is divided between a public sphere of rights and justice and a private sphere of equal market exchange. Sometimes contractarianism seems to express relations of rights and justice in the language of equal exchange, but, as I mentioned in section 3.3.1.1, contemporary forms influenced by Immanuel Kant nevertheless retain several mechanisms for preserving the distinction. The original position, for instance, is so constructed that individuals are not conceived as trading natural rights for social rights, or even unvalued social rights for preferred social rights. By excluding knowledge of their social position from the original position, John Rawls at the same time replicates the state-of-nature contract of the earlier theories while expressing the sense in which the sphere of rights and justice is a non-reciprocal sphere.

The market, on the other hand, is very much a reciprocal sphere. Economic accounts of liberalism are faced with preserving, so far as possible, the notion that all market exchanges are free and equal. In describing the origin of surplus value, even Karl Marx takes great pains to include an account of the reciprocal level of the exchange—labor power for the wage—even as he describes the inequality between the wage and the value of the proceeds of labor. Rawlsian liberalism provides several non-reciprocal political constraints for the market—equality of opportunity, the difference principle for the justification of distributive inequality—but provides ample space for reciprocal market exchanges within the space described by the demands of justice.

If, then, the provision of care is to be situated in a context of reciprocity, perhaps the greatest chance of success lies in understanding it as materialistically as possible and placing it in a system of utilities exchanged under market constraints. The difficulty of assigning a value of care is not to be underestimated, but perhaps such an estimation would open the path for providing care with the recompense it is owed.

3.3.2.1. The value of care

It is clear that care work serves some purpose, which is to say that it has value in the sense that it can be used. Use doesn't require quantification, but exchange does.

To ascribe an economic value to care is to compare it to other forms of labor and the variety of material goods exchanged on the market. There is reason for a certain *prima facie* skepticism about the possibility of doing this. Many care workers resist the notion that their labor can be considered as abstract labor. To

say that labor cannot be considered as abstract labor is to say that it cannot be translated into terms of other labor, that care work cannot be considered a ‘mere’ commodity in the way that other labor power is.

Care is not abstract labor, in at least two senses: first, from the perspective of the charge, the care provided by a particular care worker is not immediately able to be substituted with an equal quantity of care provided by another care worker of equal competence. This is the sense in which, in section 3.2.1.1, I claimed that care work had a limited fungibility in a different context—there, the limited fungibility of care work operated so as to place a limit on the power the care claimant exercises over the care worker as an employee. Thus the limited fungibility of care work in that circumstance seems to increase the value of care work, whereas here it casts doubt on the possibility of assigning a value to care work with any precision.

Second, from an economic perspective, it is unclear how to measure the skill, or even the labor time, of care work. Like other forms of immaterial labor, the ability to perform care work seems to come less from having devoted a discrete period of time to being trained than from having become a socialized and acculturated individual (or woman). Sometimes care requires focused attention, whereas at other times it requires only availability. Parents have no certification, nor can they punch out.

Nevertheless, the attempt to evaluate care work is an important one. It is important insofar as it provides a starting point for developing an understanding of the sorts of resources needed to sustain care. In addition to the material resources brought to the care unit by the provider, the burden of care is equally represented by the labor invested by the care claimant and care worker. Understanding the value of care, therefore, is integral to understanding the cost of care.

In their introduction to *The Subject of Care*, Ellen K. Feder and Kittay make a claim that is often made about care work—that it always seems too expensive.⁵⁶⁶ With a labor theory of value, the question of the value of care work would be relatively straightforward: care is performed for a certain duration of time, there are various sorts of care work which might be more or less skill-intensive, and the greater training needed to produce, say, the work involved in performing dialysis will raise the value of that work by comparison with, say, the relatively unskilled work of baby sitting a child who only needs uninvolved supervision.

⁵⁶⁶ Ellen K. Feder and Eva Feder Kittay, “Introduction,” in *The Subject of Care*, pp. 1-12, here p. 3.

If the labor theory of value appears inadequate to the evaluation of the technologized forms of labor described by Marx in the “Fragment on Machines,” it is inadequate in a different way for the sort of labor involved with care. There is a sense in which care work is immune to economies of scale or the sort of increased efficiency that is available through the incorporation of technology into other labor practices. A care worker has to do many things, but among the most important is simply being present in case something needs doing. Being present for an hour cannot be made more efficient through technology, even if communications technologies make it easier for a care worker to be reached. The same analysis holds for the work of sustaining an affective relationship with a charge.

This said, many more straightforwardly material aspects of care work can clearly be made more efficient through economies of scale or technologization. Washing machines make doing laundry a less labor-intensive project than it was in the era when washing boards were not primarily folk music instruments. It is more efficient to cook and clean for a large family than a small one. Thus the material component of care is at least in part amenable to evaluation along the same lines as material labor, and the material component of care appears to be more fungible than the affective component.

The contrast between the two is important, however. If Plato’s Kallipolis nursery has a lower ratio of care workers to charges than a family, then—assuming equal emotional investment and competence amongst the carers in the two work sites—the children will be worse cared for. Some people are certainly better at caring in this affective sense than are others, but the ability of a given arrangement to provide adequate care is stretched a bit more thinly with the addition of each new charge. The care received by an individual in a group of 30 charges with one care worker is less than it would be were that individual receiving the undivided attention of the care worker.

The difficulty of evaluating the immaterial aspect of care work is similar to the difficulties with evaluating the immaterial aspects of other immaterial labor. It is easy enough to imagine a given worker, with given affective capacities, providing worse care as more charges are introduced. It is easy enough to imagine that, holding the needs of the charge constant, some care workers are less invested or less capable of the affective aspects of care. It is not at all, clear, however, that one could ever be able to say that one care worker’s affective investment is 50% greater than that of another, in the way that one can easily observe that one hospital attendant has changed 50% more bedpans than another in a given unit of time.

3.3.2.2. Replacement cost and the production of labor power

Nancy Folbre's approach to evaluating care attempts to take into account the systematic undervaluation of care, attributing it to the assumptions that care is a nonproduced commodity, or the construction of care as an externality, a resource whose occurrence is incidental and extraneous to the market but which can be exploited for market activity.⁵⁶⁷

Folbré considers two main methods for calculating the cost of care: opportunity cost and replacement cost. The opportunity cost of care is the income a care worker would have made had she pursued market labor rather than performing private care. The replacement cost is the amount it would cost to purchase private care as waged care. Folbré argues, on economic grounds, that a calculation of the value of care on the basis of its replacement cost is more likely to produce an accurate estimation than a calculation on the basis of its opportunity cost, the value of other (career, wage) work foregone by women to perform care work.⁵⁶⁸

There are considerable weaknesses to the approach from opportunity cost, not the least is that the opportunity cost of, say, Nancy Pelosi's care is substantially different from the opportunity cost of the care of a shipping clerk. Calculating opportunity cost as an average, however, presents its own problems. If opportunity cost were to be taken as an average of the value of the wage work foregone by all carers, then it would approach the level of the average income, with one important caveat: Women do most of the care. Women are paid less than men for similar market labor, in part because of calcified assumptions about their assumption of care responsibilities and the availability to them of support from a husband. Basing the cost of care on opportunity cost thus reinscribes in the evaluation of care the gender gap in pay rates, thus perpetuating the systematic undervaluation of care.

The replacement cost position Folbré in fact pursues seems stronger to me, although it is not without substantial problems of its own. It has the virtue of

⁵⁶⁷ *Valuing Children*, pp. 15-19. The notion that care is an externality provides a useful basis of comparison with the workerist notion of the common, as discussed in 2.2.1.2. Both notions provide a way of describing a form of labor which occurs outside of capital and is subsequently appropriated for profit—indeed, the original common was an externality as well. The difference is that other externalities occur naturally, whereas immaterial labor is human activity. For the workerists, this is part of establishing the priority of labor to capital and the possibility of self-valorization, while for Folbré it is an obfuscation to hide the fact that care work is unpaid labor.

⁵⁶⁸ *Valuing Children*, p. 135.

describing the cost of care in terms of the value care is able to demand on the market, so that the skills of a stock trader are not misleadingly incorporated into the estimation of the cost of care. The replacement cost position also fails, however, to take account of the gender pay gap. So long as pink collar labor is underpaid, then, the replacement cost of care will likewise remain suppressed.

A broader shortcoming of arguing from the replacement cost position is that it fails to provide a strong argument for a method of comparing care to other sorts of labor. The prevailing wages of market care are drastically affected not only by the structures of labor market segmentation and the larger gendering of society, but also by the fact that so much care does in fact happen outside the market. Thus appealing to market care as a basis for evaluating nonmarket care seems conservative to the point of accepting the systematic undervaluation of care. It is true, perhaps, that the difference between our conception of care as an externality or nonproduced commodity and this suppressed estimation of its value dwarfs the difference between the suppressed estimation of its value and its actual value, but endorsing what is necessarily a suppressed estimation poses significant risks for goals of both accuracy and justice.

Attempting to evaluate non-market care by reference to market care does provide substantial assistance in evaluating care, but justice demands being able to compare care to other forms of labor. If care work doesn't take raw materials and transform them into a commodity, then it is exceptionally difficult to estimate the value added by the performance of care. Mariarosa Dalla Costa and Selma James advance an argument that what care work produces is labor power. Care takes dependent individuals not engaged in productive activity and turns them into workers.

This claim is clearly not applicable to some types of care. It is applicable to much child care, which is a substantial enough subcategory of care to warrant consideration. Dalla Costa and James don't distinguish between the care of dependents and the care of independents, so that for them the work of maintaining a home for a worker (service work) likewise counts as a form of care that results in the production of labor power.⁵⁶⁹

Departing from straightforwardly Marxist premises, Dalla Costa and James assume that labor is exploited under capitalism. They don't provide a definition of exploitation, but classical definitions revolve around the claim that the value produced by labor is greater than the value it receives in the wage. In discussing immaterial labor, I examined briefly Marx's account of the origin of surplus value, its expansion in relative and absolute terms. I did not mention

⁵⁶⁹ In *The Power of Women and the Subversion of the Community* (New York: Falling Wall Press, 1975), p. 35, but cf. James's introduction, pp. 11, 19 n.6.

Marx's criticism of socialist claims on the part of labor to the "full proceeds of labor," as he develops it in the *Critique of the Gotha Program*. There, Marx assumes that a socialist society, like any society, will have to deal with questions of dependency, will have to provide for disability insurance and pensions.⁵⁷⁰ This means that even under post-capitalist conditions labor will not receive its full proceeds, insofar as deductions will have to be made from that amount for the support of dependency work.

More precisely, Marx argues that *productive* labor will not receive its full proceeds in post-capitalist society. Since unproductive labor does not create value, it cannot be said to be exploited on the classical definition of exploitation. While this is certainly a weakness of the definition, it is circumvented by Dalla Costa and James's project of portraying care as mediately creative of value, thus as mediately productive labor. While Dalla Costa and James don't explicitly use this argument, it fills in the gap between their claims that labor is exploited, that care work is exploited through market labor and their advocacy of family allowances.

Care work produces labor power. If labor power has value, then the labor which produced it must also have value. Marx claimed that the value of labor power was given by the commodities consumed in its production, which is to ignore that labor that obtains those commodities (without being contained in those commodities), or that labor that produces a worker capable of obtaining them. If the capitalist only pays for the commodities consumed by the worker, he appropriates the value of the care that produced the worker. Paying for that work would require that the capitalist pay wages for housework (for Dalla Costa and James), or at least for care.

It is clear that care has an important role to play in the market, even if care plays that role by remaining officially outside of the market. Dalla Costa and James claim that care, under traditional practices, is incorporated into the market as part of the wage, that a worker's wage includes his control over women. If care is included in the wage, the result is a third form of the increase of surplus value and therefore the exploitation of labor: the increase of surplus value through the gender system.

Besides this problem, there is the additional problem that the family wage provides a family with the means to care for currently dependent children rather than the means to remunerate those whose past labor contributed to the creation of the wage earner. The family wage was created because workers wanted to support

⁵⁷⁰ *Kritik des Gothaer Programms* [1875], in *Marx-Engels Werke*, v. 19 (Berlin: Dietz Verlag, 1962), pp. 13-32, here pp. 18-19. Cf. *Critique of the Gotha Program*, in *The Marx-Engels Reader*, ed. Robert C. Tucker (New York: W.W. Norton & Co., 1978), pp. 525-541, here pp. 530-1.

their dependent children and fought for the means to do so. No such campaign has been waged for the means to repay past carers nor, given the patterns of obligation surrounding care, is one likely to arise.

Dalla Costa and James's argument seems to show that it should be possible to assign a value to care work, but doesn't provide much guidance for determining that value. If care is to be taken to produce labor power the way that other forms of labor produce other commodities, then it would seem appropriate to look for the raw materials that enter into the process, the cost of the labor mixed with the raw materials, the cost of the degradation of any tools used in the process, and the value of the end product.

Taking this approach seems to expand the problem to such an extent as to make it rather hopeless to value care. The raw materials for 'producing' a worker are not just commodities consumed but things like the culture into which the child is brought, the physical substance of the parents of the child, the educational resources consumed by a child, and so forth. Second, it is the worker who ends up in possession of the labor power which is then sold to an employer. As Susan Okin points out, mothers do not 'make' children the way that other products are made—else they would need to purchase themselves to be free of their mothers.⁵⁷¹ Thus the project of looking to the market for the reciprocal treatment of care seems to fall apart even before we consider the many important forms of care which are precisely not oriented towards the production of labor power.

3.3.3. Publicity, reciprocity and basic income

State-supported transfers targeted at the least well off seem to fail as they mirror inequalities of power in society, whereas market remuneration of care seems unable to deal adequately with the question of the value of care. The state-supported solution seems mired in problems somewhat less intractable than those of the market solution, so I conclude this section by examining it further. I argue that treating care reciprocally requires constructing care transfers in terms of rights and desert, rather than charity.

If care transfers were not targeted only at the poorest (and thus least powerful) members of society, then they might not be so politically vulnerable. A broader system of transfers, in turn, would seem to suggest a different purpose for the transfers. Rather than appearing to be assistance to those who have failed at the business of providing for themselves and their dependents, a broader system of transfers would need to be justified by an appeal to a broader goal, held in common by members of the community. As with maternal allowances and income tax deductions for dependents, then, the care transfers would be conceived as

⁵⁷¹ *Justice, Gender and the Family* (New York: Basic Books, 1989), ch. 4.

investments for a common project, rather than charity. On such an understanding of care transfers, providing care would be seen as a shared social burden, as the benefits of care would be seen as shared social benefits. The most hopeful framework for such a project appears to be that of a basic income guarantee.

3.3.3.1. Basic income and work

Proposals for a basic income often tend to construe labor in general as a private choice that ought to be supported by public action.⁵⁷² Under a market-based system of labor, labor is a private choice supported by private resources. Financial resources are apportioned on the basis of ‘doing a job.’ ‘Doing a job’ consists in carrying out some activity for which someone is willing to pay. This definition contains no reference to whether the activity is socially beneficial, wasteful or harmful, such that people can get paid badly for standing at a corner wearing a sandwich board, or well for hiding the harmful activities of powerful corporations from public view. Given that nearly everyone must work to survive, control over the resources to hire someone represents substantial control over the content of that person’s life.

An alternative to ‘doing a job’ as a criterion of resource receipt might be something like ‘participating in society,’ where ‘participating in society’ might be expanded to include activities that are socially beneficial. Participation income proposals tend to take the logic of the market and apply it to the state, urging that the state ought to set itself up as an employer (perhaps of last resort) to pay people for socially beneficial activity, such as care work.⁵⁷³

Participation income is an attempt to achieve with more modest policy changes the rather radical left-libertarian goals of basic income. A basic income

⁵⁷² I don’t want to go into the details of the literature on basic income. For a broad statement of the program of a basic income, see Robert van der Veen and Philippe Van Parijs’s “A Capitalist Road to Communism,” in *Theory and Society* 15:5 (1986), pp. 635-655. Van Parijs develops an argument for basic income within liberal premises in *Real Freedom for All: What (If Anything) Can Justify Capitalism* (Oxford: Oxford University Press, 1998). On basic income and care, see *Basic Income Studies* 3:3 (December 2008), ed. Ingrid Robeyns.

⁵⁷³ Participation income is a less libertarian alternative to the basic income, notably developed by Anthony Atkinson, e.g., in “The Case for a Participation Income,” in *Political Quarterly* 67 (1996). Basic income seems, however, to have proven itself to be a much richer paradigm for exploration than participation income. For a critique of participation income from a basic income perspective, cf. Jurgen De Wispelaere and Lindsay Stirton, “The Public Administration Case against Participation Income,” in *Social Service Review* 81:3 (2007), pp. 523-549.

rejects the participation requirement of a participation income, providing recipients with more freedom in their choice of life activities and freeing the state from the labor and cost of compliance oversight. A small basic income is a supplement to market income, whereas a larger basic income can be targeted anywhere from sustenance level to the level of equality. As the level of a basic income increases, the influence of market mechanisms over the choices people make about how to spend their time is reduced.

Basic incomes tend to be justified by portraying recipients as joint owners of some communal resource. When that resource is valorized, the joint owners have a claim to a share of the proceeds. Citizens of Alaska profit individually from oil revenues from the Permanent Fund, while Philippe Van Parijs argues that citizens have a right to individual benefit from the communal economic activity of society.

3.3.3.2. Critiques of market-constrained labor

In spite of this application of the market logic of investment and profit, the first step in an argument for a participation income or a basic income is a criticism of the role of market mechanisms in determining the content of people's lives. Iris Marion Young argues that reducing the influence of market mechanisms over people's lives in this way will increase their personal autonomy. She is quick to distinguish personal autonomy from Kantian moral autonomy, defining personal autonomy as "being able to define one's own projects and goals" and not "having to answer for those goals to others."⁵⁷⁴ This, she claims, is a worthwhile ideal, whereas she condemns self-sufficiency as an ideological fiction. One who is able to provide for herself economically is self-sufficient, such that self-sufficiency is a sort of economic counterpart to Kantian moral autonomy. Such self-sufficiency allows a subject to make decisions from an independent and fully functioning practical reason, expressing those faculties in herself which are the most fully human, the least admixed with characteristics of desire and inclination in their contingent guises.

As with most accounts of care, Young claims that needing assistance ought to be seen as a baseline state of affairs from which individuals part to a greater or lesser extent, rather than as a failure with respect to a norm of self-sufficiency. Young's critique of self-sufficiency leads her to propose a form of participation income, yet it seems that her critique would be better fitted for a basic income proposal: a participation income remains contingent upon decisions by a community as to what constitutes a 'participation,' such that one might still

⁵⁷⁴ Iris Marion Young, "Autonomy, Welfare Reform and Meaningful Work," in *The Subject of Care*, pp. 40-60, here p. 45.

be quite unable to define one's own projects and goals. Young's argument is that the market is unfit to address the demands of care insofar as it is unable to make sense of the routine departures from the norm of self sufficiency assumed in the market agent. Unable to adjust its ontology, it fails to address the needs of care.

The participation income that Young proposes, as well as the basic income that I suggest instead, might both appear to be *prima facie* redistributive. Martha McCluskey provides an analysis of the way that the "ideology of efficiency"—namely, the belief that economic policies to increase market efficiency are beneficial to the public as a whole, whereas redistributive policies benefit only their net recipients⁵⁷⁵—tends to militate against such policies.

The ideology of efficiency makes it easy to attack public transfers to care workers, insofar as these are portrayed as redistributive rather than efficient, certainly, or remunerative by manipulating assistance for dependency work. Care work can be used as an economic shock absorber—care work can be more or less publicly recognized, more or less incorporated into the GDP, as suits the needs of efficiency. The fact that care workers cannot withhold their labor provides the opportunity for an almost limitless redistribution of the burdens of care without consequence for the performance of the work. McCluskey points out the way in which the restructuring policies of the World Bank and the IMF, by mandating restrictions on social spending, transfer the burden of care off the books, away from social transfers, towards non-market care.

Ofelia Schutte takes this line of argument further. Since care is located at the edges of the market, Schutte argues, care workers are the last to be hired and first to be fired. Manipulation of public support for caring provides a means for manipulating the labor force and labor market, creating a "reserve army" of women just outside of the paid labor force, holding down the demand for good jobs.⁵⁷⁶

⁵⁷⁵ Martha T. McCluskey, "Subsidized Lives and the Ideology of Efficiency," in *The Subject of Care*, pp. 115-137, here p. 118. McCluskey is not committed to anything like a rejection of instrumental reason; her argument concerns rather the use of the notion of 'efficiency' as a way of obscuring political realities. Similar positions are developed in a broader framework by Richard Wolff in "'Efficiency': Whose Efficiency?" in *post-autistic economics review* 16 (September 16, 2002) and Anthony Oberschall and Eric M. Leifer, "Efficiency and Social Institutions: Uses and Misuses of Economic Reasoning in Sociology," in *Annual Review of Sociology* 12 (1986), pp. 233-253.

⁵⁷⁶ Ofelia Schutte, "Dependency Work, Women and the Global Economy," in *The Subject of Care*, pp. 138-158, here p. 152. Marx develops the concept of the "reserve army of labor" in part 3 of the chapter of *Capital* entitled "The General

Schutte's conclusion is suspect, although the observations from which it flows are sound. An attempt to 'hold down the demand for good jobs' seems equivalent to an attempt to 'increase the demand for people to fill good jobs.' If the demand for labor remains constant, keeping women from the labor market would tend to increase wages. On the other hand, in times of significant unemployment (thus times of labor surplus), keeping women from the labor market would not increase wages so much as suppress unemployment rates.

The traditional advantage to the capitalist of a reserve army of labor is to weaken the bargaining position of labor by maintaining a stratum of society willing to accept any job—to maintain a certain, stable level of unemployment. This position is traditionally filled by the unemployed, the underemployed and those in precarious employment. Care workers might well function in this sense, particularly when care requires a large amount of market-derived income, but this is not what Schutte has in mind. When the supply of labor is low on the market, more care workers can be incorporated to reduce wages. When the supply is high, care workers can be returned to the home without the imposition of additional social burden on the state. When the market finds the economic malleability of care to be such a useful phenomenon, perhaps the drastic measures of a basic income are needed to protect those who provide care.

McCluskey's critique of the ideology of efficiency implies a communal-strategic conception of care work transfers: The community has a goal of having care performed, but market ideology obscures the usefulness of care transfers. The problem with the market here is that it is unable to evaluate certain sorts of labor that exist at its margins, such as care. Schutte approaches the issue from the opposite direction, claiming that the interface between the home and the market makes it impossible for care workers to procure adequate support in a market system. The question is, then, whether basic income can weaken the connection between the definition of a job and the distribution of resources enough to do justice to care.

In spite of her endorsement of using the market-oriented replacement cost of care to estimate its value, Folbré offers a series of arguments that tend to show that the market is uniquely unfit for dealing with care. She claims that while the

Law of Capitalist Accumulation.” (This chapter is chapter 25 in the English edition and chapter 23 in the German.) On the notion that women might constitute such a reserve army, see Ruth Milkman's “Women's Work and Economic Crisis: Some Lessons of the Great Depression,” in *Review of Radical Political Economy* 8 (1976), pp. 73-97 and Marilyn Power's “From Home Production to Wage Labor: Women as a Reserve Army of Labor,” in *Review of Radical Political Economics* 15:1 (1983).

costs of children do influence fertility rates, they do so within a complex system of class, racial and regional inequalities. Social expectations of fertility and the distribution of care amongst men and women likewise refract the relationship between child cost and fertility. Secondly, she claims that decisions about fertility are slow to adapt to changing market circumstances, given strong individual desires to reproduce and the fact that the decision to reproduce commits a mother to the provision of care for the entire childhood of a child, regardless of changes in the cost of care in the meantime.⁵⁷⁷ Parents can make cost calculations only with respect to fertility, not with respect to the provision of care, and families are rarely thoroughly planned.

The notion that care cannot be withheld in the face of a need for care plays a large role here as well. At the more voluntaristic end, children can only be planned (when their birth *is* planned) with knowledge of the current economic state of affairs, whereas the responsibility to care extends much further into the future. At the less voluntaristic end, family and friends find themselves in need of care without regard to economic circumstances, but care must still be provided.

Viewing the market from the perspective of the worker reveals additional ways in which the market is ill-suited to cope with care. The continued gendering of care means that the greater part of market care will be performed by women. Jobs which are gendered feminine are lower-paid than comparable jobs that are gendered masculine. Market mechanisms tend to translate a system of gender inequality into economic terms, such that the social conception of care work tends to suppress the wages offered for care work when it is on the market.

Women who perform market care work are at a disadvantage in negotiation because of the gender structure of the society in which they work, because they are unable to withhold their labor without harming their charge, and because they tend to identify their own well-being with that of their charge. It is theoretically simple (if politically complex) to remove gender inequality from a society. The affective bond which exists between a care worker and a charge, however, would tend to harm the bargaining position of a care worker even in a society without widespread gender inequality.

A total basic income would completely abolish the connection between the definition of a job and the distribution of resources, whereas a smaller basic income would weaken it to varying degrees. With respect to care, a subsistence-level basic income would entitle dependents to a full share of social resources, such that the burden of care would then consist only in the labor involved in care

⁵⁷⁷ *Who Pays for the Kids? Gender and the Structure of Constraint* (New York: Routledge Press, 1994), pp. 104ff.

work, rather than extending to the procurement of the resources that enter into care.

A subsistence-level basic income leaves unaddressed the value of care work itself, however, and so fails to achieve reciprocity. Approaching reciprocity requires some attempt at the evaluation of care, but—assuming that such payment would only go to those involved in care—this would be a payment from some entity said to be a beneficiary of care rather than a basic income. Given the magnitude of the difficulties of evaluating care, perhaps what is demanded is a reexamination of the notion of reciprocity. Perhaps the challenge posed by care is not only to the liberal individual and individual interests, but to a conception of reciprocity that itself relies implicitly on a notion of an individual whose interests can be easily separated from those of a community.

3.3.3.3. Reciprocity in connection

In *Love's Labor*, Kittay writes that she had originally hoped to produce a notion of equality capable of making sense of the fact of human dependency.⁵⁷⁸ As noted above, she ends up arguing for a form of reciprocity not based in exchange, a form of reciprocity she refers to as “reciprocity in connection.”⁵⁷⁹

For my purposes here, it is sufficient to distinguish reciprocity in connection from exchange reciprocity on the basis of the fact that reciprocity in connection has no fixed partner. With exchange reciprocity, a transfer from A to B creates a debt on the part of B such that B is left with the obligation to reciprocate to A. With reciprocity in connection, it is assumed that A and B are part of a social network that values the transfer from A to B. Where exchange reciprocity creates the right of A to the receipt of a certain value on the basis of A's prior transfer to B, reciprocity in connection ascribes to both A and B the right to the receipt of a certain value on the basis of the communal valuation of the exchange. The right of A and B does not arise from transfers in which A and B have engaged, nor do their rights coincide with particular obligations. The rights themselves arise from A and B's community membership, and the obligations are likewise shared by the community.

When she introduces the notion of reciprocity in connection, most of Kittay's argumentative burden consists in showing that it deserves the title of ‘reciprocity’ in as full a sense as exchange reciprocity. She draws on the research of Naomi Gerstel to explore the sense in which daughters care for mothers not in recompense for the care they themselves received, but in recognition of the care

⁵⁷⁸ *Love's Labor: Essays on Women, Equality and Dependency* (New York: Routledge Press, 1999), p. xii.

⁵⁷⁹ *Love's Labor*, p. 67ff.

the mothers bestowed on grandmothers. Gerstel describes patterns of communal care (in Gerstel's work, in the Black community, although the practice is certainly not limited to that community) with the characterization that "what goes around comes around."⁵⁸⁰

Kittay parses this characterization by claiming the existence of a "chain of obligations linking members of a community" that "creates a sense of reciprocity between those who give and those who receive." This seems to bestow a primacy to the community members so linked, and I want to reject that primacy.

It seems to me that one can understand reciprocity in connection as a notion of reciprocity appropriate for a form of labor that inscribes one in a community. To be a member of the community is to give care when one can and to be able to expect to receive care when one is in need. There is some sense in which performing labor is a necessary condition for membership in the community, but that sense is moderated by a proviso of 'all else equal.' Where labor is understood as being importantly oriented towards the maintenance of the community, it is obvious that it would undercut that labor to capriciously ostracize members for occasionally failing to labor as expected.

On Kittay's conception of reciprocity, all members of a community are conceived of as being "some mother's child."⁵⁸¹ On the paradigm from which I am approaching the issue here, this would mean that all members of the community are conceived of as benefiting from care. Fulfillment of the conditions of reciprocity would then require that all members of the community undertake responsibility for care.

This conception is not restricted to small communities. The exchange reciprocity more familiar to liberalism is itself nested within a broader notion of reciprocity that seems to have quite a lot in common with reciprocity in connection. In normal market exchange, one gives to another individual a particular service, good or quantity of money in the expectation that one will receive from that person an equivalent service, good or quantity of money. This notion of exchange is extended to the political sphere by contractarianism, with the important modification that one no longer exchanges services, goods and money with a specific other, but rather one relinquishes natural rights to the state in exchange for social rights.

Behind either of these, however, is the problem of founding the possibility of contracting, or of founding the possibility of exchange. As many theorists have

⁵⁸⁰ "The Third Shift: Gender, Difference and Women's Caregiving." Lecture delivered to Women's Studies Colloquium, State University of New York, Stony Brook (December 1991). Cited at *Love's Labor*, p. 68.

⁵⁸¹ *Love's Labor*, pp. 23ff.

argued, some notion of constituent power is necessary to found the possibility of contract; there likewise seems to be a need of some constituent power to found the possibility of exchange. Functioning within the economic or political system maintains and contributes to that system. Increasing or reducing the strength of that system is a fundamentally different sort of act than benefiting from the exchanges in the system themselves, and the sorts of benefits one awaits from having a functioning system of exchange are quite distinct from the benefits one awaits from exchanging itself. Reciprocity in connection seems to provide a foundation for the possibility of exchange reciprocity, a context so encompassing that we forget its existence as fish forget the existence of water.

By attenuating or even eliminating the exchange element of labor and sustenance, proposals for a basic income make it possible to consider promoting reciprocity in connection from the level of a foundation to the level of conscious practice. All the same, one ought not underestimate the political labor that stands between current political realities and the realization of anything approaching such a state of affairs.

Reciprocity in exchange, basic income and research into care work in general all do quite a lot to bring into question the notion of exchange reciprocity as the basis of political activity. The discussion in this section has taken aim first at the separation between labor and expression, second at the role of the individual in liberalism and now at reciprocity. Some of the tools I have used along the way turn out to be useful not only for the critique of liberalism, but likewise for the reconstruction of a new politics adequate to the realities of immaterial labor and care. It is to this politics that I turn in conclusion, in section 4.

4. Leisure, reciprocity and solidarity

Arguing that the realities of immaterial labor demand a reformulation of our conceptions of work, political action and the public sphere can be done to a certain extent simply by juxtaposing the three. They can be discussed individually in a way that implicitly brings to light their connections and interactions, and this seems like a useful project—so useful that it has been my concern throughout the first three sections of this book. At a certain point, however, it becomes necessary to draw together the various threads of discussion in the attempt to take stock of where discussion has arrived.

The first issue to address is that of leisure, and it is one that can be treated relatively briefly given the discussion that has preceded this conclusion. The development of leisure has been a recurring theme throughout the discussion, albeit one that has not been extensively thematized on its own. For classical Athens and Hannah Arendt in her Hellenistic mode, leisure is the prerequisite for political action. My analysis brought this leisure together with the work that produced it, making the distinction between work and politics seem less stark than it appeared to the Athenians or to Arendt.

For Arendt as a contemporary political theorist or for Jürgen Habermas, my recognition of the work that is the basis of leisure is an ironic antithesis of a preliminary episode of the depoliticization of leisure in late capitalism, by means of its commodification. Where I have attempted from the beginning to keep the political nature of work in view, contemporary societies seemed, in the middle of the 20th century, to have arrived at a pacification of the multitude by instituting consumption as the primary activity of leisure. The end of work thus ceases to be the leisure of politics and becomes instead the leisure of consumption.

This development is taken a step further in the last part of the 20th century and the beginning of the 21st century by the workerists, who identify in immaterial labor the tendency not to use leisure for consumption, but rather to use leisure for immaterial production. It is important here to continue to bear in mind that the sense of the underlying leisure has not changed—the possibility of individual immaterial labor or macroeconomic tertiarization is given by material production and its extraordinary contemporary efficiency.

This tendency is usually portrayed by the workerists as being the result of the most recent economic developments, so that it is something of an irony to see it reflected in research into some of the most traditional patterns of work by those concerned with care work. These researchers can point out the universal importance of care work to the maintenance of any community, including those with the very lowest levels of available leisure. This is a project not so much of revolutionizing labor as of revolutionizing (or at least reinvigorating) our understanding of a particular form of labor, with the effect that our conception of leisure travels full circle to become once again an essential component of

communal social life. If the reproduction of society is only possible in the context of leisure, then leisure is reinstated as the end of productive labor.

Articulating the role of leisure in the maintenance and reproduction of community demonstrates the close connection between leisure understood in its fullest sense and the notion of reciprocity in connection discussed at the end of section 3.3. Leisure is the economic foundation of society in the way that I suggested that reciprocity in connection is the moral foundation of community.

This leaves two central issues to address, and it is these I take up in the conclusion. I begin with the notion of solidarity, in section 4.1. If certain sorts of labor can inscribe one in a community of rights and obligations, I argue, drawing on the long tradition of talk about solidarity can be of substantial assistance in fleshing out the notion of reciprocity in connection. Thus I trace the notion of solidarity back through the “philosophically foundational” accounts of publicity with which I began this project, tracing several different conceptions of solidarity implicit in the variety of conceptions of the public sphere found in section 1.

This provides the ground for outlining the fundamental result of this project: the way in which a care-centered approach to immaterial labor and political action serves as the basis for the construction of a new conception of political community and—most importantly—gives direction to that community through the nature of the work on which it is founded. Such a conception is produced here by applying the results of the analyses of leisure and solidarity. It is with this that I conclude, in section 4.2.

4.1. Solidarity and the public sphere

There are several versions of the history of solidarity, all of which agree in the somewhat peculiar detail that a Roman legal conception denoting a debt assumed in common (*obligatio in solidum*) is connected to a term which showed up in French politics in the 18th century (*solidarité*).⁵⁸² This term began to take on importance in politics over the course of the 19th century, particularly for movements of the working class as diverse as communism and Catholic social teaching. These being international movements, the term spread in time to most other European languages.

⁵⁸² Andreas Wildt, “Solidarität—Begriffsgeschichte und Definition heute,” in *Solidarität. Begriff und Problem*, ed. Kurt Bayertz (Frankfurt a.M.: Suhrkamp Verlag, 1998), pp. 202-217. Cf. Andreas Wildt, “Solidarität,” in *Historisches Wörterbuch der Philosophie*, eds. Joachim Ritter and Karlfried Gründer (Basel: Schwabe, 1995) v. 9, cols. 1004-1015, and Karl H. Metz, “Solidarität und Geschichte. Institutionen und sozialer Begriff der Solidarität in Westeuropa im 19. Jahrhundert,” in *Rechtsphilosophische Hefte* 4 (1995), pp. 17-36.

In recent politics, the term is primarily associated with working class politics and eventually, by extension, movements for the recognition and liberation of various politically disenfranchised or underrepresented groups, including women and subjugated ethnic groups. Of course, the bourgeoisie was the primary revolutionary group of 18th century France (and, as Arendt argues, the French revolution is the most consistent model for revolutions in the 19th and 20th centuries), so it is not surprising that the question of whether the term *solidarité* had any importance for the French revolution is a tantalizing one. Jürgen Schmelter argues that *solidarité* served as something of a colloquial version of the more official revolutionary term of *fraternité* in that early period,⁵⁸³ while Max Pensky advances the more elusive claim that *solidarité* “translates” *fraternité*.^{584,585}

While the claim that *solidarité* serves as an equivalent of *fraternité* is necessarily bound up with the revolution of 1789, Pensky dates the translation to the 1840 publication of Pierre Leroux’s *De l’humanité, de son principe, et de son avenir*,⁵⁸⁶ a work which clearly evokes *solidarité* in the familiar contemporary sense. Andreas Wildt notes that G.W.F. Hegel, whose political sympathies are always much closer to the French revolution than to any subsequent liberation movements, employs the phrase “*sich solidarisch zu verbinden*” (translated as “to join in solidaristic union”) in the 1819-1820 lectures on the philosophy of right, describing an activity of the corporation in a sense that Wildt deems much closer to the contemporary moral meaning than the classical legal/financial one.⁵⁸⁷

Whatever the specifics of the chronology of the transformation, it is clear that the historical development of the term ought to be understood by reference to

⁵⁸³ *Die Entwicklungsgeschichte eines sozioethischen Schlüsselbegriffs* (Dissertation, Ludwig-Maximilians-Universität München 1999).

⁵⁸⁴ *The Ends of Solidarity* (Albany: SUNY Press, 2008), p. 1.

⁵⁸⁵ I should also note here that John Rawls claims that the difference principle “provides an interpretation of the principle of fraternity” and implies “civic friendship and social solidarity” (*A Theory of Justice* (Cambridge: Belknap Press, 1971), §17). While this is not a central aspect of the difference principle, it is worth noting how pervasive the sense that solidarity is part of a worthwhile society has become.

⁵⁸⁶ *De l’humanité, de son principe, et de son avenir* (Paris: Fayard, 1985).

⁵⁸⁷ *Philosophie des Rechts*, ed. Dieter Henrich (Frankfurt a.M.: Suhrkamp Verlag, 1983), p. 203.

the two semantic poles of ethico-moral and legal-financial association. While nearly all moral terms refer to action or at least the willingness to act, solidarity seems to retain a stronger implication of material commitment than other moral terms. It is not, for instance, immediately clear that ‘sympathy’ requires economic assistance in the way that solidarity does. As a result, it can be concluded that the transformation of solidarity involves less the replacement of the legal-financial aspect of its meaning by an ethico-moral aspect, so much as an enlargement of the first meaning by the latter, alongside a process of the dejuridification of its coming into existence.

Alongside this distinction lies another, between a descriptive and a prescriptive aspect of solidarity as the term is employed from the end of the 19th century. The most famous development of a descriptive notion of solidarity is that of Émile Durkheim in his 1893 *De la division du travail social*.⁵⁸⁸ Durkheim’s project in this work is obviously not to suggest that a society ought to foster mechanical or organic solidarity, but rather to describe a society as solidaristic to the extent that it is marked by the coherence and cohesion that arises from a system of shared belief or of divided labor. Léon Bourgeois contributes to the language with which a descriptive sense of solidarity can be employed with his distinction, in his 1901 course “L’Idée de solidarité et ses conséquences sociales” between *solidarité-fait* and *solidarité-devoir*—the fact of solidarity and the duty of solidarity.⁵⁸⁹

The notion of *solidarité-devoir* is clearly a moral one, but its opposition to social cohesion results in a somewhat different meaning than that which results from the opposition of the moral meaning to the juridical one. One important use of the term ‘solidarity’ in political discourse is the claim that solidaristic action is necessary in the service of the maintenance of a supposed social cohesion. This is to blur the distinction between *solidarité-fait* and *solidarité-devoir* in a way that seems to fall under the heading of what Sally Scholz calls “parasitical solidarity”:

⁵⁸⁸ *De la division du travail social: étude sur l’organisation des sociétés supérieures* (Paris: Félix Alcan, 1893).

⁵⁸⁹ “L’Idée de solidarité et ses conséquences sociales,” in Léon Bourgeois and Alfred Croiset, *Essai d’une philosophie de la solidarité*, 2nd ed. (Paris: Félix Alcan, 1907), pp. 1-119. See particularly p. 13, where Bourgeois claims the necessity of the distinction in part because “it was indispensable to note the former [*solidarité-fait*] in order to perceive the moral necessity of the latter [*solidarité-devoir*].”

those uses of the term which “connote a variety of feelings or relations that do not themselves count as full-fledged forms of solidarity.”⁵⁹⁰

In all of these uses, the term ‘solidarity’ is clearly a political term. I am skeptical that one can in fact employ the term without reference to a political situation, although these distinctions show just how variegated the register is across which it has been historically used. With respect to the juridification of its significance, solidarity was first dejuridified over the course of its adoption by various liberation movements and subsequently rejuridified as those movements made the advances that invested them with the power to establish laws to protect their political gains, to inscribe obligations and duties of solidarity in legal codes. With respect to the descriptive and prescriptive content of the term, it seems that describing an agglomeration as a social group is nearly always a claim that there exists a (stronger or weaker) duty of solidarity amongst its members.

In this section, I attempt to flesh out the notion of solidarity across a broad range of political registers by tracing it through the philosophical terrain I mapped in section 1. I begin with Socrates and Scholz, arguing that Socrates’s attitude towards his fellow Athenians counts as solidarity to the extent that it is concerned with the development of a mode of life, to the extent that it treats seriously what Socrates takes to be their matters of deepest concern. I then turn to Arendt and Richard Rorty, addressing the problem of solidarity in the context of uncertainty over the boundaries of a political community. Here solidarity is posed at the division between description and prescription, so that we must simultaneously make sense of where we can claim the existence of social cohesion at the same time as we articulate the limits of our ability to share and dispute prescriptions. I conclude with Habermas on precisely this question, and a description of a fundamental human moral solidarity consisting in the willingness to provide reasons. Pinsky points out in his reading of Habermas that Habermasian solidarity always goes a bit beyond its borders, so that the duties of solidarity consist not only in the willingness to provide reasons to fellow members of a social group, but also to provide reasons to those who are excluded, to provide an account of their exclusion.

4.1.1. Socrates and political solidarity

Solidarity, to the extent that it has been addressed in a philosophical manner, has tended to play an auxiliary role or at most that of a *deus ex machina*. Until quite recently it was not possible to point to a prior attempt to theorize the

⁵⁹⁰ *Political Solidarity* (University Park, Penn State University Press, 2008), pp. 46-47.

notion, in spite of its importance in political (and thus political philosophical) discourse.

This theoretical vacuum renders Scholz's attempt to provide a systematic treatment of solidarity a courageous and welcome one. I engage with her treatment here first by presenting an overview of the typology of solidarity she develops, and then I use that typology to return to the discussion of Socrates's political activity from section 1.1. This provides both a point of entry for the discussion of how immaterial labor can be constitutive of a new politics as well as a preliminary framework for understanding the structure of that politics.

The fundamental distinction Scholz draws in her attempt to understand solidarity is a tripartite distinction between social, political and civic solidarity. Social solidarity accrues by virtue of belonging to a particular social group, whereas political solidarity has a much more volitional character, is the result of a choice by a political agent.⁵⁹¹ Civic solidarity, on the other hand, has to do with the nature of the bonds between the state and individual citizens.⁵⁹²

Social solidarity, then, is a possibility to the extent that a society conceives of itself as heterogenous. Social groups can be constructed on the basis of many sorts of differences, and these differences themselves can be a greater or lesser part of the self-conception of an individual. The differences can be chosen or unchosen, mutable or permanent. In our society, race and gender are usually permanently ascribed to an individual, and unchosen. Class and religion are somewhat more amenable to change and choice. We are uncertain whether sexuality is an immutable 'orientation' or a flexible 'preference.' Age is not chosen, although it is constantly changing. Disabilities are rarely chosen, but their extent and effects are sometimes amenable to transformation through enabling technologies or modifications to the built environment.

Political solidarity, on the other hand, is purely volitional on Scholz's account. As a man, I cannot join in gender-based social solidarity with women, but I can join in political solidarity by taking as my own the interests, projects, and struggles of women's movements. It might well be the case that my membership in certain social groups makes me more or less likely to understand and join in solidarity with other particular political movements, but there is no *a priori* barrier to any individual's acting in solidarity with any particular political group.

In section 1.1, I discussed Socrates's behavior in three situations. I want to return to these now, with this new tool of a typology of solidarity. The first situation was his argument, while a public officer, that the Athenian generals who

⁵⁹¹ *Political Solidarity*, p. 21.

⁵⁹² *Political Solidarity*, p. 33.

failed to retrieve the dead and wounded after the Battle of Arginusae ought to be granted individual trials, rather than being tried *en masse*. The second situation was his refusal to participate in the abduction of Leon of Salamis. The third situation is an amalgam of various situations, namely, his various attitudes towards his family and students.

The usual interpretations of the first two events have Socrates (1) interpreting Athenian law from a detached perspective or (2) acting in accordance with the ethical claims that responsibility is always individual and that transgression is a greater disutility to the transgressor than to the victim of transgression.

These interpretations seem at first glance much more defensible than trying to force Socrates's actions into the mold of solidarity, although much depends here on the meaning we accord to the term solidarity. Of Scholz's typology, the most relevant form here appears to be civic solidarity, since Socrates is primarily addressing himself to the state, which serves as a mediator between himself and others.

I want to argue that civic solidarity ought to be sharply distinguished from an attitude of insistence that extant juridical norms be applied. If juridical norms permit the application of force within some circumscribed situation, then one can exercise physical coercion against another while continuing to recognize the other's rights. While this attitude of exercising approved (or perhaps even legitimate) coercion is part of the enforcement of juridical norms, it strikes me as extremely contrary to the basic character of solidarity, with its basis in the communal assumption of particular burdens.

Thus the exercise of approved or legitimate force can be contrasted with a case like that of argument over the extent of the welfare state. If I argue that the state ought to assist those who have lost their employment, I am acting in civic solidarity. If, however, I merely point out individuals who have met the already existing qualifications for insurance, but are not receiving it, I am not acting in solidarity—except perhaps to the extent that my efforts to apply existing norms suggests some sort of underlying support for them. I am simply insisting that the existing law be applied.

I want to argue that this suggests that a position of civic solidarity is a stronger form of support for another than a position of consistent and universal legality. I take this to be well reflected in our current uses of the terms, as well. The allegiance of those who fight for the release of political prisoners to the prisoners themselves is a much more vigorous support than that shown by those who, for instance, limit their activity to insisting on the importance of fair trials or *habeas corpus*.

The episode of Leon of Salamis provides a view of a similar situation from the opposite angle. Here, Socrates refuses the validity of the right, claimed

by the state, to coerce citizens into service. This, too, fails to be solidarity to the extent that Socrates's concern here is focused on his own person and actions. He refuses the power the state wishes to claim over him without refusing the power that the state wishes to claim over Leon. While solidarity is unique in that it is neither exclusively egoistic or altruistic, an action cannot qualify as solidarity if it is exclusively egoistic, as Socrates's actions here appear to be.

My discussion in section 1.1 adequately established Socrates's lack of concern for his family, but I did not then have the tools to examine the possibility that Socrates might demonstrate a certain form of solidaristic connection to his community through his work. If I take him to be undertaking his philosophical labors in good faith, then I must understand him to be developing a certain form of private politics of solidarity with his students, his interlocutors, and eventually Athens through that work.

If I take Socrates to be undertaking his philosophical labors in good faith, then I take him at his word that his work is a form of caring for others. His conflicts with his fellow Athenians must then be seen as conflicts about things like where the distinction between that for which we need provide no reasons to others and that for which we owe reasons to others lies. Socrates rejects Greek common sense concerning the relative importance of the material and the ideal, of the affective and the cognitive, but his insistence that these matters be examined can be seen as a concern for the well-being of both his own soul and those of his fellow Athenians. He brings to his work his entire person, to the point of refusing (as a bit of rhetorical positioning) the wealth and comfort that would ordinarily have accompanied the attainment of such renown in Athenian intellectual life.

It is no weakness to this understanding of Socratic labor that it must be set beside his otherwise steadfast refusal of solidarity with his fellow citizens or with the members of his family. It doesn't commit me to arguing that he should or should not have been more active in the institutions of citizenship or more concerned with the well-being of his family. Instead, it allows me to make sense of the way in which what might appear to be private philosophical work leads to political prosecution. It allows me to understand how the group of Socrates and his students might have justifiably been seen as a potential core for the formation of oppositional politics.

What we see in the clash between Socrates and the other Athenians is a struggle over the foundational assumptions of communal life—questions of communal responsibility and agency, of the sorts of values upon which the community is taken to be formed. Socrates's appeals to general principles are an attempt to show that his fellow Athenians ought to live in a way more like his own. They reach beyond the civic solidarity of the Athenians or the social solidarity of the Greeks. This being the case, it is not surprising that the other Athenians might have seen in Socrates's philosophical labor a threat to the

Athenian *modus vivendi*, a threat with which—with apologies for the pun—no compromise was able to be found.

4.1.2. Arendt and ethnocentric solidarity

At the same time, the willingness to pursue agreement or at least compromise by political means must be considered solidarity in some sense, to the extent that one is pursuing a common project of the maintenance of political relationships. If Arendt's original misunderstanding of the struggle over school integration must be condemned, it is still possible to recognize a form of solidarity in her subsequent discussion with Ralph Ellison—a recognition that the two were members of the same political community.

While I have returned briefly to Arendt's work throughout this project for elucidation of particular claims or for a variety of conceptual tools, I have not concentrated on her work since the discussion of Little Rock in section 1.2. The discussion in that section was necessarily limited by the fact that such a small part of the theoretical apparatus I am developing here was then available, and by the inability of Arendt's own theoretical apparatus to make sense of the controversy over integration in Little Rock.

Arendt makes available the scheme of revolutionary affect for understanding integration: the passage from silent compassion to pity or solidarity is one in which an individual becomes aware of the suffering of another and must decide how to relate the awareness of suffering to herself, her interaction with the suffering other, and the world of political action.

Arendt's version of revolutionary affect provides enough specificity to characterize her own reaction towards Elizabeth Eckford as one of pity, without providing the means to imagine what would be required for her to act in solidarity. This theoretical shortcoming is amplified by her judgment that school integration is properly a social issue, and thus not to be addressed by the categories of political thought.

In fairness, it must be admitted that questions of school integration in the United States are only obviously political questions in an Arendtian sense against the backdrop of the civil rights movement. On the other hand, Arendt's inability to make sense of Little Rock exposes a paradox at the center of her political thought: on the one hand, she awards political action a preeminent place in her conception of human life, one in which the political sphere is constructed as the origin of significance and value.

It might be expected that, if the political realm has such significance for the achievement of human life, an account of the human condition would be concerned with articulating the political content of *prima facie* apolitical aspects of life. All animals eat and reproduce, but human nourishment and reproduction can happen in any number of ways. The production relations that eventuate in

food ready to be consumed involve political relations between the farm and the factory, between classes who produce food, those who prepare food, those who serve food and those who eat. At all points of this process, commodified and non-commodified labors are divided as part of the system of gender. One can be skeptical about the political importance of, for instance, an individual choice of vegetarianism while nevertheless recognizing the way in which a preponderance of our political institutions are reflected in the dark surface of a morning's cup of coffee.

A substantial part of the history of feminist theory could be called to service in articulating the permutations of this claim necessary for its application to reproduction. Feminist theory is continuous with other traditions of critical social theory to the extent that it points out the political content of institutions, activities and relationships that we take to be apolitical. Arendt is not a critical theorist—and this is the other side of the central paradox in her work—to the extent that an important part of her theoretical project consists in what might be called a critique of political reason. She hopes to preserve the possibility of political action in clearly articulating the boundaries of the political, but in fact—as in Little Rock—this often causes her to fail to see that a way of life is constituted not only in political action itself but also over the course of various struggles concerning the question of what counts as political.

According to Arendt's adoption of Greek categories, the political sphere is a sphere of giving reasons, whereas the private sphere is a sphere of force and natural inequalities. In her attempt to save political actions from bureaucratic administration, Arendt attacks many spaces that have in fact been loci of political struggle. She leaves herself unable to provide a justification for the construction of the division between the political and the private.

In the terms of Scholz's understanding of solidarity, it is not at all clear that Arendt can make sense of the phenomenon. Social, political and civic solidarity are all responses to some sort of oppression, exploitation or deprivation. Solidarity is most relevant when a group is denied consideration in the political sphere, a phenomenon that seems ruled out *a priori* by the construction of the political sphere as a sphere of conventional equality.

This means that Arendt cannot make sense of a political struggle in the context of educational administration. Social groups cannot confront one another as social groups in the context of the political sphere. If a new political sphere should be constituted, its constitution must be sharply separated from the conditions that brought individuals together and placed them into the relations that were eventually made political.

Arendt's conception of the political has little in common with the liberal tradition, but one area of clear correspondence is the homogeneity each attributes to the class of political actors. This is a surprising claim to make, in that it sounds

quite similar to the claim that Arendt makes against the economization of the political: economic utility maximization reduces all agents to similarity, so the reduction of the political to the economic eliminates the possibility of individuality through political action.

The sense in which Arendt homogenizes political space is distinct from this, but it deserves equally vigorous critique. Political membership is, for Arendt, a condition of possibility for the construction of identity without itself contributing any content to identity. Thus membership in various social groups that might overlap with the political community can never be relevant to the construction of identity.

If this construction of the political is outside of the extension of Scholz's definition of solidarity, it nevertheless has some claim to the label of solidarity to the extent that it casts the achievement and maintenance of political community as an undertaking in which the achievement of a particular goal by an individual (here the construction of identity) requires the assumptions of the burdens associated by that goal by other members of the group. If others are to take up the burdens of the goal, then they likewise take up the goal to some extent, such that the individual must endorse that goal as it is held by the others in the group. The pursuit of political community is a goal that necessarily requires solidarity to the extent that my pursuit of the goal requires my contribution to the pursuit of the same goal by the other. My pursuit of political action requires the existence of a community of political actors, such that part of my pursuit is assistance to others in their pursuit.

This goal-sharing structure establishes an egocentric or ethnocentric character for this form of solidarity, depending on the level at which one assigns the determination of the goal. Since endorsement of the goal is constitutive of the community, I can never be faced with a demand that the goal be justified. If someone does not share the goal, then they are outside of the space of reasons as defined by the shared goal; if they are within the space of reasons, they necessarily share the goal.

It is telling that when Arendt discusses the expansion of political community, she does so in terms of the more thorough inclusion of those who already share the space of the community, rather than in terms of the extension of membership to the excluded. The idea of council democracy is attractive to egalitarians because it seems to make the establishment of a ruling class impossible, whereas for Arendt it allows classical community to be maintained—and thus bureaucracy to be avoided—in the age of the nation state.

Arendt does not, of course, talk about this sort of community maintenance in the language of solidarity, although it fits well. Using the language of solidarity exposes a fundamental connection between Arendt's conception of politics and that of Richard Rorty, even if Rorty's notion of community is much thicker than

Arendt's. Where Arendt's solidarity is inward-looking and reinforces existing community, Rorty's is outward-looking in the hope of extending community.⁵⁹³

Rorty implicitly endorses the sort of skepticism about the possibility of justifying the constitutive beliefs of the community to outsiders to which Arendt is committed, but Rorty hopes that it will turn out to be the case that some outsiders share enough of the beliefs that they can be convinced to share others. This is important to the extent that a political space described by a system of juridical institutions might well encompass a number of overlapping political communities as described by commonly-held goals, such that the hope of extending the reach of the term "we" to the closest "outsiders" can often end up being a process of the unification of the space of our political institutions with the space of our political communities.

Skepticism about the possibility of providing a final justification of our foundational beliefs, along with a recognition of the importance of those beliefs in the justification of less foundational beliefs, leads Rorty to the cheerful acceptance of the label of ethnocentrism in his conception of solidarity. "We" have certain beliefs and practices that have been fit together over the course of our history, and one of those practices consists in the attempt to justify our practices to others.⁵⁹⁴

Since Rorty's notion of solidarity is outward-looking in a way that Arendt's is not, he is led to concern about the constitution of the "we." Rorty is simply unconvinced that we can do very much in our encounters with others except to be ourselves, to give reasons that count as worthwhile for us and (what is fundamentally the same) to tell stories that we find compelling.

All the same, Rorty is not particularly explicit about how we ought to confront those situations in which we are thrown together (either in a space of

⁵⁹³ While a significant proportion of Rorty's later writings address themes of politics and community, here I concentrate primarily on the account given in "Solidarity," in *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989), pp. 189-198.

⁵⁹⁴ This is perhaps not an active enough formulation to do justice to the sense in which Rorty, following John Dewey and Ralph Emerson, takes it that 'our' character is being achieved, rather than something that needs to be preserved from past achievements. Eduardo Mendieta, in "Civic and Political Friendship: Two Hearts, One Passport," (forthcoming), brings together this aspect of Rorty with the Aristotelian notion of friendship and the continuing struggles of the United States to deal with its heterogeneity in a particularly compelling statement of the way in which Rorty's ethnocentric solidarity is dynamic and oriented towards improvement in much the same way as Aristotle's notion of friendship.

institutions or in a trans-institutional space) with those who won't or can't accept the best stories we can tell or the best reasons we can give, and it is perhaps here that an ethnocentric notion of solidarity stands most in need of a form of solidarity born of conflict, like that developed by Scholz. Political movements must usually sustain and develop themselves for generations in a hostile climate before they can attempt to gain support from outside of the movement. In its nascent stages, the platitudes of the movement remain outlandish for those outside of the movement. To exist in a heterogeneous society is to realize the existence of a variety of overlapping and sometimes mutually exclusive platitudes.

Scholz's analysis of solidarity is a useful supplement to ethnocentric solidarity in its realization that we find ourselves in political communities through choice, happenstance and a combination of the two. Ethnocentric solidarity then becomes useful in the realization that our platitudes get more interesting as we are forced to refine them in encounters with those for whom they are, if not outlandish, at least improbable. Vibrant political action thus requires both communities strong enough to maintain their platitudes and flexible enough to adapt them to the political realities in which they find themselves situated.

4.1.3. Habermas and moral solidarity

If Rorty often claims a close connection between his conception of the political and that of Jürgen Habermas, Habermas is much more optimistic about the prospects of giving an account of exclusion than Rorty is or can be.⁵⁹⁵ Habermas expands the space of reason-giving slightly but significantly, with the following result: those who make a claim to inclusion have, by virtue of making the claim, a right to an account of their exclusion.

Habermas is able to make this move by virtue of grounding processes of justification in a universal linguistic pragmatics, a project I presented briefly in section 1.3. This project ought to relieve Habermas of many of the problems of parochialism that plague ethnocentric solidarity, and it does in a certain sense. In another sense, of course, pushing on the discourse theoretical model a bit more leads to a problematic concrete possibility. The discourse theoretical model works well so long as actors share an epistemic horizon, and indeed a shared epistemic horizon is necessary to demonstrate the lack of a shared political situation. It is only through the recognition of an interlocutor as an interlocutor that worthwhile disagreement is possible.

There are, however, many situations in which actors are clearly thrown together in a shared political situation so quickly that they find themselves with

⁵⁹⁵ Cf. "Pragmatism, Relativism, Irrationalism," in *Consequences of Pragmatism* (Minneapolis: University of Minnesota Press, 1982), pp. 160-175, here p. 173.

significant, apparently insurmountable epistemic differences. Questions of multiculturalism and secularism are the most common examples of this situation, but it can equally well be found in mundane debates about centralism or federalism between agents who would seem to share a significant reservoir of political justificatory resources.

Particularly when they are significantly influenced by liberalism, debates about secularism tend to focus on the sorts of (religious) foundational reasons an individual can employ in argument with a (mostly secular) state. Juxtaposing conversations about secularism and multiculturalism with those about centralism and federalism puts in relief the extent to which the conversations all involve the negotiation of memberships in a variety of more or less political groups whose spheres of activity overlap to a greater or lesser extent.

Membership in these sorts of groups is significantly different from membership in the institutions of civil society as it is usually conceived. When Rawls describes the well-ordered society as a social union of social unions, emphasis is on the freedom with which an individual can join or (at least) leave a social union, a characteristic which becomes less central the more group membership becomes constitutive of identity.⁵⁹⁶ Anyone with the time and inclination can, for instance, learn a body of sacred doctrine and produce arguments in its vocabulary, but group membership is more than learning a vocabulary—it is the construction of a way of life.

Liberal theory usually has difficulty making sense of the constitution of identity through group membership due to its emphasis on freedom of association, as expressed here by Rawls. Placing too much emphasis on freedom of association runs the risk of underestimating the power of the notion of something I would call a ‘grounded association,’ in which one’s association with a group flows from certain relevant facts about a person’s life.

Scholz’s distinction between social and political solidarity is precisely to the point here. Given that my family is from the South, and that I was raised in the South, any solidarity I might pursue with groups defined by origins from other regions or parts of the world is restricted to political, rather than social solidarity. On the one side, we have a variety of derogatory terms for those who attempt to pass themselves off as belonging to groups to which they have no right grounded in the circumstances of their lives, which is to say for those who seek social solidarity where the only possibility is that of political solidarity. On the other side, liberal theorists often miss the significance particular to social association, and the way in which social associations are particularly constitutive of identity in a way that political associations cannot be.

⁵⁹⁶ *A Theory of Justice*, §79.

In *The Claims of Culture*,⁵⁹⁷ Seyla Benhabib attempts to split the difference with her conception of “communicative freedom,” but her insistence on the freedom of the association and the voluntary nature of belonging seems to me to stay too much on the side of liberal theory. Political solidarity is indeed important, but to obscure the existence of social solidarity by overemphasizing political solidarity is to misunderstand important facts about the constitution of identity.

There is a sense in which discourse theory is well-suited for the sorts of politics beyond the state demanded by the realization of the importance of group membership at various levels. Pinsky, for instance, attempts to connect Habermas’s more theoretical work in the *Theory of Communicative Action* and *Between Facts and Norms* with his more concrete work on European cosmopolitanism by fleshing out the willingness to give reasons as a form of political solidarity.⁵⁹⁸

This notion of solidarity owes more to the descriptive, sociological version I mentioned above than to the more normative version advanced by Scholz. If a society is solidaristic to the extent that it hangs together, it is not surprising that one might use the same term to describe a willingness to engage in political deliberation with another. To the extent that politics consists in such deliberation, engaging in solidarity is the intersubjective constitution of a political sphere.

It is a virtue of this conception of solidarity that it is exceedingly adaptable to a wide variety of political circumstances. It apparently has no restriction to politics practiced at the level of the nation state; the occasion of politics is simply any situation in which individuals are thrown together.

As Eduardo Mendieta puts it in discussing Benhabib’s influence on Habermas, Habermas is brought to the conclusion that “solidarity is the other side of justice.”⁵⁹⁹ This is true in the sense that for Habermas, solidarity defines the space of reason-giving which grounds the possibility of achieving justice. In an implicit critique of Habermas, however, Mendieta goes further to incorporate the notion of recognition and to bind redistribution to recognition such that ultimately solidarity is connected, albeit in a mediated fashion, to the common assumption of material burdens.

⁵⁹⁷ *The Claims of Culture: Equality and Diversity in a Global Era* (Princeton: Princeton University Press, 2002).

⁵⁹⁸ *The Ends of Solidarity*.

⁵⁹⁹ “Communicative freedom, citizenship and political justice in the age of globalization,” in *Philosophy and Social Criticism* 31:7 (2005), pp. 739-752, here p. 742.

Without this further chain of associations, the Habermasian notion of solidarity as the willingness to give reasons leads to the application of the term in instances where it has no precedent in ordinary usage. The application of force under the terms of the law discussed above is an instance of central importance here. Where established applications of solidarity all involve the endorsement of substantive ends pursued by those with whom one is acting in solidarity, discursive solidarity takes it that all ends can conceivably be called into question, with the exception of the end of participation in deliberation.

I do not deny that the willingness to give reasons is an important political attitude. I only deny that it captures the entirety of what we mean when we speak of solidarity. In spite of its basis in the pragmatic establishment of a political situation, it ignores important phenomenological facts about how we find ourselves in a situation that calls for reason giving. We do not enter into the political sphere like first-year undergraduates looking for clubs at an activity fair. We find ourselves with various political orientations, connected with various political movements institutionalized to a greater or lesser extent. This criticism is most directed at discursive solidarity, but likewise undermines the discursive aspect of ethnocentric solidarity, leaving only its recognition of the way in which shared ends can be constitutive of community.

Our political orientations are constitutive of a political identity. Depending on the nature of the political community in which we find ourselves, we might find our orientations challenged often, seldom or never. We are never, however, faced with the task of providing reasons to a political agent as such. We find ourselves instead as political agents who are likewise social individuals. We find ourselves members of the working class faced with the claim that the labor movement should pay more attention to the dynamics of gender. We find ourselves as labor organizers faced with arguments claiming specific virtues for practices of lowering certain production subsidies or trade tariffs.

4.2. Solidarity and immaterial labor

Of the various forms of immaterial labor, either those borrowed directly from the workerists or those developed over the course of this project, it is perhaps easiest to begin with care in the discussion of solidarity.

The realities of care can, in a first instance, be fit relatively easily into some of our most powerful pretheoretical intuitions about solidarity. Take as a provisional paradigm of solidarity that which comes from a union member who acts in solidarity with other members of a same union on projects undertaken jointly by the union. Take as a paradigm of care a mother. The ends of a union member are clearly not identical with the ends of all other members of the union, any more than the ends of a mother are identical with the ends of her child. In many circumstances, the ends of other union members or those of a child might

be easily comprehensible to the union member or mother by analogy—the union member may have been threatened with job loss (or at least can easily imagine its consequences), and so rallies to the support of other members so threatened. The mother has received care from a parent and understands its importance, and so bestows it on her child.

When I say that the understanding of the mother or solidaristic union member is analogical, I mean to say that the union member or mother might be expected to assent to an argument like the following: (P₁) The circumstances of the seeker of solidarity/care are relevantly similar to circumstances I have experienced. (P₂) The needs expressed by the seeker of solidarity/care now (and perhaps any justification advanced in support of the need-claim) are relevantly similar to the needs I expressed when I was in the circumstances referred to in P₁. (P₃) I have some sort of commitment to advancing (at least some of) the expressed ends of the seeker of solidarity/care. Therefore, I will extend the solidarity or care.

4.2.1. The scope of solidarity

This is, however, a relatively limited notion of solidarity. Its scope is narrow in two senses: first, I can act in solidarity only with respect to those who find themselves in situations very much like those I have experienced. Second, I can only support those ends that are like those I have experienced. Thus on this characterization, a union member's capacity for solidarity with those whose jobs are threatened is dependent upon her job having been threatened, and (even less plausibly) a mother can only care for her children through those trials of maturing that she herself went through.

This is far from the full extent of solidarity. It is clear, for instance, that a new union member in her first day of her first job is perfectly capable of acting in solidarity with her fellow workers. It is not uncommon for union members (particularly in the building trades) to engage in the tactic of 'salting' by seeking employment with non-union contractors for the purpose of organizing non-union workers. The same term is used to describe both tradespeople organizing within an industry as well as organizers seeking jobs in an industry in which they have not previously worked, giving two extremely different pictures of labor solidarity.

It is clear that those who perform care work routinely offer care in situations that they have not in fact experienced. Certainly it is often easier to care in the context of similar experience, but elder care, care for the handicapped, or even inter-gender care in the case of gender-specific problems would all be impossible if care were limited to instances of similar experience.

The same is true with the object of solidarity. There is a sense in which the moral solidarity of Habermas is important to all solidarity in that a prerequisite of solidarity is the recognition of the object of solidarity as a being capable of experiencing the relevant needs or concerns, or of making the relevant claims. We

are obviously incapable of acting in solidarity with those with whom we have no contact, or whose concerns we are utterly incapable of understanding. An atheist whose life had provided no hint of the central role that religious practice can play in some lives would doubtless be incapable of understanding, much less joining in solidaristic pursuit of, the right to religious practice or expression.

This sort of concern, expressed to some extent by both Arendt and Rorty, is significantly alleviated by the realization that our lives tend to be mostly like our pasts. We are often thrown together with people whose habits are different from our own, but we are rarely thrown together with such force that we have no chance whatsoever to acclimate ourselves to them. Immigrant communities usually arise over the span of generations, rather than days, and as the community is being constituted immigrants and natives are thrown together by the conditions in which they work and dwell. It is over this period that it is possible to develop the mutual understanding that provides the groundwork for any possible solidarity.

Adolf Berger declines to offer a discussion of the *obligatio in solidum* in the *Encyclopedic Dictionary of Roman Law*, preferring instead to discuss the *obligatio* under the heading of those who enter into it, the *duo* or *plures rei promittendi*.⁶⁰⁰ The *obligatio* can only arise, of course, in the context of a pre-existing *duo* or *plures* who decides to create it. For his part, Pensky claims that this group is an “extended family” (thus connecting solidarity with fraternity), but that it is fundamentally the liability, rather than any common blood, which ties them together.⁶⁰¹ On the more theoretical understanding developed here, it is possible to construe a family or, more strictly, a network of care, as a social group constituted by the shared goal of care. Understanding the nature of the *obligatio*, then, requires understanding the coming into existence of the *duo* or *plures*.

4.2.2. The familial community

While she does not use the language of care, Arendt realizes that some care occupies a primary position in the construction of several communities: the first of these is the belonging of the teacher to the world. Secondly, the teacher constructs a community between herself and the student, and finally she is able to construct a relationship between the student and the world. This process of socializing and habilitating children to the world is nothing other than the construction of several promising pairs or groups. This building outwards,

⁶⁰⁰ Adolph Berger, *Encyclopedic Dictionary of Roman Law*, 5th ed. (Clark, NJ: Lawbook Exchange, 2002), pp. 445, 604.

⁶⁰¹ *The Ends of Solidarity*, p. 6.

incorporating new members, is an unavoidable aspect of any society that perpetuates itself by reproduction rather than proselytization or immigration.

For the concerns of care work, the promising of the family community is not so much a question of entering into a debt towards a *stipulator*, but rather of promising something to itself. The family is one of the most enduring mechanisms for moving people into and out of the *plures rei promittendi*.

In one sense, the need to habilitate children to the world is flatly economic. A citizen who is fully productive over the course of a complete lifespan in the contemporary U.S. works for slightly more than half of her life: she reaches majority at 18, is expected to retire at 65, and has a life expectancy of just over 80 years. If all citizens follow this pattern and there is no unemployment, her 47 years of work must provide enough wealth to support her 33 years of dependency.⁶⁰²

In keeping with this economic demand, there are three distinct areas of activity that need to be developed in children: (1) they need to be habilitated to production, (2) they need to be habilitated to a generalized concern for dependency so as to direct some portion of social surplus towards the care of dependents and (3) they need to be habilitated to an ability to perform care work. This division lines up neatly with an extensive class and gender system: women are habilitated to the performance of care work, the working class is disciplined to the rhythms of production and the ruling class directs some of the surplus of production to care.

It is important to understand the limitations of our historically established organization of care work while at the same time not losing sight of its important place in the formation and reproduction of community. Not only is it true that care is integral to the maintenance of present community, but it is also true that much present care is importantly oriented towards the provision of future care, towards the development of the virtue of caring in those who are presently the recipients of care.

It is doubtful that there is much of an economic motive to providing care to those who have no expectation of future productive labor, and arguments for the provision of care on the basis of supposed economic benefit must take account

⁶⁰² Looking at provision for dependency by restricting consideration to a typical individual and typical periods of productivity and dependence is useful for illustrating the extent of dependence in such a life. In reality, of course, it is those who are engaged in productive labor at any given point who support those who are not—thus the threat posed by the aging of the populations of many countries, which means that a proportionally smaller workforce must support a proportionally larger community of dependents.

of the fact that a substantial amount of care is a net drain on social resources. At the same time, even those forms of care which clearly consume more resources than they could ever generate share in the particular social dynamic of solidarity that involves the adoption of the ends of the charge by the rest of the care unit.

This aspect of care provides the foundation for a more expansive notion of solidarity, one that consists in the following chain of claims: First, as a precondition of care, the charge and the rest of the care unit are united in the determination of ends. Second, a claim or set of claims is attributed to the charge. Whether this is through the charge's own expression of needs and desires or if the needs and desires are attributed to the charge is irrelevant here. Third, because of the commonality of concerns within the care unit, the set of claims attributed to the charge is carried over to the rest of the care unit.

Up to this point, the carers might be taken to be acting altruistically. But care is not an altruistic activity. If it were altruism, a carer would have no basis for preferring to care for the charge with whom she is antecedently associated through socially relevant bonds, rather than those charges with whom she shares not such bonds. As it is, the carer adopts the ends of her charge as ends supplementary to her own. Her own well-being requires the well-being of the charge.

4.2.3. Communities of immaterial labor

So long as we remain at the relatively specific level of an individual caring unit, it seems strange to call this relationship solidarity. Placed in its larger context of various sorts of immaterial labor, however, the relationship takes on a much more characteristically political character.

Imagine, for instance, that a charge has the end of a competent education. By extension, the individuals involved in the care of the charge take up this end as their own. It turns out that taking up this end requires incorporating into the care unit others who also care for the charge. Thus the care unit takes on an additional, richer texture of interlocking ends, constructing a network of care.

This aspect of care is purely contingent, of course. In an isolated family, for instance, it might very well be the case that the caring unit is comprised exclusively of primary carers, without any secondary or tertiary carers whatsoever. In a society of any appreciable complexity, however, with even a modestly developed division of labor, the pursuit of care requires the pursuit of the functioning of a network of care. The economic organization of care throws together individuals who might not otherwise be thrown together, in a network centered upon the charge.

The fact that the network is centered on the charge, in turn, begins to give a political orientation to the care network itself: those in the network are brought by their care to adopt the ends of the charge in a primary sense and, at one

remove, the ends of other members of the network to the extent that these are relevant to the work of care.

This situation is similar with respect to immaterial labor more generally. There isn't anything about immaterial labor that ineluctably leads to political organization, but there is something about immaterial labor that ineluctably provides the opportunity for political organization. At its most basic level, Marx's theses about alienated labor and the fetishism of commodities are about the way people are related to one another. Under capitalism, relations between individuals are mediated by relations between products. The market, which is fundamentally simply one way of orienting people to one another, appears to be a dance of products circulating in the search of equivalents. The labor invested in a product by a producer enters the market, leaving the producer behind.

As I argued in section 2.3.1, much immaterial labor is not marked by this characteristic alienation. If anything, it is marked by the opposite of alienation. Products do not enter the market without producers, but rather producers find their identities invested in the way the product circulates in the market. The producer is tied to the product in such a way that she constructs her conception of herself as intimately tied up with the continuation of production.

It is perhaps true that the sort of identities formed by cathected production are not as strong as those formed in social solidarity, but they are surely stronger than those formed in political solidarity. Cathected production thus turns out to be a double-edged sword. To the extent that an individual cathects her production, the cathexis threatens to abridge her ability to improve her conditions of labor by withholding her labor. On the other hand, it turns out to be the case—as I argued in section 2.2—that much of the immaterial labor that falls under the category of cathected labor is also of a communal, rather than competitive, nature. Not only does this labor situate the worker within a particular community, but the existence of that community is often necessary for the performance of the labor.

The communal nature of this work is often transparent to the laborer, such that many forms of immaterial labor situate immaterial laborers immediately and obviously in a community of immaterial laborers, the existence of which is necessary for continued immaterial labor. Where the labor is cathected, and the community is necessary to its continuation, the end of sustainable conditions of labor for the community is added to the end of the labor in a way that is straightforwardly analogous to the way in which the ends of the caring network are added to the ends of the individual carer.

This communal adoption of ends is clearly an example of solidarity in the sense that the members of the community must take up the goals of each other's well-being as a part of their own well-being. It is a form of political community produced straightforwardly out of the conditions of immaterial labor in a sense that is much more immediate than the solidarity associated with industrial labor.

The fact of being involved with this labor inscribes a laborer directly into a political community in what is the most closed shop conceivable.

The ontology of this politics is infinitely variegated. Its basic units are as variable as are the size of social movements and social groups. It is a politics concerned less with representation than with constitution, such that the involvement of individuals in politics is less a question of the achievement of legitimacy through widespread participation than the consolidation of power through the constitution of a movement.⁶⁰³

To the extent that this is the case, then, immaterial labor provides the opportunity for the creation not so much of a new politics, as many new politics, of the diverse creation of a variety of political movements and even political spheres. Each of these spheres, in turn, is faced with the challenge of building communities of solidarity over the course of the pursuit of their goals. My argument, in turn, is that grounding these movements in an awareness of the power of labor in providing the foundation for the practice of politics, it is possible to link movements in such a way that provides political practice with the sort of urgency that characterizes care and other forms of immaterial labor at their best, to unite once again the search for human significance with the struggle for human freedom.

⁶⁰³ As with the description of the direct action of the IWW in section 2.1.1.2.

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