| COMMUNITIES AGAINST POLITICS

It is not merely the intensities of family living that make families such an appealing rhetoric for those who want to strengthen our larger political institutions and communities. It is also that they promise solutions and closures. In the typical rendition of political prescriptions, families are assumed to "work," whereas larger communities are seen as broken or dysfunctional. That is, policy analysts, columnists, professional politicians, and political scientists all too often operate along the assumption that the dynamics of the family need to be better replicated along macrocosmic lines to solve the difficulties of miscommunication, ideological fracture, and lack of social cohesion that they perceive as the problems to be solved in the greater political realm.

There are two major problems with this approach. The most important, its misrecognition of what families are and how they operate, serves as the subject of the rest of this book. A concomitant misunderstanding must be addressed first, however: such a solution presumes a problem which does not exist. The vision of community that such jeremiads have in mind is an impossible one, a realm of agreement and lack of

contestation which is not only empirically inconceivable but also intellectually incoherent. This chapter therefore examines two different interpretive strategies for understanding the demands of community. The first, closely linked to the social sciences and particularly political theory, attempts to develop a normative basis for commonality: a commonality to which everyone can (be made to) subscribe. The second, more closely linked to philosophies of aesthetics, uses judgment as a descriptive analytic to explain the persistence of differences within communities, but lacks a normative prescriptivism. This chapter thus addresses the possibility of community outside of (or without) commonality, and asks why unity is so often falsely presumed to be the precursor to community. It is, above all, an attack on the presumption that communities (be they families, towns, or nations) require commonality, and that incommensurability always threatens community.

The question throughout is, why does commonality, interpreted as sameness, hold such sway over our conceptions of community? The concept proves important to those people who spend their days thinking through ways to improve public life and connect people to political realities. Most of these approaches take the strengthening of community to be a self-evident good, but the universalisms underlying their presumptions make for communities where most forms of dissent or disruption are seen as a threat which needs to be eliminated. In other words, they make for antipolitical communities.

THE APPEAL OF SEAMLESS COMMUNITY

Community, we presume, is a wonderful thing. Whether one is saving the community's children, building a sense of community between ethnic groups, or using working-class consciousness to develop communities, community is the ideal of political philosophers, activists, and politicians across wide swaths of divergent interests. Of course, the *kind* of community that is ideal is often in fiery contestation, but the search for the exemplary form of community is rarely, if ever, questioned.

And it would certainly seem unfeeling to question such an ideal. Community, after all, is about sharing ourselves with others, about working

for the greater good, sometimes even at the expense of the self. It is about something greater than ourselves, a connection to other people that allows us each to transcend our individual self-interest and pettiness. It is about acting in concert with our fellow humans, sharing hardships and triumphs communally.[1]

But questioning this ideal is, in fact, precisely what this chapter aims to do. In criticizing our notions of community, some of the most cherished dogmas of contemporary culture must be confronted. But communities themselves are not threatened; they will continue to abide robustly on their own. What should be criticized are the notions of community which remain mostly unspoken, the underlying goals toward which academic and policy understandings of politics have led.

That families serve as the ideal for this unity is telling. The family model that philosophers have long relied upon has tended toward a simplistic model of patriarchal authority. Fathers instructed and directed; wives submitted and served; children behaved and learned. The properly functioning family, in this model, acts as one, with undivided purpose and unitary motivation. Against this, as shown in the previous chapter, stand actual families, collectivities which constantly negotiate differing interests, identities, dreams, and emotional ties. In our lived families, incommensurability exists as often as commonality; the two may even overlap, reinforce, or undermine one another. Families serve as an excellent starting point for investigating the possibilities of a politics of incommensurability, the theoretical senses of connection and contention across human differences.

The families idealized by Hegel and Locke do not exist, indeed have never existed. To expand this interrogation, then, the same question should be asked on a larger scale: "Can there be a political community?" The obvious answer is "no"—an answer dependent upon commonplaces and truisms about what politics and community are. As with the discussion of families, however, this is clearly a false answer: families and communities exist, and serve as important touchstones for almost every human being. And, as with families, the only way political community can be understood as possible is through rejecting the opposition between community and incommensurability.

With the diminution of ideological difference within the contemporary political world, attention has turned to questions of communities: religious, national, cultural, and spatial. This has taken a variety of forms, of course: just within political thought, recent decades have seen conflicts between communitarianism and liberalism, between identity politics and traditional leftism, between secularists and theologists, between republicanism and care ethicism.

Each of these stances either covertly or overtly depends upon theories of community and commonality. In fact, most presuppose a background or an ideal of community *as* commonality, whether statist (as with republicanism) or internal to a group (as in the essence-oriented versions of identity politics). A deep engagement with each of them is unnecessary; the various discussions internal to these debates have already covered much of that ground. More intriguing is what these champions of community centralize in their formulations: the necessity of excluding the dangerous, of determining the proper boundaries of the political actor.

In other words, most of those who celebrate community, however defined, see the exclusion of difference as a necessary precursor to actual community. At whatever level—nation, state, people, or *polis*—they share a presumption that people must share central normative commitments and that those who fail to share those commitments must be excluded from, or at least marginalized within, the political constitution of that community. This move may be overtly stated or it may be hidden, perhaps even from the authors themselves. But repeatedly, this moment of policing exclusions returns.

Arthur Schlesinger, Jr. engaged in a number of these debates at their highest pitch and can serve as an introduction. His popular book *The Disuniting of America* encapsulates a number of these themes regarding community.[2] Schlesinger's argument, familiar to anyone attentive to the "culture wars" of the 1980s and 1990s, is that the increase in identity politics puts the very idea of America in jeopardy. By "identity politics" he of course means attention to ethnicity, resistance to assimilation, and (closest to his heart) critical recastings of historical truths. These sorts of insurgencies alarm Schlesinger: they threaten, he explains, the very idea

of an American identity. Any "campaign against the idea of common ideals and a single society will fail," he argues, for each one denies the larger American community.[3] In the persons of what he terms "Afrocentrists," for example, Schlesinger sees an outright challenge to the collective identity that American ideals have historically engendered: the threat that Afrocentrists pose to the cohesion of the country at large needs to be opposed in all its forms.

Schlesinger argues for the necessity of unity in vital interpretive constructions, as well as the invalidation of those interpretive constructions that threaten this unity. These were not particularly novel arguments at the time, of course. But it is interesting to compare Schlesinger's jeremiads for a lost American community with current theorists with greater followings in today's debates about community and collectivity. The "zealots" who Schlesinger excoriates, those who "reject as hegemonic the notion of a shared commitment to common ideals," reappear as different kinds of villains in various forms throughout current debates, repeatedly seen as threatening the very nature of communities.[4]

ANTICOMMUNITY COMMUNITARIANS
VERSUS ILLIBERAL LIBERALS

One particular debate, central to political theory at the turn of the century, exemplifies these presumptions: the debate between the communitarians and liberals. A brief excursus into this historical argument can clarify how both sides in a putative opposition in fact rely on the same misguided concept of community.

First, the communitarians: critical of liberalism's focus on individuality, what Alasdair MacIntyre calls the "privatization of the good," communitarians look to the development of norms and guidelines that assist in the development of communities.[5] An unobjectionable goal, to be sure. Their recommendations prove tempting, given their trenchant critique of liberalism as presupposing individuals laughably unencumbered by class, race, creed, location, or nation.[6]

Unobjectionable, that is, until one notices a set of presuppositions common to communitarian thought that are curiously similar to Schlesinger's.

The communitarians, whether their project is a uniform moral code or a society of politesse, propose that an underlying societal uniformity be developed. The cultivation of civic virtues, however encoded, is a necessary prerequisite for the building and strengthening of communities in this view; without a deep level of moral commonality, the sense of common purpose that enables and encourages people to extend their identities beyond themselves cannot exist. In their conception, communities necessarily disintegrate without this unspoken sense of affinity.

This theoretical construction, which says that community arises from shared evaluative senses, emerges from a history of juridical and sociological arguments which say that certain codes of behavior fall below the umbrella of self-awareness.[7] It is because of this need for permanence that Amitai Etzioni can argue, for example, that values should be "handed down from generation to generation rather than invented or negotiated."[8] For theorists like Etzioni, that moral formulations are constant proves more important than the substance of these moral forms; that is, the substance of the values is less important than their continuation. The communitarians are guilty of what they accuse liberalism of doing: placing value on political formulations above the substantive politics within those formulations, and thus celebrating, as it were, substantively empty forms. These formulations, often called "social morals" or "cultural truths," are posited as permanent, unchanging frameworks. Discussions and dissent can happen within these frameworks, but challenges to the frameworks themselves are ruled out of bounds.[9]

This need for such permanence similarly drives the jeremiads of James Q. Wilson. Without common and historical moral codes, he argues, the entire superstructure of any political system is doomed.[10] His demand that the standards of "right and seemly conduct" define the very bounds of community and his location of those standards in the originary, male, white, "preimmigration" (as if such an era existed) American foundation combine to form a cultural identity that cannot, should not, be challenged.[11] Indeed, in Wilson's eyes, those movements that challenge this cultural identity in the United States actively threaten the very constitution of the country.

Michael J. Sandel, though a more subtle and meticulous theorist than Wilson or Etzioni, shares with them this particular desire for permanence. For Sandel, community is openly dependent on universally shared meanings, especially on political issues such as justice. Even when he critiques the universalization of sovereignty (namely, across different communities), Sandel posits smoothly operating communities as the alternative sub-sovereignties which become magically comprehensive. For example, he promotes Catalan, Kurdish, and Québécois communities as alternatives to statehood for those peoples—not suggesting sovereignty per se, but instead merely the ability to create standardized communities under the aegis of the state—as if such goals are desirable to either the insurrectionary populace or the governing nations.[12] He envisions communities (ideally) as safeguards from the vagaries and threats of modernity and capital; but to serve such a purpose, all members of these communities must be united in their efforts and protective of their collective identity.

This is not to say that communitarianism does not come in a wide array of forms, as anyone attentive to the state of political theory at the end of the last century is well aware; indeed, the above examples should indicate its variety. Communitarians may, as in the case of Wilson, attempt to form a statewide civil and criminal regulatory apparatus, or may, as in the case of Jean Bethke Elshtain, want to protect the essences of imperiled communities from the standardization of mass culture.[13] But what each has in common is a desire to reinforce the standards of a community, to encourage its resistance to the kinds of people or ideas that threaten it, be those the demands of "black nationalists," "drug kingpins," or "international capitalism." The discrete and independent community, whatever its size, is their temple, and their motto is *ne vile fano*.

For most communitarians, these threats (whatever they may be) come from the excesses of liberal individualism, a philosophical construct and legal theory and way of life that has increasingly infected American society in their view. Individualism, they argue, provides few if any defenses against these menaces, for it leaves out the standards and regulations of communal meaning which allow for united political resistance. That liberalism does not attempt to instate a sense of "the good," but instead

creates a neutral framework where each person can constitute his or her individual "good life," that this is intrinsically different from the communitarian project has by now passed from truism to cliché.

And yet a glance through the central interlocutors on the side of liberalism reveals a project which has vital features notably similar to communitarianism. Both sides, whatever their differences, are committed to the foundation of political identities through harmony with others: liberals through the development of institutions that treat people justly and communitarians through the reinforcement of common values and ideals. Though liberals are (usually) not primarily concerned with developing communities in the sense that communitarians mean by the word, they are profoundly concerned with developing a political culture of fairness and justice. The differing claims of social organization that John Rawls and Robert Nozick and George Kateb popularized in the early 1980s were intended to provide archetypal political systems, that is, a way to envision the construction of a fair society.

Rawls, Nozick, and Kateb have become emblematic liberals in discussions of liberalism (especially versus communitarianism) over the past three decades. All three, famously, valued individual rights over communities, and thus would seem to be entirely at odds with the communitarian project. John Rawls's conception of the just society as one that would be created from behind a "veil of ignorance" about one's own position in that society makes the assumption that all (nonlocated) people within a society would develop a common conception of justice.[14] Rawls's liberalism aspires to be "value-neutral." That is, the formal construction of this society is based on a sense of the just that no longer is fastened to the politics of the merely local. Instead, it attempts to provide a mechanism toward reaching agreement on political priorities: the pretense of nescience allows an ideally removed situation from which to make policies that affect all justly.

For George Kateb, rights-based individualism, found most dependably in constitutional liberalism, provides this foundation. Individuals thrive in conditions of freedom and openness, and a governmental system which protects individual rights from incursions by other individuals and by the

government itself must be the precondition for these freedoms. Democratic constitutionalism, in Kateb's view, has the potential to change humans themselves: it makes them more flexible, more willing to believe properly legitimated authority, more committed to others' rights, more normative.[15]

Robert Nozick seems to go even further than Rawls or Kateb: his is the most famous radical construction of individual rights over those of larger communities, at least within the liberal tradition. Nozick's near anarchism privileges individual rights over virtually all claims made on those rights: taxes, for example, or building codes are, to him, an appalling infringement on the right to sell one's labor and control one's property.[16] Where Rawls pushes community to the background and Kateb sees it more as a threat, Nozick attempts to dispose of it altogether.

These liberal approaches seem profoundly different from the communitarian-inflected ones. But upon closer examination, these theorists share many of the conditions (or perhaps more accurately, the "preconditions") upon which their perceived possibility of politics rests. For, fundamentally, does not each liberal approach presume a kind of community, if only a formal one? Rawls certainly presupposes a political community: a set of rational individuals with common conceptions both of the nature of a state and of the appropriately ethical solutions to problematic political questions. While this is not a "community" in the way that Sandel would define it, it shares with the communitarian conception a presumption of sameness, of universal desire to reach a common design. And like the communitarian community, the threat that must be expunged is the shortsightedness of individual preference; the commonwealth must take precedence over personal pleasures.

Not so for Nozick, however; in his argument the needs of the social culture appear to have little force against the rights of the individual. But close attention to his concerns and examples leads to further clarification of Nozick's ultimate goal. In his typology of rights, the right to private property quickly gains precedence over all other political rights.[17] It does so because, in Nozick's world, the rights that humans bear are primarily economic; that is, they have to do with exchange and value. But such a

conception of why property rights are important is itself dependent on the establishment of a free market. In Nozick's case, the primary threats to the socius were threats to economic freedom. In other words, Nozick posits a community of material acquisitors, traders, and accumulators: a community of meaning based on possession.

Kateb, like Nozick, seems at first to celebrate an individualism intrinsically opposed to forces of normativity. Katebian individualism is meant to protect the dignity of each human, a dignity under constant threat from the government. Such threats arise wherever the government degrades the individual in the name of communal value or impinges upon personal freedom to promote commercial or political interests. His list of quotidian examples (in the United States) includes a number of governmental actions defended by communitarians: "routine testing for drugs or roadblocks to ferret out drunk drivers; the war on so-called obscenity; the steady erosion of the rights of suspects and defendants."[18] More broadly, issues such as governmental brutality abroad, covert and illegal policies, "manipulation of public opinion," and the threat of using nuclear weapons are large-scale betrayals of the ideals of personal liberalism.[19] Fundamentally, the very idea of governmental membership, at least that which has claim to demand killing and dying in the name of the institutional mechanisms of warfare, is antithetical to Katebian individualism: patriotism, he memorably declares, is a mistake.[20]

But the reasons underlying Kateb's critique of these intrusions upon individualism themselves presume a political community, a normative commitment to a shared set of political formalities. If society oppresses, the solution is a universalist one, a dedication to the exercise of rights.[21] For Kateb, the ontological commitment to rights presupposes political freedom. He, of course, sees nothing "social" about political commitments (even, possibly, about politics itself), but rights-based universalism demands fealty, even beyond national boundaries: "The Constitution [that is, the Constitution of the United States] is a universalist, not a local, document."[22]

Kateb of course recognizes that governments which claim to respect universal claims of individualism have caused evil in the world. At times,

such as with the United States war in Iraq, he claims that this is merely a governmental betrayal of individualism. But at other times, this problem rises to the level of incoherence, such as when Kateb wishes to privilege universalist societies above cultures with multiple or nonfoundational sources of morality. We should hold that these latter societies are "still deficient, and that we should not place them on the same level as cultures that possess universal standards, even though cultures acquainted with universal standards have done inconceivably more evil than cultures without them."[23] Kateb hopes to defend the goodness of liberal normativity, even in the face of his recognition of the bloody hands of such universalisms.

A preoccupation with boundaries is central not only to the liberalisms of Rawls, Nozick, and Kateb but also to the political enactments of liberal states. The questions of who can vote or who can own property are emblematic of the perennial problems liberalism faces. Certain boundaries are well policed: excluded are slaves, women (at least historically), children, animals, visitors. Others are less clear: Can someone who retains citizenship in another country still become naturalized? What levels of criminality disqualify? Who decides what level of incapacitation by mental illness qualifies you to have your right to control your property taken away? What all these questions belie is a need to establish a normative "citizen," to exclude those who do not belong to the political community that is envisioned.

Like the communitarians, liberal theorists construct communities, though liberals prefer to avoid the term itself. Rather than "thick" communities, to use Rawls's terms, liberal theorists try to create political organizations. Though Sandel critiques Rawls for lacking a theory of community, Rawls indeed has a conception of what a political community should entail, and what it should not.

"What it should not" is of primary importance here. For in the same ways that political commentators and communitarians decry threats to their communities, liberal theorists decry threats to the political culture. This leads, in the words of William Connolly, to a process of "normalization," where the standards that define political behavior are transformed into stringent exclusions from political engagement.[24] Richard Flathman,

himself an avowed liberal (albeit a "willful" one), recognizes liberalism's tendency to claim "to treasure diversities but do so only insofar as [they] are encompassed within or subtended by unity."[25]

In other words, both communitarians and liberals rely on a central dedication to community as the exclusion of differences and the development of a universally agreed upon set of political mechanisms. In their worldviews, evidence of a functioning community comes from lack of argument, agreement on historical narratives, group identification, and collective purpose. As such, they view threats to these commonalities as fundamental rifts within the political system; those who disagree with their frameworks become de facto enemies of the community.

Yet these readings depend on a particular and erroneous conception of agreement. Theirs is a simplistically dualistic view, where one is always torn between opposing choices: either a humanistic secularist or a religious fundamentalist, rightist or leftist, conformist or dissident, white or black. They fail to recognize that agreement is never total, nor disagreement ever entirely oppositional. To explore how agreement and disagreement coexist, I turn here to Immanuel Kant, who can help explain that disagreement always presupposes a mode of agreement, that in fact they must overlap. And yet Kant (and Kantianism), while properly identifying this concurrence, proves inadequate to resolving its political consequence.

DISAGREEMENT

Take, for example, an overtly political contestation which also emerged in the 1990s and remains with us still: that of "gay marriage." This debate not only refers to community norms and liberal self-determination, but is overtly about the forms that families can take in a legal context: can two individuals of the same sex (or gender, as the varieties of national laws apply differently) form a legally recognized union? The appearance of same-sex marriage on the political scene has been relatively sudden and unexpected; in the space of a decade, the idea transformed from being virtually invisible to being a legal reality. Yet despite the sudden appearance of this issue, or perhaps because of it, the opinions about the desirability of same-sex marriage are already clearly drawn.

This particular area of contention proves particularly useful because the foundations of each side have been so firmly established in so short a time. Behind most opposition to same-sex marriage, whether it be couched in terms of nature, reproduction, history, biblical injunction, or morality, is the same essential objection: marriage is crucially an inter-gender affair because that is the way it *should* be. The supporters of same-sex marriage argue basically the same point, with their own twist: that the reasons for limiting marriage benefits to opposite-sex couples in that way are not compelling, and same-sex couples *should* be allowed to marry. In both cases, there is a strong moral component to the issue, and these moral components are in direct opposition to one another.

The argument between the two sides usually goes something like this: A holds that marriage should be limited to opposite-sex couples because marriage is intended for reproduction. B, in response, points out that marriage is not denied to infertile opposite-sex couples. A argues that religious morality necessitates the repudiation of same-sex marriage; B points out alternative religious traditions. A points out that marriage has historically been defined as a man and a woman; B points out the circularity of such reasoning.[26] Ultimately, it becomes clear that A and B differ in crucial conceptions of what marriage, law, and family are. Their notions of what each idea means are radically different, even incommensurable.

Now, this is obviously a very two-dimensional representation of the arguments involved; the reasons for each side's position are far more deeply held, profound convictions of greater importance than this schematic implies. But it is this very strength of conviction that makes this issue both so compelling to each side and so emblematic of collective politics. For A's and B's reasoning (and arguments) come about precisely because so much is actually shared between them: a legal system, of course, but also a community, a language, a sense of morality, and—not incidentally— a commitment to families themselves as intrinsic components of a shared future.

These relationships of political differences to collective political decisions are judgments that are collectively made, but ultimately based on shared grounds external to the issue itself. What are families for? What

affections and actions are ungodly, or moral, or private? Are biological children an inherent aspect of marriage? What is the state's proper role in the recognition, perpetuation, and restriction of personal relationships?

Immanuel Kant, famed for his guidance into systems of morality, proves a useful guide along these paths. Yet his overt, moral systematicity serves less well here than his analysis of judgment, his concern in the preconditions for commonality in judgment. And commonality in judgment is precisely what those who expect that there will ultimately be some resolution to the question of same sex marriage are hoping to achieve.

In his third *Critique*, Kant politicized the philosophical realm of aesthetic judgments by emphasizing the centrality of comparison, the comparison between one's own judgments and those of everyone else.[27] It is this politicization that is of interest here, both for the centrality that questions of commonality and community have in political theory and for the difficulties that are raised by this particular goal.[28] Yet for Kant, there is a problem inherent in most theories of political discord and commonality. Issues upon which there is universal assent, the ultimate goal of Kant's aesthetic theory, are in fact *not* political issues: it is the very existence of dissent and dissatisfaction with the status quo that constitutes politics. Admittedly, it is logically coherent to establish a political theory whose ultimate goal is the eradication of politics; it is not, however, particularly satisfying, either as an intellectual aspiration or as a description of specific political contentions. In the example of same-sex marriage, it is unlikely that either of the interlocutors is going to eventually agree with the other's definitions of marriage, and the spaces for compromise are notably lacking.

In other words, there is a disparity between Kant's noumenology and the phenomenon of political difference. For Kant, this difficulty is resolved with the application of correct judgment: the resolution is whatever is consistent with a nature and logic. Ultimately, for Kant, judgments have an essence. Kant's attachment of judgment to nature and sublimity, along with his ranking of compliance over freedom (of action),[29] both serve to attach aesthetics to the constitution of the world, and therefore necessitate the existence of "correct" and "incorrect" judgments. Arendt, there-

fore, is wrong when she argues that Kant valued judgment and thus the *polis* over truth; Kant actually saw a complex, but mutually reinforcing, interrelationship between the two.[30] In arguing for the universal communicability of judgments, for example, Kant points out that without such communicability, "we could not attribute to [cognitions and judgments] a harmony with the object, but they would one and all be merely a subjective play of the presentational powers," a possibility that Kant clearly finds unacceptable.[31]

Unfortunately for Kant's theory, people in political opposition tend to find their own positions most harmonious with "the object." Both A and B, in the example above, perceive the other as acting irrationally and even perhaps in bad faith. Both A and B suppose that the moral ground upon which he or she stands is clearly more solid than the other's. The conception of the natural order that each holds serves only to reinforce this position; the ideals of Kantian liberalism and formalism are developed by each of them in ultimate support of their own moral outlook.

This proves an insurmountable problem both for pure Kantianism and for many of its descendants. Neither Arendt's agonistics nor Habermas's "universal pragmatics" serve to broker a middle ground between the two sides: the preconditions for agreement are fundamentally lacking. Ultimately, it is clear that A and B are coming from what Charles Spinosa and Hubert L. Dreyfus term "weakly incommensurate worlds."[32] Neither A nor B is willing, or able, to be a part of the other's debate; their senses of what is important about marriage are not shared, and even if they use similar terminology, the grounds upon which they base these terms are radically different. They are not quite using the same grammar or vocabulary; to hope for a "universal pragmatics" is begging the questions that the very issue raises, for in such a case there would be little disagreement after all.

This is not to say that they live in radically different worlds: these two individuals can communicate with one another, indeed they *want* to communicate with one another. Each can convince the other of his or her sincerity, and they can perhaps find common ground on other subjects. But the existence of some shared realities does not denote the necessity of a single reality. Incommensurate worlds are not states of existence that

are unrecognizable as human, but are instead narrow realms of mutually exclusive comprehensibility.[33]

That people who share the same political spaces can have intellectually incommensurate worlds should be commonsensical. Evidence for it surrounds us. People who are part of the same political configuration (be it geographical, organizational, or societal) usually do have integrally different conceptions of the good, or the desirable, or the ethical, as liberal theories have long recognized.[34] For a variety of reasons, however, political philosophy often seems either to deny this possibility or to bemoan it. Sometimes this is an avowedly teleological goal, as it was for Plato; at other times it is an attempt at identifying common threads in an otherwise multifarious system, as it was for Marx. But as far apart as Platonism, with its insistence on a universal (but hidden) system of evaluation, is from Marxism, with its insistence on different (class-related) commonalities, both argue that people *ought* to discover a unified worldview. And most successors of these theories, from constitutionalism to traditionalism to progressivism, have continued to urge unity as the highest political ideal.

Arendt is correct, however, in emphasizing that Kant *enables* an ethos that places the community of judgment over and above the regime of truth. In the words of Roberto Esposito, "if the subject of theory is the I, and that of ethics is the Self, the subject of aesthetics is We. Indeed it is We-others, a We that is constitutively open to relations with others."[35] In emphasizing the communal nature of judgments, and thus escaping the traditional debate over objective versus subjective aesthetics, Kant opens the possibility of a political theory based on communities that emerge through agonistics rather than those which presuppose some sort of collective essence. His construction, though based on universal communicability and reason, opens a window to how localized forms of communicability and reason can establish minor communities, worlds that can overlap one another and yet still remain at some level distinct. The clarification of this kind of an idea of political communicability is the ultimate goal of this chapter.

The debate over same-sex marriage, as a political difficulty, resonates deeply with a certain sense of political freedom. This particular sense,

though particularly important to Kant, is usually left out of political debates. Most Kantian-based liberal positions on political issues tend to be concerned with freedom as a sense of noninvolvement. Abortion rights, for example, are generally posited as a question of toleration and ability: few abortion-rights advocates claim that abortion is intrinsically good, but instead argue that it is a matter of choice for women. Conversely, abortion foes argue that abortion is not a private matter, but a concern of public interest. In other words, these positions tend to rely on a sense of public and private, and to argue that freedoms are properly based in the private realm and responsibilities in the public.

Kant's sense of freedom has little to say about freedoms that are not public. The public sphere, where intellectual positions are laid out and contested, is by definition the space of the kind of freedom that is dependent on debate. For Kant, freedoms of the individual can only be subsumed under a socially constituted natural order, the "lawful authority within a whole called *civil society*."[36] How civil society is constituted, how the common ways of living are determined through the public use of reason (e.g., debate), is taken as natural and unproblematic. Kant, in other words, holds the idea of private freedom to be oxymoronic.

Yet Kant's idea of public freedom is a robust one, within its own limitations. Though he suggests, for example, that a state has no obligation to grant its subjects what we today consider "privacy rights," and though he is similarly disinclined to defend those who rebel against authority, Kant centrally advocates for freedom of judgment. Most obviously, this includes his championing of free public speech. Human subjectivity and the communities that enable such subjects, according to him, emerge from unfettered deliberation: reason is naturally public and must be defended as such.

Freedom of the public use of reason is the human attribute Kant most defends throughout his works. In "What Is Enlightenment?" Kant promotes the responsibility to *saper aude* and posits public freedom as the hallmark of the modern. In the *Critique of Practical Reason* he makes freedom central to any use of pure reason.[37] In the *Critique of Judgment* Kant gives freedom the most gloried space in the pantheon of concepts: it is

not merely the only supersensible concept (i.e., that it "proves its own reality"), but is the only possible groundwork for proving the existence of God and of the soul.[38]

It is well known that this aspect of Kantianism underlies contemporary liberalism; it is equally well accepted in liberal societies that government, for example, should leave expression unfettered. What is less recognized, however, is the degree to which this kind of public freedom is valued only insofar as it helps achieve resolution, as though free judgments are of worth only if they are heading toward a universal settlement. For Kant, and for modern Kantians like Arendt and Habermas, deliberation is useful only insofar as it leads to resolution. Freedom to dissent is allowed in the name of eventual accord; the freedom is thus always contingent upon the possibility of reconciliation.[39] The strength of Kantian theory is the extent to which this eventual resolution is never predetermined, as Arendt makes clear in her lectures on the *Critique of Judgment*. But its weakness, inherited from Kant and persevering in liberalism, is a reluctance to recognize genuine, long-lasting political difference that shows no sign of resolution. This is due in part to Kant's aspiration (and the desire of most liberals) to arrive at consensus, and in part to the inclination of organized bureaucratic institutions to discourage meaningful dissent.

Alternative theories of how political resolution is reached in particularly intransigent cases abound. If it is generational, perhaps the older generations will die off, leaving the paradigms of the younger generations dominant.[40] Another form of resolution may be the forceful overpowering of the adherents of one form, either through overt violence or through rhetorical degradation.[41] Still another form can come about through the privatization of political issues, where a communal issue evolves into a matter of private behavior.[42] But there are other issues which continue to be undecided, waxing and waning over the years in intensity, but never being fully resolved, and these prove problematic for any theory dependent on universalism.

Let us return to the case of same-sex marriage. On the one hand, we have A arguing that marriage between two men or women is immoral, perverse, and at odds with American ideals. On the other, B argues that it is moral, loving, and harmonious with liberal objectives. It is difficult

to merely live with this difference, as traditional liberalism would exhort, since same-sex marriage will either be recognized by law within a state's boundaries or will not. The compromise model of political thought is problematic as well for the same reasons: perhaps a separate civil status can be developed for same-sex couples, but the things that make marriage per se so meaningful to A also make it so appealing to B. The Nietzschean model, where one moral system wins out over the other through force, is perfectly adequate descriptively, but is hardly a model for political engagement. To fight to the death for one's moral ideals is a poor prototype for a political engagement sensitive to the needs of alterity. And a traditional Kantianism, where one of these moralities *must be* correct (though we do not yet know which), and thus must be universalized, is not much better; since each A and B are convinced that only one moral position is correct, the other's is seen as not only mistaken but pernicious. Kant's conception of judgment, therefore, is not particularly useful in its entirety.

POLITICAL CONTESTATIONS

Two versions of commonality within community are therefore apparent. The first, that of the liberals and communitarians, is a prescriptive commonality, one leading inexorably toward normative unity. The second, that of the practices of judgment, is a descriptive commonality, one which leads toward multiplicity and contestation. Those enamored of the former are in truth attempting to eliminate the latter form, which threatens both the purity of their utopian visions and the intellectual underpinnings of their ideological commitment. The latter, however, lacks the prescriptive power of the former. It has not the force to compel A to B's methods of judgment, nor vice versa. It thus proves unappealing to those whose goal is normative unity, since it has no mechanism for normalization; in fact, it lacks even an ethic of universalism. One may reasonably ask, however, what the problem might be with communities that are based on normalization. Obviously, people who consider themselves part of a community also consider themselves to have important similarities with those they consider fellow members; what is wrong with a formal kind of unity between peers within a community?

The answers to these questions depend on one's conception of politics. For those for whom politics is a neatly circumscribed realm of differences in matters of civic policy, there is little lacking in such a conception: it lays out the rules of such procedures and provides rationales for excluding those who are unwilling to follow such rules. But for those for whom "politics" means something more, means something like deep-rooted and hard-fought contestations over resources, power, and meaning, such a community looks like an escape from politics, a way to exclude the kinds of battles that might cause discomfort and reflection. In fact, such a community, broadly considered, may even be indistinguishable from a "cult": a system of meaning in which those who challenge its assumptions are castigated and expelled, in which what is allowed to be thought or said has become indistinguishable from what can be properly imagined or conceived.[43]

But isn't a resolution of some sort necessary? Are not political problems meant to be solved? For most theorists, yes. Even Hannah Arendt, the best attuned to the specifically political dimensions of Kant's theories of judgment, certainly thought that resolution was of paramount importance. Indeed, those who are unable or unwilling to participate in public debate (such as scientists, who put too much emphasis on truth) are, on Arendt's account, unworthy of participating in the public sphere.[44] Michael Walzer holds that plurality and uncertainty should never be the basis of politics: "distinctiveness of cultures and groups depends upon closure, and without it, cannot be conceived as stable features of human life."[45]

Such political thinkers generally ignore the ways in which cultures and communities (and, indeed, families) continue and thrive without closure. Debates during the past half century over the existence or nonexistence of a public sphere have highlighted this controversy, as though the lack of a single, unified public sphere would mean the termination of political life. That there continues to be antipathy toward recognizing pluralism in political life is a mark of dread of substantive politics. The enduring appeal of essays and books declaring the "end of" some significant form of discord bespeaks a continuing hope for the ultimate settlement of contention, an ultimately antipolitical ideal.

The fact that humans can and do live in incommensurate ways is the very substance of politics. We constantly engage others and discuss ideas, attempting to convince (and, occasionally, succeeding in convincing) others. We do this across cultures, across religions, and across ideology; we do this in schools, in churches, and in dinner table conversations. We do this from common ground, from indifference, from moral opposition. As Kant shows, we engage with and share some ideas, judgments, and constitutions; to conceptualize humans as isolated and solitary creatures is surely as misguided as insisting that all people share one common culture. That political philosophy ignores this (with a few notable exceptions)[46] is among its greatest current weaknesses.

Conversely, those philosophers who do recognize the possibility of incommensurability often exorbitantly expand this sense of incommensurability. Once anything is incommensurable, this argument tends to go, we have nothing whatsoever in common with one another. For obvious reasons, these arguments tend to promote an image of cultures as monolithic, so that something like Samuel Huntington's "clash of civilizations" becomes the only possible resolution.[47] Even so nuanced a theorist as Alasdair MacIntyre assumes that the most critical questions of incommensurability come from entirely different "traditions."[48] Perhaps the most widely noted attempt to overcome political incommensurability has come from Charles Taylor, whose condemnations of differences of judgment are especially severe. Taylor objects to considering judgments (which he identifies as matters of culture) as though they are in any way politically equivalent to civil rights.[49]

These three theorists share very little, the notable exception being the way they comprehend political difference. Critics of incommensurability habitually posit it as emanating from strong, universal sources, as though controversy emanates primarily from profound ontological clashes. But political, ethical, and moral conflicts more often arise within cultures and ontological frameworks, and such clashes are philosophically more interesting than those that are clearly grounded in different historical and geographical circumstance. A and B can clearly have common opinions about television shows, restaurants, and international relations. That they can-

not agree on gay marriage in no way implies that they come from entirely different "cultures" or even "cultural traditions." It is entirely possible that they each share a vehement attachment to Christian values (though each interprets those values differently) or just as possible that they may each reject religious commitments entirely.

"What indeed," asks Jacques Rancière, "is consensus if not the presupposition of inclusion of all parties and their problems that prohibits the political subjectification of a part of those who have no part, of a count of the uncounted?"[50] The excluded, those *nonsubjects* within a formal set of political rules, form the boundaries of the ideo-governmental "community" that both liberals and communitarians have been attempting to establish. Their differences arise from their identifications of those boundaries and their methods of policing them, not from the desire to figure out what kind of person belongs within them.

The most significant split in political science is neither between liberals and communitarians nor even between the Left and the Right but instead between those whose goal is establishing a normative, regulative ideal and those whose goal is something else, something actively political. Slavoj Žižek terms the former "parapolitics": "the attempt to deantagonize politics by way of formulating clear rules to be obeyed so that the agonistic procedure of litigation does not explode into politics proper."[51] If, as the normative unitarians claim, final agreement can be reached on what those rules are (whether universal or localized), then a postpolitical quasi-utopia will arise.

Such uses of the term "community" prove openly inimical to politics: the ideal of a community seems to be the establishment of a normative system of operations that has no room for substantive dissent in its fundamental operations. Such a conception of community is reinforced by popular conceptions of how communities themselves are formed, as though each community was created when a group of like-minded civic individuals laid claim to a particular geographically bounded area and perpetuated their collective identity into an indefinite future. And these conceptions are further fortified by public commentators who perpetuate the conception that threats to community are intrinsic to forms of personal, political,

or moral difference. This is why the answer to the question "Can there be a political community?" is "no"; under our current understanding of community such a construction is fundamentally impossible. Where, then, can politics arise? Politics, in Rancière's terminology, comes whenever the accepted system is challenged or disturbed by those who are excluded from it.[52] Alternative theoretical formulations of political community that allow or even encourage agonistic political actions and identities are rare in political theorizing, especially within the contemporary discipline. The common assumption that the goal of political science is the creation of political spaces within which everyone is satisfied (be this a liberal satisfaction with fairness or a communitarian satisfaction with everyone else) discourages substantive politics.

The first and most obvious resistance to communal unity arises from historical practices and theories. The king's two bodies have always had the potential to fight between themselves, but such disagreements seemed to foretell the absolute dissolution of both entities. The fight for democratic representationalism loosed these bonds somewhat, but, as Alexis de Tocqueville astutely shows, it also made any threat to the political corporation also a threat to the very social composition of those citizens around them, increasing the pressures of normativity.

Historically, perhaps the most conspicuous privileging of contestation over community has arisen from Marxism: namely, that dialectical engagement (or put more simply, class struggle) is the necessary precondition for political change and growth. Though Hegel's insistence on the ultimate resolution of all dialectics remains in Marx, the quotidian reality of Marxist practices seems to have escaped the call for universal solutions. To divide societies into different parts whose interests are intrinsically opposed is to conceive of those societies as inherently politicized. Contemporary Marxist theorists thus celebrate conflict as leading to freedom and liberty (and consequently new forms of community).[53]

What is commonly termed "second wave" feminist political thought (and critique) conceived of community in similar ways. As women have been perpetually forced into positions of second-class citizenship throughout the world, the argument goes, they have developed tacit bonds from their

common experience. The community of women, in other words, emerged from the ceaseless oppression of females over years and across nations; such a community would not in fact exist were it not for the fact of conflict.

But unfortunately most Marxist and essentialist feminist thought, over the years, has followed Marx's lead in merely moving the locus of community to more specific levels. To be a member of the proletariat, for instance, is to be in constant conflict with the bourgeoisie. But it is also to share an essential sameness with workers everywhere, to be united in your material position under capitalism, which leaves little room for dissent. Similarly, in the past few decades the ascendant critique of essentialist feminism has shown how the assumption of ultimate correspondence between women has shunted aside substantive questions of identity and difference within feminism, ignoring the ways in which feminist theory, for example, has often unwittingly posited the universality of women as white, middle-class, and educated actors. Thus, while admirably instituting conflict as central to political action, these theories have replicated the demand of community as conformity at a more specific level.

A second way to try to avoid these demands of homogeneity that theories of community seem to demand is to institutionalize adversarialism. Anglo-American legal traditions serve as a model for this tradition. In this argument, by institutionalizing conflictual relationships (e.g., in the persons of adversarial lawyers) the subsequent conflict results in more equitable access to the truth. The theoretical equivalent to this is John Stuart Mill's liberal pluralism, which argues that people need free difference to allow progress and the search for the truth to continue.[54]

Unfortunately, such antagonisms are dependent on their own teleology of resolution. The truth will out, it is thought, and the juridical system determines the truth of the matter. The pluralism that such a theory encourages is a temporary one, and one that is subsumed within the assumed puissance and precision of law. There may be two sides to a legal issue, but for that to imply more than one resolution is dangerous to the very essence of law. Similarly, in the case of Mill's pluralism, it is clear that such a community still is unified with an underlying teleology: the search for the truth benefits the whole town, state, or country.

Nicholas Rescher distinguishes empirical "factually constituted communities" from "normatively constituted communities," arguing that the former allow for plurality whereas the latter shut such plurality down.[55] But his very terminology is unconvincing: certainly there are many examples of pluralistic societies, or countries, in geographically bounded areas; each of these makes perfect sense. But he is looking for "factually constituted communities" that act just as the normative kind do: that is, that consider themselves fundamentally alike without actually coercing conformity.

Note what all these conceptions of community, from the communitarian to the liberal to the post-Marxist, have in common: community as lack of dissensus, posited as the optimal and natural circumstance of human existence. There seems to be an underlying teleology that the "unnatural" element of politics is that which prevents the spontaneous creation of community. Community emerges only when there is a "shutting down" of politics—to a greater or lesser extent. Of course, this is represented as the building, reinforcing, and protection of the community.

This building, reinforcing, and protection comes about through the same mechanisms for all these conceptions as well. First, by excluding difference in the name of threats to the community; second, by forming communal identities against these threats; third, by institutionalizing protective mechanisms that develop and reinforce normative assumptions.[56] Taken together, these result in a radical exclusion of political conflicts, except insofar as these can be managed bureaucratically. The term "community" becomes rooted in absolute consensus: a deep-down level of mutability is regarded as essential.

COMMUNITY WITHOUT UNANIMITY

From where, then, can a reengagement with politics which could conceive of the many dynamics of familial life emerge? For a variety of reasons both historical and epistemological, pluralism as a political philosophy would have to be returned to its historical roots to function thus. Even the best liberal readings of social difference fail to acclaim politics, at best accepting contention as a given fact. They do manage to understand di-

versity as real and normal, look for mutual understanding between diverse people, find respect through a "sensibly managed social system," and hold an interest in "maintaining that peaceful and productive communal order that is conducive to the best interests of everyone."[57] But that management and maintenance has a price, a price that everyone who transgresses the boundaries must be made to pay.

There, of course, are those who have made theoretical strides toward the simultaneity of community and politics. Ortega y Gasset, for example, provides a theory of syncretic community: truth is the unification of all partial and mutually exclusive viewpoints. It is the solidarity of difference that creates validity, out of which can come a larger sense of a political community.[58] But, unfortunately, Ortega did not expand this ontological claim into a meaningful theory of politics.[59]

Closer still was Hannah Arendt's celebration of agonistics, her privileging of human conflict as one of the essential foundations of community. For Arendt, political divisions are not only permitted in a community, they are the necessary conditions of engagement with fellow humans that are the cornerstone of community.[60] These divisions are the basis for equal, considered debate between equals, what Habermas would later term the "ideal speech situation." Arendt's abhorrence of totalitarianism arose from her well-known formulation of authority, in that the former is intrinsically antipolitical, because it is "incompatible with persuasion, which presupposes equality and works through a process of argumentation."[61]

Yet Arendt's personal and theoretical commitments to agonistics were found wanting. Like the liberals she contemns, Arendt constitutes a formal realm of politics, limitations on the political process beyond which she feels people ought not go. In an unarguably Kantian manner, she encourages agonistics only in public spaces; in the private sphere, she argues, such engagements have no place. Nor do people who properly belong to the realm of the private have the right to intrude on political engagement: thus her overt rejection of feminism, and her serious apprehensions and critiques of the American Civil Rights Movement, which had the temerity to consist, in part, of children and other nonpolitical actors.[62] Similarly,

other contemporary Kantians, such as Jürgen Habermas, while recognizing the importance of contention, limit such contention either by excluding certain kinds of people from these speech situations or by delimiting what qualifies as legitimate argumentation.

But there are still those who are resources for contention, political theorists who celebrate contestation and argumentation. In the United States, William James (though more famous for his pragmatism) popularized the concept of pluralism as a desideratum for life. Only by testing ourselves against those who disagree with us, he holds, could we find what we truly believe.[63] Today, William Connolly argues persuasively for the "pluralization" of politics: an active engagement with difference that can serve as a constant reminder of the contingent and temporary nature of what people too often see as eternal verities. In a series of engagements with the likes of St. Augustine, Henry Thoreau, and Tocqueville, Connolly has developed a robust sense of the political, one that encourages political critique and dissent.[64] Similarly, in France, Félix Guattari and Gilles Deleuze initiated a philosophical engagement with difference and multiplicity by encouraging the development of a "rhizomatic" politics, lines of political flight that intersect, separate, and reconnect once again.[65] Jacques Rancière's attention to the "distribution of the sensible" encourages a critical reading of the forces that work to shut down peoples' abilities to create political action. And Alain Badiou and Quentin Meillassoux take from Arendt the unpredictability of political events, arguing that true political events arise from their contingent and eruptive nature.[66]

Indeed, there are those who go further, arguing against the possibility of the coexistence of politics and community. William Corlett, for example, utilizes Jacques Derrida in arguing that communities, by their very nature, cannot be unified. Attending to the mechanisms of interrelatedness that arise from such practices as gift giving, for example, Corlett shows how difference (between people, classes, communities) is both the necessary precondition for gift giving and the medium though which community relations emerge.[67] Jean-Luc Nancy, in turn, asserts that to establish community as some sort of common essence amounts to the closure of

politics.[68] Nancy takes from Arendt an understanding of politics as a space of articulation of difference, and asserts that the closure of such a space is, fortunately, impossible.[69] In other words, Nancy serves as a reminder that incompleteness is a prerequisite of a political society. What members of a community have in common is one thing only: their distance from one another. So what kind of politics, then, is possible for a "community of those who have nothing in common?"[70] As Nancy points out, the essentially inoperative nature of community means that its bases (such as myths, ideologies, even constitutions), especially those of its creation and founding, serve no single purpose but instead circulate through different nexuses of meaning.[71] Roberto Esposito follows Nancy in arguing that community as such can only result in the dissolution of the individuals it is ostensibly meant to bring together. Community purports to protect individuals, but in fact empties all subjectivity into the common.[72] Even the attempt to think community, to conceptualize what a fundamental commonality might be, leads us to presume it to be a "thing," when in fact it is a "nonthing," a subtraction of the ontological subjectivity of its members to the openness to alterity.[73] Thus the demands of community result in a totalizing normative emptiness in Esposito's reading: the ideal of community collapses into "the void of pure relation" which "tends to present itself in almost irresistible fashion as fullness."[74]

In these respects, there seem therefore to be two challenges facing political theory. The first is that politics needs to be repoliticized, that is, that substantive as opposed to formal contestations need to regain a central location in political science. The second is that the nature of community needs to be reconceived in a way that opens it to politics. We need to discuss community not as an exclusionary system of sameness but as open, multiple, and shifting connections, correlations, and contestations: in other words, more like a family (a real, lived family, not a patriarchially idealized one) and less like an ideological or corporate population. Those who wish to understand community, as opposed to criticizing communities for their divergences, need to attend to how collective identities are developed in ways that are encouraging of contention and po-

litical challenge. It is to these sites of collectivity and contestation—our families—that the next chapters turn. Each attacks the putative centrality of unity within families. But more importantly, each also looks to the places where connections and commonalities and engagements actively happen: where we learn how to attend, to care, even to love, across the divides which keep us ever divided.