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studies in social and political thought

Studies in Social and Political Thought is a peer-reviewed biannual journal produced by postgraduate students, many of whom are based at the University of Sussex. The journal seeks to foster and promote interdisciplinarity in social and political thought, in addition to providing a publishing platform for junior academics.

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Introduction to SSPT Volume 29

Studies in Social and Political Thought is the house journal of the Centre for Social and Political Thought at the University of Sussex. It was founded in 1999 by faculty members Andrew Chitty in Philosophy, William Outhwaite in Sociology, and a group of post-graduate students in SPT. It has been almost entirely run by Sussex graduate students since that date.

In 2010 it was re-launched with a prestigious International Advisory Board all of whom have been very supportive of the journal. It has published peer-reviewed articles by graduate students from Sussex and from universities all over the world, alongside peer-reviewed articles by internationally renowned academics working in the broad area of Social and Political Thought.

In keeping with the interdisciplinary core at the heart of *Studies in Social and Political Thought*, the contributions to this edition traverse the boundaries of philosophy, critical theory, the digital humanities, and political theory. However, despite disciplinary diversity, there are shared SPT concerns: notably, spatial, ideological, and personal domination, from the sphere of the geo-political to the private life of the individual. Michael J.Thompson addresses what he sees as a 'decline in that kind of political agency requisite for social transformation' with a case for revisiting Georg Lukács' 'ontology of social being'. Thompson argues that the development of a 'critical social ontology' may provide a ground from which to open up 'a new space of reasons within which synthetic-critical judgments' could 'be constructed'. Thompson envisages that in this 'new space' a Marxian-ethics could be formed, allowing 'freedom' to be reencountered with the aid of a critical social ontology that would be 'grounded in practice' and better at tackling reification than epistemic critique. David Berry's piece reads with the verve of a manifesto and vividly tackles the 'colonisation of private space' by the digital. Kitted out with smart objects and other digital devices, the home, Berry argues, is increasingly 'subject to the whims of edge, core, and cloud', allowing corporations unfettered access to our lives beyond even the fears of the Frankfurt School. In response to this situation, Berry issues a call to the reader to resist and 'push back'. Finlayson's birthday homage to Habermas evaluates the tetchy exchanges between Habermas's critics that have been provoked by the philosopher's 90th birthday. Finlayson engages with the debates by way of a brisk review of Habermas's reception more generally and in particular the strident position that has been taken by Raymond Geuss, offering, in response, a clarification of Habermas's work. In short, Finlayson lets some light in and some steam out of the overheated discussion to date. We are also pleased to publish the 2018 Gillian Rose Prize-winning essay from the MA in Social and Political Thought at the University of Sussex. This prize is awarded to the dissertation that achieves the highest mark each year and Niclas Kern's essay addressing land reclamation in the South China Seas is published here in full. This issue also offers a broad range of reviews. Neal Harris and James F.Kelly address the impact of the digital on the political in their respective reviews of James Bridle's *New Dark Age: Technology and the End of the Future* and Byung-Chul Han's *Psychopolitics: Neoliberalism & New Technologies of Power*.

Freddie Meade offers a timely reflection on neoliberalism's disdain for social democracy through his review of John Boughton's *Municipal Dreams: The Rise & Fall of Council Housing*. In keeping with traditional social and philosophical concerns in the left republican tradition, Jack Edmunds addresses the Smith-Rousseau debate in his review of *Adam Smith and Rousseau: ethics, politics, economics*. We warmly thank all of our contributors to this issue.

Valerie Whittington and James Stockman
Editors SSPT Volume 29

Critical Social Ontology as a Foundation for Ethics: Marx, Lukács and Critical Judgment[*]

by Michael J. Thompson

Abstract

In this paper, I outline a theory of critical social ontology derived from the fundamental ideas of Marx and the later work on the ontology of social being by Georg Lukács. I argue that we can discern categories of social being that can aid in the project of diagnostic social critique, but also that these categories can be used to formulate an ethical theory that we can ground in this critical social ontology. I therefore defend the thesis, against postmetaphysical thinkers that have argued to the contrary, that a satisfactory and critical theory of ethics can and indeed must be rooted in a theory of ontology. I end with some reflections on how critical social ontology can help combat the problem of reification and help us think through issues of ethical or normative concern.

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For several years, I have been pursuing the construction of a theory of critical social ontology that I believe can provide a coherent and unified philosophical framework or ground for Marxian theory as well as a more critical theory of ethics based on the ontology of human social being.[1] Central to this project has been the task of understanding how, in Marx's own writings, concepts such as 'materialism', 'social reality', 'essence', and so on, are to be interpreted and understood. What I would like to do in this paper is demonstrate that there is a consistent theory of human reality that undergirds Marx's ideas about human life as well as show that they can be used to develop a critical theory of judgment, or a system of evaluative reasons that can serve as the substance of a Marxian ethics or, in a more general sense, what I am referring to as an objective ethics. To this end, I maintain that a more robust understanding of social ontology can be gleaned from the Hegelian-Marxian vantage point and that the work of Georg Lukács is one thinker that can help us make these ideas coherent. What I propose here is to sketch the basis for a critical social ontology and then show how this can be used to articulate ethical-evaluative criteria for social critique.

Indeed, the import of such a research program seems to me to be a necessary and not merely academic concern. One of the core problems faced by Marxist theory has been the cultivation and maintenance of a critical insight into the forms of domination and control that pervade capitalist society that would allow for the formation of a radical and critical form of political agency. Whatever the mantras and tired slogans about the interests of a working class may have been, and for some, may continue to be, there is little question that the twentieth and early-twenty-first centuries have demonstrated a secular decline in that kind of political agency requisite for social transformation. Neoliberalism has created new and more intense relations of exploitation and expropriation even as it has created a new form of tacit legitimacy to these new systems of production and consumption.

As a result, the reification of consciousness and modern ethical life has rendered critical cognition inert. Georg Lukács saw this to be the case about a century ago when he articulated the problem of reification as a kind of pathology of consciousness that resulted from the increasing penetration of the commodity form and the rationalization of productive and consumptive practices. The deformation of critical consciousness hid from view what he saw as the core insight of Marxian theory: *that human praxis lay at the core of any rational and valid conception of human existence.* Critical consciousness could only emerge in the context of the realization on behalf of working people that the society around them was in fact a collective creation and, as such, exploded the legitimacy of the private control over it and the rest of society as a whole. Lukács was never able to complete his reflections on social ontology or his project for a Marxian ethics. But I believe we can, indeed should, continue where he left off and consider the ways that a critical practical reason can be developed from the essential conceptual apparatus of Marxism.

But today, we can see that the impact of reification on consciousness has only deepened its effects. Neoliberal capitalism is not only a form of political economy, it is also a form of culture and consciousness where the self and consciousness have become absorbed into the functional structures of capitalist society. Capital's sociological shifts have shredded the structures of social-relatedness that once granted some stability to the individual. At the same time, the globalization of capital has rendered the social dependencies between capital and labor abstract; and the atomized self, now searches for meaning and comfort in various forms of group narcissism and 'identity'. With the gradual collapse of welfare state capitalism has come a new kind of reification: one that is rooted not only in the commodity form itself, but the new forms of technical command and control that has reinvented capitalism. We can therefore say that the participants in capitalist society lack a fundamental rational awareness of the rootedness of social and psychological pathologies in the distorted forms of sociality that are constitutive of capitalism.

It should therefore come as little surprise that theory itself – the mere reflection of these objective sociological trends – has essentially transformed the project of social critique into a form of irrationalism. I mean by this term what Lukács himself describes as the essence of irrationalism: the departure from seeing objective social practices as the basic criterion for truth-claims and a rational comprehension of the social world. Pragmatism, poststructuralism, analytic philosophy, intersubjectivity, discourse ethics, recognition, nihilistic attacks on progress and other trends in contemporary academic theory all share this common dimension. Lukács makes it clear that fundamental to any sense of critical dialectics is the thesis 'that praxis forms the criterion of theoretical truth. The accuracy or inaccuracy of the intellectual production of objective reality existing independently of our consciousness, or rather our degree of approximation to it, is verified only in praxis and through praxis'.[2]

Contemporary critical theory is caught up in this kind of irrationalism. It expresses itself most clearly in one of the most central philosophical tenets of our time: that of the postmetaphysical turn and anti-foundationalism. Current critical theory embraces an explicitly post-metaphysical paradigm shift where theories of communication, discourse, justification and recognition – all products of the post-metaphysical turn in moral and political philosophy – have gained sway. They embrace what I think we can call a form of 'noumenalism', or a philosophy that views the essence of human sociality as restricted to the intersubjective and cognitive domain of consciousness. What unites these various programs is a neo-Idealist paradigm where sociality is reduced to intersubjectivity and pragmatic forms of moral-cognitive 'development'.[3] A struggle for the recognition of one's identity or for a universal consensus on norms has replaced class conflict, social domination, alienation and reification as the underpinning vocabulary of this new critical theory. But even more, the criteria now used to establish valid ethical norms is no longer the objectivity

of the social world but rather the agreement among rational persons within an intersubjective context. Hence, the postmetaphysical turn, while admittedly embracing sociality as a core aspect of ethics, nevertheless reproduces the split between consciousness and the ontological structures of the social world. In this sense, the content of ethical judgments is left open to the pathologies of reason such as reification which threaten to reproduce the rationalized forms of power and legitimacy embedded in the established reality.

Another result of this shift is that the critical thrust of Marx's ideas has been buried beneath the academic debris of this kind of postmetaphysical thinking. This is the doctrine that holds that our approach to reality and to practical reason must be restricted to intersubjective domains of reason-exchange or what the American philosopher Wilfred Sellars termed the 'space of reasons'. The features of this paradigm are too variegated to explore here with any depth, but we can point the advocates of the 'linguistic turn', from Wittgenstein to Habermas and Rorty, the neo-Idealist theory of recognition of Axel Honneth, as well as the existential-communitarian ideas of Hannah Arendt, among many others as exemplars of this structure of thought. All were intent on ejecting Marx from the political theoretical framework of the twentieth century and push for what they saw to be a kind of political imaginary without foundations or without the constraint of ontological concerns.

It is my basic position that these thinkers and the paradigm shift that they have effected has resulted in the failure of critical consciousness and critical judgment more broadly. At least it has robbed theory of its capacity to fight against the deforming pressures of modern capitalism and the culture that springs from it. Their move back to Idealism in the form of inter-subjectivism has rendered theory abstract and impotent in the face of neoliberal capitalism. A renewal of Marxian philosophy and of a more robust, radical form of social critique will therefore have to reconsider this postmetaphysical move. Indeed, it will have to turn to the critical social ontology that Marx himself implicitly laid out and which Lukács saw as forming the basis for a more systematic reformulation of Marxism.

Before I proceed, some preliminary comments may be needed. First concerns the word, the concept, of ontology itself. As I use the term, it refers to the modes of social being and the study of the objective ways that social forms either distort or enhance our freedom and development as members of a community. As I see it, the rejection of ontology by any theory is a contradiction in terms. Every social theory or theory of politics works with either an implicit or explicit ontology of what it means to be human, what society 'is', and so on. Second concerns the association of conservatism and social stagnation with the concept of social ontology. As I see it, this is another dangerous association. A critical social ontology is one that seeks to understand the ways that social forms actively possess causal powers over us. The norms and practices that we instantiate are constitutive of our social reality. Hence, as I see it, critical social ontology is a means for social transformation, to get at the root conceptual and objective mechanisms that shape our social world. To make the world *rational* it is necessary to change it; but to change it, we must abandon vague, non-conceptual forms of sociality (such as Arendt's concept of 'activity') and instead come to understand the full thickness of the ways that our sociality and our inherent capacities as a species interact to constitute different shapes of social reality.

A critical social ontology, as I am developing it, is essentially historical, fully committed to social transformation, and also fits with the democratic and contestatory impulses of a democratic society. What it brings to the table that is important, as I see it, is the anti-reificatory powers of critical reason. Whereas the postmetaphysical, intersubjective and communicative paradigms of theory have assumed that social action is sufficient to generate critical reason, I believe these theories have shown themselves to be essentially unable to withstand the strong pressures of reification that are emitted by modern techno-administrative societies. Hence, a critical form of reason will have to shift gears. It will have to abandon the fallacy of postmetaphysics and instead embrace the project of a critical

metaphysics that has human life and concrete human freedom at its core. This was the move of thinkers such as Hegel and Marx away from abstract forms of philosophizing. It must also, in my view, be the horizon of a new critical theory and a new form of critical reason as well for our own time.

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I would like to begin with Lukács' proposition that 'praxis forms the criterion of theoretical truth' in order to reorient the theoretical direction of the discussion. Unpacking this thesis, we find that the concept of praxis contains within it the nucleus for an ontological foundation for human consciousness and action. The Marxian and Lukácsian theory of praxis is rooted in the Greek concept where thought and being are connected forming a higher conception of reality. As Aristotle puts it in the Nicomachean Ethics: 'Thought (διάνοια) by itself however moves nothing, only thought directed toward an end and concerning action (πρακτική) does.'[4] Praxis is not simply activity, but activity that is directed toward an end and which is therefore the basis of 'productive activity', or of making and doing things in the world (τῆς ποιητικῆς). Praxis, for Aristotle, is therefore more than 'activity' it is a distinctively human form of activity that enables thought to shape reality. It encompasses the metaphysical system of causes – specifically of formal, efficient and final causes – and creates an ontological domain separate from mere nature or matter (ὕλη).

Marx makes many of these ideas explicit in the *Theses on Feuerbach* In the first thesis, he posits a new kind of relation between subject and object: 'The chief defect of all previous materialism . . . is that the object, actuality, sensuousness is conceived only in the form of the object of perception (Anschauung), but not as sensuous human activity, Praxis, not subjectively.'[5] Marx complains that 'Feuerbach wants sensuous objects actually different from thought objects: but he does not comprehend human activity itself as objective'.[6] Further, Marx claims that: 'In practice (Praxis) man must prove the truth, that is, actuality and power, this-sidedness of his thinking.'[7] Putting these ideas together gives us a first step in Marx's ontological conception of human sociality and the essence of human being. Thinking and being are united in the concept of praxis just as in the Aristotelian thesis that cognition cannot be complete without activity. For Marx, too, this is a critique of Idealism in that only the dialectic of subject and object can be made complete through praxis, i.e., through the externalization of thought into the world. This makes the objective world actual (Wirklich), or 'active' in that things realize their active completion via this dialectic.[8]

Marx's ideas therefore possess what we can call an ontological structure or framework. Briefly stated, we can see the framework of Marx's critical social ontology as consisting in four basic theses:

> (i) human activity as *praxis*, or a special kind of activity that has
>   teleological force;
> (ii) human individuals are *social-relational* and form interdependent
>   structures of relations with others;
> (iii) human beings develop within these social relational-structures of
>   practical activities constitute and therefore possess
>   *processual* properties;
> (iv) structures of social-relations are organized praxis and orient our
>   practices toward certain *collective ends and purposes.*

From this we can see that the implication is that Marx's social ontology is a theory of nested or layered dimensions of social reality that are not natural or objective in any physical sense, but rather are *ontological* in the sense that they are rooted in human practices and constitute a reality that is not natural but distinctly *social* in nature.[9] This latter point is of particular

importance since for Marx practices constitute the basic nucleus of an ontology of sociality. Marx takes after Aristotle's thesis that thought requires activity in the world for it to be an *effective reality*.[10]

Marx's revolt against Hegel, in this sense, pivots on a more radical understanding of how reason interacts with the world. For Marx, praxis is the very means by which humans are able to rationalize the world they live within. It is not a matter of an instrumental treatment of nature, but as a means of understanding the ways that capitalist society misshapes and distorts the ontological reality of human life that is at issue. For Marx, the great insight is that we need to grasp the essential metaphysical structure inherent within human sociality if we are to be able to achieve this kind of radical-transformative power. Freedom becomes genuinely human, it becomes concrete and not a mere idealistic principle once we are able to root it in the capacities and activities of human life – capacities that are ontological in a basic phylogenetic sense, i.e., that they are properties of us as a species. These properties, in turn, take on more complex manifestations and features as they become objectified in the world and organized into social structures, institutions and so on.

This thesis is distinctly ontological as opposed to being purely materialist or Idealist. In contrast to mechanical formulations of materialism, Marx is arguing that human praxis conceived as the externalization of human thought into the world can be understood as proper human activity. This means that the very capacity to understand and grasp what we are as human requires that we understand *our world as created by us*. But there is more. In a next step, Marx wants us to see that practice is not simply a feature of us *qua* individuals. Rather, praxis is *social* just as society itself is practical: 'All social life is essentially practical. All mysteries which lead theory to mysticism find their rational solution in human practice and the comprehension of this practice'.[11]

Marx now begins to build out a model of social ontology that comprehends the species not as an aggregate of individuals, but rather as *essentially social*: 'the essence of man is no abstraction inhering in each single individual. In its actuality it is the ensemble of social relationships'.[12] Hence brute natural facts are transformed into human, social facts via praxis. Trees and grass exist as brute facts of nature; but parks possess an ontological existence that transcends the brute natural facts of trees and so on. And parks or lawns or whatever only have meaning as concepts because we have externalized the ideas of parks and lawns into a transformed physical organization of matter that corresponds with the idea of a park or lawn – it achieves an *ontological reality as a result of the synthesis of the two.* No one does this alone, but rather it is always *essentially social*. Hence Marx writes in the *Economic and Philosophical Manuscripts*:

> Even when I carry out *scientific* work, etc. an activity which I can seldom conduct in direct association with other men, I perform a *social*, because *human*, act. It is not only the material of my activity – such as the language itself which the thinker uses – which is given to me as a social product. *My own existence* is a social activity. For this reason, what I myself produce I produce for society, and with the consciousness of acting as a social being.[13]

Marx's radical thesis here now comes more clearly into view. If we see human beings as possessing an essential structure or a *first-order* ontology we can see that as a species possess certain phylogenetic features or capacities such that we are:

(α) *social-relational*

(1) First Order or Phylogenetic Level =   (β) *processual-developmental; and*

(γ) *practical-teleological*

But we can also discern a *second-order* social ontology describing properties of the social forms that our collective praxis takes. In this sense, the social world we inhabit possesses the features of:

(a) relational structures;

(2) Second Order or Socio-Ontogenetic Level =   *(b) social processes; and*

(c) social ends or purposes.

These are ontological features of the objective social world we inhabit and which possess causal powers on our first-order ontological features and capacities. What we are dealing with here, then, is what I call a 'generative social ontology', by which I mean an account of our social being that rests on certain capacities that constitute our essential structure.[14] This essential structure, this ensemble of capacities, define us as a species and yet they can be shaped and formed in different ways via the structures or 'shapes' of the social reality that is historically produced and instantiated at any given time. Indeed, this follows from Marx for whom first-order *phylogenetic* capacities are mediated by the second-order ontological features of our social world. Second order properties of society have causal powers over the first-order phylogenetic features and therefore mediate in a concrete way the developmental shape or *ontogenetic* features of our historical being. Here critique becomes important, for we can see that there are *defective expressions* of these ontological dimensions to social reality. Our social relations can be dependent instead of interdependent; the social processes exploitive or extractive instead of cooperative; and social ends or purposes can serve either particular interests and oligarchic wealth or they can produce common goods and social wealth, and so on (see table 1 below).

Expression / Property	Defective	Good
Relational Structures	Dependent	Interdependent
Social Processes	Extractive / Expropriative	Cooperative
Ends and Purposes	Particular	Common

Table 1: Social-ontological properties and their expressions.

The different *shapes or forms that the ontology of our sociality takes* have causal powers on the development of the members of that society. Freedom is concrete to the extent that these defective relations are overcome forming what Marx refers to as the 'fully constituted society':

> The fully constituted society produces man in all the plenitude of his
> being, the wealthy man endowed with all the sense, as an enduring

reality. It is only in a social context that subjectivism and objectivism, spiritualism and materialism, activity and passivity, cease to be antinomies and thus cease to exist as antinomies.[15]

Marx reaches back to Aristotle and his thesis about the essence of human life being social and constituted by a series of relations to others forming a coherent whole. As Marx notes in the *Grundrisse*: 'The human being is in the most literal sense a ζῷον πολιτικόν, not merely a gregarious animal, but an animal which can individuate itself only in the midst of society'.[16] The process of individuation is the process whereby the second-order socio-ontogenetic level interpenetrates with the first-order phylogenetic capacities of the subject. A Marxian ethics is therefore not an application of *a priori* categories to empirical reality; rather, it is a matter of assessing the ways that the various shapes of our social reality either promote free development of the members of the community or frustrate or pervert them. I will return to this later in the paper.

For now it is enough to argue that what is crucial here is the insight that *free individuality is a function of free sociality*.[17] In turn, free sociality is one where the relations, processes, ends and purposes of our social world are oriented toward the development of such a free individuality.[18] It is not simply a mastery over nature that is of concern, but a comprehension of the social-ontological structures requisite for the articulation of a free sociality. Of course, such comprehension is only concretely free if it instantiates itself *practically* in the world: only once our actual lived lives unfold within relations of practices that are oriented toward common ends and purposes that cultivate a common, social form of wealth that has its purpose and end, its *telos*, the full development of each individual. Since Marx's social ontology dialectically sublates the concepts of individual and community insofar as it sees our individuality as functionally related to the particular shape of interdependencies within which it is embedded, then the concept of freedom must become a social category, not merely an individual one.

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Lukács sees Marx's distinctive contribution to a social ontology as his conception of human labor. Taking Marx's Aristotelian conception of labor/praxis as a core concept, he proposes that we see in labor as the constitutive causal activity for all forms of social reality. Once we see labor as both *efficient* cause and *final* cause, we can begin to glimpse the ontological ground that Lukács proposes as a fundamental principle. The essential component of labor is the core concept of 'teleological positing' or 'teleological projection' (*teleologische Setzung*). Lukács defines this as:

> a mental plan achieving material realization, in the projection of a desired goal bringing about a change in material reality, introducing a material change in reality that represents something qualitatively and radically new in relation to nature. Aristotle's example of the building of a house shows this very concretely. The house is just as material an existence as the stone, wood, etc., of which it is constructed. Yet the teleological projection gives rise to an objectivity that is completely different from that of its elements. . . . What is necessary for the house is the power of human thought and will, to arrange these properties materially and actually in an essentially quite new connection.[19]

From this Lukács derives what he calls the 'fundamental ontological ground': 'causality set in motion through teleological decisions (*teleologische Alternativenetscheidungen*) where choice enters into play'.[20]

The key idea here is that our social being is determined not by our biological capacities but by the social mediations that are used to shape our activities. Labor is not to be narrowly construed as 'work' but rather as the central category of both our sociality and social being, one that is able to articulate new forms of objectivity rooted in our capacity for positing and externalizing an abstract concept via labor into the objective world.[21] The reason for this is that:

> Through labor a teleological positing is realized within material being as the realization of a new objectivity. The first consequence of this is that labor becomes the model for any social practice (*Praxis*), for in this – no matter how widely ramified its mediations – teleological projections become realized and in the end, realized materially.[22]

As a basis for building a more complex understanding of social reality, Lukács takes pains to emphasize that the desired goal, the mental plan that exists prior to the realization of this new objectivity is followed by the means by which this new objectivity is brought into being. But add to this the fundamental ontological ground that Lukács emphasizes: namely that all human praxis has the feature of 'freedom', of the capacity of choosing between different ends and means to realize them. In this way, a distinctive social ontology opens up since we are then able to cooperate around shared plans that are not hard-wired into us as a species, but are subject to change, rational reflection, and choice. There is an irreducible humanism at play here.[23] We begin to unfold new forms of social reality – language, conceptual thought, cooperation, etc. – from this core capacity of human being. Society is therefore a series of overlapping forms of praxis that have their origin in human practical relations with nature – 'the transformation of natural objects into use value'.[24]

Group cooperation then follows as a result of this basic capacity, and the basis of human society based not on biological drives, but a capacity that has choice at its center now becomes the distinctive space within which the human community realizes itself.[25] Lukács is clear that this latter point – the capacity to choose or to decide the means by which we realize our posited *ends and purposes* – is distinctive in that different means can be developed to solve problems and create new forms of social reality. The complexity of social forms therefore becomes seen as a complexity of decisions of how to realize certain ends. Lukács gives an example of this, in somewhat rudimentary fashion, when he describes the emergence in hunter societies of their cooperative activities:

> The size, strength and danger of the animals hunted made group cooperation (*Kooperation einer Menschengruppe*) necessary. But if this cooperation was to function successfully, there had to be a division of functions among the individual participants (beaters and hunters). The teleological projections that follow from this have a secondary character from the standpoint of the immediate labor itself. They must be preceded by a teleological positing that defines the character, role, function, etc., of the individual concrete and real positings that are oriented to a natural object. The object of this secondary goal positing, therefore, is no longer something purely natural, but rather the consciousness of a human group; the posited goal is no longer designed directly to change a natural object, but rather to bring about a teleological positing that really is oriented to the natural objects.[26]

This indicates how the various aspects of social reality can be seen as the nested layering of forms of *Praxis* in that each form of social reality contains webs of teleological projections. Lukács is therefore saying that for us to act together, we possess a shared form of teleological positing or, as some contemporary analytic social ontologists would argue, a sense of 'shared agency' rooted in our capacity for collective intentionality.[27] But as societies become more complex, the root capacity to realize teleological positing at the individual level becomes lost. 'The internal discrepancy between teleological projections and their causal consequences increases with the growth of societies and the intensification of socio-human (*gesellschaftlich-menschlichen*) participation'.[28] Now, the critical potency of this social ontology begins to take shape. Once we place the ends or purposes of our activities at center stage, we begin to open up the various ways that social values can be assessed as either promoting social ends or private ends; as either oriented toward particular benefits and goods or common benefits and goods; as organized for the production of surplus value or the production of social wealth. We now have an objective criterion for the evaluation of the kinds of activities, relations, institutions and norms that constitute our social reality.

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Now we can glimpse a richer way of conceiving reification. Once we connect our powers of cognition with the idea of social practice, we can see what the social totality means as an ontological category. The totality is not an entity external to us, but one that is constituted through us – through us as practical beings. It is an ontological category because it embraces the total world of social facts that we as members of any community create and endow with meaning and significance. As Lukács sees it, what is special about capitalism is its ability to constitute the entirety of the totality; a capacity to reshape and reorient all social practices toward those ends that it posits as valid. *Once we see praxis as consciously directed activity, reification now presents itself as a corruption of praxis; it is the supplanting of heteronomous ideas about what the ends of our activities should be that re-orients our world-creating powers toward heteronomous ends and purposes.*

These ideas are normative ideas, for they express ways that we should orient our activities, our practical lives, as well as the ways that we rationalize and legitimate those regimes of practice. Capitalism as a total process, indeed, as an 'inverted world', as Hegel would have called it, is not only an economic, but a total social system once it is able to absorb and direct not only our time and labor, but our *practices as a whole*.[29] It has stunted our capacity to see that the ends toward which our activities are oriented possess class character – that capital is a material force insofar as it has the capacity to colonize our practices by supplanting *its* ends as *our* ends. The key idea here is that reification is not epistemic in nature, but rather *social-ontological: it re-organizes the very reality of the social world via this shaping of our consciousness and the norms that underwrite it and our practices*.[30] It not only hides aspects of our social reality from view, it also steers our practical-relational lives toward the realization of a social reality that is essentially defective and perverted: capitalism, patriarchy, racism, and so on, are forms of consciousness that prevent a genuinely interdependent, common world from emerging.

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As I see it, this is what Lukács rightly saw as the essential purpose of a critical social ontology, its capacity to structure a critical theory of judgment, a Marxian ethics. Even so, the relation between the categorial scheme of critical social ontology and the normative assessment of one's social reality is not a deductive procedure. Rather, it is only through a synthetic operation of consciousness where we are able to assess our phenomenological state, itself shaped by the rationalizing categories of the prevailing reality, that a critical consciousness can be established. *Our critical assessment of the world can only become concrete,*

in this sense, when we theorize about the ways that the structures of relations that constitute our world also constitute the social processes that we inhabit and which shape our lives. This in turn has to be assessed via the social purposes and ends toward which those relations, structures and processes are oriented in order for us to thematize the structure of the totality. What we come to grasp is the ontological shape of our social reality. The concept of an *ontological shape of reality* is important here for it forms a comprehensive picture of the ontological form of the world we inhabit and allows us to assess it critically.

In this sense, the role of ontology in constructing a Marxian ethics is to serve as the categorial structure of a new space of reasons within which *synthetic-critical judgments* can be constructed. Synthetic-critical judgments are those that are able dialectically to grasp the ontological categories that constitute any given object of social reality. To think in this way is to have one's cognition imbued by the metaphysical structure of reasons by which is meant the ability to connect any given social fact that is presented to consciousness to the socio-practical structures and processes (i.e., social-ontological) that generate it. By this I mean a kind of ethical or practical reasoning that evaluates the phenomena of social reality based on the ways that social reality and the relations, structures processes and ends that constitute its ontological reality serve the development of the social totality itself – a social totality that can be understood as having a specific "shape" or form in terms of the structures of its social relations, its processes and designated ends and purposes.

This is why Lukács argues that 'categories do not predicate something about a being or that which is becoming; nor are they the (ideal) principles that shape matter. They are rather the moving and moved forms of matter itself'.[31] Ontological categories are therefore to be understood as the constitutive features that produce any object, that shape matter and move it into the forms that we comprehend via the processes of human praxis. But we have seen, this need not be restricted to matter alone, but can also be applied to the norms and values that are used to shape and structure social relations as well. But Lukács' point here seems to be that the forms of social relations and other objective ontological modes are in service of the practical shaping of brute nature into social reality.

Now, any *telos* should be judged not by some abstract, arbitrary set of standards of evaluation, but by the purpose that such a telos is supposed to serve. Normative concepts are not, in this sense, sealed off in some neo-Kantian sphere of values but are internal to the very structures of praxis that constitute social being. In this sense, it seems to me that Lukács' contention that there can be 'no ethics without ontology' (*keine Ethik ohne Ontologie*), is an expression of the thesis that the evaluative categories that can bring our social reality to critical consciousness. The concept of social value now becomes a crucial category. To judge the products of our social world critically means, on this view, to be able to judge them according to their capacity to fulfill some kind of valid social purpose or end. Lukács states that:

> Generally speaking, in our way of knowing, we make a clear distinction between the existence of objects in themselves and their being-for-us (*Fürunssein*), which is merely thought in the process of knowing. But in labor, the being-for-us of the product of labor realizes in itself its objective ontological character and becomes exactly that being through which, when properly thematized, the product can fulfill its social functions. It is in this way that the product becomes valuable (in case of failure, valueless).[32]

What Lukács seems to be suggesting here is that the *telos* of the production of any object is part of the criterion that can be used to evaluate it. But when we think in non-ontological terms, we separate out the object from its use for us. The essence of social objects are the objective ontological modes elaborated above: that is, we come to see that our evaluation of

social fact must be tied to the way we cognize it. In other words, the thesis here is that true knowledge of social facts provides us with the requisite criteria for their evaluation.

Ethical-evaluative categories for judgment should be seen as rooted in social-ontological categories since then we are able to understand the category of the good in a very different way: as concrete expressions of practice, but also as the concrete ways that the ontological structures, processes and ends of the ontic structures of our given social reality operate. The moment of immanent critique now emerges when we are able to explode this ontic, given existence with those forms of relations, processes and ends that would express and fulfill full associative membership of each with one another. Since society is a nested structure of relations of interdependence for the achievement of ends, the evaluative criterion emerges from the ontology itself: what are good versus defective forms of relations and what are good versus defective ends? Any group activity that displays structures of dependence, exploitation or subordination become defective once it is seen that they are shaped and formed for the benefit not of the whole association but for a sub-group of that association. This basic idea is fundamental to the political tradition of republicanism in western thought, a structure of thought that informed Marx's own ideas about socialism and communism and his critique of capitalist society.[33]

As I see it, we can derive a system of normative or evaluative criteria from the ontological structures of our sociality once we see that these structures themselves can be evaluated according to the rational purposes of any association itself. Since our cooperation with others is meant to enhance or magnify our collective powers to accomplish tasks, the validity of any structure of relations must be judged according to the purpose or end toward which they are oriented. Even in a simple dyadic relation, say between lovers or friends, once this relation is not for the mutual good of the members of that association, it becomes defective. Its purpose may be for the extraction of benefit from one agent to another, but it does not realize the ontological potentiality of that relation: i.e., the common benefit of both members of the association. No different with more complex forms of association: our social being can be warped and shaped according to unequal, extractive modes of being; but the robustness of social critique must be able to point to the good or free forms of social being in order for rational immanent critique to be in force.

Lacking this, we descend into irrational forms of protest – there is an emptiness to the kinds of alternatives that non-metaphysical forms of critique offer us; little more, I would say, than either a nihilistic form of emancipatory critique, or, at best, a formalistic proceduralism without any sense of vision or grasp of the concrete ways that human freedom can be expressed and how it is stunted and mutilated under forms of domination and control. Since every social fact has an ontological structure, social facts can be called into question based not only on their structure or the properties of relations, processes and purposes or ends that it exhibits, but also according to the norms, roles and value-orientations it imposes on us or makes ambient within the community.

Capitalism is therefore a unique form of social organization because it is a logic that colonizes and transforms existing social institutions. The ontological structure of society begins to transform: economic life shifts toward large-scale manufacturing, personal life becomes organized according to a new set of norms and values, the practices that constitute our activities are also transformed according to its logic. Capital is, as Harry Dahms has suggested, a kind of social 'artificial intelligence' that re-shapes the social reality according to its own auto-poietic logic.[34] But this is also another way to understand capital's capacity to radiate reification, or the particular patterning of all social forms and logics according to the structure of the commodity form. To say this means that the structure of social relations, their processes and ends are all re-made according to private interest – the interest to accumulate and expand surplus value.

Domination is therefore a crucial variable in grasping a critical social ontology

since it is the efficient cause giving new shape to the ontological forms of our sociality. Consider one of the basic critiques issued by Marx of capitalist society: the capacity of private individuals to organize the social-relational structures and activities of society as a whole according to their interests, i.e., the maximization of surplus value as opposed to valid social ends and purposes. As he puts it in volume one of *Capital*:

> [T]he co-operation of wage laborers is entirely brought about by the capital that employs them. Their unification into one single productive body, and the establishment of a connection between their individual functions, lies outside their competence. These things are not their own act, but the act of the capital that brings them together and maintains them in that situation. Hence, the interconnection between their various labors confronts them, in the realm of ideas, as a plan drawn up by the capitalist, and, in practice, as his authority, as the powerful will of a being outside them, who subjects their activity to his purpose.[35]

This passage is imbued by the kind of critical social-ontological reasoning that I have been exploring here. The last line of the passage quoted tells us much when he argues that the capitalist 'subjects their activity to his purpose'. The power of capital enables its owner to shape the ontology of our social reality – the relations, practices and processes – according to his designs and ends.

We now have a theory of immanent critique as well as the foundation for a theory of ethics. But once reification is shattered in the consciousness of the agents that reproduce the system, the immediacy of it dissolves and we begin to move in a critical space of reasons: one where we begin to inquire to the validity of the ends and purposes of the social forms that shape our lives. This is why Lukács' emphasis on practice, on labor as teleological positing is so crucial: it entails seeing that the structure of social reality as ontological means seeing that the ends toward which our individual and social-relational activities are put are determinative of our broader social reality. If we do not think in these *praxiological* terms, we will not be able to think in *ontological* terms, and this implies that our consciousness and cognition will be collapsed into the prevailing structure of the objective world. Critical reflection will remain inert and impotent.[36]

An objective theory of ethics is therefore one that can conceive of our normative-evaluative premises as rooted in the ends and purposes of our collective activities, in the processes put in motion to realize them, and the structures of relations patterned by those processes. One of the central pathologies of modern, technologically advanced societies is the loss of the knowledge of ends and the centrality of the means as the organizing criteria of our evaluative concepts. A materialist ethics is therefore concerned with the concrete ends and purposes that our material social relations are organized to attain. Once we make a turn toward *praxis* (or labour as Lukács expresses it) as the nucleus of an evaluative scheme we are moving in a structure of thought that takes us away from a detached noumenalism characteristic of pragmatism, discourse ethics, recognition, or whatever, and we are placed firmly back into a realm of thinking about the *concrete ways that social reality is organized and the ways that these forms of organization can shape consciousness and individual development as well*. Indeed, once social agents begin to absorb the norms and rule-following necessary for technological and administrative institutions to function, their capacity to generate rational critical consciousness withers. The category of a common good, in this sense, can be conceived not as a predicate of some object or social fact, but rather as constitutive of its capacity to fulfill ends that are appropriate to a common structure of relations that enhances the developmental capacities of its members.

But although this ethics is *objective* in nature, it does not mean that it eschews the features of discourse and communication that thinkers such as Habermas make central. Indeed, the common charge against an ontologically-based ethics is that it reproduces the status quo or is immune to change and creativity. But there is no need to give these criticisms credence in the version I am constructing here. For one thing, the key thesis is not a substantive ethics – i.e., one that would promote ethical content or some menu of practices and norms – but rather to say that valid norms, practices, relations, institutions and social purposes are to be judged based on the criteria of how they shape the actual community itself. It asks how the structures of our sociality and the ends toward which they are put concretize a form of human development where common and individual goods are seen as mutually dependent features. It is open to new ways of organizing our social world based on democratic decision making and ethical discourse. But it move beyond mere formalism insofar as it considers *value as an ontological category*: i.e., that our values, our ethics, must be seen as instantiating concrete forms of practices and relations; that these are real in the world, and that we, as a species, also possess certain developmental capacities that can either be stunted or enhanced based on the social reality in which we are situated. Ethics becomes 'ethical life' once we see that any value that is put into practice is one that has constitutive effects on others. Hence, critical social ontology can give us a richer and, I believe, more critically oriented theory of ethics.

The concept of freedom now can be seen to move beyond any narrow liberal confines. Freedom is an *ontological state* both of the individual and the community. It is a condition that is so structured by self-conscious agents directing their activities toward the kinds of common goods that are requisite for the development of themselves as individuals – but as individuals embedded in a social-relational and socio-praxiological contexts that must be oriented toward those ends and purposes that have their common good as developing selves at their core. Any struggle for emancipation, any struggle to realize social freedom or Marx's idea of the 'fully constituted society', must elaborate new ontological social forms that can achieve the fullest development of the capacities and ends and purposes of the community. Any struggle for emancipation, to qualify as radical and rational, must consequently examine the ways that social organization is structured and struggle for more humane forms of social relations.

This project cannot be undertaken unless we comprehend the ways that social power maintains not only the prevailing orders of institutional logics and the normative webs that underwrite them, but also the ends and purposes of the social order as well. A shadow of Plato's thesis about the nature of justice in the *Republic* therefore informs the Marxian thesis about what a good, free, or just society would look like: a structure of associational life where both personal good and common good are maximized through the organization of social structures and processes according to common needs of the community – common needs that fulfill the modern requirements of self-development and the expansion of the realm of concrete, realized freedom.[37] Freedom is therefore not to be seen as an abstract principle, but a property of the social-ontological structure of society as a whole. For only once there exist the preconditions for the free development of each can we speak in any meaningful way about the free development of all.

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Endnotes

1   In particular, see my papers: 'Marxism, Ethics, and the Task of Critical Theory', in M. Thompson (ed.) *Rational Radicalism and Political Theory: Essays in Honor of Stephen Eric Bronner.* (Lanham, MD: Lexington Books, 2011): 159-186; 'Ontology and Totality: Reconstructing Lukács' Concept of Critical Theory', in M. Thompson (ed.) *George Lukács Reconsidered: Critical Essays on Philosophy, Politics, and Aesthetics.* (New York: Continuum Press, 2011): 229-250; 'Toward an Objective Ethics: Lukács' Ontology and Contemporary Moral Philosophy', *Jahrbuch der Internationalen Georg-Lukács-Gesellschaft*, vol. 12/13 (2012): 81-104; 'Philosophical Foundations for a Marxian Ethics', in M. Thompson (ed.) *Constructing Marxist Ethics: Critique, Normativity, Praxis.* (Leiden: Brill, 2015): 235-265; 'Social Ontology and Social Critique: Toward a New Paradigm for Critical Theory', in Daniel Krier and Mark P. Worrell (eds.) *The Social Ontology of Capitalism* (New York: Palgrave Macmillan, 2017): 15-45; 'The Metaphysical Infrastructure of Hegel's Practical Philosophy', In M. Thompson (ed.) *Hegel's Metaphysics and the Philosophy of Politics* (New York: Routledge, 2018): 101-141; 'Marx, Lukács and the Groundwork of Critical Social Ontology', In M. Thompson (ed.) *Georg Lukács and the Possibilities of Critical Social Ontology* (Leiden: Brill, forthcoming, 2019); and 'Erich Fromm and the Ontology of Social Relations', in Joan Braun and Kieran Durkin (eds.) *Erich Fromm's Critical Theory: Hope, Humanism, and the Future* (New York: Bloomsbury, in press).

2   Georg Lukács, *The Destruction of Reason.* (London: Merlin Press, 1980), 22.

3   Elsewhere I have critiqued this neo-Idealist paradigm. See my *The Domestication of Critical Theory* (London: Rowman and Littlefield, 2016).

4   Aristotle, *Nicomachean Ethics*, VI, ii. 5.

5   Karl Marx, 'Theses on Feuerbach' in Lloyd Easton and Kurt Guddat (eds.) *Writings of the Young Marx on Philosophy and Society.* (New York: Doubleday, 1967), 400.

6   Marx, 'Theses on Feuerbach', 400.

7   Marx, 'Theses on Feuerbach', 401.

8   For a more textured discussion of the Aristotelian concept of "activity," upon which Marx draws, see Aryeh Kosman, *The Activity of Being: An Essay on Aristotle's Ontology.* (Cambridge, Mass.: Harvard University Press, 2013), specifically 87ff.

9   Cf. Vardaman R. Smith, 'Marx's Social Ontology, His Critical Method and Contemporary Social Economics', *Review of Social Economy*, vol. 42, no. 2 (1984): 143-169.

10   Norman D. Livergood argues on this point that: 'Reality, according to Marx, must be viewed as the result of the redirective activity of human beings in relation to changing conditions in external reality. Both the object and the subject are continually active; human history may be seen as a process in which changes in material reality create new needs which in turn bring about human transformations of material reality'. *Activity in Marx's Philosophy*. (The Hague: Martinus Nijhoff, 1967), 20.

11   Marx, 'Theses on Feuerbach', 402.

12   Marx, 'Theses on Feuerbach', 402.

13   Karl Marx, *The Economic and Philosophical Manuscripts*. (New York: Frederick Ungar Publishing, 1964), 130.

14   I develop this idea of a 'generative social ontology' in my forthcoming book, *The Specter of Babel: A Reconstruction of Political Judgment*. (Albany, NY: SUNY Press, 2020).

15   Marx, *Economic and Philosophical Manuscripts*, 135.

16   Karl Marx, *Grundrisse*. (New York: Penguin, 1973), 84.

17   For important discussions of Marx's theory of individuality, see Adam Schaff, *Marxism and the Human Individual*. (New York: McGraw Hill, 1970); Lucien Sève, *Marxism and the Theory of Personality*. (London: Harvester Press, 1975); as well as Ian Forbes, *Marx and the New Individual*. (London: Unwin Hyman, 1990), 165ff.

18   Carol Gould insightfully remarks that: 'for Marx freedom arises through interaction with these empirical conditions, that is, by a transformative process in which a subject who is originally heteronomous becomes autonomous by achieving mastery over nature, and freedom from social domination.' *Marx's Social Ontology: Individuality and Community in Marx's Theory of Social Reality*. (Cambridge, Mass.: MIT Press, 1978), 107.

19   Georg Lukács, *Zur Ontologie des gesellschaftlichen Seins, vol. 2.* (Darmstadt: Hermann Luchterland, 1986), 51.

20   Georg Lukács, 'The Ontological Foundations of Human Thinking and Action'. In Ernst Joos, *Lukács' Last Autocriticism: The Ontology*. (Atlantic Highlands, NJ: Humanities Press, 1983), 144.

21   I think there are rich and fruitful connections to be made here between Lukács' social ontology based in labor and the idea of 'overcoming' or 'moving beyond a given situation' (*dépassement*) and 'objectivation' in Jean-Paul Sartre's Marxian ontology, this in spite of their relative differences. For Sartre, this act of 'overcoming' (*dépassement*) is a basic feature of the human condition and of labor. As the exteriorization of what is internal, or as he puts it: 'Praxis, in effect, is a passage from the objective to the objective through interiorization; the project as subjective overcoming (*dépassement*) of objectivity toward objectivity. . . . Hence, the subjective retains in itself the objective which it denies and which goes beyond (*dépassement*) toward the new objectivity; and this new objectivity expressed in the term objectivation exteriorizes the interiority of a project as objectivated subjectivity'. Jean-Paul Sartre, *Critique de la raison dialectique, vol. 1*. (Paris: Éditions Gallimard, 1960), 66-67. Space here does not allow me a more in-depth comparison of Lukács' and Sartre's ideas on building a Marxian social ontology, but suffice it to say both see as essential to any Marxian theory about human reality the specific nature of praxis as the objectivation of subjective intentions, plans, or concepts more generally.

22   Lukács, *Zur Ontologie des gesellschaftlichen Seins, vol. 2*, 12.

23   Again, I would be remiss if I did not point to the strong parallel here with Sartre and his conception of the 'project' and the 'field of possibilities'. As Sartre argues, 'every person is defined negatively by the ensemble of possibilities which are impossible for him,

that is to say by a path more or less blocked. For the less-favored classes, each cultural, technical or material enrichment of society represents a diminution, an impoverishment, the path is almost entirely barred. Thus, positively and negatively, social possibilities are empty as schematic determinations of individual becoming. And the most individualized possibility is only the internalization and enrichment of a social possibility (*le possible le plus individuel n'est que l'intériorisation et l'enrichissement d'un possible social*)'. Critique de la raison dialectique, 65.

24   Lukács, *Zur Ontologie des gesellschaftlichen Seins, vol. 2*, 46. Sartre, too, see in his conception of the 'project' the nucleus of human creativity as a concrete ground for human freedom: 'Only the project as a mediation between two moments of objectivity can account for history, that is to say, account for human creativity. It is necessary to choose. In effect, we either reduce everything to identity (which amounts to substituting mechanistic materialism for dialectical materialism) – or we make of the dialectic a celestial law which is imposed on the universe, a metaphysical force which engenders by itself historical processes (and this is to fall back on to Hegelian Idealism) – or we restore to the individual his power to go beyond his situation (dépassement) via labor and activity'. *Critique de la raison dialectique*, 67-68. It should be evident by now that between Lukács and Sartre and their ontological accounts of human social being there is fertile ground for a critical Marxian humanism to emerge.

25   Cf. this thesis with that of the discussion by Sartre, *Critique de la raison dialectique*, 381ff.

26   Lukács, *Zur Ontologie des gesellschaftlichen Seins, vol. 2*, 47.

27   The parallel ideas between Lukács' argument here and the theory of shared agency and planning in group activities, as articulated in analytic social ontology, is striking. Cf. Michael E. Bratman, *Shared Agency: A Planning Theory of Acting Together* (New York: Oxford University Press, 2014) with Lukács' thesis here. Bratman's approach remains purely descriptive, however, in that it is unable to generate critical categories about the normative 'rightness' or 'wrongness' of the forms that any given shared agency take. Lukács, however, is able to provide a framework for us to articulate categories for the critical assessment of the structures our praxis takes.

28   Lukács, 'The Ontological Foundations of Human Thinking and Action', 143.

29   As Michael E. Brown notes: "the fact that capitalist political economy defines and therefore can be said to operate hegemonically across the entire terrain of economically relevant and economically dependent social life makes it difficult to speak sensibly in ways that are inconsistent with it. . . . The comprehensiveness of capitalist production, and the inevitable moral vacuum in the local settings it inevitably leaves behind, are findings of the Marxian critique of ideology." The Production of Society: A Marxian Foundation for Social Theory. (Totowa, NJ: Rowman and Littlefield, 1986), 101, 103. This is one reason to accept the implications of Lukács' thesis that the totality is re-patterned around the imperatives of capital once it penetrates the domain of culture. Andrew Feenberg notes that: "'Culture' now refers to the unifying pattern of an entire society, including its typical artifacts, rituals, customs, and beliefs. The concept of culture points toward the common structures of social life. It assigns the researcher the problem of discovering the overarching paradigms of meaning and value that shape all the various spheres of society." The Philosophy of Praxis: Marx, Lukács and the Frankfurt School. (London: Verso, 2014), 65.

30   Cf. the important discussion by Konstantinos Kavoulakos, *Georg Lukács' Philosophy of Praxis: From Neo-Kantianism to Marxism.* (London: Bloomsbury, 2018); as well as Andrew Feenberg, *The Philosophy of Praxis: Marx, Lukács and the Frankfurt School.* (London: Verso, 2014).

31   Lukács, 'The Ontological Foundations of Human Thinking and Action', 136.

32   Lukács, 'The Ontological Foundations of Human Thinking and Action', 140.

33   See Norman Arthur Fischer, *Marxist Ethics within Western Political Theory*. (New York: Palgrave, 2015); as well as Michael J. Thompson, 'The Radical Republican Structure of Marx's Critique of Capitalist Society', *Critique*, vol. 47, no. 3 (2019).

34   See the forthcoming work by Harry Dahms, *Modern Society as Artifice: Critical Theory and the Logic of Capital.* (London: Routledge, 2020).

35   Karl Marx, *Capital, vol. 1.* (New York: Vintage, 1977), 450.

36   Lukács seems to indicate precisely this thesis when he writes: 'From the fact of this rigid confrontation it follows (1) that thought and (empirical) existence cannot reflect each other, but also (2) that the criterion of correct thought can only be found in the realm of reflection. As long as man adopts a stance of intuition and contemplation he can only relate to his own thought and to the objects of the empirical world in an immediate way. He accepts both as ready-made – produced by historical reality. As he wishes only to know the world and not to change it he is forced to accept both the empirical, material rigidity of existence and the logical rigidity of concepts as unchangeable'. *History and Class Consciousness*, 202. For more on the relation of this thesis to overcoming reification, see my paper: 'Reification and the Web of Norms: Toward a Critical Theory of Consciousness', *Berlin Journal of Critical Theory*, vol. 3, no. 3 (2019).

37   I explore this thesis in more detail in my essay 'Erich Fromm and the Ontology of Social Relations', in Joan Braun and Kieran Durkin (eds.) *Erich Fromm's Critical Theory: Hope, Humanism and the Future.* (New York: Bloomsbury, forthcoming).

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On the Failure of Oracles: Reflections on a Digital Life

by David M. Berry

Across the globe, as the sun rises, people begin each day with a routine that marks 21st-century life as very different from any other century. Before they get dressed, before they are even fully awake, most people start their morning by gazing at rectangular oleophobic panes of illuminated glass. Every day, a new world is painted in millions of individual organic light-emitting diodes which are embedded in a substrate under a layer of glass that is harder and thinner than any previously created. The screen is brighter than any reading surface we have ever known. The first thing we do each morning is to point this blaze of dazzling light straight into our eyes which carries the retina-quality notifications of the digital straight into our foggy brains. Before we are even fully conscious, the digital has disclosed a world to us, a stream of information and data, rivers of news, rivulets of reminders and lists.

These new digital devices make possible a new kind of life which confuses private and public, digital and analogue. This device is privy to our most intimate thoughts and memories and grants access to a world of information and real-time communication. Like a digital assistant, it orders our private world to stand by, awaiting our command. We increasingly act through a swipe on our screens, and which, like magic, can bring the world to our fingertips, purchase things for our homes, pick the next romantic partner, make a song start or an alarm stop. The phone is now a smartphone, embellished with an intelligence that knows us better than we know ourselves. As it gradually learns our strengths and our weaknesses, our interests and our temptations, it overtakes us, telling us what we want to know before we even know it. The smartphone is a mirror that reflects back the you that you always wanted to be.

The phone works by means of a logic of distraction, a logic that collapses private into public so that our thoughts become increasingly blurred under digital capitalism. When we are in public, by the press of a home button, we are digitally whisked back into the private spaces of the digital - into our direct messages and private streams. Conversely, when we are at home we can be virtually at our favourite concert, watch the police beat a protester on the streets, or #rp (role-play) with strangers on Instagram. We are always on, always available, and always already being-digital.

Consequently, under the conditions of a digital society, the home is in ruins. It is increasingly a vestige, a series of scattered shards of a now broken and increasingly exhausted space. But even as it vanishes, everywhere one looks there is a nostalgic attitude towards its former splendour. Just as Greek and Roman ruins inspired the Romantics to recall the greatness of antiquity through a once dazzling antique whiteness, so an older sense of home infuses our imaginations. It is an artifice of gregariousness, warmth and comfort, still remembered as a bulwark against the creeping advances of industrial capitalism. This sense of home was memorably described by Richard Hoggart as having at its core a sense of the personal, the concrete and the local. It had an insistence on privacy; that outside change must be incorporated slowly to help build a solid resistance to what he described as potential destroyers from outside. This nostalgia is stronger and more ambiguous because it describes a home that was without modern conveniences, which required greater efforts of gendered labour to sustain it, and which was a place for simpler pleasures and necessity.

Home was contrasted with the common world, the world of work, the world of politics. The idea of home incorporated the notion that to enter the public realm one left one's private space. This was particularly important to the ancient Greeks whose notion of

home, the oikos, stood in contrast to the polis, the public realm. This is also from where we derive our notions of private and public space, a distinction that remains strong even to this day. But home for the Greeks was also a space of darkness and necessity. Indeed, the Greek and Latin words for the interior space of a house, megaron and atrium, have a strong connotation of darkness. Hannah Arendt argued that for the Greeks, the four walls of one's property served as a reliable hiding place from the common world, from being seen and heard. A life spent entirely in public would be a shallow life in contrast to a tangible, worldly place of one's own away from the glare of public life. Without this private world, as John Locke argued, the common would be impossible. The boundaries between public and private were guaranteed by walls and fences which designated things that should be shown from things that should be hidden. This is because, in contradiction to Heraclitus, who claimed that the same person can never enter the same stream twice, in their homes, people receive a sense of sameness from the things they own. Home is a site of continuity, identity and memory from which to re-enter the public world outside. As Arendt argues, the objects of the home stabilize life, they are the very condition of human freedom and the capacity for being in public life.

The twin forces of the Enlightenment and Industrialism have transformed our societies beyond anything that the Greeks or Romans could possibly have imagined. Yet we remain indebted to them for this basic formulation of public and private. The 20th century was marked by the intensification of a new contrast, that of work and home, and therefore of labour and leisure time under industrial capitalism. Although the home has retained a sense of being a separate place distinct from the outside world, it has nonetheless been transformed by political and social change. From the declaration by women that the 'personal is political', to the social transformations of patriarchy, gender roles, children's rights and the family, the home has continued to be the place of the household, recuperation and privacy. Even the immense forces of the cultural industries and their methods of standardisation and quantification, which succeeded in lodging industrial society in people's minds, only partially colonised the home as a private place.

The home remained a space of relatively mute objects, and whilst it was nonetheless privy to the incorporation of a series of home automations, from the washing machine to the record-player, from the radio to the television, there was still a sense of a place different from the world outside. The best orchestras in the world - of which there were none under conditions of industrial capitalism as Horkheimer and Adorno sarcastically reminded us - were delivered free of charge to the home, along with entertainments flowing from newspapers and television. However, even at its most intense, the flow of cultural products did not return any messages from inside the home, which remained a receiver but not a transmitter of information back to the corporate giants. Although Horkheimer and Adorno well described the changes under late capitalism which created culture that was unidirectional and standardised, they overlooked the fact that the cultural industries could not fully capture the homes and minds of the population. People were not the helpless victims of what was offered to them nor were they fully captivated by the cunning of these authorities. The 'darkness' of the home again offered a defence against the onslaught of the public world, even if it was a realm saturated by the products of capitalism.

By feeling 'at home' we were located somewhere in someplace and therefore felt relatively safe from corporate control. This engendered a feeling of homeliness, from a specific geographic dwelling, located in a village or town, down a street or off a road, place as a feeling, as a physical and emotional anchor. This was a place where you could set down temporarily to feel that whilst you may be buffeted by the outside world, home was your place to rest, catch your thoughts, and step out of the public gaze. This was not a place that the cultural industry approved of, as it was not a space which they either controlled or could easily extract a profit from.

This was captured in the film *The Wizard of Oz*, released in 1939, which delivered the immortal line, 'there's no place like home'. It told the story of Dorothy who lived her life in a sepia-tinted monochromatic world of Kansas of the 1930s and who through an elaborate dream sequence visits the colourful craziness of the Land of Oz. For Dorothy, Oz was a world full of colour and life, but rather like the dreams of a corporate world, it was an exaggerated, garish, cartoonish place. She returns when she utters the magic words, 'there's no place like home', which delivers her back to her family and friends. But home for Dorothy was lived, like its audience, in shades of grey. The subtext of the story for the people living in industrial capitalism was clearly underscored by a product of the cultural industry that tried to show the colourful world that could be found outside the domain of the home.

Today we live in a world transformed. Under conditions of digital capitalism, the home is now the scene of a major disruption. Moore's law, which has given us a doubling in computer power, whilst simultaneously delivering a reduction in the physical size of computer chips every two years, has made possible a computer in your pocket. We now live in the age of the smartphone, which is also an age of data. The power of the smartphone has given us new freedoms to connect, communicate and create culture in ways that we would have struggled to have imagined previously. But, ironically, a device designed to be carried and used in public is now the one that is throwing open the doors of the home and letting the public realm in. We stand on the precipice of a new colonisation by technology that gives us the means to project communication power onto the world around us. But as we use it, the phone records our actions, our movements and our thoughts. The great symbol of freedom under digital capitalism has become an inadvertent Trojan horse that has given the cultural industries a backdoor into our private lives and homes.

One could say that our phones are increasingly our homes. The phone has become the very condition for home, and by always carrying it means that our home is always already digitally with us. Our smartphones now contain our music, documents, diaries and messages, in fact, copies of all our most precious information. Trapped within the confines of a small screen, which is now more intimate than any other possession, our lives are more and more lived digitally. The very idea of being disconnected from it is captured today by the acronym FOMO, or fear of missing out, and which the smartphone does its best to ensure we never do. Our phones not only are our homes, comforting and intimate, but, at the press of a button, can call a car to take us to our physical abode too. From the latest news to our most intimate messages, we live in and through our phones. The smartphone has completely revolutionised the way we shop, watch, move and think. But our phones are not just passive tools for thought: whilst we are watching our smartphones, they, in turn, are watching over us, providing Delphic advice. In the homes we live in, the walls that used to shield the private from the public are now made of glass - the phone, the TV, the tablet and the computer are digital windows into the home. But these devices do not see as through a glass, darkly, but rather they see clearly, they see us as we are, and using this information they have the power to shape our behaviour and thoughts.

We are seen and known by our things. As a result, our physical homes are being turned into mansions of algorithms, subject to the whims of edge, core and cloud. When we spend time there it becomes another source of data about our wants and desires. Home has become a television studio in which we are the star, and where recording never ceases. Home as a fragmented space whose walls now stand in ruins. As it has been emptied of our cultural and personal memories, a sense of home nonetheless has remained necessary as a space of recuperation, as a place where we can lay down after a long day. Even if, on lying down, the first thing we do is fish out the smartphone and plug back into a public network. The transformation of the home over the past 15 years has intensified more recently. The question is no longer where is your home, but rather what does your home do?

This might be described as the softwarization of the home. Its conversion into an algorithmic space, a process which is now well underway, and which involves transforming dumb things into smart objects through the use of artificial intelligence. But AI cannot function without data, large amounts of data, to help them understand the world. Smart devices need to watch and record us, harvesting vast quantities of data so that our every activity can be captured by sensors and cameras embedded within them. Home today means to be in the middle of things, it is no longer an end, but rather a means, a passage-way between two points: from dumb to smart. In becoming smart, devices transform the home into what can be thought of as a vast oil field of data, awaiting extraction by a new set of digital cultural industries. It is of no surprise that FAANG (Facebook, Apple, Amazon, Netflix and Google), the leaders of the technology industry, are racing to create the technologies for their vision of the digital home. Clive Humby has described data as the new oil and we are in the middle of an oil rush at the centre of which lies the home. As Wired explains, 'like oil, for those who see data's fundamental value and learn to extract and use it there will be huge rewards'. Humby further argues that 'data is just like crude. It's valuable, but if unrefined it cannot really be used. It has to be changed into gas, plastic, chemicals, etc. to create a valuable entity that drives profitable activity; so must data be broken down, analyzed for it to have value'. But it is not just the one-off collection of data, it is the iterative gathering of data, repeated again and again that creates the conditions for these possible insights. The oil fields of the home will not soon be spent, instead, they will yield greater and greater quantities of data, from which more profit can be earned.

This extractive metaphor serves not only Silicon Valley but also inspires governmental policy. For example, Meglena Kuneva, European Consumer Commissioner, has, without blinking, described personal data as 'the new oil of the internet and the new currency of the digital world'. The UK Office for National Statistics has argued that 'if data is the new oil, open data is the oil that fuels society and we need all hands at the pump'. What makes data into open data, is that it is free of intellectual property restrictions that prevent it from being used by others due to publishing constraints, such as copyright, or that it is owned exclusively by its creators. Open data, like open access publications and open-source before them, grants a corporation the right to dice up and remix data. When you use your smartphone or a smart object, the first thing that has to be clicked is the agreement to let companies extract and use your data. This is now referred to as the potential for post-purchase monetization and is built on the foundation of spying on people's lives and homes.

So today the balance between public and private is being lost. A new kind of no-place we still call home is generated and sustained by digital corporations that weave smart technologies into our lives, and which tightens their grip on us with every click. Our homes become subject to the patterns of digital technology, subject to technical lock-in and network effects, to the power laws that now govern the distribution of power and wealth in society. Indeed, our homes and lives become desirable for their potential for value-extraction by the new digital monopolies that now rule in the digital economy.

As our private worlds become increasingly transparent, the corporate watchers that own the software and algorithms that manage the sensors, smartphones, and smart objects themselves become more obscure and hidden. It becomes hard for anyone to see what is going on and how and where vantage points to criticise these technologies and their corporate owners might be established. Without privacy, without a home, without being able to exit from the public sphere, the road to political action and thought is severely undermined. Without urgent challenge from society, FAANG companies have increasing power to shape the thoughts and beliefs of people across culture.

In response then, on the ruins of home, a new home must be built. The ruins must be uncovered to create new values, new standards, and new defences. Weapons for the weak

to push back this colonisation of private space. The walls of the home must be refortified, the digital windows must be hacked so that they can be closed, and the door must be jammed firmly shut to keep out the increasing amounts of digital surveillance. The only way for there to be a place like home in a digital age will be if it is rebuilt on these ruins. This means that a political and technical campaign will need to be declared against the digital monopolies that invade our homes and lives. The first stages in that battle will be on the terrain of the home, the second on the smartphone, and it has only just begun.

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Happy Birthday Jürgen Habermas[*]

<div align="right">by James Gordon Finlayson</div>

Habermas turned ninety on June 18th 2019. Over the last six decades he's been Germany's foremost social theorist, philosopher, public intellectual, and journalist. His political writings currently stretch to twelve volumes. Cue a host of different public events across Germany celebrating his life and work. Cue also the usual paeans and panegyrics, and, as anyone who has followed the on-line discussion will know, some remarkably harsh criticism.

Perhaps we should not be surprised. Habermas has never been one to endear himself to the academic and political establishments. That's partly because he voices opinions even when they are unpopular. For example, as early as 1953 – presciently we now know – he called out Heidegger, the doyen of German philosophy, for being an unrepentant Nazi. In 1968, the year of political ferment, he criticized the students for their illusory revolutionary fantasies and behaving like 'left fascists.' In the 1980s he castigated some German historians for making political use of history, by denying the peculiarity of Nazi atrocities. And amid the pomp and circumstance of post-modernism he wrote a stern series of lectures condemning work by French post-structuralists as a Trojan horse for a resurgent Nietzschean irrationalism. It's also partly because Habermas writes dry, abstract, not to mention long books, in a Teutonic style that does not appeal to English analytic philosophers. Consequently, Habermas counts Marxists, historians, Heideggerians, and continental and analytic philosophers among his enemies. He's what the British call marmite: you either like him, or you don't. And some people really don't.[1] Which may be why as soon as the birthday party began, the party-poopers appeared in print.

For example, in Germany, the *Frankfurter Allgemeine Feuilleton* carried a piece called 'Die Vernunft in der Gesellschaft,' by Jürgen Kaube, which derided Habermas's idea of communication as 'utopian'. Another piece, 'Eine Republik der Diskussion' by the emeritus Professor of Philosophy at Cambridge and Fellow of the British Academy, Raymond Geuss appeared in the on-line journal *Soziopolis*. It is introduced as '*eine kritische Würdigung des Homo liberalis*' (a critical evaluation of *homo liberalis*) and of Habermas's conception of deliberative democracy.[2] Soon after the English version of 'A Republic of Discussion' appeared in The Point magazine. According to the editor, Geuss offers a 'less pious' view of Habermas's life and work than the 'wave of celebratory retrospectives' that have been bestowed on him recently. Geuss is not known for his piety, or his sensitivity to academic decorum. Anyone who has read his brutally acerbic piece on the occasion of John Rawls's death knows that.[3] And true to form Geuss's piece, which is as flippant as it is incendiary, provoked a series of swift responses in the blogosphere, from Seyla Benhabib and Martin Jay among others. The resulting controversy affords a good opportunity for a less one-sided discussion of Habermas's work, together with the criticisms of it, which combines critical evaluation with an appreciation that befits a birthday celebration.

1. Communication is not all it's said to be.

Geuss's objections target Habermas's idea of communicative action; Habermas's liberalism; and finally Habermas's Kantian 'fixation with legitimacy'. Each is developed in the light of two philosophical reference points: Kant and Adorno. Kant's philosophy is the source of various misconceptions; while Adorno's thought provides the counter-foil to everything Habermas's philosophy should have been, and wasn't.

He begins with a point he has made elsewhere, that Habermas's concept of reaching

understanding or consensus (*Verständigung)* is ambiguous between being understood, and being accepted. In an earlier essay, Geuss called it a 'pun'.[4]

'If he ever reflected on this at all,' Geuss surmises, 'which I assume he has not, Habermas presumably would say that here everyday German usage expresses in a pre-theoretical way a fundamental truth about the inherent connection between understanding and normativity' (Geuss, *The Point Mag*: 2019).

It is odd for Geuss to assume Habermas has not thought about this, given that a pragmatic theory of meaning and understanding forms a central plank of his work from the 1970s onward. Nevertheless, Geuss's guess is broadly right. There is a close connection, Habermas argues, between an assertion's being accepted as valid by speaker and hearer – what he calls '*rationales Einverständnis*' or 'rationally motivated consensus' – and its being understood. This is, Habermas argues, because the meaning of an assertion depends upon the reasons for it, which are either implied and understood or explicitly adduced. The theory is not uncontroversial. It is a very strong, and contested claim that if I assert something as true, on the basis of good reason, I pragmatically imply that everyone, everywhere, had they world enough and time, should accept it. Fortunately, we don't need to go into the details of the contestation because the solecism that Geuss ascribes to Habermas is that making oneself understood is not the same as reaching 'moral agreement.'

> Only a form of speech that is guided by this orientation toward ideal
> moral agreement can be called communication in the full sense, that
> is 'communicative action'. (Geuss, *The Point Mag*: 2019)

Habermas is very clear that 'moral' agreement is not the aim of speech, or communication, or discourse in general. Rather, he makes a far less contentious claim in his Discourse Ethics that moral agreement is the aim of *moral* discourse. But Geuss, who blithely ignores Discourse Ethics does not talk about moral discourse. His claim is that Habermas wrongly thinks there is an ideal of moral agreement, or better put, a moralized idea of rational agreement implicit in all communication and discourse, and that 'these assumptions are actually empirically false'. But even if no actual discourse ever fully conforms to the exigencies of ideal speech, it may be true that they are often approximated, and that they guide the practice of argumentation to some degree. Speech and argumentation are rule-governed and that's not open to empirical refutation. Mind you, there is an important empirical and historical assumption that might be. For Habermas assumes that in modern, liberal democratic societies discourse rather than violence or deception is the default mode for resolving conflicts. If that's the case, then to the extent that rules of discourse and regulative ideals are constitutive of the practice of actual 'communication' and 'discourse' in everyday life, then unlike utopias, which exist nowhere, they exist as essential features of modern liberal democratic, societies.

That said, it is nonetheless open to question whether, when a speaker asserts something as true, or as justified, (in Habermas's terms makes a validity-claim) they implicitly solicit the agreement of everyone else. It might well be that Habermas's idea of communication, his reconstruction of the discourse, and his version of the pragmatic implicature of agreement, is incorrect. To that extent, Geuss has a point, if not an argument for it. Or rather his argument takes the form of a skeptical challenge.

In his reply to Benhabib, Geuss goes further, and sketches the following argument. 'If I start a game of chess and then begin to ignore the rules, you may say 'That's not chess', and you would be right, but so what? I may perfectly legitimately have more pressing concerns than conforming to the rules of chess.' It's not a good analogy. No-one would think the rules provide reasons for playing chess in the first place. Habermas denies there is a moral obligation to enter discourse, but as rational animals whose form of association is

articulate through speech, there is a kind of soft social pressure to do so whenever conflicts and misunderstandings arise.

Apart from that, yes the rules of chess constitute the game of chess. If you break them, you are not playing chess properly. Analogously, if you violate basic logic, take no account of your interlocutor's objections, and so forth, you are not arguing well. The analogy insofar as it goes, helps Habermas and does not support Geuss's case that there are no fixed rules (pragmatic presuppositions) of discourse, and/or that the rules are not what Habermas says they are.[5]

So we are back with Geuss's skeptical point. The question is, what hangs on it? In my view not much, because the connections between Habermas's controversial claims about pragmatic implicature and his moral and political theory are not that tight. After all he has never actually succeeded in providing a formal derivation of principle U - his version of the moral principle of universalization - from the pragmatic presuppositions of argument. Not that I think that matters, because Habermas can make do with asserting a looser connection between the idea that speech and argument is disciplined or rule-governed, and that this discipline inflects our moral self-understanding and practice. In that case Geuss's skeptical point, even if true, cuts little ice.

2. Communicative Action and Habermas's Political Liberalism

Let's assume Geuss is right. Pragmatic implicatures are not his main concern. His main concern is the normative political theory and the sociological conception of politics that Habermas bases on the idea of communicative action. Geuss describes Habermas's project as that of 'rehabilitating a Kantian version of liberalism.' He objects both to its being a Kantian version, and to its being a version of liberalism. Let's set aside the former and focus on the latter.

Geuss claims that the connection between the ideas of free discussion and liberalism 'is too obvious to require discussion.' But it does need discussion. The connection between a controversial philosophical theory of communication and discourse, and a political idea like liberalism, not to mention actually existing liberal institutions is far from obvious.

Note that Geuss also assumes liberalism is a bad thing. He repudiates 'the soft nostalgic breeze of late liberalism that wafts through the writings of Habermas.' He does not say why it is bad. So that also needs spelling out. For as Geuss knows only too well, and has argued himself on other occasions, there is a whole family of different 'liberalisms'.[6] For example, there's the methodologically individualist and procedural liberalism of unfettered markets propounded by Hayek and Friedman. There's Locke's Natural Law liberalism and Nozick's neo-Lockean version of it. There's Humboldt's liberalism of the night-watchman state. And Habermas rejects all these conceptions of liberalism as vehemently as does Geuss. We need to know what, if anything, unites these different conceptions, as 'liberalisms'. We also need to know what the specific kind of liberalism is that Geuss thinks Habermas is rehabilitating, and why that liberalism is such a bad thing.

Habermas is a liberal in the sense that he thinks that individual freedoms, the basic legal and constitutional rights that protect them, and the rule of law are important in themselves and functional conditions of a thriving democracy. Mathew Specter has argued that Habermas moved from a non-communist left politics, with affiliations to Marxism, to a 'North Atlantic political model of liberal democracy'.[7] Actually, Habermas denies the commonly held view that some time at the end of the 1970s, he converted from Marxism to liberalism, that many of his leftist critics make. He says, rather, that he was always 'left-liberal, left of social democracy' even in the 1960s.[8] But the sense in which Habermas is, and has always been, a left liberal, which is bound up with his democratic and socialist commitments, is one that Jeremy Corbyn, Theodor W. Adorno, or for that matter Geuss can

be comfortable with.

Geuss is ill-served by his strategy of inferring Habermas's political theory and liberal politics from his reading of the 'ideal speech situation' (a formula Habermas abandoned the 1970s) instead of engaging directly with Habermas's voluminous writings on politics and political theory. A glance at Between Facts and Norms, his major work of political ad moral theory, or his debate with Rawls would show that the core liberal ideas in Habermas's political theory play the role of functional pre-conditions – in the sense of internal constitutive features – of democratic self-rule in modern representative democracies. And although Habermas defends a thesis about the equiprimordiality and equal weight of individual freedom and democratic self-rule (which he calls private and public autonomy), many commentators and critics argue (and I agree) that in the final analysis by his own lights the latter has normative priority. Habermas's liberalism, then, is narrowly drawn, and tightly bound with a conception of left social democracy, centred on a conception of radical democratic participation. It is very far from the classical liberalism Geuss dismisses, and compatible with a wide range of left politics, bar some forms of anarchism and communism. But now it's getting hard to see what's so bad about it. One suspects Geuss is relying on the semantic slippage between different types of liberalism. Or perhaps, in the end, it's really Habermas's neo-Kantianism and transcendentalism, he objects to.

3. Habermas's Kantian Fixation with Legitimacy

Geuss has an aversion for Kant's philosophy and Kantianism, which he can barely contain. And it informs his third objection namely that Habermas has an unhealthy Kantian preoccupation with the question of legitimacy, and consequently overemphasizes its importance.

> [I]t is a Kantian prejudice that 'legitimation' is the basic problem of philosophy or even the basic problem of philosophy in the modern era. (Geuss, *The Point Mag*: 2019)

That Kant's whole critical philosophy is framed in quasi-legal terms is not to be denied. Personally, I think it can be, and was, fruitful to think of some areas of philosophy, such as epistemology and morality, in terms of questions of what one is entitled to say or do. But suppose he's right. Is it, then 'even less plausible to think that it is the basic social problem of the modern world?' (Geuss, *The Point Mag*: 2019) No. Not at all. 'Legitimation' and 'legitimacy' are social and political ideas, and have their proper realm of application in the social and political world. It's actually more plausible, not less, to think that legitimation is the basic social problem of the modern social world, than of, say, metaphysics. Anyway, Habermas nowhere says that problems of legitimation are the only important social problems, or even the main ones. So there are lots of other important problems. No-one, not even philosophers as prolix and productive as Habermas and Geuss can write about all of them. And, as Martin Jay rightly points out in his reply to Geuss's article, it is enough that it is an important and ongoing one in the modern world. Finally, it is worth highlighting, given that Geuss numbers among the most prominent and eminent political philosophers who are critical of ideal theory, that the problem of legitimation is properly political and has been endemic in 'real politics' at least since the early modern period. It is normative, but not like the moral notion of 'justice' on which foundation, according to Geuss, ideal political theorist like to build their edifices.

There are plenty of Kantian and neo-Kantian themes in Habermas thought to trigger Geuss's allergy to Kant, not least the discourse theory of morality, which is an account of the

moral point of view, albeit one that owes at least as much to Lawrence Kohlberg and George Herbert Mead. However, the idea that the modern social world, more particularly welfare-state capitalism is prone to legitimation crises, that animates Habermas's work of the 1970s – the work to which Geuss exclusively refers – isn't one of them. Rather it arises from Habermas's critical engagement with the social theory of Marx and the Frankfurt School. The basic legitimation problem is something like this. Early capitalist societies stabilized themselves with the help of religious traditions, which fostered complementary attitudes and values: for instance social economic and religious restraint; the achievement ethic; fatalism, and civil privatism. But while liberal capitalism depended on religious traditions, it also had the effect of dissolving these traditions and with them the social bonds they provided. Instead it gave rise to attitudes of possessive individualism that were functionally less able to provide social cohesion. Unlike in the earlier stages of liberal capitalism, where the state confined itself to securing the 'general conditions of production', in advanced capitalism, the political system intervenes and guides the economy directly. 'Recoupling the economic system to the political - which in a way repoliticises the relations of production - creates an increased need for legitimation'.[9] If social inequality and hierarchy are not a matter of chance, or fate, and not divinely ordained, why should people accept them? The legitimation crisis could be deferred, providing that democracy remained merely formal (and limited to participation in periodic elections). A substantive democracy that extended to the production process and the administration of the state would, by contrast, bring the contradiction between socialized production and private accumulation to light and might have a disruptive political effect.

The central diagnostic thesis has much closer kinship with Frankfurt School critical theory and Marx than it does with Kant. Moreover, as we've seen, Habermas specifically rejects the 'liberal' solution to the problem proposed by Hayek and others, which is to abandon any state intervention in the economy, and thus try to avoid social contradictions and the demand for social justice from arising. At this stage in Habermas' work it is an open question whether revolutionary social transformation is still a real possibility. After *Legitimation Crisis* Habermas shifted his position away from Marxism and critical theory. He comes closer to Luhmann's view that the economy needs to be steered by economists in a purely technical and administrative way, independent of political imperatives. And in a related move he started treating markets as an enduring feature of modern societies. The upshot was that on the new version of the theory the crises to which markets give rise are seen as pervasive problems that need to be managed on an ongoing basis, rather than sudden and acute ruptures.[10]

Part III of *Legitimation Crisis* is a loose sketch of social, moral and political ideas Habermas subsequently develops in *Theory of Communicative Action*, Discourse Ethics and *Between Facts and Norms*. Geuss is not wrong to suggest that the original idea was to reconstruct immanent norms of social justice from the practical presuppositions of communication and discourse, and to harness these as the basis of a critical social theory, and as a modern functional equivalent to the loss of religious traditions ethical life. Still it's a misconception to claim that Habermas's preoccupation with legitimation stems from Kant. And if one does not share Geuss's aversion to Kant, one might wonder what is so bad about a Kantian theory of legitimacy anyway? Geuss's answer appears to be that Habermas's version of transcendentalism is a pretext for blocking discussions of political ideas more radical than liberal ones.

> Habermas's transcendentalism is not just the shiny ornament of a philosopher ... but an indispensable instrument for ramming firmly into the ground the border-posts that were to enclose the area within

which discussion could take place, and keep out unwelcome topics. That this policy of limitation of discussion was not merely a local phenomenon in Germany is indicated by the fact that Rawls, at about the same time in the U.S., saw himself forced to borrow some similar bits of kit from Kant's great philosophical drugstore in his attempt to protect the American way of life from alternatives that were considered too radical. (Geuss, *The Point Mag*: 2019)

But *Legitimation Crisis* pretty much is a discussion of Marxism, albeit a critical one, so the insinuation that Habermas uses Kant to prevent a discussion of Marxism doesn't apply. Something similar is also true of the *Theory of Communicative Action* insofar as it advances a critical social theory that, unlike Adorno and Horkheimer's offers an account of its own normative foundations.

Geuss's main complaint, then, that Habermas's theory precludes a discussion, and implementation of a more radical politics, seems to apply only to Habermas's mature political and legal theory. It is in Between Facts and Norms that Habermas starts to engage seriously with Rawls's ideas. That's the point, when, according to Jan Werner Müller the 'transatlantic theory trade' takes place: the Kant Rawls imported from Germany travels back home in the form of Rawls and Dworkin's theories and their belated reception in Germany.[11] If Müller is right, and his reading of Habermas's development is a common one, Habermas moves from a critical engagement with Hegelian-Marxism and Frankfurt School critical theory via Luhmann's system theory, to a close (though still critical) engagement with Rawls's liberalism. In which case it is very odd that Geuss entirely ignores the later work.[12] No doubt he thinks there is a continuity between the early and the later work. And there is. But the continuity goes both ways, which I take it why Habermas's describes his political position as '**left**-liberal.'

On the first page of *Between Facts and Norms* Habermas almost sheepishly admits that he is more concerned with Kant's philosophy of right than Hegel's.[13] The main thesis is that constitutional democracies have the potential to resolve chronic problems of legitimation through the medium of law. Roughly speaking, the idea is that in functioning democracies with healthy civil societies, legitimate laws act as transformers by way of which the political system (parliament and government) can program the administrative and economic system in the general interest of all citizens.[14] They do this only when, and because, discourses freely circulating in civil society find their way through the channels of representative democracy into the political and legislative system, and out again in the form of law and policy, that has legitimacy and is broadly accepted because it serves the general interest.

It has been argued that that Habermas presents a view of democracy that is too sanguine, abstracted as it is from the interests of power and capital. Insofar as Habermas's conception of deliberative democracy models real politics, it models a best-case scenario. In reality, though, the political system can be, and often is, lobbied by rich and powerful individuals and corporations, who use it as a way of lending the appearance of procedural and administrative legitimacy (laws passed technically correctly according to procedures) for substantively illegitimate ends. Brexit currently provides a spectacular example of what happens when for one reason or another laws are passed that manifestly do not serve the interests of all citizens, but of private interests. One of the merits, of Habermas's approach political theory is that it acknowledges that the democratic system and the medium of law are profoundly ambiguous, that can they work for or against the common good, and it helps understand why this is.

Geuss presents Brexit as an example of how communication and discourse are apt to fail in various ways, and how easily they can be manipulated by powerful interests. It

is supposed to illustrate his view that Habermas's conception of discursive democracy is a complete non-starter. But Brexit is a bad example. For one thing, it's far too complex, It's hard to know what's going in with Brexit, and what it does and does not follow from it. In the UK the right-wing populist Nigel Farage, with the help of a handful of well-connected neo-liberal ideologues, and an obliging conservative establishment élite, managed through a campaign of misinformation and overt xenophobia, to steer policy in a direction that benefits only some multinational corporations, hedge-funds, and a handful of non-domiciled super rich individuals. Whatever else they are doing the Brexiteers in Britain (like the Trumpeteers in the US) are not doing modern democratic politics as usual.[15] Not that politics as usual is anything to write home about – spiraling inequality and impending ecological catastrophe testify to that – but still Brexit and Trump represent something novel, disruptive and more cynical.

The novel phenomenon is sometimes called 'post-truth' politics, although the attribute 'post-truth' is a misnomer. First, it is not only truth that the new politics has dispensed with, but reason, rationality, social justice and the common good.[16] Second, it implies that there was a pre-post-truth era in which politicians did not lie or bullshit, or ignore evidence, which is rubbish.[17] Nevertheless, it is remarkable how willing politicians and presidents now are to publicly mock experts, deride the advice of their own economists, ignore overwhelming scientific evidence, and dub established facts 'fake news'. Members of Parliament and potential Prime Ministers openly refuse to rule out proroguing parliament.

I think this represents a novel development. Once it is taken as read that it does not matter anymore whether one's utterances are guided by truth, that one's beliefs (or policies) are supported by evidence, that one's actions are constrained by moral norms, and that one's policies serve the common good, and when this assumption becomes operative in political practice, then politics undergoes a change in kind, not just in degree. One consequence is that politicians no longer have to pretend to speak the truth, respect evidence, observe moral norms, and work for the common good. Another is that they don't even expect to be held to account, and in fact cannot be held to account, for not doing what they do not even pretend to. Politicians are thus freed from encumbrances that would otherwise constrain the pursuit of their goals, or determine the way they pursue these goals; while citizens and journalists are deprived of important ways of holding them to account. The example of Brexit, then, could just as well be used to show that democratic politics as usual did in fact have a connection with truth, knowledge, social justice and the common good, if only a slender one. And if that is so, it speaks in favour of Habermas's approach which is not to confront political reality with philosophically worked out ideals, but rather to reconstruct, independently of a philosophy of history, 'particles and fragments of an 'existing reason' already incorporated in political practices, however distorted these may be'.[18] Brexit does not expose the irrelevance of Habermas's conception communication and discourse to 'real politics', so much as show what happens when 'real politics' is denuded of any connection with truth, reason, justice and the common good.

No doubt Geuss thinks that Brexit and Trump represent a continuation of politics as usual, rather than a new, more cynical and dangerous development. That's the point of his example. But then, one might wonder why he is so appalled by Brexit, and why he does not at least welcome it insofar as it exposes the naked truth about politics.

4. Habermas, in 'context'. *Westbindung* and the Cold War

Geuss does not go into the details of any of Habermas's main works of theory. His strategy, much beloved by Cambridge School political theorists, is to interpret Habermas's theory 'in

context.' As ever, the choice of context is crucial. Geuss presents Habermas's conception of communication, liberalism and legitimacy as thinly disguised pro-Western ideology, and a conservative fear of more radical politics.

> After 1945, the pressing question was how Central Europe would be politically, economically and socially reconstructed. The alternative was, crudely speaking, integration into the West or into the East. There was no room for more radical suggestions, nor were they attempted. (Geuss, *The Point Mag*: 2019)

As a matter of fact, and the historically minded Geuss will know this, Stalin wrote to Adenauer in 1952 offering German unification in exchange for a declaration of German neutrality. Obviously that is not the kind of radical experiment Geuss has in mind. But the point is that Habermas was twenty-two at the time, studying philosophy Göttingen, and was hardly in a position to influence matters. Ignoring Stalin's note, under twin political pressures of the cold war, and the Marshall plan, Adenauer decided in favour of West-integration over reunification,

In 1981, at the age of 52, Habermas resigned as director of the Max-Planck Institute, where he had spent most of the previous decade, to take up a post at Frankfurt University. In the same year he published *Theory of Communicative Action*, an enormous two-volume work in which he develops a) a systematic social theory that purports both to explain the problem of social order in modern societies, and b) offers a diagnosis of its pathologies, while giving an account of its normative foundations. It is a continuation as well as a departure from his ongoing critical engagement Frankfurt School critical theory. Geuss glosses work as 'a quasi-transcendental philosophy, which consecrated discourse as the central medium of public reason, and gave ideological cover to further "West-integration"'. He is not the only one to make this claim. Peter Osborne argues in a recent review of Müller-Doohm's 'Habermas a Biography' that the assumption that determines Habermas social theory is that 'the West' is democratic, Germany was not; its salvation therefore lay in its integration into 'the West', the democratic aspects of which themselves require further normative grounding and actualization for their development. This is the political sociology of the Cold War...'

There are two misconceptions here. Geuss's charge that Theory of Communicative *Action* is a contribution to *Westbindung* is arguably anachronistic given that it Germany's integration to the West was largely over by 1981. Meanwhile, Osborne's claim that Habermas's favourable attitude towards aspects of Western liberal democracy was a contribution to the Cold War is deluded. While Habermas had no illusions about 'really existing socialism', he remained throughout the Cold War resolutely 'anti-anti-communist'.[19] He was an opponent of Adenauer's conservative attempt at 'restoration' and remained highly critical of the Adenauer régime's half-hearted efforts at de-nazification. Like Abendroth, his Doktorvater, he was appalled when the Federal Constitutional Court banned the Communist Party in 1956, and saw this as a usurpation of the Basic Law. Later on, he also opposed the stationing of American nuclear missiles in Germany.

Habermas to be sure always had a peculiar take on the *Westbindung* of the Federal Republic. Far from being the sociology of the Cold War, he saw it as a way of a breaking with existing authoritarian German traditions, and of cultivating a politics of radical democratic self-determination in Germany.[20] It went hand in hand with Habermas's constitutionalism. The Basic Law and the *Rechtsstaat* that had been imposed on West Germany by the allies offered constitutional protections of basic individual freedoms. That was good, but insufficient. An authoritarian and paternalistic government, the merely technocratic management of

the economy and administration, and an increasingly affluent and consumerist, society, all worked together to prevent the development of anything more radical and substantial than a commitment to 'formal democracy', i.e. to voting in periodic elections. Habermas's trick was to argue that the Basic Law contained important but unrealized democratic ideals and values, and that the *Rechtsstaat* had to be complemented by democratic ethos, a political culture based on the moral vigilance of independent-minded citizens, with a critical cast of mind, a healthy mistrust of institutions and preparedness for non-violent acts of civil disobedience. He saw *Westbinding* and constitutionalism as opportunities to rekindle a democratic ethos that would make democracy in Germany more substantial and resilient

The irony is that all this is not so very different from Adorno and his political project as a public intellectual after his return from America. Adorno also was concerned to cultivate a truly democratic ethos to support democracy in German. True there were differences, which were partly generational. Adorno was more worried about latent fascist tendencies German society. Consequently, his political project as public intellectual was more defensive, focused on cultivating the critical capacities of citizens, and what he called '*Erziehung zur Mündigkeit,*' as a way of preventing 'adjustment' to the prevailing order and the development of authoritarian personalities. But underneath, he shared what Habermas called 'the deep everyday experience we lived through after 1945: things got better with the introduction of democracy and merely the rule of law' even if he is reluctant to make his positive stance to social democracy explicit.[21]

The same is true of Adorno's attitude towards America. In the words Claus Offe Adorno's evaluation of the political and academic culture in the US underwent a 'complete turnaround' by comparison with the somber picture he painted in *Dialectic of Enlightenment*, and *Minima Moralia*, when he was living there. Reflecting on his experiences in America he was 'impressed with the substantiality of democratic forms' and by the fact that by contrast with Germany 'they have seeped into life itself.'[22] One sees this not only in his private correspondence to Thomas Mann and to his parents, also but in his reflections on German pedagogy, where he argues that the exposure to American politics, sociology, and culture is an effective means of countering the 'anti-civilizational and anti-Western undercurrent of the German tradition' that persists both on the left and on the right.[23]

Geuss uses '*Westbindung*' and the Cold War as a pretext for assigning to Habermas, in stark contrast to Adorno, an ideological attachment to liberalism, a naïve faith the rational basis of democracy and hostility towards any more radical politics. The actual context of German nationalism, student radicalism, of Frankfurt School theorist's relation to a fledgling democracy after their return from exile, invites a rather different picture.

5.   Party-Pooping, Putin, and Performative Contradictions

Seyla Benhabib and Martin Jay replied swiftly and forcefully to Geuss's piece. Both convict Geuss of bad faith. Benhabib levels the charge that by offering an argument against the very idea of communication and discourse, Geuss commits the error of performative contradiction: that is he *shows* that 'communication' is possible malgré lui, by offering reasoned arguments against it. Jay concurs, though he thinks this argument has limited force. If Geuss has such a dim view of rational discussion, why engage in it rather than retreat into silence?

Although I'm broadly on their side, I don't think this is a good line of defence. Geuss's point, as I understand it, is that 'communication' and 'discourse' are not what Habermas says they are. In particular, he denies there is a pragmatic implicature that

connects arguments with 'rationally motivated consensus'. Unlike Benhabib and Jay, I think Geuss has reason to be skeptical. If so, two things follow. First, Geuss can quite consistently hold his view to be true and justified, without fear of contradicting himself performatively or otherwise. Second, in making the argument that Geuss performatively contradicts himself, i.e. that he invokes the very pragmatic implicature he denies, Benhabib and Jay presuppose the very idea of 'communication' that Geuss is rejecting. Dialectically speaking, this line of criticism will at best lead to a stalemate. So if there is bad faith in Geuss's piece, that's not where it lies.

It was to say the least bad timing that Geuss's provocations were published on the same day as President Putin's interview in the *Financial Times*,[24] when he claimed that 'the liberal idea...has outlived its purpose'. Not that Putin had much of interest to say about liberalism. Putin's arguments are not his most effective weapon. They provide cover for his policies of authoritarianism and ethnic nationalism. Benhabib rebukes Geuss for making common cause with of Putin and the right-wing populists currently gaining ground throughout Europe. That may seem a little unfair, given that Geuss is leftist critic of liberalism, not a right-wing nationalist, though he is hardly in a position to complain at unfair treatment. In fact, her critique is more generous and nuanced. Insofar as Geuss fails to distinguish his internal critique of liberal democracy, from Putin and the alt-right's external criticism, he's in danger of making common cause with them.

The validity of Benhabib's and Jay's complaint of bad faith lies more in the fact that Geuss's disdain for liberal democracy may have the effect of undermining the very freedoms that he, unlike so many citizens the world over, enjoys and makes use of. In present circumstances that shows a lack of political understanding. For as much as the liberal-democratic institutions of Western Europe are flawed and in need of reform, they also are fragile and in jeopardy. Yet Geuss responds just as he says Trump does: 'Give what is falling already a further good kick'. Sometimes in real politics one has to retrench and preserve what one has, at least for the time being, because however bad things are, they can always get worse. Radicals like Geuss want a different more humane, more egalitarian society. So do Habermas and the most of the participants in the discussion that Geuss has provoked. We should not let the narcissism of small philosophical differences between the anti-liberal left and the left-liberal democrats blind us to the present danger: a highly organized group of far-right activists, and powerful anti-democratic élites with unlimited funds, whose plans, unlike our thoughts here, won't be submitted to the republic of discussion for criticism and analysis.

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The controversy

1.   **Jürgen Kaube**, 'Jürgen Habermas : Die Vernunft in der Gesellschaft,' https://www.faz.net/aktuell/feuilleton/juergen-habermas-wird-90-philosoph-der-oeffentlichkeit-16241308-p2.html

2. **Raymond Geuss**, 'A Republic of Discussion: Habermas at ninety' https://thepointmag.com/2019/politics/republic-of-discussion-habermas-at-ninety

3. **Geuss's response to Benhabib**, 'Professor Benhabib and Jürgen Habermas'
https://medium.com/@arendt_center/professor-benhabib-and-j%C3%BCrgen-habermas-
2e3fd50e1147

4. **Martin Jay**, 'The Liberal Idea Has Become Obsolete' Putin, Geuss and Habermas' https://
thepointmag.com/2019/criticism/the-liberal-idea-has-become-obsolete-putin-geuss-and-
habermas

5. **Geuss, Presuppositions: Reply to Benhabib and Jay,** https://medium.com/@arendt_
center/presuppositions-reply-to-benhabib-and-jay-835c4898d848

6. **Benhabib's second reply**
https://medium.com/.../contra-geuss-a-second-rejoinder...

Endnotes

1   See Uwe Steinhoff's, *The Philosophy of Jürgen Habermas: A Critical Introduction*, for an
unusually vitriolic 'introduction'.

2   '*Würdigung*' in German means both evaluation and appreciation. Suffice it to say
that the article is long on evaluation and short on appreciation.

3   Geuss, 'Neither History nor Praxis' *European Review*, 11 (3) 2003.

4   Geuss, *History and Illusion in Politics*, 4.

5   See 'Presuppositions: Reply to Benhabib and Jay'.

6   Geuss, *History and Illusion in Politics*, 72.

7   Specter, *Habermas an Intellectual Biography*, 204.

8   Specter, *Habermas an Intellectual Biography*, 209.

9   Habermas *Legitimation Crisis*, 36.

10   Joseph Heath, 'Legitimation Crisis in the Later work of Jürgen Habermas, 'http://
homes.chass.utoronto.ca/~jheath/legitimation.pdf

11   Jan-Werner Müller, "Rawls in Germany" *European Journal of Political Theory* 1 (2)
2002 https://doi.org/10.1177/1474885102001002004

12   At first I wrote that Geuss must not have read any Habermas after 1981, because
that's what his range of references suggested. I deleted that line, because it a hunch. It
turns out, though, that this is the case, as Geuss admits in his comment on Seyla Benhabib's
reply to his initial article. Had he done so, he would have found some ammunition for his
critique, and might have made more detailed and incisive criticisms of Habermas's theory
of democratic legitimacy.

13   Between Facts and Norms, xxxix.

14   This is not to bring the economy under direct political control, but to influence it through a counter-steering mechanism in the direction of the general interest.

15   By the phrase 'politics as usual' I refer to the post Second World War era, and its three broad phases: 1945-1978; 1978-2008, and 2008-2016.

16   Lorna Finlayson, 'What to do with Post Truth?'.

17   Habermas, *Between Facts and Norms*, 287.

18   Müller-Doohm, *Habermas. A Biography*, 85.

19   Specter, *Habermas an Intellectual Biography*, 134 & 146.

20   Habermas, *Autonomy and Solidarity*, 189.

21   Adorno, *Critical Models,* 240. Adorno, Letter to Mann, 3 June 1950, 46.

22   Adorno, *Critical Models*, 97.

23   'The Stronger the state, the freer the individual.' Vladimir Putin 'Open Letter to Russian voters,' 25 February 2000.

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The Production of Space through Land Reclamation

<div align="right">by Niclas Kern</div>

Abstract

> This dissertation argues that land reclamation has become geopolitical. Land reclamation has added a new dimension to international relations and this dimension cannot be ignored, for it touches upon our fundamental understanding of state territory and spatial practice. Drawing on Stuart Elden and Henri Lefebvre, territory is understood as a set of political technologies that produce different dimensions of our modern conception of territorial space. Land reclamation operates as such a territorial technology and alters our understanding of maritime space in contemporary geopolitics and international law. Two case studies will explicate this development. The first study will investigate coastal reclamation in Singapore and its effects for the city-state's international relations. The second study will analyse Chinese reclamation works in the disputed region of the South China Sea. Both investigations will approach these activities with a focus on the United Nations Convention on the Law of the Sea as the international juridical space of territory. In conclusion, this dissertation claims that the material and conceptual production of space triggered by advancements in land reclamation technology are reshaping territorial state practice and the corresponding legal framework of maritime space.

> *Traditional International Law did not anticipate the creation of an island by means of engineering but confined itself to the title derived from effective occupation of uninhabited land masses. The fate of such activities will be determined by two factors: the number of sites available for such constructions and the objectives. Costal States will be provoked to reaction only if they consider national interest to be threatened.* - Elizabeth Young, 1971

Land reclamation, the extraction of physical land from the seas, is often seen as an expression of status and prestige for rich nations. High-profile reclamation projects like the artificial islands of 'The World' or 'The Palm' in Dubai have captured public imagination and awe for today's technological capabilities. The proliferation and use of land reclamation, however, signals a shift beyond mere progress in humanity's ability to shape its physical environment. What does it mean for our understanding of international politics, if states can expand their physical territory with technological tools? What do these developments say about the relationships between state, territory, land and sea? The discipline of International Relations has thus far paid little to no attention to these questions. The salience and importance of this issue, however, can be expected to increase in the near future. In 1971, Elizabeth Young already suspected that land reclamation might one day

became a thorn in the relations of states and international law. International law did not anticipate the creation of artificial land, and nearly 50 years later, our legal regimes have yet to come to terms with these capabilities. As Young predicted, a real engagement with the implications of land reclamation has only begun as certain states considered their national interests threatened by it. The flipside of this observation is that other states started to see the potential of land reclamation to advance their national and foreign policy interests. These conflicts are now taking shape most clearly in South East Asia. The technological progress in land reclamation has enabled states to engage in the construction of artificial land on a scale that has become significant for international relations. This dissertation will thus attempt to analyse the use of land reclamation from a legal and geopolitical perspective.

Part I will provide a theoretical framework for our investigation. The physical growth of states effectively translates into an expansion of territory. But what exactly is territory today? Drawing on Stuart Elden and Henri Lefebvre, I understand territory as something that is no longer fixed and static, but fluid and dynamic. Territory is a social construct and not only concerned with the concrete physical space occupied by the state, but instead functions as a set of political technologies that enable the states to treat physical space as their territory. Territorial state practice is a production of social space. Following Lefebvre, space is not only produced materially, but socially. This social production of space has profound effects on our spatial practice. The way we materially produce space through land reclamation and then conceptualise that space, particularly in international law, will affect our territorial practice. Part 1 will end by introducing dredging technology, the fundamental operation at the heart of contemporary land reclamation.

Parts II and III will then consider two case studies of land reclamation. Part II will look at Singapore, a state that is engaged in an extraordinary project of increasing its physical size. The city-state appears to be motivated primarily by economic considerations, as the main benefit of newly reclaimed land is its potential for continued economic growth. The state's never-ending need for space thus continuously pushes its physical borders seawards – much to the anxiety of its neighbours. Land reclamation has thereby created new political tensions in the region. To understand these geopolitical effects, I will discuss the United Nations Convention on the Laws of the Sea (UNCLOS), the legal framework that governs maritime state conduct. A crucial aspect of UNCLOS regarding land reclamation is the role of territorial baselines that determine a littoral state's maritime zones and international boundary delimitation. Singapore's expanding baselines have thus led neighbouring states to worry about a cartographic zero-sum game. Another important feature of Singapore's reclamation works is its immense need for sand as base material for its expansion. This demand too, has negatively affected neighbouring countries where sand is sourced.

Part III will move on to consider the Chinese employment of land reclamation in the sovereignty dispute over land features in the South China Sea. China has occupied multiple reefs and islets in the disputed region and has aggressively expanded these features for military-strategic objectives. China may thus be the first state to use land reclamation as a central tool in its foreign policy. A major part of the analysis will return to UNCLOS to understand Chinese actions in the context of international law. Of particular interest is here the South China Sea arbitration between China and the Philippines which came to an end in 2016. The dispute offers an interesting perspective on the production of maritime space in international law, a production that is contested due to several weaknesses of UNCLOS and the Tribunal's final award. Land reclamation interacts with the framework of the Law of the Sea in two ways. Chinese reclamation works seem to reject the authority of UNCLOS, but simultaneously are shaped by it. We will see, how social space can produce back onto us and affect state spatial practice.

Finally, part IV will return to the initial theoretical framework and engage in a further

analysis of the case studies. I will argue that we can discern multiple productions of space triggered by land reclamation projects. Most obviously, a material production of space is taking place, expanding the physical space of states. This newly appropriated territory may be approached and produced in economic terms, as in Singapore, or in military-strategic terms, as in China. Second, land reclamation has led to a conceptual reproduction of 'land' and 'sea' space. Reclaimed land links to a deeper problem in the Law of the Sea that arises from the materiality of water. The fluid and smooth spaces of the oceans resist the conventional bordering practices of international law. Reclamation technology now adds to land some of that material dynamic. The traditional elemental distinction between land and sea in international law is thereby challenged. Finally, these processes are now shaping a contested social reproduction of UNCLOS. The indeterminacy of provisions in UNCLOS enable a variety of legal interpretations which are in turn social productions of space. This complexity is exacerbated by land reclamation and maritime space is now subject to different competing reproductions.

In sum, this dissertation argues that land reclamation has become geopolitical. Land reclamation has added a new dimension to international relations and this dimension cannot be ignored, for it touches upon our fundamental understanding of state spatial practice.

I   The Production of Territory through Land Reclamation

The concept of territory has long been viewed as something fixed and static. John Agnew has called this assumption 'the territorial trap' and identified three main factors in intellectual discourse responsible for a simplistic view of territory. (1) Positivist approaches to international relations have an inherent preference for abstract and 'closed systems'. The state is viewed as an 'ideal type' that is 'ahistorical and aspatial' and state territories 'have been reified as set or fixed units of sovereign space'. (2) The concept of state has been inflated with the concept of nation and functions primarily as a 'container of society'. (3) In the intellectual division of labour a sharp distinction developed between the domestic and the international, requiring a 'uniform conception of the state' (Agnew, 1994: 58-59).

To escape this reification of state territory, Stuart Elden proposes to conceptualise territory as 'a bundle of political technologies' (Elden, 2013: 322). From this perspective, states use different tools that enable them to treat space as state territory. Territory then becomes 'a political question in the broad sense', comprising 'economic, strategic, legal and technical' dimensions. Furthermore, since territory is a social construct, we must approach it in its 'historical, geographical and conceptual specificity' (Elden, 2010: 811). What are the different dimensions of territory, or in other words, the different political technologies in operation of territory? The first dimension is the 'political-economic' and closely tied to the notion of "land": 'Land is a relation of property, a finite resource that is distributed, allocated and owned, a political economic question. Land is a resource over which there is competition.' The political-economic is an important part of any analysis of territory, but it should not be overstated for it is only one social construct imposed upon territorial space. For example, before land can be 'distributed, allocated and owned' we must have some sort of spatial understanding where a specific piece of land actually is.

This leads us to the technical-strategic dimension of territory. Central to the technical are processes of measuring and calculating space, most importantly cartography. The development of cartography enabled the mapping of space through a calculative grasp of the material world. This is a precondition for modern bordering practices, as a border cannot be drawn without some form of cartographic understanding of the space in question

(Elden, 2013: 326). Furthermore, we must note the inherent violence in all acts of bordering. Spatial differentiation is a process of inclusion and exclusion, and the maintenance of territory presupposes a commitment to its defence (Lefebvre, 2005: 112, 280). Here we find the connection between the technical and the strategic. Developments in the calculative sciences have been instrumental in the creation of the modern military and the concept of 'terrain' (Elden, 2010: 809). From this perspective, space is approached as a 'field, a site of work or battle' and terrain - the materiality of territory – becomes a crucial cornerstone in strategic planning.

Processes in the technical-strategic realm of political technologies are accompanied by developments in a political-juridical dimension. It is here that the sovereignty-territory relationship is articulated to determine political rule over space. Milano accordingly defines territory as 'the spatial sphere within which a state's sovereignty is normally manifested' (Milano, 2006: 66-67). In a broader sense we can say that political-juridical techniques render the concept of space as a political category. This enables states to engage in a legal codification of space to internally and externally legitimise their territory. Ultimately, the state-claimed space becomes something that is 'owned, distributed, mapped, calculated, bordered and controlled' (Elden, 2010: 810). Territory thus functions as an 'extension of state power', utilizing tools such as law, economics, administration and statistics (Elden, 2013: 322, 327).

The strategic notion of 'terrain' entails a further dimension of territory – the geophysical-geopolitical. Terrain in this sense is the materiality of territory, the geophysical landscape that is its primary object (Elden, 2013: 208). 'Terrain is crucial because it combines materiality and strategy—the physical and human dimensions of geography, and the way they complicate political and legal questions' (Elden, 2013: 217). In other words, the geophysical and geopolitical meet through terrain. An interesting example of this process can be found in the realm of international law, where sometimes geophysical features are the explicit basis for jurisdictional and territorial claims. The materiality of space thereby conditions its territorialisation and has led for instance to the different legal regimes of land and sea (Elden, 2013: 204, 211). All these dimensions of territory are interrelated and often mutually constitutive. Furthermore, it must be noted that this brief list is not exhaustive. Since Territory must be approached in its specifity, the makeup of territory will vary over time and space. As a social construct, it is 'produced, mutable and fluid' (Elden, 2010: 811). The conceptualisation of territory as political technology thus serves to keep the concept open as it depends on historical and geographical contexts (Elden, 2013: 323).

The proposition that territory is such a set of political technologies can be better understood with the work on space by Henri Lefebvre. Lefebvre argued that space cannot be analysed in its material production and manifestation only. Instead, it is crucial to take account of our mental and social production of space. In other words, understandings and representations of space lead to continuous production and reproduction of space (Lefebvre, 2005). Lefebvre differentiates spaces for his analysis of space, two of which are particularly relevant for this discussion. The first space is the 'perceived space', the materially and empirically observable space. It thus includes the geophysical concept of terrain as introduced above, as well as the built environment. The second space is the 'conceived space' or 'social space' which dominates our thinking about space. This space is produced in our conceptualisations and verbal discourses, and these activities take place in and through our social environment (Lefebvre, 2005: 36-46).

Even though social space is an abstraction from the first space, it is nevertheless real in a practical sense. It is a concrete abstraction like money that has become so ingrained within our lives that it has assumed a status of seemingly unquestionable factual reality

(Lefebvre, 2005: 15, 86, 100). In consequence, the second space is not only produced by us, but produces back onto us: 'if space is a product, our knowledge of it must be expected to reproduce and expound the process of production' (Lefebvre, 2005: 36). Everything around us has therefore a certain "spatiality", which may be defined as the 'political dimensions of space, qua produced space' (Mendieta, 2006: 209). The crucial point here is that social space is not a given or fixed, but is produced and continually reproduced. In a similar vein, Elden thus claims that territory is 'a process not an outcome' (Elden, 2017: 206). Since social space is produced by our discourse over space, its production is dominated by elites of spatial practice such as planners, architects, and scientists. By extension, this conceptual world of representations of space is therefore under the strong influence or control of ideology and authority. According to Lefebvre, the main producer of social space is thus the state. The state creates 'an (artificial) edifice of hierarchically ordered institutions, of laws and conventions' and 'this social architecture, this political monumentality, is the state itself'. The state is 'born in and with space' (Lefebvre, 2009: 224). This is the constitutive relationship between space and the state. 'The national territory' is 'a production of space', per Lefebvre (Lefebvre, 2009: 224). And this production of space is a reproduction of the state itself.

Let us now return to the concept of territory as a set of political technologies. How do these technologies combine to produce the political space of territory, or in Lefebvre's words, social (state) space? Technical-strategic instruments enable the state to "understand" the space it claims for itself. Cartography creates mathematically and geometrical Euclidian space that enables the precise mapping and division of territory (Lefebvre, 2005: 1). As Jacques Revel states: 'knowledge of the territory is a production of the territory itself' (Revel, 1991: 134). Knowledge of space is an important precondition for any further social abstractions. Baudrillard similarly argues that 'territory no longer precedes the map […]. Henceforth, it is the map that precedes the territory' (Baudrillard, 1988). This observation emphasizes the continuous social reproduction of space: The map – an abstract representation of the physical first space is the basis for a further removed social representation of that space in the concept of territory. Territory becomes 'hyper-real', an abstraction of an abstraction, a social imagination based upon imagination. This process contributes to the conventional reification of state territory as something fixed, material and static.

We arrive then in the political-juridical dimension, which develops legal instruments to legitimise and stabilise this production. Territory is reproduced in the realm of law and transformed into a political category. Administrative tools then aim to maintain control of that territory. At the same time, political-economic considerations come into play to influence and circumscribe the social production of space. For example, capitalist ideology may determine how space is to be understood, distributed and used. The geopolitical-geophysical dimension seems to exist only as a reminder of the material/natural space from which the political state space – territory – is born. It continues to influence social abstractions of space, although on first sight only through the military-strategic focus on terrain to defend state territory. With the increasing state use of land reclamation, however, the geophysical-geopolitical dimension forces itself to the forefront of territorial questions. The geophysical has become increasingly dynamic through human interference and now provides states with a territorial technology to appropriate new spaces. To appreciate these new geomorphological capabilities, the next section will summarise the recent technological progress of land reclamation and its corresponding dredging technology.

Land reclamation is of course not a new practice. Coastal land reclamation has, for instance, a long history in Britain. The Romans are believed to have started the deliberate reclamation of the Fens, Romney Marsh and the Somerset Levels for farming (Goudie and Viles, 2016: 35). The construction of land from sea space is also well known in the context of the Netherlands. The use of land reclamation for islands is not an entirely new

phenomenon either. The roman historian Pliny the Elder wrote of the Friesian moulds in the North Sea, and of Leukas, a peninsula turned into an island by the Corinthians in the 7th century BC (Fischer, 2012: 36-37). Technological advancements since the 1990s, however, have fundamentally transformed the possibilities and uses of land reclamation. Of special importance to contemporary land reclamation is dredging, the process of removing material from water environments, especially sand. Historically, dredging technology served mostly the creation and maintenance of waterways and channels, but contemporary dredging operations focus on the mining of material for land reclamation. The primary material needed is sand. However, not any sand is suitable to reclamation works. Desert sand, for example, is too fine and round to bind effectively. Instead, marine and river sands are primarily the material needed today (United Nations Environment Programme, 2014: 3).

Marine dredging technology has seen remarkable improvements in the past decades. The main machinery in use are dredging ships, most importantly Trailing Suction Hopper Dredgers (TSHD) and Cutter Suction Dredgers (CSD). TSHDs are mobile and suck up large quantities of loose and soft soils (mainly sand, gravel, silt, clay) from the marine bed and either store the material within for transport or directly discharge it via pipelines or cannons to a nearby reclamation site. In the 1990s, THSDs reached a crucial tipping point in economic feasibility. Enlarged hopper (storage) capacities drastically decreased the cost to transport mined material to its target destination (Dolmans, 2007: 1-3). At the beginning of the 1990s, the largest TSHD could store around 12.000m³ of material within its hull. 1994 then saw the completion of a new dredging vessel with a 40% increase in hopper capacity to 17.000m³. In 2000, capacity reached 24.000m³, and by 2009, the largest TSHDs could boast a hopper capacity of 46.000m³ (Kolman, 2015: 63-64). Recent years then saw increased industry interest in Cutter Suction Dredgers. CSD vessels must operate stationary but are equipped with a rotating cutter head for cutting and fragmenting harder soils. CSDs have no storage capabilities and instead discharge the material directly via pipelines to a nearby project site or onto split hopper barges for further transport. Since 2005, these CSDs 'have become larger and heavier' and 'the areas of automation and instrumentation showed enormous advances, making dredgers much more suitable for the rough conditions on soil types while minimising over-depths – unpaid cubic metres – considerably' (Verhoefen, 2018: 5). These developments make today's large land reclamation projects possible and growing international interest continues to drive further investment. 2019 will see the completion of "Spartacus", the largest CSD to date with length of 165m and an engine power of 44.180kW (Dredging Today, 2017). Spartacus will increase the industry limit of mining depth for CSDs from 35m to 45m, while requiring only one person for its dredging operation (DEME Group).

To get an idea of the amount of material that can be moved by CSDs, consider the Chinese state-owned vessel "Tianjing" or "Sky Whale", currently the third largest CSD in operation. It has been estimated that Tianjing dredged and discharged 10 million cubic meters of material for Chinese reclamation projects in the Spratlys in only 193 days. This is the equivalent of three times the concrete volume of the Hoover Dam (Dolven et al, 2015: 17). Developments in dredging technology thus had and have an immense impact on land reclamation practice. An estimated 8 million square meters of land have been reclaimed for artificial islands and island expansion in 2006-2016, and this sudden surge has been credited to 'the availability of powerful means to dredge, drain, and dump sediments' (Goudie and Viles, 2016). The technology has thereby become a major tool for Chinese policy in the disputed South China Sea. As one commentator noted, 'in this reclamation contest involving national will and capacity […] the advanced technology and superior products of the industrial departments will undoubtedly be crucial' (Dolven et al, 2015: 18).

If technologies produce the political space that is territory, technological changes will

accordingly be reflected in our social production of space in general, and of territory in particular. Take for instance Carl Schmitt's retelling of the introduction of submarine warfare. The submarine challenged the dominant understanding of maritime space by operating in the depths of the sea. The submarine dimension of sea space was suddenly an issue of military concern, creating a new "theatre of war" and transforming military state practice. Political-juridical reproductions quickly followed. The United Kingdom initially tried to use its global authority as the traditional maritime power to internationally outlaw submarine warfare (Schmitt, 2004: 50). As we know now, this attempted reproduction of marine space was ultimately unsuccessful. The emergence of the submarine thus represents a successful technological challenge to the dominant social space of the sea and transformed its continued existence. Today, we can see a similar process by means of land reclamation and the underlying dredging technology. As Schmitt notes, 'technical-industrial progress will create only a new intensity of appropriations, distributions, and productions' of space (Schmitt, 2004: 57).

The crucial change taking place is the revolutionary ability of states to materially create territory on a scale that becomes significant for international relations and challenges the dominant social production of maritime space in international law. As we shall see, the international community is still struggling to reconcile these developments with its existing legal understanding of territory. Land reclamation technology is now able to transform those physical features that matter in the fixed territorial understanding of international law. The social space of reclaimed land is therefore uncertain and contested. The next sections will discuss two case studies to understand and analyse this development. The first case study will look at the coastal reclamation practice of Singapore, where land reclamation is driven primarily by political-economic considerations of territory that nevertheless start to have profound effects on the state's international relations. The second case study will move on to Chinese reclamation activities in the South China Sea. China's actions are in comparison to Singapore's not only driven by economic considerations, but strategic-territorial ones. Land reclamation is used to appropriate and produce state territory. These case studies will attempt to create a better understanding of how states use, perceive and judge land reclamation and explicate its relationship to territory in reference to the international legal framework of UNCLOS.

II   Land Reclamation in Singapore

The New York Times Magazine recently characterised land as 'Singapore's most cherished resource and its dearest ambition' (Subramanian, 2017). The never-ending need for space for the small island state has led to an unprecedented growth of the state through land reclamation. In the 1960s, Singapore's land mass comprised about 580km². By 2007, its physical territory grew to 700km², and by 2007 to 720km² [see also Figure 1] (Jun Sen, 2018). This rapid expansion is set to continue and expected to achieve an area of 780km² by 2030 (Subramanian, 2017). The demand of resources for this project is immense. In 2012, it was estimated that Singapore's reclamation works required 1.27 billion cubic metres of material to achieve its size (Hassler, 2014: 18).

On the one hand, Singapore needs space to accommodate its growing population. The Ministry of National Development declared in 2013 that an additional 5,600 hectares of space is needed to support the population by 2030 (Jamieson, 2017: 398). On the other, Singapore needs space to continue its strong economic growth. The city-state's GDP rose

from $192bn in 2008, to $236bn in 2010, and $324bn in 2017 (Trading Economics, 2018). The economic value added to Singapore through land reclamation is hard to account for, but the profit of reclaimed land appears to be considerable. For example, it has been estimated that coastal reclamation works in China achieved a profit of 10 to 100 times of the original investment, and the 1000 acres STP2 reclamation project on Penang Island in Malaysia is expected to add $4.4bn in economic value upon its completion in 2033 (Shepard, 2018). In Singapore, most high value economic areas are now located on reclaimed land. In 2012, it was estimated that the manufacturing and petrochemical industries around Jurong accounted for 27% of Singapore's GDP. The Port of Singapore adds another 7% and is expected to double that contribution with the completion of its port extensions on Tuas. In the entertainment district of Marina Bay, the Sands Casino and World Sentosa Resort alone are responsible for another 1.5-2% (Topalovic, 2014: 55). Property development through land reclamation has thus become a significant investment opportunity. In 2012, the overall cost of reclaimed land averaged at about $500 per square metre, including measures for shore protection, soil improvements and site preparation. In comparison, the average price per square metre in Singapore in a high demand area (such as waterfront properties) can reach today $13.000 (Kolman, 2012). Land reclamation has thus become 'the central paradigm of Singapore's urban development today' (Hassler and Topalovic, 2014: 11).

FIGURE 1
Information sourced from: Google Maps 2018, MR-Architecture/Charmaine, Chua. "Sunny Island Set in the Sea: Singapore's Land Reclamation as a Colonial Project" The Funambulist, (17) 2018, pp. 20-25

The physical expansion of the island has been subsumed under Singapore's guiding principle of pragmatism, a legacy of Lee Kuan Yew who transformed the state from an insignificant island to a major economic power (Jamieson, 2017: 398). This economic transformation has provided the city-state with an immense capability to pursue its physical

transformation. Singapore's two sovereign wealth funds are estimated to control just under a trillion US dollars, and 90% of all property is state-owned (Subramanian, 2017). The 1966 Land Acquisition Act provided the state with the legal means to easily deal with any privately-owned property that may stand in the way of further expansion by allowing the compulsory sale of land without additional compensation for seafront property (Jamieson, 2017: 406). We can see here developments in the juridical dimension to respond to a changing material technology. Singapore used its law to enable and legitimize a maximisation of reclamation capabilities for its territorial growth. To ensure the smooth progress of land reclamation, Singapore furthermore established two strategic sand reserves in Bednak and Pungol Timor Island, again emphasizing the importance of sand for the state.

Even though Singapore's objectives for its territorial expansion are primarily economic, the scale of its activities have led to geopolitical consequences. The islands expanding borders are increasingly seen as a territorial threat by neighbouring countries. To explain this threat, we must first look at Singapore's reclamation works from a perspective of the United Nations Convention on the Law of the Sea (UNCLOS). The United Nations Convention on the Law of the Sea was established in 1982 and is the resulting treaty of the Third International Conference on the Law of the Sea 1973-1982 (UNCLOS III). UNCLOS primarily determines international conduct on the seas and the maritime zones of littoral states. From the theoretical perspective laid out in part I, we can characterise UNCLOS as social production of maritime space by means of international law. It thus provides an important juridical framework for territorial state practice. As will be shown, land reclamation has led to complications and problems in the application of UNCLOS, not least because the idea of "land reclamation" does not appear in the sizeable treaty at all. Significant interpretative work is thus needed to apply UNCLOS to modern reclamation works, and this interpretative work is unsurprisingly contested. To understand the effects of Singapore's physical expansion on its international relations, we must begin by considering the role of "territorial baselines".

Baselines are usually the low water line of a state's coast and determine the extent of maritime zones in which littoral states can claim certain sovereign rights over their surrounding waters. The first zone is the territorial sea, extending up to 12 nautical miles from the state's baseline (UNCLOS, Article 2(3)). Article 2(2) of UNCLOS grants a state sovereign control over water, seabed, subsoil and airspace in the territorial sea. Sovereignty is here 'absolute and uncontested, just like the sovereignty on land' (Ghasemi et al, 2018: 132). The territorial sea is followed by the contiguous zone which extends up to 24 nautical miles from a state's baseline. This contiguous zone restricts a state's authority to customs, fiscal and sanitary laws and regulations (UNCLOS, Article 33(1-2)). Finally, states can claim an exclusive economic zone (EEZ) with sovereign rights over exploring, exploiting, managing and conserving natural resources (living and non-living) of the waters, seabed and subsoil (UNCLOS, Article 56(2)). The EEZ can stretch up to 200 nautical miles from the baseline, but can be extended via continental shelf provisions (UNCLOS, Article 57). The continental shelf is the natural prolongation of a state's land territory to the outer edge of the continental margin, limited to a distance of 350 nautical miles from the territorial sea baseline (UNCLOS, Article 76). The EEZ and continental shelf provisions of UNCLOS thus exemplify a political-economic approach to territory that emphasizes the allocation, distribution and control of resources in space.

Given the great access to maritime resources granted by these maritime zones, the determination of baselines is crucial to state interests. Actions that move the legal coastline seaward aim 'to increase the total area of water over which the coastal state possesses the most comprehensive authority and to decrease the total area within which coastal and non-coastal states share authority and use' (McDougal et al, 1987: 316). It has thus been

argued, that 'spatially excessive maritime claims begin with the baseline' (Lathrop, 2015: 72). Singapore's massive land reclamation efforts are therefore of great interest to our understanding of the relationship between land reclamation and territory. Prima facie, it would seem that the continuous growth of the Singaporean island does not just swallow up its own maritime territory but functions as a true expansion of territory. Although existing state practice on this issue is limited, Carleton contends that 'state practice would indicate that provided the reclaimed land does not detrimentally affect the neighbouring foreign coast, it is accepted as a State's coastline' (Carleton, 2011: 53). For example, the land reclamation for the Hook of Holland moved the Netherlands' territorial baseline 5.5 nautical miles outward with no objection from the international community. Singapore claims only three nautical miles of territorial sea at this time, and it is difficult to establish whether it uses its reclaimed baselines for that purpose. It is assumed that they do (Carleton, 2011: 52-53).

However, we must distinguish the unilateral determination of maritime zonal limits from the bilateral process of delimiting the maritime boundaries of adjacent or opposite littoral states. Unless a bilateral agreement exists, international law presumes an equidistance line, the median line between opposing territorial baselines (UNCLOS, Article 74(1)). If such a boundary is contested and not bilaterally delimitated, as is the case between Singapore and Indonesia, reclaimed land might not be accepted as a legitimate basis for an international boundary. Singapore may therefore 'lawfully measure the breadth of its zones from the low-water line of reclaimed land, but Indonesia need not (and did not) accept that version of Singapore's baseline for the purpose of delimitation' (Lathrop, 2015: 72). Nevertheless, it is possible that reclaimed land could legally affect processes of boundary delimitation, as other factors than equidistance may be judged relevant. At this time, no authoritative legal precedent exists (Carleton, 2011: 61, 64). The delimitation case between Singapore and Malaysia in 2003 could have potentially provided such a precedent but was settled out of court. 'Thus, no ruling was made regarding the effect Singapore's land reclamation works may have had on the pending delimitation.' (Carleton, 2011: 55).

The possibility that Singapore's land reclamation might affect international boundaries has caused anxiety for its neighbour Indonesia. Indonesia's former intelligence chief, General Abdullah Mahmud Hendropriyono stated in 2010 that the issue 'could theoretically lead to a cartographic zero-sum game in which Singapore's gain could be at Indonesia's territorial loss' (Parry, 2010). Singapore has repeatedly maintained that this will not be the case (Ministry of Foreign Affairs Singapore, 2007), but observers note that land reclamation could be the only 'major issue' in future delimitation negotiations between the two countries (Beckman and Schofield, 2009: 21). In response to these concerns and various environmental problems associated with dredging, Indonesia declared a ban on sea sand exports to Singapore in 2003. This was a significant threat for Singaporean plans to further expand the island, and the Singaporean government reacted by releasing its national sand reserve to the market, as well as bearing 75% of the price increase of sand for public projects (History SG, 2007). A response that emphasizes the importance of land reclamation for the city-state.

The tensions between Singapore and Indonesia because of a potential 'cartographic zero-sum game' in maritime boundary delimitation finds another expression in a much more material way. Before the Indonesian export ban in 2003, an estimated 250.000 – 300.000 tons of sand a month were mined for Singaporean land reclamation projects from the Indonesian Riau Islands. This led to significant erosion processes due to the mining of sand directly from the coast, or indirectly through near-shore dredging (United Nations Environment Programme, 2014: 5). As a result, multiple islands disappeared. The Indonesian Minister of Maritime Affairs and Fisheries accordingly cautioned that this disappearance of islands could also affect the international boundary to Singapore's

advantage (Guerin, 2003). Singapore's reclamation efforts could move the international median line in its favour by causing the retreat of Indonesia's territorial baselines due to a material loss of material territory. The term 'reclaimed land' is thus very misleading. The Oxford Dictionary defines 'reclaimed' in this context as a process of making 'wasteland or land formerly under water […] suitable for cultivation' (Oxford Online Dictionary). The material used for land reclamation is thus judged to be some form of waste, or material with no direct ownership that has no other use. But the vanishing Riau Islands reveal that this is far from the truth. The land is not created from "nothing", the material is transferred from somewhere else. Singapore, however, rejects all evidence that marine dredging can lead to significant erosion of nearby land. Minister of Foreign Affairs George Yeo maintained that 'it is not at all clear how the mining of sea sand in the seas off the outer islands of Indonesia could have an impact on the maritime boundary between our two countries' (Ministry of Foreign Affairs Singapore, 2007). Apart from erosion, other notable, negative environmental effects have been attributed to sand mining. Some Cambodian communities in mining areas reported a 50% decrease in local fish stock and a complete disappearance of swimming crabs, devastating the local economies (Global Witness, 2010: 20).

These negative impacts of Singapore's land reclamation for the territories of neighbouring states led to multiple export bans. Malaysia declared a ban as early as 1997, followed by Indonesia's ban in 2007, a Vietnamese ban in 2008 and a ban in Cambodia in 2017 (Global Witness, 2010: 28; BBC News 2017). The multiple export bans, however, did not solve the problem. Sand usable for construction is today extracted quicker than regeneration is possible (United Nations Environment Programme, 2014: 1). Global demand for sand has thus created a thriving industry of illegal mining. For Instance, in 2008 the so called "Coral Spring Heist" took place in Trelawny, Jamaica, when 400 metres of beach disappeared over night (Carrol, 2008). In India, the illegal sand mining industry is estimated to be worth around $192 million a year. This "sand mafia" is 'one of the most prominent, violent, and impenetrable organized crime groups in India' with strong links to official mining companies, police, government, and local communities (Rege, 2016: 101, 108). Indonesia too, is affected. After the ban, at least 24 small islands disappeared between 2005 and 2010 due to illegal mining and corresponding erosion. This illegal activity has been linked to construction in Singapore (Parry, 2010).

Of particular interest for our purpose are illegal mining operations in Cambodia because of alleged involvement or wilful ignorance on the part of the Singaporean government. In 2015, Cambodia officially exported 11.000 tons of sand to Singapore, but Singapore noted for the same year an import of 10.967.644 tons of sand from Cambodia. Similar discrepancies were reported in previous years (Parry, 2010). Singapore imports the vast majority of all sand in the region and has thus come under suspicion of being responsible for vast quantities of illegally traded sand (Paviour, 2017). After the first Cambodian export ban to Singapore was introduced in 2009, dredging activities actually increased, even inside environmentally protected areas. A pervasive culture of corruption developed in the local dredging industry and multiple allegations of "informal payments" to Cambodian authorities have been made.

Companies investigated for corruption by the non-governmental organisation Global Witness revealed links to Singapore's government (Global Witness, 2010: 7). These links included subcontracts and partnerships with Singaporean Companies affiliated with the government's Building and Construction authority (BCA). Global Witness retrieved export licences with stamps and signatures of representatives from the Singaporean embassy in Cambodia (Global Witness, 2010: 8-14). Singapore denies all allegations of its involvement in illegal sand trade. Nevertheless, Global Witness argued that 'the fact that the government stated that it is not party to any agreement for the import of sand, and in the next sentence says that JTC engages sand suppliers, suggests the government considers statutory boards

to be separate entities from the government. However, given that JTC, BCA and the Housing and Development Board are within the purview of specific government Ministries, Global Witness believes the government should bear ultimate responsibility for their activities.' Singapore's denial thus seems unconvincing, especially considering its strong motive to establish cheaper sand supplies for its enormous reclamation projects. The import price per ton in Singapore changed from $3 in 1991 to a staggering $190 by 2005 (United Nations Environment Programme, 2014: 8). At the very least, Singapore seems to be consciously allowing the development of corruptive cultures in neighbouring countries to satisfy its need for reclamation material. Its physical growth thus resembles aspects of territorial expansionism where space is taken as a zero-sum game. Singapore's gain is its neighbours' loss.

In sum, Singapore's land reclamation efforts may be driven by considerations that prioritise the political-economic dimension of territory, but international legal and geophysical effects cannot be denied. The government of Singapore has elevated reclamation technology to one of its most important instruments of territorial strategy and maximised this capability by adjusting domestic law. The inability of UNCLOS to effectively grapple with land reclamation has led to widespread legal uncertainty and increased regional tensions. Even though Singapore maintains that its expanding baselines will not affect any boundary agreements, the present legal uncertainty and changing geopolitical contexts do not guarantee this policy for the future. Indonesia and Singapore recently agreed on a further delimitation of their maritime boundary for a stretch of 9.5km, only the third agreement in a period of over 40 years. The issue is thus far from being resolved.

The next section will turn to Chinese reclamation activities in the South China Sea. The regional dispute is an interesting case because China is arguably the first state to utilize reclamation works as a central tool of foreign policy.

III   Chinese Land Reclamation in the South China Sea

The South China Sea is the arena for one of the most complex territorial disputes of our time. Five states – China, Vietnam, Philippines, Taiwan & Malaysia – occupy nearly 70 different reefs and islets and have constructed more than 90 outposts on these contested features. A great number of these features have been expanded in recent years via land reclamation. Although most states involved in the dispute have engaged in such reclamation works on their occupied features, China's recent activities stand out as particularly aggressive (Dolven et al, 2015: 4). Two main objectives appear to motivate this development. First, it has been speculated that significant gas and oil resources lie under the region's sea beds (Daiss, 2016). Successful sovereignty claims over the disputed features could thus translate into exclusive economic rights to exploit these natural resources. Second, China seems to engage in a challenge to US maritime dominance in the region. The strategy appears to reflect the US Monroe Doctrine in that China considers the region as its "backyard" that is not to be interfered with by other powers. China attempts to legitimize this claim with the so-called Nine-Dash-Line, sometimes also taking the form of a Ten-Dash-Line. This U-shaped cartographic line is taken to represent China's historical claim to exclusive authority over most of the South China Sea. The claim has a long history and finds official expression in state maps and textbooks since the 1940s. Here again, we can see how cartography is employed by states as a political territorial technology. An internal projection and promotion of territorial claims is just as important as its external projection. The cartographic inclusion of the Nine-Dash-Line creates and maintains a public will to employ resources for its realisation. Shan Zhigjang, the executive editor of the Chinese National Geographic, summarized this process as highly effective: 'the nine-dashed line [...] is now deeply engraved in the hearts and

minds of the Chinese people' (Wang, 2014). In 2012, China then elevated this foreign policy concern to a 'core national interest, placing it alongside such sensitive issues as Taiwan and Tibet'. In practice, China thereby declared that it is prepared to defend this claim by use of military power (Wingfield-Hayes, 2014).

The next part will have a closer look at the role of land reclamation for China's territorial foreign policy in the disputed region with a focus on international law. Different interpretations of provisions in UNCLOS have led to a conflict in the social production of maritime space. An important question regarding Chinese sovereignty claims in the South China Sea is whether the land features in question are capable of supporting any claims to sovereignty at all. This is particularly difficult to establish for Chinese land reclamation works that are based on reefs. States can only claim sovereignty over land features that qualify as natural high-tide elevations. Low-tide elevations, land that is completely submerged at high tide, cannot provide a basis for sovereignty under UNCLOS (Dolven et al, 2015: 4). Any islands that are based on low-tide elevations would have to be classed as artificial islands, the same category of drilling platforms. These artificial islands are irrelevant to any territorial claims under international law (UNCLOS, Article 60(7)). However, the South China Sea has one of the most complex tidal regimes in the world, and thus complicates any attempt to discern between low and high-tide elevations (Schofield, 2014: 26). This is particularly difficult to establish retrospectively because significant reclamation efforts have obscured the underlying natural features.

Should the original land feature qualify as a high-tide elevation, a distinction must be drawn between islands and rocks. Article 121(1) states that 'an island is a naturally formed area of land, surrounded by water, which is above water at high tide' and (2) these islands can generate maritime zones. Article 121(3) then draws a distinction between islands and rocks: 'Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf'. Much of the controversy over reclamation activities in the South China Sea is based in this differentiation because it has been calculated that if a small 'island deemed capable of generating EEZ and continental shelf claims had no maritime neighbours within 400 nautical miles, it could generate 125,664 square nautical miles (431,014 km2) of territorial sea, EEZ, and continental shelf rights. In contrast, if a feature were deemed a mere 'rock' incapable of generating EEZ and continental shelf rights, only a territorial sea of 452 square nautical miles (1,550 km2) could be claimed.' (Prescott and Schofield, 2005: 248-249). A crucial question thus arises, namely whether land reclamation efforts can legitimately 'upgrade' a rock to an island. This consideration, however, is notably absent in UNCLOS and was 'commonly considered to be of little practical importance' (Kwiatowska and Soons, 1990: 170-171). In response, McDougal and Burke introduced the idea of a 'practical purpose' limitation to legal discourse (Kwiatowska and Soons, 1990: 173). This provision was meant to prevent actions of 'upgrading' for geopolitical intentions and has subsequently found some support from legal commentators. Tsaltas et al. state that 'upgrading the status of a rock and preventing its diminution follow a totally different mindset. While prevention is considered to be permissible, as it is an action that does not intend to expand land and maritime sovereignty, upgrading is an act that is being condemned as abusive and expansionist.' (Tsaltas et al., 2010: 14). However, they also note the practical problems of determining if the land reclamation in question is expansionist: 'In most cases, it is really hard to distinguish which of the two practices takes place, as well as to find liable (sic) scientific data in order to support one or the other position' (Tsaltas et al., 2010: 14). Nevertheless, in China's case, there seems to be little doubt that the construction efforts in the South China Sea have clear geopolitical motives.

This observation has been key in the final award of the South China Sea arbitration. The South China Sea case before an UNCLOS tribunal was initiated by the Philippines in

2013 to determine among other issues the legality of China's Nine-Dash-Line claim and the legal status of several disputed land features in the South China Sea. The final award was handed down in 2016 and was considered by many a milestone decision that provided the first authoritative ruling on Article 121. The Tribunal judged none of the land features in question as natural islands capable of generating maritime zones. Instead, all features were deemed rocks with a maximum territorial sea of twelve nautical miles. It further rejected the Chinese claim of historic rights within the Nine-Dash-Line. The authority and influence of the ruling, however, is very much in question. Chinese land reclamation in the region has since slowed down, but not stopped (Asia Maritime Transparency Initiative, 2017). The legal proceedings were rejected by China from the outset as illegitimate and the state refused to take part in the Tribunal's hearings. Of particular contention are the Tribunal's jurisdiction over the dispute and its interpretation of Article 121(3) regarding the qualifications of islands.

A fundamental problem of Article 121 is the ambiguity of the phrases "human habitation" and "economic life". Beckman and Schofield explain, that 'many states were motivated by specific and conflicting national concerns, often related to the potential impact of small islands on the delimitation of maritime boundaries (Beckman and Schofield, 2009: 10). Complex treaties like UNCLOS thus often result in a 'disagreement reduced to writing' (Allott, 1999: 53). Kwiatkoska and Soons also note that Article 121(3) must be interpreted, and find a lot of variation of such interpretations in their review of legal commentary. For some authors, the existence of a light house or any other feature of navigation could qualify as an "economic life of its own" due to the added value for international shipping, while others argue that any economic life must be based on an island's own resources. Similar disagreement persists over the content of "human habitation", for example if an island may rely on external support to sustain a community (Kwiatowska and Soons, 1990). Kwiatowska and Soons conclude that 'the variety of conflicting approaches exemplified above seems to make it impossible to judge the value of acquiescence or protests by States with respect to the principle in question in any meaningful way' (Kwiatowska and Soons, 1990: 8; see also: Camprubi, 2016: 177).

These ambiguities are also reflected in the inconsistent jurisprudence regarding Article 121(3) prior to the final award in the South China Sea case. Multiple cases of maritime boundary delimitation before the International Court of Justice appear to treat land features as natural islands that would now seem to qualify as rocks only (Takanaka, 2017: 374-376). Inconsistencies are also evident in previous state practice. Even though the Tribunal went to great lengths to justify its jurisdiction over the case in an analysis of state practice, the same argument is conspicuously absent for its interpretation of Article 121(3). Countries such as France, Australia, Mexico, Japan, Venezuela have claimed EEZs for land features that seem to be rocks under the new ruling. It is very unlikely that these countries will now reconsider the legal status of their "islands". Apart from Great Britain and its claim to Rockall, no country has ever abandoned an EEZ claim due to Article 121(3) (Takanaka, 2017: 373).

Neither do the responses of the conflicting parties themselves lend confidence to the UNCLOS Tribunal's authority. China rejected any ruling from the very beginning of legal proceedings and has consistently maintained this stance. The Philippines, on the other hand, initially hailed the award as a milestone decision. With the election of president Duerte, however, the ruling was quickly relativized in its importance and described as 'a piece of paper' that would 'take the back seat' in bilateral negotiations (Kang Lim, 2016). These bilateral negotiations seem to refer to an existing bilateral agreement to solve the issue in negotiations, thereby somewhat confirming China's objection that the court had no jurisdiction because said agreement exists (Perlez, 2016). In particular, China claims its DOC

with ASEAN states qualifies as an opt-out situation under UNCLOS. Article 281(1) states that where parties 'have agreed to seek settlement of the dispute by a peaceful means of their own choice, the [Part XV(2) arbitration] procedures … apply only where no settlement has been reached by recourse to such means and the agreement between the parties does not exclude any further procedure.'

Many legal commentators reject the applicability of the opt-out clause in China's case. However, the issue is not as clear cut as often presented. Once again, the complicated drafting history of UNCLOS enables different interpretations of Article 281. Guilfoyle discerns two different views of the opt-out clause: the 'sovereigntist approach' and 'communitarian approach'. The former claims that the controversial drafting process of UNCLOS led states to shy away from implementing an expansive and effective dispute settlement system. This approach thus 'supports a presumption either against compulsory dispute settlement, or at least in favour of interpreting such clauses narrowly' and has been the dominant understanding in English Literature prior to the South China Sea case (Guilfoyle, 2018: 53-54, 55). This interpretation can also draw support from previous case law. A review by Rayfuse found that courts tended to maximise states' ability to opt-out: 'Even accepting that UNCLOS compulsory dispute settlement regime was never intended to be comprehensive, it has proved to be even more circumscribed in scope than perhaps even its detractors imagined' (Rayfuse, 2005: 710). Previous legal rulings that employ the opt-out provision (e.g. "Southern Bluefin Tuna") now appear to have been decided wrongly when compared with the South China Sea case (Guilfoyle, 2005: 57-59).

In contrast to the sovereigntist reading of UNCLOS, one could also adopt a 'communitarian approach' in which UNCLOS is viewed as a 'package deal' that understands dispute settlement mechanisms as comprehensive and binding to uphold the integrity of the convention (Guilfoyle, 2018: 54). For example, Phan and Nguyen argue that to 'guard the hard-fought compromises against unilateral interpretations which threaten the integrity and stability of the Convention, a compulsory dispute settlement system was put in place' (Phan and Nguyen, 2018: 40). The apparent legal uncertainty regarding compliance with UNCLOS is further evident in the international community's response to the Tribunal's final award. Prior to the ruling, 31 countries opposed the Tribunal as illegitimate, 121 countries issued neutral statements or no statements at all, and 41 countries publicly supported the court's jurisdiction and, most importantly, future rulings as binding. Of those 41 countries, however, only 7 continued to publicly demand compliance with the decision. The other 33 countries positively acknowledged the ruling, but conspicuously dropped claims that the decisions are binding (Asia Maritime Transparency Initiative, 2016). There is therefore no "correct" interpretation regarding the ability of states to opt-out, any ruling on this matter is an interpretative and political decision. This is not uncommon in international law, were judgments and awards often function as an intervention regarding the history and purpose of a treaty to respond to new international contexts (Guilfoyle, 2018: 53). The Tribunal of the South China Sea case clearly favoured the communitarian approach. This tendency is also reflected in the ruling on Article 121(3), according to which the economic advantages of EEZs are meant to benefit the "deserving", namely 'stable pre-existing communities and especially those practising traditional lifestyles' and not major geopolitical powers on a quest for territory (Guilfoyle, 2018: 62). In sum, China's claim that the court had no jurisdiction due to the opt-out clause is not completely unfounded, and it is not surprising that China feels aggrieved. The final award is stricken with interpretational problems and it is therefore unclear if future tribunals will exhibit legal consistency.

It is also important to emphasize that a main objective of Chinese construction efforts in the South China Sea appears to be a challenge to the United States. However, the United States never ratified UNCLOS itself. From this narrower perspective of the dispute, the

ruling therefore appears to be irrelevant. Instead, it even seems to have aided China by moving Taiwan closer to Chinese foreign policy objectives. Taiwanese society and politics are outraged over the new status of Itu Aba, an island it occupies and is now classified as a rock (Lee, 2017). This decision has proved particularly controversial, since Itu Aba was widely acknowledged as a natural island and was never part of the list of features the Philippines requested to be determined (Dolven et al., 2015: 6).

Overall, China is extremely unlikely to retreat from the disputed islands following the significant investment made. The reclamation efforts for Fiery Reef alone have cost an estimated $11 billion (Reuters, 2018). Instead, China has reason to consolidate its position and continue a strategy of "creating facts". Going once more back to UNCLOS, an open temporal question in Article 121 would support such a strategy. Temporal requirements are crucial to interpretations of Article 121. According to the Tribunal, "human habitation" must refer to 'a stable community of people for whom the feature constitutes a home and on which they can remain'. The word "stable" implies the existence of a community for a certain period of time and aims to exclude the military personnel that currently dominates the population of islands in the South China Sea. The tribunal then emphasizes the importance of historical record: "if the historical record of a feature indicates that nothing resembling a stable human community ever developed there" then there can be no grounds for stable human habitation. Contemporary evidence of habitation is thus less significant to avoid credence to geopolitical manoeuvres; however, it is not excluded. Takanaka thus argues that these provisions 'serve to freeze the legal status of maritime features at a certain moment in the past'. However, 'the capacity of a maritime feature may change over time. As a result, there appears to be some scope to reconsider whether the static interpretation of Article 121(3) of the Convention is or will be always relevant' (Takanka, 2017: 279). The status of a land feature in the South China Sea could change in the future. Charney also notes, that 'changes in economic demand, technological innovations or new human activities' could eventually result in a rock fulfilling the criteria of human habitation and economic life. Thus, a possibility persists 'that the normative status of these features might change' (Charney, 1999: 867).

State actions that aim to 'upgrade' rocks into islands might therefore turn out successful in the long term. A potential candidate for such a future change is China's Sansha City on Yongxing island in the Paracels. The city was established by Chinese authorities in July 2012 and is part of the greater Hainan province. It claims to administer the Paracel islands, Spratley islands and Zhongsha island (Hill, 2012). In 2014, its official population was 1443, although in 2016 an estimated three quarters of inhabitants were soldiers (Watt, 2014; Zhen, 2016). Nevertheless, China is stepping up its efforts to transform Sansha into a civilian city that could one day question its island's status as a rock. Facilities on the island now include a hospital, a school, a Branch of the Bank of China, a post office, various shops, hostels, food stations, a small department store, a library, a cinema, and two museums (Zhen, 2015; Reuters, 2017; Watt, 2014). Another crucial construction effort was the completion of a 1000-tons-a-day desalination plant that enabled the planting of hundreds of thousands of trees (Yiming and Xiaoli, 2016). Regarding UNCLOS, fresh water resources are crucial to enable a stable and independent human habitation. China additionally tries to increase the commercial value of Sansha City and thereby its economic life. Due to favourable tax regulations, 157 firms are now registered on the island and have paid more than $1.53 billion in tax so far (Seok, 2016). In addition, the city has seen significant efforts to realize its potential as a tourist destination. In 2017, 680 commercial flights travelled from the mainland to the island. A cruise route was opened in 2013 via which 70.000 tourists visited the island to date (Reuters, 2018). Chinese state media is now keen to sell Sansha city as a 'liveable city' or 'a proper home' to increase the civilian occupation of the island (Fan,

2017). The city is said to be a 'blueprint' for future Chinese development in the region, and the China Communications Construction Cooperation earmarked another $15 billion investment across various sectors in the region, including fishing, logistics, tourism and construction (Reuters 2018).

China thus appears determined to transform some of its occupied 'rocks' into a home for a normal civilian population. As time passes and these islands continue to grow in physical size, human population and economic importance, future Tribunals will be cautious to deny such land features the status of an island because of an absence of human habitation and economic life. Vietnam too seems to adopt this strategy to some extent, having established its own official city on Spratly Island and introduced tourist cruises to the region (Morris, 2015). The development of Sansha City signifies an important aspect in the social production of space. Even though China rejects the rulings of UNCLOS on article 121(3), its policy seems to be nevertheless guided by its provisions. The social space of international law produces back into state action. Chinese strategy responds to the legal conceptualisation of island space by pursuing a future satisfaction of its provision.

The ongoing Chinese investment in civil infrastructure in the disputed region can furthermore be read as an operation of territorial technology itself. Cartography enables territory by mapping what a state claims to control and infrastructure then provides access to realize that control. Michael Mann accordingly defined a growth of infrastructural power as a growth 'in the logistics of political control' (Mann, 1984). 'Rapidity of communication of messages and of transport of people and resources through improved roads, ships, telegraphy, etc' all serve to increase autonomous state power (Mann, 1984: 192). Infrastructural works have thus occupied a crucial role in the formation of modern states. For example, railway connections were central to the creation of the Canadian state because entry to the federation entailed demands for infrastructural integration (Cowen, 2018: 16).

A more obvious push for control of space than civil infrastructure is the development of military infrastructure in the region – the strategic dimension. From this perspective too, China's approach can be characterised as a strategy of "creating facts". Even if its occupied land features are only rocks and not islands, China can at least pursue its claims of sovereignty and continue to expand these features. As seen earlier in the case of Singapore, the absence of definitive jurisprudence and a review of existing state practice indicates that the physical expansion of a land mass is legitimate. China can therefore continue to grow its occupied reefs and use those features to establish military dominance in the region. This strategy links to a fundamental aspect in the evolution of the concept of territory. In the 14th century, Bartolus de Saxoferrato explained that 'territory is so called from terrifying […] So long as the army is there, terrifying and dictating that place, an offence here committed will properly be punished by the authorities of the city as if it had been committed in their own territory' (Elden, 2013: 222). In other words, authority over space can become de facto by means of military power. China has constructed a great number of airfields, docks, helipads, barracks and weapons systems. Military power has thereby been aggressively expanded and consolidated by China with the help of reclaimed land (see Appendix 2).

In sum, China employs land reclamation for explicit territorial purposes. Chinese land reclamation strategy in the context of its historical claims is thus a true expression of another dictionary meaning of 'reclaim': the process of 'reasserting a right'. The geomorphological capabilities of dredging have enabled the Chinese state to create the physical land space necessary for its aspired power projection. Its strategy to transform land features into proper islands has thus far been unsuccessful in the realm of international law. From a theoretical perspective, the conflicting interpretations of article 121(3) and the opt-out clause provide an interesting view on competing legal productions of political space. The ambiguity of UNCLOS has provided states with powerful means to try and reproduce legal space

according to their own objectives. China's refusal to take part in the legal proceedings is a powerful statement against these UNCLOS provisions. Furthermore, the temporal aspects of the Tribunal's interpretation of article 121(3) create the possibility that China's strategy will turn out successful in the future.

IV   The Spatiality of Reclaimed Land

I now want to return to the theoretical framework laid out at the beginning of this essay and consider the spatiality of reclaimed land. I have argued in Part I for a conceptualisation of territory as a set of political technologies. These political Technologies can be understood to represent the productions of social space for the different dimensions of territory. For example, cartography produces a technical and scientific notion of space, through which space becomes calculable, maple, and most crucially, divisible. Law produces a juridical conception of space that articulates and legitimises the spatial extent of sovereignty. Capitalist ideology adds an economic dimension to space by producing conceptions of value and thereby directing how we engage and use space. The geophysical is the material bedrock that all social productions ultimately rest on and relate to, as abstract as they may be. But the geophysical also continues to take an active role in the production of territory. It conditions all other approaches and thereby affects its use. This is particularly clear from a military-strategic point of view, where territory is reproduced as a potential field of battle. Natural features like mountains and rivers hereby acquire strategic value in the notion of terrain. But the idea of terrain also links back again to the technical production of space through cartography. The same is true for land reclamation technology, which relies on a calculable grasp of space. The different productions of space – or the different political technologies of territory – are thus complexly interrelated processes that combine in the modern concept of territory. Territory is not static, it is constantly being reproduced and its exact make-up and meaning is in constant flux.

What processes of productions of space and territory can we discern in the context of land reclamation? First of all, land reclamation technology has enabled states to physically grow in size by technical means. The expansion of the coast and the creation or upgrading of islands (or legal rocks) is a material, geophysical production of space. Land reclamation may thus be seen as a paradigmatic example of human activity in the Anthropocene. The Anthropocene is a new, controversial geological epoch 'on the grounds that human activities now dominate the Earth System' (Goudie and Viles, 2016: 1). Our technological capabilities have surpassed natural geomorphological processes such as wind and erosion in the global movement of natural material. The natural material needed for reclamation works, especially sand, however is not an unlimited resource. The role of erosion and illegal sand trade in Singapore's expansion efforts have shown that land reclamation projects can lead to a territorial zero-game. At this time, these effects may seem to be only a side-note to land reclamation. But as human earth-moving capabilities are ever increasing, and reclamation projects continue to grow in frequency and scale, so will geopolitical tensions rise.

Following Lefebvre, a material production of space leads to multiple processes of social reproduction. The spatiality of reclaimed land therefore entails a conceptual reproduction of the legal space in international law, and the very conceptualisation of 'land' and 'sea'. As we have seen, a great weakness of UNCLOS is the ambiguity of some its articles, especially Article 121. This ambiguity has its roots in the materiality of water which poses a fundamental problem to conventional state bordering practices. The sea is a special place due to its materiality. The makeup of the seas is constantly shifting due to earthly processes like winds and jet streams, and planetary forces, most of all gravity. Even though land too is

far from static and subject to tectonic processes, ocean dynamics operate much more rapidly. Water constantly transitions between its physical states of vapour, water and ice, resulting in a very high material mobility (Steinberg and Peters, 2015: 254). The volume of water and the corresponding space occupied by oceans is always on the move. The complex tidal regime of the South China Sea and the resulting difficulty of discerning high and low-tide elevations of land features are a point in case. The materiality of the sea therefore dictates different bordering practices than those on land because conventional markers of territory like fences and walls are unavailable or inefficient (Peters, 2014: 423). Sea space most clearly emphasizes the role of terrain in territorial questions for 'terrain' is also a spatial dimension of our planet that we'll never fully master, for it preceded human life and will outlive us (Gordillo and Elden, 2014). The geophysical landscape thus continues to provide the framework for territorial state practice. 'The chaotic movement and reformation of matter […] both enables and disrupts (or reterritorializes and deterritorialises) earthly striations', so Steinberg and Peters (Steinberg and Peters, 2015: 255). The modern state system premised itself in response on an 'elemental distinction' between land and sea, externalising the latter (Steinberg and Peters, 2015: 254; Elden, 2017: 204).

This externalisation finds its expression the long-standing legal dictum 'the land dominates the sea' (Schofield, 2014: 26). UNCLOS continues to operate within this framework by employing a territorialisation approach of the sea that Jeppe Strandsbjerg has termed 'cartopolitics'. Maritime territory is determined in reference to certain geomorphological conditions such as low and high-tide elevations, continental shelfs and land baselines: 'Translated into the geopolitics of border making this means that the political organisation of space is as much about defining a particular spatial reality as it is a question of enclosing, territorialising, controlling or otherwise partitioning space' and 'the distribution of sovereignty is, in the first place, determined by scientific measurement; i.e., cartography' (Strandsbjerg, 2012: 827). In other words, the technical dimension of territorial political technology is tasked with drawing boundaries based on "objective" geophysical characteristics of space. This cartopolitical approach is nothing fundamentally new and only a continuation of technical territorialisations of the sea. Even though the sea is a 'smooth [fluid and dynamic] space par excellence, [it] was the first to encounter the demands of increasingly strict striation'. From the very beginning of cartography 'maritime space was striated [territorialised] as a function of two astronomical and geographical gains: bearings, obtained by a set of calculations based on exact observation of the stars and the sun; and the map, which intertwines meridians and parallels, longitudes and latitudes, plotting regions known and unknown onto a grid' (Deleuze and Guattari, 1987: 479).

Land reclamation now challenges the cartopolitical production of maritime space by blurring the traditional differentiation of land and sea. Reclamation can serve the striation of the seas and only move the boundary between land and water like in Singapore. Yet land reclamation challenges our understanding of land itself. The physicality of land assumes some of the fluidity and dynamism of the sea. The striation of the sea through land reclamation renders land smoother. Of course, land has never been truly fixed and fully striated – the result of constant and geophysical processes and movements including the tectonic plates. An extreme example with territorial effects is the recent volcanic birth of 'Snoopy Island', which eventually merged with the Japanese island of Nishinoshima (McCurry, 2013). But land reclamation now adds such dynamism in land, a new speed and territorial significance achievable through human agency. Like the seas, reclaimed land now challenges traditional social productions of maritime territories and their juridical articulations. The legal dictum 'the land dominates the sea' assumes a new meaning and material expression. Traditional sovereignty is grounded in physical land and extended to

the seas, but land reclamation now questions this relationship because maritime space is no longer reliably fixed through cartopolitics. The coast is increasingly dynamic and legally uncertain, as it no longer marks the definitive end of land and territory. In other words, land reclamation disrupts the traditional interplay between the technical and political-juridical dimensions of territory. It is therefore no surprise that land reclamation is now seen as the only potential major issue in future boundary delimitation between Singapore and Indonesia, and that tensions in the South China Sea have intensified in recent years. Carl Schmitt already suspected that one day 'the antithesis of land and sea […] will be dissolved in the crucible of industrial-technical progress' (Schmitt, 2005: 49). The materiality of the sea continues to defy its territorialisation, but land reclamation has profoundly changed its relationship to land. The sea is no longer its antithesis because it harbours a realizable potential of more land.

The cartopolitical processes of defining a particular spatial reality through technical instruments are furthermore complicated through their coupling with socio-economic conditions such as "human habitation" and "economic life" in UNCLOS. The concept of "island" in international law has thereby taken on a very specific meaning that is considerably more restrictive than conventional understandings. The contested interpretations of Article 121 can thus be read as another conflict over the definition of a certain spatial reality. In Lefebvrean terms, China and the Philippines are both involved in a social reproduction of maritime space according to their respective geopolitical and territorial processes. China attempts to maximise its land reclamation capabilities for territorial purposes, whereas the less powerful Philippines tries to curtail these ambitions. Chinese strategy has thus been described as 'an audacious attempt to rewrite international law' (Dong, 2015). However, we must also take note of one of the key insights of Lefebvre, namely that the space produces back on us. China might challenge the weak, but nevertheless dominant social production of maritime space in UNCLOS. At the same time, however, Chinese reclamation actions appear to be tailored to one day fulfil the criteria set out by Article 121. These productive processes between UNCLOS and Chinese policy exhibit a similar structural relationship like that between the geophysical and international law in general. Just as China tries to escape the constraints of UNCLOS, so does international law try to break free from the constraints of the geophysical (for example the materiality of the sea). As a response to a respectively more dominant space, these attempts will necessarily be shaped by that dominant space. As long as international law does not explicitly address the issue of land reclamation, it will remain uncertain which place and status reclaimed land occupies in the juridical dimension of territory.

If Cities like Sansha continue their current development, interpretations of UNCLOS that reject their independent human habitation and economic life will at the least appear increasingly ill-suited and thereby lose some of their authoritative force in the legal production of island space. At the same time, we can also discern a more "traditional" territorial approach in China's strategy – the projection of military power. Territory is also political space terrified by state power. The extension and improvement of its regional military capabilities serve to deter other states from engaging in a serious challenge to territorial claims of already occupied features. Land reclamation thereby affects the military-strategic production of territory. The material production of land enables the control of maritime space for China. Maritime power projection is dependent on physical space for military bases and weapons systems. Land reclamation can now custom-build the space needed from a simple reef and military planners employ the technology to manipulate the geophysical terrain for their purpose. Corresponding investment in civil infrastructure and the procurement of domestic public support meanwhile, ensure effective access and political will to establish control. We

can therefore discern a unilateral production of territory. The occupied and expanded land features may not be internationally recognised as Chinese territory, but any visitor to these islands will be in no doubt that they are under Chinese authority and jurisdiction. Control over the disputed reefs and islet is de facto and reveals reclamation as a central tool in Chinese foreign policy.

These processes and facets in the production of space through land reclamation are furthermore shot through with political-economic relations. The space of this dissertation has not allowed me to develop this dimension appropriately, but a few comments are in order. Economic objectives drive Singapore's desire for more physical space, providing the potential for continued economic growth and links back to Singapore's economic self-understanding. The demand for sand, however has significant effects on trade in the region and is closely linked to rising corruption and illegal mining. While Singapore's economy thrives, corruption and environmental devastation destroy the local economies where sand is sourced. A deeper analysis of these relationships may thus reveal yet another zero-sum game – one of economic growth. Land reclamation has also been linked with worker migration to Singapore. Charmaine Chua has argued that the negative environmental effects of sand mining provides a cheap and exploitable migrant workforce for Singaporean reclamation projects (Chua, 2018). Political economic objectives also drive occupations of the South China Sea due to the potential of gas and oil resources. Meanwhile, much international trade relies on the freedom of the South China Sea and thus raises global anxiety over regional tensions, complicating an already difficult situation. Finally, land reclamation itself is shaped by economics, as its construction cost per square metre will determine its attraction and feasibility.

In sum, we can discern multiple productions of space through land reclamation. Physical space is produced in land reclamation. Littoral states can materially grow their territory by other means than war. The motivation for this process depends on the specific context of the actor in question. Land reclamation may be guided by political-economic considerations like in Singapore, or by geopolitical ambitions like in China. The conceptual representations of "land" and "sea" are in a process of reproduction because the traditional elemental distinction between these spaces is challenged by land reclamation technology. Land has acquired a new dynamism that cannot easily be squared with its traditional conceptualisation as fixed and static. At the same time, the reproduction of sea space continues. Whereas historically the sea was seen as an empty void, an obstacle to be overcome, contemporary conceptualisations of the sea focus more on its rich natural resources. The creation of EEZs is a legal reflection of this transformation. With the ascent of land reclamation, the sea acquires even more potential. Sea spaces can be turned into land for new economic projects and territorial ambitions. Meanwhile, land reclamation has led to a contested reproduction of maritime territories in international law. Discussing the territories of the fishing industry, Bear and Elden have asked: 'How far can these strict cartographic boundaries deal with the essential fluidity of seas and oceans? How far do the cartographic boundaries demarcate and control the actors and activities of interest?' (Bear and Eden, 2008: 488). It is now time to pose the same questions with reference to land reclamation: How far can UNCLOS deal with the material dynamism of reclaimed land? How far can it still effectively demarcate maritime space? The legal review of Singaporean and Chinese reclamation works has shown that the cartopolitics of UNCLOS struggles to respond to this changing geophysical environment. International law's conventional view of a constant materiality of territory proves to be increasingly inadequate.

Due to the complexity of productions of space and territory, this dissertation was only able to provide a snapshot of current developments. Singaporean and Chinese land reclamation

practices signal that states have discovered reclaimed land as a major instrument for their national objectives. In conclusion, the spatiality of reclaimed land has significant effects on the spatiality of International Relations theory. Much more work is needed to be done to fully appreciate and understand this transformation, and this dissertation hopes to provide fertile ground for further investigations.

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Endnotes

1   Young, Elizabeth. Pacem In Maribus: Vol. IV. June 28 - July 3 1970. Valetta: Royal University of Malta Press, 1971, pp. 74-75.

2   Not discussed here is Lefebvre's third space - the "lived" space. Lived space is our actuality in space and may be understood as our being in space-time. This third space blurs the boundaries between all types and groups of spaces. It is a passive experience of dominated space, but it is also subject to our imagination and appropriation and thereby provides a potential for liberation and emancipation from establishes structures of the social space. As far as I understand it, the lived space applies primarily to the individual human. However, a further analysis might provide an interesting argument that Chinese policy discussed later one exhibits such a rebellion of the lived space against a dominant social space. For lack of space, this idea is not further investigated. For the role of the lived space, see for example: Rogers, Tim. "Henri Lefebvre, Space and Folklore" Ethnologies, (1) 2002: 21-44.

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Reviews

Psychopolitics: Neoliberalism & New Technologies of Power
By Byung-Chul Han
Verso, 2017, pbk £9.99 (ISBN 9781784785772), pp. 96.

by James F. Kelly

The role of data analysis firms like Cambridge Analytica in the election of Donald Trump and Brexit has galvanised interest in how Big Data is radically transforming the way we live and work. Corporations have enlisted the tools of war - mass surveillance, data mining, and psychological steering - in an attempt to predict and manipulate human behaviour for profit and market domination. A new social contract is being written; one which takes aim at human freedom. Just ask Val Harian, Google's Chief Economist, who says that Google's AI should "know what you want and tell you before you ask the question."

Byung-Chul Han's Psychopolitics: Neoliberalism and New Technologies of Power constitutes a timely intervention into the crisis of freedom facilitated by neoliberalism's embrace of the data revolution. While everything from the waning influence of expert knowledge to the dissolution of trust in time-honoured political institutions has been assigned to the emergence of Big Data, its precise nature remains elusive to observers. Shoshana Zuboff's highly anticipated The Age of Surveillance Capitalism (2019) considers Big Data as a purely social object, while Srnicek's Platform Capitalism (2017) extracts data from its cultural forms and likens it to a raw material like oil. Perhaps Han's most immediate contribution to navigating the digital future unfolding before us is his abandonment of such a dichotomy and his ability to approach data as a totality. Rather than parsing the technical from the social, Han instead chooses to locate the rise of Big Data within the historical trajectory of neoliberalism.

Although Han relies heavily on the autonomist concept of immaterial labour to develop a theoretical framework for Big Data, his interrogation of the digital economy evokes the language of the Frankfurt school, and his diagnosis of society is likewise framed as a crisis of agency. For Han, what makes Big Data such an efficient instrument of domination is its ability to reduce the social world to measurable phenomena, rendering the human psyche predictable and amenable. 'It is possible', Han claims, 'that Big Data can even read desires we do not know we harbour' (63). Algorithmically analysed in real-time, the individual becomes a mere spectator in an endless cycle of affective stimulation and commodification. Yet, under this new mutation of capitalism, individuals experience their own subjugation as liberation.

This illusory freedom is brought about by the shift from an industrial to a post-industrial, immaterial mode of production, under which neoliberalism has learnt to exploit rather than oppress freedom. 'Confession obtained by force has been replaced by voluntary disclosure. Smartphones have been substituted for torture chambers ... Big Brother now wears a friendly face' (38-39). The old disciplinary society governed by sanctions and zones of enclosure (Foucault's schools, prisons, and hospitals) has been eclipsed by a digital control society, where the chains of our unfreedom are forged in comments, likes, and retweets: 'Neoliberalism is the capitalism of Like' (15).

According to Han, capitalist power has shed its negativity and traded violence and prohibition for seduction. Smart power 'works through pleasing and fulfilling. Instead of making people compliant, it seeks to make them dependent' (14). Tech companies certainly

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want you to feel free when using their software, argues Han, but the digital confession booths of platforms like Instagram and Twitter are designed to extract the innermost desires, opinions, and preferences of their users.

Controversially, Han suggests that the psychopolitical power of Big Data has nullified the contradiction of class struggle, arguing that Marx's 'distinction between proletariat and bourgeoisie no longer holds' (6), as under Big Data '[t]here is no working class being exploited by those who own the means of production' (5). The data mined to steer the subconscious, unarticulated needs of consumers via platforms is disclosed voluntarily, and therefore allo-exploitation has been eclipsed by auto-exploitation: 'people are now master and slave in one. Even class struggle has transformed into an inner struggle against oneself' (5). Han's ability to analyse the architecture of our new digital economy on its own terms is impressive, but if capitalism no longer has a ruling class who own the means of production, and if exploitation and domination have been internalized, it is unclear who is left to steer this new economic project. Following the global wave of resistance against tech platforms like Uber Eats and Deliveroo, it is difficult to locate the critical potential in abandoning the notion of class. If anything, such an estimation seems to bolster the egalitarian image Silicon Valley's leading lights wish to project of themselves. Moreover, while Han maintains that value production should be considered wholly immaterial, he never attempts to rest this against the materiality of the mediums through which data is captured and stored (the internet, after all, accounts for nearly 10 percent of global energy consumption).

According to Han, Big Data 'has taken the stage with the fervor of a second Enlightenment' (57), and it is from within the Enlightenment project itself that he uncovers the foundations of our contemporary crisis. In offering a mathematical formula for the general will, Han presents Rousseau as the prophet of digital totalitarianism, whose religious fervour for quantification and statistical analysis encouraged neoliberalism's experiment with Big Data. Han maintains that Rousseau's notion of democracy excludes discourse and communication, the exercise of which 'distorts statistical objectivity' (74) - only numbers should speak. For Han, Rousseau's estimation of a rational political community 'avoids approaching the question morally ... [T]he purpose of a political association is simply the protection and welfare of its members. The surest sign of success is the increase of population' (74).

Han renders Rousseau's contribution to the Enlightenment and critical theory unrecognisable. For Rousseau, the general will can never actually be determined mathematically, it only emerges once every individual is able to think as a citizen, that is, to think in terms of the other. The awareness of their expanded self-consciousness is only possible through the type of moral education he dedicates Emile (1979) to. Han's misreading is disappointing as he might have found an ally in Rousseau. After all, Rousseau likewise diagnosed a crisis of agency and maintained that liberal property-based social orders facilitate a mode of consciousness in which individuals become active participants in their own subjugation.

That said, perhaps Han's relegation of thinkers like Rousseau and Marx to the dustbin of critical theory is less a flight into straw man philosophy and more a symptom of his resignation about the status of reason in late modern societies. Specifically, his conviction that the current mutation of neoliberalism is hollowing out the human capacity for critique. For Han, Big Data's ability to produce 'knowledge for the sake of domination' (12) bends all that was once exogenous to capital toward the narrow horizon of the profit motive. Even Rousseau, a philosopher of freedom, will hold a place in the arsenal of our new digital despots.

Nonetheless, Han's concept of auto-exploitation raises important questions about neoliberalism's ability to colonise modes of self-expression and individuality. We live in

an age where market-based solutions to the climate catastrophe like zero waste lifestyles and ethical diets are readily on offer. It is in this context that Han invites his readers to adopt a stance of critical self-examination, one that may unearth the ways in which we as individuals reproduce the substance of capital.

James F. Kelly is an independent journalist currently living in Brighton. His interests include social movements, political economy, and the philosophy of technology. James received an MA in Social and Political Thought from the University of Sussex in 2016.

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Reviews

New Dark Age: Technology and the End of the Future
By James Bridle
Verso, 2019, pbk £16.99 (ISBN 9781786635488), pp. 304.

by Neal Harris

New Dark Age seeks to 'seed the cloud' (8), that is, to make visible the material realities and contradictions of digital technologies as computational logics play an ever greater yet ever more misunderstood role in social life. In this endeavour, Bridle is highly successful: the text is politically potent, informative, and engaging. It is compelling both through subtle argumentation and frequent narrative soiree. This is clearly not a standard academic text. While published by Verso, and of substantial academic merit, Bridle's book elides genres and eschews academic conventions. It is an easy and enjoyable read and Bridle's more relaxed style does not blunt the potency of his argumentation.

A central concern throughout Bridle's analysis is the underappreciated materiality of digital technology. Big data's big footprint is slowly exposed through Bridle's psychogeography (62). The case-study of Hillingdon hospital (110) serves to epitomise many of the text's core arguments. Unbeknown to the many passers-by, microwave transmitters owned by a company called Decyben SAS sits atop this former West London workhouse. While the Care Quality Commission (CQC) voiced concerns over hospital staff shortages, and over the safety of patients and healthcare workers due to the aging premises (110), Decyben SAS were granted permission to place a state-of-the-art microwave transmitter atop the building to facilitate swift communication of sensitive financial data from the London Stock Exchange (110-1). The precise nature of the agreement reached between Decyben SAS (themselves a front company for McKay) and Hillingdon Hospitals NHS Trust remains unknown (110). For Bridle, the transmitters sit as a parasitic digital ivy which facilitates the commercial activities of an avaricious elite, whose reckless greed precipitated the financial crash, which itself functioned as the pretext for Conservative politicians to cripple NHS services. Yet the microwave transmitters remain, clinging to the older public infrastructure, continuously pinging away their encrypted data. Bridle's text must, therefore, be credited for exposing a broader unacknowledged colonisation of once public social infrastructure by privately owned hardware. Having read Bridle, I too now notice the mobile phone masts 'grafted on to old church steeples' and the 'telephone exchanges constructed in Victorian post offices' (62). His psychogeography is truly potent in raising a material-digital consciousness.

Bridle draws out how the unacknowledged materiality of the digital revolution has dire environmental implications. In 2015, across the entire world, more electricity was used for data-processing centres than was used for all tasks combined in the United Kingdom (63). A Japanese study found that 'by 2030, the power requirements for digital services alone would outstrip the entire nation's current generation capacity' (63). Regrettably, this situation is set to get exponentially worse, for there is a clear pathological social dynamic at play: much of the electricity expended by these plants is allocated to cooling. With global warming the hotter it gets the more electricity must be expended to keep the plants cooler, yet the more electricity that is produced, the hotter it gets … ad infinitum. This is an almost ideal-typical social pathology. As Bridle comments, the environmental impact made by computational infrastructure is chronically underappreciated; it is easily comparable to that of the entire aviation industry (63). For Bridle, while state-based attempts at regulating online user-behaviour would be futile, there is a clear, yet unacknowledged, ethical injunction on the end-user to be mindful of their data consumption.

New Dark Age is not short on political engagement. For Bridle, 'a close reading of computer history reveals an ever-increasing opacity allied to a concentration of power, and the retreat of that power into ever more narrow domains of experience' (34). Sensitive to the rationalities of the neoliberal order, Bridle draws out how technology responds to the race for ever-faster processing, ever quicker transmission, and ever bigger data. Yet, as with neoliberal irrationality more broadly, the inherent contradictions of the system provide possibilities for rupture. The inductive irrationality of big data - give data analysts all possible information and causation will be imputed from correlation - inevitably leads to crisis. It is epistemologically unsound, and perhaps Bridle could have taken this point further. Yet, as he clearly articulates, such crises have already started occurring. On this point, he presents the fascinating and underexplored realities of 'flash crashes' (121-123). At 14:42 on May 10th, 2010, the Dow Jones Industrial Average lost 600 points in close to five minutes. By 15:07, it recovered almost entirely (121). As Bridle states, 'in the chaos of those twenty-five minutes, 2 billion shares, worth $56 billion, changed hands. Even more worryingly, and for reasons still not fully understood, many orders were executed at what the SEC [a government regulator] called "irrational prices": as low as a penny, or as high as $100,000' (121). Economics is the distribution of resources within a given society and the processes which maintain and create such divisions. During such flash crashes, the economic system is not merely anarchic, but, as-yet, inexplicable. The dominance of irrational computational logics and poorly understood digital technologies at the heart of financial markets present a tension. While, on one hand, they further arm the 'nebuleuse' with resources beyond the reach of the working class (Robert Cox's term seems particularly apposite in this context), the reliance on such technologies also brings forth potentialities for rupture which remain anarchic, misunderstood and unpredictable. Similar flash-crashes have occurred in Singapore (October 2013) and Switzerland (January 2015), and it is highly possibly other irregularities remain unexposed and underexplored.

Bridle is perhaps at his best when he engages with the human cost of the dominance of computational logics (113-115). It is an underappreciated irony that the horrific caricature of communism painted by hawkish conservatives, where one organisation would provide almost all services, staffed by 'unfree' workers forced to follow the diktats of an unchallengeable hierarchy, manifests tout court courtesy of Jeff Bezos' Amazon Empire. Bridle makes this submission beautifully, drawing out how Amazon's purchase of Quidisi in 2017 enables ever-greater automation of services, 'removing the human' in every process (114), providing beta-proofing before what might one day be called 'the great redundancy'. Where labour remains, for instance, in Rugeley, England, Bridle draws out how orange-uniformed Amazon workers must follow directions from a hand-held device that leads them to various sections of the store to collect parcels, books, and DVDs, etc. These devices track the worker's progress, ensuring they cover enough ground daily (114). But beyond surveillance, these devices are essential for basic navigation of the warehouse: 'it is otherwise impenetrable to humans' (114) because the building is organised according to computer designed 'chaotic storage'. This means that Douglas Adams' books are as likely to be stacked next to knitting needles or cuddly toys as they are to the works of Richard Adams (116). Workers must follow the commands of their hand-held devices and are 'docked' wages if they fail to keep up with the edicts of their mechanical masters. Toilet break five minutes overtime? Late arrival from a meal? Less take-home pay. To work in Rugeley means constant surveillance and unquestionable obedience to algorithmic intelligence which workers cannot understand nor question. They are 'intended to act like robots, impersonating machines while remaining,

for now, slightly cheaper than them' (116). Quidisi may soon change that. Alienated labour may be supplanted by structural redundancy.

For those of a Critical Theory bent, Bridle's comments on the impact of computational logics on consciousness may be of particular interest. Algorithmic logics necessitate a 'reification' of social consciousness, both of the present and of the past (142). It is essential for big data to reify the past, because, by definition, big data originates from things that have occurred, or, when oriented toward the future, big data engages with past predictions (even when that future is yet to occur). Thus, our consciousness of the present, in a society ruled by big data, will be dangerously reliant on past values and attitudes. Bridle quotes Paglen: "The past is a very racist place. And we only have data from the past to train Artificial Intelligence" (144). One must immediately expand Paglen's quote to incorporate 'classist', 'casteist', 'gendered', 'ableist', and 'anthropocentric'. As Bridle states, 'examples of encoded biases are easy to come by' (142), be it Nikon cameras failing to recognise non-Western eye shapes (142), or, alarmingly, Wu and Zhang's (2016) paper, which engages with the idea that AI could 'tell the difference between criminal and non-criminal faces' (140). From Facebook back to Phrenology in three easy steps. Adorno and Horkheimer's (1972: XVI) assertion that 'Myth is already Enlightenment, and Enlightenment reverts to mythology' thus seems ever-prescient.

Furthering the theme of the technological impact on consciousness, Bridle writes that increasingly 'reality itself takes on the appearance of a computer, and our modes of thought follow suit' (43). This is a very important assertion, for a Boolean, quantitative, game-theoretical, target-driven instrumental rationality has exploded with the arrival of computational societies. Even this review, which, following Bridle, is explicitly critical of neoliberal, instrumental rationality, will nonetheless be judged on the basis of its almost certainly negligible 'impact factor'. There are various submissions here. On the one hand, debate and discussion is limited and restricted by the increasing incursion of simplistic, Boolean logics into complex discursive interactions. While Facebook previously only allowed my political choices to be listed as 'conservative' or 'liberal', I remained a 'socialist', even when that identity was replaced by the natural binary of computational systems. The quality of the information one could determine was thus severely restricted. For instance, most London-residing socialists would probably struggle to determine which was a closer antonym to their political persuasion. As a result of such epistemic deficiencies, communication suffers. But there is a second point that remains somewhat latent within Bridle's analysis: the alliance between computational logics and instrumental, subsumptive rationality. By this, I mean the failure of computational logics to engage with the mimetic and erotic aspects of human existence. While Bridle powerfully asserts that 'reality … takes on the appearance of a computer', this secondary feature, the impoverishment of subjective experience and of affective, multi-dimensional, phenomenological realities, could perhaps have been further developed.

While this is an overwhelmingly positive review of Bridle's text, I will conclude by critiquing one central limitation of his work. Namely, his position that technology is not to be feared, and, that a future, more communal relationship between technology and humankind should be held up as an ideal. Or, put differently, for Bridle, human-machine cooperation is the best possible outcome. I, however, find this position, which is undeniably a central thematic of the text, unconvincing. Further, I am not convinced that Bridle himself agrees with it. My critique, a critique I imagine Bridle would be sympathetic to, is that the future relationship that exists between humankind and technology will be substantially

determined by the broader political-economic system. In neoliberal economies, technology will almost inevitably be used to further repress and surveil the structurally disadvantaged. The darker rationalities and contradictions of digital technologies will not be sublimated through an encounter with an open-hearted precariat. The possibilities for the relationship Bridle desires necessitates substantial political and socio-economic transition. Having read Bridle's text, I emerge more afraid, rather than less, of the powers of big-data. While I enjoyed Bridle's text and learned much from it, I remain less convinced that a democratic human-techno collective can be convened while the world remains ravaged by neoliberal rationalities.

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Reviews

Municipal Dreams: The Rise and Fall of Council Housing
By John Boughton
Verso, 2019, pbk £9.99 (ISBN: 978-1-78478-741-7), pp. 336.

by Freddie Meade

Municipal Dreams is a social history of council housing in the UK which ties together and extends years of musings and research from the author's blog of the same name into a chronologically organised overview of council housing from the late 19th century to the present. The book is a celebration - or rather, a defence - of council housing's historic legacy, and makes the case for meaningful state and local state re-engagement in a neoliberal housing market wrought by inequality, exploitation, and marginalisation.

The book begins by charting the public health concerns - often coupled with moral and political fears of irreligion, 'degeneracy' and political radicalism - that arose in response to a surging and impoverished industrial urban proletariat. It traces the gradual emergence of a 'pragmatic collectivism' throughout the late Victorian era, as the local state and philanthropic organisations slowly moved towards providing small-scale but significant programmes of working-class housing (17). Council housing's origins are thus located by the author in idealistic but pragmatic, small-scale responses to the urban slums of Victorian capitalism. From this, he traces the different phases of council housing throughout the 20th century - from the large single-class 'cottage estates' of the interwar period, to the post-war new towns that symbolised ambitious, top-down state planning, to the system-built high rise tower blocks that characterised the late 1950s and 1960s, and the subsequent shift throughout the 1970s towards more experimental and radical local authority developments that embraced 'densification' whilst responding to past failures and oversights. This last decade, Boughton suggests, constituted a 'golden age of council housing' that 'would see the construction of some of the finest council housing ever built' (138).

The author traces these histories through localised case studies, anecdotes and resident testimonies, a 'bottom-up' history from below that emphasises tenant experience against dominant, stigmatising narratives promulgated by media, politicians and academics alike. These stories are weaved into a broader national, legislative and regulatory framework that continually alters the standards and nature of council housing throughout the period. Subsequent chapters chart the state's sharp retreat from its historic post-war role of providing - for the most part - well-built homes and estates for mixed and working-class communities, exploring the processes and consequences of demunicipalisation, cost-cutting, and residualisation since the 1980s. The latter process refers to a shift in the nature, perception and class composition of council housing, and its gradual transformation from a universalised form of state provision based on 'general needs' during the post-war era to a residual service and last resort safety net for society's most vulnerable.

These trends have been accompanied by decades of media denigration and working-class demonisation. In response, the author deploys anecdotes and statistical data to make the case against the 'environmental determinism' of those hostile to post-war council housing and urban planning. According to such academic arguments, which gained traction

throughout the 1980s, many post-war estates lacked 'defensible space', with inhabitants unable to become 'key agents in ensuring their own security' (Newman, 1972). These ideas built on the work of Jane Jacobs (1961), who highlighted a lack of both 'natural surveillance' and a sense of ownership. Alice Coleman took this a step further (1985), arguing that the built qualities of post-war mass housing naturally engendered criminality, anti-social behaviour, vandalism and what she called 'social malaise.' For Coleman, an ideological Thatcherite who spearheaded the architectural charge against council housing in the UK (she advocated 'minimum regulation and maximum consumer choice'), many post-war estates that were often purposely designed to encourage neighbourliness and community spirit had in fact created 'anonymity, lack of surveillance and escape routes.' This crude explanation for rising crime and social problems in these particular housing areas gained currency amidst the Thatcherite assault on state housing, local government autonomy, and traditional forms of working-class employment, and systematically overlooked socio-economic factors like unemployment, poverty and social marginalisation, which were compounded by drastic cuts to local authority budgets that led to increasingly inadequate facilities and insufficient estate maintenance. Problems rooted in the economy - later sharpened by neoliberalism - were attributed to architectural and spatial circumstance. These academic arguments have provided the bedrock for prolonged media denigration of working-class housing areas since the 1980s, fuelling a demonisation and stigmatisation that was re-charged following the 2011 London riots, themes that Boughton examines critically with political conviction.

A large part of the author's attempt to challenge council housing's bad reputation is situating it within broader political and economic trends, and emphasising that people's lived experience of estates are far more complex, and, on the whole, far more positive, than the dominant portrayal of council estates would have us think. Building on arguments previously made by Cole and Furbey, Boughton argues that the attack on council housing and much of its architecture has been a central part of a broader 'cultural assault on the form and ideals of social democracy' (184). As Boughton claims, alongside the demonisation of housing areas and the communities that live in them, there has been a battering of an 'underlying ethos' (2).

Alongside both of these things, there has been the physical destruction and unsympathetic redevelopment of many post-war estates themselves. For instance, many post-war estates, primarily in the capital, sit upon immensely profitable land areas, and have in recent decades become targets for local state-sponsored speculative redevelopment, something which Boughton explores in some depth in the concluding chapters, drawing attention to the speculative redevelopment of the area upon which the Heygate estate in Elephant and Castle sat, or the recent controversial plans by Lambeth council to raze the popular and successful schemes such as Cressingham Gardens in Tulse Hill. The book starts and ends with reference to the 2017 Grenfell fire tragedy, which Boughton rightly argues symbolises a broader crisis in social housing, and was the result and culmination of decades of aggressive attacks on the sector (5). For Boughton, Grenfell has reminded us 'how much we need the state' - chiefly, its regulation and oversight - to 'protect us from commercially driven agendas which value profit over people' (6). The need for regulatory overhaul is illuminated by the publication's closing chapters, as well as by recent publications such as Stuart Hodkinson's *Safe as Houses: Private Greed, Political Negligence and Housing Policy After Grenfell* (2019), which explores the implications of decades of demunicipalisation, commercial outsourcing and systemic neglect on social housing and its communities, drawing attention to colossal profits, accountability vacuums, marginalised health and safety concerns, and the shocking phenomenon of outsourced actors 'self-regulating' their building safety and quality.

If there is a fault with any of Boughton's arguments, it lies in his over-romanticised

and reductive view of the historic role of the state. On top of arguing the need for the state's regulatory oversight (undeniable, especially after Grenfell), Boughton goes further in suggesting that 'we need its idealism – that aspiration to treat all its citizens equitably and decently which lay at the very heart of the council housing building programme' (6). The problem here is that such idealism and these ascribed features are by no means stable, permanent characteristics of the state, nor are they intrinsic to its imperatives. This was not particularly the case in the post-war era, and it is especially not the case now. For instance, the state and local state's present role in council housing - particularly in London - is largely characterised by systemic neglect, social cleansing, and cruelty. It is not a bulwark against profiteering and greed, but a key player in its organisation, as illustrated in profit-driven public-private partnerships surrounding the remains of British social housing that Boughton himself draws attention to. The state was not 'rolled back' throughout the 1980s, but rather reorganised in accordance with different imperatives. The British state and its local counterparts, whilst funding and constructing some of the best examples of social housing in the world, also played a key role in its unravelling. What Boughton writes fondly of is not so much 'the state', but rather a unique moment in history, a moment when planning, universalism, and a belief in the expansion of 'social rights' held sway in political and policy-making circles, something which shaped and informed the following decades. This moment significantly opened up spaces, opportunities, and funding for radicals and visionary architects - within various components of the local state - to pursue ambitious, utopian schemes, which Boughton is right to eulogize.

Whilst on occasion, the book slips into reductive sentimentalism, particularly in more polemical sections such as the introduction, *Municipal Dreams*, for the most part, is reasoned and nuanced in the cases it makes. Given that this book, which is accessible, engaging, and reaches far beyond a strictly specialist audience, is an attempt to reshape the collective memory and legacy of council housing in the context of a sharpening neoliberal housing crisis, we should perhaps not be too pedantic. Boughton's contribution to the rehabilitation of some of the best elements of Britain's social democratic era - its world-class council housing and sporadic but exciting cases of municipal radicalism - is much needed and should be welcomed.

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Adam Smith and Rousseau: ethics, politics, economics
Edited by Maria Paganelli, Dennis C. Rasmussen, and Craig Smith
Edinburgh University Press, 2018, pbk £80.00 (ISBN 978 1 4744 2285 7), pp. 331.

by Jack Edmunds

Adam Smith and Jean-Jacques Rousseau are canonical figures in political theory, ethics, intellectual history, and economics. They have independently generated masses of commentary, just shy, perhaps, of the likes of Hobbes or Marx. Yet, despite the unfathomable breadth of the literature, much scholarship has supposedly perpetuated a strawman. Until the turn of the millennium, as the editors tell us, 'there was a popular, if crude, notion that the two were in some sense opposites or even enemies' (3). Smith was regarded as an advocate of liberalism, and as a supporter of commercial society which operated according to the self-regulating principle of selfishness. Rousseau, on the other hand, idolised the noble savage, was an advocate of republicanism, and a critic of commercial society and civilisation at large. Recent developments in both Smith and Rousseau scholarship, as well as the emergence of comparative Smith/Rousseau studies, which began in earnest in the early 2000s, has led to a broad acceptance that these eighteenth-century giants are, in fact, more aligned than had previously been understood. To date, key areas of comparative investigation have included self-interest, the role of interpersonal comparisons ('amour-propre' for Rousseau and 'sympathy' for Smith), and the problems of commercial society. In these areas, and many more, scholars have noted a surprising level of similarity. Thus, with few exceptions, the essays contained in this fine book develop what seems to be the new consensus.

What this edition offers, in fourteen essays including an editor's introduction, is a representative sample of current scholarship on the Smith/Rousseau comparative enterprise. The posthumous publication of Istvan Hont's *Politics in Commercial Society* (2015) has clearly energised those interested in the Smith-Rousseau connection, and is used a as a starting point for several essays in this compilation. Indeed, Ryan Patrick Hanley's contribution (16-31) is essentially a review of that work. In short, Hont urged us to see Smith and Rousseau 'not just as authors of dead texts but also as presences in our contemporary theorising' (Hont, 2015: 24), and it is in this spirit that this collection is presented. While all of the essays are rewarding, only a sample can be addressed here.

Mark Hulliung is the only contributor to offer a sustained critique of the Smith-Rousseau connection. It is a refreshing piece, in which he goes so far as to claim that the supporting evidence to read Rousseau as an important intellectual interlocutor of Smith, and a major figure in the Scottish Enlightenment, could 'hardly be thinner' (36). His fellow contributors may disagree, but Hulliung does raise some uncomfortable observations about the state of Smith/Rousseau scholarship. It is true that Smith rarely refers to Rousseau in his major works, and his consideration of Rousseau in the 'Letter to the Edinburgh Review' is brief. On balance, however, the arguments in favour of the project prevail. After all, Smith makes plenty of textual references to Rousseau elsewhere, they both address similar questions, and, as John McHugh (109-123) recognises, Smith's critique of Mandeville's 'licentious system' is also a critique of Rousseau's (110). Nevertheless, Hulliung's suggestion that many Smith/Rousseau scholars should 'admit frankly that they have not been thinking as historians but rather as political theorists' (45-46) is legitimate. Given that Hulliung's essay

pre-emptively undermines many of the observations that follow, it at first seems strange that it made the cut. The great difficulty of comparative history, however, is selecting that which is appropriate for comparison, and it is useful to have Hulliung's scepticism in mind when one reads the subsequent contributions.

The process of interpersonal comparison - of utmost importance in the moral philosophies of both thinkers, and in their conjectures concerning the origins of society - is the chief focus of Christel Fricke's essay. She provides a useful and accessible summary of the mechanisms of Rousseau's amour-propre and Smith's 'sympathy'. Fricke concludes that while Smith was inspired by Rousseau's account of social interaction in the Second Discourse, he did not follow Rousseau, 'either in the details of his analysis or in the conclusions he drew' (58). To illustrate this point, she uses Frederick Neuhouser's (2008, 2014) account of amour-propre in Rousseau to great effect. By distinguishing between inflamed and non-inflamed amour-propre, Neuhouser argues that amour-propre is not an entirely negative passion, but, in fact, provides the remedy to the evils it causes. Fricke's implication is that Smith's process of 'sympathy' was influenced by the idea of non-inflamed amour-propre as per Rousseau. It is a plausible and interesting thesis, though the textual evidence is slight. Neuhouser's account, it should be said, is itself controversial.

Mark Hill's essay on Rousseau's contribution to the eighteenth-century debate on self-interest is the most difficult of the collection. Perhaps too much is made of the question of categorisation, and the thrust of Hill's argument is blunted by discussions of Rousseau's relation to 'moral realism' and 'moral rationalism'. Irrespective of this, Hill's essay performs the task of one side of the scholarly pincer movement that has come to characterise Smith/ Rousseau scholarship. Instead of viewing Rousseau as a republican moralist, Hill asserts that he is, in fact, a philosopher of the political and social good of self-interest. This shift is facilitated by an interesting discussion on voluntarism. Theological voluntarism holds that to act morally one must accept the will of God as one's own will. Hill argues that Rousseau reformulated voluntarism so that the people, rather than God, constitute the source of the sovereign will. The internalism of voluntarism allowed Rousseau to conclude that people could be forced to be free. In this context, self-interest takes on a different meaning.

Tabitha Baker's essay is the boldest of the collection. She argues that the striking similarity between certain aspects of Rousseau and Smith's thought can be most abundantly sourced in Rousseau's fictional works (144). Baker creatively anchors her comparison of their thought to the motif of the landscape garden. She does, however, make a number of claims that intellectual historians have been trained to suspect. For example, she states that Rousseau's novel *La Nouvelle Heloise* 'can be seen as inherently Smithian in nature due to the way in which most moral and economic themes are treated' (144). However, while Baker certainly strays into mythologies of coherence and prolepsis (Skinner, 2002: 67-79), she eloquently links Smith's concept of the impartial spectator to pleasure gardens in England which encourage 'a culture of seeing and being seen' (147). The private garden in Rousseau's *Heloise*, on the other hand, seeks to redirect desires of admiration and vanity (150). Nonetheless, there is an impressive attempt to use gardens to flesh out notions of proximity in Smith and Rousseau's understanding of 'sympathy' and 'pity' (156). Thus, even if Baker takes some methodological liberties, her essay is both courageous and sensitive to the philosophical nuances of Rousseau in particular.

The challenge of reconciling the political thought of Rousseau and Smith is undoubtedly a tall order. Dennis Rasmussen, the author of one of only three monographs that compare Rousseau and Smith, makes some headway in a nuanced discussion rooted in political philosophy. His essay turns on the interpretation of a specific phrase in Smith's 'Letter to the Edinburgh Review'. In this text, Smith describes Rousseau as carrying 'the

true spirit of republicanism a little too far'. The standard interpretation of this statement is that Rousseau went too far in his understanding of 'positive' liberty. In other words, in contrast to Smith's moderate republicanism, which rested on a principle of 'negative' liberty and freedom as non-interference, Rousseau thought that freedom would be best realised through collective self-government. Rasmussen agrees that in the strictly political sense the demarcation of Rousseau and Smith in terms of positive and negative liberty stands. However, on the level of the individual, Rasmussen argues that 'Smith advocates something akin to positive liberty as a central feature of his moral theory' and that 'Rousseau advocates negative liberty for all of those who are healthy enough to avoid abusing it' (246). The argument for Rousseau is clearly evidenced. After all, people in the state of nature, and in nascent society, enjoy freedom from psychological and legal interference and are happy and free. Rasmussen's claim concerning Smith is, however, complicated by the fact that Smith does not use the language of liberty in *The Theory of Moral Sentiments*. Nevertheless, the notion of restraining or commanding one's passions is central to Smith's moral philosophy, and Rasmussen's argument is perceptive.

Jason Neidlemen's essay explores the role of the state in the formation of public opinion. Models of political legitimacy tend to presuppose that the relationship between public opinion and governance moves from the former to the latter. Neidlemen notes that Smith, and particularly Rousseau, acknowledged the necessity of the inverse (261). For Smith, the government should act to smooth out the rough edges of public opinion. For Rousseau, of course, government needs to undertake a transformation of human nature. Their difference in emphasis is explained by the fact that Smith's project is a liberal one, whereas Rousseau's is republican. But a more interesting point is that, in Smith, there is symmetry between the virtues of the good person and the virtues required for commerce to flourish, whereas, for Rousseau, amour-propre 'had no such tethering mechanism and tended to attach itself to the corrupt vagaries of popular taste' (267). Neidlemen aptly concludes that the difference between Smith and Rousseau lies in the difference between self-command and self-government (274).

Newcomers to the Smith/Rousseau comparative project will find this book immensely helpful, especially the introduction, which provides a survey of the relevant literature. Those familiar with the field will also find a number of the contributions compelling. They may, however, like the author of this review, fear that the quest for innovative scholarship might push the similarity thesis too far. Ultimately, Smith believed in a commercial society that horrified Rousseau, and their political projects were incompatible.

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