

REPARATIVE CRITIQUE IN JAMESIAN PRAGMATISM,
FOUCAULDIAN GENEALOGY, AND CONTEMPORAY POLITICAL
PHILOSOPHY

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DISSERTATION ABSTRACT

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My dissertation develops and defends a concept of reparative critique that presses critical philosophy beyond its affinities with negative judgment. In the wake of Post-Kantian philosophy, critique has become associated with the work of negative judgment that aims to denounce or condemn some object or position. Unlike forms of negative critique, which are guided by affects of suspicion and paranoia, reparative critique is informed by a range of affects like hope, care, and concern that highlight the transformative dimension of critical inquiry. I advance the argument of the dissertation toward two main aims. In Part One, I defend and flesh out the practice of reparative critique by turning to the work of two figures from the history of philosophy: William James and Michel Foucault. These figures are exemplary, I argue, for the way they engage critique as a reparative exercise. In the introduction I situate these thinkers' contributions to critique by way of the signal and originating work on philosophical critique by Immanuel Kant. In spite of their differing philosophical backgrounds and concerns, James and Foucault offer varieties of reparative critique that cohere along the conceptual lines of action, affect, and transformation. I reinterpret Foucault's genealogy and James's pragmatism in two separate chapters to develop the agential, affective, and transformative dimensions of reparative critique.

In Part Two of the dissertation, I draw on the historical precedents supplied by James and Foucault to put reparative critique to work for contemporary political philosophy. In the first of these chapters, I use the frame of recent debates over the status of ideal theory in political philosophy and argue that reparative political critique must be realist, rather than idealist, in orientation. I then deploy this realist method of reparative critique in the chapters that follow to analyze the problem of racial bias and discrimination posed by the operation of power in digital technologies like predictive policing algorithms. After clarifying how these algorithms exercise power through a racialized and paranoid temporality, I then outline a set of ethical strategies for transforming the practice of predictive policing.

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CHAPTER I

REPARATIVE CRITIQUE

Introduction

At least since the philosophical revolution of Immanuel Kant in the late 18th century, philosophy has concerned itself with, and even identified itself as, the work of critique. Critique informs the philosophical methods of analysis in a variety of traditions, from Frankfurt School critical theory to Foucauldian genealogy to critical race theory to deconstruction to pragmatist cultural criticism. It guides the attitudes, questions, styles of interpretation, and habits of thought of scholars engaged in philosophical, literary, cultural, and social studies. Its adjectival form – ‘critical’ – finds a ubiquitous presence in journal titles, conference themes, courses, edited volumes, manuscripts, and peer-reviewed articles. Indeed, one can hardly avoid the imperative of engaging the work of critique if one is trained in philosophy or a philosophically informed discipline. Critical work has become as natural and automatic as a habit, appearing to need no other justification than the persistence of dogmatism and domination – two things that critique has traditionally defined itself against.¹ That critique has become habitual was recognized as early as the mid 1950s by Roland Barthes, who lamented that “any student can and does denounce the bourgeois or petit-bourgeois character of such and such a form (of life, of thought, of consumption)” and that “denunciation, demystification (or

¹ Critique’s historical opposition to dogmatism and domination can be found in the work of Kant, Hegel, Marx, Nietzsche, Foucault, and Frankfurt School critical theorists like Benjamin, Adorno, Horkheimer, and Habermas.

demythification) has itself become discourse, stock of phrases, catechistic declaration.”²

Critique, as Barthes observes, has become the very thing it originally distanced itself from: the natural, the dogmatic, the given, the taken-for-granted.

Part of the attraction of critique is that it enjoys a flexibility of objects and meanings that affords a range of advantages to the critic. These advantages include intellectual esteem and a kind of political righteousness, for the critic positions herself as against the “status quo.”³ In spite of promising these and other advantages, critique has recently come under question by a range of scholars offering their own critiques of critique. This critical gesture on the part of contemporary scholars is anticipated by Kant’s inaugural claim in *The Critique of Pure Reason* that everything could be submitted to critique, including the critical faculty itself.⁴

Contemporary challenges to critique can be summarized along two lines. First, there are those theorists who question critique’s uncritical position vis-à-vis some problematic practice from within a specific tradition of critical theory. These are immanent challenges addressed at the level of critique’s tacit collusion with beliefs and practices that present normative problems for critique. I call these “challenges of critique’s complicity.” This immanent maneuver of questioning critique from within can be witnessed in Amy Allen’s recent interrogation of the colonial commitment to the historical fact of progress within the tradition of Frankfurt School critical theory.⁵ Or consider critical race theorist Charles W. Mills’ call for the deracialization of critical

² Barthes, *Image Music Text*, 166.

³ See Felski, *Limits of Critique*, 7.

⁴ See Kant, *Critique of Pure Reason*, Axi.

⁵ Allen, *The End of Progress*; See also Allen, “Adorno, Foucault, and the End of Progress.”

theory in light of its failure to seriously engage with questions of race.⁶ Another example of this type of critical challenge can be found in anthropologist Talal Asad's suggestion for a genealogy of critique that would problematize Western critique's unquestioned fidelity to secularism.⁷ These scholars criticize some tradition of critique for its unchallenged complicity with the bleaker sides of Western modernity.

Other theorists challenge critique for the affects, attitudes, epistemologies, styles of argumentation, and practices of interpretation that it commits critics to. Many of these scholars see a consistent style of interpretation across multiple critical practices that can be captured by what Paul Ricoeur calls the "hermeneutics of suspicion."⁸ These critics present challenges addressed at the meta-level of critique that question its very operation as a negative exercise. I call these "challenges of critique's negativity." Scholars as diverse as Eve Kosofsky Sedgwick and Bruno Latour account for critique's negativity in terms of its *activity* – what it does – and in terms of the *attitudes* or *affects* that inform its activity. Examining critique's activity involves looking at the different practices implicated in the performance or doing of critique. These include practices of reading and interpretation, rhetoric, writing, pedagogy, as well as habits of relating between critics and their objects. Attending to critique's attitudes means considering the variety of moods, sensibilities, and affects that motivate and inflect the work of critical inquiry. If the negative activity of critique takes shape in practices of denunciation, demystification,

⁶ See Mills, "Criticizing Critical Theory."

⁷ See Asad, "Free Speech, Blasphemy, and Secular Criticism."

⁸ See Ricoeur, *Freud and Philosophy*; Sedgwick, *Touching Feeling*; Love, "Truth and Consequences;" Felski, *Limits of Critique*; and Anker and Felski, *Critique and Postcritique*.

and debunking, then the negative attitude of critique crystallizes in affects of paranoia, suspicion, and fear.

For Sedgwick, a hermeneutics of suspicion invests the critic with a paranoid affect such that the critic assumes a vigilant, overly anxious, and fearful posture toward their object of critique. She argues that such a negative, paranoid posture has become too closely identified with the habits, affects, and labor of critique.⁹ Drawing on the affect and psychoanalytic theories of Silvan Tomkins and Melanie Klein respectively, Sedgwick clarifies the problematic features of paranoia in terms of its affectivity and its monopolistic grasp on critical practices. Paranoia expresses the destructive impulse of the critic to immobilize her objects of criticism by exposing the hidden truth of their noxious qualities or effects. Sedgwick portrays the negativity of what she calls “paranoid reading” as consisting in a mimetic, circular, self-perpetuating, and other-defeating activity that flourishes by stamping out possibilities of alternative ways of reading and understanding.

Latour asks provocatively after the failed efficaciousness of critique as an epistemically and politically privileged task.¹⁰ Why, he inquires, has critique “run out of steam?” For Latour, critique has lost its force because it has become primarily a practice of negative judgment. That is, critique has come to refer to work that seeks to debunk, denounce, or deconstruct a position, object, or belief and in so doing has become an exercise in negative judgment. Latour questions the authoritative and heroic posture that the critic assumes with respect to “naïve believers.”¹¹ He argues that the “courageous

⁹ Sedgwick, *Touching Feeling*, 126.

¹⁰ See Latour, “Why Has Critique.”

¹¹ Latour, “Why Has Critique,” 239. Latour’s argument here resembles the one made by Jacques Rancière in *The Philosopher and His Poor* against the critical sociology of Pierre Bourdieu. See Rancière, *Philosopher and His Poor*.

critic” turns the false objects of naïve believers into fetishes that she then explains are structured by facts of domination, economic oppression, or other types of power relations. This maneuver is attractive for the critic (and humiliating for the naïve believer) because it means she is always right. It is the critic who shows the truth of the fetishes of naïve believers as *really* determined by powerful structural forces.¹² Yet, as Latour points out, such a position does not thereby guarantee epistemic authority or political privilege to the critic. Indeed, the critic’s tools can just as easily be adopted by her adversaries to advance arguments of their own.¹³ Not only this, if the critic’s work is simply one of demystifying, debunking, or deconstructing the “false” beliefs held by others, then this work amounts to little more than a glorified version of conspiracy theory.¹⁴

In light of these contemporary challenges, scholars are left with the urgency of addressing the present torpor of critique given the centrality and significance of critique to current philosophical work. Those who practice critique and do not address these challenges run the risk of blindly perpetuating a fraught habit. To guard against the

¹² Latour explains, “When naïve believers are clinging forcefully to their objects, claiming that they are made to do things because of their gods, their poetry, their cherished objects, you can turn all of those attachments into so many fetishes and humiliate all the believers by showing that it is nothing but their own projection, that you, yes you alone, can see. But as soon as naïve believers are thus inflated by some belief in their own importance, in their own projective capacity, you strike them by a second uppercut and humiliate them again, this time by showing that, whatever they think, their behavior is entirely determined by the action of powerful causalities coming from objective reality they don’t see, but that you, yes you, the never sleeping critic, alone can see.” See Latour, “Why Has Critique,” 239.

¹³ Latour uses the example of a Republican strategist who capitalizes on insights supplied by critics like Latour himself concerning the social construction of scientific facts to emphasize that global warming lacks scientific certainty. See Latour, “Why Has Critique,” 226. Another example might be found in Luc Boltanski and Eve Chiapello’s account of the recuperation of “artistic critique” – a form of critique that fueled the anticapitalist work of French intellectuals in 1970s France – by a new spirit of capitalism. See Boltanski and Chiapello, *New Spirit of Capitalism*.

¹⁴ Latour, “Why Has Critique,” 228.

perpetuation of a potentially problematic critical habit, it is thus urgent that critics begin to conceptualize ways of responding to the crises of critique.

In responding to these challenges, scholars have presented different strategies for addressing the problematics of critique. I summarize these strategies before situating my own in relation to them. The strategies (offered across a range of disciplines and fields including literary theory, queer theory, anthropology, and philosophy) can be categorized in terms of either *transcending* critique – that is, moving beyond critique to some different kind of practice – or *transforming* critique – that is, rethinking and reworking the practice of critique itself. For those defending the former strategy, critique is understood as overly limiting in some capacity and thus in need of supplementation or even replacement by some other theoretical practice. Those defending the latter strategy stress the multiplicity and malleability of critique, the idea that critique does not consist in one defining activity and attitude, but that it alters and shifts as it is practiced by different actors in various spaces and times.

The first strategy is highlighted in the work of literary theorist Rita Felski. In her 2015 book, *The Limits of Critique* (a title that interestingly captures the critical attitude just as it calls this attitude into question), Felski argues for a transcending of critique through the practice of what she calls “postcritical reading.”¹⁵ She does not offer a critique of critique so much as she presents a redescription of critique through Ricoeur’s notion of the “hermeneutics of suspicion.” For Felski, critique is identical to the hermeneutics of suspicion. In lieu of the suspicious interpretive style of critique, she

¹⁵ Felski, *Limits of Critique* 12.

offers postcritical reading as an alternative interpretive practice.¹⁶ Postcritical reading declines the interrogative and overly-suspicious bearing of the critical reader without thereby being uncritical. It is “a matter of attaching, collating, negotiating, assembling – of forging links between things that were previously unconnected.”¹⁷ Postcritical reading is thus additive and affirmative where critique is subtractive and negative.

The alternative strategy of transforming critique assumes a variety of forms in the work of a diverse set of scholars.¹⁸ Sedgwick offers one strategy for reworking critique by attending specifically to the affects that guide different critical practices of reading. Sedgwick’s affective attention not only allows her to differentiate between forms of critical practice; it also allows her to trace consistencies across an array of texts that represent disparate critical traditions. Thus, Sedgwick finds both in the New Historicism of D.A. Miller and in the gender theory of Judith Butler a common critical interpretive practice that she refers to as “paranoid reading.” Paranoid reading maps onto Ricoeur’s “hermeneutics of suspicion.” It is a totalizing, mimetic, self-perpetuating critical practice that habituates the critic toward suspicion, vigilance, and distrust as she seeks to expose the hidden truths of texts. Sedgwick contrasts this critical reading strategy with another “reparative” version that is guided by such affects as hope, joy, and love. Here the critic

¹⁶ See Felski and Anker’s introduction in Felski and Anker, *Critique and Postcritique*.

¹⁷ *Ibid.*, 173.

¹⁸ In addition to the strategies discussed here, different strategies of transforming critique can be found in the work of Michel Foucault and Talal Asad. Where Foucault reworks critique by historicizing it as a practice and by redescribing it as an attitude, a virtue, and an art, Asad reworks critique by provincializing it, taking it as a contextually divergent practice. See Foucault “What is Critique?” and Asad “Free Speech, Blasphemy, and Secular Criticism.”

assumes a reparative posture toward her texts and objects by finding sustenance and pleasure in them.¹⁹

Another method for transforming critique can be gleaned from Latour, who suggests a transformation in terms of the activity, attitude, and targets of critique.²⁰ Its targets should cease to be “matters of fact” – simple, naturalized objects that act solely as mirrors for the projections of human agents or as intermediaries for social forces – and should rather be taken as “matters of concern” – things that gather a multiplicity of actors around a common issue or point of interest.²¹ The attitude of critique, Latour argues, should shift from one of iconoclastic contrariness to one of fragile care and caution.²² Finally, he posits that the activity of critique should transform from one of subtraction to one of multiplication. Rather than seek to detract the reality of people’s beliefs and practices by revealing their illusory nature, the critic strives to construct the associations of participants brought together through a matter of concern. The renewed critic is “not the one who debunks, but the one who assembles.”²³

I follow Sedgwick and Latour in problematizing critique’s drift toward the negative. Deploying Sedgwick’s vocabulary of paranoia and reparation, I differentiate two forms of critique – *paranoid critique* and *reparative critique* – to address the question of critique’s contemporary torpor. Paranoid critique is the name I give to those

¹⁹ Sedgwick, *Touching Feeling*, 150.

²⁰ By positioning Latour in the camp of those who aim to transform critique, I disagree with scholars like Ashley Barnwell and Rita Felski who suggest that Latour attempts to move beyond critique. See Barnwell, “Entanglements of Evidence,” and Felski, *Limits of Critique*.

²¹ Latour, “Why Has Critique,” 245-6.

²² *Ibid.*, 246.

²³ *Ibid.*

critical practices whose activity is primarily one of denunciation and whose attitude is primarily one of suspicion. It is these paranoid practices of critique that have “run out of steam,” to use Latour’s phrase. Reparative critique is the name I give to another variety of critical practices whose activity is mainly one of creation and whose attitude takes shape in the affects of hope, care, and concern. The strategy I thus deploy for responding to the problem of critique’s negative status is to reparatively reassemble critique rather than abandon or transcend it.

I pursue the strategy of transforming critique for two reasons. First, I worry that the strategy of transcending critique depends on first stabilizing it, or determining what it is once and for all, such that it can then be overcome. Against this stabilizing gesture, I understand critique as a historically variable and contextually divergent practice. If critique is not a single, stable, self-identical thing that is unquestionably Western, secular, and modern, then it is something left open to continuous reworking by different historical actors. This does not, however, mean that critique is left without temporary definition or consistency. One might, for example, find family resemblances across a plurality of critical practices as with any other language game.²⁴ Like a habit, critique can assume a hardened regularity in response to certain objects. This regularity manifests itself in specific rhetorical devices, patterns of questioning, and knee-jerk reactions to particular authors and texts. Yet, like a habit, critique is also malleable; it is capable of being refashioned if one is willing to put in some work and effort.

Second, I am uncertain that critique can profitably be contrasted with those concepts and practices that are claimed to be “post-critical.” Felski, for instance, contrasts

²⁴ I take the vocabulary of “family resemblances” and “language games” from Ludwig Wittgenstein. See Wittgenstein, *Philosophical Investigations*, §65-71.

the “powerfully normative concept of critique” with the more unassuming concept of hermeneutics.²⁵ Preferring the language of hermeneutics over that of critique, Felski compares the rigid, analytical, authoritative vocabulary of critique with the flexible, affective, humble vocabulary of hermeneutics.²⁶ A disparity between critique and affect is also invoked by Elizabeth S. Anker and Rita Felski in their introduction to the edited volume, *Critique and Post-Critique*, from 2017. Contextualizing the reassessments of critique by a variety of recent scholars, Anker and Felski note the challenge of critique’s rationalism advanced by certain theorists associated with the affective turn.²⁷ They cite Sedgwick as one theorist working against the tradition of rational critique.²⁸ Critique is here portrayed as the rational counterpart to affect. Affect, in turn, is understood as post-critical in the sense that it transcends the cognitive, the logical, and the analytical. If, however, critique marks not a single, monolithic concept that stands as a proxy for the rational, or the modern, but a dynamic practice that assumes a multiplicity of moods, methods, rhetorical strategies, and styles of interpretation, then it does not make sense to contrast critique with something like affect or hermeneutics.

My strategy assumes that it is possible to speak of affects of critique. A focus on affect enables us to see that critique is not simply a rationalistic exercise, but that it is motivated, inspired, guided, moved, and modulated by passion and pathos. Invoking what Roland Barthes once called “affectionate criticism,”²⁹ I translate Sedgwick’s concepts of

²⁵ Felski, *Limits of Critique*, 9.

²⁶ *Ibid.*, 9-10.

²⁷ Anker and Felski, *Critique and Postcritique*, 10.

²⁸ *Ibid.*, 10-11.

²⁹ See Barthes, *Grain of the Voice*, 330.

paranoid and reparative reading into different affective styles of critique. I do not equate critique with paranoia or with a hermeneutics of suspicion as Felski does.³⁰ Rather, with Sedgwick, I believe there are different practices of critique that are inflected with and informed by a range of varying affects. The idea is that we can learn something about the work of critique by focusing on its affects, and we can learn something about the affects of critique by focusing on its activity or work. This tactic of distinguishing affective practices of critique has the advantage of interrupting the reflex identification of critique with suspicion, and expands the field of possibility for engaging in critical inquiry. In speaking of “critical practices,” I hope to distance critique from a monolithic concept that is uniformly exercised by critics. Indeed, the same critic often exercises different affective activities of critique in their work. It is thus not the point to say that one or another critic is paranoid or reparative; the point is to draw out the nuances, distinctions, and specificities of different critical practices as they get deployed to address a particular problem or concern.

In the remainder of this introduction I provide a frame for pursuing these arguments. I first clarify what I take “critique” to be by distinguishing it from criticism. My understanding of critique is inspired by the formulation offered by Kant in *The Critique of Pure Reason*. I glean three features of philosophical critique from this text – *reflexivity*, a *limit-attitude*, and *suspicion*. On my view, suspicion need not be construed as a necessary element of critique. To indicate the problematic aspects of a critical practice that is guided by suspicion, I draw on Eve Sedgwick’s informative essay, “Paranoid Reading and Reparative Reading.” Sedgwick differentiates these methods of

³⁰ See Felski, *Limits of Critique*.

reading by focusing on their following five aspects – *temporality, affectivity, epistemology, morality, and agency*. I expand on these qualities before fleshing out my translation of Sedgwick’s critical reading methods into the practices of paranoid and reparative critique. To then develop reparative critique as a coherent critical position, I turn in subsequent chapters to the work of two diverse philosophical figures: William James and Michel Foucault. Not only can the work of these figures be productively interpreted through the concept of reparative critique, but each figure also contributes valuable insights and resources for critique’s much-needed reparative turn.

1. What is Critique?

In order to develop reparative critique as an alternative critical practice, it is necessary for me to first clarify what I mean by ‘critique.’ In his informative conceptual history, *Critique and Crisis*, Reinhart Koselleck traces the historical and etymological proximity of critique to an encounter with moments of crisis. Historically, these terms did not separately designate an objective state of affairs or a more subjective style and process of thinking as they do now. Rather, as Koselleck notes, the Greeks used a single concept, ‘*krisis*,’ to refer to an ‘objective’ situation and a ‘subjective’ activity.³¹ ‘Critique’ derives from the Greek ‘*krisis*,’ which stems from the verb *krino*: to differentiate, select, judge, decide.³² This verb implies the acts of separating, selecting, deciding disputes or contests, bringing to a trial, and passing judgment.³³ The Greeks

³¹ Koselleck, *Critique and Crisis*, 103, n.15.

³² *Ibid.*

³³ See the entry for κρίνω in Lidell & Scott’s *Greek-English Lexicon*, available at <http://perseus.uchicago.edu/cgi-bin/philologic/getobject.pl?c.40:10:171.LSJ>.

used the verb *krino* and its cognate noun *krisis* as jurisprudential terms that referred at once to a situation – a dispute – and to the practices that would address and decide the dispute, practices like distinguishing, parsing, selecting, and judging. For the Greeks, these practices involved dividing the right from the wrong, the just from the unjust, the true from the false, the beautiful from the ugly, and evaluating reasons, evidence, and argumentation.³⁴ ‘Critique’ and ‘crisis’ sustained a connection in the Middle Ages through their medical usage. As Koselleck observes, these terms were (and continue to be) employed to designate “the crucial stage of a disease in which a decision had to be made but had not yet been reached.”³⁵ Hence our use of such phrases as “critical condition” to describe someone in need of urgent medical attention and evaluation. In the 17th and 18th centuries, ‘critique’ and ‘crisis’ drifted apart. No longer implying the gravity of a decision to be made, ‘critique’ and its linguistic cousin, ‘criticism’, came to signify the art of judging and “objective evaluation,” especially of religious texts, works of literature and art, but also of individuals and nations.³⁶ Hence our contemporary deployment of expressions like “textual criticism,” “literary criticism,” and “art criticism.”

To clarify my use of critique, I find it helpful to distinguish critique from criticism. Many theorists have maintained the distance between these concepts by highlighting critique’s disengagement with certain kinds of judgment. René Wellek describes criticism as the analysis of concrete works of literature and their aesthetic

³⁴ Koselleck, *Critique and Crisis*, 103-4.

³⁵ *Ibid.*, 104, n.15.

³⁶ *Ibid.*, 105.

evaluation.³⁷ Wellek differentiates criticism from “theory” or a type of study concerned with principles and categories.³⁸ For Judith Butler, critique is not to be confused with criticism insofar as where the latter typically takes an object, the former is “concerned to identify the conditions of possibility under which a domain of objects appears.”³⁹ Butler invokes the philosophical conception of critique forwarded by Kant in the 18th century to contrast critique and criticism. André Tosel notes Kant’s importance in transforming the practice of critique from one of textual criticism to a specific task of philosophy.⁴⁰ Critique need not be taken as a negative judgmental exercise of what Raymond Williams calls “fault-finding.”⁴¹ Indeed, if ‘criticism’ typically signifies a negatively judgmental, destructive practice, ‘critique’ marks a practice that calls the condemnatory exercise of criticism itself into question. As Drew Milne argues, one operation of critique “is to criticize the functions that criticism is made to serve.”⁴² One way of specifying the difference is to say that while criticism strives to make an evaluation of an object, text, or artwork according to specific criteria, critique strives to raise particular questions concerning the conditions that make those very objects and the criteria of their evaluation possible.⁴³ The former activity does not require a process of inquiry to meet its aim while the latter does.

³⁷ Wellek, *Concepts of Criticism*, 36.

³⁸ Ibid.

³⁹ Butler, “Sensibility of Critique,” 109.

⁴⁰ Tosel, “Spinoza or the Other Critique,” 30.

⁴¹ Williams, *Keywords*, 84.

⁴² Milne, “Introduction,” 5.

⁴³ My point in differentiating these terms is not to say that critique disengages completely from all acts of judging. Rather, my point is that the practices of critique and criticism do not share the same aims. The

Like Butler, my understanding of critique is inspired by the conception offered by Kant in his *Critique of Pure Reason*. I garner three features of critique from these texts that can be summarized as those of *reflexivity*, a *limit-attitude*, and *suspicion*. I detail each of these as they appear in Kant's *First Critique*. My conception of critique embraces the elements of reflexivity and a limit-attitude, but distances itself from the element of suspicion. I do not take suspicion to be a necessary feature of the critical attitude or to be necessarily included as part of the definition of critique. After explaining these ideas in the following section, I develop a justification for separating critique from suspicion by drawing on the work of Eve Sedgwick.

In the *Critique of Pure Reason*, Kant famously describes critique as a type of philosophical inquiry aimed at determining the limits of our theoretical reason through an examination of reason's conditions of possibility. Critique serves as Kant's philosophical response to the dual dangers of dogmatism and skepticism that informed the metaphysics of his time.⁴⁴ He contrasts critique specifically with dogmatism in his second preface from 1787. While dogmatism "is the pretension that we can make progress by means of no more than a pure cognition from concepts (i.e., philosophical cognition) in accordance with principles... *without* inquiring into the manner and the right by which reason has arrived at them," critique is precisely the inquiry that examines the right and the manner

object of critique, I take it, is not to ultimately pass judgment, to say either 'yes' or 'no', to find fault or to express praise. One aim of critique is to precisely suspend the imperative that would require one to pass judgment in the sense of taking a position, being either 'for' or 'against' an object or practice. Another aim of critique is to "make harder those acts which are now too easy," in the words of Foucault. That is, critique strives to make some of our smooth practices stutter and some of our habits of thought hesitate. See Foucault, "Is it important to Think?," 456.

⁴⁴ Kant, *Critique of Pure Reason*, Axi. An unfounded metaphysical dogmatism could be found in the work of rationalist thinkers like Gottfried Leibniz and Christian Wolff, while the skepticism of empiricists like David Hume threatened to undermine any claims to metaphysical knowledge.

by which reason arrives at such concepts and principles.⁴⁵ In addition to opposing critique with dogmatism, Kant specifies his concept of critique through the features of reflexivity, an inquiry into limits, and suspicion.

First, Kant characterizes critique in terms of its *reflexivity*. The critique of pure reason takes shape as the examination of reason by itself. That is, reason is both the subject and object of critique. It is both that which is “on trial” and that which is deciding the outcome of the trial, to use Kant’s juridical language.⁴⁶ The reflexivity of critique captures this movement of reason turning upon itself. Kant thus portrays the self-examination at the heart of the critical task: “It is a call to reason to take on once again the most difficult of all its tasks – viz., that of self-cognition – and to set up a tribunal that will make reason secure in its rightful claims and will dismiss all baseless pretensions, not by fiat but in accordance with reason’s eternal and immutable laws.”⁴⁷ That critique constitutes a reflexive type of investigation can also be gathered from its self-legislating function. That is, critique does not find its authority from a political or religious sovereign, but from its own authorizing capacity.⁴⁸

Secondly, Kant understands critique as an inquiry into *limits*. This critique is not an evaluation of “books and systems” – a practice that might be construed more properly in terms of criticism – but the “decision as to whether a metaphysics as such is possible or impossible” and the “determination of its [reason’s] sources as well as its range and

⁴⁵ Kant, *Critique of Pure Reason*, Bxxxvi.

⁴⁶ Kant, *Critique of Pure Reason*, Axi-xii.

⁴⁷ Kant, *Critique of Pure Reason*, Axii.

⁴⁸ *Ibid.*

boundaries.”⁴⁹ Kant here portrays critique as a transcendental inquiry that strives to establish the universal and necessary limits or boundaries of reason. According to Diana Coole, by casting the exercise of critique as the determination of a limit, Kant regards critique as a *negative* philosophical activity.⁵⁰ This negativity can also be gathered from the legitimating function Kant attributes to critique.⁵¹ That is, not only does critique establish the boundaries of what humans can legitimately claim to know, it also forbids the transgression of such boundaries and limitations. Critique takes on a kind of disciplinary function with respect to knowledge claims. It will thus restrict certain uses of reason such as the speculative use that makes claims about knowing things in themselves.⁵² Positively, critique will endorse other uses of reason, including the critical use of reason itself.

Third, Kant attributes a *suspicious* mood to critique. In a frequently-cited footnote from his 1781 preface, Kant writes:

Our age is properly the age of critique, and to critique everything must submit. *Religion* and *legislation* commonly seek to exempt themselves from critique, religion through its *sanctity* and legislation through its *majesty*. But in doing so they arouse well-deserved suspicion and cannot lay claim to unfeigned respect; such respect is accorded by reason only to what has been able to withstand reason’s free and open examination.⁵³

⁴⁹ Kant, *Critique of Pure Reason*, Axii.

⁵⁰ Coole, *Negativity and Politics*, 14, 55. For more on Kantian critique as a purely negative task, see Bristow, *Hegel and Philosophical Critique*, 55.

⁵¹ Kant, *Critique of Pure Reason*, Bxxv. Another way of understanding critique’s negativity is to see the way in which Kant distances critical inquiry from “doctrine” or positive theory building. A doctrine strives for a comprehensive system of pure reason. Critique serves a preparatory or propaedeutic function in that it aims to delimit and correct certain a priori cognitions. Yet, this negativity of critique does not mean that critique is unproductive or without positive benefit: “For such a critique would serve only to purify our reason... and would keep our reason free from errors.” See Kant, *Critique of Pure Reason*, B25.

⁵² Kant, *Critique of Pure Reason*, Bxxvi.

⁵³ Kant, *Critique of Pure Reason*, Axi. Italics in original.

What is interesting about this footnote is the combination of the affect of suspicion and the extensive scope of what may be subjected to critique. Suspicion here fuels the restlessness of critique's incessant interrogative activity.⁵⁴ Nothing is free of critique's vigilant gaze. The more those entities like the church or the state try to excuse themselves from critique by appealing to either their holiness or their power, the more they provoke the suspicion of critique.

Following the characterizations of critique offered by Kant, we can say that critique is an attitude and practice of inquiry that combines reflexivity, a limit-attitude, and suspicion. My conception of critique embraces the features of reflexivity and a limit-attitude. I take critique to be a reflexive practice that engages subjects in a type of reflective self-relation. That is, critique consists in a turning upon oneself and submitting one's actions, beliefs, desires, thoughts, and times to question. I also take critique to be a mode of philosophical inquiry that asks after the conditions and limits that constrain our present practices, selves, and forms of thought. This inquiry can take a transcendental form whereby one examines the universal and necessary conditions of possibility of some object or practice. It can also take on a historical form whereby one investigates the singular and contingent conditions of possibility of some practice or object.⁵⁵

⁵⁴ William F. Bristow notes the entwinement of philosophical critique and suspicion in Kant's work and in that of Hegel, who directs a suspicion against Kant's methodology of critique and its procedure of justification. Bristow even invokes Ricoeur's "hermeneutics of suspicion" to describe the attitude of Kant's and Hegel's versions of critique. See Bristow, *Hegel and Philosophical Critique*, 50-53.

⁵⁵ For an elaboration of the difference between these two kinds of critical inquiry – transcendental and historical – see Foucault, "What Is Enlightenment?," 315. Foucault describes critique as a "limit-attitude" that consists in "analyzing and reflecting upon limits." But whereas Kant was interested in "knowing what limits knowledge must renounce exceeding," Foucault's interest lies in tracing those historical limits that are possible to transgress or "cross-over." For a comparison of Kant's and Foucault's understanding of limits, see Hanssen, *Critique of Violence*, 69-74.

Although Kant includes suspicion as a mood informing the work of critique, I do not take suspicion to be a necessary feature of the critical attitude or to be necessarily included as part of the definition of critique. Thus, rather than identify critique with one affect, we might distinguish different practices of critique by attending to the variety of affects and moods that inform and guide critical inquiry. I initiate just this in the next section, where I differentiate the practices of paranoid critique and reparative critique and disclose some of the problematic features of suspicion.

2. Paranoid Reading and Reparative Reading

In two essays from 2003 and 2007, Sedgwick develops a vocabulary for distinguishing two critical interpretive practices, which she names “paranoid reading” and “reparative reading.” She links the method of paranoid reading with Ricoeur’s “hermeneutics of suspicion,” arguing that the centrality of suspicion in contemporary critical practice has included a simultaneous privileging of the concept of paranoia.⁵⁶ Paranoia here captures the problems of suspicion when taken to the extreme. Reparative reading, by contrast, draws on other affects (like hope and love) to dispose critics to alternative modes of interpretation and critique. In this section, I clarify each of these critical reading practices in terms of their *temporal*, *affective*, *epistemic*, *moral*, and *agential* features.

With Heather Love, I emphasize that Sedgwick’s primary concern in differentiating these two critical practices is not to abandon or replace the one with the other, but rather to at once disrupt the identification of criticism with paranoia and to

⁵⁶ Sedgwick, *Touching Feeling*, 125.

open up space for alternative critical methods such as that offered by reparative reading.⁵⁷ Sedgwick hopes to *add* reparative reading as a possible interpretive strategy among others. She thus enacts a reparative posture toward paranoid critical practices in not dismissing them outright and in clarifying that “paranoia knows some things well and others poorly.”⁵⁸ As Love observes, “Practicing reparative reading means leaving the door open to paranoid reading.”⁵⁹ Sedgwick performs both strategies of criticism in her essays, oscillating between an aggressive and reflexive posture toward paranoia found in the work of herself and others and a reparative posture that avows this aggression and the ambivalent anxiety that arrives with a receptiveness to surprise, chance, and uncertainty.

Sedgwick contextualizes her changed relations to paranoid thinking and reading in her two pieces by referencing the social and political as well as the personal and existential conditions that occasioned them. She describes the intensification of paranoid thinking among queer theorists as a critical response to the growing AIDS epidemic in the 1980s, identifying herself as one such theorist who deployed paranoid interpretive strategies in their work.⁶⁰ Sedgwick poignantly expresses the intense dread and stress experienced by queer people that imprinted a “paranoid structuration onto the theory and activism of that period.”⁶¹ She accounts for the shift in the tonality of theory and activism in the mid-1990s with the introduction of the first plausible treatment for HIV. She

⁵⁷ Love, “Truth and Consequences,” 238.

⁵⁸ Sedgwick, *Touching Feeling*, 130.

⁵⁹ Love, “Truth and Consequences,” 239.

⁶⁰ Sedgwick, “Melanie Klein,” 638-40. Sedgwick notes that her use of paranoid reading is best witnessed in her *Epistemology of the Closet* from 1990.

⁶¹ Sedgwick, “Melanie Klein,” 639.

writes, “The brutally abbreviated temporality of the lives of many women and men with HIV seemed suddenly, radically extended if not normalized. Along with many, many others, I was trying over that summer to assimilate an unaccustomed palette of feelings among which relief, hope, and expansiveness and surprise set the tone.”⁶² This shift was accompanied by Sedgwick’s diagnosis with breast cancer and the relation she developed with the exigencies of her disease. She recounts the arousal, not of dread, but of her “lifelong depressiveness” upon being diagnosed.⁶³ Discontented with the prevalence of self-perpetuating modes of thought like paranoia, Sedgwick undertook a string of experiments in her writing and pedagogy that “aimed at instantiating, and making somehow available to readers, some alternative forms of argument and utterance.”⁶⁴

2.1 Paranoid Reading

In her essays, “Paranoid Reading and Reparative Reading” and “Melanie Klein and the Difference Affect Makes,” Sedgwick outlines five features of what she calls “paranoid reading.” These are the features of *temporality*, *affect*, *epistemology*, *morality*, and *agency* that contribute to the problematic status of paranoia as the privileged practice of criticism.

In its temporal aspect, paranoia entails a rigid temporality structured by an anticipatory relation to the future. In its affective dimension, paranoia consists in a theory of negative affects – that is, affects motivated by the avoidance of pain and the

⁶² Ibid.

⁶³ Ibid., 640. See also Sedgwick’s autobiographical account of the therapy she undergoes for depression after being diagnosed with breast cancer in Sedgwick, *Dialogue on Love*.

⁶⁴ Sedgwick, “Melanie Klein,” 640. As Sedgwick makes clear, paranoia and reparation are as much practices of writing as they are methods of reading.

forestalling of ‘bad’ surprises. In its epistemic aspect, paranoia prioritizes knowledge that strives for totalization, reduction, and exposure of hidden truth. The morality of paranoia depends on a splitting and reduction of objects into exclusively ‘bad’ and ‘good’ parts. Finally, the agency of paranoia vacillates between omnipotence and powerlessness. I detail each of these aspects of paranoia below before accounting for the alternative features that comprise a reparative critical practice.

2.1.1 Temporality of Paranoia

Sedgwick highlights the anticipatory temporality of paranoia. She notes that the first imperative of paranoia is “*There must be no bad surprises.*”⁶⁵ This aversion to surprise informs the temporality of paranoia as it burrows backward and forward in time to anticipate threats. For this, the paranoid subject draws on the past as a resource for its present avoidance and future prevention of threatening surprises. Importantly for the paranoid subject, threats or bad surprises cannot be treated as uncertain or contingent lest the subject become vulnerable and susceptible to countenance the dangers of their arrival. Rather, “paranoia requires that bad news be always already known” such that these uncertain happenings do not come as surprises but as inevitable threats.⁶⁶ The paranoid subject relates rigidly to the future, embodying a vigilant and controlling posture toward the future that forecloses the future as a site of possibility, chance, uncertainty, and surprise. Sedgwick thus aligns paranoid reading practices with a notion of the

⁶⁵ Sedgwick, *Touching Feeling*, 130. Italics in original.

⁶⁶ Ibid.

“inevitable.”⁶⁷ Paranoia consists in a closed temporality in that it closes the subject off from the contingency of the future by treating the future as an inevitability. Sedgwick explains, “No time could be too early for one’s having-already-known, for its having-already-been-inevitable, that something bad would happen. And no loss could be too far in the future to need to be preemptively discounted.”⁶⁸ Paranoia ensures that it will never be too early to anticipate a bad surprise by acting as if the bad surprise will have already been. Sedgwick uses the example of Judith Butler’s “unresting vigilance for traces in other theorists’ writing of nostalgia for... an impossible... moment” prior to the “imposition of the totalizing Law of gender difference” in *Gender Trouble*.⁶⁹ We might also think of the Derridean maneuver of anticipating the troublesome vestiges of a metaphysics of presence that haunt the words of other philosophers.⁷⁰ Such paranoid gestures make it impossible not to predict the arrival and concomitant dispelling of those things deemed threatening. The danger for the paranoid critic is not anticipating a threat, being caught off guard or surprised by it. To ward off this danger, the paranoid critic assumes the presence of the threat on the ground that it “can never be finally *ruled out*.”⁷¹ Thus, the critic reads with a suspicious eye alerting her of those assailing concepts and tropes that she has already expected to see, and proceeds predictably to critique them.

⁶⁷ Ibid., 147.

⁶⁸ Ibid., 131.

⁶⁹ Ibid., 130-1.

⁷⁰ I’m thinking especially here of Derrida’s critique of Foucault in essays like “Cogito and the History of Madness” and ““To Do Justice to Freud”: The History of Madness in the Age of Psychoanalysis.” See Derrida, “Cogito,” and Derrida, “Justice to Freud.”

⁷¹ Sedgwick, *Touching Feeling*, 133.

2.1.2 Affectivity of Paranoia

Sedgwick draws on the work of American psychologist Silvan Tomkins to clarify the affective dimension of paranoid reading. She identifies paranoid reading with what Tomkins calls a “strong theory” of negative affects. A strong affect theory is one that aspires to wide generality. It is, according to Tomkins, “capable of accounting for a wide spectrum of phenomena which appear to be very remote, one from the other, and from a common source...As it orders more and more remote phenomena to a single formulation, its power grows.”⁷² A strong affect theory is described here as monopolistic and reductive. It reduces all phenomena to a single formulation and it expands its reach as it categorizes more and more experiences under a single formulation. In contrast to this, a weak affect theory is one that stays local, attending to the specificities and nuances of near rather than remote phenomena.⁷³ For Tomkins, a negative affect theory like humiliation gains in strength as its strategies for affording protection through the successful avoidance of the negative affect continue to fail. That is, the negative affect strengthens as its protective strategies fail. Negative affects are thus self-reinforcing. Sedgwick uses this point to illuminate the intensifying and contagious feature of paranoia. Paranoia intensifies as its anticipatory strategies fail to shield the subject from bad surprises. One can never be paranoid enough because any unwanted surprise experienced by the subject only reinforces the subject’s paranoia. This self-reinforcing feature of paranoia also has the monopolizing effect of treating all objects – both known and unknown – as suspicious and potentially threatening. Paranoia is strong to the extent

⁷² Tomkins quoted in Sedgwick, *Touching Feeling*, 134; See also Sedgwick, *Shame and Its Sisters*, xx.

⁷³ Sedgwick, *Touching Feeling*, 134.

that it enables more and more experiences to be categorized as instances of bad surprises and to the extent that it encourages more and more anticipation of such surprises before they occur.

Sedgwick also follows Tomkins in describing paranoia as a strong theory of *negative* affects. Negative affects are those that motivate subjects toward the avoidance of pain or harm. For Tomkins, such affects serve an evolutionary function in that they orient subjects away from those stimuli that threaten their survival. These are affects like fear-terror, distress-anguish, anger-rage, disgust, and shame-humiliation. Since negative affects are experienced as painful themselves, the subject is disposed to seek a minimization of negative affect rather than seek the maximization of positive affect. Indeed, as negative affects grow in strength, they strive to anticipate negative affects to such a degree that they can entirely block the “potentially operative goal of seeking positive affect.”⁷⁴ Tomkins notes such a mechanism at work in paranoia: “The only sense in which [the paranoid] may strive for positive affect at all is for the shield which it promises against humiliation. To take seriously the strategy of *maximizing* positive affect, rather than simply enjoying it when the occasion arises, is entirely out of the question.”⁷⁵ Paranoia here constitutes a negative affect insofar as it motivates the subject to avoid pain by anticipating and forestalling it. Not only this, paranoia prevents the subject from pursuing the intensification of positive affect.

Positive affects, in contrast, are those that motivate subjects toward the pursuit of pleasure. Tomkins identified affects like interest and enjoyment-joy as positive affects.

⁷⁴ Ibid., 136.

⁷⁵ Tomkins quoted in Sedgwick, *Touching Feeling*, 136-7.

Sedgwick adds love and hope to the repertoire of positive affects. These are affects that position subjects toward a “sustained *seeking of pleasure*.”⁷⁶ Sedgwick aligns this with what Foucault calls “the care of the self,” or “the often very fragile concern to provide the self with pleasure and nourishment in an environment that is perceived as not particularly offering them.”⁷⁷

2.1.3 Epistemology of Paranoia

Sedgwick opens “Paranoid Reading and Reparative Reading” by invoking a worry about the epistemic privileging of paranoia on the part of the critic that appears with the identification of theory with paranoia itself. On this view, to do critical-theoretical work is to be paranoid. The explicit alignment between theory and paranoia can be found in the psychoanalytic work of Sigmund Freud and Jacques Lacan, which serves as a rich source of inspiration for contemporary critical theory. Freud reflexively points out a similarity between his own theorization of paranoia in *The Schreber Case* and the delusions of his patient, Judge Schreber, but assures his readers that he developed his theory before knowing of Schreber’s case.⁷⁸ Lacan goes further, suggesting that all forms of knowing are paranoiac.⁷⁹ This epistemic privileging of paranoia is problematic

⁷⁶ Sedgwick, *Touching Feeling*, 137.

⁷⁷ Ibid.

⁷⁸ Freud writes, “Schreber’s ‘rays of God’, composed of a condensation of solar rays, nerve fibers and spermatozoa, are in fact nothing other than the libidinal investments, concretely represented and projected outwards, and so lend his delusion a *striking conformity with our theory*...these and various other details of the formation of Schreber’s delusion sound almost like endopsychic perceptions of the processes that I have assumed here to be constitutive for the understanding of paranoia. I am able, however, to call on a friend and expert in the field to bear witness that I developed the theory of paranoia before the contents of Schreber’s book came to my notice.” See Freud, *The Schreber Case*, 66.

⁷⁹ Lacan writes that there are “paranoid affinities between all knowledge of objects as such.” See Lacan, “The Other and Psychosis,” 39.

not only because it limits the affective range of other motivations for knowing, but also because it places its faith in a model of knowledge that takes the form of exposure or revelation. As Sedgwick points out, “for someone to have an unmystified view of systemic oppressions does not *intrinsically* or *necessarily* enjoin that person to any specific train of epistemological or narrative consequences.”⁸⁰ To think that one must be paranoid to critically inquire into forms of oppression because it gives one access to otherwise hidden truth is a self-serving gesture of the theorist that obfuscates the multiplicity of methods, motivations, and moods that guide a variety of critical practices.

In its epistemological dimension, Sedgwick argues that paranoia places its faith in knowledge understood as the exposure or revelation of truth. The paranoid subject places a remarkable stress on the efficacy of knowledge per se. That is, the paranoid critic believes that there is something to be gained epistemically in the procedure of exposing or revealing hidden truths about social and political reality. This unveiling of hidden truth can take the form of exposing injustices or violences that are assumed to be concealed or otherwise undetected by everyday practitioners. This is a self-congratulatory epistemic practice that assumes a naïveté on the part of the audiences of these demystifications and a privileged authority on the part of the critic who reveals them. The paranoid critic here supposes that their revelation will disturb or surprise their audience and shock them into a more enlightened epistemic position. But, as Sedgwick forcefully observes, not only does the exposure of injustices not always register as surprising, in those cases where it does, the epistemic consequences of such an exposure are not self-evident. It is not always clear what is to be gained in the demystification of supposedly hidden injustices.

⁸⁰ Sedgwick, *Touching Feeling*, 127.

Furthermore, it is not obvious that the energies of an activist intellectual are best spent in tracing and exposing the “truth” about concealed forms of oppression, especially when such a practice rests on a “cruel and contemptuous assumption that the one thing lacking for global revolution... is people’s (that is, other people’s) having the painful effects of their oppression, poverty, or deludedness sufficiently exacerbated to make the pain conscious (as if otherwise it wouldn’t have been) and intolerable (as if intolerable solutions were famous for generating excellent solutions).”⁸¹ Motivated by the anticipation of disasters or threats, the paranoid knower places her confidence in the efficacy of exposure and expresses a suspicion toward other practices of knowing that are differently motivated.

2.1.4 Morality of Paranoia

In addition to the affective, temporal, and epistemic aspects of paranoia, Sedgwick clarifies the problematic moralizing tendency at work in the paranoid position. The dangerous moralizing tendency of paranoia takes shape in the splitting of part-objects into exclusively good or bad objects. Not only this, the subject splits herself into ‘good’ and ‘bad’ parts according to her aggressive and loving impulses that she directs toward the ‘good’ and ‘bad’ part-objects. These ‘good’ and ‘bad’ objects refer to entirely different objects for the subject in the paranoid position. Through projection, the subject attributes the harmful and persecutory features of the primary bad object to other external objects. The paranoid subject feels threatened by these ‘bad’ objects that permeate her external world. This frustrates the subject’s ability to create bonds with whole objects and

⁸¹ Ibid., 144.

people. Furthermore, the paranoid self is unable to comprehend or tolerate moral ambivalence and ambiguity. As Sedgwick notes, following Klein, the toleration and embrace of moral ambiguity comes only as the subject integrates the good and bad part-objects into a “compromised” whole.⁸²

2.1.5 Agency of Paranoia

Finally, Sedgwick depicts paranoia’s troubling sense of agency as occupying the extreme positions of powerlessness or omnipotence. Dreading her own destruction by another, the paranoid subject experiences herself as either powerless in the face of ‘bad’ objects that threaten her from without, or as omnipotent in her internalization and idealization of ‘good’ objects that safeguards her against destruction by denying the existence of ‘bad’ objects. The paranoid position is thus marked by an all-or-nothing conception of agency. This conception of agency shifts with the reparative position. With the difficult understanding that “good and bad tend to be inseparable at every level” comes also a recognition that “power is a form of relationality that deals in, for example, negotiations, the exchange of affect, and other small differentials, the middle ranges of agency – the notion that you can be relatively empowered or disempowered without annihilating someone else or being annihilated.”⁸³ The reparative position thus trades in an all-or-nothing view of agency for one that is complex, dynamic, nuanced, and negotiable. The reparative subject recognizes herself as one who acts in relation to others, who suffers the unintended consequences of the actions of others, and who makes others

⁸² Sedgwick, “Melanie Klein,” 637.

⁸³ *Ibid.*, 637, 631-2.

suffer the unintended consequences of her own actions. Depending on her intersubjective relations, this subject is sometimes empowered and sometimes disempowered. Neither wholly omnipotent nor completely powerless, a subject in the reparative position experiences the relational dynamics of power.

2.2 Reparative Reading

While Sedgwick does not fully elaborate the features of reparative reading in the same terms as those used to clarify paranoid reading, one can develop these features nonetheless from what she briefly mentions about reparative reading. First, it is important to note that the reparative position is a fragile, “anxiety-mitigating achievement” that the subject only sometimes and just temporarily succeeds in occupying.⁸⁴ We should thus think of reparative reading as a practice that subjects assume for specific purposes and one that they can only temporarily sustain. It is less a general theory of interpretation than it is one of many viable interpretive strategies. In the work of reparation, the subject is motivated by the pursuit of sustenance and pleasure. She seeks to assemble the fragments of part-objects and to find enjoyment and nourishment in those renewed objects. Sedgwick ties reparation to creative activity. This work consists in an attempt to make bearable the very things that we suffer by mending and breathing new life into them. The repaired object, however, does not resemble a preexisting object because the new object is “compromised.”⁸⁵ As Sedgwick notes, “there is nothing intrinsically conservative

⁸⁴ Sedgwick, *Touching Feeling*, 128.

⁸⁵ Sedgwick, “Melanie Klein,” 637.

about the impulse of reparation.”⁸⁶ Reparation is thus not the return to a prior condition or state, but the construction of something new or different that brings pleasure and nourishment to subjects.

Building on Sedgwick’s passing comments about reparative reading, I here clarify this practice in the same terms used to discuss paranoid reading – temporality, affect, epistemology, morality, and agency. These features will be helpful for developing reparative critique as a critical practice that includes reading as one of its activities, in addition to a range of other activities.

2.2.1 Temporality of Reparation

If paranoia consists in an anticipatory relation to the future that expects the inevitability of threats or bad surprises so as to preempt and ward them off, then reparation relates more openly to the uncertainty and contingency of the future. Sedgwick identifies the central temporal distinction between paranoia and reparation as the difference between the inevitable and the contingent. She explains:

[T]o read from a reparative position is to surrender the knowing, anxious paranoid determination that no horror, however apparently unthinkable, shall ever come to the reader *as new*; to a reparatively positioned reader, it can seem realistic and necessary to experience surprise. Because there can be terrible surprises, however, there can also be good ones. Because the reader has room to realize that the future may be different from the present, it is also possible for her to entertain such profoundly painful, profoundly relieving, ethically crucial possibilities as that the past, in turn, could have happened differently from the way it actually did.⁸⁷

Reparation here is tied to a notion of the contingent. While paranoia prevents the subject from experiencing a surprise *as a surprise*, the reparatively positioned subject opens

⁸⁶ Ibid.

⁸⁷ Sedgwick, *Touching Feeling*, 146.

herself to the novelty that can arrive with unexpected surprises. That is, the reparative reader expresses an openness to the unknown and the unanticipated, even though in doing so, she risks her own security and safety. This affirmation of contingency takes shape not only as a welcoming-if-risky embrace of an open future, but also informs how the reparative reader relates to the past. As Sedgwick notes, the reparative reader countenances the contingency of the past, the idea that the past “could have happened differently from the way it actually did.”⁸⁸ This realization of past contingency, however, leaves the reader with a range of profoundly ambivalent affects. She is at once mournful and hopeful, regretful and reassured. Importantly for Sedgwick, the possibility that the past could have been different is “ethically crucial” for the reparatively positioned subject. This is because without a recognition of past and future contingency, the subject cannot undertake or undergo the work of reparation. What motivation would one have to repair that which was fated to break or to find something redemptive even in our mistakes if those same mistakes will only inevitably be repeated? Why regret something if there were not even the possibility of things happening differently?

The often-disorienting recognition that the past *could have been* and that the future *could be* otherwise is what thus marks the temporality of reparative reading. This flexible, open temporality counters the rigid, closed temporality of paranoia. The significant difference between an open and closed temporality concerns the possibility of change or whether things are fated to remain the same. A paranoid temporality closes the future and the past off from the possibility of change, while a reparative temporality

⁸⁸ Ibid.

leaves this possibility open. This open temporality likewise informs the reader's open posture toward texts as sites of novelty, surprise, chance, and possibility.

2.2.2 Affectivity of Reparation

If Sedgwick depicts the affectivity of paranoia as a strong theory of negative affects, using the language of Silvan Tomkins, then we might understand the affectivity of reparation to consist in a weak theory of positive affects. Indeed, Sedgwick consistently deploys this contrast in her 2003 essay (“Paranoid Reading and Reparative Reading”). Negative affects, like humiliation or suspicion, are self-reinforcing strategies for forestalling or avoiding pain. Interestingly, these affects are self-reinforcing because they are self-defeating. That is, they gain in strength as their protective tactics fail. Positive affects, like joy or interest, are self-fulfilling strategies for seeking or pursuing pleasure. They are self-satisfying or internally gratifying because their arousal and reward are identical.⁸⁹ Positive and negative affects can be linked with either a strong or weak theory according to Tomkins. Recall that a strong affect theory is one that expands its scope by reducing more remote phenomena to a single formulation. A weak affect theory, in contrast, is one that stays local. It is typically descriptive rather than explanatory and it is attentive to the specificities and nuances of near rather than remote phenomena.⁹⁰ Sedgwick references the “devalued and near obsolescent” interpretive skill of imaginative close reading as a possible example of a weak theory within literary criticism.⁹¹

⁸⁹ See Sedgwick, *Shame and Its Sisters*, 58.

⁹⁰ Tomkins, *Affect Imagery Consciousness*, 433-4.

⁹¹ Sedgwick, *Touching Feeling*, 145. Heather Love also champions close reading as an interpretive strategy for literary critics. See Love, “Close but not Deep,” and Love, “Close Reading and Thin Description.”

I find a danger, however, in keeping with Tomkins' vocabulary of 'negative' and 'positive' affects to describe the affective difference between paranoid reading and reparative reading. I find this distinction troubling for two reasons. First, the contrast risks essentializing features of affects that might otherwise be taken as historically and contextually contingent.⁹² Second, it risks invoking a moralizing distinction between those affects deemed 'bad' and those regarded as 'good.' This move risks obfuscating the ambiguity and ambivalence that often accompany our affective responses to particular situations. That is, we need not interpret anger as always or necessarily "bad" and love as always or necessarily "good," but should strive to consider these affects in their complexity, ambiguity, and contextuality.

Consequently, I understand reparation as aligned with a range of affects that are not straightforwardly positive or optimistic. Reparative affects are inflected with an ambivalent tonality. For Sedgwick, these are affects that enable the subject to avow the reality of moral ambiguity – the idea that 'good' and 'bad', recovery and loss, exist in the self-same objects and situations. These include affects like remorse, grief, love, and hope. Thus, Sedgwick describes the reparative affect of hope as "often a fracturing, even a traumatic thing to experience" because it leaves the subject vulnerable to the risks and

Sharon Marcus and Stephen Best forward a related interpretive practice of "surface reading" in Marcus and Best, "Surface Reading."

⁹² Tomkins conceived of affects as biologically hard-wired, reflex-like responses that are non-intentional and that manifest themselves in behavioral patterns of response such as specific facial expressions. Thus, for Tomkins, the division between positive and negative affects is an inherent or natural one. Counter to this, on my view, there is nothing essential about paranoia that makes it a disabling affect. As Sianne Ngai has shown with respect to paranoia within varieties of feminist poetry, this affect can be productive in enabling certain subjects to diagnose situations marked by thwarted or suspended action. Hence, with Ruth Leys, I contest the reductive biologism at work in Tomkins' account. See Tomkins, *Affect Imagery Consciousness*; Ngai, *Ugly Feelings*; and Leys, "Turn to Affect."

uncertainties of the future. Hope is not a self-assured, optimistic attitude on this account, but a “fluttering,” ambivalent embrace of chance.⁹³

2.2.3 Epistemology of Reparation

As a knowledge practice, the work of reparation requires a kind of fallibilism on the part of the knowing subject. Reparative knowing involves a recognition that humans make mistakes, commit errors, and inflict harm on others unintentionally. Yet, unlike the paranoid knower, the reparative knower does not take these mistakes as inevitabilities or as signs of weakness, but rather treats them as contingencies that can have redeeming and pleasantly surprising effects. In this regard, Sedgwick cites Joseph Litvak’s description of queer reading and writing practices that aim at “taking the terror out of error, at making the making of mistakes sexy, creative, even cognitively powerful.”⁹⁴ The reparative knower embraces uncertainty as instructive and nourishing insofar as it indicates the limits of her knowledge and incites her to inquire and experiment with her epistemic limits.

Reparative knowing does not share the same relation to truth as paranoid knowing, nor does it understand knowledge in terms of exposition. Paranoia places its faith in a knowledge practice that consists in exposing hidden or buried truth. Through the act of revelation, the paranoid critic grants herself epistemic privilege over other knowers and other ways of knowing. This takes shape in such activities as

⁹³ Sedgwick, *Touching Feeling*, 151, note 4. Sedgwick here invokes Emily Dickinson’s depiction of hope as a bird in her poem no. 254: “Hope is the thing with feathers / That perches in the soul, / And sings the tune without the words, / And never stops at all, /”.

⁹⁴ Sedgwick, *Touching Feeling*, 147.

demystification and denaturalization. On this view, the truth is already there, dwelling deep in a text or context, waiting to be sniffed out and revealed by the critic.

For the reparative knower, truth is something to be made, not something to be exposed. The making of truth requires a kind of transformative work on the part of the subject. Because the subject is not yet ready, not yet prepared to receive (i.e., to create) truth, she must undergo a transformation. It is as though in transforming herself through reparation, the subject also thereby participates in the creation of truth. Truth here does not wait for the illuminating tools of a suspicious critic, but rather requires the creative tactics of the reparative critic.

Knowledge is thus taken as a matter of performativity or action. That knowledge does something – to both its subjects and its objects – is not a new insight, but it orients the critic to consider asking a different range of questions than whether a particular piece of knowledge is true, or how one can know it is true. The reparative critic asks other epistemic questions like “What does knowledge *do*?” or “How is knowledge performative?” or “How do knowledge practices differ on the bases of their performativity?”⁹⁵ On this view, knowledge practices, like those of paranoid reading and reparative reading, differ according to what they do and how they act on both critics and texts.

⁹⁵ Sedgwick, *Touching Feeling*, 124.

2.2.4 Morality of Reparation

Heather Love notes that the concept of reparative reading is “primarily an ethical category for Sedgwick.”⁹⁶ Indeed, Sedgwick repeatedly invokes the ethical stakes at work in the difference between paranoid reading and reparative reading as viable critical practices. These stakes have to do with an understanding of reparation as inaugurating ethical possibility that forms through the feelings of love, remorse, empathy, and concern for others.⁹⁷ In Sedgwick’s words, ethical possibility emerges with the subject’s “guilty, empathetic view of the other as at once good, damaged, integral, and requiring and eliciting love and care.”⁹⁸ Yet, this concern for the other is coextensive with the subject’s fragile concern to provide herself with pleasure and nourishment in an otherwise precarious environment.⁹⁹ The ethical stakes between paranoid reading and reparative reading have also to do with their differences in grappling with moral ambiguity. Recall that the subject in the paranoid position splits objects into ‘good’ or loving parts and ‘bad’ or harmful parts. This splitting disallows the subject from seeing the simultaneous existence of love and aggression in the self-same object and it also creates a schism within the subject herself. The paranoid subject cannot tolerate moral ambiguity or ambivalence. This arrives only with the integration of the ‘good’ (i.e., loving) and ‘bad’ (i.e., aggressive) part-objects achieved with the reparative position.

⁹⁶ Love, “Truth and Consequences,” 382.

⁹⁷ See Klein, *Love, Guilt and Reparation*, 311.

⁹⁸ Sedgwick, *Touching Feeling*, 137.

⁹⁹ *Ibid.*

2.2.5 Agency of Reparation

This avowal of moral ambivalence is accompanied by a more realistic understanding of agency than the one at work in the paranoid position. With the splitting of the object into ‘good’ and ‘bad’ parts, the paranoid subject feels herself to be either powerless or omnipotent in the face of the ‘bad’ part-object. With the achievement of the reparative position, the subject realizes what Sedgwick calls the “middle ranges of agency,” or the idea that one can be relatively empowered or disempowered without destroying someone else or being destroyed.¹⁰⁰ This is a relational conception of agency that captures the complexities, dynamic fluctuations, negotiations, and differentials of power. The subject in the reparative position thus accepts a more complicated view of agency than the all-or-nothing depiction associated with the paranoid position.

3. Paranoid Critique and Reparative Critique

Sedgwick offers a helpful vocabulary for clarifying the differential practices of what I call “paranoid critique” and “reparative critique.” In addition to this vocabulary, she enacts a posture of relating to paranoid critical practices that I find illuminating for the affective posture that a reparatively positioned critic adopts toward paranoid critique. In other words, I find sustenance in Sedgwick’s work not only for the concepts offered therein, but also for the moods, ethos, styles, and orientations it performs.¹⁰¹ By

¹⁰⁰ Sedgwick, *Touching Feeling*, 632.

¹⁰¹ This attention to mood, ethos, style, and orientation – what Amanda Anderson calls the “characterological” components of argument – also informs my engagement with the work of James and Foucault to come in Chapters Two and Three. See Anderson, *The Way We Argue*, xxx.

understanding paranoia and reparation as differential positions or practices rather than as theoretical ideologies, diagnostic personality types, or as normatively ordered stages, Sedgwick is able to see how a single thinker (including herself) often engages in both styles of criticism (and in other styles besides these). Sedgwick thus presents paranoia and reparation as flexible and heterogeneous relational stances in order to hold both open as possibilities for critical practice.¹⁰² She emphasizes their practical differences in the hopes of “doing justice to the powerful reparative practices that...infuse self-avowedly paranoid critical projects, as well as in the paranoid exigencies that are often necessary for nonparanoid knowing and utterance.”¹⁰³

In a similar vein, I offer reparative critique not as a substitute for paranoid critique, which would itself be a paranoid gesture, but to expand the field of possible critical practices in an additive gesture that Sedgwick aligns with a reparative impulse.¹⁰⁴ Like Sedgwick, my concern is not with wholly dismissing paranoid critique, but with interrupting its self-evident imperative force as the *only* viable practice of critique so as to offer alternative methods and moods for engaging critique. That is, I take issue with the near equivalence of critique and paranoid inquiry such that “to theorize out of anything *but* a paranoid critical stance has come to seem naïve, pious, or complaisant.”¹⁰⁵ The concept of reparative critique allows one to see that not only is it possible to practice

¹⁰² Sedgwick, *Touching Feeling*, 128.

¹⁰³ *Ibid.*, 129.

¹⁰⁴ *Ibid.*, 149.

¹⁰⁵ *Ibid.*, 126. Felski also laments that refusing a suspicious practice of critique is often regarded as “sink[ing] into the mire of complacency, credulity, and conservatism.” See Felski, *Limits of Critique*, 8.

critique non-suspiciously, but that there may be some incentive to do so in light of the problematic features of paranoia already discussed.

I translate Sedgwick's concepts of paranoid reading and reparative reading into distinct practices of philosophical critique. This work of translation, however, presents some difficulties. One might object that methods of reading are not the same as practices of critique and therefore the two cannot profitably be compared. While I agree that the two do not wholly consist in the same activity, in my estimation, the practice of critique includes reading as one of its activities. The critic cannot do her work without engaging some strategy of reading and interpretation in her dealing with texts, cultures, archives, or other media objects. While the practices of critique and reading are not wholly identical, they also are not thereby incompatible insofar as the one contributes to the work of the latter.¹⁰⁶ Furthermore, it is clear from Sedgwick's essay that the strategies of paranoid reading and reparative reading do not only refer to methods of interpretation, but extend to styles of argumentation and writing, ethical modes of relating, and trends of critical theorizing. That is, while Sedgwick is especially concerned with paranoid styles of reading in queer theory, she nonetheless argues that critical habits of suspicion and paranoia have become central to, if not nearly synonymous with, criticism itself.¹⁰⁷ While Sedgwick's essay is clearly motivated by tendencies of critical practice within her disciplines of queer theory and literary theory, she sees these trends encompassing a wide range of critical theoretical work. On this view, the concepts of paranoid reading and

¹⁰⁶ The critic engages in other activities besides those of reading and interpretation. These include exercises of writing, questioning, establishing relations, conducting inquiry, creating concepts, and producing possible openings for transformation. It is with these other activities in mind that I do not identify critique with interpretation.

¹⁰⁷ Sedgwick, *Touching Feeling*, 124-5.

reparative reading already refer to alternative kinds of critical theoretical inquiry.¹⁰⁸

Reparative reading would here constitute a practice of reparative critique. Yet, one might argue that even if Sedgwick takes these methods of reading to be synonymous with types of critical inquiry, she does not map them specifically to varieties of philosophical critique. There may thus be a slippage between what Sedgwick means by “critical theoretical inquiry” and what I mean by “critique.” I take this slippage to be a welcome, if inevitable, feature of undertaking translation work. As Latour points out, there can be no points of passage without lines of detour, no continuity without contamination, and no association without transformation.¹⁰⁹

My concepts of paranoid critique and reparative critique drift from those of paranoid reading and reparative reading in two ways. First, I do not link paranoid critique and reparative critique to a theory of negative and positive affects for reasons rehearsed earlier. Second, I understand these practices as variations of a conception of critique that comes from Kant. For Kant, critique is an ethos and style of philosophical inquiry that brings together the features of reflexivity, a limit-attitude, and suspicion. Unlike Kant, however, I do not take suspicion to be the affect that necessarily informs the work of critique. Suspicion inflects the variety of critical practice I call paranoid critique. This is a critical exercise that habituates critics to the activities of denouncement and demystification. These activities crystallize in the critic’s anticipation and exposure of hidden truths that she takes to be noxious, violent, shameful, evil, or worthy of condemnation. The danger for the paranoid critic is to be caught off guard by truths she

¹⁰⁸ For evidence of this, see Sedgwick, *Touching Feeling*, 126.

¹⁰⁹ See Latour, “On Technical Mediation.”

did not anticipate. Paranoid critique potentially suffers from the problems identified by Sedgwick in the method of paranoid reading. I take these problems to surface especially in those features of critique's reflexivity and its limit-attitude. In terms of its reflexivity, paranoid critique engages the critic in a vigilant, anticipatory, and antagonistic relation to herself. This antagonism manifests in the paranoid critic's posture toward the constitutive limits of herself and others. She sets herself *against* these limits, treating them with aspersion and contempt, while attempting to forestall their expected appearance in other domains. The paranoid critic's obsession with anticipating such limits blinds her from the possibility of transgressing or transforming them. Rather than treat these limits as transformable contingencies, the paranoid critic takes them as inevitable obstacles that can be exposed and expected but can never be overcome.

Reparative critique is a type of critical practice that disposes critics to the activities of mending and assembling. The term 'reparative' is used to capture the creative and restorative work of critique. That is, critique is understood here as not simply a diagnostic tool, but as a tool that transforms, mends, reworks, and provides sustenance. This practice is invested with a range of affects that include love, mourning, hope, remorse, joy, care, and curiosity. Reparative affects inflect the features of critique differently than do suspicion or paranoia. Reflexivity becomes a matter of establishing a mode of self-relation that links with what Foucault calls "the care of the self." This is a reflexive practice concerned with the difficult and delicate work of providing the self with pleasure and nourishment in an otherwise precarious environment. Reparative reflexivity differs from the paranoid version in that the subject of critique relates to herself not as an enemy, but as someone worthy of care, concern, and patient attention.

This entails an honest consideration of one's limits, losses, and faults, as well as an openness to the possibility of transforming these limits and mending some of the harms. The reparative critic regards limits as those ambiguous things that are both constraining and alterable. Limits are constraining in that they discipline action in particular ways, but they are also alterable in that these limits are capable of being transgressed and changed. The limit-attitude of reparative critique is thus more of the positive variety that Foucault discusses in "What is Enlightenment?". For Foucault, the limit-attitude consists in situating ourselves at those constitutive boundaries so as to test their fragility and transformability. The critic's task is neither one of renouncing or vindicating the limits of ourselves, but of tracing their points of fracture and instability so as to experiment with the possibility of moving beyond them.

4. Varieties of Reparative Critique

To further develop and support reparative critique as a viable critical practice, I turn in the following chapters to the work of William James and Michel Foucault. These two figures, I argue, offer varieties of reparative critique that are inflected by a range of different affects. I take them as exemplary for the way they reparatively engage the labor of critique. Each understands critique to be something other than a paranoid philosophical exercise that either denounces or demystifies some social practice. Rather, they take critique to be a reparative philosophical exercise that brings together the activities of inquiring, assembling, and transforming. Each differently nuances the practice of reparative critique through the affects they bring to bear to critical work, through their diverse styles of philosophical inquiry, and through the specific objects that capture their

critical attention. In spite of these differences, the varieties of reparative critique offered by James and Foucault resonate along three conceptual lines – *action*, *affectivity*, and *transformation*. In the chapters that follow, I use reparative critique as an interpretive lens for understanding the pragmatism of James and the genealogy of Foucault. By re-reading their work through the lens of reparative critique, I try to frustrate familiar accounts that either deny they have a conception of critique (in the case of James) or that interpret their critical activity exclusively through a lens of paranoid critique (in the case of Foucault).

By selecting the work of James and Foucault as sites for developing and supporting reparative critique, my argument is not that the work of other scholars could not be productively engaged for the same purpose. I do not believe that these specific figures have exclusive claim to the practice of reparative critique. For instance, one might explore other versions of reparative critique in the work of French theorists like Roland Barthes and Gilles Deleuze, of American ‘Continental’ theorists such as Judith Butler, of pragmatist philosophers like John Dewey and Cornel West, and of literary public intellectuals including James Baldwin and Toni Morrison. I also do not claim that one cannot find paranoid elements in the critical work of James and Foucault. These are figures whose work is fueled by a concern with the stagnant and paralyzing effects of certain judgments, practices, beliefs, and theories on our thought and action. They call attention to and question the authoritative posturing of critics and philosophers who make judgments and prescriptions about specific social, ethical, and political problems. Finally, they are thinkers who take critical work to be a question of making, doing, and transforming. That is, they bring a reparative attitude to the ongoing work of critique.

5. Chapter Outline

In what follows, I develop and refine the practice of reparative critique in two parts. In Part One (consisting of Chapters Two and Three), I clarify varieties of reparative critique in the history of philosophy through the work of Foucault and James, respectively. I then show how reparative critique can be put to work for contemporary political philosophy in Part Two (consisting of Chapters Four, Five, and Six). These two parts are connected in the following way – the figures engaged with in Part One supply precedents for the enactment of reparative critique in Part Two as a method for contemporary political critique. That is, I draw on the models of reparative critique provided by Foucault and James to show how reparative critique can be deployed for inquiring into problems within current political theory and practice.

Part One begins with Chapter Two on Foucault's method of genealogical critique. In this chapter, I draw on the concept of reparative critique to clarify the status of normativity in Foucault's genealogical method. Unlike Nancy Fraser and Jürgen Habermas, I argue that genealogical critique is not a normatively *ambitious* exercise insofar as it does not aim to supply normative judgments about or prescriptions for its objects of critique. Rather, I contend that it is a normatively *concerned* exercise in the sense that it aims to mark out possibilities for transforming those practices that constitute problems for our present selves. To clarify this element of concern guiding genealogy, I attend to Foucault's writings on care as an affective attitude guiding his practice of reparative critique.

In the subsequent chapter on James (Chapter Three), I offer a rereading of James's philosophical pragmatism through the lens of reparative critique. I argue that James practices critique as a reparative exercise that can be understood through his meliorism, which is the name James gives to a hopeful attitude about the possibility of improving our practices and selves. To elucidate James's practice of reparative critique, I highlight a central feature of his meliorism that troubles the charge voiced by Cornel West and others that he is an uncommitted and therefore acritical thinker. James develops a reparative account of agency which figures in his meliorism as a response to the problematics of action. To account for this type of agency and the reparative commitment it entails, I turn to James's psychological and ethical work from the 1880s and 1890s.

Following this, Part Two begins with Chapter Four, in which I take up debates over the status of ideal theory in contemporary political philosophy. Using the frame of these debates, I argue that a reparative political critique must be realist rather than idealizing in orientation. It must be realist for two reasons. First, insofar as ideal theory bears affinities with paranoid critique in terms of their epistemic aims of universalism and certainty, reparative political critique must incline itself away from ideal theory. Second, reparative political critique must be realist insofar as it offers a fact-sensitive approach that attends to problems of power that haunt a particular present. The realist orientation of reparative political critique offers a better alternative, I argue, to the paranoid tendencies at work in both John Rawls's ideal theory as well as Raymond Geuss's political realism.

Chapters Five and Six can be understood as putting the realist method of reparative critique to work on contemporary ethical and political problems arising from a

digital present. In Chapter Five, I consider the problem of racial bias and discrimination posed by the exercise of power in predictive policing algorithms. Focusing on person-based algorithms like the Chicago Police Department's Strategic Subject List (SSL), I argue that predictive policing exercises power through a paranoid style that constitutes a form of what I call "temporal governmentality." This concept refers to a way of organizing power through specific temporal relations between the past, present, and future. Analyzing the SSL through the lens of temporal governmentality, I argue that the racialized time of predictive policing works to forge a double closure of the past and the future through a paranoid logic that aims to preempt future possibilities of criminal conduct by drawing on a past codified in the form of historical crime data.

After clarifying the power exercised by predictive policing algorithms, Chapter Six deploys reparative critique to outline a set of ethical strategies for transforming the practice of predictive policing. That is, whereas Chapter Five utilizes reparative critique to make sense of problems in predictive policing, Chapter Six takes up the task of reparatively transforming these problems. Drawing on James's conduct-centric approach to ethics and Foucault's account of ethics as counter-conduct, I develop an ethical framework for responding to the power at work in predictive policing systems. This framework pushes beyond the ideal of transparency that guides much work on the ethics of algorithms. Unlike the transparency ideal, the ethical strategies I defend consist in a set of four techniques of counter-conduct that resist predictive policing's operation of power.

PART I
CHAPTER II
CARE AND REPARATIVE TRANSFORMATION
IN FOUCAULDIAN GENEALOGY

Introduction

In an anonymous interview from 1980, Michel Foucault described his critical project in the following way: “I can’t help but dream about a kind of criticism that would try not to judge but to bring an oeuvre, a book, a sentence, an idea to life; it would light fires, watch the grass grow, listen to the wind, and catch the sea foam in the breeze and scatter it. It would multiply not judgment but signs of existence.”¹¹⁰ The fact that Foucault insisted on remaining anonymous in this interview should not be lost on the reader. Indeed, Foucault’s gesture problematizes the authority attributed to the name of an author or intellectual. This problematizing posture toward the author is a theme of Foucault’s work from the late 1960s and early 1970s. Foucault begins a lecture from February 1969, later published as “What is an Author?,” with the following line from Samuel Beckett: “‘What does it matter who is speaking,’ someone said, ‘what does it matter who is speaking.’”¹¹¹ Foucault then elaborates the ethical rule of indifference that immanently guides the practice of writing and that alludes to the disappearance or death

¹¹⁰ Foucault, “The Masked Philosopher,” in *EWI*, 323.

¹¹¹ Foucault, “What is an Author,” in *EW2*, 205.

of the author.¹¹² He uses anonymity in his 1980 interview as a form of ethical address to the “potential reader.”¹¹³ He uses anonymity not to pass judgment, but to give the reader the agency to assess what is said on her own, to be “more inclined to find out why I say what you read.”¹¹⁴ The anonymous critic deploys anonymity in order to allow others to judge for themselves: “just allow yourself to say, quite simply, it’s true, it’s false. I like it or I don’t like it. Period.”¹¹⁵

Foucault’s anonymous interview offers a fecund site for thinking through genealogy as a form of critique without judgment. I use the term ‘reparative critique’ to refer to genealogy as a style of critique disinvested from judgment. Put positively, reparative critique is a critical practice that attends to the transformability of those historical limits that constrain our present ways of thinking, feeling, relating, and acting. I draw on the concept of reparative critique here to clarify the status of normativity in Foucault’s genealogical method. As I will argue, genealogical critique is not a normatively *ambitious* exercise insofar as it does not aim to supply normative judgments about its objects of critique, nor does it aim to provide normative prescriptions or solutions to the problems it brings into focus. It is, however, a normatively *concerned* exercise in the sense that it aims to mark out possibilities for transforming those practices that constitute problems for our present selves. We can provisionally think of this distinction in terms of the familiar difference between projects in normative ethics and a metaethical orientation that is not skeptical toward normativity, but does not in the first

¹¹² Ibid., 206-7.

¹¹³ Foucault, “The Masked Philosopher,” in *EWI*, 323.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

place attempt to develop normative rules. This distinction between a *normatively ambitious* project and a *normatively concerned* project throws into relief the relation between genealogical critique and normativity. The difference can be grasped as that between a mode of critique that aims to *judge* and one that aims to “*take care*.”¹¹⁶ Care marks the affective *ethos* or attitude of Foucault’s practice of reparative critique. This attitude of care or concern is one that Foucault continually invokes in his writings on ethics and critique from the late 1970s and early 1980s. ‘Care’, I argue, is Foucault’s affective style of, in Roland Barthes’s words, “being present to the struggles of his time.”¹¹⁷

This argument proceeds in five steps. In *section one*, I sketch an overview of the debate concerning the status of normativity in Foucault’s method of genealogical critique. Here I offer my concept of reparative critique to indicate the sense in which genealogy is not normatively ambitious, but is normatively concerned in that it describes the historical formation of present practices with an eye toward opening up a space for their possible transformation. I then show in *section two* how Foucault inherits a distinction between critique and judgment from two of his most influential predecessors, Kant and Nietzsche. I defend the distinction between critique and judgment as useful for clarifying the lack of normative ambition of genealogy insofar as it refuses to impose normative prescriptions about what to do. This work of contextualizing genealogy as a non-judgmental form of critique will help us see what is unique about Foucauldian genealogy as a practice of problematization. In *section three*, I provide an account of problematization as an activity

¹¹⁶ Foucault, “Interview with Michel Foucault,” in *EW3*, 288.

¹¹⁷ See Barthes, *The Neutral*, 8.

and object of critical inquiry so as to specify, more positively, what genealogy *does* as a form of critique without judgment. I clarify two things about problematization as an object and activity of critique. Problematization is a critical practice that creates, among other things, *problems* as possible openings for the present work of transformation. Problems are not objects for normative judgment, but objects of normative concern. They call not for judgment, but for care. This leads me to clarify the relation between the ethical and critical uses of care in Foucault's late writings in *section four*. Care importantly calls our attention to the work of transformation that Foucault's practice of reparative critique endeavors to perform. Finally, in the conclusion, I specify how the normative concern embodied in Foucault's practice of care functions as a response to the problem of normativity in Foucauldian critique.

1. The Normative Status of Genealogical Critique

The most influential criticisms of Foucault's genealogical method can be found in the work of Nancy Fraser and Jürgen Habermas.¹¹⁸ Their criticisms aim to show the normative confusions or, to use Habermas's phrase, the "cryptonormativism" at work in Foucault's genealogies. According to Fraser, Foucault uses the empirical insights supplied by genealogy to draw normative conclusions about the forms of "domination" and "subjugation" that result from the capillary exercise of modern power.¹¹⁹ These normative conclusions, however, amount to normative confusions insofar as Foucault

¹¹⁸ Fraser, "Foucault on Modern Power;" Habermas, "The Critique of Reason" and Habermas, "Some Questions."

¹¹⁹ Fraser, "Foucault on Modern Power," 28. In this Fraser argues that Foucault commits the genetic fallacy insofar as he used history to draw evaluative conclusions about the present. See Allen, "Entanglement of Power and Validity," 85-88 and Koopman, *Genealogy as Critique*, 88-90.

vacillates between two incompatible positions. Fraser argues that on the one hand, Foucault “adopts a concept of power that permits him no condemnation of any objectionable features of modern societies.”¹²⁰ On the other hand, Foucault’s rhetoric “betrays the conviction that modern societies are utterly without redeeming features.”¹²¹ Thus, for Fraser, Foucault derives negative conclusions about the present from his historical work at the same time as he deploys a concept of power that disallows denunciation.

In a somewhat different register, Habermas argues that Foucault’s genealogical method suffers from “cryptonormativism” in that it unconsciously ports certain norms in the conclusions it arrives at through empirico-historical inquiry.¹²² Habermas argues, “Foucault understands himself as a dissident who offers resistance to modern thought and humanistically disguised disciplinary power.”¹²³ On Habermas’s read, Foucault aims to judge disciplinary power as something bad, unjust, or pernicious. For Habermas, genealogy is normatively ambitious insofar as it aims to subvert modern forms of power.

Fraser and Habermas are not alone in their criticisms of the normative ambiguity of genealogy. Michael Walzer and Charles Taylor forward similar arguments against genealogy. In his essay, “The Politics of Michel Foucault,” Walzer accuses Foucault of nihilism and moral anarchism.¹²⁴ He claims that Foucault has anarchistic political

¹²⁰ Fraser, “Foucault on Modern Power,” 33.

¹²¹ Ibid.

¹²² Habermas, “Some Questions,” 282.

¹²³ Ibid.

¹²⁴ Walzer, “The Politics of Michel Foucault,” in Hoy 1986, 61.

commitments in that he seeks the dismantling or “abolition” of certain regimes of power.¹²⁵ Furthermore, he argues that since Foucault regards morality and politics as reciprocally connected, Foucault’s anarchism amounts to a form of nihilism in that he aims to abolish “both moral and scientific categories.”¹²⁶ This nihilism leaves Foucault without any normative resources to contest the legitimacy of power or to discriminate between forms of power that are better or worse than others. Taylor accuses Foucault of holding a contradictory position that leaves him normatively bankrupt insofar as Foucault detaches power from truth and liberation. He contends that Foucault contradicts himself in passages where he denies the possibility of liberation from regimes of power and where he seems to allow for the possibility of a liberation that is “founded on a puncturing of illusions.”¹²⁷ Taylor calls this Foucault’s “Nietzschean refusal of ‘truth’ and ‘liberation’” that leads him to a relativistic understanding of historical changes in power relations.¹²⁸ He argues that Foucault, by detaching power from truth and freedom, gives up the normative criteria – that is, the measure of comparability – that allows one to judge the historical changes of power.

Two recent strategies for defending Foucault against the arguments of Fraser, Habermas, and others can be gleaned from the work of Amy Allen and Colin Koopman. Allen and Koopman clarify the normative status of genealogy and both attempt to show the compatibility of genealogy with the more normatively robust work of Habermas. In

¹²⁵ Ibid., 60.

¹²⁶ Ibid., 61.

¹²⁷ Taylor, “Foucault on Freedom and Truth, in Hoy 1986, 93.

¹²⁸ Ibid.

The Politics of Our Selves, Allen argues with Fraser that Foucault indeed commits a genetic fallacy, but she dissents from Fraser's contention that this genetic reasoning is unequivocally fallacious.¹²⁹ Allen deploys the insights from Foucault's historicist poststructuralism and Habermas's normative critical theory to forward a contextualist form of normativity. This "principled form of contextualism" highlights the dual need to "posit context-transcending ideals *and* to continually unmask their status as illusions rooted in interest and power-laden contexts."¹³⁰ Koopman argues against Fraser that Foucault does *not* commit a genetic fallacy, but agrees with Fraser (and disagrees with Allen) that genetic reasoning is indeed fallacious.¹³¹ Koopman's non-normative reading of Foucault in *Genealogy as Critique* motivates his turn to Habermasian critical theory and Deweyan pragmatism for lending the normative resources to critical theory that are found wanting in Foucauldian genealogy.

My strategy of defending Foucault against the criticisms of Fraser, Habermas, and others differs from those deployed by Allen and Koopman in two ways. First, contra Allen, I am not interested in showing how Foucauldian genealogy is itself normatively ambitious and thus consistent with forms of normative theory like Habermasian communicative ethics. Second, unlike Koopman, I worry that a partitioning of the tasks of diagnosis and normative reconstruction to genealogy and pragmatist critical theory, respectively, potentially obfuscates the sense in which genealogy is itself a transformative kind of work. Seeing genealogy as contributing the materials to normative theorists for

¹²⁹ See Allen, *Politics of Our Selves* and Allen, "Entanglement of Power and Validity."

¹³⁰ Allen, *Politics of Our Selves*, 148. Italics in original.

¹³¹ See Koopman, *Genealogy as Critique*, 88-9.

reconstruction potentially makes genealogy a mere instrument for normative theory. Might genealogy be not just preparatory for the ambitious normative work to come later? Might it itself perform a type of political and ethical work that, while not normatively ambitious, is normatively concerned with problematizing present limitations on actions and creating possibilities for transforming these limits?

I follow Verena Erlenbusch-Anderson in distinguishing between a *normatively ambitious* project and what she describes as the “*normatively oriented*” work of genealogy.¹³² In *Genealogies of Terrorism*, Erlenbusch-Anderson suggests that Foucault’s method is normatively oriented insofar as it “describes practices that are intolerable... with the aim of making transformation possible.”¹³³ Building on this work, I conceptualize genealogical critique as normatively *concerned*, but not normatively ambitious. In highlighting the element of concern at work in genealogy, I aim to emphasize something that is missing in Erlenbusch-Anderson’s account – namely, the affective dimensions of genealogy as a method of critique.¹³⁴ Genealogy is normatively concerned in that it attends to problems as sites of normative ambiguity rather than as normatively clear-cut cases. Whereas the latter refer to wrongs, harms, or injustices that stand in need of the normatively ambitious work of judgment, the former call for the work of critique, informed by an affect of care, to attend to the features contributing to

¹³² Erlenbusch-Anderson, *Genealogies of Terrorism*, 173.

¹³³ Ibid.

¹³⁴ My position thus differs from the one forwarded by Mark G.E. Kelly in his recent book defending a non-normative Foucault. Whereas Kelly positions Foucault as “anti-normative” in his refusal to offer political prescriptions, I am interested in specifying the sense in which Foucault’s method of genealogy can be understood as normatively concerned with opening up space(s) for possible transformation. I am thus not defending a non- or anti-normative Foucault, but am forwarding a *reparative* Foucault in order to clarify the status of normativity in genealogy. See Kelly, *For Foucault*, 10-12.

their ambiguous status. For example, we can distinguish between normatively clear-cut cases such as a parent's violent abuse of a child and more normatively ambiguous cases such as the gentle chiding a parent gives to stop a child from drawing on walls.¹³⁵

Genealogy addresses the second practice as potentially problematic without yet being harmful or unjust. Hence, while Fraser and Habermas criticize Foucault for using genealogy to furtively denounce normatively clear-cut cases of domination and injustice, I suggest that genealogy attends to normatively ambiguous practices and experiments with their possible transformation. This distinction helps clarify the normative status of genealogy as a mode of critique that combines historical analysis and experimental transformation.¹³⁶ Understanding genealogy as a practice of reparative critique draws our attention to the transformative work prepared and performed by this method of inquiry.

I interpret genealogy as a practice of *reparative critique* in order to highlight what Foucault calls his "optimism."¹³⁷ The "reparative" refers to a set of strategies whereby subjects salvage possibilities or "extract sustenance" from the objects of a culture.¹³⁸ As I argued in Chapter One, unlike the overly anxious, self-defeating, and anticipatory affects guiding the practice of paranoid critique, reparative critique is aligned with an affect of hope, which, as Sedgwick notes, is "among the energies by which the reparatively

¹³⁵ This latter example is inspired by one that Foucault uses to clarify the normative status of disciplinary power as dangerous, but not as necessarily harmful. See Foucault, "Power, Moral Values, and the Intellectual."

¹³⁶ Rather than see diagnosis and transformation as two discrete moments of critique, we might understand them as constituting a practice of critique that is "at one and the same time" the historical analysis of the limits constraining us and "an experiment with the possibility of going beyond" such limits. See Foucault, "What is Enlightenment," in *EW1*, 319.

¹³⁷ See Foucault, "So Is It Important to Think?" in *EW3*, 458 and Foucault, "Interview with Michel Foucault," in *EW3*, 294-5.

¹³⁸ See Sedgwick, *Touching Feeling*, 150-1.

positioned reader tries to organize the fragments and part-objects she encounters or creates.”¹³⁹

If we understand a reparative attitude as one that is identified by an openness to change and contingency, then we might understand genealogy as invested with such an attitude. This attitude is reflected in Foucault’s observations of the optimism that his research rests on. He comments, “There is an optimism that consists in saying, ‘In any case, it couldn’t be any better.’ My optimism would consist rather in saying, ‘So many things can be changed, being as fragile as they are, tied more to contingencies than to necessities, more to what is arbitrary than to what is rationally established, more to complex but transitory historical contingencies than to inevitable anthropological constants.”¹⁴⁰ Elsewhere Foucault links his optimism with his refusal to offer prescriptions for actions to be carried out by those enmeshed in power relations. He notes, “If I don’t say what needs to be done, it isn’t because I believe there is nothing to be done. On the contrary, I think there are a thousand things that can be done, invented, contrived by those who, recognizing the relations of power in which they are involved, have decided to resist them or escape them. From that viewpoint, all my research rests on a postulate of absolute optimism. I don’t construct my analyses in order to say, ‘This is the way things are, you are trapped.’ I say these things only insofar as I believe it enables us to transform them.”¹⁴¹ Foucault’s optimism, like the fracturing affect of hope that Sedgwick associates with reparative reading, affirms the possibility for transforming the

¹³⁹ Ibid.

¹⁴⁰ Foucault, “So Is It Important to Think?” in *EW3*, 458.

¹⁴¹ Foucault, “Interview with Michel Foucault,” in *EW3*, 294-5.

present. Foucault's reparative posture, embodied in his genealogical method of critique, thus holds open transformation as a possibility.

To defend Foucault from the criticisms of Fraser and Habermas, it is necessary to demonstrate that Foucault did not endeavor to draw normative judgments about the present from his histories of the present. Here I rely on a distinction between critique and judgment that was central to Foucault's conception of genealogy as a method of critique. This difference between critique and judgment that comes to the fore in Foucault's genealogical method underscores the sense in which genealogy is not normatively ambitious. Genealogy is not normatively ambitious because it does not aim to judge its objects of critique, nor does it aim to provide normative prescriptions for resolving the problems it clarifies.

While the next few sections develop and defend the distance between genealogical critique and normative judgment more thoroughly, as a first pass, consider Foucault's unambiguous response to an interviewer's question concerning disciplinary power. His interviewer asks whether Foucault considers it bad or "repressive" to discipline children to prevent them from drawing on walls. Foucault replies, "There's no reason why this manner of guiding the behavior of others should not ultimately have results that are positive, valuable, interesting, and so on. If I had a kid, I assure you he would not write on the walls – or if he did, it would be against my will. The idea!"¹⁴² Foucault's view here and elsewhere is not that the exercise of power is bad, unjust, or wrong, but that it is problematic, dangerous, or fraught. Problems or dangers are not quite those things that stand in need of judgment. They are those things that call for inquiry in

¹⁴² Op. cite n.135.

the form of critique and curiosity in the form of care. Before turning to the work of problematization and care in Foucault's work, I first offer a historical framing for these ideas in order to highlight the difference between critique and judgment.

2. Critique without Judgment, or What Genealogy is Not

To understand Foucault's conception of critique without judgment, it helps to identify what specifically Foucault inherits from two of his (arguably) most influential philosophical predecessors. I disentangle two threads that Foucault inherits from Kant and Nietzsche as they concern the distinction between critique and judgment. These threads, however, do not constitute lines of fidelity on Foucault's part; they are detours or vectors of displacement.¹⁴³ Foucault transforms and reassembles the threads to create his own version of genealogical critique as a practice of problematization.¹⁴⁴

First, from Kant, Foucault inherits critique as a form of philosophical inquiry into conditions of possibility that addresses a historical question concerning our present subjectivity. Kant distinguishes critique from criticism. Critique is a specific kind of inquiry; criticism is an evaluative and interpretive practice. Second, from Nietzsche, Foucault acquires genealogy as a historical and creative style of critique that also addresses itself to the present. Nietzsche contrasts the activity and creativity of critique with the reactive pathos and normative aspirations of judgment.¹⁴⁵

¹⁴³ See Latour, "Technical Mediation."

¹⁴⁴ See Foucault, *The Use of Pleasure*, 10-13 and Koopman, *Genealogy as Critique*.

¹⁴⁵ Though Kant and Nietzsche both posit the possibility of distinguishing critique from judgment, both occasionally slip into thinking of critique in terms of judgment. One can see this in the way Kant refers to his critical investigation of pure reason in the first Critique as a "tribunal of reason." See Kant, *Critique of Pure Reason*, Preface, Axii. Nietzsche substitutes a "pathos of difference" for Kant's principled indifference in his genealogical version of critique. Nietzsche's metaphor for philosophical critique is not

Many scholars emphasize the importance of Kant for understanding Foucault's critical-historical methodologies of archaeology and genealogy.¹⁴⁶ In several interviews and essays, Foucault situates his own work in relationship to Kant. Essays and interviews from the early 1980s like "What is Enlightenment?," "What is Critique?," and "The Subject and Power" speak directly to Kant's importance in asking a particular kind of historical question that links ourselves with the present. In an essay from 1984 celebrating the 200th anniversary of a little-known text written by Kant in 1784, Foucault takes up the same question addressed by Kant in a German periodical: What is Enlightenment? (*Was ist Aufklärung?*). He describes Kant's question – "What is Enlightenment?" – as posing a novel philosophical task, a form of inquiry that asks after who we are in a precise moment of history.¹⁴⁷ This question asks, "What is our own actuality, what is happening around us, what is our present?"¹⁴⁸ It signals something novel insofar as it invites Kant to reflect on his present as "difference in history."¹⁴⁹ Foucault connects Kant's historical question with the mode of philosophizing Kant engages in his three *Critiques*. He writes, "Kant, in fact, describes Enlightenment as the

the tribunal, but the hammer. While we might read, with Deleuze, the hammer as Nietzsche's critical tool of affirmative difference, it is difficult not to think of this tool as subversive or destructive. With the hammer, Nietzsche writes *against* his present for the sake of a futural becoming. The performative force of this against can be witnessed in the derisive tone of Nietzsche's critique of morality in *On the Genealogy of Morals*. See Nietzsche, *Genealogy of Morality* and Deleuze, *Nietzsche and Philosophy*, 2, 107.

¹⁴⁶ See Allen, *Politics of Ourselves*; Hacking, *Historical Ontology*; and Koopman, *Genealogy as Critique*.

¹⁴⁷ Foucault writes, "When in 1784 Kant asked 'What is Enlightenment?' he meant, 'What's going on just now? What's happening to us? What is this world, this period, this precise moment in which we are living?' Kant's question appears as an analysis of both us and our present." According to Foucault, Kant's historical question inaugurated a mode of philosophical inquiry inherited by Hegel, Nietzsche, Weber, Horkheimer, Habermas, and himself. See Foucault, "The Subject and Power," in *EW3* 335 and Foucault, "What is Enlightenment," in *EW1*, 303.

¹⁴⁸ Foucault, "What Our Present Is," in *PT*, 129; cf. Foucault, "For an Ethics of Discomfort in *PT*, 121.

¹⁴⁹ Foucault, "What is Enlightenment," in *EW1*, 309.

moment when humanity is going to put its own reason to use without subjecting itself to any authority; now it is precisely at this moment that the critique is necessary, since its role is that of defining the conditions under which the use of reason is legitimate in order to determine what can be known [*connaître*], what must be done, and what may be hoped.”¹⁵⁰ Foucault thus takes “What is Enlightenment?” as the text that brings together critique and history, which outlines the attitude or *ethos* of modernity.¹⁵¹ Foucault inherits two things from Kant – a historical question and critique as a philosophical task for addressing the question. From Kant he takes a conception of critique dissociated from criticism or negative judgment.

Kant defines his critique in *The Critique of Pure Reason* as an “estimation” of the “sources and limits” of reason.¹⁵² Kant’s aim in the first *Critique* is to provide an explanation of the conditions of possibility of certain epistemic forms of judgment, what Kant calls ‘synthetic *a priori* judgments.’ “How,” he asks, “are synthetic *a priori* judgments possible?”¹⁵³ Unlike analytic *a priori* judgments, synthetic judgments refer to those propositions whose predicate-concept is not contained within the subject-concept.¹⁵⁴ Kant’s inquiry amounts to a form of transcendental critique insofar as it is an investigation of an *a priori* mode of knowledge that treats the conditions of possible

¹⁵⁰ Foucault, “What is Enlightenment,” in *EWI*, 308.

¹⁵¹ *Ibid.*, 309.

¹⁵² Kant, *Critique of Pure Reason*, A11/B25.

¹⁵³ Kant, *Critique of Pure Reason*, B20.

¹⁵⁴ *Ibid.* Analytic *a priori* judgments include propositions like “all bodies are extended.” Kant contrasts these with synthetic judgments such as “All bodies are heavy.” This is a synthetic *a priori* judgment because the subject-concept “body” does not contain the concept of “weight” within it. See Kant, *Critique of Pure Reason*, B12.

knowledge as necessary and universal.¹⁵⁵ Though for Kant critique takes the form of judgment,¹⁵⁶ judgment is neither taken as a type of approval or denunciation, but is undertaken as a form of rational inquiry.¹⁵⁷ Like a “tribunal,” critique assumes the form of an impartial or indifferent judgment.¹⁵⁸ In the first *Critique*, Kant writes that by critique, he does not mean “a criticism of books and systems,” but a “critical inquiry into the faculty of reason.”¹⁵⁹ Kant here distinguishes between critique and criticism. The former is a rational inquiry into limit conditions. The latter is a practice of evaluating, interpreting, and judging texts, works of art, or other objects. Kant aims to reach a “decision about the possibility or impossibility of a metaphysics in general, and the determination of its sources, as well as its extent and boundaries, all, however, from principles.”¹⁶⁰ Kant’s critique thus does not aim to negatively or positively judge the objects of his inquiry in the sense of either condemning or praising them. More precisely, his critique represents a principled inquiry or rational examination of necessary and universal limits.

Nietzsche takes up the Kantian project of critique in his 1887 *On the Genealogy of Morality*. There Nietzsche writes, “[W]e need a *critique* of moral values, *the values of*

¹⁵⁵ Ibid., A2/B2, A761/B789; Cf. Foucault, “What is Enlightenment,” 315; Dicker, *Kant’s Theory of Knowledge*; Guyer, *Kant and the Claims of Knowledge*; and Stern, *Transcendental Arguments*. The first Critique thus amounts to an examination of the necessary and universal conditions that make possible synthetic *a priori* judgments.

¹⁵⁶ See Kant, *Critique of Pure Reason*, Preface, Axxii.

¹⁵⁷ Kant renders critique as a form of “inquiry” that examines the “possibility and bounds” of reason in *The Critique of Pure Judgment*. See Kant, *Critique of Pure Judgment*, Pref./3.

¹⁵⁸ Op. cite n.47.

¹⁵⁹ Kant, *Critique of Pure Reason*, Preface, Axii, Axxii.

¹⁶⁰ Ibid., Axii/ Bxiv.

these values themselves must first be called in question – and for that there is needed a knowledge of the conditions and circumstances in which they grew, under which they evolved and changed.”¹⁶¹ By examining the depth conditions of moral values in terms of the will to power and will to truth, Nietzsche continues Kant’s critical project as an investigation of conditions of possibility. Yet, Nietzsche also transforms critical philosophy from a transcendental form of inquiry to a historical one through his method of genealogy. In his unorthodox reading of Nietzsche from 1962, Gilles Deleuze stresses Nietzsche’s inheritance and alteration of Kant’s critical philosophy.¹⁶² I use Deleuze’s interpretation to foreground Nietzsche’s importance for Foucault’s conception of critique. Deleuze’s book on Nietzsche not only had a significant impact on French thought in the early 1960s,¹⁶³ it also serves as a helpful indication of the insights Foucault found in Nietzschean genealogy as a model of historical critique.¹⁶⁴ Deleuze’s Kantian reading of Nietzsche makes explicit Foucault’s own implicit reading of Nietzsche as inheriting (and transforming) Kantian critical philosophy.¹⁶⁵

Deleuze reads Nietzschean genealogical critique as a creative, active, affirmative, and historical endeavor that is focused around the problem of values – that is, in terms of the “value of values,” the “evaluation from which their value arises,” and the “problem of

¹⁶¹ Nietzsche, *Genealogy of Morality*, Preface, §6. Italics in original.

¹⁶² My reading of the critical kinship shared by Kant and Nietzsche is influenced by Deleuze’s interpretation of Nietzsche. See Deleuze, *Nietzsche and Philosophy*.

¹⁶³ See Hoy, *Critical Resistance*, 21-31.

¹⁶⁴ See Foucault, “Nietzsche, Genealogy, History,” in *EW2*.

¹⁶⁵ See Foucault, “Nietzsche, Genealogy, History,” and Foucault, “What is Our Present,” in *PT*, 130. Cf. Hill, *Nietzsche’s Critiques*.

their *creation*.”¹⁶⁶ Critique takes evaluation, the differential element of values which is not itself a value but a “way of being” or “mode of existence,” as its object of inquiry.¹⁶⁷ Yet, critique is also an expression of evaluation, an active way of being, contrasted with reaction, revenge, and *ressentiment*. Deleuze’s reading importantly highlights Nietzsche’s affirmative and creative conception of critique. This interpretation contrasts with those who read Nietzschean genealogical critique as primarily subversive or denunciatory.¹⁶⁸ Deleuze argues that Nietzsche’s affirmative version of critique overcomes negation through the affirmation of difference.¹⁶⁹ Nietzsche’s genealogical critique thus divests itself of the negative and reactive and expresses instead affirmative differences or active modes of existence. On this view, critique is not that which negatively judges but that which affirms, creates, and historically evaluates according to immanent modes of existence.¹⁷⁰

Deleuze’s Nietzschean distinction between judging and evaluating comes to the fore in his 1993 essay, “To Have Done with Judgment.” I mention this essay because it highlights a differentiation that Foucault suggests in his anonymous 1980 interview with which I opened this chapter. Published as “The Masked Philosopher,” Foucault there draws a distinction between a form of criticism that judges and one that creates. He

¹⁶⁶ Deleuze 1962, 1. Italics in original.

¹⁶⁷ Ibid., 2.

¹⁶⁸ See especially MacIntyre, *Three Rival Versions*. My purpose here is not to defend Nietzsche against the criticisms brought by MacIntyre, Habermas, and others so much as to indicate the strands of Nietzschean critique inherited by Foucault’s own non-judgmental version of genealogical critique.

¹⁶⁹ Deleuze, *Nietzsche and Philosophy*, 188.

¹⁷⁰ For more on this distinction, see Dan Smith’s insightful introduction in Deleuze, *Essays Critical and Clinical*.

muses, “I can’t help but dream about a kind of criticism that would try not to judge but to bring an oeuvre, a book, a sentence, an idea to life... It would multiply not judgment but signs of existence.”¹⁷¹ Likewise, Deleuze differentiates the act of judgment from the creation of “modes of existence.” “Judgment,” he urges, “prevents the emergence of any new mode of existence. For the latter creates itself through its own forces, that is, through the forces it is able to harness, and is valid in and of itself inasmuch as it brings the new combination into existence. Herein, perhaps, lies the secret: to bring into existence and not to judge.”¹⁷² On this view, judgment is problematic because it presupposes fixed, universal, transcendent values or criteria (e.g. “good” and “evil”) that allow one to assess the morality of action.¹⁷³ Judgment implies normative assessment. It adjudicates, appraises, approves or condemns; it does not create. Deleuze thus brings into view a Nietzschean insight about critique that Foucault adopts in his own version of genealogy, which constitutes a creative form of critique without judgment.

Foucault gleans these distinctions between critique and judgment from Kant and Nietzsche and transforms their insights in his own genealogical method. For example, elucidating the critical task of *Discipline and Punish* in an interview from 1983, later published in 1984 as “What is Called Punishing,” Foucault explains that he “didn’t aim to do a work of criticism [*oeuvre de critique*], at least not directly, if what is meant by criticism in this case is denunciation of the negative aspects of the current penal

¹⁷¹ Foucault, “The Masked Philosopher,” in *EWI*, 323.

¹⁷² Deleuze, *Essays Critical and Clinical*, 135.

¹⁷³ Ibid. Deleuze takes up affirmation’s distinction from judgment in *Nietzsche and Philosophy*.

system.”¹⁷⁴ Foucault here distances his work from a form of criticism that denounces the negative parts of a practice, institution, or political system. Rather, he clarifies his task of critique as one that addresses the problem of uncovering the “system of thought” or “form of rationality” that conditions, supports, and sustains a heterogeneous set of practices.¹⁷⁵ His critique of the prison form is a Kantian-Nietzschean inquiry into imprisonment’s historical conditions of possibility.

Later in the interview, Foucault distances himself from “prophetic intellectuals” who proffer normative advice about what people “ought to do ahead of time.”¹⁷⁶ Such intellectuals prescribe “conceptual frameworks for them” in an authoritative posturing that expresses a form of power exercised on practitioners.¹⁷⁷ From the prescriptive discourse of prophetic intellectuals, Foucault contrasts the problematizing discourse of “specific intellectuals” who “try and isolate in their power of constraint, but also in the contingency of their historical formations, the systems of thought that have become

¹⁷⁴ Foucault, “What is Called ‘Punishing,’” in *EW3*, 382; Cf. Foucault, *Dits et Écrit IV*, 636. Unlike in English, the word for critique and criticism is the same in French - *la critique*. The translator here could have translated ‘*oeuvre de critique*’ as “a work of critique,” but the distinction between critique and criticism would hold insofar as Foucault is distancing his work of critique from one that negatively judges (*critique la dénonciation des inconvénients du système pénal actuel*). Following Deleuze’s reading of Foucault, I turn to Foucault’s interviews and conversations as a “diagnostic” dimension of his work that “leads us towards a future, towards a becoming.” See Deleuze, “What is a Dispositif,” 166. Deleuze seems to follow Foucault’s own interest in different forms of writing such as that offered by Kant in his public response from 1784 to a German periodical that asked its readers, *Was ist Aufklärung?* (What is Enlightenment?). I only take issue with Deleuze’s overly futural emphasis on transformation. It would be a mistake to read the transformative vector of Foucault’s work as concerned primarily with the future. Rather, the historical and transformative vectors of his work are oriented around a concern *for the present*. This is to say that rather than see transformation as something undertaken by others in the future, we might see it as work to be undertaken *by us here and now*. Transformation is a *present urgency*, not something exclusively belonging to the future. Foucault is neither romantic, utopian, nor messianic about transformation.

¹⁷⁵ Foucault, “What is Called ‘Punishing,’” in *EW3*, 383.

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

familiar to us, that appear self-evident and are integral with our perception, our attitudes, our behaviors.”¹⁷⁸ The critic engaging in the work of critique is thus not one who lays down prescriptions, prophecies or programs for behavior. She does not have such normative ambitions. The critic “challenges.”¹⁷⁹ She challenges by conducting historical inquiry into the contingency and conditionality of familiar systems of thought so as to defamiliarize, problematize, or make them strange. The aim of critical analysis is “to permit at the same time refusal, and curiosity, and innovation.”¹⁸⁰

Critique does not assess; it does not take the positional stance of either “for” or “against.” Critique does not negate. It does not prophesize or prescribe. Critique does not judge. What then does critique do? Critique inquires, problematizes, and creates.

3. Critique as Problematization, or What Genealogy Does

Toward the end of his short life, Foucault came to describe his work as exercises of “problematization.”¹⁸¹ By considering problematization as an activity of critique, we can begin to specify the relation between critique and normativity. Critique poses problems or questions to practice where normative theory would advance judgments, prescriptions, and solutions. Problematization is not a normatively ambitious exercise in

¹⁷⁸ Ibid. See also Foucault’s interview titled “Questions of Method” where he distinguishes the discourse of critique from “prescriptive, prophetic discourse” of reformers. Foucault, “Questions of Methods,” in *EW3*, 236.

¹⁷⁹ Ibid.

¹⁸⁰ Foucault, “Power, Moral Values, and the Intellectual,” 11-13.

¹⁸¹ Foucault writes, “What I tried to do from the beginning was to analyze the process of ‘problematization’ – which means: how and why certain things (behavior, phenomena, processes) became a *problem*...I am studying the ‘problematization’ of madness, crime, or sexuality.” See Foucault, *Discourse and Truth*, 171.

the sense that it does not aim at providing normative judgments, prescriptions or solutions to problems. But it is a normatively concerned exercise in the sense that it aims to mark out possibilities for transforming those practices that constitute problems for our present selves. Concern affectively inflects the normative orientation of critique as problematization.¹⁸² Foucault regards problems not as objects for judgment, but as objects of concern. Problematization does not impose answers or solutions; it poses problems and creates concepts.

As Rabinow and Koopman have shown, problematization has a double meaning.¹⁸³ It refers at once to Foucault's historical *objects* of analysis and the *activity* of his critical inquiries. The former instance might be called, following Koopman, "nominal problematizations," while the latter instance refer to "active problematizations."¹⁸⁴ To highlight this difference, consider the nominal dimension at work in Foucault's description of sexual problematization from the second volume of *The History of Sexuality*. There Foucault considers the historical "forms in which sexual behavior was problematized, becoming an object of concern, an element for reflection, and a material for stylization."¹⁸⁵ In this work, moral problematizations of pleasure constitute the object

¹⁸² 'Concern' comes from the Latin verb *concernere* - "to mix, mingle together (as in a sieve, in order to separate out);" "to touch, belong to." The former meaning emphasizes the bringing together of things so as to sift and comprehend their differences. This is the attention to singularities that Foucault's genealogical method so insightfully enacts. The latter meaning points to a mode of relating that Foucault connects with the "attitude of modernity" in "What is Enlightenment?". There Foucault describes an attitude as marking "a relation of belonging" and invokes 'care' as an attitude of critique. See Foucault, "What is Enlightenment," in *EW1*, 309.

¹⁸³ Koopman, *Genealogy as Critique*, 98-9. See also Paul Rabinow's "Introduction" to *The Essential Works of Foucault, Volume 1* where Rabinow refers to the notion of "problematization" as both Foucault's "object of analysis" and his "task." See Foucault, *Essential Works Volume 1*, xxxvi.

¹⁸⁴ *Ibid.*, 99.

¹⁸⁵ Foucault, *The Use of Pleasure*, 23-4.

of Foucault's critico-historical analysis. Here the past problematizations of historical actors become material for Foucault's own problematizing activity. As an activity, task or work, problematization is both a form of description that aims to clarify past problematizations that condition the history of present practices, as well as a critical attitude that amplifies our interest or concern in the problematizations that "pose problems for politics."¹⁸⁶ Koopman refers to these as the "clarifying" and "intensifying" functions of the activity of problematization.¹⁸⁷

This section aims to explicate two things about problematization as both an object of inquiry and as an activity of critique. First, as an object, problematization is a fraught or dangerous complex of practices. Second, as an activity with a *clarifying* and an *intensifying* function, problematization is a critical practice that creates *concepts* for the clarification of problems and that creates *problems* as intensifying openings for the work of transformation. The dangerousness of problematizations and the clarifying work of the concepts produced by problematization are staples of Foucault scholarship.¹⁸⁸ Without disputing these elements of his work, I want to focus on a less-noticed aspect of problematization, namely the sense in which problems invite transformation.

Foucault famously remarked, in an interview with Rabinow and Dreyfus conducted at Berkeley in April 1983, that the point of his genealogies of problems is "not that everything is bad, but that everything is dangerous, which is not exactly the same as

¹⁸⁶ Foucault, "Polemics, Politics, and Problematizations," in *EWI*, 114.

¹⁸⁷ Koopman, *Genealogy as Critique*, 100.

¹⁸⁸ See especially Rabinow in Foucault, *EWI*; Davidson, *Emergence of Sexuality*; Hacking, *Historical Ontology*; Allen, *Politics of Ourselves*; Koopman, *Genealogy as Critique*; and Tiisala, "Keeping it Implicit."

bad.”¹⁸⁹ The differentiation Foucault makes in this statement foregrounds an important dimension of problematization as the object of his historical inquiries. Problems are not “bad” things. To clarify this, consider something like disciplinary power. The operation of disciplinary power functions to normalize bodies through techniques like panoptic surveillance, meticulous training, the examination, time schedules, and hierarchical observation.¹⁹⁰ Is discipline something bad? On the one hand discipline provides us with possibilities for organizing our action in an efficient and self-regulating fashion. This efficiency allows the runner to train her body to pick up her pace by attending to the minute movements of her legs and arms, her gait, her breathing, her body’s energy and stamina, her mental focus, and to make adjustments accordingly. This improvement of her body’s possibilities requires a particular knowledge of itself in relation to a norm. What, for instance, is the average pace for other runners in her age group? What is the fastest time for her age group and what must her pace be to exceed this time? Is the runner’s disciplinary practice a bad thing? This is uncertain. Surely the runner appreciates her body’s response to discipline. Perhaps this discipline qualifies her for Boston. Perhaps it improves her well-being. At the same time, this seemingly innocent example might point to the limitations and toxic effects of disciplinary power. The runner might push her body too far in disciplining it. She might regard running less as an enjoyable exercise and more as a stressful activity. Her constant comparison to the norm of other runners might leave her in a constant state of dissatisfaction, frustration, and inadequacy. Given that both of these are possibilities, the runner’s discipline is thus not quite a bad

¹⁸⁹ Foucault, “On the Genealogy of Ethics,” in *EWI*, 256.

¹⁹⁰ See Foucault, *Discipline and Punish*.

thing as it is *dangerous*. It is dangerous because it hovers in that opaque zone that both provides possibilities and opportunities for action as well as limitations and perils for conduct.

The disciplinary problematization exemplified above is precarious or dangerous. It is not clear whether this practice constitutes a good or a bad thing that would call to be either embraced or dismissed. This normative ambiguity highlights the sense in which Foucault understood his genealogies as concerned with problems rather than with wrongs, moral harms, ideologies, or other “bad” things. Unlike wrongs, problems do not readily admit of normative evaluation. Problems do not quite constitute those things that need to be subverted, denounced, castigated, made right, or solved. Rather, problems are objects of concern. Todd May argues that these problems or problematizations point out the way some of our practices are “fraught.”¹⁹¹ May urges, “Instead of prohibitions there are dangers. Instead of obligations there are opportunities. Instead of allowances there are multiple ways these dangers and opportunities can be navigated.”¹⁹² Fraught or dangerous practices are urgencies that call for the reflectiveness of thought and the struggle of action. A problem’s resistance to normative evaluation stems in part from its complex entanglement of dangers and opportunities of action. Foucault describes problems as “tangled things” that “cannot easily be resolved.”¹⁹³ Problems are thus those complexes that cannot be easily or readily resolved or fixed. They require rather a different activity

¹⁹¹ May, *The Philosophy of Foucault*, 103.

¹⁹² Ibid.

¹⁹³ Foucault, “Interview with Michel Foucault,” in *EW3*, 288.

on the part of historical actors and contemporary critics – the activity of posing questions, or problematization.

This posing of questions can take multiple forms, two of which can be seen in the conceptual and practical work of Foucault: problematization constitutes an activity of thought and an experimentation of conduct. Foucault relates these dual activities to the labor of critique. The clarifying function of critique takes the form of a “historical investigation into the events that have led us to constitute ourselves and to recognize ourselves as subjects of what we are doing, thinking, saying.”¹⁹⁴ The experimental function of critique takes the form of “the undefined work of freedom,” that is, “work carried out by ourselves upon ourselves as free beings.”¹⁹⁵ Critique as the activity of problematization is a single practice with two functions. In order to understand the two functions of this single practice, we might consider what each function differently creates. First, the clarifying function of critique creates *concepts*. Second, the experimental function of critique creates possible *openings* for the work of freedom. I briefly explicate the first conceptual dimension before turning to the second experimental dimension as the more important for positioning genealogy as reparative rather than fundamentally normative.

First, critical problematization is an inquiry that clarifies the historical conditions of certain present practices by showing how these practices have historically emerged and how they have come to cohere through certain power/knowledge complexes like sovereignty, discipline or biopower. These power/knowledge ensembles help make sense

¹⁹⁴ Foucault, “What is Enlightenment,” in *EWI*, 315.

¹⁹⁵ *Ibid.*, 316.

of the historical tangle that tethers and ballasts our present practices. Historical inquiry supplies Foucault with a material for clarifying the fraught and intractable practices that serve as objects of concern for our present. Foucault clarifies history through the creation of concepts. As noted by Arnold Davidson, Tuomo Tiisala, Koopman and Matza, signature Foucauldian concepts like “sovereign power,” “disciplinary power,” and “biopower” are the fruits of Foucault’s historical inquiries.¹⁹⁶ These concepts are important for bringing clarity to how our present practices are historically conditioned by specific power relations. More significant than merely showing *that* our practices are historically contingent, following Koopman, concepts offer grips for clarifying “*the history of how* some practice was contingently constructed.”¹⁹⁷ This is to say that Foucault’s critical concepts serve both a denaturalizing function and an elucidating function. They denaturalize by pointing out that our practices are contingent in addition to explicating how our practices have been contingently composed. Concepts are thus useful for the purposes of defamiliarization and elucidation. It is the second of these that is especially important for the work of transformation because to undertake the remaking of those intractable practices, it is necessary that we understand how they have been historically made.¹⁹⁸

Concepts, however, are not the only yield of Foucauldian problematization. While important because they indicate certain materials needed for the work of transformation, concepts alone are not sufficient for this work. Equally important, but less discussed in

¹⁹⁶ Davidson, *Emergence of Sexuality*; Tiisala, “Keeping it Implicit;” and Koopman and Matza, “Putting Foucault to Work.”

¹⁹⁷ Koopman, *Genealogy as Critique*, 144. Italics in original.

¹⁹⁸ For more on this point, see Rabinow, *The Accompaniment* and Koopman, *Genealogy as Critique*.

the scholarship, is the sense in which problems invite transformation. Consider Foucault's insistence that "If everything is dangerous, then we always have something to do."¹⁹⁹ Foucault wants to impart us with something else aside from concepts as tools for transformation. He aims to leave us with problems as possible openings for the work of experimentation. I mean 'opening' in the double sense of a *beginning* and a *gap*. A beginning refers to an opening in the form of time, while a gap refers to an opening in the form of space. Problems indicate beginnings and gaps for a further kind of work, a work that Foucault refers to as "experimental."²⁰⁰ This "work done at the limits of ourselves must, on the one hand, open up a realm of historical inquiry and, on the other put itself to the test of reality, of contemporary reality, both to grasp the points where change is possible and desirable, and to determine the precise form this change should take."²⁰¹ Critique produces problems at once as historical limits constraining our present practices and as experimental possibilities for going beyond these limits.

Firstly, historical critique is productive of problems as possible beginnings for the work of experimentation. In "What is Enlightenment?," Foucault writes that we are "always in the position of beginning again" insofar as the knowledge of our historical limits and the possibility of moving beyond them is "limited and determined."²⁰² These limited or partial possibilities do not mean that transformation is closed off from us; on the contrary, they point to openings for experimentation such as that engaged by Foucault

¹⁹⁹ Foucault, "On the Genealogy of Ethics," in *EWI*, 256.

²⁰⁰ Foucault, "What is Enlightenment," in *EWI*, 316.

²⁰¹ *Ibid.*

²⁰² *Ibid.*, 317.

in his work with the *Groupe d'Information sur les Prisons (GIP)* in the early 1970s. Foucault describes the experimental work of the GIP as one of problematization. “The GIP,” he writes, “was a ‘problematizing’ venture, an effort to make problematic, to call into question, presumptions, practices, rules, institutions, and habits that had lain undisturbed for many decades.”²⁰³ Like Foucault’s own critical histories, the GIP poses problems, questions, or difficulties. Rather than offer theoretical proposals for the improvement of the prison, the GIP offered a series of questions to open a space for the prison’s possible transformation.

Secondly, historical critique is productive of problems as possible gaps that open up space for what Foucault calls the “work of thought.”²⁰⁴ He refers to thought as something that allows a subject to forge a space – a gap, opening, or distance – between herself and her ways of acting or reacting. Thought is what allows one to “question” a way of acting “as to its meaning, its conditions, and its goals.”²⁰⁵ It is through thought that subjects reflect on an action as a problem. For a set of actions to enter the space of thought, “it is necessary for a certain number of factors to have made it uncertain, to have made it lose its familiarity, or to have provoked a certain number of difficulties around it.”²⁰⁶ While these factors result from social and political struggles, their function is to incite or instigate thought. Just as problems are generative for thought, thought is

²⁰³ Foucault, “Interview with *Actes*, in *EW3*, 394.

²⁰⁴ Foucault, “Polemics, Politics, and Problematizations,” in *EW1*, 119.

²⁰⁵ *Ibid.*, 117.

²⁰⁶ *Ibid.*

generative for problems as it offers an opening – in the sense of a gap or space – for the creation and articulation of problems.

As I have been arguing, the activity of problematization is not just productive of concepts that clarify problems; it is productive of problems themselves. Problems call for experimentations in thought and practice rather than prescriptions by theory. Problems invite the “patient labor” of inquiry.²⁰⁷ They mark not places of rest, but beginnings. They do not bear the closed form of solutions, but the open form of thought. Less proposals for the carrying out of certain actions than “problems posed to politics,” problematizations create openings for further work in the order of thought and practice. Foucault thus maintains that the aim of genealogy as a form of critique is “to pose problems, to make them active, to display them in such a complexity that they can silence the prophets and lawgivers, all those who speak for others or to others.”²⁰⁸ As I argue in the following section, problems call for “*care*,” not judgment.²⁰⁹

4. The Affective Style of Critique, or Genealogy as a Practice of Care

Late in his life, Foucault increasingly deployed the language of care to describe a kind of ethical self-relation and a philosophical attitude of critique. While the former use has been well-noted in the secondary scholarship on Foucault, the latter use has been

²⁰⁷ Foucault, “What is Enlightenment,” in *EW1*, 319.

²⁰⁸ Foucault, “Interview with Michel Foucault,” in *EW3*, 288.

²⁰⁹ *Ibid.* Italics added.

underemphasized.²¹⁰ For instance, Foucault's writings on care have been neglected by the commentators discussed above in their writings on critique and normativity.²¹¹

Rather than see the ethical and critical invocations of care as completely separate from one another, I follow Judith Butler and others in emphasizing the connection between Foucault's work on ethics and his rethinking of critique, both of which occurred from 1978 to 1984.²¹² The immanent connection between the ethical and critical uses of care in Foucault's late writings can be witnessed not only in the way he describes the critical function of philosophy as derived from Socrates's injunction to "take care of yourself,"²¹³ but also in the way he refers to critique in terms of virtue,²¹⁴ attitude,²¹⁵ and *ethos*.²¹⁶ Together these uses of care indicate the sense in which genealogy is normatively concerned but not normatively ambitious.

Foucault's attention to care (*le soin*) and concern (*le souci*) in his ethical and critical writings brings to the fore his affective style of reparative critique. Reparative

²¹⁰ For work on Foucault's ethics of self-care, see Rajchman, *Truth and Eros*; Veyne, "The Final Foucault;" Bernauer and Mahon, "Michel Foucault's Ethical Imagination;" Davidson, "Ethics as Ascetics;" Huijer, "The Aesthetics of Existence;" O'Leary, *Foucault and the Art of Ethics*; Oksala, *Foucault on Freedom*; Huffer, *Mad for Foucault*; and Smith, "Foucault on Ethics and Subjectivity."

²¹¹ Neither Allen (2008, 2010), Koopman (2013), nor Erlenbusch-Anderson (2018) discuss Foucault's writings on care in their accounts of critique and normativity in his work. For an exception to this, see Rabinow's introduction in Foucault, *EWI*, xxi, xxiv-xxvi.

²¹² Butler, "What is Critique?;" Sharpe, "'Critique' as Technology of the Self;" and Davidson, "Ethics as Ascetics." See John Rajchman's introduction to *The Politics of Truth* for an account of Foucault's rethinking of critique between 1978 and 1984 in Foucault, *Politics of Truth*.

²¹³ Foucault, "Ethics of the Concern for Self as a Practice of Freedom," *EWI*, 301.

²¹⁴ Foucault, "What is Critique?," in *PT*, 42; see also Foucault's 1980 interview with Michael Bess where he describes his three "moral values:" (1) "refusal;" (2) "curiosity;" and (3) "innovation." Foucault, "Power, Moral Values, and the Intellectual."

²¹⁵ Foucault, "What is Critique?;" and Foucault, "What is Enlightenment?."

²¹⁶ Foucault, "What is Enlightenment," in *EWI*, 309.

critique is the name I have given to Foucault's style of attending to the historical limits and the experimental possibilities of his present. Care marks the affective *ethos* or attitude of Foucault's practice of reparative critique. As I argue here, care serves two functions in Foucault's work. First, it functions as the ethical mode of self-transformation that is folded into Foucault's strategy of critique. Second, it functions as the affectivity that guides curiosity as a virtue of his critical practice.

The use of care as an attitude of critique can be seen in such essays as "What is Enlightenment?". There Foucault describes the "practical coherence" of diverse critical inquiries as "the *care* [*le soin*] brought to the process of putting historico-critical reflection to the test of concrete practices."²¹⁷ Here Foucault uses "care" to specify the mode of attention needed for the experimental work of testing the historical limits of our present selves. In this context, care functions as the practical attitude guiding the work "carried out by ourselves upon ourselves as free beings."²¹⁸ This invocation of care suggests the ethical activity of "care of the self" (*souci de soi*) that Foucault explored in the early 1980s in a series of course lectures, essays, interviews, and in the third volume of *The History of Sexuality*.²¹⁹

In his 1981-1982 course lectures at the College de France, published as *The Hermeneutics of the Subject*, Foucault takes up the question of the historical relations

²¹⁷ Foucault, "What is Enlightenment," in *EWI*, 319. Italics added. For the original French, see Foucault, *Dits et Écrits*, 578.

²¹⁸ Foucault, "What is Enlightenment," in *EWI*, 316.

²¹⁹ See Foucault, *The Care of the Self*; Foucault, *The Hermeneutics of the Subject*; Foucault, *The Government of Self and Others*; Foucault *The Courage of Truth*; and Foucault, "The Ethics of the Concern for Self," in *EWI*.

between the “subject” and “truth.”²²⁰ He begins the course by distinguishing between two ancient Greek injunctions – the famous Delphic prescription to “know yourself” (*gnothi seautou*) and the more obscure injunction to “take care of yourself” (*epimeleia heautou*).²²¹ According to Foucault, from the 5th Century BCE to the 5th Century CE, the former precept to “know yourself” was subordinated to the latter one to “take care of yourself.”²²² Socrates thus appears as the person “whose essential, fundamental, and original function, job, and position is to encourage others to attend to themselves, take care of themselves, and not neglect themselves.”²²³ Foucault then traces a historical shift in this truth-subjectivity relation which transformed from an Ancient Greek privileging of self-care over self-knowledge to a privileging of self-knowledge over self-care in the modern or “Cartesian moment.”²²⁴ He asks after this neglect of the care of the self by Western philosophy in the retelling of its own history: “How did it come about that we accorded so much privilege, value, and intensity to the ‘know yourself’ and omitted, or at least, left in the shadow, this notion of care of the self?”²²⁵

In specifying the “Cartesian moment” as the event that championed self-knowledge to the detriment of self-care, Foucault introduces another distinction, this time between “philosophy” and “spirituality.” Philosophy is “the form of thought that asks

²²⁰ Foucault, *Hermeneutics*, 2.

²²¹ *Ibid.*, 3-4.

²²² *Ibid.*, 4-5.

²²³ *Ibid.*, 5.

²²⁴ *Ibid.*, 14.

²²⁵ *Ibid.*, 12.

what it is that enables the subject to have access to the truth and which attempts to determine the conditions and limits of the subject's access to the truth."²²⁶ Spirituality, in contrast, is "the search, practice, and experience through which the subject carries out the necessary transformations on himself in order to have access to the truth."²²⁷ As Davidson notes, this distinction highlights a difference between a formal and analytical inquiry into the conditions that limit our access to true knowledge – what Foucault calls a "philosophical analytics of truth in general" – and an historical inquiry into how we have constituted ourselves as subjects of truth and how we might undertake the necessary work of transforming ourselves so that we have access to truth– what Foucault describes as a "historical ontology of ourselves."²²⁸

The two styles of inquiry – philosophy and spirituality – differ according to the subject's relation to truth. In the first, the subject is given access to truth through the condition of "knowledge [*connaissance*] alone."²²⁹ Here the subject has access to truth solely through her acts of knowing and is capable of truth without having to alter or change herself as a subject. In the second spiritual form of inquiry, the subject is not capable of having access to truth such as she is and thus must undergo a transformation or conversion to have access to truth.²³⁰

²²⁶ Ibid., 15.

²²⁷ Ibid.

²²⁸ See Davidson's Introduction in Foucault, *Hermeneutics of the Subject*, xxiii. See also Foucault, "What is Enlightenment," in *EWI*, 315.

²²⁹ Foucault, *Hermeneutics*, 17.

²³⁰ According to Foucault, the subject's transformation can take a variety of forms, though he names two: love (*eros*) and work (*ascesis*). Love names the dual-movement whereby the subject is removed from her "current status and condition" and whereby the truth comes to the subject and "enlightens" her. Work names a kind of "elaboration of the self by the self... for which one takes responsibility" through a long, painful, and arduous labor. This transformation of the subject through love or work has "rebound effects"

What Foucault calls spirituality maps onto the “care of the self.” It “designates precisely the set of conditions of spirituality, the set of transformations of the self, that are the necessary conditions for having access to the truth.”²³¹ Foucault describes ancient ascetic practices of self-care that consist in a reflexive mode of self-relation whereby one “attempts to develop and transform oneself.”²³² A form of ethical conduct, the care of the self should not be interpreted in terms of self-absorption, selfishness, or egoism – what Foucault calls the “Californian cult of the self.”²³³ Care of the self rather describes a kind of activity or work that entails the self’s reflexive attention to itself.²³⁴ Care marks that activity whereby the self relates to itself as an ethical agent. Foucault stresses that the Greek *epimeleia heautou* (“care of the self”) designates three things: 1) an *ethos* or a general way of relating to “the self, others, and the world”; 2) a “certain form of attention” toward “what we think and what takes place in our thought”; and 3) a set of actions or practices “exercised on the self by the self, actions by which one takes responsibility for oneself and by which one changes, purifies, transforms, and transfigures oneself.”²³⁵ The care of the self is thus an *ethos* or way of being, an attitude or mode of attention, and an *ascesis* or a set of exercises that are undertaken in a continuous, persistent, and habitual fashion.²³⁶

on the subject that “fulfill” or “save” or “transfigure” her being as a subject. See Foucault, *Hermeneutics*, 16-19 and Huffer, *Mad for Foucault*.

²³¹ Foucault, *Hermeneutics*, 17.

²³² Foucault, “The Ethics of the Concern for Self,” in *EWI*, 282.

²³³ Foucault, “On the Genealogy of Ethics,” in *EWI*, 271.

²³⁴ *Ibid.*, 269.

²³⁵ Foucault, *Hermeneutics*, 10-11.

²³⁶ Foucault, *Hermeneutics*, 84.

Interestingly, Foucault's three-fold description of the care of the self – as an *ethos*, an attitude, and a form of work or activity – matches his account of critique in “What is Enlightenment?” There Foucault depicts critique as an “*ethos*,” an “attitude,” and a “work.”²³⁷ Here he uses attitude and *ethos* synonymously to designate “a mode of relating to contemporary reality; a voluntary choice made by certain people; in the end, a way of thinking and feeling; a way, too, of acting and behaving that at one and the same time marks a relation of belonging and presents itself as a task.”²³⁸ By construing critique as an attitude or *ethos*, Foucault understands critique as simultaneously a way of relating to the present, a way of thinking and feeling, and a way of acting and behaving that signals a relation of belonging and a task. He describes the task or exercise critique engages as the “work done at the limits of ourselves” that is at once a “historical analysis of the limits imposed on us and an experiment with the possibility of going beyond them.”²³⁹ Foucault again distances his conception of critique from that style of inquiry associated with the Cartesian moment where self-care is forgotten, committed to the shadows by the philosopher's privileging of self-knowledge. He explains, “It is true that we have to give up hope of ever acceding to a point of view that could give us access to any complete and definitive knowledge [*connaissance*] of what may constitute our historical limits.”²⁴⁰ That is, critique's relation to truth and subjectivity will not take a philosophical form whereby the truth is essentially guaranteed to the subject by

²³⁷ Foucault, “What is Enlightenment,” in *EWI*, 309, 316.

²³⁸ *Ibid.*, 309.

²³⁹ *Ibid.*, 316, 319.

²⁴⁰ *Ibid.*, 316.

knowledge alone.²⁴¹ Rather, critique's relation to subjectivity and truth will take a spiritual form whereby the subject undergoes the slow and painful work of self-transformation in order to be capable of the truth.²⁴² In Foucault's hands, critique thus attends to, re-enlivens, and enacts a practice left to the shadows by the Cartesian moment. This is precisely the practice of the "care of the self" (*souci de soi*).

As Judith Butler has pointed out, Foucault's late work on ethics throws into sharp relief his intensified interest in critique between 1978 and 1984.²⁴³ Butler argues that by conceptualizing critique as an ethical practice, Foucault signals the ethical mode in which he pursues the question of critique. Critique can be understood as an ethical practice insofar as it exposes the limits of "established and ordering ways of knowing" and explores "what might be changed" through techniques of self-transformation.²⁴⁴ Butler indicates the point of connection between Foucault's ethics and his politics through the work of critique, which "becomes the practice by which the self forms itself in desubjugation."²⁴⁵ Here Butler builds on Foucault's description of critique as the "art of voluntary insubordination" that would "insure the desubjugation of the subject in the context of... the politics of truth."²⁴⁶ For Butler, critique not only entails a subject's

²⁴¹ Foucault, *Hermeneutics*, 17.

²⁴² *Ibid.*

²⁴³ See Butler, "What is Critique," and Sharpe, "'Critique' as Technology of Self."

²⁴⁴ Butler, "What is Critique," 214.

²⁴⁵ *Ibid.*, 226.

²⁴⁶ Foucault, "What is Critique?" in *PT*, 47.

desubjugation or undoing through the work of self-transformation; critique is itself a practice of self-transformation that engages the subject in a process of desubjugation.

By understanding critique as an ethical practice, Butler draws our attention to the way in which Foucault stylized critique as an activity of the care of the self. Critique constitutes a practice of “working on” or “being concerned with” the self.²⁴⁷ It is not just that Foucault’s method of historical critique *prepares* the way for the transformation of the subject; rather, Foucault envisions his critical work as *performing* a certain transformative labor. In the Introduction to the second volume of *The History of Sexuality: The Use of Pleasure*, Foucault describes philosophical activity as the critical work that “thought brings to bear on itself” as it endeavors to “know how and to what extent it might be possible to think differently, instead of legitimating what is already known.”²⁴⁸ Philosophical critique is here taken as the reflexive activity (*ascesis*) of thought that explores what might be transformed through “the practice of a knowledge that is foreign to it.”²⁴⁹ Philosophical critique both marks out “transformable singularities” and undertakes a practice of transformation through the “working of thought upon itself.”²⁵⁰ Critical activity is here thought of as a mode of reflexive self-care.

This conception of critique as a reflexive exercise of self-care can be seen in Foucault’s repeated remarks that he expects his work to transform him in some

²⁴⁷ Foucault, “On the Genealogy of Ethics,” in *EWI*, 269; see also Foucault, “What is Critique?.”

²⁴⁸ Foucault, *The Use of Pleasure*, 9.

²⁴⁹ *Ibid.*

²⁵⁰ Foucault, “Preface to *The History of Sexuality*, Volume Two,” in *EWI*, 201.

fashion.²⁵¹ In an interview from 1982, Foucault describes the problem of his work as “[his] own transformation.”²⁵² When others comment on the frequent changes of his research, he responds, “Well, do you think I have worked like that all those years to say the same thing and not to be changed?”²⁵³ Foucault refers to himself as an “experimenter,” who is always “on the move” in relation to the things that interest him and in relation to what he has already thought.²⁵⁴ He describes critical inquiry and the practice of writing as processes of “straying afield” of himself,²⁵⁵ as leading him to “unforeseen places” and dispersing him toward “a strange and new relation with himself.”²⁵⁶ Foucault notes that his historical texts like *History of Madness* and *Discipline and Punish* were not written to please professional historians, but “to construct [himself],” and to “invite others to share an experience of what we are” such that we might transform our relationships with ourselves, with others, and with specific problems like madness or punishment.²⁵⁷ He refers to his texts as “experience books”²⁵⁸ that do not so much convey knowledge or facts as they produce an experience that transforms the

²⁵¹ In an interview from May 1981 with Didier Eribon, Foucault remarks, “My way of working hasn’t changed much; but what I expect from it is that it will continue to change me.” See Foucault, “So Is It Important to Think?,” in *EW3*, 458.

²⁵² Foucault, “An Interview by Stephen Riggins,” in *EW1*, 131.

²⁵³ *Ibid.*

²⁵⁴ Foucault, “An Interview with Michel Foucault,” in *EW3*, 239.

²⁵⁵ Foucault, *The Use of Pleasure*, 8.

²⁵⁶ Foucault, “Preface to *The History of Sexuality*, Volume Two,” in *EW1*, 205.

²⁵⁷ Foucault, “An Interview with Michel Foucault,” in *EW3*, 242.

²⁵⁸ *Ibid.*, 240; See also the Foucault, “Preface to *The History of Sexuality*, Volume Two,” in *EW1*, 205. In addition to describing his texts as “experience books,” Foucault portrays the essay, a signature genre of philosophical writing, as the “assay or test by which, in the game of truth, one undergoes changes...” See Foucault, *Use of Pleasure*, 9.

subject (i.e., Foucault himself) and the readers of his work (i.e., us). Foucault's texts thus endeavor to transform himself and others. When social workers and correctional officers complained that *Discipline and Punish* had a "paralyzing" effect on them, Foucault responds that "this very reaction proves that the work was successful, that it functioned as [he] intended."²⁵⁹ That is, these readers were transformed by an experience produced by *Discipline and Punish* that complicated their relationship to the prisoners with whom they worked.

Speaking to the autobiographical aspect of his work, Foucault comments that every book he has written was partly inspired by some direct personal experience. He notes:

I've had a complex personal relationship with madness and with the psychiatric institution. I've also had a certain relationship with illness and death. I wrote about the birth of the clinic and the introduction of death into medical knowledge at a time when those things had a certain importance for me. The same is true of prison and sexuality, for different reasons.²⁶⁰

Stimulated by his own relationships with particular practices and discourses, Foucault's books are to be understood as "fragment[s] of autobiography" that aim for nothing less than Foucault's own self-transformation.²⁶¹ This autobiographical dimension of his work, however, exceeds the purely personal. This is due to the fact that his critical histories relate to collective points of concern for contemporary subjects, and are often the result of some collective practice such as the one engaged by Foucault with the GIP. Thus, Foucault emphasizes that he only began to write *Discipline and Punish* after he

²⁵⁹ Foucault, "An Interview with Michel Foucault," in *EW3*, 245.

²⁶⁰ *Ibid.*, 244.

²⁶¹ Foucault, "So Is It Important to Think?," in *EW3*, 458.

participated for a number of years in working groups like the GIP that were “thinking about and struggling against penal institutions.”²⁶² Not only does he insist that his work is partly incited by certain collective practices, he maintains that his work can have (and indeed has had) transformative effects.²⁶³

As an ethical practice of self-care that works toward the subject’s transformation and the transformation of our relations with others, critique is guided by an affect of care that Foucault often calls “curiosity.”²⁶⁴ Care is understood as an attitude that inflects one’s relation not so much to oneself as to “what exists and what might exist.”²⁶⁵ Following Lynne Huffer, we might think of care here as an affect orienting Foucault’s relation to alterity – to those others forgotten by history that Foucault encounters in the archives, to those others who question and resist the dangers of power in his present, to those future others who might take upon themselves the work of transformative critique, but also to what *could be other*.²⁶⁶

Foucault uses “care” to specify what he means by curiosity as the “desire to know” (*savoir*) in the following passage from “The Masked Philosopher”:

Curiosity...evokes ‘care’; it evokes the care one takes of what exists and what might exist; a sharpened sense of reality, but one that is never immobilized before it; a readiness to find what surrounds us strange and odd; a certain determination to throw off familiar ways of thought and to look at the same things in a different

²⁶² Foucault, “An Interview with Michel Foucault,” in *EW3*, 245.

²⁶³ Foucault speaks to the “effect” his *History of Madness* had on “the perception of madness” and to the effect that his *Discipline and Punish* had on prisoners who participated in prison revolts after reading this book. See Foucault, “Truth is in the Future,” in *Foucault Live*, 301.

²⁶⁴ Foucault, “The Masked Philosopher,” in *EW1*, 325.

²⁶⁵ *Ibid.*

²⁶⁶ Huffer, *Mad for Foucault*, 275.

way; a *passion* for seizing what is happening now and what is disappearing; a lack of respect for the traditional hierarchies of what is important and fundamental.²⁶⁷

Foucault presents “curiosity-as-care”²⁶⁸ as an attitude that guides philosophical inquiry. Curiosity, a word etymologically related to care, expresses a diligent posture of interest toward some object of concern.²⁶⁹ Care evokes the passion of curiosity as an *ethos* of critique.²⁷⁰ It suggests a “passion” for grasping “what is happening now and what is disappearing.”²⁷¹ Care specifies a certain affective attentiveness the critic bears toward her object of concern.

Unlike the use of care in feminist ethics as a concept for normative theory, Foucault deploys care as an affective style of critical practice.²⁷² This care is not so much a “protectionist attitude” as it is an *attentive* or “mindful” attitude.²⁷³ This attitude of care expresses itself in the patient labor of Foucault’s historical inquiries inasmuch as this work requires a diligence in wading through archives and an attentiveness in assembling

²⁶⁷ Foucault, “The Masked Philosopher,” in *EW1*, 325. Italics added.

²⁶⁸ For this rendering of curiosity-as-care, see Huffer, *Mad for Foucault*; Guilmette, “In What We Tend to Feel;” and Guilmette, “Violence of Curiosity”.

²⁶⁹ Curiosity, from the Latin *curiosus*, is linked to the Latin word for care, ‘*cura*,’ derived from the verb *curare*. *Curare* means “to care for, take or have care of, to be solicitous for, to look or attend to, trouble one’s self about.” See <http://www.perseus.tufts.edu/hopper/morph?l=curare%20&la=la#lexicon>.

²⁷⁰ Foucault names curiosity as a virtue or value that guides his critical inquiries in his 1980 interview with Michael Bess. See Foucault, “Power, Moral Values, and the Intellectual.” See also Foucault, *Use of Pleasure*, 8.

²⁷¹ Foucault, “The Masked Philosopher,” in *EW1*, 325.

²⁷² Foucault’s use of care differs from that deployed by care ethicists in two important ways. First, whereas care functions as a normative category in care ethics, care gets deployed by Foucault as an affect informing the work of critique. Second, Foucault conceptualizes care in terms of curiosity, concern, and attention rather than in terms of specific types of relations between, say, a parent and child or a care-worker and patient. For examples of this latter understanding of care in care ethics, see Noddings, *Caring*; Ruddick, *Maternal Thinking*; and Kittay, *Love’s Labor*.

²⁷³ *Ibid*, 326; Foucault, “For an Ethic of Discomfort,” in *EW3*, 448.

fragments of history. One can see this care at work in Foucault's 1977 introductory essay to his uncompleted *Parallel Lives* series, "Lives of Infamous Men."²⁷⁴ Foucault speaks poignantly of the "resonance" he still feels in his encounter with "these lowly lives reduced to ashes."²⁷⁵ Without naming this resonance, Foucault describes his decision to compile a collection of these "poem-lives" not in a book of history like his earlier *History of Madness*, but in an "anthology of existences."²⁷⁶ This decision is guided by an express concern for preserving the intensity of these obscure lives and the shock their poems induce.²⁷⁷ Thus, Foucault shows a tenderness toward these forgotten lives in assembling the traces of their exchange with power "in the form of a few remains" so as to maintain their intensity and strangeness.²⁷⁸ These are lives that struggled with power. They are those who, in the 16th and 17th centuries, were brought into contact with power through petitions made to the king by their families, asking that they be committed to internment. Or they are those who, like Herculine Barbin or "Alexina," an intersex adolescent living in France in the 1860s, were subjected to the normalizing tactics of disciplinary power through the medico-moral gaze of doctors and clinicians.²⁷⁹ Careful not to subject these lives to the same rituals of power that subjugated them while they were living, Foucault

²⁷⁴ Foucault published two volumes from this series, one with Arlette Farge in 1982 on *Disorderly Families (Le Désordre de familles)*, and another in 1978 on *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite*. See Farge and Foucault, *Disorderly Families* and Foucault, *Herculine Barbin*.

²⁷⁵ Foucault, "Lives of Infamous Men," in *EW3*, 158.

²⁷⁶ *Ibid.*, 157.

²⁷⁷ *Ibid.*, 159.

²⁷⁸ *Ibid.*, 163.

²⁷⁹ See Foucault, *Herculine Barbin*.

relates to them through the intensity and complexity of an affect of care. Thus, the interest or curiosity Foucault bears toward these nearly disappeared lives is not the curiosity that “seeks to assimilate what it is proper for one to know,” but the curiosity that “takes care of what exists and what might exist.”²⁸⁰

Conclusion

Like Baudelaire’s “extreme attention” to the volatility of the present, an attitude of care reflects Foucault’s style of being attentive to the struggles of his present.²⁸¹ As Foucault recognized, such struggles do not need the prophecies or prescriptions of normative theorists; they need the care of engaged inquirers who sustain the dual labors of critique – the historical clarification of problems and the experimental work of transformation. Care expresses just that attitude whereby “the critique of what we are is at one and the same time the historical analysis of the limits imposed on us and an experiment with the possibility of going beyond them [*de leur franchissement possible*].”²⁸² Care is the affect guiding Foucault’s practice of reparative critique.

The practice of care guiding Foucauldian critique constitutes a reparative position, not a normative one. If the “normative” designates a set of criteria through which to determine what one ought or ought not to do, the “reparative” refers to a set of strategies for attending to the transformative openings of practices that comprise problems for our present selves. The normative involves the work of judgment in its determination of right

²⁸⁰ Foucault, *Use of Pleasure*, 8; Foucault, “The Masked Philosopher,” in *EWI*, 325.

²⁸¹ See Foucault, “What is Enlightenment,” in *EWI*, 311.

²⁸² *Ibid.*, 319.

and wrong, good and bad, permissible and impermissible. If, however, genealogical critique is “not a matter of saying that things are not right as they are,”²⁸³ then it does not assume the normative labor of passing judgment. Rather, genealogical critique poses problems that call for care. Care orients the critic toward the transformability of problems. As Foucault notes, genealogy “does not consist in a simple characterization of what we are,” but follows lines of fragility in the present so as to open up “the space of freedom understood as a space of concrete freedom, that is, of possible transformation.”²⁸⁴ I have described this as a normatively concerned exercise rather than a normatively ambitious one to clarify the intimacy between critique and transformation in genealogy.

A reparative position is normatively concerned without thereby being normative insofar as it involves the possible transformation of practices without commanding what ought to be done. Hence, the critic does not bear a programmatic role in relation to transformation. Their role is “to see how far the liberation of thought can make those transformations urgent enough for people to want to carry them out and difficult enough to carry out for them to be profoundly rooted in reality.”²⁸⁵ Foucault takes on the reparative role of pointing out that things *may* be changed, inciting the urgency of entertaining, in Sedgwick’s words, “such profoundly painful, profoundly relieving, ethically crucial possibilities” as that the future may be different from the present and that the past could have been otherwise.²⁸⁶

²⁸³ Foucault, “Practicing Criticism,” in *Politics, Philosophy, Culture*, 154.

²⁸⁴ Foucault, “Structuralism and Post-Structuralism,” in *EW2*, 449-450.

²⁸⁵ Foucault, “Practicing Criticism,” in *Politics, Philosophy, Culture*, 155.

²⁸⁶ Sedgwick, *Touching Feeling*, 146.

This normatively concerned critical practice is embodied in the care Foucault takes in the labor of assembling together the fragments of history, re-membering those nearly forgotten lives that are “as though they hadn’t been.”²⁸⁷ It is also the care Foucault takes in not imposing prophecies or prescriptions for the actions to be carried out in ongoing political struggle. This care is reparative in that it sustains an encounter with the limits of ourselves by glimpsing and testing the “lineaments of other possibilities.”²⁸⁸ It is care that brings sustenance to the slow and painful work that we carry out upon ourselves “as free beings,” a work Foucault identifies as that of critique.²⁸⁹ Care thus provides sustenance to the exercise of critique.

One sustaining effect Foucault intends his practice of critique to have is that of inducing hesitation on the part of those who work in certain institutional settings like prisons. He comments, “My project is precisely to bring it about that they ‘no longer know what to do,’ so that the acts, gestures, discourses that up until then had seemed to go without saying become problematic, difficult, dangerous.”²⁹⁰ Social workers, for instance, might feel themselves stuttering with uncertainty in their actions toward prisoners as they encounter the problems of disciplinary power.²⁹¹ Foucault takes care in not telling these social workers what to do because in part he hopes to stimulate their

²⁸⁷ Foucault, “Lives of Infamous Men,” in *EW3*, 163.

²⁸⁸ Sedgwick, *Touching Feeling*, 146.

²⁸⁹ Foucault, “What is Enlightenment,” in *EW1*, 316.

²⁹⁰ Foucault, “Questions of Method,” in *EW3*, 235. Elsewhere Foucault describes the function of critique as one that “make[s] harder those acts which are now too easy.” See Foucault, “So is it important to think?” in *EW3*, 456.

²⁹¹ *Ibid.*

hesitation and uncertainty in knowing what to do. Critique need not be a tool for arriving at normative prescriptions; it “should be an instrument for those who fight, those who resist and refuse what is.”²⁹² Without fully developing this aspect of genealogical critique, Foucault can be understood as gesturing toward a kind of agency that is open to hesitation and doubt. As I argue in the following chapter, one can turn to the work of William James as supplying a conception of reparative agency that trembles with hesitation without thereby succumbing to the immobility of indecision.

²⁹² Foucault, “Questions of Method,” in *EW3*, 236.

CHAPTER III
MELIORISM AND REPARATIVE AGENCY
IN JAMESIAN PRAGMATISM

Introduction

In the preface to the 1897 publication of his monograph, *The Will to Believe and Other Essays in Popular Philosophy*, William James writes that “what mankind at large most lacks is criticism and caution, not faith.”²⁹³ This statement interestingly appears in a passage where James is defending his infamous essay on “The Will to Believe” from readers that take him as naively advocating an uncritical form of faith. In many respects, James’s recognition of the interpretation of his ideas as uncritical in this preface anticipates a dominant theme in secondary scholarship that presents him as profoundly acritical. Figures as diverse as Bertrand Russell, George Santayana, and Reinhold Niebuhr have cast James as problematically acritical, particularly in his championing of the “will to believe.”²⁹⁴

Perhaps the most famous such claim is Cornel West’s depiction of James’s philosophical perspective as one of “political impotence.”²⁹⁵ For West, James is deeply acritical just insofar as he lacks political commitment. As West argues in *The American Evasion of Philosophy*, James’s critical quietism amounts to an over-attention to the “personal and existential” while neglecting the social conditions of political and

²⁹³ James, *Will to Believe* (hereafter *WTB*), x.

²⁹⁴ See Russell, “Pragmatism;” Santayana, *Character and Opinion*; and Niebuhr, *Moral Man*.

²⁹⁵ See West, *American Evasion*, 60.

economic crises.²⁹⁶ West follows critics like Lewis Mumford who characterize Jamesian pragmatism as a political “anesthetic” or form of “acquiescence” that endorses a “desire for a comfortable resting place.”²⁹⁷ Connecting critique with conviction, these readers suggest that James effectively replaces critique with compliance. Hence, against the interpretation of James’s pragmatism as problematically Promethean in its celebration of a strenuous and boundless agency, James would seem to be ineffective for work requiring confidence and commitment.²⁹⁸

Recent scholarship by Sarin Marchetti (2015) and Alexander Livingston (2016) has begun to frustrate the familiar dismissal of James as an uncommitted and therefore uncritical philosopher. Each offers a reworking of James’s ethical and political thought by focusing on his specific engagement with the work of critique.

Livingston’s *Damn Great Empires! William James and the Politics of Pragmatism* is the latest in a series of scholarly attempts to counter West’s interpretation and reconsider James’s political thought.²⁹⁹ Taking up his *Nachlass* writings on empire, Livingston describes James’s critical practice as one of “subversive repetition.”³⁰⁰ This refers to the way James’s critique of empire subversively interrupts and reworks dominant myths about imperialism and American exceptionalism. Through subversive

²⁹⁶ Ibid. West writes that “In regard to politics, James has nothing profound or even provocative to say.”

²⁹⁷ See Mumford, *Golden Day*, 182-192.

²⁹⁸ On the Promethean quality of James’s pragmatism, see Russell, “Pragmatism;” Morris, *The Pragmatic Movement*; McDermott, *Streams of Experience*; and Gale, *The Divided Self*.

²⁹⁹ Livingston continues a line of scholarship on James’s political thought pursued by Frank Lentricchia (1988), George Cotkin (1989), Deborah Coon (1996), William Connolly (2005), Kennan Ferguson (2007), and Trygve Throntveit (2014).

³⁰⁰ See Livingston, *Damn Great Empires*, 16, 103. See also Livingston, “Pragmatism,” 215.

repetition, James takes up the political language of imperialism prevalent in his historical and social milieu in order to refashion it in an anti-imperialist style.³⁰¹ Livingston thus attributes to James a kind of Butlerian conception of critique as an exercise in subversive repetition that performatively disrupts entrenched political and social categories.³⁰²

Marchetti's *Ethics and Philosophical Critique in William James* also aims to revise interpretations of James as an acritical thinker by attending to his work in ethical philosophy. Marchetti goes so far as to argue that James's revolution in moral thought proceeds from "a radical rethinking of what philosophical critique as a whole might be and do."³⁰³ As evinced by the title of his text, critique plays a central, if under-discussed, role in Marchetti's reinterpretation of James's ethics.³⁰⁴ He describes philosophical critique as consisting in a type of reflexive practice: "The point of philosophical critique is to survey and question our ordinary moral vocabulary expressive of our moral life, as well as the philosophical one parasitic on it and generated from such reflective activities."³⁰⁵ Critique's reflexive activity captures what Marchetti calls the exercise of "swinging back and forth from the ordinary to the reflective dimension of experience."³⁰⁶

³⁰¹ See Livingston, *Damn Great Empires*, 16-18.

³⁰² See Judith Butler's account of subversive repetition in Butler, *Gender Trouble*, 175-193.

³⁰³ Marchetti, *Ethics and Philosophical Critique*, 2. Charlene Haddock Seigfried also depicts James's work as consisting in nothing less than a "radical critique" and reconstruction of philosophical practice. See Seigfried, *William James*, 21.

³⁰⁴ As Alexis Dianda has noted, Marchetti's use of "critique" in his book wavers between a more restrictive function, where critique stands for something more like criticism or fault-finding, and a more revolutionary function, where critique is understood in a more political register in terms of subversion or contestation. See Dianda, "Moral Life and Political Life."

³⁰⁵ Marchetti, *Ethics and Philosophical Critique*, 249.

³⁰⁶ *Ibid.*, 250.

Marchetti's and Livingston's construal of James's thought in terms of critique highlights a growing scholarly attention to the critical aspect of his work.³⁰⁷ Yet, these scholars offer different articulations of the function of Jamesian critique. While Marchetti highlights the *reflexive* feature of James's critical practice, Livingston focuses on its *subversive* function. These interpretations present challenges for scholars attempting to specify James's unique contribution to the work of critique. On Marchetti's reading, it is difficult to see precisely what is so novel or radical about James's critical practice insofar as its reflexive function was already established by Immanuel Kant in his *Critique of Pure Reason*.³⁰⁸ It is also not readily apparent whether James's deployment of subversive repetition in his writings on psychology, religion, and philosophy constitutes his distinctive critical practice.

This chapter clarifies James's unique critical exercise by rereading his philosophical pragmatism and meliorism through the lens of *reparative critique*.³⁰⁹ I argue that James practices critique as a reparative exercise that can be understood in terms of his meliorism, which is the name James gives to a hope in the possibility of improving our practices and selves. That is, meliorism constitutes his specific practice of

³⁰⁷ Jeffrey S. Edmonds depicts James's strategy of critique as concerning the *problematization* and *reconstruction* of temperament or attitude. He argues that James's pragmatism is an "attempt to refigure what the subject of philosophical criticism is" by focusing on questions of temperament and affect. See Edmonds, "Criticism without Critique," 44. José Medina clarifies James's critical potential in terms of a "critical epistemology" that supplements Jamesian pragmatism with feminist standpoint theory. For Medina, the status of critical epistemology is one of *resistance* and *contestation*. See Medina, "Will Not to Believe," 239-41.

³⁰⁸ See Kant, *Critique of Pure Reason*, Axi.

³⁰⁹ I adapt this term from Eve Kosofsky Sedgwick's concept of "reparative reading" which refers to a practice of critical interpretation whereby subjects "succeed in extracting sustenance from the objects of a culture – even of a culture whose avowed desire has often been not to sustain them." Sedgwick, *Touching Feeling*, 150-1. Sedgwick contrasts reparative reading with the critical strategy of paranoid reading, a totalizing, mimetic, self-perpetuating practice that habituates critics toward suspicion, vigilance, and distrust as they aim to expose the hidden truths of texts.

reparative critique. Reparative critique refers to a style of critical work that aims to salvage possibilities in spite of the limits that constrain us. Unlike negative forms of critique whose primary activity is one of denouncing or condemning the objects of a culture, the reparative critic engages critique as a transformative tool for mending and reworking that which is limiting or constraining. On my view, James does not explicitly revolutionize critique so much as he silently practices an alternative version distant from the negative variety that has “run out of steam” in Bruno Latour’s words.³¹⁰ While not entirely identical with Kant’s conception of critique as an inquiry into the conditions of possibility,³¹¹ James’s reparative version addresses the constitutive limits of human practice while attending to the possibilities of testing such limits. Hence, for James, critique consists in an inquiry into the possibilities of conditions.

To elucidate James’s practice of reparative critique, I highlight a central feature of his meliorism that troubles the charge voiced by West and others that he is uncommitted and therefore acritical. I suggest that James develops a reparative account of agency which figures in his meliorism as a response to the problematics of action. Reparative agency concerns the possibility of acting in the midst of constraints that frustrate or otherwise inhibit action. This concept maps onto what Eve Kosofsky Sedgwick calls the “middle ranges of agency” – the idea that one can be relatively empowered or disempowered without thereby destroying or being destroyed by another.³¹² Reparative agency entails a conception of commitment that escapes the totalizing dilemma of

³¹⁰ See Latour, “Why Has Critique.”

³¹¹ See Kant, *Critique of Pure Reason*, Axi.

³¹² Sedgwick, *Touching Feeling*, 632.

complete conviction or absolute impotence. If one can be relatively empowered or disempowered (and thus neither wholly omnipotent nor wholly powerless), then one can also be committed and yet doubtful (and hence neither totally committed nor totally uncommitted). This type of reparative commitment underscores the simultaneous presence of uncertainty and faith in James's meliorism.³¹³ We thus ought to read James as investing reparative agency with an affect of hesitant hope.

I flesh out the concept of reparative agency by reinterpreting three key works where James develops his meliorism. My strategy for rereading these texts through the lens of reparative critique requires attending to what William J. Gavin calls the "latent content" of James's thought insofar as James does not explicitly conceptualize his work in terms of critique.³¹⁴ I begin in *section one* with a discussion of his presentation of meliorism as a mediating attitude or *via media* between the temperamental extremes of "tender-minded optimism" and "tough-minded pessimism" in his 1906-1907 *Pragmatism* lectures.³¹⁵ This leads to a consideration in *section two* of the problematics to which meliorism is offered as a response. By turning to James's earlier psychological and ethical work from the 1880s and 1890s, I show how his meliorism functions as a

³¹³ This type of middle-range commitment has affinities with what Paul J. Croce calls James's "decisive ambivalence" and with what Livingston calls "stuttering conviction" in James. Croce describes James as "refining the burdens of his indecisions in his development of a decisive ambivalence, a decisiveness within his ambivalence." Livingston uses "stuttering conviction" to "highlight the ways that faith always involves a dimension of hesitation and self-doubt that is overlooked when conviction is figured as acting on command." See Croce, *Young William James*, 26 and Livingston, *Damn Great Empires*, 106.

³¹⁴ See Gavin, "Pragmatism and Death," 81.

³¹⁵ In describing meliorism as a *via media*, I follow scholars like James T. Kloppenberg, James Livingston, and Deborah Whitehead who depict pragmatism as a *via media* philosophy. In *Uncertain Victory*, Kloppenberg present James as a philosopher of the *via media* in order to argue that classical pragmatists like James and John Dewey rejected established philosophical and political distinctions between idealism and empiricism, mind and body, and revolutionary socialism and laissez-faire liberalism. See Kloppenberg, *Uncertain Victory*, 3, 27.

reparative response to crises of agency and action.³¹⁶ To address such crises, James advances an account of reparative agency in texts like *The Principles of Psychology* and “The Will to Believe.” I examine each of these with an eye toward how they refine the concept of reparative agency, starting in *section three* with his description of the two pathological types of will and their ameliorative alternative from *The Principles of Psychology*. I then take up in *section four* his discussion of the “will to believe” as a form of reparative commitment that negotiates the tensions of paralyzing doubt and blind faith.

1. Meliorism, Pragmatism, and Reparative Critique

Between November 1906 and January 1907, James delivered a series of lectures at the Lowell Institute in Boston and at Columbia University in New York. Like many of his public lectures, James presents his audience with a dilemma that frames his entire address in the form of a response. The lectures begin with a portrayal of a current philosophical predicament in terms of two conflicting temperaments. Similar to Kant’s presentation of the philosophical clash between empiricism and rationalism in *The Critique of Pure Reason*, James describes the conflict between two philosophical temperaments – the “tender-minded” and “tough-minded” – which correspond to the positions of rationalism and empiricism, respectively. He then positions pragmatism as a philosophical temperament that mediates between these two staunch attitudes. In the

³¹⁶ I leave aside James’s 1891 essay “The Moral Philosopher and the Moral Life” from this discussion. This choice might seem problematic to scholars who regard this essay as the most central of James’s ethical writings. Without debating the importance of this paper, I do not discuss it here for the following reasons: first, the essay does not principally concern the problematics of agency or action, which is the theme I focus on here, but rather addresses a set of meta-ethical questions about the origin and meaning of moral concepts, and the adjudication of moral ideals; second, the essay is addressed to moral philosophers rather than to everyday agents of James’s milieu. This differs from the more general academic audiences that his other lectures address; third, the essay does not showcase meliorism explicitly as the other texts I focus on.

course of these lectures, James attributes an ethical temperament to pragmatism that he calls “meliorism.” Meliorism functions as a reparative alternative to tender-minded optimism and tough-minded pessimism. As I argue in this section, meliorism is a reparative critical practice insofar as it affirms the redemptive possibilities of conditions while countenancing the limits of total salvation.

In the first of his *Pragmatism* lectures, James offers a unique rereading of the history of philosophy as a “clash of human temperaments.”³¹⁷ These temperaments, he argues, serve as the most important, yet least acknowledged, premises motivating philosophical pursuit. Continuing a theme from an earlier paper on “The Sentiment of Rationality,” James emphasizes the passional drives and idiosyncratic dispositions that inspire thinking. Philosophical temperaments are marked by certain cravings and fears. The tough-minded temperament, for instance, longs for facts and expresses an aversion to religion, whereas the tender-minded temperament desires religious unity and is repulsed by facts. The tender-minded are rationalists or lovers of “abstract and eternal principles.”³¹⁸ They are monistic, dogmatic, idealistic, and optimistic. On the other side, the tough-minded favor concreteness. These are empiricists or devotees of facts. They are pluralistic, skeptical, materialistic, and pessimistic. Both tempers show disdain toward the other: “The tough think of the tender as sentimentalists and soft-heads. The tender feel the tough to be unrefined, callous, or brutal... Each type believes the other to be inferior to itself.”³¹⁹ The result of such mutual disdain leaves a problematic philosophical

³¹⁷ James, *Pragmatism*, 11.

³¹⁸ *Ibid.*, 12.

³¹⁹ *Ibid.*, 14.

environment for those in James's milieu insofar as they share both the tough-minded craving for facts and the tender-minded craving for religion. The philosophical amateur in 1906 "wants facts" and "wants religion," yet what they find is "an empirical philosophy that is not religious enough, and a religious philosophy that is not empirical enough."³²⁰

For James, the tender-minded and the tough-minded suffer from certain mutual limitations that prevent either one from adequately fulfilling the perceived desires of his audience. Drawing on a 1905 pamphlet on *Human Submission* by American anarchist Morrison I. Swift, James details the limits of tender-minded idealism by recounting the tragic story of a struggling clerk, John Corcoran, who ended his life when he could no longer feed his family. Tender-minded rationalists tend to obscure the reality of such tragic events by treating them as temporary conditions of a more perfect, eternal order. The man's tragic life and death, the tender-minded philosopher would argue, are unfortunate, but necessary and meaningful features of the world's eternal perfection.³²¹ Hence, the tender-minded explain pain, evil, and tragedy away through a kind of religious optimism. As Swift notes in *Human Submission*, "Religion is like a sleep-walker to whom actual things are blank."³²² Expressing a "dissatisfaction with the idealistic optimisms now in vogue," James agrees with Swift that tragic circumstances cannot be minimized by invoking religious ideals such as God or Love, for to do so is to evacuate

³²⁰ Ibid., 15.

³²¹ James cites the work of Josiah Royce and F.H. Bradley as representatives of the tender-minded temperament: "[The very presence of ill in the temporal order is the condition of the perfection of the eternal order, writes Professor Royce ('The World and the Individual,' II, 385).] 'The Absolute is the richer for every discord, and for all diversity which it encompasses,' says F.H. Bradley (*Appearance and Reality*, 204)." See James, *Pragmatism*, 21.

³²² Swift quoted in James, *Pragmatism*, 22.

these circumstances of their reality.³²³ Rather, such harrowing events must be treated as actualities that cannot be idealistically nullified or redeemed.³²⁴ As James reminds us in his 1895 essay, “Is Life Worth Living?,” “We are of one substance with these suicides, and their life is the life we share. The plainest intellectual integrity – nay, more, the simplest manliness and honor – forbid us to forget their case.”³²⁵ Thus, James believes that the pragmatist cannot simply turn a blind eye to the tragic and horrific conditions of human life as the tender-minded optimist does.

While agreeing with the tough-minded conviction that tragedy and pain are irreducible facts of the world, James does not arrive at the pessimistic conclusion that the world is necessarily unjust or wholly irredeemable. This pessimistic outlook reflects the limits of the tough-minded temperament in its wholehearted rejection of free-will and moral possibility. Throughout the *Pragmatism* lectures, James aligns pragmatism more with the empiricist temperament of the tough-minded than with tender-minded rationalism. In the second lecture, “What Pragmatism Means,” he writes that the pragmatist’s turn towards concreteness, facts, and action “means the empiricist temper regnant, and the rationalist temper sincerely given up.”³²⁶ Indeed, the book’s dedication to John Stuart Mill reflects James’s epistemological affiliation of pragmatism with tough-

³²³ Ibid., 21.

³²⁴ See James *Pragmatism*, 22 and Gavin “*Pragmatism and Death*,” 83.

³²⁵ James, “Is Life Worth Living,” in *WTB*, 37.

³²⁶ James, *Pragmatism*, 31.

minded empiricism.³²⁷ In spite of this alliance, James distances pragmatism from tough-minded empiricism in terms of their ethical dispositions and moods.

This ethical difference comes to the fore in the last lecture from *Pragmatism*. Here James takes up the question of pragmatism's religious or moral attitude as distinct from both tender-minded optimism and tough-minded pessimism. He opens the lecture by setting up a dilemma between two possible ways of interpreting a poem by Walt Whitman entitled "To You." The dilemma is between a monistic and pluralistic interpretation of the poem. On the monistic interpretation, the poem expresses the quietist idea that you are inwardly safe because you are absolutely saved "even in in the midst of your defacements."³²⁸ The pluralistic interpretation, however, addresses "your better possibilities phenomenally taken, or the specific redemptive effects even of your failures, upon yourself or others."³²⁹ The two readings of the poem let loose different dispositions and activities in agents that James elsewhere describes as the difference between an "easy-going" and a "strenuous" mood.³³⁰ Whereas the easy-going mood shrinks from present ills through the safety and comfort afforded by a moral holiday, the strenuous mood energetically confronts present difficulties by affirming the possibilities for action and alteration. The monistic interpretation thus gives way to indifferentism and quietism while the pluralistic interpretation encourages restless struggle and endurance.

³²⁷ As James himself notes, however, pragmatism's empiricist attitude is "more radical" and "less objectionable" than the traditional version adopted by tough-minded empiricists like Locke and Hume. See James, *Pragmatism*, 31.

³²⁸ *Ibid.*, 133.

³²⁹ *Ibid.*

³³⁰ See James, "Will to Believe," in *WTB*, 213.

James argues that both tender-minded optimism and tough-minded pessimism constitute monistic positions with respect to the question of moral possibility or the world's possible redemption. Optimism and pessimism are monistic because they both trade on concepts of totality and necessity. While tender-minded optimism treats the world's redemption as wholly inevitable, and therefore necessarily certain, tough-minded pessimism regards the world's saving as wholly impossible, and thus necessarily doubtful. The two positions are like two sides of the same coin in that they both consider redemption under the scope of totality and the mode of necessity while qualifying these features either positively or negatively such that the world is either sure for complete atonement or sure for total damnation. Hence, James argues that the difference between the monistic and pluralistic positions "revolves pragmatically around the notion of the world's possibilities."³³¹ That is, the dilemma consists in treating the world's redemption as either absolute and necessary or as partial and contingent. James explains, "One sees at this point that the great religious difference lies between the men who insist that the world *must and shall be*, and those who are contented with believing that the world *may be*, saved. The whole clash of rationalistic and empiricist religion is thus over the validity of possibility."³³² Here James attributes a novel moral attitude to pragmatism in the form of *meliorism* as a disposition that embraces the *possibility* of the world's partial and uncertain redemption.

For James, a possibility is a hybrid between the actual and the non-existent. It may be more bare or abstract when it refers to something that is not impossible, or it may

³³¹ James, *Pragmatism*, 135.

³³² *Ibid.*

be more concrete when it refers to something for which some of its actualizing conditions are present.³³³ James argues that the world's redemption constitutes a *concrete* possibility since some of its conditions actually exist. Here we can see James deploying a kind of Kantian maneuver as he inquires into the conditions that make redemption possible, albeit with two differences from Kant. First, unlike Kant's transcendental inquiry undertaken in *The Critique of Pure Reason* which investigates the *a priori* conditions that make metaphysical judgments possible, James is interested in the "actualizing conditions" that make salvation possible.³³⁴ Such conditions are contingent and particular rather than necessary and universal. Second, whereas Kant takes possibility abstractly to refer to "what agrees (in terms of intuitions and concepts) with the formal conditions of experience,"³³⁵ James is concerned with concrete possibility or possibility that is grounded insofar as some of its actualizing conditions already exist.

According to James, these conditions can be found in the ideals championed by living agents. Ideals are consciously held ideas, projects, or commitments that guide one's life.³³⁶ One might have, for instance, an ideal of non-violence that guides one's actions, lifestyle, and choices. When such ideals are actualized or realized – keeping with the example, one registers as a conscientious objector to avoid the occasion of possible military conflict – these concrete realizations contribute to the world's contingent

³³³ Ibid., 136.

³³⁴ See Kant, *Critique of Pure Reason*, B12, A2/B2, A761/B789.

³³⁵ Ibid., A218/B265.

³³⁶ For a discussion of the concept of "ideal" in James, see Putnam, "Some of Life's Ideals," and Stroud, "William James on Meliorism." Stroud notes that for James, an ideal is "an interest (a subjective focusing of attention and value)" that is "brought to a conscious level such that it directs conduct" and that is "novel and not routine." See Stroud, "William James on Meliorism," 380.

salvation in piecemeal fashion. James explains, “Every such ideal realized will be one moment in the world’s salvation. But these particular ideals are not bare abstract possibilities. They are grounded, they are *live* possibilities, for we are their live champions and pledges, and if the complementary conditions come and add themselves, our ideals will become actual things.”³³⁷ Hence, salvation is concretely possible insofar as living agents supply some of its conditions through the realization of our ideals.

While meliorism requires that one affirm the possibility of salvation, James argues that the meliorist must also countenance its *limits*. Salvation is limited in two ways. First, it is limited insofar as our ideals are never wholly fulfilled, but are often only realized when a part of them is “butchered,” to use James’s phrase from “The Moral Philosopher and the Moral Life.”³³⁸ Our ideals suffer partial losses in the process of their realization when they confront the decisive squeeze of the actual. As James notes in the same essay, “The actually possible in this world is vastly narrower than all that is demanded; and there is always a *pinch* between the ideal and the actual which can only be go through by leaving part of the ideal behind.”³³⁹ If our ideals cannot be completely realized, then the meliorist must admit that redemption is only piecemeal or partial rather than total. Meliorism requires an avowal of loss as unatoned for. That is, the meliorist cannot ignore the reality of tragedy and loss as the tender-minded optimist does through blind faith; rather, she is “willing that there should be real losses and real losers, and no total preservation of all that is.”³⁴⁰ This means that one cannot redeem the death of John

³³⁷ James, *Pragmatism*, 137. Italics in original.

³³⁸ James, “Moral Philosopher and Moral Life,” in *WTB*, 203.

³³⁹ *Ibid.*

³⁴⁰ James, *Pragmatism*, 142.

Corcoran, the ailing clerk whose suicide James cites in the first *Pragmatist* lecture. Nor is the death of the shipwrecked sailor that James discusses at the end of the last lecture saved by future sailors who brave the same turbulent waters.³⁴¹ While one might work at ameliorating the conditions that contributed to their tragic endings, these lives are really lost – no amount of transformative effort will ever recover them. Death thus marks a further limit of pragmatism’s saving power.³⁴²

By clarifying both the possibilities and limits of salvation, James’s meliorism functions as a practice of reparative critique. Meliorism is reparative insofar as it affirms the possibilities of atonement and alteration in spite of the very real limits that constrain it. Unlike negative forms of critique that regard all objects and practices suspiciously in order to denounce them, meliorism constitutes a reparative critical exercise that attends to the conditions of redemptive possibilities in order to salvage the chance that the future may be different from the present. The negative critic is guided by a pessimistic rejection of any chance of transformation or redemption. She is one who, on encountering the tragic damages of the world, insists on repeating the bad news. The reparative critic engages the world’s dangers and damages differently by seeking to make them more bearable through the work of assembling more sustaining relations to them. Reparative critique thus begins from the realistic avowal of tragic limits and pursues the possibilities of transforming them. In this way, we can position James’s meliorism, which places its faith in salvational possibilities, as a reparative critical practice.

³⁴¹ James refers to a Greek epigram of a shipwrecked sailor as an example of a loss that is unatoned for: “A ship sailor, buried on this coast, / Bids you set sail. / Full many a gallant bark, when we were lost, / Weathered the gale.” See James, *Pragmatism*, 142.

³⁴² See Gavin, “*Pragmatism* and Death,” 83.

The hope that results from such an account is a risky and hesitant type of hope. If the world is only partially and uncertainly salvageable, then one is left without the security afforded by the optimistic and pessimistic treatments of salvation as wholly inevitable or totally impossible. This risky feature of James's meliorism maps well to Sedgwick's description of "fluttering" hope – a restless, ambivalent affect energizing the reparative work of extracting sustenance from the objects and fragments of a damaged world. Sedgwick writes, "Hope, often a fracturing, even a traumatic thing to experience, is among the energies by which the reparatively positioned reader tries to organize the fragments and part-objects she encounters or creates."³⁴³ For James, hope is risky precisely because it leaves one vulnerable to the uncertainties that come with only possible redemption.³⁴⁴ Yet, instead of denying this element of uncertainty by tethering one's faith to absolute concepts of redemption and damnation as the optimist and pessimist do, the meliorist garners faith precisely in avowing the uncertainty and ambiguity of a hope that is marked by both limits and possibilities. This form of hope is far from the paralyzing doubt of the tough-minded pessimist, who rejects the very possibility of redemption. It is also distant from the blind faith of the tender-minded optimist, who refuses to bear witness to the realities of evil, tragedy, and loss. James importantly wrests hope away from the blind faith of optimism by investing it with

³⁴³ Sedgwick, *Touching Feeling*, 146.

³⁴⁴ James voices this risky and uncertain hope in his famous diary entry from 30 April 1870, where he confesses: "I think that yesterday was a crisis in my life. I finished the first part of Renouvier's second *Essais* and see no reason why his definition of free will – 'the sustaining of a thought *because I choose to* when I might have other thoughts' – need be the definition of an illusion. At any rate, I will assume for the present – until next year – that it is no illusion. My first act of free will shall be to believe in free will." Cited in Perry, *Thought and Character*, 323.

ambiguity, pain, and tragedy. This hope bears a critical function in his corpus as it guides his practice of reparative critique.

2. Meliorism and the Problem of Agency

I have so far argued that Jamesian meliorism constitutes an exercise of reparative critique through its attention to the limits and possibilities of redeeming a damaged world. This account, however, does not yet address how meliorism resists the charge of political impotence. For James's portrayal of meliorism in the *Pragmatism* lectures suggests that meliorism is a type of voluntary outlook on par with the attitudes of pessimism and optimism. Here meliorism functions as a set of beliefs guiding the pragmatist's ethical perspective of the world. This focus on meliorism as an orientation or outlook makes it difficult to see how meliorism functions as a form agency or action such that it cannot be called impotent. In *Pragmatism*, James situates meliorism as a response to a philosophical problem about the religious outlooks necessitated by tender-minded rationalism and tough-minded empiricism. Meliorism offers a response to that problem by offering an alternative outlook to the pragmatist. In earlier texts, however, James positions meliorism as a response to a different problematic, one concerning the demands of action. That is, if in *Pragmatism* James clarifies meliorism in terms of *belief*, his earlier work elucidates meliorism in terms of *action*.³⁴⁵

³⁴⁵ In drawing this distinction, I do not aim to say that these two ways of thinking about meliorism are diametrically opposed, for this would go against the pragmatist postulate that regards beliefs as "rules for action." Rather, I aim to clarify the difference in terms of relative focus – whether we highlight meliorism's epistemic features and contents in terms of belief or whether we focus on meliorism's agential features as an ethics of action.

James's attention to the difficulty of action comes to the fore in his personal and theoretical writings from the 1860s through the 1890s. James famously suffered from personal crises with indecision, suicidal depression, and neurasthenic doubt that exhausted his nervous energy and depleted his will.³⁴⁶ He captures the problem in a diary entry from December 21 1869: "The difficulty: 'to act without hope,' must be solved."³⁴⁷ The problem names an extreme form of agency experienced by James and others in his cultural location that consists in paralysis, inertia, and resignation.³⁴⁸ This type of agency maps onto what James calls the "obstructed will" in *The Principles of Psychology*. When the will is obstructed, the agent's capacity for action is paralyzed. Describing this condition as the "Hamletism" of James's milieu, George Cotkin argues that this paralyzed form of agency constituted not simply a personal crisis for James, but a cultural crisis for those similarly positioned.³⁴⁹ Contra West, the problem of inhibited agency was not simply "personal and existential" for James, but functioned as a socio-cultural problem to which he hoped to respond.³⁵⁰ Of course, James would not exactly "solve" this difficulty so much as he would perpetually struggle with it.³⁵¹

³⁴⁶ See Croce, *Young William James*, for a detailed account of James's youthful crises.

³⁴⁷ James Diary 1, Dec. 21, 1869, 75. Cited in Croce, *Young William James*, 215.

³⁴⁸ Upon encountering the world as hollow or evil, James professes, "my will is palsied." Ibid.

³⁴⁹ Hence, contra West's depiction of James as attending exclusively to the personal and existential, Cotkin writes, "In much of his popular philosophy in this period of cultural crisis, James confronted the problems of inertia and *tedium vitae*, as a prelude to the full development of his own discourse of heroism, individual autonomy, and pragmatism." See Cotkin, *William James*, 77.

³⁵⁰ James can be witnessed addressing this as a *social* problem in his 1897 Preface to *The Will to Believe and Other Essays in Popular Philosophy* and in his 1892 public lectures on psychology to teachers and students, later published in 1899 as *Talks to Teachers on Psychology: And to Students on Some of Life's Ideals*.

³⁵¹ I borrow this language of James's continuous "struggle" from Croce. See his chapter on "Crises and Construction" in Croce, *Young William James*.

He theorizes meliorism precisely out of this struggle by positioning it in his philosophical and psychological writings from the 1880s and 1890s as a hopeful response to the problem of obstructed agency. In one of the most well-known expressions of his meliorism, James professes his decision to believe in free will as a deliberate, yet experimental, act: “My first *act* of free will shall be to believe in free will.”³⁵² Later he defines “faith,” a word included in the lexicon of meliorism, in his 1879/1882 essay “The Sentiment of Rationality” as “the readiness to *act* in a cause the prosperous issue of which is not certified to us in advance.”³⁵³ In these early writings, meliorism gets expressed in terms of willful action, comprising an alternative form of agency from which it becomes possible to act with hope.

I develop an account of this form of agency – what I call “reparative agency” – so as to clarify meliorism as an ethics of action. Reparative agency presents a mid-range alternative to the agential extremes of omnipotence and impotence. That is, reparative agency involves an avowal of both the limits that impede action as well as the possibilities that empower it. Conceptualizing agency in this way entails an account of power as relational, dealing in negotiations and exchanges such that one neither wholly possesses power nor lacks it absolutely. Agency is taken as a fragile achievement rather than as a thing one possesses. James takes an interest in mapping the “limits of human power in every conceivable direction” as well as the “various ways of unlocking the reserves of power.”³⁵⁴ Reparative agency negotiates these limits and reserves,

³⁵² James, *Diary 1*, Apr. 30, 1870, 82. Italics added. Cited in Perry, *Thought and Character*, 147-148. I describe the act as experimental insofar as James proffers it to himself as a tentative trial: “At any rate, I will assume for the present – until next year – that [a truly free will] is no illusion.”

³⁵³ James, “Sentiment of Rationality,” in *WTB*, 90. Italics added.

³⁵⁴ James, “Energies of Men,” in *Essays in Religion*, 145.

countenancing obstructions to action with the energy that arrives with affirming other agential possibilities. This form of agency consists in an affirmation of agents' *ability* to act without the guarantee that they will act as they so affirm. That is, reparative agency is less about the faithful execution of action and more about the possibility of acting.

In what follows, I clarify the concept of reparative agency that is tacitly developed by James through his accounts of the will in *The Principles of Psychology* and belief in "The Will to Believe." Whereas the former text specifies the *volitional* feature of reparative agency in terms of effortful attention, the latter text illuminates the type of *commitment* entailed by reparative agency. James forwards a type of reparative commitment that is simultaneously hesitant and hopeful, cautious and courageous. Reparative agency can thus be understood along the vectors of volition and commitment that make possible an ethics of action. I turn first to the account of volition developed in *The Principles* before turning to commitment in "The Will To Believe."

3. Volition and Reparative Agency

In an 1895 letter to George H. Howison, James admits, "I am a victim of neurasthenia and of the sense of hollowness and unreality that goes with it."³⁵⁵ Identified by neurologist George Miller Beard in 1869, neurasthenia, or "Americanitis," was a diagnosis for physical and psychological symptoms that included fatigue, depression, anxiety, irritability, neuralgia, headaches, insomnia, and indecision.³⁵⁶ Beard referred to

³⁵⁵ See James, *Letters of William James*, Vol. 2, 23; Cotkin, *William James*, 27; Richardson, *William James*, 119; and Croce, *Young William James*, 125.

³⁵⁶ See Beard, *American Nervousness*, 9. According to Beard, neurasthenia affected upper-class American intellectuals and professionals (or "brain-workers") whose close proximity to the demands of modernization – competition, industry, and urbanization – left them vulnerable to "nervous bankruptcy."

neurasthenia as “nervous exhaustion,” a disease emerging from the enervation of the nervous system which drained subjects of their nervous energy. Struggling with his own symptoms of lethargy and vacillation, James offers a vocabulary that captures the debilitating effects of neurasthenia in the “Will” chapter from *The Principles of Psychology*.

The primary problem with neurasthenia can be understood in terms of its effects on what James calls “voluntary action.” In the “Will” chapter, James concerns himself with the physiological and psychological conditions of voluntary action as distinct from both wishes and reflex actions.³⁵⁷ In the course of identifying its conditions and features, James highlights two types of will that prevent the exercise of voluntary or willful action. These are the pathological extremes of the “explosive will” and the “obstructed will.” Neurasthenia maps onto the obstructed will, which paralyzes the agent’s capacity for voluntary action. The polar opposite of this, the explosive will discharges energy so impulsively that the subject becomes overconfident in her capacity as an agent. James contrasts the agency associated with these types of will with the agency corresponding to willful action. In this section, I develop an account of the volitional feature of this reparative type of agency so as to distinguish it from the sovereign agency of the explosive will and the paralyzed agency of the obstructed will.

At the backdrop of James’s discussion of volition is the theory of ideo-motor action. This theory proposes that ideas always discharge themselves immediately and

As the disease drained a person’s nervous energy, Beard proposed treating neurasthenia with rest and relaxation.

³⁵⁷ Voluntary or willful actions are different from wishes insofar as they treat an end of desire as attainable or within one’s power.

unhesitatingly into movements or “motor effects.”³⁵⁸ In cases where a single idea occupies the mind, that idea will easily pass over into motion “without express decision or effort.”³⁵⁹ Volition arises in response to more complicated cases where multiple ideas with conflicting motor effects possess the mind. The functional role of volition is to settle or decide the paralyzing impasses between conflicting ideas through a process of deliberation. These are circumstances characterized by “that peculiar feeling of inward unrest known as *indecision*.”³⁶⁰

James gives the example of hesitating to get out of bed on a frigid morning and the conflict of ideas presenting two possibilities of action – to stay in the warm bed or to get up and face the cold. The paralyzing struggle between these two courses of action is overcome by the decisive idea or resolve that one “must lie here no longer.”³⁶¹ Volition thus depends on a prior condition of conflict, hesitation, and indecision concerning the discharge of ideas in movement. Such circumstances are overcome through a process of deliberation whereby one reaches a decision about a course of action that will resolve the dilemma. While James outlines five different types of decision, it is the fifth type that is most important for the account of reparative agency developed here.³⁶²

³⁵⁸ See James, *Principles*, 522 and James, *Talks to Teachers*, 83. In *Talks to Teachers*, James summarizes the theory as follows: “The fact is that there is no sort of consciousness whatever, be it sensation, feeling, or idea, which does not directly and of itself tend to discharge into some motor effect.”

³⁵⁹ James, *Talks to Teachers*, 84.

³⁶⁰ James, *Principles*, 528. Italics in original. James summarizes this point in *Talks to Teachers*, “Such acts [of will] are often characterized by hesitation, and accompanied by a feeling, altogether peculiar, of resolve, a feeling which may or may not carry with it a further feeling of effort.” See James, *Talks to Teachers*, 83.

³⁶¹ James, *Principles*, 524.

³⁶² The five types of decision can be summarized as follows: 1) the “reasonable type,” consisting in the patient weighing of alternatives in the mind until one reaches a conclusion favoring one alternative over the other; 2) the acquiescing type, whereby one passively and indifferently allows a resolution to be determined accidentally “*from without*,” 3) the “reckless” type which are accidentally determined out of the impulsive

The fifth type are decisions that settle a conflict of ideas through the “creative contribution” of our “feeling of effort.”³⁶³ These kinds of decisions require an agent’s effort of attending to one of the clashing ideas and holding it stably before the mind. To use an example from his own life, when confronted with the vexing dilemma of suicide, James describes attending to a Renouvierian belief in free will to decide his crisis.³⁶⁴ He exercises effortful attention in holding fast to the idea of free will so as to settle an inner tension of conflicting tendencies for action. James performs the will in his very effort of attending to the idea of free will. In doing so, he exercises a type of agency that moves him from paralyzing indecision to embrace a course of action without the promise that this act will save him from his crisis.

For James, the effort of attention names just what he means by the ‘will.’ He explains, “*The essential achievement of the will, in short, when it is most ‘voluntary,’ is to ATTEND to a difficult object and hold it fast before the mind.*”³⁶⁵ The crucial function of the will is one of attending. Attending requires an awareness and strenuousness whereby one strives to steadfastly commit to a difficult idea (and action) in spite of the doubt that accompanies one’s decision. James poignantly captures the pain and struggle

discharge of nervous energy in one direction of the impasse; 4) the “changes of heart” type, consisting in sudden or abrupt shifts in temperament that involve a wholesale change in one’s values, motives, impulses, and perspective; 5) the effortful type, which are settled by the “creative contribution” of our strenuous effort. See James, *Principles*, 532-534.

³⁶³ Ibid., 534.

³⁶⁴ In his famous diary entry from April 1870, James confesses, “I think that yesterday was a crisis in my life. I finished the part of Renouvier’s second “Essais” and see no reason why his definition of Free Will – ‘the sustaining of a thought *because I choose to* when I might have other thoughts’ – need be the definition of an illusion. At any rate, I will assume for the present – until next year – that it is no illusion. My first act of free will shall be to believe in free will.” See James, *Letters of William James, Vol. 1*, 147. Italics in original.

³⁶⁵ James, *Principles*, 561.

that pervade situations requiring effortful attention, describing them as “desolate and acrid” excursions into “a lonesome moral wilderness.”³⁶⁶ Such decisions are desolate and lonesome because they ensnare us in the tragically painful act of consciously and deliberately destroying a possibility we desire to enact. Whereas the prior types of decision drop one of the alternatives from sight, “here both alternatives are steadily held in view, and in the very act of murdering the vanquished possibility the chooser realizes how much in that instant he is making himself lose. It is deliberately driving a thorn into one’s flesh.”³⁶⁷

James contrasts volition through effortful attention with two pathological types of will: the explosive will and the obstructed will. With the explosive will, impulsive energy is discharged so quickly into action that “inhibitions get no time to arise.”³⁶⁸ This type of will has the advantage of executing actions promptly and with ease. However, with the surplus of impulsive power over inhibition, the explosive will can problematically result in reckless and precipitous actions.³⁶⁹ The explosive will is troubling precisely because of its sovereign and Promethean relation to agency. As Livingston notes, this type of will reflects a “dangerous overconfidence in the self’s sovereign power to master its

³⁶⁶ Ibid., 534. See also James’s description of Robert Gould Shaw’s “lonely courage” in his oration at the unveiling of Shaw’s memorial and Livingston’s discussion of this speech in Livingston, *Damn Great Empires*.

³⁶⁷ Ibid.

³⁶⁸ James, *Principles*, 537.

³⁶⁹ James explains, “It is the absence of scruples, of consequences, of considerations, the extraordinary simplification of each moment’s mental outlook, that gives to the explosive individual such motor energy and ease; it need not be the greater intensity of any of his passions, motives, or thoughts.” James, *Principles*, 538.

world.”³⁷⁰ Without the interruptive force of inhibitive energy, the explosive will remains blind to the many obstacles and limits that hinder action.

The obstructed will, however, faces the contrary problem of resigning to act with the disproportionate presence of inhibition over impulsive power. James associates this type of will with melancholic and reflective types who display “a condition of perfect ‘abulia,’ or inability to will or act.”³⁷¹ The obstructed will cannot translate its ideas into action. Unlike the sovereign agency of the explosive will, the obstructed will paralyzes the agent’s capacity for action. James explains, quoting Belgian physician Joseph Guislain, “Their will cannot overpass certain limits: one would say that the force of action within them is blocked up: the *I will* does not transform itself into impulsive volition, into active determination.”³⁷² Incapable of realizing the motor-effects of their volitional ideas, the obstructed will leaves agents in a perpetual state of hesitation, apathy, and resignation. Hence, this type of will problematically entails an impotent form of agency that prevents agents from realizing their capacity as willful agents.

In contrast to this, the agency that accompanies effortful attention is one that energizes an agent’s capacity to will and act in the face of obstruction. This is a type of reparative agency that involves a realistic avowal of both the limits that hinder action as well as the possibilities that empower it. In the face of indecision, the willful agent neither impulsively acts nor shirks from action, but attends to both the inhibitions that constrain action and the impulses that stimulate it. Keeping these in view, the agent

³⁷⁰ Livingston, *Damn Great Empires*, 55.

³⁷¹ James, *Talks to Teachers*, 87.

³⁷² James, *Principles*, 546.

affirms her ability to act “under an array of inhibitions.”³⁷³ This does not mean that the willful agent ignores the hesitations that impede action as the impulsive agent does. Nor does she waver perpetually in inaction as does the agent with an obstructed will. Rather, she attends to such hesitations and finds her energy precisely in *willing to act* in the face of obstruction. As James explains in *Talks to Teachers*, “The highest form of character... abstractly considered, must be full of scruples and inhibitions. But action, in such a character, far from being paralyzed, will succeed in energetically keeping on its way, sometimes overpowering the resistances, sometimes steering along the line where they lie thinnest.”³⁷⁴

While the explosive will and the obstructed will hinge on an all-or-nothing conception of agency such that one is either completely powerful or powerless, volition through effortful attention involves a more complicated understanding of agency. This is a type of reparative agency that negotiates the tensions of inhibition and conflicting impulses. One does not start out with this type of agency so much as one arrives at it through the struggle of work and effort. Hence, for James, it is only through the exercise of the will in the face of hesitation that one becomes a volitional agent. Exercising the will gives one “a “new range of power” that is unrealized when the will is either obstructed or explosive.”³⁷⁵

Through his account of volitional action in *The Principles of Psychology*, James develops a reparative conception of agency that serves as a response to the cultural crisis

³⁷³ James, *Talks to Teachers*, 88.

³⁷⁴ *Ibid.*, 87-8.

³⁷⁵ *Ibid.*, 136.

of neurasthenia which afflicted himself and others of his milieu. This type of agency is reparative insofar as it transforms the debilitating reality of indecision into the tense and lonesome effort of voluntary attention. The reparative agent recognizes the reality of her action being limited by a variety of hindrances without arriving at the fatalistic conclusion that she is therefore impotent. She attends, rather, to the possibilities that remain open for action. When these possibilities conflict, the reparative agent works through her hesitation by the effort of attending to one possibility amongst others so as to resolve, if only temporarily, her indecision. Action thus becomes possible through the work of the will. From this reparative position, James responds to the difficulty of acting without hope.

4. Belief and Reparative Commitment

James's preoccupation with the debilitating effects of indecision persisted well after the publication of *The Principles of Psychology*. Indeed, this preoccupation would inform some of his most important work in moral philosophy, including his infamous essay on "The Will to Believe" from 1896. Many of James's critics would turn to this essay to depict his philosophical position as profoundly acritical. Consider, for instance, the criticism forwarded by contemporaries of James like Russell, Dickinson Miller, and L.T. Hobhouse who argued that his "will to believe" doctrine amounts to either voluntarism or wishful thinking.³⁷⁶ Such critics insist that James gives up criticality precisely in his defense of willful belief.

³⁷⁶ See Miller, "The Will to Believe;" Hobhouse, "Faith and the Will to Believe;" and Russell, "Pragmatism."

To contest this reading, consider James's proposal for an alternative title to this essay in a 1901 letter written to fellow American philosopher and psychologist, James Mark Baldwin. The essay, James regrets, should have been called "Critique of Pure Faith."³⁷⁷ This more Kantian title, he suggests, would perhaps have assuaged some of his critics. James clarifies, "What I meant by the title was the state of mind of a man who finds an impulse in him towards a believing attitude, and who resolves not to quench it simply because doubts of its truth are possible. Its opposite would be the maxim: Believe in nothing which you can possibly doubt."³⁷⁸ James's invocation of the dual presence of doubt and belief in this passage captures something overlooked by critics who take him to be *replacing* doubt with belief. Not only do they ignore his particular understanding of faith as "belief in something concerning which doubt is still theoretically possible,"³⁷⁹ they also overlook the critical dimension of his essay as specifying the *conditions* of willful belief.³⁸⁰ That is, if James's "Will to Believe" essay is understood in terms of critique, that is, as an inquiry into the limits and conditions of belief or faith, then critics are quite wrong to take him as defending the boundlessness of the will.

That James was interested in clarifying the boundaries of belief can be gleaned from his 1896 Preface to *The Will to Believe and other Essays in Popular Philosophy*. There he specifies that his defense of faith is addressed to academic audiences, who, unlike their popular counterpart, suffer not from a lack of criticality as from a lack of

³⁷⁷ See James, *Correspondence of William James*, 552.

³⁷⁸ *Ibid.*

³⁷⁹ James, *Talks to Teachers*, 90.

³⁸⁰ This overlooking of the conditions of belief is common to both James's more historical critics like Bertrand Russell, Dickinson Miller, and George Santayana as well as his more contemporary advocates like Gerald Myers. See Russell, "Pragmatism;" Santayana, *Character and Opinion*; and Myers, *William James*.

belief. While agreeing with other “rationalizing readers” that “what mankind at large most lacks is criticism and caution, not faith,” he notes that his particular audiences require a different message.³⁸¹ Like himself, they suffer from “timorous *abulia*” and paralysis of the will.³⁸² These audiences require a conception and justification of a type of faith that “can steer safely between the opposite dangers of believing too little or believing too much.”³⁸³ That is, they are in need of a faith that navigates between the twin hazards of paralysis and recklessness. This is a faith that is precisely critical and cautious without thereby being immobilizing. How to defend a *critical* form of faith?³⁸⁴ This is the key question haunting James’s account of belief in “The Will to Believe.”

This section clarifies the kind of critical faith that James defends in his essay through the concept of reparative commitment. This concept illuminates the type of conviction entailed by a notion of reparative agency developed in the previous section. “The Will to Believe” can be read as continuing the theme of agency that occupies James’s attention in the “Will” chapter from *The Principles*. Hence, he employs the vocabulary of paralysis and recklessness, which map onto the obstructed and explosive wills respectively, to describe the dual dangers that agents seek to evade in willing to

³⁸¹ James, *Will to Believe*, x. According to Paul Stob and Ermine Algaier, James often crafted his lectures and writings for his particular audiences. In this case, the lectures comprising *The Will to Believe and other essays in Popular Philosophy* were primarily delivered to academic audiences (especially philosophical clubs and theological associations) at universities across New England. See Stob, *William James* and Algaier, “Crafted Texts and Historical Contexts.”

³⁸² James, *Will to Believe*, x.

³⁸³ *Ibid.*, xi.

³⁸⁴ Critical both in the sense of risky or uncertain and in the Kantian sense of inquiring into limits and conditions. James alternately poses this problem in terms of the “sisters” of “doubt and hope,” following Benjamin Paul Blood’s expression in his 1893 text *The Flaw in Supremacy*. Blood’s phrase displays the connection between doubt and hope, which are understood not as opposites, but as linked concepts whose meanings depend on the possibility of the other. See James, *Will o Believe*, ix and James, *Talks to Teachers*, 90.

believe. In “The Will to Believe,” James translates the agential dangers of paralysis and recklessness into two extreme hazards of belief, which can be understood in terms of either debilitating doubt (i.e., “believing too little”) or blind faith (i.e., “believing too much”). He offers willful belief as an alternative to these extreme forms of doubt and faith. Reparative commitment names the type of conviction that accompanies willful belief. It constitutes a form of commitment that is simultaneously hesitant and hopeful, cautious and courageous, thus underscoring the dual presence of uncertainty and faith in James’s meliorism.

In “The Will to Believe,” James proposes that “*Our passional nature not only lawfully may, but must, decide an option between propositions, whenever it is a genuine option that cannot by its nature be decided on intellectual grounds; for to say, under such circumstances, ‘Do not decide, but leave the question open’ is itself a passional decision – and is attended with the same risk of losing the truth.*”³⁸⁵ This thesis defends our right to believe in cases that cannot be decided by intellectual proof or evidence. These restricted cases are decided by our passional nature which hazards the risk of being wrong. The term “passional nature” refers to what James calls “the will” in *The Principles of Psychology*. It includes both our more private deliberate volitions and affective motivations like fear and hope, as well as social influences that predispose us to certain beliefs. That is, our willfulness is conditioned not only by such idiosyncratic features as our emotions, dispositions, and drives, but also by features of our social, political, and historical contexts.³⁸⁶

³⁸⁵ James, “Will to Believe,” in *WTB*, 11. Italics in original.

³⁸⁶ Hence James’s recognition that the afflictions of *abulia* and neurasthenia that debilitate the will are not simply determined by one’s physiological and psychical makeup, but are conditioned by certain

The will energizes belief only under specific conditions that comprise what James calls a “genuine option.” A genuine option is one that fulfills the following three criteria – it must be “live” rather than “dead;” it must be “forced” rather than “avoidable;” and it must be “momentous” rather than “trivial.”³⁸⁷ A *live*, as opposed to a dead, option is one that appeals to the belief of the person to whom it is proposed. That is, a hypothesis is live when it is capable of being believed by particular individuals. An option is *forced* rather than avoidable when there is no possibility of not choosing one option or the other. Suppose I said to you, “choose either steak or chicken.” This option is avoidable because you could choose an alternative that is neither chicken nor steak. Conversely, if I said to you, “Either come to dinner with me or don’t,” this would be a forced option because there is no alternative that allows you to escape the choice. Finally, a decision is *momentous* rather than trivial when it is potentially life changing. These are unique opportunities with high stakes insofar as they can impact one’s life irreversibly. Together, these three criteria – *live*, *forced*, and *momentous* – constitute a genuine option and supply the necessary and sufficient conditions for willful belief. This means, moreover, that the contrasting criteria – dead, avoidable, and trivial – function as the boundaries circumscribing willful belief. Thus, in his description of genuine options, James delineates both the constraining limits and the enabling conditions for belief.

technological, political, economic, and social aspects of a specific historical milieu. The economic and technological factors contributing to neurasthenia were especially emphasized by George Miller Beard. In *American Nervousness*, Beard attributes the emergence of neurasthenia to the technical and social developments of “steam power, the periodical press, the telegraph, the sciences, and the mental activity of women.” See Beard, *American Nervousness*, iv.

³⁸⁷ James, “Will to Believe,” in *WTB*, 3.

In spite of his careful specification of the conditions under which we are justified to believe, many critics accuse James of defending a version of wishful thinking. One can witness such an interpretation in Dickinson Miller's mocking suggestion in 1898 that the essay ought to be titled, "The Will to Make-Believe."³⁸⁸ On this view, James's account of willful belief steers too closely to the danger of reckless faith or the hazard of "believing too much."³⁸⁹ Like the explosive will's sovereign relation to agency outlined above, a reckless form of faith risks placing an overconfidence in its own willing capacity. This is a form of faith that is uncritical just insofar as it is blind to its own limits. Cheryl Misak offers the most recent critique of James in this regard. She argues that his "will to believe" doctrine amounts to a type of wishful thinking that problematically includes a subjectivist standard of evidence in the form of "the satisfaction of the believer."³⁹⁰ Misak finds this troubling because it links the evidence that warrants belief with the desirableness of a belief. Such a view would indeed be concerning if it were the one advocated by James in "The Will to Believe."

James, however, is not defending the omnipotence of belief as an exercise in wishful thinking. As he lays out in the "Will" chapter from *The Principles*, wishing is something distinct from willing in that where the former sets aims one cannot attain, the

³⁸⁸ See Miller, "The Will to Believe."

³⁸⁹ James, *Will to Believe*, xi.

³⁹⁰ Misak, *The American Pragmatists*, 63. On Misak's reading, James does not so much seek to refute evidentialism in "The Will to Believe" as he tries to expand what counts as evidence for the truth of a belief. While I agree with Misak that James does not aim to refute evidentialism (precisely because he does not think that the ethics of belief is a matter of proof or disproof), I worry that an overemphasis on the epistemology of belief in James's essay potentially undercuts the ethical significance of *willing* to believe. That is, I agree with scholars like Marchetti, Dianda, and Koopman, who emphasize the import of "The Will to Believe" as an essay in ethics. See Marchetti, *Ethics and Philosophical Critique*; Dianda, "William James;" and Koopman, "The Will, the Will to Believe, and William James."

latter desires only what is within one's power.³⁹¹ Thus, the *will* to believe realistically targets attainable desires while the *wish* to believe idealistically strives for what it cannot possibly realize. Recognizing the bind between the dangers of paralysis and recklessness in questions of faith, James proposes a type of belief that "hits the right channel between them."³⁹² This is a critical form of belief that countenances the limits of its efficacy while hazarding to act in circumstances where decisive proof is absent. These are cases whose truths depend "on our personal action," which is decided by our effortful volition or our willingness to believe.³⁹³

For James, the will to believe comes up against limits that obstruct its willing capacity. These limits appear in the form of dead hypotheses, avoidable choices, trivial options, as well as idiosyncratic and social influences that habituate the will toward specific beliefs. If the hypothesis is dead, the will has nothing to decide because no appeal is made to its energizing effort. This situation is much like the one James describes in *The Principles* in connection with the obstructed will. In the lethargic state of the will, "ideas, objects, considerations, which... fail to get to the will, fail to draw blood, seem, in so far forth, distant and unreal."³⁹⁴ The dead hypothesis would thus need to be transformed into a live one to activate the spark of the will.³⁹⁵ Likewise, avoidable choices do not demand willful belief to decide their outcome. And while willful belief

³⁹¹ James, *Principles*, 486.

³⁹² James, *Will to Believe*, xi.

³⁹³ James, "Will to Believe," in *WTB*, 25.

³⁹⁴ James, *Principles*, 546-7.

³⁹⁵ James maintains, "*In concreto*, the freedom to believe can only cover living options which the intellect of the individual cannot by itself resolve; and living options never seem absurdities to him who has them to consider." See James, "Will to Believe," in *WTB*, 29.

can decide trivial options, these do not quiver with the moral and existential weight of uncertainty at stake in momentous options. Other obstructions like social habits and physical or psychological ailments mark the resistances that the will must face if it is to overcome them. Yet, James leaves open the possibility that there are some resistances facing the will that may not be ultimately overcome.³⁹⁶

Just as effortful volition steers between the agential extremes of the explosive will and the obstructed will, James's concept of willful belief navigates between the dual dangers of recklessness and paralysis facing belief. By clarifying the enabling conditions and constraining limits of willful belief, James supplies a critique of pure faith. Willful belief constitutes a critical form of faith that humbly avows the limits constraining its exercise without thereby yielding to the paralyzing impotence of the skepticist disavowal of decisive action. James is especially concerned with the paralyzing doubt advocated by intellectuals like William Kingdon Clifford who demand abstention in questions of faith out of a fear of error.³⁹⁷ This fear functions as one possible affective response to situations of uncertainty that James contrasts with the *hope* of willful belief. He writes, "To preach scepticism [sic] to us as a duty until 'sufficient evidence' for religion be found, is tantamount therefore to telling us, when in presence of the religious hypothesis, that to yield to our fear of its being error is wiser and better than to yield to our hope that

³⁹⁶ Though James does not explicitly detail such cases, we might consider an example supplied by his sister, Alice, in her diary entry from October 26, 1890. After reading her brother's paper on "The Hidden Self," Alice describes the endless battle between her "body" and her "will" following violent bouts of hysteria and the torment of having to abandon the latter to her bodily inclinations: "As I lay prostrate after the storm with my mind luminous and active and susceptible of the clearest, strongest impressions, I saw so distinctly that it was a fight between my body and my will, a battle in which the former was to be triumphant to the end." See James, *Diary of Alice James*, 149.

³⁹⁷ See James, "Will to Believe" in *WTB*, 19 and Clifford, *Ethics of Belief*, 96. For commentary on the debate between Clifford and James, see Aikin, *Evidentialism*.

it may be true.”³⁹⁸ James worries that the skepticist avoidance of reckless belief comes at the price of giving up faith altogether. That is, the skeptic champions doubt at the expense of belief. In doing so, she not only sets up a problematic dichotomy between doubt and belief that clashes with the conception of faith defended by James, but her position also has debilitating agential effects insofar as she opts for a state of perpetual hesitation in waiting for sufficient evidence to arrive. This is to be in the agential position of the obstructed will, where agents are incapable of affirming their willful capacities. In terms of commitment, the skeptic essentially commits herself to being uncommitted.

In contrast to the debilitating doubt of the skeptic, James outlines a form of faith that is simultaneously cautious and courageous. To understand the type of commitment that the will to believe entails, consider his suggestion from the Preface to *The Will to Believe*: “It does not follow, because recklessness may be a vice in soldiers, that courage ought never to be preached to them. What *should* be preached is courage weighted with responsibility.”³⁹⁹ Recognizing the capacity of agents for reckless action, James encourages a kind of cautious courage rather than a complete divestment from action. This courage is cautious in the sense that it is checked by inhibitions and requires agents to take responsibility for risking to believe in conditions of uncertainty. The type of commitment that follows from such courage is one that maintains a relationship to doubt without thereby being overcome by it. Hence, faith for James does not so much *extinguish* doubt as it keeps it open as a possibility. He clarifies in “The Sentiment of Rationality,” “Faith means belief in something concerning which doubt is still

³⁹⁸ James, “Will to Believe,” in *WTB*, 26-7.

³⁹⁹ James, *Will to Believe*, xi.

theoretically possible.”⁴⁰⁰ Whereas the contrary position maintains that one ought not to believe in anything that can possibly be doubted, James argues that one is justified under specific conditions to believe in something *even if* it can be doubted. Belief responds to conditions of doubt without fully overcoming or being overcome by it. The believing subject does not express the full confidence in her faith as does someone for whom faith is the negation of doubt. Rather, the believing subject expresses a trembling confidence, or a “stuttering conviction” in Livingston’s words,⁴⁰¹ as she avows the elements of uncertainty and risk that condition and accompany her will to believe.

Much like the type of hesitant hope offered in the final *Pragmatism* lecture, James places faith on quivering, unsettled ground. This quivering quality specifies *how* faith is held by an agent. Less a steady resolve to execute actions swiftly and without question, quivering faith maintains contact with the doubt and hesitation to which it is initially responsive. Recall James’s description of the willing function as one that responds to the indecision wrought by conflicting impulses. If conviction is not to become the blind form of faith that accompanies a reckless will, then it must remain open to doubt, hesitation, and uncertainty. This does not mean that one wallows perpetually in doubt, for to do so is precisely to be without faith and the action it makes possible. Rather, quivering faith is about the movement from doubt to belief and the type of uncertainty that attends such movement.⁴⁰² Resting only on a *maybe*, faith trembles in the movement from doubt to

⁴⁰⁰ James, “Sentiment of Rationality,” in *WTB*, 90.

⁴⁰¹ See Livingston, *Damn Great Empires*, 106.

⁴⁰² I am reminded, for instance, of the quavering in my voice once I get the nerve to speak. The quavering refers to the uncertainty I have about speaking, reflects a vulnerability I assume in speaking, and modifies how I speak as a subject. This trembling quality bespeaks the kind of conviction I take on as a speaking subject. I am not quite steady, not quite sure, and yet I venture to speak, my words touched with the tremble

belief. It trembles because it bears the traces of doubt that condition its prior movement. Without uncertainty, there would be no faith and no accompanying risk, for as James contends, faith only decides matters that lack evidence or certainty.⁴⁰³ Hence, faith is “the readiness to act in a cause the prosperous issue of which is *not certified to us in advance*.”⁴⁰⁴ Without faith, however, subjects would remain indefinitely in the torpor of indecision and hesitation, and could not affirm their capacities as willful agents – as agents capable of willing and acting without the guarantee that they are right in doing so.

The agent who risks believing even when doubtful is one who is cautiously poised. In being cautious, she does not thereby give up being committed, but rather her commitment reflects the caution she maintains in leaving doubt open as a possibility. She places a quivering confidence in her capacity as a believing, and hence, willful agent. If, for James, “a test of belief is willingness to act,”⁴⁰⁵ then the type of cautious confidence that accompanies belief is the same type that escorts willful action.

James’s account of willful belief entails a form of reparative commitment. This type of commitment is reparative insofar as it posits (and affirms) the *possibility* to believe within specific limits. Subjects engaging the work of reparation aim at salvaging possibilities in spite of constraining limits, or, in Sedgwick’s words, they aim at “extracting sustenance from the objects of a culture – even of a culture whose avowed

of hesitation. Caution qualifies my confidence as a speaker. This cautiousness does not altogether prevent me from speaking, but it permeates my voice insofar as I speak *from* doubt rather than certainty.

⁴⁰³ These are cases that cannot be “*decided on intellectual grounds*.” See James, “Will to Believe,” in *WTB*, 11.

⁴⁰⁴ James, “Sentiment of Rationality,” in *WTB*, 90. Italics added.

⁴⁰⁵ *Ibid.*

desire has often been not to sustain them.”⁴⁰⁶ To be reparatively committed means, then, to at once countenance doubt as that which limits belief and the action it entails and to extract confidence from willing to believe. This is the type of commitment that accompanies reparative agency. In being reparatively committed, the agent places trust in her capacity to act in spite of the uncertainties that attend her action. This is not the over-confidence of a Promethean will nor is it the timidity of Hamlet-like indecision.

Reparative commitment is located along the middle-ranges of conviction and doubt. It realizes the extent to which one can be simultaneously cautious and courageous, hesitant and hopeful without conviction and possible action being thereby undermined. This cautious courage is indexical of the vulnerability an agent assumes in risking to believe and act in a world without security or guarantee. The cautiousness does not lead to a position of impotence insofar as the subject places faith in her agential capacities. Without faith, an agent cannot move from the condition of doubt that incapacitates her ability to act. Yet, without being open to doubt, an agent potentially commits herself to a form of blind faith and a boundless sense of agency. To be reparatively committed, the agent must therefore maintain a relation to doubt by remaining cautious and uncertain without giving up her affirmation to hope and *act* on this hope. What results is a position from which it becomes possible to hope so long as one is also open to doubt.⁴⁰⁷ This “fluttering” type of hope thus energizes the reparative work of sustaining possibilities in the midst of limits that do not sustain us.

⁴⁰⁶ Sedgwick, *Touching Feeling*, 150-1.

⁴⁰⁷ I take this to be the meaning behind Benjamin Paul Blood’s declaration that “doubt and hope are sisters,” which James quotes in the Preface to *The Will to Believe*. See James, *Will to believe*, ix.

Conclusion

In his 1959 conceptual history, *Critique and Crisis*, Reinhart Koselleck reminds us of the historical and etymological connection of crisis and critique. Whereas we tend to think of these concepts as designating either a subjective style of thinking or an objective state of affairs, Koselleck describes a single concept – ‘*krisis*’ – deployed by the Greeks to refer at once to an ‘objective’ situation and a ‘subjective’ activity.⁴⁰⁸

The proximity between critique and crisis can be witnessed in James’s corpus and life. As Cotkin argues, his work as a public philosopher consists in addressing specific cultural crises that pervaded his milieu. One sees James grappling with the crisis of inaction suffered by neurasthenics like himself in *The Principles of Psychology* and “The Will to Believe.” Elsewhere, one finds James engage the political and moral crises wrought by America’s practice of imperialism at the turn of the 20th century in his editorials and correspondence.⁴⁰⁹ Yet, James’s more explicit attention to crisis – whether psychological, ethical, or political – is coupled with a seemingly absent discussion of critique such that it becomes difficult to identify the critical dimension of his work. As I have been arguing, however, we would be remiss if we therefore concluded that James declines critical practice. We would, furthermore, be mistaken if we also decided that this apparent lack of criticality left him in an impotent, uncommitted position. Without explicitly conceptualizing his work in terms of critique, James tacitly practices critique as a reparative response to crises afflicting himself and others. Hence, in response to the central crisis of faith and agency that haunted his milieu, James offers concepts of

⁴⁰⁸ Koselleck, *Critique and Crisis*, 103, n.15. The etymological connection between critique and crisis can be observed in certain medical phrases like “critical condition” or “critical care.”

⁴⁰⁹ See Livingston, *Damn Great Empires*.

reparative agency and reparative commitment to incite the possibility of hoping and acting even in conditions of uncertainty.

PART II
CHAPTER IV
REPARATIVE POLITICAL CRITIQUE

Introduction

In Part One, I defended reparative critique as an alternative critical practice to the paranoid version that has “run out of steam.”⁴¹⁰ I then presented varieties of reparative critique through the work of Foucault and James. I now turn in Part Two to show how reparative critique can be put to work as a method for political theorizing. This chapter fleshes out a method of reparative political critique before operationalizing it in Chapters Five and Six on specific problems concerning the politics and ethics of contemporary digital technology.

Using the frame of recent debates over the status of ideal theory in political philosophy, I argue that a reparative political critique must be realist rather than idealizing in orientation. It must be realist for two reasons. First, insofar as ideal theory bears affinities with paranoid critique in terms of their epistemic aims of universalism and certainty, reparative political critique must incline itself away from ideal theory. This point, however, only states negatively what reparative critique cannot be as a method for political theory. The second reason addresses more positively why reparative political critique is realist: it offers a fact-sensitive approach that attends to problems of power that haunt a particular present. This trifold attention to *facts*, *power*, and *present problems* contributes to the realist orientation of reparative political critique.

⁴¹⁰ See Latour, “Why Has Critique.”

My argument proceeds in four steps. In *section one*, I clarify the recent literature on ideal theory and realist theory so as to situate reparative critique within the terms of that debate. After specifying the epistemic affinities between ideal theory and paranoid critique in *section two*, I then take up in *section three* the realist position defended by Raymond Geuss. Arguing that ideal theory collapses the political with the moral, Geuss forwards realist political theory as an alternate approach that is attentive to history, context, action, and power. Yet, Geuss's realism depends on a negative conception of critique that falls prey to the problems of paranoia. This leads me to argue for reparative political critique as offering a better alternative to Geuss's realism in *section four*. I suggest that for a method of political critique to be both realist and reparative in orientation, it must address some concrete, specific actuality rather than defend idealized conceptions (e.g. of justice) which invariably show reality to fall short and thus to stand in need of negative judgment.

1. The Ideal and Non-Ideal Debate

A contemporary debate in political philosophy about ideal theory has crystallized around reactions to John Rawls's seminal work outlining an ideal theory of justice from 1971 and 2001. In the 1990s and early 2000s, Rawls's position received a range of critiques concerning its ideal status from political theorists as diverse as Amartya Sen, Bernard Williams, Bonnie Honig, Charles W. Mills, and Raymond Geuss, among many others.⁴¹¹ As Laura Valentini (2012) has noted, the debate is often difficult to track as it

⁴¹¹ See Sen, *Inequality Reexamined*; Williams, *In the Beginning*; Honig, *Political Theory*; Mills, "'Ideal Theory' as Ideology;" and Geuss, *Philosophy and Real Politics*.

maps multiple concerns.⁴¹² In this section, I offer two ways of understanding the debate. The first concerns a series of distinctions forwarded by Rawls between alternative ways of proceeding *within* normative political theory. The second way of conceptualizing the debate has to do with the *meta-theoretical status* of normative political theory itself.

In *Political Liberalism, A Theory of Justice*, and his 2001 restatement, *Justice as Fairness*, Rawls disambiguates two forms of normative political theory, *ideal* or “full compliance theory” and *non-ideal* or “partial compliance theory.”⁴¹³ Following Valentini, however, the difference between ideal or full compliance theory and non-ideal or partial compliance theory is just one set among three distinctions to map the debates over ideal theory.⁴¹⁴ In addition to this distinction, Valentini offers those of *utopian* and *realist* theory and *end-state* and *transitional* theory as possible ways of conceptualizing the debate. On her view, Rawls’s work provides the source of these distinctions and comes under attack by those who claim that his theory is too ideal.⁴¹⁵ I briefly clarify each of these three distinctions before turning to the second way of understanding the debate.

Rawls’s ideal theory explicitly specifies the principles of justice under conditions of full compliance, which assumes that all pertinent agents comply with the demands of justice applying to them and that natural and historical conditions are economically and socially favorable.⁴¹⁶ Non-ideal theory, in contrast, specifies what is required of agents

⁴¹² Valentini, “Ideal vs. Non-Ideal Theory,” 654.

⁴¹³ See Rawls, *Political Liberalism*, 284-285; Rawls, *Theory of Justice*, 8; and Rawls, *Justice as Fairness*, 66. See also Rawls, *Law of Peoples*, 4-5.

⁴¹⁴ Valentini, “Ideal vs. Non-Ideal Theory.” See also Stemplowska and Swift, “Ideal and Nonideal Theory.”

⁴¹⁵ Valentini, “Ideal vs. Non-Ideal Theory,” 657. There are also theorists who claim Rawls’s position is too realist. For an example of this, see Cohen, “Facts and Principles,” and Cohen, *Rescuing Justice*.

⁴¹⁶ Rawls, *Political Liberalism*, 285; Rawls, *Theory of Justice*, 8; and Rawls, *Justice as Fairness*, 13.

under conditions of partial compliance.⁴¹⁷ These are conditions whereby agents act unjustly or only partially fulfill what justice demands. According to Rawls, ideal theory offers “the only basis for the systematic grasp of the more pressing problems of non-ideal theory.”⁴¹⁸ Valentini argues that Rawls’s view has come under attack with a recent shift in political philosophy that questions whether ideal theory can sufficiently clarify the requirements of agents in conditions of injustice or partial compliance.⁴¹⁹ While it may be that ideal theory enables one to identify cases of partial compliance, it does not provide guidance about how to respond to such cases.

The debate can also be understood through the distinction between utopian and realist theory, which comes to the fore in Rawls’s description of his own position as “realistically utopian.”⁴²⁰ Valentini describes the difference between ‘fully utopian’ theories, which reject the necessity of placing feasibility constraints on ideals of justice, and ‘realistic’ theories, which accept the need of placing feasibility constraints on principles of justice.⁴²¹ For realists, constraints on feasibility stem from a range of physical, psychological, and social facts that limit the viability of agents to uphold ideals of justice. In its neglect of feasibility constraints, utopian theory can be understood as a fact-insensitive position while realist theory is attentive to facts as setting constraints on the design of normative principles.⁴²² Some of these facts involve, for instance, the

⁴¹⁷ Ibid.

⁴¹⁸ Rawls, *Theory of Justice*, 8.

⁴¹⁹ Valentini, “Ideal vs. Non-Ideal Theory,” 655. See also Jubb, “Tragedies of non-ideal theory.”

⁴²⁰ See Rawls, *Law of Peoples*, 6-7 and Rawls, *Justice as Fairness*, 13.

⁴²¹ Valentini, “Ideal vs. Non-Ideal Theory,” 657.

⁴²² Ibid., 660.

existence of disagreement, conflict, and relations of power that pervade political life. Alice Baderin (2014) specifies the fact-sensitivity of the realist approach as one concerned with a practical view of political theory, one that ultimately seeks to guide political action.⁴²³ This realist approach criticizes ideal political theory for being too abstract and for not engaging with the empirical details that shape the requirements for ‘real,’ practical politics.⁴²⁴ Against this realist position, David Estlund (2014) argues that the question of practicality should be kept separate from normative political theorizing.⁴²⁵ He asserts that the unreasonable fear of utopianism on the part of realists can be problematic for political theory insofar as it may “lead to the marginalization of inquiries and insights that do not suffer the defects of utopianism properly conceived.”⁴²⁶ As Valentini notes, Rawls’s work has been interpreted on both sides of the realist-utopian distinction, as either too realistic and fact-constrained, or as too idealistic and insensitive to facts.⁴²⁷

Finally, the debate also hinges on a distinction central to Rawls’s work between end-state or perfection theory and transitional or gradualist theory.⁴²⁸ Whereas ideal theory forwards a long-term goal for institutional reform, non-ideal theory forwards a

⁴²³ Baderin, “Two Forms of Realism,” 133. See also Stemplowska and Swift, “Ideal and Nonideal Theory,” 374.

⁴²⁴ Baderin, “Two Forms of Realism,” 134.

⁴²⁵ Estlund, “Utopophobia,” 115. In a different, yet somewhat related vein, Michael Walzer argues for the value of utopian aspirations on the part of activists. Walzer takes Isaiah Berlin’s anti-utopianism to task in order to suggest that liberalism’s success thus depends upon the utopian ambitions of insurrectionist movements. See Walzer, “Should we reclaim,” 27-29.

⁴²⁶ Estlund, “Utopophobia,” 116.

⁴²⁷ Valentini, “Ideal vs. Non-Ideal Theory,” 657.

⁴²⁸ Valentini, “Ideal vs. Non-Ideal Theory,” 660; Hamlin and Stemplowska, “Theory, Ideal Theory,” 49.

more gradualist position that asks “how this long-term goal might be achieved, or worked toward, usually in gradual steps.”⁴²⁹ Rawls gives logical and normative priority to the end-state mode of ideal theorizing insofar as it sets the objective or long-term goal that transitional non-ideal theory works towards.⁴³⁰ Against this, Amartya Sen has argued that end-state or “transcendental” theory, which attempts to articulate the conditions and requirements for a fully just world, is neither necessary nor sufficient for transitional theory, which attempts to understand how the world might be made more just.⁴³¹ Thus, for Sen, determining possible improvements of justice does not depend upon having an ideal account of a perfectly just world. Valentini (2011) and Stemplowska (2008) call this position into question by insisting on the import of ideal theory for determining the extent to which the world is unjust.⁴³² As Valentini explains, “After all, we do not simply want to know what would make the world more just, but also when the world is fully just and what full justice demands of us.”⁴³³ On this view, end-state theory provides important normative guidance for the recommendation of improvements of justice in transitional theory.⁴³⁴

While the distinctions offered by Valentini concern a set of debates about ideal and non-ideal theory that are internal to Rawls’s theory of justice, another way to understand the debate concerns the meta-theoretical status of normative political theory

⁴²⁹ Rawls, *Theory of Justice*, 89.

⁴³⁰ *Ibid.*, 90.

⁴³¹ Sen, “What Do We Want,” 218 and Sen, *Idea of Justice*, 96, 103.

⁴³² Stemplowska, “What’s Ideal” and Valentini, “A Paradigm Shift.”

⁴³³ Valentini, “Ideal vs. Non-Ideal Theory,” 661; cf. Valentini, “A Paradigm Shift,” 298.

⁴³⁴ See Valentini “Ideal vs. Non-Ideal Theory” and Simmons, “Ideal and Nonideal Theory.”

itself. Significant for this conceptualization is a line of criticism offered by Bonnie Honig, Bernard Williams, and Raymond Geuss. These figures critique the normative aspirations of ideal theorists like Rawls for regarding politics as “applied ethics.”⁴³⁵ They maintain that politics must be understood in its *own* terms, not in the terms of moral theory. Williams and Geuss call their preferred view “political realism.”⁴³⁶ For Enzo Rossi and Matt Sleat (2014), realist political theory insists on the irreducibility of the political to the moral. On this view, realism is distinct from non-ideal theory in its attempt to give autonomy to the political, while non-ideal theory may still operate under the assumption that politics can be reducible to morality.⁴³⁷ Following Rossi and Sleat, we miss this characteristic feature of realism if we read it solely through the lens of the utopian-realist distinction specified by Valentini (2012) as concerning issues of feasibility. I will now summarize this realist line of argument before showing the epistemic affinities between ideal theory and paranoid critique in the following section.

Central for the critique of ideal theory in terms of its meta-theoretical status is the role of contestation, disagreement, or conflict in marking the distinguishing feature of political life. Among the first to emphasize politics as agonistic, Honig argues that ideal theorists like Immanuel Kant and Rawls effectively displace politics by offering safety

⁴³⁵ Williams, *In the Beginning*, 2; Honig, *Political Theory*, 2; Geuss, *Philosophy and Real Politics*, 1. See also Philp, “Realism without Illusions” and Galston, “Realism in Political Theory.”

⁴³⁶ See Williams, *In the Beginning*; Geuss, *Philosophy and Real Politics*; and Geuss, *Reality and its Dreams*.

⁴³⁷ See Rossi and Sleat, “Realism in Normative Political Theory,” 691. Sleat insists that realism should not be conflated with non-ideal theory: “Whereas the ideal/non-ideal theory debate consists of a series of methodological issues that take place squarely within the liberal framework, and hence retains many (if not all) of its assumptions regarding the purpose of politics and the ambitions of political theory, realism is a competing theory of politics in its own right that presents a radical challenge to those liberal assumptions.” See Sleat, “Realism, Liberalism and Non-Ideal Theory,” 27; cf. Baderin, “Two Forms of Realism,” 133.

and stability against spaces and practices of disruption. This “displacement of politics” consists in its conflation with administration and juridical settlement.⁴³⁸ Against these “virtue theories of politics,” she describes the “*virtù* theories” of Friedrich Nietzsche and Hannah Arendt, who understand politics in terms of disruption, struggle, dissonance, and remainders.⁴³⁹ This agonistic depiction of political life disrupts ideal theory’s presumption toward consensus and agreement.

Like Honig, Williams argues for an alternative approach to political theory that contrasts with what he calls “political moralism.” As the name suggests, political moralism prioritizes the moral over the political such that “political theory is something like applied morality.”⁴⁴⁰ Linked to a neo-Kantian framework, Williams refers primarily to the work of Rawls and Ronald Dworkin as representative of political moralism.⁴⁴¹ Williams contrasts this with his own approach of “political realism,” which insists that the concepts, vocabulary, and concerns of politics are irreducible to those of ethics.⁴⁴² Akin to Honig’s agonism, political realism affirms conflict or “political difference” as a primary feature of politics. Hence, on this view, the first political question is the Hobbesian one of securing order, protection, trust, safety, and conditions of cooperation. Solving this question is a matter of legitimation. According to Williams, the state must meet the basic legitimation demand if it is to be differentiated from an illegitimate state

⁴³⁸ Honig, *Political Theory*, 2.

⁴³⁹ *Ibid.*, 2-3.

⁴⁴⁰ Williams, *In the Beginning*, 2.

⁴⁴¹ *Ibid.*, 15. Political moralism consists in the application of the moral to the political such that institutions and political actions are taken as “instruments of the moral” or as set by particular constraints of morality which specify how power can be rightfully exercised. See Williams, *In the Beginning*, 1.

⁴⁴² *Ibid.*, 2.

that can too easily become a state of disorder.⁴⁴³ Meeting this demand “implies a sense in which the state has to offer a justification of its power *to each subject*.”⁴⁴⁴ Unlike forms of political moralism, which describes political legitimation as being derived from the formal properties of moral law or moral personhood, political realism understands legitimation as an historically contextualized practice.⁴⁴⁵

Following Williams, Geuss maintains that political theory ought to proceed from an understanding of politics as autonomous from the ethical. In rejecting the idea that “politics is applied ethics,” Geuss targets those “ethics-first” approaches that begin by specifying ideal ethical principles, values, and precepts which serve as normative guides for political action. He explains, “The view I am rejecting assumes that one can complete the work of ethics first, attaining an ideal theory of how we should act, and then in a second step, one can apply that ideal theory to the action of political agents.”⁴⁴⁶ Geuss argues that not only is it possible to obtain normative political judgments from distinctly *political* values, but that moral values are insufficient for that task.⁴⁴⁷ His own realist political philosophy proceeds by prioritizing the practice of politics as distinct from that of morality.

⁴⁴³ Ibid., 4. See also Sleat, “Bernard Williams” and Rossi and Sleat, “Realism in Normative Political Theory.”

⁴⁴⁴ Williams, *In the Beginning*, 4. Italics in original.

⁴⁴⁵ Ibid., 9. Williams draws on Wittgenstein to highlight the primacy of practice in his realist approach to politics. See Williams, *In the Beginning*, 24-25.

⁴⁴⁶ Geuss, *Philosophy and Real Politics*, 8.

⁴⁴⁷ Ibid., 10. See also Rossi and Sleat, “Realism in Normative Political Theory,” 690.

To clarify why reparative political critique inclines itself toward realism rather than idealism, I shall briefly show the affinities between ideal theory and paranoid critique before accounting more fully for the realist orientation of reparative critique.

2. Ideal Political Theory and Paranoid Critique

As we saw in section one, ideal theory can be understood through its fidelity to full compliance, utopian, end-state, and ethics-first theorizing. While these features are not all problematic from a reparative perspective, the first two bear meta-theoretical affinities with paranoid critique. First, full-compliance presumes a kind of agency that maps to the one at work in paranoid critique. Second, the aim of ideal theory for a systematic knowledge of justice and injustice resembles the epistemic inclinations of paranoia toward totalization and certainty. Finally, while not paranoid in itself, the utopian pretensions of ideal theory can result in a paranoid form of critique that regards reality as always standing in need of negative judgment.

In *A Theory of Justice*, Rawls forwards his ideal account of justice as a strict compliance theory. He is specifically concerned with the task of “examin[ing] the principles of justice that would regulate a well-ordered society.”⁴⁴⁸ A well-ordered society is one that assumes full or strict compliance on the part of agents to uphold the principles of justice. Rawls explains, “Everyone is presumed to act justly and to do his part in upholding just institutions.”⁴⁴⁹ Hence, a full compliance theory presumes not only that agents are *capable* of acting justly, but that they actually *do* act in just ways. Such a

⁴⁴⁸ Rawls, *Theory of Justice*, 8.

⁴⁴⁹ Ibid.

theory depends on a moral or political psychology that regards humans as cognitively and motivationally inclined to fulfill the demands of justice. What results is an ideal conception of human agency that obfuscates the myriad limitations placed on human action. These limitations include (but are by no means limited to) the specific power relations organizing conduct in certain ways, conscious or unconscious barriers such as those created through bias, stereotyping, and prejudice, corporeal limits and vulnerabilities that differently inhibit action, and epistemic flaws that make the human a fallible, error-prone creature.

The version of human agency offered by ideal theory corresponds to the type of agency at work in paranoid critique. This paranoid type of agency assumes an all-or-nothing form such that subjects are either all-powerful or completely powerless. To be omnipotent, agents must be unlimited or unhindered by obstructions that would thwart their actions. They are totally capable and confident in fulfilling whatever actions they set out to perform. Like the agency theorized by ideal theory, the omnipotent agency assumed by paranoid critique is completely blind to limitations. This conception of agency cannot account for the limits of human agency that prevent us from acting in full compliance. As Elizabeth Anderson (2010) reminds us, “A system of principles that would produce a just world if they regulated the conduct of perfectly rational and just persons will not do so when we ask human beings, with all our limitations and flaws, to follow them.”⁴⁵⁰ To take seriously the limits facing human action would be to take up what Rawls calls a “partial compliance theory.”⁴⁵¹ This is a nonideal theory which

⁴⁵⁰ Anderson, *Imperative of Integration*, 3-4.

⁴⁵¹ Rawls, *Theory of Justice*, 8.

“studies the principles that govern how we are to deal with injustice.”⁴⁵² Such a theory would require a *reparative* conception of agency that avows the very real limits confronting human action and attends to the possibilities that remain open for transforming these limits. A reparative agency would guide a realist political theorist to proceed from a consideration of how human conduct is actually limited and how they cope with such limits.

Rawls argues that an ideal or strict compliance theory has the advantage of providing “the only basis for the systematic grasp” of the “more pressing problems” addressed by non-ideal theory.⁴⁵³ That is, on Rawls’s account, ideal theory offers a systematic basis for understanding the injustices that comprise urgent matters for agents under conditions of partial compliance. The idea here is that ideal theory can provide a way of systematically diagnosing problems of injustice by accounting for the principles that would regulate an ideally just (i.e., well-ordered) society. This emphasis on a “systematic grasp” of justice and injustice reveals the proclivity of ideal theory for systematization that has the potential consequence of imparting the ideal theorist with an epistemic authority over her non-ideal counterparts.

To understand how this ideal aim of systematization can be taken as continuous with paranoid critique, consider again the epistemic features of paranoia. Paranoia aspires to a systematic, totalized knowledge of what is deemed threatening so as to protect the subject from possible harm. This totalized knowledge reduces all phenomena to instances of threats. In doing so, paranoia cannot allow anything to be unknown, ambiguous, or

⁴⁵² Ibid.

⁴⁵³ Ibid.

uncategorized. Likewise, in seeking a systematic knowledge of justice that would thereby give one an orderly account of injustice, the ideal theorist cannot allow anything which frustrates or escapes systematization even though such things may be pertinent for political theorizing.⁴⁵⁴ It is unclear, for instance, how ideal theory can respond to a value-pluralism that is less the reasonable variety articulated by Rawls, but the more intractable kind described by someone like Honig or William James.⁴⁵⁵ That is, ideal theory does not seem to be able to countenance a category that defies agreement or resolution, or that is not otherwise readily solvable. Such a category might include irreparable remainders, stubborn conflicts, or gaps between the ideal and the actual that, in James's words, "can only be got through by leaving part of the ideal behind."⁴⁵⁶ This presents a problem insofar as an intractable pluralism sets a feasibility constraint on normative political theorizing that is evaded by ideal theory. As I will show below, a reparative political theory differs from ideal theory on this point as it embraces intractable pluralism as an unavoidable feasibility condition.

A further epistemic point of contact between ideal theory and paranoia can be seen from Rawls's presumption that ideal theory provides the *only* basis for a systematic understanding of injustice. This supposition suggests two things. First, it suggests that theorists must arrive at a thorough knowledge of justice *in advance* of addressing the more urgent problems of injustice. This idea maps to the epistemic pretensions of

⁴⁵⁴ Elizabeth Anderson argues further that ideal theory may actually *prevent* us from recognizing injustices in our nonideal world. Drawing on the case of racial injustice, Anderson contends that insofar as ideal theories make race invisible in theorizing the ideal society, they "make us blind to the existence of race-based injustice." See Anderson, *Imperative of Integration*, 5.

⁴⁵⁵ See Rawls, *Justice as Fairness*, 15; Honig, *Political Theory*, 2-3; James, "Moral Philosopher and Moral Life," in *WTB*, 198. See also Koopman, "Unruly Pluralism," 29-30.

⁴⁵⁶ James, "Moral Philosopher and Moral Life," in *WTB*, 202.

paranoia as it seeks to arrive at a knowledge of threats or “bad surprises” *in advance* of their unfolding.⁴⁵⁷ The desire for a knowledge made up in advance reflects a dogmatic impulse behind paranoia and ideal theory. This inclination not only assumes that such a knowledge is possible, it prioritizes this type of knowledge as epistemically advantageous over other types that would avow uncertainty rather than seek to escape it. This leads to the second point implied by the supposition that ideal theory lends the sole basis for systematically grasping injustice. It suggests that ideal theorists are epistemically privileged in their systematic knowledge of justice and, hence, of injustice. This bears an affinity with paranoid knowing as it assumes that a special train of epistemic advantages follow from its conception of knowledge, which takes the form of systematic certainty or exposure of hidden truths. Thus, Rawls imparts ideal theory with an epistemic authority over other ways of knowing injustice.

Following Valentini, ideal theory tends to incline itself toward a more utopian, as distinct from a more realist, mode of theorizing. This distinction refers to how theories regard the placement of feasibility constraints on ideals of justice. Whereas fully utopian theories neglect feasibility constraints and are thus fact-insensitive approaches, realist theories are sensitive to facts as setting practical constraints on normative principles. This distinction can be understood along the lines of a spectrum with fully utopian theories on one end and fully realist positions on the other. Rawls’s “realistically utopian” position might be placed in the middle of this spectrum insofar as it “probes the limits of the realistically practicable, that is, how far in our world (given its laws and tendencies) a democratic regime can attain complete realization of its appropriate political values –

⁴⁵⁷ Sedgwick, *Touching Feeling*, 130.

democratic perfection, if you like.”⁴⁵⁸ While Rawls is concerned with the feasibility of fully realizing a perfectly just society, his position risks being too utopian because it assumes strict compliance. As previously discussed, a strict compliance theory is insensitive to the limits and flaws of human agency. For Rawls, what sets a feasibility constraint on the realization of justice is the fact of reasonable pluralism. This fact alone, not the fact of partial compliance, “limits what is practicably possible under the conditions of our social world.”⁴⁵⁹ Yet, insofar as this pluralism does not account for the kind of intractable conflict that frustrates agreement, it does not provide a sufficient feasibility constraint. Rawls is unconcerned with other facts that would serve as limits on the practically possible. Hence, he asserts that he “shall not pursue” the question of “how the limits of the practicable are discerned and what the conditions of our social world in fact are.”⁴⁶⁰ In not pursuing such a question, however, Rawls’s ideal theory would seem more utopian than realist.

The problem with more utopian theories is twofold. First, they are inattentive to limits that constrain the possible. This is problematic because a neglect of limits, such as facts of human agency or intractable conflict, leads to a quixotic conception of political possibility that is ungrounded in political actuality. A disregard for limits makes it difficult to inspire change in human conduct. For, if an ideal theory advances the principles for a perfectly just society that humans are incapable of actually fulfilling, how could they reasonably be expected to undertake the change necessary to realize such a

⁴⁵⁸ Rawls, *Justice as Fairness*, 13.

⁴⁵⁹ *Ibid.*, 4.

⁴⁶⁰ *Ibid.*, 5.

society? Rather than theorize the *ideally* possible (but practicably impossible), political theorists would do better to attend to the *actually* possible. This is a category that is sensitive to the feasibility constraints confronting human action without thereby giving up the possibility that such action may be changed or ameliorated.

The second problem with more utopian theories has to do with the kind of political critique they encourage. In defending idealized conceptions (e.g. of justice) which invariably show reality to fall short and thus to stand in need of negative judgment, ideal theory tacitly promotes the practice of paranoid critique. For after describing the principles that would regulate an ideal society, how could one look on the world one actually inhabits, with its myriad injustices and imperfections, without seeing all the ways it falls short of the ideal? This world would have to be perpetually negated in light of that other, perfected one. One would thus assume the position of the paranoid critic who exercises negative judgment in regarding everything as threatening, bad, or potentially harmful. This is problematic insofar as it does not present a realistic image of the world as both damaged *and* salvageable. The overemphasis of the negative leads to the fatalistic conclusion that the world is not to be trusted because it inevitably disappoints. From such a position, it becomes impossible to realize that the world may be changed.

3. Geuss's Realist Political Theory

In Geuss's work, realist political theory can be understood through its negative and positive aspects. Negatively, realism entails a rejection of moralism, a position that conceptualizes morality in terms of the absolute knowledge of "good" and "bad" or

“right” and “wrong.”⁴⁶¹ Positively, realism approaches political theorizing through an attention to history, context, action, and power. It consists in an understanding of politics as historically situated and as principally concerned with action and power relations. Combining the methods of Foucauldian genealogy and ideology critique, Geuss engages the critical-diagnostic work of interrogating forms of power operant in the present.

In his lectures comprising *Philosophy and Real Politics*, Geuss advances four theses that undergird a realist approach to politics, which contrasts with the ethics-first approach of ideal theory. First, unlike its ideal counterpart, realist political theory begins with an analysis of how people and institutions actually act and operate at a particular time and in specific circumstances.⁴⁶² This can be expressed as a focus on political *actuality*. It includes an emphasis on the real motivations and powerful illusions that incline humans toward certain actions and discourage them from others. Second, realist political theory takes politics to be primarily about action and “contexts of action” rather than being about statements or beliefs.⁴⁶³ Geuss does not deny the importance of belief and discourse for political inquiry, but understands these in terms of action or what they *do*.⁴⁶⁴ Third, a realist position embraces the idea that politics is historically located and

⁴⁶¹ Geuss, *Reality and its Dreams*, 26-28.

⁴⁶² Geuss, *Philosophy and Real Politics*, 9.

⁴⁶³ *Ibid.*, 11.

⁴⁶⁴ He writes, “In many situations agents’ beliefs can be very important – for instance, knowing what another agent believes is often a relevant bit of information if one wants to anticipate how that agent can be expected to act – but sometimes agents do not immediately act on beliefs they hold. In either case the study of politics is primarily the study of actions and only secondarily of beliefs that might be in one way or another connected to action. To reiterate, propounding a theory, introducing a concept, passing on a piece of information, even, sometimes, entertaining a possibility, *are all actions*, and as such they have preconditions and consequences that must be taken into account.” Geuss, *Philosophy and Real Politics*, 11-12. Italics added. We might compare this idea to a pragmatist conception of belief as a rule for action. Indeed, Geuss’s actionistic understanding of politics shares affinities with pragmatism’s focus on action and practice as central categories for inquiry. See James, *Pragmatism*, 28.

thus must be studied in terms of its specific historical contexts.⁴⁶⁵ This thesis entails a detachment from entertaining eternal questions of political philosophy about the nature of ideals like justice or freedom, and encourages a focus on the changing circumstances that condition and inform political life. Fourth, realist theory assumes that politics is more akin to the exercise of a craft or skill than to the mastery and application of a set of theories and principles. For Geuss, a skill is “an ability to act in a flexible way that is responsive to features of the given environment with the result that action or interaction is enhanced or facilitated, or the environment is transformed in ways that are positively valued.”⁴⁶⁶ Politics is thus aligned with a type of *techné* or know-how as distinct from *epistémé* or knowledge-that.

I focus on Geuss’s third thesis to consider how an attention to history and context informs his realism. Rather than proceed from a timeless position of what politics would require of us under ideal conditions, realist theory begins by considering the power relations, motivations, and political institutions that exist in one’s historical present. This timeless impulse of ideal theory can be witnessed in Rawls’s work through its deployment of the original position as a hypothetical, non-historical device that, as Rawls emphasizes, has never *actually* occurred nor could it ever occur.⁴⁶⁷

Once politics is understood as historically located and subject to change, political theory ought, on this view, to adopt historical inquiry into its methodology. Geuss explains, “Political philosophy should become more historical, or, rather, it should

⁴⁶⁵ Geuss, *Philosophy and Real Politics*, 14.

⁴⁶⁶ *Ibid.*, 15.

⁴⁶⁷ See Rawls, *Theory of Justice*, 16-17. Ideal theory’s timelessness has also been critiqued by political realists like Bernard Williams and Charles W. Mills. See Williams, *In the Beginning*; Mills, “‘Ideal Theory’ as Ideology;” and Mills, “White Time.”

recognise [sic] explicitly that it has always had an important historical dimension that, to its cost, it has tried its best to ignore.”⁴⁶⁸ Historical inquiry contributes to the critical task of realist theory, which aims to interrogate and diagnose the status quo of one’s current context, by showing how certain taken-for-granted concepts, institutions, beliefs, and actions came to be contingently established.⁴⁶⁹

History informs realist political theory as it temporalizes the political (contra the impulse of ideal theory which adopts a timeless perspective) and supplies it with the work of inquiring into and diagnosing one’s present political context. Geuss draws on Foucauldian genealogy to supply realist political theory with an equally realist historical methodology. This methodology can be understood as realist on Geuss’s view insofar as it provides contextually-specific histories of present problems through a focus on relations of power. That is, genealogy presents a method for the historical analysis of political actuality and thus can be positioned as realist in orientation. As Janosch Prinz (2016) notes, genealogy contributes to the realist critical task of diagnosing the actual by providing historical problematizations of the present.⁴⁷⁰

Geuss’s embrace of Foucauldian genealogy further brings to the fore realism’s attention to power relations. This focus on power follows from the way Geuss understands the political as addressing the question: “Who <does> what to whom for whose benefit?”⁴⁷¹ This revision of Lenin’s “Who whom?” formula treats the politically

⁴⁶⁸ Geuss, *Philosophy and Real Politics*, 69.

⁴⁶⁹ Geuss emphasizes this context-dependent feature of realism in his essay, “Realism and the Relativity of Judgment.” See Geuss, *Reality and its Dreams*, 33-35.

⁴⁷⁰ Prinz, “Raymond Geuss’ Radicalization of Realism,” 786.

⁴⁷¹ Geuss, *Philosophy and Real Politics*, 25.

relevant in terms of the power exercised between specific agents for specific interests or benefits. On this view, the political is centrally about relations of power. He argues, “To think politically is to think about agency, power, and interests, and the relations among these.”⁴⁷² By ‘power,’ he means something more akin to the Foucauldian conception that is less identified with coercion or domination and more with an exercise of action or what Geuss calls an “ability to do.”⁴⁷³ This actionistic articulation of power does not rule out coercion or domination but regards these as possible modes that power can assume. Geuss elaborates, “It is probably a mistake to treat ‘power’ as if it referred to a single, uniform substance or relation wherever it was found. It makes more sense to distinguish a variety of qualitatively distinct kinds of powers.”⁴⁷⁴

Realist political theory attends to the operation of plural powers in particular contexts of action. For Geuss, one form that power takes is ideology.⁴⁷⁵ This is an indirect exercise of power that results in a distorted set of beliefs, desires, opinions, and attitudes. The distortion consists in “presenting these beliefs, desires, etc., as inherently connected with some universal interest, when in fact they are subservient to particular interests.”⁴⁷⁶

⁴⁷² Ibid. Geuss reiterates this point throughout his book: “If you want to think about politics, think first about power.” Geuss, *Philosophy and Real Politics*, 97.

⁴⁷³ Ibid., 27.

⁴⁷⁴ Ibid.

⁴⁷⁵ In *The Idea of a Critical Theory*, Geuss clarifies the centrality of ideology critique to critical theory by engaging the work of Jürgen Habermas. There Geuss distinguishes between different conceptions of ideology. These include a *descriptive* account of ideology that refers to the discursive beliefs, concepts and ideas and non-discursive gestures, rituals, and attitudes that a group holds; a *pejorative* notion of ideology which refers to the critical project of demonstrating that agents are deluded about themselves, their interests, actions, or beliefs; and a *positive* concept of ideology which consists in the socio-cultural system or worldview that would enable members of a group to satisfy their wants, needs, and interests. For Geuss, it is the pejorative sense of ideology that is most central to critical theory. See Geuss, *Idea of a Critical Theory*, 4-23.

⁴⁷⁶ Geuss, *Philosophy and Real Politics*, 52. See also Geuss, *Idea of a Critical Theory*, 14.

Hence, ideology transforms the contingent, particular, and variable into the necessary, universal, and invariant. Geuss outlines two ways in which political theory could relate to a given ideology. The first consists in a “criticism of ideology,” whereby theorists progressively seek to combat ideological illusion by revealing the hidden interests and power relations that distort certain desires or beliefs. The second entails the ideological role that political theory itself plays in contributing to ideological illusions by diverting attention from them, by making them more difficult to expose, or by creating new ones.⁴⁷⁷ To ward off the threat of their potential complicity with ideology, Geuss suggests that political theorists should always engage in critical self-reflection as a way of exposing the entanglement of theory with relations of power.

Geuss’s dual use of genealogy and ideology critique informs his account of the critical function of realist political theory. This critical function is rather ambiguous in his work insofar as it wavers between a detachment from and an embrace of the negative. On the one hand, Geuss explicitly claims that to be “critical” is not the same as being “negative.” As he writes in *Reality and Its Dreams*, “Some confusion can be avoided here if one keeps in mind that ‘critical’ does not mean ‘negative.’ A ‘critical’ attitude or theory is one that evaluates what it is studying, whether that ‘evaluation’ turns out finally to be negative or positive.”⁴⁷⁸ While critique is not negative in terms of its evaluative status, Geuss suggests that it can be construed as negative in terms of its destructive activity. He argues, for instance, that “an ethos of criticism is...an essential constituent of philosophy,

⁴⁷⁷ Geuss gives the example of the idea that “New Labour could represent a Third Way, or that all people in every society everywhere aspire before all else to a particular kind of ‘democratic’ political culture.” See Geuss, *Philosophy and Real Politics*, 53.

⁴⁷⁸ Geuss, *Reality and its Dreams*, 12.

and much of its history is devoted to developing techniques that will allow one to prune back any given set of theoretical excrescences and to *destroy* the surplus value in the realm of meaning that philosophy also, and necessarily, produces.”⁴⁷⁹ For Geuss, this “negativism” contributes to the critical impulse of philosophy.⁴⁸⁰ Hence, his concept of critique can be understood as negative insofar as he positions it with destruction.⁴⁸¹

Geuss forwards this account of destructive critique against the demand for constructive criticism, or the type of criticism that conserves the status-quo by tacitly accepting the terms, actions, and institutions of an existing social formation.⁴⁸² On the constructive view, one can only criticize existing social and political arrangements if one has a positive alternative to offer.⁴⁸³ Negative criticism, in contrast, sets itself against the status quo by interrogating and diagnosing the present set of actions, terms, and institutions that are taken-for-granted in daily political life. If political critique is not to blindly conform to the status quo, then it must be a negative, subversive exercise on Geuss’s account. For Prinz (2016), this negative conception of critique is “crucial for grasping how he [Geuss] understands the critical orientation of political theory.”⁴⁸⁴ An attitude of suspicion informs this negative work of critique as it sets itself *against* the

⁴⁷⁹ Ibid., 22. Italics added.

⁴⁸⁰ Ibid., 22-23.

⁴⁸¹ For a discussion of Geuss’s negative understanding of critique, see Prinz, “Raymond Geuss’ Radicalization of Realism.”

⁴⁸² Geuss writes that according to constructive criticism, “I must criticize them (and their actions, the institutions in which they participate, etc.) in a way that conforms to what ‘they’ define as what they can ‘reasonably’ be expected to do and results they can ‘reasonably’ be expected to accept.” See Geuss, *World Without Why*, 80. Prinz takes this as an explicit attack on Rawlsian ideal theory and its language of the liberal principle of legitimacy. See Prinz, “Raymond Geuss’ Radicalization of Realism,” 779.

⁴⁸³ See Geuss, *Philosophy and Real Politics*, 96.

⁴⁸⁴ Prinz, “Raymond Geuss’ Radicalization of Realism,” 779.

status quo. As Prinz remarks of Geuss's view, "Political theorists are advised to approach their surroundings with suspicion, to be wary of what is alleged to be actual and to inquire into how this has come to be viewed as actual."⁴⁸⁵ Hence, critics must be on guard and vigilant to detect the ideological illusions and distorted beliefs that present themselves as the actual, the true, and the necessary. Not only can this paranoid orientation toward critique be gleaned from Geuss's deployment of ideology critique, it can also be grasped from his use of genealogy as a method for historical inquiry. Genealogy is here taken to contribute to the negative task of suspiciously interrogating and diagnosing present power relations.

While the critical function of his political realism consists in the negative work of destroying the ideological illusions of the status quo, Geuss nonetheless imparts a more positive task to realist political theory through the embrace of type of utopianism. Unlike William Galston's (2010) portrayal of realism as "resolutely anti-utopian," Geuss does not oppose his realism to utopian theorizing, but deploys a revised conception of the utopian as an imaginative tool for political reflection about one's present circumstances.⁴⁸⁶ He describes these utopian features of political realism in his essay, "Realism and the Relativity of Judgment." Geuss construes utopianism as less a type of idealistic imagining about the future, but as a "realistic" engagement with concrete political actuality that partakes of the "wishful vision" of satisfying unrealized desires

⁴⁸⁵ Ibid., 785.

⁴⁸⁶ See Galston, "Realism in Political Theory," 394. According to Prinz, Geuss's realism can be understood as opposed to *ideology*, not utopianism, if by this concept we mean something like an imaginative hope for an alternative future rather than "wishful thinking." See Prinz, "Raymond Geuss' Radicalization of Realism," 786 and Thaler, "Hope Abjuring Hope," for clarification of Geuss's utopianism.

and needs.⁴⁸⁷ He explains, “For a number of reasons, it seems a good idea to shift the focus of utopian thinking from images of purported future unchanging perfection to a more historically informed analysis of existing, but changing, dissatisfactions and needs, and possible (contextually and historically specific) ways of satisfying them.”⁴⁸⁸ On this view, realists need not give up utopian thinking altogether, but must detach it from a commitment to some final political state of perfection that would be impossible to actually realize. This utopianism attends to the “human needs and desires that cannot be satisfied in the basic structure of society as it now exists”⁴⁸⁹ and aspires to their future realization.

Although Geuss emphasizes utopianism as a positive feature of his political realism, this feature remains under-developed in his work and can be understood as the observe side of the negative (i.e., destructive) work of critique. These dual features of the critical and the utopian in his realism shed further light on the way Geuss conceptualizes critique as a negative exercise. That is, whereas utopianism is construed as the creative and productive aspect of political realism, critique is understood as its destructive and negative counterpart.⁴⁹⁰ The idea here is that critique itself is not creative or transformative, but needs to be supplemented by a type of activity which is, and this is precisely what utopianism provides. As Geuss argues, “Philosophy is a continual and unending sequence of production and destruction, breathing in and breathing out. It does not exist except where both of these processes – exaggerating creation of surplus

⁴⁸⁷ See Geuss, *Reality and its Dreams*, 48.

⁴⁸⁸ *Ibid.*, 47.

⁴⁸⁹ *Ibid.*

⁴⁹⁰ *Ibid.*, 22.

meaning and ascetic pruning/criticism exist in tandem.”⁴⁹¹ As I will show in the following section, the problem with such a position is that it neglects the reparative dimension of critique – the idea that critique is more than a negative activity but engages in the creative work of engaging and constructing possibilities for transforming our present practices and selves. Contra Geuss, we need not rely on utopianism to supply the positive function of realist political theory; rather, what is needed is a more sustaining conception of critique.

4. Reparative Political Critique

Building on elements of Geuss’s realism, I offer reparative critique as a realist method for political theorizing. This method is realist in Geuss’s sense insofar as it prioritizes questions of historical context and power relations as central for political inquiry. Unlike Geuss’s realism, however, the realism of reparative critique does not embrace a conception of critique as an exclusively negative practice, nor does it incorporate utopianism as the positive counterpoint to critique’s negativity. In light of the limits of what I have called “paranoid critique,” I argue that a realist method of political critique should be *reparative* rather than negative. I rehearse these limits *vis-à-vis* Geuss’s realist account before fleshing out the realism of reparative political critique.

4.1 Realist Political Theory and Paranoid Critique

In the previous section we saw that Geuss’s realism embraces a conception of negative critique which consists in the destructive activity of combating and destroying

⁴⁹¹ Ibid.

ideological distortions. This negative understanding of critical work maps onto what I have called “paranoid critique.” Often identified with critique itself, this paranoid critical practice is guided by an attitude of suspicion that informs the negative work of denouncing, condemning, or debunking the objects, actions, or beliefs of a culture. Paranoid critique positions critics *against* that which they criticize. This maneuver can be witnessed likewise in Geuss’s description of political critique as setting itself against the status quo.⁴⁹² To further clarify how his understanding of critique aligns with this paranoid version, I briefly rehearse some of the features of paranoid critique below, focusing especially on those that overlap with Geuss’s account. These include the affective feature of suspicion and the epistemic feature of exposure or revelation of truth.

Central for the practice of paranoid critique is the affect of suspicion. While suspicion and paranoia are distinct affects, paranoia captures the problems of suspicion when taken to the extreme. Indeed, it becomes difficult to distinguish the two when suspicion comes to solely define the work of critique. In its extreme form, then, suspicion takes on the qualities of paranoia. These are the qualities of being *self-reinforcing*, *totalizing*, and *intensifying*. Together they make paranoia a problematic affect. The self-reinforcing feature refers to the idea that one can never be paranoid enough because any undesirable threat or surprise experienced by the subject only reinforces their paranoia. Paranoia also has the totalizing effect of treating all objects, whether known or unknown, as suspicious and potentially threatening. Hence, paranoid subjects are always on the alert to anticipate dangers that are both familiar and novel. Finally, paranoia is an intensifying and contagious affect. It intensifies as its anticipatory strategies fail to shield the subject

⁴⁹² See Geuss, *Philosophy and Real Politics*, 120-131 and Geuss, *Politics and the Imagination*, x-xi.

from bad surprises. This is troublesome, as Eve Kosofsky Sedgwick (2003) explains, because paranoia “seems to grow like a crystal in a hypersaturated solution, blotting out any sense of the possibility of alternative ways of understanding *or* things to understand.”⁴⁹³ Once paranoia takes hold of subjects, it becomes exceedingly difficult to break out of its grip as it intensifies and reinforces itself.

When paranoia informs the work of critique, critics affectively engage their objects through anticipation, vigilance, and mistrust. Not only does this have the effect of reinforcing paranoia in the critic, but it also leads to an identification of critique *with* paranoia such that one cannot imagine conducting critical inquiry without being suspicious or paranoid. Significant for paranoid critique is the type of epistemology that it assumes. Paranoid knowledge takes the form of exposure or revelation. Akin to what Paul Ricoeur calls the “hermeneutics of suspicion,” paranoid knowing aims to reveal a truth that is hidden or otherwise unknown.⁴⁹⁴ This type of knowing can be witnessed in critical practices of demystification which strive to unveil the ideologies that structure social reality. This epistemic practice can be seen in Geuss’s political realism through its embrace of ideology critique.⁴⁹⁵ Ideology, according to Geuss, is “what prevents the agents in the society from correctly perceiving their true situation and real interests.”⁴⁹⁶ Realist political theory aids in freeing agents from these ideological illusions by raising their awareness of such distortions and the pain or suffering that results from them.⁴⁹⁷

⁴⁹³ Sedgwick, *Touching Feeling*, 131.

⁴⁹⁴ See Ricoeur, *Freud and Philosophy*, 32-36.

⁴⁹⁵ See Geuss, *Idea of a Critical Theory*, 3 and Geuss, *Philosophy and Real Politics*, 52.

⁴⁹⁶ Geuss, *Idea of a Critical Theory*, 3.

⁴⁹⁷ *Ibid.*, 84.

What is problematic about this form of knowledge-as-exposure is that it places a remarkable weight on the efficacy of knowledge per se. That is, the paranoid critic believes there is something to be gained epistemically in the procedure of exposing hidden truths about social and political reality that are assumed to go undetected by everyday practitioners. Yet, as Sedgwick points out, “for someone to have an unmystified view of systemic oppressions does not *intrinsically* or *necessarily* enjoin that person to any specific train of epistemological or narrative consequences.”⁴⁹⁸ Hence, it is not necessarily the case that any epistemic privileges or advantages follow from the critic’s demystified knowledge of supposedly “hidden” ideological illusions. To assume otherwise is to impart an epistemic authority to the critic that is somehow lacking in other knowers.

By relying on a notion of negative critique, Geuss’s realist position suffers the limits that accompany a paranoid critical practice. This practice is limited in two ways. First, insofar as it equates critical inquiry with paranoia, it is unable to countenance other modes of critique that are motivated by a different set of affects. This includes affects like hope and care (explored in previous chapters) that showcase the transformative impulse behind critique. Paranoia is ill-suited for highlighting the transformative dimension of critique insofar as it negatively positions critics against what may be uncertain, contingent, and possible.⁴⁹⁹ These are qualities that inform the transformable as it concerns what *may be* (and hence, uncertainly, contingently, and possibly) changed. Second, paranoid critique is limited by the epistemology of exposure which sets critics in

⁴⁹⁸ Sedgwick, *Touching Feeling*, 127. Italics in original.

⁴⁹⁹ *Ibid.*, 130-131, 146.

an authoritative relation to other knowers as the revealers of truth. This self-serving gesture on the part of critics is problematic as it assumes a naiveté in the audiences of their demystifications and obfuscates the affective range of other motivations for knowing.

4.2 Realism and Reparative Political Critique

Having explicated the limits of Geuss's political realism in terms of its affinities with the epistemic and affective features of paranoid critique, I will now clarify, more positively, the realism of reparative political critique. I emphasize four realist elements that follow from a reparative methodology. First, reparative political critique is a *fact-sensitive* approach. In being sensitive to facts, reparative political critique forwards a *realist* understanding of *agency* that contrasts with idealized conceptions which neglect the limits and flaws of human action. Second, reparative political critique attends to *power relations* and their possible alteration. This attention to power relates to Geuss's realist position with the difference that where Geuss emphasizes ideology as the exemplar of power, I highlight a more capacious account of power as the organization of conduct. Third, reparative political critique is responsive to *problems* that pervade our present practices. Problems refer to unsettled objects of concern that are normatively ambiguous. Finally, rather than focus inquiry on a distant idealized future where justice has been perfectly achieved, the reparative political critic directs inquiry to the *here and now* which pulses with contestation and conflict. This designates the *temporal* orientation of reparative realism. By attending to the problems permeating the here and now, reparative political critique does not pessimistically give up the possibility of their amelioration, but

places hope in their present transformation. This realism thus differs from Geuss's insofar as it does not locate the positive function of political theory in a utopianism which is separate from the work of critique, but deploys critique as a tool for mending and healing present problems.

A method of reparative political critique can be understood as realist in orientation insofar as it offers a fact-sensitive approach to questions of feasibility. Facts are taken to set constraints on what is agentially and politically possible. This feature can be gleaned from the reparative critic's attention to limits. As Melanie Klein (1946) argues, a reparative position is one from which it becomes possible for subjects to recognize themselves as flawed and ambivalent in their agential capacities.⁵⁰⁰ What follows from this recognition is a "more realistic response" on the part of subjects to the power and limits of their own agency.⁵⁰¹ On the one hand, subjects realize their power of effecting harm on others and seek to make reparations for the injury they inflict. On the other hand, they come to understand themselves as limited insofar as there are certain actions they cannot perform and insofar as they realize their vulnerability to harm. Hence, a reparative position provides a realist conception of agency. This is a relational type of agency that realistically reflects the dual presence of limits and possibilities for human action. It refers to what Sedgwick calls the "middle ranges of agency" – the idea that agents can be relatively empowered or disempowered without thereby destroying or being destroyed by another.⁵⁰²

⁵⁰⁰ Klein, *Envy and Gratitude*, 172.

⁵⁰¹ Ibid.

⁵⁰² Sedgwick, *Touching Feeling*, 632.

A focus on agential limits entails that critics consider relevant facts of human psychology and history. This might include, for instance, facts pertaining to habit and bias that either consciously or unconsciously affect the behavior and comportment of subjects toward others. These would be important to consider insofar as they negatively limit our actions and interactions. Political theorists might also consider facts relating to human volition and resilience. This would include the kind of inquiry undertaken by William James in *The Principles of Psychology* into the different volitional positions assumed by subjects. As discussed in Chapter Three, James provides helpful language for conceptualizing the limits and efficacy of the will as an instrument for transforming our habits. Volition is a pertinent category for questions of political feasibility as it concerns the possibility of acting in the midst of constraints.

A reparative political critic would also attend to history as supplying certain limits that bear upon contemporary agents and the feasibility of remedying present problems. This marks a departure from ideal theory, which prioritizes a consideration of the principles required of agents under timeless, ideal conditions, and relegates facts about history to questions of non-ideal conditions of partial compliance.⁵⁰³ An attention to history might take the form of conducting historical inquiry oneself or incorporating histories written by others into one's work. If a political theorist is interested, for instance, in understanding contemporary practices of racialized surveillance as limiting the kinds of actions available for a specific set of racialized subjects in the U.S., they might turn to historical work that narrates the emergence and lineage of such practices.⁵⁰⁴

⁵⁰³ See Rawls, *Political Liberalism*, 285; Rawls, *Theory of Justice*, 8; Rawls, *Justice as Fairness*, 13.

⁵⁰⁴ For an example of this kind of historical work, see Browne, *Dark Matters*.

A reparative critic engages history not simply for the sake of the past, but, for the sake of the present and its possible transformation. That is, following the insights of Michel Foucault as discussed in Chapter Two, history is taken to inform and is used to intensify the problems of our present.⁵⁰⁵

A focus on agency and limits invariably brings the reparative political critic to the issue of power. Following Geuss, we can think of reparative political critique as realist in the sense that it attends to power relations. Like the reparative conception of agency expressed above, power is comprehended in relational terms. The reparative critic takes their cue from Foucault in conceptualizing power less as a thing possessed than as something exercised or conducted. Power can be understood as the organization of action or the “conduct of conduct” in the words of Foucault.⁵⁰⁶ What follows from this is a more expansive concept of power than one that is exclusively limited to domination or to ideology. The reparative critic attends to power relations that not only take the form of suppression, but assume other, productive forms like discipline and biopolitical control.⁵⁰⁷ This marks a difference from Geuss’s realism, which tends to conceptualize power in terms of ideology. The reduction of power to ideology is problematic for three reasons. First, the concept of ideology operates through an epistemology of exposure that separates a false reality from a true one which the critic somehow has access to. As discussed above, this imparts the critic with an epistemic authority over others such that they can reveal the truth behind distorted beliefs or false consciousness. Second, ideology

⁵⁰⁵ See Foucault, *Discipline and Punish*, 31.

⁵⁰⁶ Foucault, *Essential Works*, Vol. 3, 341.

⁵⁰⁷ See Foucault, *Discipline and Punish* and Foucault, *The Will to Know*.

implies an idealistic conception of power that works primarily on our representations, ideas, thoughts, or beliefs. As Foucault forcefully shows in *Discipline and Punish*, however, power does not just work on our ideas, but governs our bodies, habits, and conduct.⁵⁰⁸ Third, ideology involves an understanding of power as repressive such that it cannot account for how power can be productive. This point can be gleaned again from Foucault, who distances his own analysis of power as creative or productive from the negative, repressive understanding of power at work in the concept of ideology.⁵⁰⁹ The reparative political critic thus follows Foucault in providing a capacious conception of power that is irreducible to ideology.

Significant for the reparative critique of power is the space it leaves open for transformation. That is, the point of reparative critique is not to say that power is all-encompassing such that agents have no possibility of escape or resistance, for to do so would be to engage power through a paranoid posture. Rather, the reparative critic focuses on power with an eye to its possible alteration. This type of political critique is invested with a range of affects that orient critics reparatively to power. This includes affects like hope and care, which were showcased in the chapters on James and Foucault, respectively. To be reparatively oriented toward power means being attentive to power's

⁵⁰⁸ See Foucault, *Discipline and Punish*, 26.

⁵⁰⁹ In his 1972-1973 lectures at the *Collège de France*, published as *The Punitive Society (La société punitive)*, Foucault writes, "The schema of ideology according to which power can produce only ideological effects in the realm of knowledge (*connaissance*), that is to say power either functions in the silent fashion of violence, or in the discursive and wordy fashion of ideology. Now power is not caught in this alternative of either being exercised purely and simply through violent imposition, or hiding itself and getting itself accepted by holding the wordy discourse of ideology. Actually, every point at which a power is exercised is, at the same time, a site of formation, not of ideology, but of knowledge (*savoir*); and, on the other hand, every knowledge formed enables and assures the exercise of a power. In other words, there is no opposition between what is done and what is said, between the silence of force and the prattle of ideology." Foucault, *Punitive Society*, 233.

contingency and to the ways in which it is contested or experimentally resisted. As both James and Foucault contend, power does not tend to go uncontested. James, for instance, suggests that critics map both the limits and reserves of human power “in every conceivable direction.”⁵¹⁰ Foucault likewise encourages a focus on the forms of resistance or “counter-conduct” to the governing exercise of power (as the “conduct of conduct”).⁵¹¹ As he explains in *The Will to Know*, “Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power.”⁵¹² Hence, resistance is understood as contemporaneous and coterminous with power. This point entails a sensitivity on the part of critics to the transformability of power relations through techniques of counter-conduct. Critics would thus consider the actual practices of resistance that agents exercise to counter specific modes of power or would highlight the possibility of transforming a certain power relation if such practices did not yet exist.

A method of reparative political critique proceeds from the present problems and conflicts that afflict agents. This realist element can be understood in light of the agonistic depiction of political life forwarded by Honig. As noted earlier, for Honig, politics has to do with conflict, disruption, discord, and struggle.⁵¹³ An attention to *problems* specifically, however, is inspired by the realist tendencies of pragmatism and genealogy. Though each engages with problems differently, whether by intensifying or

⁵¹⁰ James, “Energies of Men,” in *Essays in Religion*, 145.

⁵¹¹ See Foucault, *Security, Territory, Population*, 193-195 for the language of conduct and counter-conduct to describe power and resistance, respectively; see also Davidson, “In Praise of Counter-Conduct.”

⁵¹² Foucault, *The Will to Know*, 95.

⁵¹³ Honig, *Political Theory*, 3.

ameliorating them, they nonetheless cohere insofar as they view problems as generative objects of focus for political inquiry. Problems are unsettled objects of concern. They differ from other types of objects (e.g., injustices and harms) in that they are ambiguous, uncertain, and contested. That is, their normative status is not as certainly determined as it is for things like injustice. An injustice constitutes a normatively unambiguous wrong whereas problems are normatively uncertain.⁵¹⁴ This feature makes problems at once difficult and fruitful objects for political inquiry because they call for clarification, critical reflection, and reconstruction. A focus on problems marks a further difference from Geuss's realism which considers the ideological distortions suffered by a social group. For Geuss, such distortions are normatively unambiguous in that they depend on a clear distinction between the "true" and the "illusory." Hence, he writes in his 1981 text, *The Idea of a Critical Theory*, that ideology prevents agents from "correctly perceiving their true situation and real interests."⁵¹⁵ Problems constitute a different kind of category insofar as they do not depend on such normatively clear-cut criteria as the true and the illusory, but rather consist in features that are more unclear, complicated, and complex.⁵¹⁶

The reparative critic contributes to the work of clarifying problems by undertaking an empirical inquiry into their social and historical construction. This would

⁵¹⁴ This is not to say that *identifying* an injustice is normatively clear-cut, but only that to call something an injustice at all implies that it is wrong, bad, or otherwise harmful.

⁵¹⁵ Geuss, *Idea of a Critical Theory*, 3.

⁵¹⁶ In Chapter Two, I discuss disciplinary power in the context of running as an example of a problem that can be understood as normatively ambiguous. On the one hand, discipline allows the runner to improve her body's possibilities in relation to a particular norm and thus could be understood as positive. On the other hand, discipline potentially takes away the pleasure of running from the runner by leaving her in a constant state of comparison to the norm and thus can be understood as negative. Hence, the runner's discipline constitutes a *problematization* for the runner insofar as it ambiguously provides both possibilities and perils for action. See Chapter Two, 70.

be the type of inquiry engaged by Foucault, for instance, in his genealogies from the mid-1970s which problematize contemporary forms of punishment and sexuality.⁵¹⁷ Through the work of problematization, Foucault both clarifies the historical emergence of specific practices that pose problems for our present selves and intensifies these problems as fraught openings that invite transformation.⁵¹⁸ The reparative critic also adds to the labor of reconstructing problems by conducting inquiry that experiments with their possible alteration. One might think here of the kind of inquiry pursued by James in his ameliorative responses to problems of clashing ideals, human blindness, and paralyzing doubt confronting his socio-cultural milieu.⁵¹⁹ Like James, the reparative critic engages problems as uncertainties standing in need of experimental response.

The clarification, intensification, and reconstruction of present problems are equally necessary for the practice of reparative political critique. Without the clarification and intensification of problems, it can be difficult for agents to identify and conceptualize specific uncertainties haunting their present. That is, problems are not always readily apparent or identifiable *as* problems and hence must be made problematic, uncertain, or fraught. The work of problematization – the activity of making uncertain what is given and certain – thus contributes to reparative political critique an invaluable method for discerning problems in the present. Yet, without the reconstruction of problems, agents would be left with the paralyzing uncertainty wrought by problems without a sense of how they can be altered or made less doubtful. Problems can exhaust the agential

⁵¹⁷ See Foucault, *Discipline and Punish* and Foucault, *The Will to Know*.

⁵¹⁸ See Chapter Two, 72-74, for further explanation of the dual clarifying and intensifying functions of genealogical problematization.

⁵¹⁹ See James, *Will to Believe*. For a discussion of James's response to the problem of paralyzing doubt, see Chapter Three.

potential of subjects to transform that which seems intractable and unalterable. Hence, to grasp how problems might be transformed in the present and future, reparative political critique needs to be informed by reconstructive inquiry.

The reparative critic's attentiveness to present problems highlights a temporal difference between its realist orientation and the utopian impulse of ideal theory. In theorizing justice from the perspective of an idealized future wherein it has been perfectly achieved, ideal theory looks away from the problems haunting an actual present. That is, by focusing inquiry on a distant future, ideal theory risks an inattention to both the past and present. While scholars like Charles Mills (2014) have accounted for this feature of ideal theory as an embrace of timelessness, I understand it as a particular kind of temporality, one that separates the ideality of the future from the actuality of the past and present.⁵²⁰ Instead of contemplating politics from the prospective position of a future state of perfection, reparative political critique attends to the problems pulsing in what W.E.B. Du Bois once called "this narrow Now."⁵²¹ An attention to the *here* and *now* marks the temporal orientation of reparative realism. The idea here is that critics begin political reflection *in media res*, that is, from the immanent position of one's present circumstances. Central for this perspective is a concern for what permeates one's present – to the problems that collectives encounter here and now and the forms of contestation that make the contemporary moment quiver in uncertainty.

Two things follow from this temporal orientation of reparative political critique. First, insofar as the contemporary moment can be subject to contestation, the reparative

⁵²⁰ See Mills, "White Time," 32.

⁵²¹ See Du Bois, *Souls of Black Folk*, 174.

political critic does not refer to something like *the* present in the singular, but to plural presents that are incessantly struggled over. This entails a meta-theoretical perspective on time as something plural, open, and problematic. Following Bruno Latour (1987), we can think of time less as something given in advance than as something made, constructed, and contested. As Latour contends, “Time – that is, the distinction between moments, is the distance *consequence* of actions to make a particular position durable. It is not, nor can it be, a cause.”⁵²² Against the desire to regard time as something already made and determined, or already passed and behind us, Latour proposes that we conceptualize time as a performative consequence of an ensemble of actors and actions. This perspective has the benefit of relieving us of a tendency to regard the present as something singular, stable, and determined. Hence, in clarifying present problems, reparative critics must take care to specify *which* present and *whose* present is uncertain, contested, and subject to inquiry.

Second, in concentrating on the conflicts that pervade a particular present, the reparative political critic does not thereby neglect the past or future, but relates to these temporal dimensions from the perspective of this “pulsing Now.”⁵²³ Whereas idealists tend to turn to the past or future as ways of escaping the present, reparative realists turn to the past and future as ways of engaging and potentially altering our presents. That is, in looking at a present problem from the standpoint of its historical construction, the reparative critic is able to see how the past informs what is present and what might be needed to transform it. Hence, in understanding how a particular problem in the present

⁵²² See Latour, *Science in Action*, 50. Italics in original.

⁵²³ See Du Bois, *Souls of Black Folk*, 177.

was historically made, one can begin to see how this problem might be unmade. By attending to the transformability of present problems, reparative political critique can be said to entertain a non-idealized form of hope.⁵²⁴ While hope is often aligned with an idealistic optimism about the future, the reparative critic finds hope in their realistic engagement with the possibilities quivering in the *present*. Hence, the positive force of political theory need not be relegated to the utopian imaginings of future change, but can consist in the present consideration of change that is already underway. The desire for things to be otherwise can be found in those practices of resistance that agents take up in the *here* and *now* to contest the limiting effects of power. By positioning change as something exclusive to the future, political theory risks neglecting those transformative strategies engaged by agents in the urgency of the pulsing, precarious now.

Conclusion

In the final pages of *Philosophy and Real Politics*, Geuss aligns his realism with a rejection of constructive criticism, or the idea that “a philosopher (or theorist) must be “positive,” i.e., that one may criticize some doctrine or institution only if one has a positive alternative to it to propose.”⁵²⁵ “In extremis,” he writes, “Brecht is perfectly right: “Nothing but *ad hominem* abuse; that’s better than nothing.”⁵²⁶ One of the contentions of reparative critique is that the work of the critic can (and often does) consist in more than the kind of negative labor described by Geuss. It is the function of the

⁵²⁴ I have outlined an example of a non-idealized form of hope in the context of James’s work in my essay, “Pragmatism without Progress: Affect and Temporality in William James’s Philosophy of Hope.” See Sheehy, “Pragmatism without Progress.”

⁵²⁵ Geuss, *Philosophy and Real Politics*, 95.

⁵²⁶ *Ibid.*, 96.

reparative in reparative critique to specify just what this more is. It signals the generative, mending, and sustaining activity of critics who seek the transformation of contemporary problems.

As I have argued here, for a reparative method of critique to be realist in orientation, it must address some concrete problem that permeates our present practices. I show how reparative critique can be put to work in this fashion by deploying it in the chapters that follow to clarify and ameliorate ethical and political problems arising from a digital present. These chapters consider the problems of racial bias and discrimination posed by the exercise of power in predictive policing algorithms. The first of these (Chapter Five) analyzes the temporal operation of power in algorithms like the Chicago Police Department's Strategic Subject List (SSL). The following chapter (Chapter Six) then outlines, in a reparative temper, a set of ethical strategies for transforming the practice of predictive policing.

CHAPTER V
ALGORITHMIC PARANOIA AND TEMPORAL GOVERNMENTALITY
IN PREDICTIVE POLICING

Introduction

The past decade has seen the emergence of recent techniques in law enforcement to forecast and prevent future crimes before they occur. In 2009, the National Institute of Justice defined these techniques as predictive policing which involves “taking data from disparate sources, analyzing them and then using results to anticipate, prevent and respond more effectively to future crime.”⁵²⁷ Currently, predictive policing software is employed in 25 major police departments in cities across the United States.⁵²⁸ Two kinds of software systems are used in predictive policing, distinguished according to whether the software targets *places* or *people*.⁵²⁹ Place-based systems like the Los Angeles Police Department’s PredPol program make predictions about *where* and *when* a future crime will occur. Person-based tools like the Strategic Subjects List (SSL), used by the Chicago Police Department, predict *who* is likely to commit or be a victim of crime.⁵³⁰ Both

⁵²⁷ Pearsall, “Predictive Policing,” 16.

⁵²⁸ Robinson and Koepke, “Stuck in a Pattern.”

⁵²⁹ *Ibid.*, 2.

⁵³⁰ For a helpful summary of the differences between place-based and person-based predictive systems, see Ferguson, *Rise of Big Data Policing*. Advocates of place-based programs defend these as less problematic than their person-based counterparts insofar as they target locations of possible crime rather than subjects of future crime. See Beck and McCue, “Predictive Policing.” Advocates for person-based systems have argued that these types of programs are more effective as predictive tools for targeting specific kinds of crime in a city.

systems rely on algorithms to generate the predictions central to this new *proactive* style of policing.⁵³¹

The growing prevalence of predictive policing is a contemporary site of concern for a number of civil rights organizations, activists, and theorists. In their recent work on pre-crime and big data policing, Jude McCulloch and Dean Wilson (2016), and Andrew Guthrie Ferguson (2017) highlight the problems that predictive policing poses to civil liberties in the form of heightened surveillance, racial profiling, and bias.⁵³² David Robinson and Logan Koepke (2016) warn against the potential of predictive policing to “reinforce disproportionate and discriminatory policing practices.”⁵³³ These programs, they argue, problematically rely on historical crime data, which are often inaccurate measures of past rates of crime, to target the places and people of possible future crime.⁵³⁴

Many criticisms of predictive policing target the privacy and transparency violations that arise from this novel practice. But largely left out of these accounts is the *power* exercised by algorithmic predictive policing technologies. By attending to the form of power exercised by predictive policing technologies, I do not wish to deny the importance of the myriad privacy and transparency issues that accompany these technologies. Rather, I worry that critics might miss other concerning features of predictive policing that are irreducible to violations of privacy and trust. On this view,

⁵³¹ For a brief pre-history of predictive policing, see Wilson, “Algorithmic Patrol.”

⁵³² Cathy O’Neil provocatively describes predictive policing as a “weapon of math destruction” – a mathematical model that has harmful effects on precarious social groups. See O’Neil, *Weapons of Math Destruction*, 3.

⁵³³ Robinson and Koepke, “Stuck in a Pattern,” 1.

⁵³⁴ *Ibid.*, 5.

even if the technologies were more transparent, this would not necessarily modify the form of power practiced by these technologies. As I shall argue, a framework of trust and transparency is insufficient for conceptualizing the power of predictive policing algorithms.

In light of a burgeoning body of critical scholarship emphasizing the power of algorithms,⁵³⁵ I argue that predictive policing exercises power through a paranoid style that constitutes a form of what I call “temporal governmentality.” I deploy the Foucauldian category of governmentality to assess how predictive policing algorithms exercise power. Governmentality refers to an organization of power relations, where power is understood as something *exercised* rather than possessed and as entangled with knowledge. To inquire into the type of power deployed in predictive policing, I bring a focus on temporality to the lens of governmentality in order to produce a hybrid analytical category. By “temporality,” I mean a way of relating to time in terms of the past, present, and future. Together, temporal governmentality refers to the government of time – a way of organizing power through specific temporal relations between the past, present, and future.

While the concept of time has been employed in studying the normativity of algorithms more broadly,⁵³⁶ it has yet to be developed in relation to the politics of predictive policing. I bring the lens of temporal governmentality to bear upon systems of

⁵³⁵ See Amoore, *Politics of Possibility*; Gillespie, “Relevance of Algorithms;” Introna, “Algorithms, Governance;” Beer, “Power through the Algorithm;” and Beer, “Social Power of Algorithms.” For a connected discussion of algorithms as value-laden, see Friedman and Nissenbaum, “Bias in Computer Systems;” Kraemer, van Overveld and Peterson, “Is there an Ethics of Algorithms;” and Mittelstadt et al., “The Ethics of Algorithms.”

⁵³⁶ See Amoore, *Politics of Possibility*; Esposito, “Beyond the Promise;” and Ananny, “Toward an Ethics of Algorithms.”

predictive policing, particularly person-based algorithms like Chicago's Strategic Subject List, that manage a field of possible actions by targeting and preempting future criminal behavior. Temporality is especially pertinent to the case of predictive policing as it is continuous with a historical racialized practice of organizing, managing, controlling, and stealing time. I argue that the racialized time of predictive policing works to forge a double closure of the past and the future through a paranoid logic that aims to preempt future possibilities of criminal conduct by drawing on a past codified in the form of historical crime data. Paranoia – an affect with a distinct way of relating to time – captures the racialized temporality of predictive policing. That is, if temporal governmentality designates how power functions in predictive algorithms, then paranoia names the specific temporal operation of power in predictive policing. Focusing on Chicago's SSL, I illustrate how this predictive algorithm operates in paranoid fashion to create a self-fulfilling prophecy by projecting a criminal future on the basis of a criminal past.⁵³⁷

This argument makes two interventions in the existing literature on predictive policing. First, while some scholars have noted the preemptive logic at work in predictive

⁵³⁷ I chose the SSL as a fruitful case for examining the temporal governmentality of predictive policing for three reasons. First, the SSL is the most popular person-based predictive system that is presently used. Not only has this program received national critical attention in a range of news and magazine articles, it is also increasingly referenced in scholarship on predictive and big-data policing. In addition, the publication of the SSL directive and the data-set used between 2012 and 2016 makes for relatively easy access to its specific features and use. Second, the Chicago PD uniquely combines the SSL with a Custom's Notification program to notify and warn subjects on the list with high risk scores that they have been flagged and will face increased legal penalties if they continue to engage in criminal activity. This is interesting just insofar as the SSL does not disambiguate between potential *victims* or *perpetrators* of violent crime such that both are subjected to heightened surveillance and attention. Third, the Chicago PD's fraught history of racial profiling and unjust policing tactics make the SSL a useful case for exploring the racialized practice of temporal governmentality at work in predictive policing. The risk scores generated by the SSL reflect this fraught legacy insofar as it relies on historical crime data and assigns higher risk scores to subjects identified as non-white males.

policing algorithms, a logic continuous with what Louise Amoore (2013) calls the “politics of possibility,” I argue that preemption only partially captures the temporal governmentality of predictive policing.⁵³⁸ Predictive policing does not simply detach itself from the past as McCulloch and Wilson (2016) contend, but problematically uses and reinforces a racialized past to generate its preemptive power. This point leads to what I see is the central contribution of this paper as it analyzes *how* racism functions temporally in the case of the SSL, rather than simply pointing out *that* the SSL is racially fraught. While critics have pointed out the problematic racial politics of this technology, it is not always clear how this politics is entangled with the way these algorithms work temporally. Where scholars have tended to focus separately on the temporality of algorithmic prediction and on the politics of race in predictive policing algorithms, I contend that the power of predictive policing must be understood in light of what Charles Mills (2014) calls the “racialization of time.” This concept refers to the way racism works on and through time. While predictive policing has been celebrated by programmers, researchers, and law enforcement officers as “blind to race and ethnicity,” the practice cannot be extricated from the racial politics of governing time, especially when “doing time” in this country is disproportionate between whites and non-whites.⁵³⁹

⁵³⁸ See Zedner, “Pre-crime and Post-criminology,” 262; Lyon, “Surveillance, Snowden, and Big Data,” 6; McCulloch and Wilson, *Pre-crime*, 3.

⁵³⁹ See O’Neil, *Weapons of Math Destruction*, 86 and Alexander, *New Jim Crow*. A range of scholars emphasize the mutually constitutive relationship between policing and race in the U.S., noting the way in which policing has been historically central for the formation and maintenance of racial hierarchies. Coramae Richey Mann, for instance, argues that policing in the U.S. has its roots in slavery, with slave patrols constituting the first state-sponsored police forces. See Mann, *Unequal Justice*, 165, 195. See also Adamson, “Punishment after Slavery;” Russell, *Color of Crime*; and Bass, “Policing Space, Policing Race.”

This chapter proceeds with a review of recent literature on the politics of algorithms in *section one* as a frame for addressing how predictive policing algorithms exercise power. Following Tarleton Gillespie (2014, 2016), it proves useful to think of algorithms as “sociotechnical assemblages” that refer to a whole network of actors both human and non-human. Thinking of algorithms as sociotechnical assemblages makes them readily compatible with Michel Foucault’s notion of governmentality. In *section two*, I develop the concept of temporal governmentality and explain its utility for analyzing predictive policing. Finally, *section three* develops an account of the paranoid operation of temporal governmentality in Chicago’s SSL.

1. Algorithmic Governmentality

Algorithms are notoriously ambiguous as objects of study.⁵⁴⁰ They often refer to several things at once: in a technical sense, they represent automated procedures or “recipes” composed in a series of programmable steps designed to efficiently achieve some desired outcome; in an epistemic sense, algorithms signify objectivity, consistency, impartiality, legitimacy, and authority in the production of knowledge; in a sociotechnical sense, they refer to an ensemble of actors both human (programmers, coders, designers, data miners, users, etc.) and non-human (models, data, target goals, applications, software, hardware, etc.).⁵⁴¹

⁵⁴⁰ See Ziewitz, “Governing Algorithms,” 10.

⁵⁴¹ See Gillespie, “Algorithm,” 19-22 and Ananny, “Toward an Ethics of Algorithms,” 97.

Keeping in mind the potential risks of conceptualizing algorithms as sociotechnical ensembles,⁵⁴² it is nevertheless useful for inquiring into the power exercised by algorithms. Following Foucault's insightful idea that power is always *exercised* in a distributed network rather than a capacity *possessed* by (exclusively) human agents, we can attend to the power conducted by algorithms as sociotechnical ensembles.⁵⁴³ Thinking of algorithms as sociotechnical assemblages makes them compatible with Foucault's concept of governmentality since this idea signals a heterogenous set of interdependent actors (human and nonhuman) that are connected in historically specific power arrangements.⁵⁴⁴

In his 1978-1979 lectures at the *Collège de France*, published in English as *The Birth of Biopolitics*, Foucault deploys the concept of governmentality as an analytical category for studying the emergence of a particular type of political rationality.⁵⁴⁵ Scholars working on governmentality tend to define the concept as a political rationality that forms the “‘conditions of possibility’ for thinking and acting in a certain way.”⁵⁴⁶ As many have argued, Foucault's notion of governmentality resonates with his other well-known category of knowledge/power.⁵⁴⁷ As such, governmentality remains analytically tied to the co-constitutive relation of knowledge and power.⁵⁴⁸ Foucault describes this co-

⁵⁴² See Gillespie, “Algorithm,” 19, 26.

⁵⁴³ Foucault, *Discipline and Punish*, xx.

⁵⁴⁴ See Introna, “Algorithms, Governance, and Governmentality,” 19.

⁵⁴⁵ Foucault, *Birth of Biopolitics*, 12-13.

⁵⁴⁶ See Collier, “Topologies of Power,” 96.

⁵⁴⁷ See Gordon, “Governmental Rationality;” Lemke, “‘The Birth of Bio-politics;’” and Rose et al. “Governmentality.”

⁵⁴⁸ See Foucault, *Birth of Biopolitics*, 19.

constituting relation in *Discipline and Punish*: “We should admit...that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge; nor any knowledge that does not presuppose and constitute at the same time power relations.”⁵⁴⁹ By analyzing the entanglement of power and knowledge in his genealogies from the 1970s, Foucault shows how the arrangements (*dispositifs*) of disciplinary power and biopower emerged in the 18th and 19th centuries respectively.⁵⁵⁰

This focus on governmentality and knowledge/power relations informs the work of a growing body of research on algorithms. Lucas Introna (2016) applies Foucault’s notion of governmentality to conceptualize the performative nature of algorithms.⁵⁵¹ For David Beer (2017), the idea of the algorithm “is evoked to influence and convince, to suggest things and to envision a certain approach, governmentality and way of ordering.”⁵⁵² As these and other scholars argue, algorithms are part of a knowledge apparatus that governs computational judgment, associational relationships, prediction, probabilistic risk-assessment, and processes of decision-making.⁵⁵³ This knowledge apparatus contributes to the specific power dynamics of algorithmic ensembles. That is, because algorithms produce knowledge, we should expect that they thereby produce

⁵⁴⁹ Foucault, *Discipline and Punish*, 27a.

⁵⁵⁰ See Foucault, *Discipline and Punish*, and Foucault, *Will to Know*.

⁵⁵¹ Introna, “Algorithms, Governance, and Governmentality,” 28. Foucault refers to the exercise of power as a “conduct of conducts” (*conduire des conduites*) in a 1978 essay translated from the French as “How is Power Exercised?” See Foucault, “How is Power Exercised,” in *EW3*, 341.

⁵⁵² Beer, “Social Power of Algorithms,” 9.

⁵⁵³ See Harcourt, *Against Prediction*; Amoore, *Politics of Possibility*; Gillespie, “Relevance of Algorithms;” and Beer, “Social Power of Algorithms.”

power. Thus, if their mode of knowledge has been specified,⁵⁵⁴ what remains to be analyzed is the mode of power correlative to such an epistemology.

Pursuing this, scholars have recently accounted for the mode of power exercised by algorithms by applying familiar Foucauldian typologies of power such as sovereign power, disciplinary power, and biopower to the study of cybernetic categorization, Facebook's EdgeRank algorithm, and e-Borders algorithms.⁵⁵⁵ In the case of algorithms used in predictive policing, we might be inclined to see the power enacted in this practice as continuous with the techniques of surveillance deployed through the exercise of disciplinary power.⁵⁵⁶ Foucault's famous discussion of Bentham's Panoptic architectural schema offers a potential heuristic for analyzing the technology of power deployed in predictive policing. The architectural arrangement of Bentham's Panopticon consists in a circular structure with a central watch-tower and a shorter annular building along the periphery.⁵⁵⁷ As Foucault explains, Bentham's Panopticon functions as an apparatus of surveillance, inducing in the subject (e.g. an inmate) a "state of conscious and permanent visibility that assured the automatic functioning of power."⁵⁵⁸ The Panopticon thus organizes conduct through a schema of constant, yet unverifiable visibility.

While one might apply the disciplinary schema to account for how predictive policing governs, this approach risks obfuscating what may be unique, singular, or new to

⁵⁵⁴ See Gillespie, "Relevance of Algorithms."

⁵⁵⁵ See Cheney-Lippold, "New Algorithmic Identity;" Bucher, "Want to be on the Top;" and Amoore, *Politics of Possibility*, respectively.

⁵⁵⁶ Foucault, *Discipline and Punish*.

⁵⁵⁷ *Ibid.*, 200.

⁵⁵⁸ *Ibid.*, 201.

predictive policing as a contemporary practice made possible by the knowledge/power of algorithmic ensembles. Rather than assume that older forms of power simply proliferate and appear in new contexts, we should attend first to the specific strategies, goals, relationships, and processes at work in a contemporary technology of power, a point I adopt from Colin Koopman (2013, 2014). Taking this approach, what is striking about the exercise of power in predictive policing is the explicit aim of governing and controlling *time*. What is thus needed is an analytic of temporality, as distinct from an analytic of disciplinary visibility, for specifying the governmentality of predictive policing algorithms.⁵⁵⁹

2. Temporal Governmentality

As scholars like Elena Esposito (2015) and Amoore (2013) have recently shown, a focus on time is useful for understanding the function and politics of predictive algorithms.⁵⁶⁰ Time is relevant just insofar as these algorithms aim at predicting and even producing a desired future. To conceptualize this type of power at work in predictive algorithms like the SSL, this section develops an analytic of *temporal governmentality*. This concept refers to the way predictive policing algorithms exercise power by controlling and governing time. I will suggest, moreover, that an understanding of the

⁵⁵⁹ I follow scholars like Bucher (2012) and Ananny and Crawford (2016) who have shown the limits of an analytic of visibility and an accompanying ethics of transparency to the critical study of algorithms. Bucher shows how the Facebook EdgeRank algorithm works differently from the Panoptic form of surveillance insofar as it imposes a ‘threat of invisibility’ on users. See Bucher, “Want to be on the Top.” Ananny and Crawford explore the limits of the ideal of transparency for understanding governing algorithmic systems and for holding these systems accountable. See Ananny and Crawford, “Seeing without Knowing.”

⁵⁶⁰ See Esposito, “Beyond the Promise,” 93-94 and Amoore, *Politics of Possibility*, 9. Where these scholars tend to focus on the temporality of predictive algorithms more generally, my own analysis is more attentive to how temporality is racialized in the specific case of predictive policing algorithms like the SSL.

temporal governmentality at work in predictive policing helps illuminate the racialized dimensions of the politics of these algorithms.

Temporal governmentality depends on a distinct conception of time as something made, constructed, created, and negotiated rather than as something given in advance. Against the desire to think of time as ready-made and determined, it proves fruitful to think of time as a performative consequence of an ensemble of actors and actions.⁵⁶¹ That is, while we tend to understand time in spatialized terms as an external frame of reference in which events take place, I am proposing that we regard time as an artifact or product of the actions and interactions of different actors. Consider, for instance, the way Amazon's recommendation algorithm generates a future when consumers purchase a product suggested to them. Here the algorithm, in concert with the consumer, is not just acting on time, but is actually creating a future that is different from the consumer's present insofar as they do not yet have the item. Hence, to understand how algorithms can be productive of a future, we must conceptualize time as something that can be made or produced.

If we combine this focus on temporality with the concept of governmentality described above, we get a hybrid analytical category I call "temporal governmentality." This category is meant to give inquirers a grip on *how* algorithmic power works – a way of governing conduct through the mode of time. Predictive algorithms, specifically those used in predictive policing software, exercise power by setting up, organizing, and

⁵⁶¹ This performative understanding of time is inspired by Bruno Latour. This performative understanding of time is inspired by Bruno Latour. In his ethnographic studies of scientific practices, Latour operationalizes his actor-network methodology to show *how* time is constructed through the costly and intensive labor of different actors. In *Science in Action*, Latour problematizes the tendency that historians of science and technology have of spatializing time by regarding time as a stable, external frame of reference *in which* events take place. He distinguishes this from his own approach of tracking "how... different times may be produced *inside the networks* built to mobilise [sic], cumulate and recombine the world." See Latour, *Science in Action*, 228. Italics in original.

managing specific temporal relations between the past, present, and future. This control over time (and temporal relations) constitutes the core of temporal governmentality.

The idea of temporal governmentality helps clarify how predictive policing exhibits the fraught politics of what Charles Mills calls “the racialization of time.” This idea refers to “particular dispositions and allocations of time that are differentiated by race.”⁵⁶² It is clear to most scholars that predictive policing is riddled with problematic racialization. But what the concept of temporal governmentality helps us see, in conjunction with Mills’ work, is that the racializing function in predictive policing depends on a specific kind of algorithmic technology that previous kinds of police work did not have access to.

The racialization of time contributes to racial political work that not only *takes* time away from people, but *transfers* time from “one set of lives to another.”⁵⁶³ The future is thus held open for whites on the very basis that it is closed off from a set of racialized subjects who are relegated to a “futureless past.”⁵⁶⁴ Through the representational production of white time, whites self-position themselves as the “masters of their own time,” and differentiate themselves from those who are “mastered by time.”⁵⁶⁵ This imposed practice of racializing time sets up a problematic hierarchical division between those (whites) who master, manage and appropriately *use* time and those (non-whites) who *squander*, waste, and are managed by time. On this account, the racialization of time refers to a management of possibilities – a way of organizing,

⁵⁶² Mills, “White Time,” 28.

⁵⁶³ Ibid.

⁵⁶⁴ Ibid., 31.

⁵⁶⁵ Ibid., 31.

allocating, and fixing possible actions through the racial separation of a “white time” of the open future and a “non-white time” of the futureless past.

As I now show, the temporal governmentality of predictive policing consists in the racial political work of closing the past and the future for non-whites through a paranoid logic that aims to preempt future possibilities of criminal conduct on the basis of a racialized criminal history.

3. Predictive Policing and Temporal Governmentality

The above two sections have offered an outline of an analytic for conceptualizing the specific shift involved in predictive policing. I argue that this analytic enables us to see the shift in policing tactics from a *reactive* practice to a *proactive* one in terms of time. As a reactive practice, policing consists in responding to crimes *after* they have been committed.⁵⁶⁶ Reactive policing depends upon a temporal vision that is backward looking – it focuses on counteracting crimes that have *already occurred*. Here the time of crime is relegated to the recent past.⁵⁶⁷ Reactive policing regards the temporality of crime as already given or determined because the delinquent action has already taken place. This style of temporal governmentality – governing conduct through time – differs from the one at work in *proactive* policing both insofar as reactive policing relies on a divergent conception of time – as given in advance, as already passed – and insofar as it involves a distinct temporal pattern that aims to police *past crimes* in the *present*.

⁵⁶⁶ See Maguire, “Policing by Risks and Targets.”

⁵⁶⁷ This reactive style of policing is at work in disciplinary power, which proactively shapes the prisoner *only after* it first situated them as a prisoner by reacting to their crime. Disciplinary power thus does not capture the temporal governmentality of predictive policing insofar as it is reactive to crime where predictive policing is proactive.

To grasp the temporal difference between reactive and proactive policing, we can consider the problem to which predictive policing offers a solution. In the first symposium on predictive policing sponsored by the National Institute of Justice, researchers and law enforcement leaders describe the proactive function of predictive policing in terms of forecasting, anticipating, and preventing future criminal activity.⁵⁶⁸ How does one prevent some possible crime *in advance* of its uncertain occurrence? For Charles Beck, chief of the Los Angeles Police Department (LAPD), the question is “how to effectively deploy resources *in front* of crime, *thereby changing outcomes*.”⁵⁶⁹ According to Beck, one of the greatest advantages of predictive policing is the discovery of new or formerly unknown patterns related to crime. Beth Pearsall adds, “Just as Walmart found increased demand for strawberry Pop-Tarts preceding major weather events, LAPD has found its own subtle patterns when examining data that have helped the department accurately anticipate and prevent crime.”⁵⁷⁰

Anticipation and *prevention* of future crime are the two primary objectives of proactive policing tactics. These objectives are not quite separable from one another, nor are they identical, but they are coordinated in the following way: the prevention of future crime relies upon the anticipation of future crime, which is anticipated only so that it can be prevented. This coordinated activity contributes a temporal rhythm to policing’s predictive practice. To prevent an anticipated future in the present, the future has to be

⁵⁶⁸ See NIJ, “Predictive Policing Symposium,” 3-4 and Bratton et. al, “Fighting Crime,” 1-4.

⁵⁶⁹ Beck and McCue, “Predictive Policing,” 20. Italics added.

⁵⁷⁰ Pearsall, “Predictive Policing,” 17.

acted on *as if it will have happened*. How to prevent something that may or may not happen? Act as though it will happen in advance of its (possible) happening.

One can witness this preemptive temporality at work in Chicago's controversial SSL or "heat list." Developed in collaboration with the Illinois Institute of Technology (IIT) after receiving a \$2 million grant from the NIJ in 2009, the Chicago Police Department's (CPD) SSL is a person-based predictive algorithm that generates a ranked ordered list of subjects according to their risk of being involved in a violent crime, as either a victim or perpetrator. These risk scores are calculated and positioned on a scale ranging from 0 (extremely low risk) to 500 (extremely high risk), with 250 being the minimum score warranting "heightened police attention."⁵⁷¹ Scores are available to law enforcement personnel through their dashboard, a database used to obtain information including dates of arrest, warrants, and crime history.⁵⁷² Since its initial deployment by CPD in late 2013, the algorithm has been applied to hundreds of thousands of subjects.⁵⁷³ According to Special Order S09-11, the purpose behind the SSL is to "develop a subject-based prediction model to proactively identify and address crime problems."⁵⁷⁴

While the algorithm is protected as proprietary technology of the CPD, they were forced to release a version of the dataset in 2017 after a prolonged legal dispute with the *Chicago Sun-Times*.⁵⁷⁵ Developed between August 1, 2012 and July 31, 2016, this dataset

⁵⁷¹ See Dumke and Main, "A Look Inside" and Posadas, "How Strategic."

⁵⁷² See Kaplan, "Predictive Policing."

⁵⁷³ See Chicago Data Portal, "Strategic Subject List."

⁵⁷⁴ Chicago Police Department, "Special Order S09-11," 1.

⁵⁷⁵ See Posadas, "How Strategic."

includes a list of some 400,000 de-identified subjects.⁵⁷⁶ According to Chicago's Data Portal online site, eight variables contribute to the calculation of risk scores in former iterations of the SSL. These variables include: 1) "number of times being the victim of a shooting incident;" 2) "age during latest arrest;" 3) "number of times being the victim of aggravated battery or assault;" 4) "number of prior arrests for violent offenses;" 5) "gang affiliation;" 6) "number of prior narcotic arrests;" 7) "trend in recent criminal activity;" and 8) "number of prior unlawful use of weapon arrests."⁵⁷⁷ These variables are differently weighted for the production of a risk score and are continually being revised as the SSL gets updated. For instance, factors like gang affiliation and number of prior narcotic arrests have been removed in the latest iteration of the SSL because they have been found to not significantly impact the score.⁵⁷⁸ Other variables, such as age at most recent arrest and recent shooting incidents, are given more weight since these are observed to have more impact on the overall score.⁵⁷⁹

SSL scores can be used as "an investigative resource" for the patrolling and inspecting of crime by police professionals.⁵⁸⁰ While the SSL is not explicitly used to arrest persons on the list, the system works in concert with CPD's "Customs Notifications" program as part of its Violence Reduction Initiative.⁵⁸¹ Established in

⁵⁷⁶ Chicago Data Portal, "Strategic Subject List."

⁵⁷⁷ Ibid.

⁵⁷⁸ See Kaplan, "Predictive Policing" and Asher and Arthur, "Inside the Algorithm."

⁵⁷⁹ Ibid. See also Chicago Police Department, "Special Order S09-11."

⁵⁸⁰ See Chicago Police Department, "Special Order S09-11," 1.

⁵⁸¹ Ibid., 1-2.

2013, this program “identifies potential criminal actors and victims associated with the continuum of violence.”⁵⁸² Once the potential criminal is identified, they are “notified of the consequences that will result should violent activity continue.”⁵⁸³ This program operationalizes the SSL to identify those subjects most at risk of “victimization or engagement in criminal activity” and provide them with access to social services.⁵⁸⁴ Working with social workers and community leaders, the CPD delivers a letter in person to high-risk individuals to warn them of the “arrest, prosecution, and sentencing consequences they may face if they choose to or continue to engage in public violence.”⁵⁸⁵ The letter incorporates known factors about an individual’s prior arrests, associates, as well as potential sentencing outcomes for future criminal behavior. If a custom notification recipient is later arrested for any crime, the “highest possible charges will be pursued” by the district commander.⁵⁸⁶ Thus, the SSL functions together with the Customs Notification program to anticipate and forewarn the subject’s possible involvement in criminal violence.

The SSL works to preempt the future possibility of criminal violence by assessing, inferring, and flagging *who might be* subjects of crime. In doing so, the SSL conflates potential victims with potential perpetrators, treating such subjects equally as

⁵⁸² Chicago Police Department, “Special Order S10-05,” 1.

⁵⁸³ *Ibid.*

⁵⁸⁴ *Ibid.* The Custom Notifications directive does not disambiguate between what counts as “victimization” or “engagement” in criminal activity, but rather treats these as equal in the process of notifying subjects. Between 2013 and 2016, the CPD delivered roughly 1400 custom notifications. See Martinez, “Going Inside” and Posadas, “How Strategic.”

⁵⁸⁵ Chicago Police Department, “Special order S10-05,” 2.

⁵⁸⁶ *Ibid.*, 3.

possible criminal actors. The SSL thus allows law enforcement personnel to act on the basis of who subjects might become as prospective actors involved in violent crime. To prevent some possible unfolding of gun violence in the city, law enforcement must anticipate this future in the present, acting presciently as though the crime were an inevitability.

This preemptive activity maps onto the temporal functioning of risk-assessment algorithms in general. According to Amoore (2013), all such algorithms operate through a preemptive temporality, which makes a future uncertainty actionable in the present.⁵⁸⁷ This style of temporal governmentality looks at a possible crime from the perspective of the future perfect participle – the crime *will have happened* from the decisional standpoint of the present. It turns a future possibility into a momentary inevitability so as to act in advance of the crime’s eventual unfolding.⁵⁸⁸

Predictive policing closes off the open possibilities of the future by preempting their unfolding in the present. Yet, where this preemptive activity can also be found in other predictive algorithms, it is distinctly racialized in the case of predictive policing.⁵⁸⁹ That is, policing algorithms like the SSL do not close off the uncertain future for all subjects equally, but for a certain set of racialized subjects. While critics have pointed out

⁵⁸⁷ Amoore links this preemptive activity of risk-assessment algorithms with the strategy of juridical decision associated with sovereign power. See Amoore, *Politics of Possibility*, 41, 82-83.

⁵⁸⁸ While the continual revision of the SSL might seem to challenge this preemptive activity, it is ultimately updated in order to improve the algorithm’s predictive power, and hence to better preempt future crime. The idea here is that preemption contributes to the aim of predictive policing technologies and guides their revisions even when (or especially when) they are not successful in preempting crime.

⁵⁸⁹ This marks a difference between Amoore’s account of preemption in predictive algorithms and my own insofar as I understand preemption to be racialized in the case of policing algorithms like the SSL. While Amoore presents preemption as a general feature of risk-assessment algorithms that appears to apply equally to all subjects, my own view is that preemption is differentially applied to racialized subjects, and thus cannot be fully understood without considering how it is entangled with a racial politics of time.

the problematic racial politics of this technology, it has not always been made clear how this politics is entangled with the way these algorithms function temporally. On my analysis, the racial politics of predictive policing cannot be understood without clarifying how their algorithms govern temporally.

The preemptive, racialized temporality of Chicago's SSL highlights what Ta-Nehisi Coates calls the "paranoid style of American policing."⁵⁹⁰ The concept of paranoia helpfully captures the temporal governmentality of predictive policing. As Eve Sedgwick (2003) notes, paranoia works temporally through anticipation to stave off threats and other "bad surprises."⁵⁹¹ It is linked to preemption insofar as it strives to act as though the worst will have happened to prevent its actual happening. That is, paranoia closes off the future from contingency and turns it into an inevitability. Sedgwick remarks, "No time could be too early for one's having-already-known, for its having-already-been-inevitable, that something bad would happen. And no loss could be too far in the future to need to be *preemptively* discounted."⁵⁹² As a paranoid practice, predictive policing seeks to dispel possibilities deemed 'dangerous,' 'bad,' 'threatening,' or 'criminal' by treating them as necessary and certain. Unlike reactive policing, which reacts too late to crime that has already occurred, proactive policing can never be too early to respond to crime that has not yet occurred.

Consider first the CPD's visitations to subjects with high risk scores under the Customs Notifications program. The CPD warns these subjects of violent crimes that

⁵⁹⁰ See Coates, "Paranoid Style of American Policing." Coates is here mimicking the title of Richard Hofstadter's influential 1963 essay "The Paranoid Style in American Politics." See Hofstadter, "Paranoid Style."

⁵⁹¹ Sedgwick, *Touching Feeling*, 130. Italics added.

⁵⁹² *Ibid.*, 131. Italics added.

they are predicted to be involved in but that have yet to occur. Rather than wait for the occasion of crime, law enforcement officers act in front of the crime as though it were always, already known. This way of relating to criminal activity is paranoid insofar as it suspects the threat of crime as though it always will have been. RAND Corporation's external evaluation of the SSL's first iteration has demonstrated that subjects on the SSL may be more likely to be arrested for a shooting.⁵⁹³ Indeed, when gun violence escalated in Chicago in May 2016, CPD made nearly 200 arrests of people on the heat list.⁵⁹⁴ This highlights the way in which the SSL functions to raise police suspicion toward subjects placed on the list with higher risk scores. Furthermore, this heightened paranoia is racialized insofar as the public dataset from 2012-2016 reveals that more than half of the subjects with risk scores over 250 are identified as Black and roughly 90% of the 154 subjects with scores of 500 (the highest score) are identified as Black.⁵⁹⁵

Consider next how predictive policing algorithms like the SSL use historical crime data to calculate risk scores. The CPD notes, "The software is generated based on empirical data that lists attributes of a person's criminal record, including the record of violence among criminal associates, the degree to which his criminal activities are on the rise, and the types of intensity of criminal history."⁵⁹⁶ Some of the variables used for

⁵⁹³ Saunders, Hunt, Hollywood, "Predictions Put into Practice," 364. This study also found that "at-risk individuals were not more or less likely to become victims of a homicide or shooting as a result of the SSL, and this is further supported by city-level analysis finding no effect on the city homicide trend." Ibid.

⁵⁹⁴ Ferguson, *Rise of Big Data Policing*, 40; Cf. Davey, "Chicago Police."

⁵⁹⁵ See Chicago Data Portal, "Strategic Subject List." Another study found that over 50% of Black men in Chicago between the ages of 20 to 29 have an SSL score. See Kunichoff and Sier, "Contradictions." While the SSL algorithm does not explicitly use race to calculate risk scores, the publicly available data set from 2012-2016 identifies subjects with demographic variables like race and gender.

⁵⁹⁶ Chicago Police Department, "Special order S10-05," 2.

prior iterations of the SSL include previously collected data about subjects' criminal history, arrest records, contact with law enforcement, and gang affiliation.⁵⁹⁷ As argued by Moses and Chan (2016), O'Neil (2016), and Ferguson (2017), using past crime data is problematic because this data does not necessarily offer an accurate depiction of criminal activity within a given area. It is often limited by "what individuals choose to report and what law enforcement officers directly observe."⁵⁹⁸ Furthermore, crime data hides the racially fraught processes that went into its collection and classification. In other words, data is by no means "raw," but comes already processed, worked over, or "cooked."⁵⁹⁹ Even if race is not expressly considered in predictive algorithms like the SSL, they can still produce or intensify discriminatory outcomes insofar as they rely on input data that is entangled in historically biased policing practices. Ferguson argues, "While race would never be included as part of the algorithm, many of the variables (police contacts, prior arrests, gang affiliations) directly correlate with racially discriminatory law enforcement practices. If the data is colored black, it means that the predictive policing systems (using that data) could generate biased results."⁶⁰⁰ Hence, the collection, categorization, and use of historical crime data cannot be easily disentangled from the legacy of discriminatory policing practices.

The temporal danger with the use of historical crime data is that the data codifies and stabilizes the past, turning it both into something that is *bound to repeat* in the future

⁵⁹⁷ See Chicago Data Portal, "Strategic Subject List."

⁵⁹⁸ Moses and Chan, "Algorithmic Prediction," 4.

⁵⁹⁹ See Gitelman, *'Raw Data' is an Oxymoron*, 2.

⁶⁰⁰ Ferguson, *Rise of Big Data Policing*, 47.

and into something that can be *securely acted on* in the present. This codification of the past in the form of data functions to close the past off from possibilities of what could have been. No longer open or negotiable, the past gets preformed and packaged in the shape of data as something already given.⁶⁰¹ Hence, the pre-crime tactic of predictive policing does not simply detach itself from the past as some scholars have argued, but depends upon a process whereby the past takes the form of usable and storable data.⁶⁰² Predictive policing techniques not only remain anchored in the past through their reliance on historical crime data, they projectively extend this data in the future to generate risk scores. That is, they use and reinforce the past in the form of historical crime data to produce their preemptive power.

The most pressing worry presented by the SSL's use of the past is that it potentially replicates a problematic history of discriminatory policing tactics. If the data that goes into the algorithm was collected and produced in a racially biased fashion, then the predictions that are generated by the algorithm will reflect these biases.⁶⁰³ This creates a troubling self-fulfilling prophecy whereby the past foretells who will be likely of being involved in a crime on the basis of a subject's past contact with police. Since police contact remains racially disproportionate in major cities like Chicago, the

⁶⁰¹ As historian Daniel Rosenberg reminds us, 'data' is the plural form of the Latin 'datum,' the past participle of the verb '*dare*' – to give. Hence, the plural 'data' and the singular 'datum' literally mean "something given" or "something taken for granted." See Rosenberg, "Data Before the Fact," 18.

⁶⁰² See McCulloch and Wilson, *Pre-crime*, 2; Lyon, "Surveillance, Snowden, and Big Data," 6; Zedner, "Pre-crime and Post-Criminology," 262.

⁶⁰³ As Solon Barocas and Andrew D. Selbst observe in connection with data mining, "Data mining can reproduce existing patterns of discrimination, inherit the prejudice of prior decision makers, or simply reflect the widespread biases that persist in society." See Barocas and Selbst, "Big Data's Disparate Impact," 674.

algorithm forecasts young men of color as subjects with the highest risk scores.⁶⁰⁴ This self-fulfilling prophecy results in the practice of overpolicing, producing a harmful, self-perpetuating feedback loop as the existing data draws police into areas they are already policing, thereby producing further crime data that further justifies and fosters increased police presence in those areas.⁶⁰⁵ The temporal rhythm of such a practice can be captured by the circular process of reproducing a racially discriminatory past in the future as an inevitability. The SSL thus “burrows both backward and forward” in the words of Sedgwick, informing law enforcement of who to police, surveil, and caution in the future on the basis of who has been policed in the past.

The Strategic Subject List exemplifies the temporal governmentality of predictive policing algorithms that simultaneously stabilize and transform the past into a prophecy of future risk, which is preemptively avoided by turning this possible future into an inevitability. The paranoid rhythm of predictive policing consists in a double-closure of the past and the future such that the past becomes functional insofar as it is codified in historical crime data that is used to generate and preempt future criminal behavior. Predictive policing depends on a closed, racialized past and produces a closed, racialized future. This temporal racialization splits the future into two racially distinct times – a (white) time that is futurally open and a (non-white) time that is futurally closed. Thus, following Mills, whites perpetuate a racial historical practice of mastering and transferring time – the time non-whites “*would have had*” – from “one set of lives to

⁶⁰⁴ According to a 2017 investigation by the Department of Justice Civil Rights Division, patterns of racially discriminatory conduct pervade the Chicago Police Department. See Department of Justice, “Investigation of the Chicago Police Department,” 15.

⁶⁰⁵ See Završnik, *Big Data*, 12.

another.”⁶⁰⁶ This practice of mastering time is a quintessential exercise of power in the way Foucault defined it in 1982 – as a “conduct of conducts” and “a management of possibilities.”⁶⁰⁷

Conclusion

The paranoid, preemptive temporality at work in the practice of predictive policing constitutes a form of temporal governance that, as I have argued, must be understood in relation to the racial politics of time. In *Between the World and Me*, Coates testifies to a profound truth of being “drafted into the black race:” “It struck me that perhaps the defining feature of being drafted into the black race was the inescapable *robbery of time*.”⁶⁰⁸ This robbery of time occurs not only through the racialized closure of the past whereby non-whites are relegated to the prehistorical past of (white) European “civilization,” but also through the racialized closure of the future which can be witnessed in predictive policing tactics like Chicago’s SSL. Much like how geography and space can function as proxies for race (as we see in discriminatory practices like redlining), time can also problematically function as a proxy for race, such that, as Brittney Cooper emphasizes, “If time had a race, it would be white. White people own time.”⁶⁰⁹

⁶⁰⁶ Mills, “White Time,” 28.

⁶⁰⁷ Foucault, “Subject and Power,” in *EW3*, 341.

⁶⁰⁸ Coates, *Between the World and Me*, 91. Italics added.

⁶⁰⁹ See Cooper, “Racial Politics.”

Much of the criticism of predictive policing in news articles and scholarly writing is informed by a paranoid affect that surfaces through recurrent invocations of Philip K. Dick's 1956 short story-turned 2002 film "The Minority Report."⁶¹⁰ Written in the midst of the Cold War, this science fiction story depicts a specialized police department known as Precrime where detective-psychics or "precogs" foresee and arrest future suspects before they commit their crimes. Dick, a master of paranoia, uses this affect in "Minority Report" to engage the reader's imagination of a future where personal freedom is threatened by technologies of social control. This paranoia is performed in the ominous closing advice that the story's protagonist, John Anderton, gives to his successor as head of the Precrime Division: "Better keep your eyes open. It might happen to you at any time."⁶¹¹

The same advice might be gleaned from reports on predictive policing programs like Chicago's SSL insofar as they suspiciously treat such programs as threats to be exposed, identified, and deterred.⁶¹² These reports share an affective affinity with predictive policing in their deployment of paranoia to reveal the dangers of this practice. Such affective mimicry is perhaps not surprising given the contagious quality of paranoia.⁶¹³ Hence, to understand the danger of a paranoid practice of policing, one must

⁶¹⁰ Consider news headlines on Chicago's SSL program like the following: 'Chicago goes Minority Report;' 'Pre-crime is Here;' and 'Minority Report is Real – And It's Really Reporting Minorities.' See Ernst, "Chicago goes 'Minority Report'"; McDurmon, "Pre-crime is here;" and Smith, "'Minority Report' is Real."

⁶¹¹ Dick, *Minority Report*, 102.

⁶¹² See Ernst, "Chicago goes 'Minority Report;'" McDurmon, "Pre-crime is here;" Smith, "'Minority Report is Real;'" Day, "Tech Startup;" Hvistendahl, "Can 'Predictive Policing;'" McCulloch and Wilson *Pre-crime*; Asher and Arthur, "Inside the Algorithm;" Dumke and Main, "A Look Inside;" Posadas, "How Strategic;" and Wilson, "Algorithmic Patrol."

⁶¹³ See Sedgwick, *Touching Feeling*, 131.

precisely imitate the paranoia at work in such a practice. This presents a challenge for critics who critique contemporary practices not with the aim of reproducing their troubling affective features, but with the reparative hope of outlining other possibilities of feeling, relating, and acting. In the next chapter, I move beyond such paranoid critiques by outlining strategies for reparatively transforming predictive policing algorithms like the SSL.

CHAPTER VI
REPAIRING PREDICTIVE POLICING

Introduction

In the previous chapter, I examined the way predictive policing technologies exercise power through a paranoid temporality that aims to preempt future possibilities of crime for a set of racialized subjects on the basis of a criminal past. This emphasis on the paranoia of predictive algorithms, however, presents a problem for my conception of reparative critique, for it would seem that my exercise of critique in the chapter is a paranoid one. That is, in pointing out the paranoid operation of power in predictive policing, I run the risk of engaging in a paranoid practice of critique. This problem stems, in part, from the contagious quality of paranoia. As Eve Sedgwick notes, paranoia is contagious such that it requires being imitated to be understood.⁶¹⁴ Hence, to comprehend the danger of a paranoid practice of policing, one must imitate the paranoia at work in such a practice. This poses a challenge for the reparative method of critique I am advancing, which is less concerned with exposing threats or exercising negative judgment as it is with extracting sustenance and hope in the face of the limits of our objects and practices.

To push beyond a paranoid critique of technology, this chapter deploys reparative critique as a way of addressing the transformative possibilities of predictive policing. In highlighting the *transformability* of predictive policing techniques, I aim to show how these technologies might be altered so that they become less harmful to the subjects they

⁶¹⁴ Sedgwick writes that paranoia “seems to grow like a crystal in a hypersaturated solution, blotting out any sense of the possibility of alternative ways of understanding *or* things to understand.” See Sedgwick, *Touching Feeling*, 131. Italics in original.

seek to police. I am primarily concerned with advancing strategies for ameliorating the damaging effects of predictive policing algorithms. As shown in the previous chapter, these algorithms disproportionately affect Black men and women in a way that is continuous with the historically discriminatory tactics of policing and the larger criminal justice system in the U.S. As such, any strategy for improving predictive policing algorithms would need to address their problematic racial politics which involves the enduring legacy of racial bias, surveillance, overpolicing, and what Michelle Alexander calls “the new Jim Crow.”⁶¹⁵

Most scholars working on the ethics of algorithms tend to emphasize transparency as an ideal for their normative improvement. This ideal aims to address the problem of opacity common in predictive algorithms. Opacity refers to the way algorithms resist comprehension (on either the part of the public or on the part of data analysts) such that we do not know how or why an algorithm generates particular outputs on the basis of its inputs. As Jenna Burrell suggests, this lack of transparency is often due to the fact that the inputs are either entirely unknown or only partially known.⁶¹⁶ For many theorists of technology, opacity presents one, if not, the most pressing ethical challenge of machine learning and predictive algorithms.⁶¹⁷ Consequently, ideals of transparency and trust are valued as imperatives for ameliorating algorithmic opacity.

⁶¹⁵ See Alexander, *New Jim Crow*.

⁶¹⁶ Burrell, “How the Machine ‘Thinks,’” 1.

⁶¹⁷ For scholarship on the problem of opacity as central to algorithms and machine learning, see Dwork et al., “Fairness through Awareness;” Sandvig et al., “Auditing Algorithms;” Pasquale, *Black Box Society*; O’Neil, *Weapons of Math Destruction*; Burrell, “How the Machine ‘Thinks;” and Veale, Van Kleek, and Binns, “Fairness and Accountability.”

Other scholars including Shannon Vallor, Mike Ananny, and Kate Crawford have recently called the ideal of transparency into question as a normative value for the use of technology. In *Technology and the Virtues*, Vallor argues that the “cult of transparency” which guides a “sousveillance society” promotes an impoverished understanding that does not contribute to human flourishing.⁶¹⁸ In a sousveillance society, citizens participate in multiple forms of watching and being watched through wearable tracking devices. Devices like Fitbits and Apple watches function as surveillance technologies designed to make our actions, habits, and bodies more transparent to us. For Vallor, this ideal of transparency is troubling because it unquestioningly prioritizes truth over other moral values like trust, compassion, humility, and respect, which add to the richness of moral life and encourage human flourishing.⁶¹⁹

Akin to Vallor, Ananny and Crawford show the limits of the transparency ideal and its prioritization of truth in the context of governing algorithms. On their view, transparency functions as an epistemic norm that assumes a direct correspondence between observation and truth – the more we can see and observe about a thing, the more truth we will have about it.⁶²⁰ As Ananny and Crawford note, the tacit assumption involved in appeals to transparency is that “*seeing* a phenomenon creates opportunities and obligations to make it accountable and thus to *change* it.”⁶²¹ This ideal is problematic not only because the inner workings of technical systems can be impervious to

⁶¹⁸ Vallor, *Technology and Virtues*, 188. Sousveillance refers to multiple forms of watching and being watched “from below” such that agents participate in their surveillance by using or wearing, for instance, recording and tracking devices (such as smart phones or Fitbits).

⁶¹⁹ *Ibid.*, 192.

⁶²⁰ Ananny and Crawford, “Seeing without Knowing,” 2.

⁶²¹ *Ibid.*, 2.

observation, but also because it assumes that seeing is equivalent with understanding. That is, even if we could observe the inner workings of complex systems like algorithms, that does not mean we thereby understand them.⁶²² What is needed, they suggest, is an alternative conception of algorithmic accountability that aims at understanding how these systems work across networks of humans and nonhumans.⁶²³

Building on these critiques of the ethics of transparency, I develop a framework for addressing the ethics of predictive policing algorithms that pushes beyond the limits of the transparency ideal. One major problem with this ideal, which is unacknowledged by Ananny and Crawford as well as Vallor, is that it reduces ethics to the purview of epistemology. Here ethical action consists primarily in *knowing* how an algorithm generates its results in order to make it less opaque. According to the transparency model, predictive policing systems would be ethically improved if we could observe and know exactly what went into their algorithms to produce their particular predictions. While I agree that making predictive algorithms more transparent is important for ameliorating some of their harmful effects, I do not think this is sufficient for addressing the power exercised by these algorithms. What I suggest in this chapter is that we think about ethics less as an epistemic problem than as a problem for conduct or practice.⁶²⁴ Drawing on William James's conduct-centric approach to ethics and Michel Foucault's account of

⁶²² Ibid., 9.

⁶²³ They frame this as a “pragmatic approach to epistemology” in contrast to the representational account of knowledge at work in the transparency ideal. See Ananny and Crawford, “Seeing without Knowing,” 11.

⁶²⁴ In distinguishing between epistemology and practice, my intent is not to set up an unnecessary dualism between them, but rather to say that epistemology is one kind of practice among many others. That is, the idea that ethics is a question of doing (or practice) includes knowing as one type of ethical action but does not reduce ethics solely to that type of action.

ethics as counter-conduct, I develop an ethical framework for responding to the power at work in predictive policing systems.⁶²⁵ This framework consists in a set of socio-technical practices for resisting predictive policing's operation of power. By thinking of ethics in terms of resistant practices, we can begin to consider a notion of responsibility that holds us and the technologies we bind ourselves to accountable for the harms created by this bond. Hence, if the power operant in predictive policing is made possible by the ensemble of actions afforded by humans and algorithms, then the conduct for countering and transforming this power will likewise be made possible by the joint techniques of humans and machines.

To flesh out this ethical framework, I begin (in *section one*) by fleshing out James's understanding of ethics as a problem of action or conduct before clarifying (in *section two*) Foucault's ethics of counter-conduct, which he develops in his 1977-1978 lectures at the *Collège de France*. Building on Vallor's use of Foucault's late work on the care of the self to address ethical questions related to technology, I attend to his account of counter-conduct as a useful frame for thinking through the transformation of algorithmic ensembles such as that of predictive policing.⁶²⁶ As I argue, Foucault's notion

⁶²⁵ This understanding of ethics is inspired by the work of both William James and Michel Foucault. In his ethical writings, James is concerned with motivating agency in the midst of constraints that inhibit or otherwise paralyze action. As I argued in Chapter Three, the paralysis of action prevalent in James's historical and social milieu constituted an ethical problem, one that required a rethinking of agency in terms of willful action. Similar to James, Foucault conceptualizes ethics in terms of conduct or action, which he develops in his work from the late 1970s and early 1980s. I draw specifically on Foucault's account of ethics as counter-conduct in this chapter because it offers a way of thinking about ethics in the context of power relations, and thus offers a continuity with the argument about the power of predictive policing algorithms I developed in the previous chapter (Chapter Five).

⁶²⁶ I am here drawing a connection between Foucault's concept of the care of the self, which he develops in various essays, course lectures, and the third volume of *The History of Sexuality* from the early 1980s, and his notion of counter-conduct, which he forwards in his 1977-1978 course lectures at the *Collège de France*, published in English as *Security, Territory, Population*. In these lectures, Foucault describes spiritual movements that constituted forms of counter-conduct to the conducting power of the pastorate. He argues that these movements sought "to escape direction by others and to define the way for each to

of counter-conduct helpfully moves us beyond the position that ethical action consists in altering *either* our technologies *or* our selves. Rather, his analyses of power show us that resistance depends on the counter actions of socio-technical arrangements.

After discussing counter-conduct as a frame for theorizing the ethics of algorithms, I then describe (in *section three*) four examples of counter-conducts that resist the power operationalized by predictive policing algorithms like the SSL. These practices can be understood as socio-technical responses to the issues of predictive policing described in the previous chapter. As I analyzed there, person-based predictive algorithms suffer from racial bias insofar as they disproportionately target Black men and women as subjects warranting heightened police attention. The strategies developed in this section seek to address these algorithms at the level of their problematic racial politics. I argue that any attempt to ameliorate predictive policing technologies must reckon with their participation in an enduring legacy of racial injustice at work in a constellation of criminal justice practices in the U.S.

1. Ethics as a Problem of Conduct

As recent scholars observe, James's writings on ethics assume a diffuse form – they are less organized in a coherent system than they are scattered across a variety of essays, monographs, and notes.⁶²⁷ In spite of this, one can identify a theme running throughout

conduct himself [sic].” This description of counter-conduct in terms of a relation of self-conduct is proximate to the way Foucault accounts for the care of the self as a relation of self to self. That is, in establishing a conducting relation of self to self, counter-conduct can be understood as one way of practicing the care of the self. See Foucault, *Security, Territory, Population*, 195 and Foucault, “Technologies of the Self,” in *EWI*, 255.

⁶²⁷ See Marchetti, *Ethics and Philosophical Critique*, 17-18 and Koopman, “The Will, the Will to Believe,” 491.

his early corpus, specifically from the period between the late 1860s through the mid 1890s.⁶²⁸ The problem of motivating action in the midst of constraints haunts these writings. As James attests in the Preface to his 1897 collection of essays, *The Will to Believe and Other Essays in Popular Philosophy*, paralysis and “timorous *abulia*” plague his fellow academics and prevent them from committing to action.⁶²⁹ For James, the paralysis of action prevalent in his historical and social milieu constituted an ethical problem that required a dual rethinking – *first*, a rethinking of ethics as a problem of action or conduct, and *second*, a rethinking of agency in terms of willful action.⁶³⁰ I clarify the first of these before turning to Foucault’s account of ethics as counter-conduct as a further specification of James’s conduct-centric conception of ethics.

As Sarin Marchetti has argued, James’s relation to ethics consists less in offering a positive normative theory to be included among those of deontology, virtue ethics, or consequentialism, but rather in developing a metaethical perspective from which to clarify what it means to engage in ethical inquiry in the midst of a messy and complex moral life.⁶³¹ Part of the reason for the disparateness of James’s ethical writings has to do with the way he approaches ethics less as a problem for systematic theorizing than as a

⁶²⁸ One could argue that the theme I identify in James’s early corpus is also present in his later work. Without fully getting into this debate here, I will say that I see a discernible shift in James’s work around the late 1890s where the focus on action as an *ethical* problem seems to be supplanted by an attention to experience as a *metaphysical* problem. I am less committed to the precise dating of this shift (indeed, one can witness traces of attention to experience in the early James and traces of attention to action in the later James) than I am to the claim that there is a difference in focus between these two things. For an account of James’s turn to metaphysics and his metaphysics of experience more broadly, see Rosenthal, *Speculative Pragmatism*; Seigfried, *William James’s Radical Reconstruction*; Lamberth, *William James*; and Bordogna, *William James at the Boundaries*.

⁶²⁹ James, *Will to Believe*, x.

⁶³⁰ See Chapter Three, where I develop an account of James’s notion of willful action in terms of reparative agency.

⁶³¹ See Marchetti, *Ethics and Philosophical Critique*, 49.

problem of practice – that is, of the actual ways in which we conduct our moral lives. This focus on practice, action, or conduct is, of course, central to the method of pragmatism that James develops in his 1898 lecture at the University of California, titled “Philosophical Conceptions and Practical Results,” and in his 1906-1907 *Pragmatism* lectures.⁶³² Prior to this work, however, James expresses a concern for action as a deeply personal, social, and ethical problem. What does it mean to think of action or conduct as a problem for ethics and ethics as a problem of conduct?

While one might be tempted to interpret James’s reflections on ethics as primarily epistemological insofar as he focuses on concepts like belief and faith,⁶³³ he proposes understanding these concepts in terms of action or conduct. In one of his first published essays from 1879, “The Sentiment of Rationality,” James proposes a conception of faith as “the readiness to *act* in a cause the prosperous issue of which is not certified to us in advance.”⁶³⁴ Elsewhere he asserts the primacy of action by drawing on the physiological theory of reflex action, arguing that “perception and thinking are only there for behavior’s sake.”⁶³⁵ One can also find a preoccupation with action in his infamous 1896 defense of “The Will to Believe,” where he contends that “belief is measured by action.”⁶³⁶ Hence, while James’s ethical lexicon includes epistemic concepts of belief and

⁶³² See James, “Philosophical Conceptions,” in *Writings of William James*, and James, *Pragmatism*.

⁶³³ For accounts of James’s ethics that are more focused on epistemology, see Slater, *William James*; Haack, “Ethics of Belief;” Misak, *American Pragmatists*; and Aikin, *Evidentialism*.

⁶³⁴ James, “Sentiment of Rationality,” in *WTB*, 90. Italics added.

⁶³⁵ James, “Reflex Action and Theism,” in *WTB*, 114.

⁶³⁶ James, “Will to Believe,” in *WTB*, 29n1.

faith, the primary focus for James is the way these categories encourage or discourage action.

This concern for action comes into relief when one considers the problem of neurasthenia confronting James and others similarly positioned in his historical and social milieu. As discussed in Chapter Three, neurasthenia was diagnosed by George Miller Beard in 1869 as a form of nervous exhaustion that emerged from the enervation of the nervous system.⁶³⁷ Psychological and physical symptoms of neurasthenia include fatigue, depression, headaches, insomnia, anxiety, neuralgia, irritability, and indecision. This condition not only threatened James's mental and physical health; it also jeopardized his capacity as an ethical agent insofar as it hindered his ability to act. The danger here is that if one is in a perpetual state of hesitation, one cannot act, and this leaves one without the resources for realizing the possibilities of changing oneself and the world. That is, the capacity for action is a necessary condition for the possibility of change, and, for James, transformation of self and world is the primary matter of ethics.⁶³⁸

While James provides a general framework for understanding ethics as a problem of conduct or action, he does not clarify how ethics relates to questions of power. This presents a challenge for my argument just insofar as I am working to develop an ethics of predictive policing in response to the way these technologies exercise power. What is needed, then, is a conception of ethics that coheres with James's conduct-centric account,

⁶³⁷ According to Beard, neurasthenia affected upper-class American intellectuals and professionals (or "brain-workers") whose close proximity to the demands of modernization – competition, industry, and urbanization – left them vulnerable to "nervous bankruptcy." As the disease drained a person's nervous energy, Beard proposed treating neurasthenia with rest and relaxation. See Beard, *American Nervousness*, 9.

⁶³⁸ For more on this conception of ethics in James, see Welchman, "William James's 'The Will to Believe;'" Uffelman, "Forging the Self;" Marchetti, *Ethics and Philosophical Critique*; Livingston, *Damn Great Empires*; McGranahan, *Darwinism and Pragmatism*; and Koopman, "The Will, the Will to Believe."

but that specifies ethics and the kind of conduct it engages in relation to power. For this, I turn to the work of Foucault as supplying a concept of ethics as counter-conduct that resists the operation of power.

2. Ethics as Counter-Conduct

In a lecture from 1 March 1978 at the *Collège de France*, later published as *Security, Territory, Population*, Foucault deploys the concepts of conduct and counter-conduct to analyze 16th century techniques of governmentality linked to what he calls “pastoral power.” As Arnold Davidson suggests, these concepts offer a hinge for connecting Foucault’s earlier work on power with his later turn toward ethics.⁶³⁹ This connection comes to the fore when we consider how Foucault increasingly utilizes the language of conduct to describe what he means by power. Power, as he puts it in a 1982 essay, can be understood as a “conduct of conducts” – that is, a way of acting on the actions of others.⁶⁴⁰ Here Foucault clarifies a direct relation between power, conduct, and governmentality:

Basically, power is less a confrontation between two adversaries or their mutual engagement than a question of “government.” This word must be allowed the very broad meaning it had in the sixteenth century. “Government” did not refer only to political structures or to the management of states; rather, it designated the way in which the conduct of individuals or of groups might be directed – the government of children, of souls, of communities, of families, of the sick... To govern, in this sense, is to structure the possible field of action of others.⁶⁴¹

⁶³⁹ Davidson, “In Praise of Counter-Conduct,” 26.

⁶⁴⁰ Foucault, “Subject and Power,” in *EW3*, 341.

⁶⁴¹ *Ibid.*

Conduct can be understood as the activity and object of power. It refers simultaneously to the activity of conducting (i.e., directing) and to action as the object of this activity. If conduct names what Foucault means by power (or governmentality),⁶⁴² then counter-conduct designates what he means by ethics – acts that counter or resist the conduct of power.⁶⁴³ Counter-conduct refers to “the sense of struggle against the processes implemented for conducting others.”⁶⁴⁴ Hence, Foucault’s lecture articulates a way of thinking about ethics in terms of conducts of resistance or struggle.

The historical practices of resistance outlined by Foucault in these lectures take governmentality, specifically the pastoral mode of governmentality, as their primary target of contestation. In the sixteenth century, a specific form of power emerges through the Christian pastorate that assumes the object of governing the conduct of men and women. Pastoral power bears affinities with the form of power described by Foucault in his 1975 text, *Discipline and Punish*. Disciplinary power emerges in the nineteenth century as a novel form of power that functions through the machinery of imprisonment in order to address the souls or consciences of criminals and to produce docile bodies.⁶⁴⁵ Like disciplinary power, the Christian pastorate is an individualizing power that functions by acting on individuals with the aim of directing their behavior. To fulfill this aim,

⁶⁴² Ibid.

⁶⁴³ As he explains in his lecture from 1 March 1978, counter-conduct is “the sense of struggle against the procedures implemented for conducting others.” Foucault, *Security, Territory, Population*, 204.

⁶⁴⁴ Ibid., 201.

⁶⁴⁵ Foucault, *Discipline and Punish*, 130-131, 298-301. Disciplinary power also serves as a backdrop for predictive policing insofar as the practice of policing deploys techniques of surveillance and imprisonment to govern and produce docile bodies. For more on the connection between policing and disciplinary power, see Foucault, *Discipline and Punish*, 213 and Johnson, “Foucault,” 5-6.

pastoral power both relies on and produces knowledge about individuals, especially concerning the state of their soul, through techniques like the examination of conscience.⁶⁴⁶ Such techniques function to create a relationship of subordination between an individual and their spiritual director.⁶⁴⁷ In the midst of this formation of pastoral power, Foucault locates several revolts of conduct undertaken by individuals and groups within convents and political institutions whose object was “to be conducted differently” and “to escape the direction by others.”⁶⁴⁸ In other words, these movements of resistance were concerned with the conducting activity of power and were developed in direct relation to it.

For Foucault, counter-conduct does not exist in complete exteriority to power, but rather bears an immanent relation to it. As he notes in *Security, Territory, Population*, “the struggle was not conducted in the form of absolute exteriority, but rather in the form of the permanent use of tactical elements that are pertinent in the anti-pastoral struggle, insofar as they fall within, in a marginal way, the general horizon of Christianity.”⁶⁴⁹ A year prior in the publication of the first volume of *The History of Sexuality, The Will to Know*, Foucault makes a similar point about the relationship between power and resistance. There he writes, “Where there is power, there is resistance, and yet, or rather

⁶⁴⁶ Foucault, *Security, Territory, Population*, 183-4.

⁶⁴⁷ *Ibid.*, 182.

⁶⁴⁸ *Ibid.*, 194-195. These pastoral counter-conducts took five main forms in the Middle Ages: asceticism, communities, mysticism, Scripture, and eschatological beliefs. See Foucault, *Security, Territory, Population*, 214.

⁶⁴⁹ *Ibid.*, 215.

consequently, this resistance is never in a position of exteriority in relation to power.”⁶⁵⁰
Resistance is thus not outside of power, but is contemporaneous and coterminous with it.

A few consequences follow from this view. First, against the idea that power is totalizing or all-encompassing, Foucault suggests that power is accompanied by a plurality of fractures, contestations, and counter-movements. Contrary to critics who claim that Foucault’s analyses of power evacuate subjects of any sense of agency, his attention to acts of resistance and counter-conduct point toward how agents can transform power relations.⁶⁵¹ Second, just as there are multiple forms of power, there are plural strategies of resistance whose efficacy partly depends on addressing the object, tactics, and techniques of specific modes of power. “Hence,” Foucault explains, “there is no single locus of great Refusal, no soul of revolt, source of all rebellions, or pure law of the revolutionary. Instead there is a plurality of resistances, each of them a special case.”⁶⁵² Third, power and resistance share certain tactical elements that can be used to bolster a particular mode of governing our conduct or to create a counter-conduct. This is to say that the form resistance takes is parasitic on the form that power assumes. As Foucault makes clear in the lectures from *Security, Territory, Population*, counter-conduct arose as a specific way to resist the type of power that took the conduct of people as its object. Thus, counter-conduct acts on the same material as pastoral power – conduct – but acts on it differently and for different ends.

⁶⁵⁰ Foucault, *Will to Know*, 95.

⁶⁵¹ See Smart, “Foucault, Sociology;” Deveaux, “Feminism and Empowerment;” Newton, “Theorizing Subjectivity;” Caldwell, “Agency and Change;” and Bevir, “Governance and Governmentality.”

⁶⁵² Foucault, *Will to Know*, 95-96.

Foucault lands on the concept of counter-conduct in his lecture after considering other alternatives for designating what he means by resistance. He rejects notions of ‘revolt,’ ‘disobedience,’ ‘insubordination,’ ‘dissidence,’ and ‘misconduct’ for being either too strong, too weak, too localized, too sacrilizing, and too passive. Unlike these other terms, counter-conduct allows him to analyze the dimensions or components involved in “the way in which someone actually acts in the very general field of politics or in the very general field of power relations.”⁶⁵³ The focus here is less on the people behind the actions than on the actions themselves and the ways in which they are performed. This also enables Foucault to identify and group certain counter-conducts together and specify their features. Hence, as he clarifies through the counter-conducts of asceticism and communities, there may be more than one method of resistance that aim at modifying different features of a power formation.⁶⁵⁴

Foucault’s account of counter-conduct offers a useful heuristic for thinking through the ethics of predictive policing. It is helpful, I argue, as it points us toward practices of contestation that could be undertaken to help transform the power deployed in predictive policing. In the next section, I develop four strategies of counter-conduct that aim at resisting the governmentality of predictive policing algorithms like the SSL.

⁶⁵³ Foucault, *Security, Territory, Population*, 202.

⁶⁵⁴ Foucault shows how the counter-conducts of asceticism and those of communities comprised different, even opposing, ways of resisting pastoral power. Where ascetic practices tend to have an individualizing function that contests pastoral power by setting up an ethical relation of self to self, what Foucault would later describe as “care of the self,” communities contest pastoral power by developing alternative religious groups with divergent organizations to that of the Church. See Foucault, *Security, Territory, Population*, 204-208 and Foucault, *Care of the Self*.

3. Counter-Conduct and Predictive Policing

I think of ethics in the context of predictive policing as a set of strategies of counter-conduct for resisting the mode of governmentality specific to this practice. The concept of counter-conduct is especially useful in light of the argument I made in the previous chapter concerning the temporal governmentality of predictive policing algorithms. In that chapter, I argued that person-based algorithms like Chicago Police Department's Strategic Subject List (SSL) exercise power through a paranoid temporality directed at preempting the future possibilities of crime for a set of racialized subjects by drawing on historical crime data. This operation of power functions to close off the future and the past from uncertainty, chance, and surprise for subjects identified as Black. Thus, predictive policing governs through what Charles Mills calls "the racialization of time," which effectively splits the future into two racially distinct times – a (white) time that is futurally open and a (non-white) time that is futurally closed.⁶⁵⁵ Counter-conduct is an effective ethical category for analyzing predictive policing as it targets both the conducting (or governing) activity of predictive policing as well as its object, its governing of possibilities for past, present, and future action.

I propose we think of counter-conduct as a set of *socio-technical* strategies.⁶⁵⁶ Against the tendency to think that technology can be completely detached from the context in which it is created and mobilized, I suggest we begin ethical reflection by attending to the ethical challenges that arise with the entanglements of specific conducts.

⁶⁵⁵ Mills, "White Time," 27.

⁶⁵⁶ I adopt the language of the socio-technical from Bruno Latour, who deploys the method of "actor-network-theory" to overcome the purification of the social from the technological by tracing the associations and networked relations of heterogenous agents. See Latour, *We Have Never Been Modern*, 6, 13-14 and Latour, *Reassembling the Social*, 46-47.

The idea here is that if the power of predictive policing is distributed across a network of agents (law enforcement officers, programmers, academic researchers, social service workers) and technologies (algorithms, computer databases, historical crime data, police dashboards), then we ought to understand resistance or counter-conduct as dispersed along socio-technical relations. This is to say that the alteration of predictive policing will depend on transforming our practices and our technologies.⁶⁵⁷ While we can distinguish between strategies of counter-conduct that aim at modifying the technical aspects of predictive policing (e.g., its algorithms, input data, variables, software, and design) or its more social features (e.g., the police officers, programmers, researchers, and workers involved in its use and design), they cannot ultimately be kept apart if we endeavor to transform the governmentality of this practice.

In what follows, I outline four distinct strategies of counter-conduct for resisting and transforming the governmentality of predictive policing. These strategies are distinct insofar as they aim at altering different aspects of predictive policing, from the algorithms deployed to generate predictions about crime and possible criminal actors to the law enforcement personnel who make use of these algorithms to the specific bodies affected by this practice. In outlining these four methods of resistance, I am suggesting that I do not see a single solution to the problem of governmentality at work in predictive policing. I do not believe that predictive policing will be improved simply by making its algorithms more transparent because doing so will not necessarily make them less racially biased. Even if we knew exactly how the algorithm produced its results, this does

⁶⁵⁷ The alteration of our practices and prostheses is a theme in the work of James's fellow pragmatist, John Dewey. In *Human Nature and Conduct*, Dewey argues that ethical transformation depends on not just altering individual behavior but also the *environments* that we transact with, which include our institutions, tools, and prostheses. See Dewey, *Human Nature and Conduct*, 22 and Hickman, *John Dewey*, 12.

not address the surrounding conditions that inform and affect these results – e.g., the enduring legacy of structural racism that conditions the entire criminal justice system in the U.S. The danger here is that the transparency model potentially blinds us to problems that are irreducible to opacity. The ethical challenge presented by predictive algorithms like the SSL is not just that the public has no knowledge of how the scores are actually produced, but also that the algorithm enables law enforcement to target certain populations that have historically been subjected to higher rates of incarceration, police surveillance, and brutality. It is thus not only a problem of knowledge, but also a problem of power.

3.1 Counter-Conduct 1: Auditing the Algorithm

In 2016, researchers at RAND Corporation undertook an external audit of the Chicago Police Department’s pilot SSL program. In their study, Saunders, Hunt, and Hollywood identify the impact of the SSL on individual- and city-level gun violence. Drawing on mixed methods, including statistical analysis, interviews with police officials, and observation of COMPSTAT (a police management tool) meetings, the authors demonstrate that subjects on the SSL were neither more nor less likely of becoming a victim of a homicide or shooting, thus indicating the limits of the SSL for predicting and preventing violent crime in Chicago.⁶⁵⁸ Furthermore, their study reveals that individuals on the SSL were more likely to be arrested for a shooting, suggesting that the SSL led to “increased contact with a group of people already in relatively frequent

⁶⁵⁸ Saunders, Hunt, Hollywood, “Predictions Put into Practice,” 361-363.

contact with police.”⁶⁵⁹ Hence, the results of this research highlight some of the challenges facing the SSL as it is shown to be ineffective in its aim of decreasing violent crime and raises the possibility of arrest for individuals and groups that are routinely subjected to higher rates of police suspicion and surveillance.

Despite being limited to the first iteration of the SSL, this audit can be understood as an example of one possible strategy of counter-conduct for resisting predictive policing. The aim of this strategy, which I call “auditing the algorithm,” is to assess the particular effects of a predictive policing algorithm. Without accounting for the *effects* of these technologies, we will not know, for instance, whether they are effective in achieving their aims, whether their predictions reflect racial bias, or whether they result in over-policing. That is, auditing an algorithm is a way of tracking what an algorithm *does* and the results of this activity. While the concept of auditing has typically been used by scholars in new media studies as a response to problems of algorithmic opacity,⁶⁶⁰ I find it useful as a method for tracking the effects of algorithmic power rather than illuminating the inner workings of a black box. This can be understood as a strategy of counter-conduct insofar as it offers a way of assessing the governing conduct of predictive policing algorithms— what they do, to whom, and for what purpose. Hence, auditing the algorithm functions as a form of resistance by enabling subjects targeted by predictive policing to track how it has governed them such that they might contest this exercise of power.

⁶⁵⁹ Ibid., 363.

⁶⁶⁰ See, for instance, Burrell, “How the Machine ‘Thinks;’” Sandvig et al., “Auditing Algorithms;” and Pasquale, *Black Box Society*.

The audit is historically tied to the domain of finance and accounting and refers to a systematic assessment of accounts, records, books, and documents of an organization by an independent body in order to ascertain the fairness and accuracy of its financial statements.⁶⁶¹ In the context of information systems, the audit has been used to examine the efficiency and effectiveness of a system's infrastructure. Similar to the financial audit, algorithmic audits have been conceptualized as a means for identifying an algorithm's internal logic in order to make it more fair and trustworthy.⁶⁶² In *The Black Box Society*, Frank Pasquale, for instance, argues that algorithms could be regulated by relying on "trusted auditors" who have access to the algorithm's code and ensure that it is non-discriminatory.⁶⁶³ Distinct from financial audits and information system audits, social audits were developed in the 1970s as field experiments designed to detect and diagnose various forms of discrimination. These were originally used by government researchers in the U.S. to identify racial discrimination in housing.⁶⁶⁴ Sandvig et al. have recently outlined a set of idealized algorithmic audit studies designed to investigate discrimination on online platforms.⁶⁶⁵

My approach to the strategy of auditing algorithms combines features of the financial audit with the audit study. Like the financial audit, the auditing of predictive policing algorithms would rely on systematic assessments made by independent researchers or auditors. These assessments would be conducted in the service of

⁶⁶¹ See Puttick and van Esch, *Principles and Practice*, 1-4.

⁶⁶² Burrell, "How the Machine 'Thinks,'" 9.

⁶⁶³ Pasquale, *Black Box Society*, 141.

⁶⁶⁴ See Mincy, "Urban Institute Audit Studies."

⁶⁶⁵ Sandvig et. al, "Auditing Algorithms," 8.

comprehending the effects of algorithmic power, and thus, like audit studies, could be used to detect forms or patterns of discrimination. As with the RAND study of the SSL described above, it is important that the audits of predictive policing algorithms be undertaken by an independent body of researchers who do not share the interests of police agencies, city officials, or programmers for the assessment to be fair and accurate. Currently these assessments are conducted by nonprofit agencies like the RAND corporation and the American Civil Liberties Union (ACLU), but an independent body of algorithmic auditors does not yet exist and there are no standard set of regulations or procedures for auditing algorithms. While a set of standards for auditing algorithms need not exist for this to function as a strategy of counter-conduct, it would lend a sense of unity and coherence to otherwise disparate auditing methods. Likewise, creating an organization of algorithmic auditors would resolve any uncertainty about the agents responsible for auditing these technologies. In attending to the discriminatory effects of predictive algorithms, auditing would not only represent a descriptive practice of reporting what an algorithm does, but would be self-consciously involved in the resistant practice of contesting the disproportionate impact of its actions. As a mode of counter-conduct, the auditing of algorithms expresses a concern for those affected by predictive policing's exercise of power.

3.2 Counter-Conduct 2: Repairing the Algorithm

A second strategy of counter-conduct takes the form of tweaking or repairing the algorithm as a way of ameliorating its racially biased results. This strategy aims at altering an algorithm's design by modifying its input data, weighing its variables

differently, or by relying on different sources of data. Now, simply tweaking the algorithm does not make it a strategy of resistance insofar as predictive algorithms are constantly being modified to improve their predictive power. For example, the Strategic Subject List has undergone several iterations and updates since its initial deployment in 2013.⁶⁶⁶ These modifications are adopted to make the algorithm more predictively efficacious. To constitute a type of counter-conduct, a predictive policing algorithm like the SSL must be repaired so as to attenuate its discriminatory effects – the way it disproportionately targets Black men as subjects warranting heightened police suspicion and attention. This strategy thus contests the governing conduct of person-based predictive algorithms, which assign risk scores to populations that are routinely incarcerated and profiled at higher rates, by attempting to ameliorate their problematic racialized effects.

In taking aim at an algorithm's design by altering its input variables and training data, this method of counter-conduct builds on the first strategy outlined above, that of auditing an algorithm. If the first strategy allows one to assess the effects of an algorithm, this tactic enables the tweaking of an algorithm so as to modify its effects. Without knowing the actual effects of predictive policing algorithms in the first place, we will not quite know in what ways they need to be improved. Building on the audit conducted in the RAND study described above, individuals on the SSL are more likely to be arrested for a shooting and are also more likely to come into contact with police. Since the majority of subjects with SSL scores are Black males, this means that one of the consequences of the SSL is that it can lead to the arrest of a population that already faces

⁶⁶⁶ According to the Superintendent of the Chicago Police Department, Eddie T. Johnson, there have been five different versions of the SSL as of August 2016. See Johnson and Guglielmi, "CPD Welcomes," 1.

the highest rates of incarceration in the U.S.⁶⁶⁷ From this perspective, the SSL is a cause for concern because it potentially perpetuates forms of structural racism that are present in our criminal justice system.

To redress this troubling effect of the SSL, the algorithm would need to be altered by drawing on data that does not reflect problematic racial bias. While the Chicago Police Department insists that its algorithm is not biased because it does not use personal attributes like race, gender, or ethnicity, it neglects how the use of crime data can already be caught up in problems of bias.⁶⁶⁸ That is, to assume that data supplied by criminal records and rap sheets is completely free from bias not only overlooks the ways in which individual prejudice can impact the collection of crime data, but also how more systemic features of racism can inform the practice and institution of policing. Rather than rely on historical crime data supplied by policing agencies to train predictive algorithms like the SSL, these algorithms could draw on other sources of crime data. The SSL, for instance, could generate its predictions based on non-police crime data collected and supplied by sources like the National Crime Victimization Survey or the Census Bureau. These alternative sources of crime data could serve the function of being predictively efficacious while potentially not reflecting the problematic racial bias that goes into the production and collection of existing crime data by police agencies. This would constitute one way of repairing an algorithm at the level of its input data.

⁶⁶⁷ See Alexander, *New Jim Crow*, 6-7.

⁶⁶⁸ The Superintendent and Director of the CPD state, “It is important to note that no version of the SSL model has used personal attributes of an individual that would be discriminatory, such as race, gender, or ethnicity. The model also does not use information that might indirectly reveal those personal attributes; thus, the model does not make use of the neighborhood in which an individual lives, or which gang he or she is a member of. The model also uses nothing beyond standard crime records that might violate an individual’s privacy rights.” See Johnson and Guglielmi, “CPD Welcomes,” 2.

While it may not be possible to completely remove racial bias from crime data (even from data provided by non-policing agencies), the data supplied by other sources potentially reflects more realistic trends in crime. Since this data tracks crime occurring outside of police contact, it is less skewed by enduring institutional biases involved in policing. For example, in a simulation of a place-based predictive policing algorithm in Oakland, California, the algorithm disproportionately targeted Black neighborhoods for illicit drug use based on data provided by the Oakland Police Department even though data from the Bureau of Justice Statistics and the National Survey on Drug Use and Health (NSDUH) reflect illicit drug use in different neighborhoods across the city.⁶⁶⁹ As the authors argue, this discrepancy between the predictions generated by the police data and the patterns of drug use revealed in other data suggests that “while drug crimes exist everywhere, drug arrests tend to only occur in very specific locations – the police data appear to disproportionately represent crimes committed in areas with higher populations of non-white and low-income residents.”⁶⁷⁰ What this study shows, then, is that the source of data – where it comes from and how it was collected – has a significant impact on an algorithm’s predictive outcomes, and thus, on the lives affected by these predictions. By relying on non-policing data, algorithms could produce predictions that are at once more representative of actual crime trends and less entangled in the discriminatory tactics of policing. This repair of the algorithm via the modification of its input data would constitute a strategy of counter-conduct insofar as it seeks to ameliorate the racializing effects of predictive policing.

⁶⁶⁹ Lum and Isaac, “To Predict and Serve,” 17.

⁶⁷⁰ Ibid.

3.3 Counter-Conduct 3: Altering the Algorithm's Implementation

The development of Chicago Police Department's Strategic Subject List was inspired by the work of Yale sociologist, Andrew Papachristos, who applies a public health approach to the study of violence. In a study from 2015, Papachristos and his co-authors show that 70 percent of nonfatal gunshot victims in Chicago can be located in a network of less than six percent of the city's overall population.⁶⁷¹ What this suggests is that gun violence, like infectious disease, is concentrated in rather small social networks.⁶⁷² Violence thus "spreads like an infection among individuals as they engage in risky behaviors."⁶⁷³ On the basis of this analogy between violence and disease, Papachristos advocates for treating violent crime as a public health problem. Hence, interventions of violent crime "must be conducted with a victim-centered public health approach in mind – one based on risk assessment and observation, rather than prediction – that involves not just law enforcement, but social services and community members."⁶⁷⁴

Papachristos' public health approach to crime highlights another type of counter-conduct to predictive policing that is less concerned with the results of algorithms like the SSL than with the way these results are implemented. This strategy contests current uses of predictive algorithms that contribute to toxic policing practices like overpolicing, hyper surveillance, aggressive patrolling, augmented sentencing, and police brutality. This strategy of counter-conduct seeks to alter such problematic implementations of predictive algorithms by suggesting alternative applications. For example, whereas the

⁶⁷¹ Papachristos, Wildeman, and Roberto, "Tragic, but not Random," 143.

⁶⁷² *Ibid.*, 144.

⁶⁷³ Papachristos, "Use of Data," 1.

⁶⁷⁴ *Ibid.*

SSL tends to be implemented as way of identifying and surveilling potential perpetrators of crime, it might be used to identify and provide help to potential *victims* of violent crime. This strategy is thus distinct from the others insofar as it aims at intervening in the algorithm's execution – how it is used – rather than in its design or construction.

This tactic of altering an algorithm's implementation in the context of predictive policing draws on the idea that there are other, arguably more humane, methods for crime prevention. Policing is a method of crime response and prevention that depends on a particular conception of crime as a matter of unlawful acts undertaken by groups and individuals. The problem with such a conception is that it does not consider how social, historical, and environmental conditions impact criminal activity. Such conditions call for different types of responses to crime than that of policing precisely because policing does not address these underlying conditions, and may even exacerbate them. In the words of Aderson B. Francois, they require “less coercive social tools to deal with the trauma of economic distress, family dislocation, mental illness, environmental stress and racial discrimination that often masquerade as criminal behavior.”⁶⁷⁵ Other social tools for preventing crime might take the form of social support from community organizations and social workers, counseling services from clinical psychologists, medical attention from clinicians and doctors, and housing and financial assistance from social service programs.⁶⁷⁶ In addition, if crime prevention is to address the historical and

⁶⁷⁵ Francois, “When it Comes to Policing,” 1.

⁶⁷⁶ This is referred to in criminology literature as “community crime prevention.” According to Tim Hope, community crime prevention “refers to actions intended to change the social conditions that are believed to sustain crime in residential communities. It concentrates usually on the ability of local social institutions to reduce crime in residential neighborhoods. Social institutions encompass a diverse range of groupings and organizations – including families, friendship networks, clubs, associations, and organizations – which bring people together within communities and, by doing so, transmit guidance concerning conduct in the locality.” See Hope, “Community Crime Prevention,” 21.

environmental conditions of crime, it may require more radical measures like the desegregation of cities and schools, the redistribution of land and property, and reparations for the damages incurred under redlining practices.⁶⁷⁷

To clarify what this strategy might look like, consider a shift in the implementation of the SSL that treats subjects with risk scores as possible victims of future violent crime. If such a shift took place, there would be less of a need for police involvement than for the services and support provided by other entities like doctors, psychologists, churches, non-partisan coalitions, social assistance agencies, and families. While the Customs Notification Program, which is currently used in conjunction with the SSL, seeks to adopt a more community-based approach to crime prevention by incorporating social workers and community members in visitations to notify potential victims of gun violence, the presence of police officers during the visit sends a mixed message to these subjects. It tells them that they are at once perceived as a possible perpetrator of violent crime such that they need a personal warning by law enforcement to desist from engaging in crime unless they want to face severe legal ramifications, and as a possible victim of violent crime that warrants a reminder from community agents of existing resources for social support. If this program were only concerned with the victimization of subjects with SSL scores, why would police need to be present at the visitation at all? Part of altering the SSL's implementation would thus involve modifying the Customs Notification Program to rely on methods of community based crime prevention without the intervention of police. Here community members and social

⁶⁷⁷ See Shihadeh and Maume, "Segregation and Crime;" Bjerk, "Effects of Segregation;" and Coates, "Case for Reparations."

service agents would make visitations to predicted victims of gun violence with resources for public assistance.

As a strategy of counter-conduct for resisting predictive policing by advocating for alternative implementations of predictive algorithms, this tactic identifies a central assumption at work in predictive policing – namely, that policing is the best way to prevent crime. This is troubling, as Aderson B. Francois contends, because “predictive policing does not and cannot account for the reality that often law enforcement is the default but destructive policy with which American society deals with real and perceived ills in communities of color in general and black [sic] communities in particular.”⁶⁷⁸ To push beyond this default assumption, predictive algorithms should be utilized for methods of crime prevention that address the historical and social conditions contributing to crime. Only then will these algorithms not contribute to the repetition of discriminatory policing tactics that rob the lives of men and women of color through surveillance, incarceration, and brutality.

3.4 Counter-Conduct 4: Protesting Predictive Policing

The killing of seventeen year old Laquan McDonald by now-former Chicago police officer Jason Van Dyke in October 2014 sparked city-wide protests across Chicago. Van Dyke shot McDonald sixteen times in response to a call about a teenager breaking into vehicles. After the release of the dashcam footage of the shooting in November 2015, demonstrators took part in a Black Friday shopping boycott, shut down roadways, and called for the removal of Mayor Rahm Emanuel, police superintendent

⁶⁷⁸ Francois, “When it Comes to Policing,” 1.

Garry McCarthy, and state attorney Anita Alvarez for their mishandling of the case.⁶⁷⁹

During Van Dyke’s trial, chants of “16 shots” and “Justice for Laquan” could be heard outside of the courtroom as activists staged “die ins” to protest police violence and the lack of accountability by the Chicago Police Department.⁶⁸⁰

The protests organized around McDonald’s death is one of many large scale demonstrations against police brutality that have ignited in cities across the U.S. in response to the killings of unarmed Black men and women.⁶⁸¹ These demonstrations offer another possible model of counter-conduct for contesting predictive policing. This type of counter-conduct takes the form of public protest that both draws attention to and calls into question the use of predictive algorithms by police agencies. This strategy of resistance thus serves two functions – it *highlights* the growing rise of predictive policing technologies and *contests* the seemingly benign use of such technologies. By taking the form of public protest, it also serves to underscore the continuity between the racial bias at work in predictive policing and systemic problems of racial injustice operant in the criminal justice system. On this view, the racial politics of predictive policing is not an isolated problem, but is continuous with the shootings of unarmed Black men and women by police officers and with the disproportionate arrests and incarceration of Black

⁶⁷⁹ See Rubenstein, “Verdict then Protest” and Husain, “Laquan McDonald Timeline” for a report and timeline of the shooting.

⁶⁸⁰ A report conducted by the U.S. Department of Justice in 2017 highlights the extent of misconduct and excessive use of force by Chicago police officers. See Department of Justice, “Investigation of the Chicago Police Department.”

⁶⁸¹ These include the killings of the following Black men and women: Trayvon Martin, Michael Brown, Freddie Gray, Philando Castile, Terence Cruther, Samuel DuBose, Alton Sterling, Jamar Clark, Jeremy McDole, William Chapman II, Walter L. Scott, Akai Gurley, Laquan McDonald, Eric Harris, Tamir Rice, Akai Gurley, Eric Garner, Sandra Bland, Charleena Lyles, Shukri Ali, Deborah Danner, Rekia Boyd, Mya Hall, Miriam Carey, and Aiyana Stanley-Jones.

Americans. Hence, this type of counter-conduct directs its contestation to a network of discriminatory policing practices and institutions of criminal justice, which include prisons and courts.

In Chicago, Black-led organizations like the Black Youth Project 100 (BYP100) have been active in contesting police brutality as well as the use of a gang database by CPD.⁶⁸² This database was generated as a subset of the SSL to track subjects on the list with gang affiliations.⁶⁸³ This database has been used to criminalize Chicago's Latinx, Black, and immigrant communities.⁶⁸⁴ Like the SSL, it has been criticized for being prone to error and for having harmful effects on populations that are already subjected to higher rates of police attention. Together with other activists groups like Organized Communities Against Deportations (OCAD), BYP100 Chicago has used direct action and grassroots organizing to call for an end of the CPD's gang database.

Other organizations like Black Lives Matter Chicago (BLM Chicago) have been active in protesting police brutality and the criminalization of Black communities by holding town hall meetings on police accountability, vigils for Black men, women, and children killed by the CPD, offering support for families, and initiatives dedicated to communal healing. Like BYP100, the BLM movement was formed by three Black queer

⁶⁸² BYP100 was formed in 2013 in response to the verdict of Trayvon Martin's killer, George Zimmerman, who was found not guilty. They are a national, member-based organization of Black activists and organizers between the ages of 18-35 who are dedicated to "creating justice and freedom for all Black people" through "transformative leadership development, direct action organizing, advocacy, and political education using a Black queer feminist lens." See <https://byp100.org/about-byp100/#mission>.

⁶⁸³ See Yousef and Moore, "Young Activists."

⁶⁸⁴ In March 2017, Wilmer Catalan-Ramirez, a Guatemalan national, was arrested by Immigration and Customs Enforcement officers after being wrongfully placed on the gang database, which ultimately led to his immigration arrest. After examining city data, Odette Yousef and Natalie Moore found that roughly 65,000 Chicagoans on the SSL are considered "gang affiliated," and more than 95 percent of these subjects are Black, Latino, or both. See Yousef and Moore, "Young Activists."

women, Alicia Garza, Patrisse Cullors, and Opal Tometi in response to the acquittal of George Zimmerman.⁶⁸⁵ The movement mobilized through the use of hashtags (#BlackLivesMatter) on social media platforms like Twitter and Facebook. An early Facebook post from Patrisse Cullors specifies the purpose behind the #BLM movement: “#blacklivesmatter is a movement attempting to visibilize what it means to be black in this country. Provide hope and inspiration for collective action to build collective power to achieve collective transformation. rooted in grief and rage but pointed towards vision and dreams.”⁶⁸⁶ While the organizing tactics of BLM Chicago are less directed at protesting the SSL specifically, they attend to a network of problems connected to policing, including surveillance, violence, overpolicing, incarceration, and the disinvestment of community resources. For instance, one of their coalitional campaigns, #NoCopAcademy, contests mayor Rahm Emanuel’s plans to fund \$95 million for a large training center for Chicago police on the West Side of the city. #NoCopAcademy activists call for the money to be redirected to invest in community needs like education, youth programs, job training, and mental health facilities.

The counter-conduct strategy of protesting predictive policing involves already-existing organizations like BYP100 and BLM to draw attention and call into question the racially discriminatory effects of predictive algorithms like the SSL. By attending to the populations that are disproportionately targeted, incarcerated, and killed by police, these movements could serve to highlight the continuity between the bodies that are assigned with the highest risk scores, those that are routinely incarcerated, and those that are

⁶⁸⁵ See Garza 2014, “A Herstory of the #BlackLivesMatter Movement.”

⁶⁸⁶ Cited in Chase, “Early History,” 1096.

vulnerable to police brutality. That is, by mobilizing these social movements for the work of contesting predictive policing, this mode of counter-conduct addresses the problems of predictive policing as part and parcel of a whole network of practices and institutions that contribute to historical and ongoing forms of racial injustice.

Conclusion

In early 2018, For the People Artists Collective held a month-long exhibition titled “Do not Resist?” that chronicled a history of police violence in Chicago. The organizer of the event, Monica Trinidad, describes the exhibition’s title as a play on the police’s command when making arrests, “do not resist.” She asks, “How can you not resist all of this violence in our communities? Do not resist? Really? After 100 years of police violence and impunity?”⁶⁸⁷ For Trinidad, the purpose of the exhibition was to encourage the imagining of “a different way of living,” one without the ever-present threat of police surveillance, violence, and death.⁶⁸⁸ What would it be like to not fear the obliteration of one’s body at the hands of police? What would it mean to live without the paranoia of having to constantly monitor one’s body, one’s actions, one’s location, one’s relations as a matter of survival? What would it be like to live otherwise?

The practices of counter-conduct described above seek to address these questions by supplying different strategies of resistance to the power exercised by predictive policing algorithms. That is, they embody distinct ways of imagining a different mode of living without the racialized threat of police surveillance, brutality, and incarceration.

⁶⁸⁷ See Misra, “Stories of Reform.”

⁶⁸⁸ Ibid.

These counter-conducts thus aim at transforming the practice of predictive policing such that it might be less harmful, less damaging to the subjects it seeks to police.

The strategies of resistance outlined here contribute to an ethical framework for responding to the issues of racial injustice in predictive policing without relying on the ideal of transparency. This ideal is limited in two ways. First, it does not allow us to address the problem of power at work in predictive policing, a problem that is irreducible to one of opacity. Second, in reducing ethics to an epistemic issue, it neglects the racial politics that condition and inform predictive policing insofar as it leads us to think that just by knowing how the algorithm makes its predictions, its racial bias will be ameliorated. To contend with the problem of power of predictive policing, I have argued that we conceptualize ethics as a practice of counter-conduct which works to resist the troubling racialized effects of predictive policing algorithms. This is done in the service of highlighting alternative modes of living without the racializing paranoia that governs predictive policing. It offers a way of cultivating possible futures for subjects whose futures are preemptively foreclosed by the practice of predictive policing. In doing so, it seeks to alter the governmentality of predictive policing by contesting its unquestioned foreclosure of a contingent past and future for non-whites.

CHAPTER VII

CONCLUSION

In “What is Enlightenment?,” Foucault describes critique in terms of what he calls the “attitude of modernity.” This attitude consists, he argues, in a particular way of relating to one’s present in order to “heroize” it. To heroize the present is not so much to sacralize it as a means for its maintenance or perpetuation; it is rather “to imagine [the present], to imagine it otherwise than it is, and to transform it not by destroying it but by grasping it in what it is.”⁶⁸⁹

This account supplies a way of thinking about the relation between time and critique. How, one might ask, does the critic relate to her present? Does reparative critique demand a specific mode of relating to one’s present and what does this relation consist in? How do different affects of critique such as paranoia (discussed in Chapter One) and care (discussed in Chapter Two) comprise distinct ways of relating to one’s present? I address these questions by way of conclusion to offer a final reflection on what it means to engage the sustaining work of critique.

When critique is defined solely through the work of denunciation, critics treat their present as that which stands in need of negative judgment. Fueled by affects of suspicion and paranoia, critics assume a defensive posture toward the present moment, which is taken as threatening or destructive. The activity of critique on this view entails guarding against the threats pervading the present. This conception of critique is consistent with a kind of utopianism that places faith in the ideal of future bliss as security against present dangers and hazards. The paranoid critic cannot rest or find

⁶⁸⁹ Foucault, “What is Enlightenment?,” 311.

solace in the present and so must construct a future where security can (or will) be found. There is at once a defeatism on the part of critics with respect to the present and an optimism toward the future.

What would it mean for the critic to regard the present not from the paranoid perspective of fear, but from a reparative position of care and hope? This is precisely the position from which one seeks to transform the present “not by destroying it,” in Foucault’s words, “but by grasping it in what it is.”⁶⁹⁰ Reparative critique offers a way of relating to the present as a complex and fecund site that pulses with possibilities for pleasure, joy, and sustenance. Borrowing from Audre Lorde, we might think of this as an “erotic” relation to the present.⁶⁹¹ The erotic can be understood as a capacity for joy that energizes subjects toward creative work and connection with others.⁶⁹² To relate erotically to the present would be to find in the present opportunities for connection, nourishment, and joy. The reparative critic thus does not engage the present as that which is lacking or threatening, but as generative and nourishing. The present is here viewed less as oppositional to the future, than as creative of the future. As Lorde attests in her poem, “A Litany for Survival,” what this perspective seeks is “a now that can breed futures.”⁶⁹³ To regard one’s present in this way is not to vindicate it, for to do so would be to neglect the ambiguities, wounds, and injustices that throb within it. Instead, the reparative critic offers a tenderness toward her present – a way of holding it in its

⁶⁹⁰ Ibid.

⁶⁹¹ Lorde, “Uses of the Erotic.”

⁶⁹² Lorde, “Uses of the Erotic,” 56-57.

⁶⁹³ Lorde, “Litany for Survival,” 255.

complexity, with its lacerations and scars, its mournful sighs and hopeful longings – in order to establish a more sustaining relation to it.

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