FROM THE EDITORS
Barrett Emerick and Ami Harbin

ABOUT APA STUDIES ON FEMINISM AND PHILOSOPHY

SUBMISSION GUIDELINES AND INFORMATION

ARTICLES
Sarah Clark Miller
On Justifying Violent Self-Defense
Jennifer Kling
Local Communities, the Social, and Obligations to Refugees
Dianna Taylor
“Violent Bodies”: Two Feminist Perspectives
Alice MacLachlan
“Mere Talk,” Accountability, and Repair: Arendt and Bar On on Civility
Lori Gruen
Appreciating Being Seen: Attunement and Recognition
Yasemin Sari
Hannah Arendt and Bat-Ami Bar On on Violence Against Women
Jess Kyle
Reflections on My Mentor, Ami
Serena Parekh
Bat-Ami Bar On was professor of Philosophy, Women, Gender, and Sexuality Studies, and Judaic Studies at Binghamton University, and director of the university’s Institute for Advanced Studies in the Humanities. Her research and teaching focused on topics in feminist theory, war and terrorism, democratic theory, and refugee studies. Professor Bar On received her bachelor’s degree in philosophy and sociology and her master’s degree in philosophy from Tel Aviv University. She then earned her doctorate in philosophy from The Ohio State University. She joined the faculty at Binghamton University in 1991 and was promoted to full professor in 2002. She chaired the Department of Philosophy from 2003 to 2009 and the Department of Judaic Studies from 2010 to 2015.

Bar On’s presence as a scholar, teacher, and mentor within feminist philosophy has been deeply missed since her death in November 2020. Some of the many relationships she built with colleagues and students are visible in the pieces collected in this issue. So many feminist philosophers were befriended and mentored by Bar On, and their work reflects engagement both with Ami as a person and with her written work. Both forms of relationship are reflected in many of the pieces in this issue, made visible in part by the explicit decision of some authors to move between use of her first and last names—in conversation, still, with both Ami herself and her work.

Bar On was recognized at two recent conferences held in her honor. FEAST’s 2021 conference had the theme of “Violence and Politics: In Honor of Bat-Ami Bar On,” and in 2022, SUNY Binghamton hosted a conference on “Feminist Politics Today: Honoring the Work of Bat-Ami Bar On.” Many of the reflections and papers in this issue grew out of presentations first given at these conferences.

In “On Justifying Violent Self-Defense,” Sarah Clark Miller draws together three themes from Bar On’s work: ambivalence in the face of the ambiguity of violence, the impossibility of reducing the political to the ethical, and Bar On’s personal generosity. Miller begins with the final point, narrating the personal generosity that Bar On showed her as an early career philosopher. That generosity extended to Bar On’s scholarship, fruitfully opening up critique of care ethics (and any moral theory) as being a viable foundation on which to build political theory; instead, the political must stand on its own. That point extends to Bar On’s ambivalence about the use of violence as a method of self-defense and making oneself into a “ready-to-fight body” in a world where the threat of violence is oppressive.

In “Local Communities, the Social, and Obligations to Refugees,” Jennifer Kling argues that local communities, and not just states, have special obligations to refugees and refugee-like persons. Those obligations emerge in light of two themes from Bar On’s work: the social as a site of violence and nonviolence, and the idea that refugees should have the opportunity to lead minimally flourishing lives. Kling does not argue that such obligations replace or are more important than those borne by the state. Rather, even if states satisfied all their obligations, local communities are still the place where persons are able to be safe, to flourish, and to be in community with others.

In “‘Violent Bodies’: Two Feminist Perspectives,” Dianna Taylor reflects on the differences between her own and Bar On’s positions on violence and its potential for deployment in the context of feminist liberatory projects, and in particular in contexts of feminist resistance to sexual violence. Taylor identifies the ways she and Bar On draw on and interpret aspects of Hannah Arendt’s On Violence in diverging ways. Ultimately, Taylor endorses a broader use of violence against sexist oppression than she reads Bar On as having done, while noting their shared commitment to self-criticalness and self-reflectiveness where practices of violent embodiment and feminist resistance occur.

In “‘Mere Talk,’ Accountability, and Repair: Arendt and Bar On on Civility,” Alice MacLachlan offers an approach to civility that takes guidance from both Arendt and Bar On, noting that if there is a notion of political civility worthy of valuation, it will amount to those practices, values, norms, habits, and institutions that make talk possible. That is, political civility may be conceived as the conditions which make it possible to talk through the most difficult things in public space, even in the presence of significant political difference and conflict. Noting legitimate critiques of civility, MacLachlan draws on concepts of accountability and repair from Arendt and Bar On to identify misuses and abuses of civility.

In “Appreciating Being Seen: Attunement and Recognition,” Lori Gruen considers Bar On’s philosophical, professional, and personal impact through the lenses of recognition and misrecognition. Within many of the aspects of violence...
discussed in Bar On’s philosophical contributions, among the contributions of others in the field (Medina, Dembroff, Honneth, Dillon, Butler, Warren, Davis III), Gruen notes misrecognition as one of the harms that permeates. Gruen offers a reflection on one of the ways Bar On’s presence was received and vital in the profession, as one who made others feel recognized and seen.

In “Hannah Arendt and Bat-Ami Bar On on Violence Against Women,” Yasemin Sari takes up the project of challenging the “unspeakability” of gendered violence, finding in this moment the political potential to make social structures less oppressive. Bringing Arendt and Bar On to bear on the question of gendered violence, Sari considers the potential for political agency following experiences of violence, and the significance of the speech of survivors.

In “Reflections on My Mentor, Ami,” Jess Kyle shares some of her experiences as a graduate student working with and learning from Bar On. In particular, Kyle notes Bar On’s ability to quickly build trust, her kindness and openness of thought, and her strong support and guidance, both academically and personally.

In “The More Things Change: Prejudice, Lack of Generosity, and Closed Borders for Refugees 1946 and 2015,” Serena Parekh reflects on some of Bar On’s writings that were in progress at the time of her death. Parekh focuses on two themes emerging from the writings: first, Bar On’s reflections on her family’s experience of being refugees in 1946, and second, Bar On’s evaluation of the EU’s response to the migrant and refugee crisis of 2015. Bar On’s family attempted to enter Mandatory Palestine, overseen by the British, but were turned away and deported to Cyprus, where her parents lived in a detention camp. Parekh draws out points of connection between these events, even as they are more than fifty years apart. In both Bar On’s family history and in the cases of Middle Eastern and African refugees attempting to arrive in Europe in 2015, we see refugees being met with violence and refusal, and the necessity of being smuggled into states. Parekh reflects on Bar On’s own positions regarding the obligations of states in response to people seeking asylum, and her grappling with tensions among positions on the exercise of state sovereignty and border control on the one hand and ethical concerns with military action against people smugglers on the other.

These pieces showcase some of the many ways Bar On shaped philosophy as a discipline and profession as a whole, and so many of the careers and research trajectories of feminist philosophers within it. We are grateful to the authors for their contributions, and to Lisa Tessman, Bar On’s spouse, for sharing the photos included in this issue. We are honored to reflect on such a rich life and significant philosophical legacy in our first issue as co-editors.

ABOUT APA STUDIES ON FEMINISM AND PHILOSOPHY

APA Studies on Feminism and Philosophy is sponsored by the APA Committee on the Status of Women (CSW). The newsletter is designed to provide an introduction to recent philosophical work that addresses issues of gender. None of the varied philosophical views presented by authors of newsletter articles necessarily reflect the views of any or all of the members of the Committee on the Status of Women, including the editor(s) of the newsletter, nor does the committee advocate any particular type of feminist philosophy. We advocate only that serious philosophical attention be given to issues of gender and that claims of gender bias in philosophy receive full and fair consideration.

SUBMISSION GUIDELINES AND INFORMATION

1. Purpose: The purpose of APA Studies on Feminism and Philosophy is to publish information about the status of women in philosophy and to make the resources of feminist philosophy more widely available. APA Studies on Feminism and Philosophy contains discussions of recent developments in feminist philosophy and related work in other disciplines, literature overviews and book reviews, suggestions for eliminating gender bias in the traditional philosophy curriculum, and reflections on feminist pedagogy. It also informs the profession about the work of the APA Committee on the Status of Women. Articles submitted to the newsletter should be around ten double-spaced pages and must follow the APA guidelines for gender-neutral language. Please submit essays electronically to the editor. All manuscripts should be prepared for anonymous review. References should follow The Chicago Manual of Style.

2. Book Reviews and Reviewers: If you have published a book that is appropriate for review in the newsletter, please have your publisher send us a copy of your book. We are always seeking new book reviewers. To volunteer to review books (or some particular book), please send the incoming editors, Ami Harbin (aharbin@oakland.edu) and Barrett Emerick (bmemerick@smcm.edu), a CV and letter of interest, including mention of your areas of research and teaching.

3. Where to Send Things: Please send all articles, comments, suggestions, books, and other communications to the incoming editors: Ami Harbin, Oakland University, at aharbin@oakland.edu, and Barrett Emerick, St. Mary’s College, at bmemerick@smcm.edu.

4. Submission Deadlines: Submissions for spring issues are due by the preceding November 1; submissions for fall issues are due by the preceding February 1.
On Justifying Violent Self-Defense

Sarah Clark Miller
THE PENNSYLVANIA STATE UNIVERSITY

Upon a scholar’s passing, there are multiple ways to mark the significance of their contribution to the field. I want to honor Bat-Ami Bar On in this article by expressing appreciation for her intellectual contributions and gratitude for the influence of her work. I interweave three thematic threads emblematic of Ami’s work to form the fabric of the words that follow: generosity, ambivalence born of the ambiguity of violence, and the impossibility of reducing the political to the ethical. Rather than assigning a single theme to each of the three sections that follow, I offer reflections on these themes by braiding them together in different ways. I do so while reflecting on the critical insights and generative possibilities of Ami’s scholarship. Throughout, I am occupied, as she was, by the subject of violence, both as a topic of philosophical inquiry and as that to which women and gender minorities are consistently subjected. 1

Given the background thrum of violence that accompanies women’s lives, I concentrate on the slippery possibilities of justifying violent self-defense through the use of violent women bodies, to use Ami’s term, in response to sexual violence.

1. A methodological approach prevalent in The Subject of Violence is that of placing theoretical analysis of violence alongside autobiographical reflection. In that spirit, I start by offering a public autobiography that features Ami’s personal and intellectual generosity, as well as her abiding commitment to the irreducibility of the political to the ethical. I share Ami’s ambivalence about “the performance of a public autobiographical act” in doing so. 2 Yet, my first interactions with Ami offer small tales perhaps too good not to tell.

While working as an assistant professor at the University of Memphis, I was tasked with organizing the Spindel Conference, an annual faculty-directed event on a variety of subjects. My topic of choice was “Global Feminist Ethics and Politics.” I was delighted when Virginia Held accepted the invitation to keynote the event with a paper entitled “Military Intervention and the Ethics of Care.” My pie-in-the-sky plan was to ask Bat-Ami Bar On, whose writing on violence I admired, to respond. The critical engagement from a prominent violence theorist who was not a care ethicist could, I thought, prove a fascinating point of contrast and critical engagement. I also recognized that there was little chance that someone of Ami’s standing would say yes. Yet, she did, quickly, and with much friendliness to an early career philosopher who was still learning how to plan and run academic events.

Ami’s response to Held’s keynote was incisive. In “Military Intervention in Two Registers,” published in volume forty-six of The Southern Journal of Philosophy, Ami began by first saying that she agreed with nearly everything Held argued for. For example, she agreed that the success of a violent military intervention does not establish that the intervention was morally acceptable or justified. 3 She agreed with Held’s assertion about the usefulness of the rule of law as a source of considered criteria for the justifiability of specific deployments of violence in international relations. 4 Ami also concurred with Held about the importance of context in two key ways. First, the moral justifiability of any specific military intervention must be rooted in considerations of the wider global context. And second, because “the context of violence is a condition of its possibility,” 5 addressing the social, economic, and political circumstances that foster and condone violence is essential for reducing “the temptation of violence and its deployments,” 6 even those that can be justified. Thus, Held and Ami were on the same page about the necessity of closely tying the means of accomplishing anything like global pacification to efforts to rework global relations on multiple fronts. 7 Moreover, while Ami was clear that she was not a care ethicist, she asserted that she agreed with care ethicists, as she put it, “in a very general kind of way” in believing “that care is indeed crucial for human flourishing” and “that a caring disposition and comportment make a difference in all relations, be these human relations or relations between humans and animals, as well as all humans and the environment.” 8

So, with such extensive agreement, where was the rub? Watching the opening moments of Ami’s commentary unfold, I began to wonder if I had been mistaken to believe that her philosophical sensibilities would provide a trenchant critique of the kind of analysis care ethics could offer of military intervention.

And then we reached the final paragraph of Ami’s introduction, where she stated the following:

My disagreement with Held . . . is not about whether what she terms traditional moral theories, be their form classical, updated, and even feminist, can do more than what she believes they can do. I am not suggesting the superiority of any moral theory over care ethics. I do not champion the use of any moral theory for the evaluation of political institutions, practices, and actions, including deployments of violence in the political realm and for political ends, including military interventions that Held believes they can be used for. And I am extremely concerned about positioning ethics with respect to politics in such a way as to expect moral theory to ground the normativity of politics. 9

And we were off to the races! With this move, Ami destabilized the entire structure of Held’s argument: Ami didn’t come to disagree with the use of care ethics as a suitable moral theory to guide analysis of the political; she came to dispute the entire enterprise of foundational positioning of any moral theory vis-à-vis political normativity. Any enterprise that would judge political praxis via moral theory required extreme caution.

Held’s argument was sharp. Ami met that sharpness in a way that was even more pointed, while remaining eminently fair and intellectually generous. Although Ami was clearly
suspicious of certain ways of mixing the ethical and the political, she still recognized that values do matter in politics, holding that “by and large the norms of politics are themselves political and that . . . they are not independent of political power.” So the normative has a role to play in politics, but the norms of politics must be political all the way down.

Toward the end of her commentary, Ami noted that while she remained critical of Held’s turn to moral theory—in this case, care ethics—to “validate a political norm,” she also granted that such a move “makes sense, given the current historical conjecture” of late capitalism and the Left’s inability to give up the twin projects of critique and revolution (drawing on Wendy Brown’s analysis). Such circumstances, Ami acknowledged, made a turn towards morality attractive.

Ami delivered a first-rate keynote commentary. This was the case because of scholarly qualities that were also, in my experience, representative of who Ami was as a person. She employed generosity to acknowledge the common ground she shared with Held, and then drew on her distinctive form of perspicacity to analyze their differences and set forth the strength of her own position.

This scholarly approach was mirrored in my interactions with Ami during the Spindel Conference as a whole. Unbeknownst to most people, I was in my first trimester of pregnancy and very much in the throes of morning sickness, or, in my case, all-day sickness. So I would introduce a speaker or make a conference announcement and then attempt to casually sprint to the bathroom to throw up. I had gotten pretty good at hiding my shaky state, but Ami noticed I was struggling. She also somehow intuited that I was newly pregnant, making her one of a handful of people in the know. She gave me steady and consistent support throughout the conference. The series of quiet kindnesses she offered made running that event much easier for me than it would otherwise have been.

We ended up talking a lot during the three days we were together. One conversation, in particular, has stuck with me for years and influenced some of the work I continue to do today.

I don’t remember how our conversation about PTSD arose, but I will never forget its content. Ami’s frankness and insightfulness regarding the long reach of trauma caught my attention for the underlying courage she evidenced. Her personal reflections on trauma are most certainly not mine to share. And at that point, my thoughts were not ones I really shared with anyone, and especially not those in the profession. She helped me understand, perhaps for the first time, the connection between personal experiences of trauma and their broader political significance, and through her own bravery, that trauma wasn’t a private experience to be shamefully locked away in one’s psyche. It would take me years to come to write philosophically about trauma. And it is in part because of Ami that this was possible.

As a junior professor, I was kind of in awe of Ami. She embodied a striking juxtaposition: she was deeply kind, and, to speak frankly about how I saw her, she was a complete and total badass. She exemplified what I have come to think of as a distinctive feminist ethos: that of generous badassery.

2.

In addition to remaining generous throughout, Ami’s response to Held was firm-footed and astute. Yet, upon reflection, one can detect two comingling, somewhat contradictory affects in her keynote commentary: surely about the necessity of the ethical not grounding political normativity met with a general uneasiness about violence as a political measure. This uneasiness finds full voice in Ami’s discussion of violent women bodies in The Subject of Violence, where she evidences a resolute ambivalence regarding the nature and uses of violence. Ami’s commitment to ambivalence in the face of violence’s ambiguities is valuable and can provide critical purchase on recent feminist work on sexual violence.

The final chapter of The Subject of Violence is entitled “Violent Bodies,” which, in Ami’s words, “raises questions regarding a voluntary exposure to the subjectifying force of violence by people who train their bodies in some martial arts.” It is an intriguing end to a book that unflinchingly and repeatedly situates violence as a destructive force. Ami addresses this tension head-on by noting that, in light of what the earlier essays in The Subject of Violence set forth about violence, “one may be tempted by a principled pacifism. But while I would like to be a pacifst, I am not, and, moreover, I am a martial artist.” Ami tells us, is an attempt to make sense of the unease of this apparent contradiction.

The work Ami accomplishes in “Violent Bodies” is important for ongoing feminist conversations regarding self-defense and sexual violence. What I want to underscore is the crucial element it contributes to that conversation, namely, the importance of ambiguity and ambivalence for any form of resistance to sexual violence.

“Violent Bodies” is situated within a section of The Subject of Violence called “Ambiguous Alternatives.” For Ami, physical self-defense in response to sexual violence is nothing short of fully framed by ambiguity. The honesty that undergirds this ambiguity is both complicated and admirable. Ami establishes that it is not possible to draw a sharp distinction between the ready-to-fight body and the violent body. Any supposedly sharp distinction between the potential and the actual violent body is necessarily murky, and, it turns out, morally and politically vexed. Ami meditates on the desire and motivation to draw and maintain that sharp distinction in these words: “I suspect that what motivates an attempt at a clear-cut distinction is anxiety about and a need for innocence, a need to be as cleanhanded as the pacifst that I feel that I cannot be, if for no other reason than because I am burdened by the materiality of my violent body. How can I not be seriously troubled,” she asks, “by my continued engagement in the maintenance and reproduction of my body as a violent body when many feminists are very critical and suspicious of violent bodies, seeing, just as I do, violent men’s bodies as the primary implement of violence in the everyday kinds of violence that women experience.”
Here, to draw on the autobiographical again as Ami so elegantly does throughout The Subject of Violence, there is a resonance between her experience and my own. I entered adulthood at a college with very strong Quaker roots, where I wrangled uneasily with the commitments necessary for a principled pacifism. And years later, as the parent of a queer kid—whom I wanted to equip with skills of self-defense for a world that sometimes wants to violently erase their existence—I made martial arts training a weekly family activity. We learned to do push-ups on our knuckles. We learned how to respond defensively to high velocity maneuvers aimed directly at our bodies. We learned how to punch through increasingly thick boards with our bare fists. And, after all of this learning, over time, we emerged with brown belts. There is power in how we cultivated our own ready-to-fight bodies. But there is also sadness, danger, and a necessary and abiding discomfort in training myself to respond to a world of violence against women’s bodies. Perhaps even more complicated is the sorrow in having actively sought to train my own child—to have actively pursued the cultivation of their own ready-to-fight body with its ever-abiding, necessarily uneasy proximity to a violent body.

Ami, of course, is not the only feminist philosopher to have thought deeply about self-defense and violence against women. What I want to argue here, however, is that Ami’s resolute ambivalence (if that’s not too paradoxical a phrase) about constructing one’s body as a ready-to-fight body adds a crucial element to feminist discussions of self-defense, one that has gone underappreciated.

In recent work, I have considered techniques of resistance to sexual violence. There, I have argued that we must begin by carefully analyzing definitional moves, that is, how we define and understand the scope, content, and causes of sexual violence. This is important because these definitional moves determine the possibilities of resistance.16

In exploring this crucial point, I have critically engaged feminist philosophical writing on self-defense as one prominent model of how we might resist sexual violence. More specifically, I explore the evolving conversation between Ann Cahill,17 on the one hand, and Susan Martin18 and Carine Mardorossian,19 on the other. In doing so, I uncover what I take to be several assumptions about sexual violence. This is important because these definitional moves determine the possibilities of resistance. I do so while maintaining Ami’s resolute ambivalence in response to the ambiguities of violence. One way to appreciate the generative nature of Ami’s work is to think with her about what could arise from her concept of violent women bodies by asking the following question: What might it mean to justify self-defense beyond the physical?

The concept of “self-defense” as it currently tends to be envisioned may not capture all the reasons we have to defend ourselves against sexual violence. This is especially the case when we consider forms of defense against sexual violence beyond physical defense, such as psychological and emotional defense. Such forms of “self-defense” may be something women take on not only to protect themselves but also to resist rape culture and to help protect other women and gender minorities.

Ami maintains the importance of constructing ready-to-fight bodies. A focus on physical self-defense is a crucial start. Yet, the forms of sexual and gender violence we experience every day far exceed the physical. Assault may take the physical form of abuse or rape; it also regularly takes the form of verbal attack, psychological abuse, and saturation in cultural ideas and ideals that violently suppress self-determination, not to mention sexual agency. Ami furnishes the grounds for the uneasy justification of violent self-defense of a physical nature. Given that sexual violence regularly exceeds the realm of the physical, might we also want to explore possible justification for forms of self-defense of a mental, emotional, and/or psychological nature? And the questions that quickly follow are ones of what exactly those forms of self-defense might look like and how training for them might take place.

In asking these questions, I do not assume that the realm of the physical is utterly cordonned off from that of the emotional and psychological. Training in physical self-defense can give rise to agential shifts of a psychological
and emotional nature. But in posing these questions, note that I am taking seriously the idea that the destruction that psychological and emotional violence render can be as devastating as physical violence. Yet, the forms of self-defense training that are readily available for those likely to experience sexual violence routinely start from the physical and are designed to respond specifically to physical assault.

So what might the shape of self-defense training of a verbal, emotional, or psychological nature look like? And what might be the specific benefits of engaging in such training be? I suspect that a shift from physical self-defense to taking psychological and emotional defense seriously would sidestep some of the criticisms I have raised regarding how the feminist self-defense literature frames sexual violence. Giving the need for other forms of self-defense proper weight would resist the prioritization of sexual violence as an act rather than an affect or attitude. Emphasizing the importance of psychological and emotional self-defense also shifts the attention away from resisting rape to a broader focus of resisting the full spectrum of forms of gender violence. And such training would draw attention to and provide resources for responding to sexual violence beyond the event of assault.

Of course, by opening this door, I am also opening space in which we need to think carefully about the political risks of training to become psychologically and emotionally ready-to-fight, following Ami’s cautioning in The Subject of Violence. There, she writes: “to the extent that bodies are produced as implements of violence, they may take on implemental characteristics. . . . Feminists who take on bringing into being violent women bodies have to stay aware of this. A feminist cannot merely celebrate the transgressive excess that she creates through the construction of her own or other violent women bodies.”

Applying this crucial warning to a possible expansion of forms of self-defense beyond the physical highlights a primary feature of Ami’s legacy: Feminists need to continue to hold squarely in mind how the construction of violent women psyches/emotions/attitudes is not an uncomplicated gain. It also should not be the subject of an unthinking celebration for the transgressions it might engender. Honoring Ami’s scholarly contributions requires that feminists remain purposefully uneasy about cultivating and adopting any form of violence as a political measure, bringing to bear her quintessential and fascinating mixture of ambivalence and ambiguity in the face of violence.

NOTES
1. At the very beginning of The Subject of Violence, Ami discusses her process of coming to understand violence as a condition of her life. In a passage I have always thought to be particularly perspicacious, she notes: “I have come to this knowledge slowly, disavowing it, pretending, far more than once, that I could escape or refuse it; hence, that I could make violence my subject of reflection but, at the same time, as I venture to master it through its analytic combinatorial dissections, deny being as much the subject of violence as it is mine” (ix). Bat-Ami Bar On, The Subject of Violence: Arendtian Exercises in Understanding (Lanham, MD: Rowman & Littlefield, 2002).

Local Communities, the Social, and Obligations to Refugees

Jennifer Kling

UNIVERSITY OF COLORADO, COLORADO SPRINGS

History is a pattern of timeless moments.

— T.S. Eliot, Little Gidding, V

States, as the dominant institutions on the world stage today, have political obligations to refugees. However, they are not the only sociopolitical entities that have a role to play in solving, or at least ameliorating, the current and ongoing refugee crisis. Local communities also have social obligations to refugees and refugee-like persons, which they must uphold regardless of their participation (or nonparticipation) in the oppressive and violent histories that led to the global refugee crisis.

Following two prominent themes of Bat-Ami Bar On’s work—the social as the site of violence and nonviolence and that refugees should be ensured a decent chance at minimally flourishing lives—I argue that we must consider more carefully what local communities owe to refugees. This will involve thinking through how different community structures and ways of being make possible and impossible certain kinds of relations with refugees. In her final work, Bar On calls on scholars and activists to rise to the challenge of delineating well-worked-out discussions of and solutions to the refugee crisis. We need these details now, she argues: the refugee crisis is only going to worsen due to
local political instabilities and regional violent conflicts that will continue to be exacerbated by the effects of climate change, which overall disproportionately negatively affect the Global South. This article seeks to honor Bar On by striving to answer, at least partially, her call.

I. BEGINNINGS
I use “refugee” to refer to a broad category of people. For me, it includes not only those who have fled across an internationally recognized border due to a well-founded fear of state or state-sanctioned persecution on the basis of their social or political identity, but also those who have fled their homes due to social and/or political persecution but have not crossed a border, as well as those who have fled violent military conflict. The first group are de dicto refugees according to international law. The second and third groups are often regarded as de facto refugees by the international community, although they are not, strictly speaking, regarded as such by international law.

This, as I have argued elsewhere, makes their position especially vulnerable. Some theorists distinguish between “refugees” and “refugee-like persons” to gesture at this de dicto/de facto distinction; I find it more helpful to simply speak of refugees in the broad sense. This follows Bar On’s Arendtean understanding of refugees as those persons who “are put in concentration camps by their foes and in internment camps by their friends.”

We might update this sentence from Arendt’s 1943 rendering to reflect the fact that “internment camps” are now commonly called “refugee camps” by the international community. Despite the name change, the serious human rights violations emblematic of such camps have continued. Refugees are those who have suffered state or state-sanctioned violence and, fleeing, receive no succor from other states but instead are subjected to more violence, albeit often under a different guise.

The world is currently facing a refugee crisis. As of May 2022, the United Nations Refugee Agency (UNHCR) put the number of refugee and refugee-like persons at over 2022. The United Nations Refugee Agency (UNHCR) put the number of refugee and refugee-like persons at over 20 million for the first time ever. Roughly, one in every seventy-seven persons has been forcibly displaced from their home due to the threat or actualization of violent persecution and military conflict. Furthermore, as Bar On writes, “the use of violence against . . . refugees” once they have fled is on the rise; she notes that “refugee rights [have] been eroding in industrialized countries . . . the justification of [such violence and] refugee detention is a mix of political, economic, and cultural nationalisms.” Bar On identifies this violence against refugees, in the forms of detention, dispossession, physical altercations, and more, as part of a pattern of rising fascism throughout Europe and the United States. This increase in state and state-sanctioned violence against refugees is occurring despite the fact that several political theorists and activists have called for states to live up to their legal, political, and moral obligations (which they have, according to international laws, conventions, protocols, treaties, and norms) to provide aid, and in particular, aid in the form of safe resettlement, to refugees.

It is natural to look to states to provide such aid to refugees; as the dominant political institutions in the current global community, they have both the power and the de facto authority to do so. States can, and should, give refugees a safe place to live. Yet they are failing to meet this obligation. The reasons for this failure are many and varied; I discuss some of them in other work, as does Bar On in her article, “But Is It Fascism?” Here, I will not focus on states’ failures, but on a further claim, which is that providing refugees with a physical place to make a life, as Michael Walzer puts it, is not sufficient to provide them with a decent chance at a minimally flourishing life. It is true, of course, that all people need a place to live and make their home. The resettlement that states politically ought to provide is necessary—but it is not yet sufficient. For a decent chance at a minimally flourishing life, refugees need more than somewhere to live; they need the opportunity to be in community with others, to be “in good relation” with those who live around them. This is where local communities have a role to play, because such communities influence, if not create, the particular social contexts that facilitate or obstruct the ability of refugees to relate well in the places where they live.

To be clear, states must resettle refugees; I do not want to denigrate or lessen the force of that obligation. My argument, rather, is that even if states were to fulfill their obligations to refugees, local communities would still have obligations to refugees, because having a decent chance at a minimally flourishing life requires more than a safe place; it also requires the opportunity to be in community with others who are in that place. Additionally, insofar as local communities can influence what their states choose to do (some states, at least, are sensitive to their members’ attitudes and desires), local communities are obligated to work toward being in good relation with not only actual resettled refugees, but also potential resettled refugees. This is crucial because such attitudinal changes at the local level have the potential to impact whether and how states work to fulfill their obligations to refugees.

So we should not think in terms of either state obligations or local community obligations, but rather recognize that both sets of obligations matter and are complementary. While local communities cannot resettle refugees—only states can do that—they do nevertheless have important social obligations to refugees, both because of how they function and because of how they interact with and influence the state(s) of which they are a part. Local communities can thus exacerbate the global refugee crisis or be part of the solution. I here focus on why and how they ought to be the latter.

II. LOCAL COMMUNITIES AND THE SOCIAL
For Bar On, the social is the site of violence and nonviolence in that the “context of violence is a condition of its possibility.” It is a particular social context that makes violence possible and that makes it what it is in any specific case. As she explains elsewhere, thinking through a violent act, “its magnitude and therefore radicality depend on its position in the nexus of social relations and the normative understanding of its worth and how these constitute the context of its performance and its meaning.” Violence is always situated in the social; thus, it is “not so in exactly the same way in all situations.” Interpreting and furthering Hannah Arendt’s emphasis on actual social,
legal, and political conditions, Bar On points out that “it matters whether [the violent act’s] performance is socially marginalized, detested, criminalized, and punishable under law, or alternatively, though considered in negative terms, also put up with and somehow exempted,” because these social relations tell us how to understand what has occurred as well as how to evaluate it.24 We can only see and understand violence as it occurs within our particular material communal situatedness; it, and its cousin nonviolence, are impossible to grasp without some existing social context or other.

Bar On is not here echoing Michel Foucault’s claim that social power constructs values and ideas—the view is not that such power determines the dominant ideology, which in turn determines what is and isn’t violence.25 Violent acts are such regardless of whether the dominant ideology so labels them; but their full nature and meaning depends on the nexus of social relations in which they (always do) occur. At the same time, though, Bar On is not saying simply that how we interpret instances of violence is context sensitive. Instead, she threads the needle: she takes up an Arendtian understanding of the links between social conditions and normative understandings, which allows for “uncommon distinction[s]” to be made.23 Social conditions, which are always subject to contestation, set what ways of being and meaning-making are possible so that the full nature of the violence in question is only interpretable through consideration of the actual social conditions in which it occurs. To put the point another way, we are able to read and understand violence for what it is only through the lens of the social, because the web of relations in which we exist—which are set through our social structures and are thus malleable via our agonistic engagement—sets the nature of our worlds.24

Bar On’s emphasis, which she shares with many other feminist scholars, is on the actual social conditions in which we find ourselves. These social conditions make possible and impossible certain understandings, evaluations, and relations with others.25 While Bar On focuses particularly on the social as the site of violence and nonviolence, I take her point and broaden it to draw out and interpret the seemingly innocuous yet important claim that the social provides the context through which we live and make meaningful our lives. Local communities are socially, politically, and physically structured in particular ways. That structuring makes possible or impossible opportunities to learn, play, work, and more generally build community with others.26 It is through our situatedness in our local community that we are able to construct our lives in certain ways and simultaneously read them as understandable, meaningful, normatively evaluable, and as different than they might otherwise have been.27 The social is the site of meaning-making for individuals because it sets the conditions of possibility for whether and how we can reflexively build and weave together moments, actions, and situations to make sense of and influence our ethico-political (to use Bar On’s term) lives.

Importantly, we are not merely at the mercy of our local social world. As Bar On puts it, we can, and should, always ask ourselves “what is the future self that we are willing to live with,” and what is the future community that we are willing to live in, and act accordingly.28 For Bar On, this reflexive questioning is how we insert ourselves between us and our (potential) grave wrongdoings; for me, it is how we insert ourselves normatively into the social conditions in which we find ourselves and which make up the possibilities of our worlds. Individuals can and do contest the social conditions that make some relations and understandings possible and others impossible. It is a constant symbiosis: what I can do, what I can’t do, and what I actually do is meaningfully communicated to me through the lens of my local sociality, and also reconstructed by me back to my community via our communal spaces of practice. Our communal spaces of practice are where and via what social structures we learn, play, work, and build relations (good or bad) with others. This is the “space of politics.” Bar On writes—it is always local, sometimes physical, always contestable (even if not always contested), and crucially, “a space [that] both highlight[s] and profoundly depend[s] . . . on human plurality.”29 We need connection to this space—as it needs us—if we are to live (and understand ourselves as living) minimally flourishing lives.

Local communities, their social structures, and their communal spaces of practice are not static things; they do not represent or embody human unity, even on a small scale. Rather, they are malleable, sensitive to, and dependent on, individual and group engagement. They are also important, because they—as we have seen—set the conditions of possibility for ways of being, for learning, playing, working, and building relations with others. Humans cannot build flourishing lives without social conditions that leave open the possibility of, if not enable, their doing so. Putting this together with another key theme from Bar On’s work, discussed above, that refugees deserve a decent chance at a minimally flourishing life, it follows that we have a social obligation to build into our local communities social structures and communal spaces of practice that invite and facilitate positive relations with refugees. Without these, refugees who are resettled into local communities remain unconnected to the space of politics and thus unable to be in good relation with established community members. Communities must provide resettled refugees with the opportunity to engage in the situatedness that is emblematic of being in a positive web of social relations; otherwise, they do not have a decent chance at a minimally flourishing life.

To be clear, to be in a positive web of social relations with others is not necessarily to agree with, or be the same as, them—the space of politics depends on human plurality rather than unity. Following Kim TallBear, who is also “thinking in terms of being in relation,” we can understand this as “an explicitly spatial narrative of caretaking relations” that “requires us to pay attention to our relations and obligations here and now.”31 Contrasting a hierarchical settler mythology that depends on the exclusion and erasure of some people and groups with her “relational web framework,” TallBear says, “I focus here, not then.”32 The space of politics exists where and when people are able to build community with others via social structures and communal spaces of practice that invite them to learn, play, and work. But, as Bar On notes, this
space is "quite fragile and cannot be made otherwise" because it depends on an acceptance of human plurality, of people relating well across their differences rather than muting those differences to survive. To foster the social conditions of possibility for a minimally flourishing life, then, local communities must "make accommodation, cede space, . . . [and] actively relate" with refugees, rather than assimilating, excluding, or erasing them (as often happens in Global North communities). The goal is to develop the social so that people—refugees and already established community members—can "relate well in this place without that inherently eliminatory dreaming" that TallBear argues is a feature of settler colonialism and Bar On argues is a feature of rising fascism.

III. PRACTICALITIES
It is one thing to say that local communities have an obligation (best understood as a social obligation rather than a strictly moral or political one) to set up social structures and communal spaces of practice that invite refugees into the local space of politics, that provide opportunities to be in good relation with those who live around them, as we might say, in the here and now. But it is another thing entirely to describe the necessary and sufficient features of those structures and spaces in a way that is even partially action-guiding. This, though, is what Bar On argues is so crucial; we must think through the specifics of any solutions that we proffer in order to make headway on the refugee crisis, to move toward ensuring refugees have a decent chance for a minimally flourishing life.

So let us consider what kinds of social structures and communal spaces of practice are such that they afford the opportunity for creating positive relations between refugees and established community members. Throughout this discussion, I have in mind local communities in the Global North, although I think that my more general comments can be applied, with modifications as needed, to local communities in other parts of the world. Following Bar On’s theoretical framework, any particular practical claims about what communities should do must be sensitive to their actual material, social, and external constraints; still, we can maintain that even communities facing serious constraints have an obligation to do what they can to welcome refugees into the local space of politics. To begin, certain communal spaces of practice are such that they afford the conditions of possibility for a minimally flourishing life.

In addition to their formal educational social structures and spaces of practice, local communities should also consider their informal ones, such as community dialogue groups and media (both children’s media and content aimed at current and future generations is a critical, and indelibly social, task. It takes place formally and informally—both in schools and through media, both in daycares and through daily familial interactions. Of course, different local communities have different educational needs and resources, and so will need to create different formal social structures and spaces of practice. For instance, agricultural communities need to be sensitive to planting and harvest times when developing the structure of the school year, unlike urban communities, which in turn may need to be more sensitive to when rolling electrical blackouts are likely to occur during the year. Despite these kinds of differences, though, which are a function of existing in different localities and social conditions, all communities should work to ensure that their educational communal spaces of practice and social structures operate to invite newcomers into the community of learning rather than to block them out.

For example, local communities with possible new members need to ensure that prayer and reflection rooms are available for those faculty, staff, and students who may arrive and have daily religious practice obligations. Whether such rooms are utilized or not, they are a way of ceding space to and making accommodation for newly resettled refugees. More broadly, local schools need to be open to all, regardless of historical affiliation; parochial schools fracture the space of politics by insisting on certain elements of unity rather than embracing the plurality that is essential to forging active relationships with newcomers to the community. Continuing along these lines, universities and other higher education spaces ought to develop pathways for recognizing degrees from other countries as meaningful; one quick way to isolate someone is to make it clear that their years of schooling do not matter here (wherever “here” turns out to be).

Turning first to learning, it is a truism that the education of current and future generations is a critical, and indelibly social, task. It takes place formally and informally—both in schools and through media, both in daycares and through daily familial interactions. Of course, different local communities have different educational needs and resources, and so will need to create different formal social structures and spaces of practice. For instance, agricultural communities need to be sensitive to planting and harvest times when developing the structure of the school year, unlike urban communities, which in turn may need to be more sensitive to when rolling electrical blackouts are likely to occur during the year. Despite these kinds of differences, though, which are a function of existing in different localities and social conditions, all communities should work to ensure that their educational communal spaces of practice and social structures operate to invite newcomers into the community of learning rather than to block them out.

In this vein, it is important to recall that not all internet and social media discussion of refugees is toxic: while 4chan and pernicious Reddit threads certainly exist, so too does antiracist TikTok, refugee-friendly Facebook, and the like. Local communities might even consider making use of such content (for example, the UNHCR’s Instagram feed is an excellent source, as is the International Rescue Committee’s Twitter) in the creation of dialogue-friendly spaces and groups. While such spaces of practice and informal dialogic structures cannot supplant online discussion, they can provide community members with more and alternative points of view, as well as the tools to respond substantively to negative online commentary about
refugees and refugee issues more broadly. And importantly, when communities foster dialogue-friendly spaces where established community members can respectfully engage with refugees and refugee resettlement, it is a way of actively relating to refugees; such work helps to create a social context wherein it is possible for refugees to be in good relation with their new community.41

The discussion of media is deeply complex: I do not have space to fully investigate it here. The one thing I will say is that local communities have an obligation to ensure that their media is not forwarding only a “single story” about refugees.42 Of course, much media is now globalized; the era of the local newspaper is gone in many parts of the world.43 So this is in part a call to those local communities that do have control of the various global media makers to ensure that they are putting forward a multiplicity of stories.44 It is also a call to other local communities to do what they realistically can, through encouraging local content creation (e.g., supporting local and regional authors, singer/songwriters, and other artists, as well as community theater productions, art competitions, and the like) and diverse media consumption (e.g., hosting movie nights, book clubs, guest speakers, and community watch parties, and supporting independent cinemas, art galleries, and the like). Broadly, media must show human plurality to invite and encourage the recognition of others that is needed to create and maintain the space of politics. As Chimamanda Ngozi Adichie says, “the consequence of the single story is that it robs people of dignity. It makes our recognition of our equal humanity difficult.”45 Having a single story about refugees is problematic not only because it leads to unthinking stereotypes among established community members, which in turn cause difficulties in building positive community relations with refugees, but also because it can lead refugees to believe that there is only one way of being available to them. “Show a people as one thing, as only one thing, over and over again,” Adichie continues, “and that is what they become.”46 By contrast, when many stories are available, the social conditions are such that refugees can make meaningful their lives in a variety of ways, because they can recognize themselves, via those stories, as part of the human plurality that makes up their new community. The opportunity for such meaning-making, as Adichie too concludes, is a crucial part of living a minimally flourishing life.47

Media, of course, is not only about learning, but also about playing. One of the ways people play is via the creation, consumption, and critique of media. Professional critic A. O. Scott goes so far as to say that the production of representations, and subsequent critical discussion about those representations, is what makes us human.48 Regardless of whether we accept that claim, it is doubtless true that media is one of the mediums through which we play as well as learn; thus, there is even more reason for local communities to ensure, to the best of their abilities, that their media lets everyone into the game, be it as a creator, a consumer, a critic, or some combination of all three. While funding is always an issue, especially for local communities that have severe resource constraints, public libraries, museums, movie theaters, video arcades, festivals, gaming groups, etc., ought to be low- or no-cost, open to all, and explicitly welcoming to new arrivals to the community. This is difficult to do in free market economies, but not impossible, as urban revitalization projects across the Global North consistently demonstrate. Again, opening up these play-oriented spaces of practice is a way of ceding space to refugees; doing so creates a context that encourages the forging of relationships that enable refugees to play (and, if Scott is right, to exercise their humanity).

Such relationships are essential because play, like learning, is indelibly social. People can and do play alone, but even when they do so, what and how they play is a result of the social conditions in which they exist; the social sets the conditions of possibility for play of various kinds to occur. Consider the creation of local green spaces versus hostile architecture: one makes outdoor play possible, and even invites it, while the other forecloses such possibilities. Providing green spaces accommodates all sorts of games, especially those which are likely to be played by children who would otherwise be strangers to each other. (Anecdotally, but I suspect not unfamiliarly, my child makes new best friends, who differ from her in several ways, every week at our city park, while I chat with their caregivers.) These connections would be much more difficult, if not impossible, were it not for the social structures that make possible the maintenance of this space of practice.) Providing spaces, be they parks, other green spaces, or no- or low-cost community centers, where children and their caregivers can easily connect through play, allows refugees the chance to integrate into local community networks, which in turn provides the opportunity for them to join the local space of politics and be in good relation with others in the here and now.49

The abilities to learn and play are key elements of having a decent chance for a minimally flourishing life. Included in such a life is the ability to work, which is itself also a function of social structures and communal spaces of practice. Local communities should strive to provide opportunities for meaningful work that are not distributed either on the basis of citizenship, other discriminatory practices, or the infamous “old boys’ network,” which relies on restricted, exclusive relational webs. Rather, opportunities for meaningful work should be apportioned on the basis of aptitude, with an eye to building and developing workplace cultures that are collegial and open to human plurality. This is somewhat vague, but includes local communities setting up social structures that support equity in hiring, anti-discriminatory practices, hiring fairs for refugees and other newly arrived community members, and forums on ethical, social, and political responsibilities in business. Additionally, local communities should provide pathways for individuals and groups to engage in civil rights disputes against companies; political solidarity around workplace issues not only fosters class consciousness (à la Marx) but also community consciousness, which is critical for the formation and maintenance of the local space of politics.

Like educational spaces, workspaces in various local communities will differ. For instance, factories and high-rises will not be able to build collegial spaces of practice in the same ways because of the physical constraints they
each face. The point though, is not that work-oriented spaces of practice in different local communities must look the same; rather, it is that they should “feel” relevantly similar in that they afford opportunities for creating positive relations between resettled refugees and established community members. This can be as simple as having a weekly or monthly “coffee/tea hour” for all employees and as complex as providing facilities for work colleagues to engage in recreational activities such as table tennis, foosball (also sometimes called table football or table soccer), or group video games. While these examples are perhaps specific to the Global North, the point is that allowances like these provide the conditions for rapport to build among work colleagues; they are an acknowledgment that space is needed for collegiality to occur and flourish, and a signal that such collegiality is welcomed in the workplace. Such signals are small, but they can be a lifeline for resettled refugees who simply want a place to live and build community with others.

Ultimately, it is difficult for local communities to create the social conditions that make it possible for refugees to relate well in that place. Nevertheless, in order to provide refugees with a decent chance at a minimally flourishing life, local communities must try, in ways that are sensitive to their resource and other external constraints, to encourage certain communal ways of being, and not others, through their social structures and spaces of practice. It is these that can help overcome the structural difficulties refugees face; for by altering local social structures and spaces of practice to make it possible for refugees to be in good relation, it is possible to change the regional, national, and even international views, attitudes, and approaches that make the current refugee crisis so intractable. This is clearly aspirational, but not, I think, so wildly optimistic as to be untenable, especially when we consider that many states within the international community ostensibly operate in response to their members’ attitudes and desires. If local communities shift toward welcoming actual and potential refugees, this will have at least two effects. First, it sends a signal to their state’s political elites that accepting more refugees would be politically popular or at the least, politically acceptable. Since politicians like to do what is popular, this could lead states to begin to fulfill their obligations to refugees. Second, shifting local attitudes in favor of building positive relations with refugees will eventually produce members of the political class who regard respecting refugee rights as “normal” and “the correct thing to do.” While this is not a quick solution to changing regional, national, and even international views, attitudes, and approaches, it is precisely the tactic used by the LGBTQ+ Movement in the United States to go from the changing regional, national, and even international views, attitudes, and approaches that make the current refugee crisis so intractable. This is clearly aspirational, but not, I think, so wildly optimistic as to be untenable, especially when we consider that many states within the international community ostensibly operate in response to their members’ attitudes and desires. If local communities shift toward welcoming actual and potential refugees, this will have at least two effects. First, it sends a signal to their state’s political elites that accepting more refugees would be politically popular or at the least, politically acceptable. Since politicians like to do what is popular, this could lead states to begin to fulfill their obligations to refugees. Second, shifting local attitudes in favor of building positive relations with refugees will eventually produce members of the political class who regard respecting refugee rights as “normal” and “the correct thing to do.” While this is not a quick solution to changing regional, national, and even international views, attitudes, and approaches, it is precisely the tactic used by the LGBTQ+ Movement in the United States to go from the

here and now in which they find themselves. But together, these suggestions may point us toward sufficiency, and good relations at the local social level can impact the global. The key is to create patterns; the actual social obligation of local communities is to create a pattern of moments that when woven together provide a communal way of being in which positive relations with, between, and among refugees and established community members is possible. Such a weaving would, I dare say, make Bat-Ami Bar On proud.

NOTES

1. Of course, states are not the only institutions that make up the international community. They are simply the most dominant ones currently, although that is changing with the rise of multinational corporations that function as de facto states. A key difference between states and multinational corporations is that such corporations are dispersed, rather than unified within bounded territories.

2. This is a core claim of contemporary refugee studies, and so I will not defend it here. See Bat-Ami Bar On, Serena Parekh, and my own work, among others, for arguments in support of this view.

3. The interplay between local communities’ obligations to refugees and states’ obligations is complicated because a local community’s ability to meet their obligations to refugees will be partially dependent on what states do. If states refuse to meet their obligations to accept refugees, then local communities cannot work to be in good relation with those refugees. But at the same time, what states are likely to do is partially dependent on local communities. For instance, if local communities successfully work to change attitudes toward (actual and potential) refugees among their existing populations to be more positive, then states (at least those states that are responsive to their members’ attitudes) are more likely to be open to resettling refugees within their borders. So while local communities alone cannot solve the refugee crisis, they have an important role to play, in the sense that their response to actual and potential refugees can both influence states and, as I argue below, facilitate or obstruct refugees’ chances to live a minimally flourishing life. Thanks to an anonymous referee for pushing me to consider this point.

4. It is important to note at the outset that different local communities will be constrained in different ways depending on what resources are available to them and what kinds of external supports they have. For instance, a local community within the United States with a small refugee population is differently positioned, with respect to its obligations to refugees, than a local community in Lebanon that hosts a large refugee population. While my more theoretical comments are aimed at local communities in general, many of my specific practical comments are aimed squarely at local communities in the Global North. Thanks to an anonymous referee for encouraging me to clarify this point.


7. For a good discussion of the difficulties surrounding providing a definition of “refugee” and the importance of doing so, see David Miller, Strangers in Our Midst: The Political Philosophy of Immigration (Cambridge, MA: Harvard University Press, 2016), ch. 5.


9. As Serena Parekh argues, in contemporary refugee camps, the occupants are regularly subjected to serious harms and wrongs, including ongoing severe human rights violations. As she says, such camps completely fail to provide meaningful refuge. Serena Parekh, No Refugee: Ethics and the Global Refugee Crisis (New York: Oxford University Press, 2020).

13. Whether states have legitimate political authority is a separate question, and one I will not consider here. It is enough for my purposes to say that states could legally institute refugee aid and resettlement if they so desired.
22. This idea has become influential in social philosophy. For a nice discussion of it, see Andrew Flana and Jennifer Kling, Can War Be Justified? A Debate (New York: Routledge, Forthcoming), ch. 1.
26. I am using "local community" in the everyday sense of the term, to indicate the material and social spaces where people engage in their everyday lives. It references, broadly, where we learn, work, play, and build human networks of families, friends, and co-members in socio-political projects. It is the answer to the question, "Where do you live?" or sometimes, if you're traveling, "Where are you from?"
27. See, for example, Etienne C. Wenger and William M. Snyder, "Communities of Practice: The Organizational Frontier," Harvard Business Review (January–February 2000).
30. I frame it this way because current refugee resettlement practices force most, if not all, refugees into the role of passive objects (who are resettled) rather than active subjects (who resettle). This is deeply problematic; however, it reflects the nature of the international system today and highlights the lack of choices that refugees have. For a more in-depth discussion of this framing issue, see Kling, War Refugees: Risk, Justice, and Moral Responsibility, ch. 6.
31. TallBear, "Caretaking Relations, Not American Dreaming," 25, emphasis in original.
34. TallBear, "Caretaking Relations, Not American Dreaming," 29-32, emphasis in original.
35. TallBear, "Caretaking Relations, Not American Dreaming," 26; Bar On, "But is it Fascism?"
37. You might worry that this means that refugees should never be resettled in communities with such bad communal ways of being, and that this has the implication that fewer refugees will be resettled overall. According to both international law and the settled ethics of refugee studies, refugees should not be resettled to unsafe places. So it is true that insofar as fascistic communities are deeply unsafe for those who do not fit their mythos, refugees should not be resettled to such communities. This would be akin tothrowing refugees who have escaped the frying pan back into the fire. The exception might be if refugees happened to fit the fascistic community’s mythos; for instance, Ukrainian refugees have been welcomed in some far-right European countries in 2022, countries which have closed their borders to refugees from other parts of the world. This is only a possible exception though, because it is not clear that fascistic communities are ever safe and in good relation, even amongst themselves. Arendt and Bar On both would certainly deny such a claim. Ultimately, it is true that it is not acceptable to simply resettle refugees anywhere; to do so would be, in some cases, to expose them to serious potential future harms and wrongs. Refugees must be resettled in safe places where there is the potential for them to be in good relation with others. Hence, local communities’ social obligations to make themselves into such places if possible. Thanks to an anonymous referee for raising this worry.
40. Thank you to an anonymous referee, as well as the editors, for raising this point.
41. For some specific instances where community discussion groups have impacted local communal attitudes toward refugees in the United States, see the results of the National Endowment for the Humanities (NEH) Dialogues on the Experience of War program, which have been published by various grant awardees. https://www.neh.gov/grants/education/dialogues-the-experience-war.
43. Thanks to the editors and an anonymous referee for raising this concern.
44. This follows my interpretation and extrapolation of Bar On’s argument that actual social contexts set the conditions of possibility; even the behemoths that are the global media machines are ultimately rooted in the local.
47. Adichie, The Danger of a Single Story.
49. Of course, there is no guarantee that the provision of public green spaces, parks, or other community centers will work to forge the communal connections that I discuss here, but they open up relational possibilities in a way that local communities should be sensitive to and, furthermore, should take advantage of.

BIBLIOGRAPHY


“Violent Bodies”: Two Feminist Perspectives

Dianna Taylor

JOHN CARROLL UNIVERSITY

When we women find the courage to defend ourselves, to take a stand against brutality and abuse, we are violating every notion of womanhood we have ever been taught. The way to freedom for women is bound to be torturous for that reason alone.¹

— Andrea Dworkin, Woman Hating

[T]o do justice to violence, one ought to let oneself be affected by it.²

— Bat-Ami Bar On, The Subject of Violence

INTRODUCTION

I graduated with a PhD in philosophy from Binghamton University in May of 2001. Bat-Ami Bar On directed my dissertation, and she remained my mentor and friend until her death in November of 2020.³ Since Ami died, I have had several opportunities to reflect upon how she influenced my development as a feminist philosopher, as well as to engage with her scholarship from a new perspective.⁴ Good teachers do not simply impart knowledge. The way in which they do so models thinking that is critically engaged (not only with texts and other thinkers, but also with the world) for their students; good teachers act as exemplars in how to think. Since Ami was one of the best teachers I had, it therefore makes sense that reflecting on how she influenced me is interconnected with and necessarily entails engaging with her own thinking as it is reflected in her philosophical oeuvre. A particular passage from the Introduction to her 2002 book, The Subject of Violence, impressed upon me the complicated nature of this interconnection. Remark upon how Hannah Arendt’s work influenced her, as well as her philosophical engagement with it, Bar On observes that both Arendt’s and her own work, while not overtly autobiographical, nonetheless emerge out of and therefore cannot help but reflect their respective lived experiences generally and their experiences of violence more specifically. At the same time, Bar On shares Arendt’s concern about having her work merely read through or even reduced to those experiences. “I would not,” Bar On writes, want other people to “intrude” into my “subjective” mental states and events, and I am quite anxious about others’ readings of me that would connect my work to my experience of violence as a Jewish Israeli. On the one hand, this is ... an essential connection. On the other hand, this is not a connection that can be construed causally. It is an “intrusion” ending in a causal, and therefore, deterministic construction that I would take as most disrespectful. As haunted as I am by my experiences of violence, I am not just their product, and my work does not simply flow out of my experiences of violence.⁵

This passage gave me pause. In rereading Ami’s work, I have found myself not only thinking about and analyzing our respective feminist philosophical perspectives on violence, but also wondering about the origins of those differences. Arendt’s work on violence also shapes my own in important ways, and it was Ami who introduced me to Arendt. Yet we draw upon different aspects of Arendt’s work which we in turn interpret differently and deploy in the service of arguments which, while not opposing, are not obviously compatible, either. There is really nothing surprising about the fact that a student does not take the same stance on thinkers and problems their teacher does (in fact, Ami would have wanted that to be the case) or that philosophers read the same texts and come away with (sometimes radically) different interpretations of them. But because it was only shortly before Ami died that I started working on violence from the position of one who has, as she states in the epigraph one ought to do, let herself be affected by it, I didn’t get to have the kind of conversations...
with Ami about violence that I would have liked to have had. Attributing our different perspectives to our experiences may in a sense help to fill that gap, and in doing so also alleviate the increased sense of loss the absence of those conversations leaves, but, as Ami reminds us, that sort of speculation opens the door to reductive and indeed unethical readings of thinkers and their work.

This essay's analysis of Ami's and my divergent views on whether and how violence can be deployed in the service of emancipatory feminist projects therefore focuses not on the origins of these views, but on their implications for feminism and feminist thought generally, and feminist resistance to sexual violence more specifically. In what follows, I unpack Ami's analysis of the ethicopolitics of violent embodied feminist resistance against sexual violence as she presents it in Chapter Seven, "Violent Bodies," of The Subject of Violence. Offering support for her perspective on such deployment while also distinguishing my own stance from hers, I show that Ami and I read Arendt's text, On Violence, differently, and that our respective appeals to other philosophical influences overlap and diverge as well. Ultimately, I endorse a broader use of violence against sexist oppression and with less hesitation and ambivalence than, on my reading, Ami does. Both of us, however, share the conviction that violent embodied feminist resistance needs to be practiced (self)critically and (self)reflectively in solidarity with other feminists.

PERSPECTIVE 1: BAT-AMI BAR ON

The whole of Bat-Ami Bar On's work confronts and grapples with, rather than resists or denies or seeks to overcome, the ambiguity of existence as conceived by Simone de Beauvoir. Bar On acknowledges and keeps in play the fact that humans are, as Arendt puts it, "unique distinct" beings who are nonetheless bound to other people within the context of a shared world; we are, Beauvoir tells us, simultaneously of "sovereign importance" and "insignificant." That Bar On "assumes" (as Beauvoir puts it) ambiguity in turn contributes to the simultaneously aspirational and unequivocally pragmatic character of her philosophy: her work engages the world as it is, even as it seeks to transform it. This aspirational pragmatism is reflected in Bar On's approach to the questions concerning the ethicopolitics of violence and its deployment that preoccupied her throughout her philosophical career. She writes in the Preface to The Subject of Violence that she came to consider violence as "one of [her] life's conditions." Her point here, as she goes on to explain, is not that violence is "determinative" of her conditions of existence, but rather that it is "always there and necessarily reacted to." Much of Bar On's work focuses on questions of violence as they emerge within the context of armed conflicts such as genocide, terrorism, and war, and these themes are woven into the earlier chapters of The Subject of Violence. My current focus on the role violence can play within feminist resistance to sexual violence makes me especially interested in the analysis Bar On provides in "Violent Bodies."

In that chapter, Bar On argues from an Arendtian perspective that cultivating what she refers to as "violent women bodies" can be ethically and politically justified if, first, its nature and scope are narrowly defined and, second, if it is undertaken as part of an overall feminist project aimed at countering men's systemic gender-based sexual violence against women. She conceives of a violent body specifically as one that is "habituated to use violence or, more precisely, a body habituated to act violently." Violent women bodies of course have to be cultivated, because normative gender constitutes women's bodies (and therefore women themselves) as nonviolent and even passive. Given the interconnection of the relation of self to self with relations to others and world, women in turn constitute (to at least some extent and in different ways) their embodied self-relation in terms of these same sexist norms. Simone de Beauvoir, in The Second Sex, describes how boys "undergo a veritable apprenticeship in violence" while girls decidedly do not. "[C]onquering actions," Beauvoir writes, "are not permitted to the girl, and violence in particular is not permitted to her." Sharon Marcus elaborates on Beauvoir's point when she argues that whereas men are constituted and in turn constitute themselves as subjects of violence, women are construed as targets of (men's) violence and therefore constitute, understand, and relate to themselves (to at least some extent and in different ways) as "subjects of fear." This mode of self-relations (greatly) inhibits women's ability to physically retaliate in the face of an attack. "Feminine fear," Marcus argues, stems from, reproduces, and intensifies women's experience of their embodiment (and therefore themselves) as "universally vulnerable, lacking force, and incompetent to supplement" their bodies and resulting embodied "deficiencies." In light of the pervasiveness of sexual violence, structural and institutional ineffectiveness and social apathy in the face of it, and the extent to which normative gendering leaves women ill-equipped to defend themselves or otherwise retaliate, cultivating violent women bodies would appear (arguably, quite obviously) to be not only necessary but also, insofar as it opposes a definitive form of the violence that characterizes gender oppression, justifiable on both political and ethical grounds. On Bar On's view, though, the situation is more complicated. In what she describes as both an individual and national (and therefore collective) "project," Bar On relates that she began cultivating her own violent body as a Jewish Israeli child. Contra to the dictates of normative femininity, Bar On played "war games" with the other children in her neighborhood, as well as within the more formal context of "youth movements," where such games were used to teach physical and cognitive "skills." Bar On's "apprenticeship in violence" did not end when she reached puberty. She underwent military training in Israel and later took up martial arts in conjunction with her involvement in the US feminist movement. Being schooled in violence, constituting herself as a violent woman body, does not, however, lead Bar On to uncritically endorse doing so as a feminist strategy of resistance. She expresses if not ambivalence then at least caution about women habituating themselves in the use of violence, even for the purposes of self-defense. This more guarded stance stems in part from the fact that Bar On's own experience has made clear to her that only a "very thin" line can be drawn between a body that is able and prepared to act violently (a "ready-to-fight body") and one that actually does so—a "fighting body," as it were. Even this thinnest of lines, Bar On
acknowledges, may be impossible to maintain in practice, but she wants to at least try to maintain it, in part because she worries that women’s embodied habituation toward violence may unintentionally reproduce conditions for the possibility of the very violence that their ready-to-fight bodies are intended to counter. “How can I not be seriously troubled,” Bar On writes, “by my continued engagement in the maintenance and reproduction of my body when many feminists are very critical and suspicious of violent bodies seeing, just as I do, violent men’s bodies as the primary implement of violence in the everyday kinds of violence that women experience, such as rape and battering, as well as in war?”

Even if it is the case that ready-to-fight bodies are in some sense always and at the same time fighting bodies—if, in other words, the violence of the ready-to-fight body is indistinguishable from or at least bound up with that of the fighting body—from Bar On’s perspective cultivating a violent woman body (and therefore engaging in the practice of violence) can still be an ethicopolitical project provided that it is circumscribed in two ways. First, the violent body must be a solely defensive one, as Bar On puts it, the body’s violence must be “limited temporally and in its scope.” As Bar On shows, Arendt considered self-defense to be “ethicopolitically unproblematic” because it is an immediate response to an immediate threat. “[T]he farther . . . the intended end of violence “recedes into the future,” Arendt writes, the more the use of violence “loses its plausibility.” The second way in which cultivating violent women bodies can be ethicopolitically justifiable is if that cultivation is specifically feminist in character. According to Bar On, from an Arendtian perspective, this criterion conflicts with the first. Arendt did not, she asserts, consider relations of domination and subordination to be political, with the result that she would not have seen defensive violence deployed in order to combat oppression as political, either. For her, women defending themselves against practices like rape and sexual assault that stem from and reproduce gender oppression would be self-interested.

And yet Bar On argues that, paradoxically, cultivating violent women bodies can be ethicopolitically justified—from an Arendtian perspective, no less—only if it takes place within the context of the broader project of feminism. Aspects of feminist self-defense, she shows, are in fact political on Arendt’s terms. Arendt defines politics as human beings coming together for the purposes of action and speech, and cultivating a violent woman body within the context of feminist self-defense training is, Bar On contends, undertaken as part of a collective project of “acting in concert.” The fact that cultivating a violent, feminist, woman body is transgressive also makes it political from an Arendtian perspective. For Arendt, action is political precisely because it is spontaneous and, therefore, characteristically “unpredictable and unreliable.” Action is never determined by the conditions and contexts within which it occurs; it creates something new and, therefore, does not respect existing boundaries. On this basis, cultivating a violent, feminist, woman body is transgressive in two ways. First, as discussed above, it transgresses normative femininity. “If what political action is about is the interruption of the status quo,” Bar On writes, “then it seems that there is no need to worry about the transgressive excess of the feminist actions that bring into being violent women bodies”—about, that is, women’s bodies becoming unfeminine and, therefore, “what they are not supposed to be.” Second, cultivating a violent, feminist, woman body transgresses its own feminist frame. Their feminist character may provide violent women bodies with their ethicopolitical justification, but their cultivation cannot be completely determined by and therefore reduced to and contained within a feminist frame. Like Arendt, Bar On cautions that, as a form of action, violence is characteristically unpredictable. Its effects can never be fully anticipated and, despite our best efforts to circumscribe it in the ways Arendt and Bar On describe—that is, to limit it to an immediate response to a specific action or event—violence still has the potential to break loose from the boundaries of its intended aims and objectives and, as Bar On puts it, “run amok.” She thus concludes “Violent Bodies” by emphasizing that any feminist project of self-defense needs to be undertaken in (self)critical ways that mediate against the always-present possibility of feminist violence devolving into oppressive violence. “A feminist,” she writes, “must concern herself with quite complex questions about the possibility that as women’s bodies become habituated to violent action, they may act in ways that ‘inhumanely’ and ‘destructively’ transgress the boundaries that are specified by an ethicopolitical justification for the action that they are undertaking.”

I do not disagree with Ami’s perspective in “Violent Bodies.” My own perspective diverges from hers, however, and it does so specifically in ways that open onto and promote a broader feminist deployment of violence in the face of systemic rape and sexual assault—feminist deployment, that is, of what I refer to as counter-violence. For reasons I will discuss, I am less concerned than Ami is about delineating in advance an ethicopolitical justification for feminist counter-violence. At the same time, I do share her view that how violence affects those who exercise it, as well as its broader ramifications, needs to be acknowledged and grappled with. I also do not think that it is necessary to limit in advance the form that feminist counter-violence may take; I do not think, that is, that the only ethical form of feminist counter-violence is defensive. While defensive violence may be the most appropriate response in some (perhaps many or even most) situations, I think there are other situations in which pre-emptive counter-violence is both called for and ethical.

**PERSPECTIVE 2: DIANNA TAYLOR**

Ami knew Arendt’s work better than I do. I therefore do not intend to call into question (in the sense of mounting a critique of it) her reading that from an Arendtian perspective only defensively violent feminist women bodies can be ethicopolitically justified. At the same time, I do have questions (which I would love to be able to unpack with Ami) concerning how to square that particular Arendtian perspective with other remarks Arendt makes in *On Violence*, remarks that inform my own views about feminist counter-violence. Unlike Bar On, I do not approach Arendt’s work on violence from the vantage point of her views on self-defense; rather, I approach it from the perspective...
of what she says about rage.\textsuperscript{26} That this is the case is not coincidental, because I posit rage as the definitive affective response to oppression, and thus by extension oppressive violence.\textsuperscript{26}

Arendt sees rage opening onto but not necessarily generating violent action. In Part III of On Violence, she reflects that, in part because of its association with violence, rage is pathologized. Acknowledging that rage can indeed “be irrational and pathological,” Arendt nonetheless contends that the same is true for “every other human affect.”\textsuperscript{28} She points out, moreover, that absence of affective responses should not be equated with the presence of rationality. Insofar as they are reactions, all human responses, including those characterized as rational and therefore reasonable, express that one has been affected or “moved” by something or someone.\textsuperscript{28} It is therefore reasonable, express that one has been affected

... rage a response—what (or who) provokes it? Not, Arendt argues, “misery and suffering.”\textsuperscript{31} Human beings do not, she writes, generally or primarily respond with rage in the face of natural disasters, for example. Within the devastating misery and suffering of Nazi extermination and concentration camps, moreover, the pathological effects of “dehumanization” were reflected not in “rage and violence” but rather in their “conspicuous absence.”\textsuperscript{32} For Arendt, rage rather emerges in response to injustice, which she construes in terms of contexts and situations in which “there is reason to suspect that conditions could be changed and are not”—when, in other words, prevailing conditions are taken to be necessary conditions.\textsuperscript{33} She states, “[o]nly when our sense of justice is offended do we react with rage.”\textsuperscript{34}

Arendt describes the violence that, she emphasizes, may but need not stem from rage in very different terms from the narrowly circumscribed, ethicopolitically justified violence of self-defense: “[U]nder certain circumstances,” she writes,

\begin{quote}
violence—acting without argument or speech and without counting the consequences—is the only way to set the scales of justice right again. . . . In this sense, rage and the violence that sometimes—not always—goes with it belong among the “natural” human emotions, and to curb man of them would mean nothing less than to dehumanize . . . him.\textsuperscript{35}
\end{quote}

The first part of this passage asserts that in some situations, a violent response is simply required; arguing that in such instances violence is the only way to right injustice, moreover, appears to suggest that the usual required justifications for its use (such as that it be an immediate response to an imminent threat) may not (do not?) apply. The second part of the passage asserts that because, absent violent intervention, injustice will prevail in some situations, not permitting rage to actualize, and therefore by extension repressing counter-violence, is

dehumanizing. Arendt’s perspective here resonates quite strongly with Beauvoir’s as she expresses it in The Second Sex. “Violence,” Beauvoir writes,\textsuperscript{36}

...is the authentic test of every person’s attachment to himself, his passions, and his own will; to radically reject it is to reject all objective truth, it is to isolate one’s self in an abstract subjectivity; an anger or a revolt that does not exert itself in muscles remain imaginary. It is a terrible frustration not to be able to imprint the movements of one’s heart on the face of the earth.\textsuperscript{36}

Bar On cites this passage as part of her illustration of how cultivating a violent woman body transgresses normative femininity. I see Beauvoir making a more fundamental point here, though; namely, that the human capacity for violence figures centrally in shaping how we constitute, understand, and relate to ourselves. The way in which we relate to that capacity (and therefore to ourselves) therefore by extension shapes how we relate to others and the world. To say that violence is constitutive in this way is not to say that human beings are inherently violent. Rather, Beauvoir sees violence as an unavoidable effect of the tension and conflict that characterize an existence that is both ambiguous and collective. That violence also characterizes an existence that is human means that denying certain groups the ability to actualize their capacity for it by, for example, pathologizing their violence and thus fostering modes of self-relation in which they experience their own capacity for it as pathological, denies those groups access to the full range of experiences through which freedom may be actualized. In other words, repressing violence, especially in the face of injustice, is dehumanizing not because it violates some essential quality that defines humanity, but rather because it curtails and even denies the freedom that characterizes a human existence. The fact that Arendt places scare quotes around the word “natural” when referring to violence as a human capacity reflects the fact that she too rejects the idea that it is an inherent quality. Like Beauvoir, she sees violence as an effect of lived experience, an aspect of which is the experience of injustice she describes.

How can these two quite different Arendtian perspectives on and accounts of violence, one narrowly circumscribed and limited in scope, the other a broad response to an equally broad conceptualization of injustice, be reconciled? According to Arendt herself, the latter, rageful, violence may not be irrational, but neither is it political.\textsuperscript{37} She associates rageful violence with “acts . . . in which men take the law into their own hands for justice’s sake” and describes it as being “in conflict with the constitutions of civilized communities.”\textsuperscript{38} Just as Bar On reads Arendt against herself in arguing that only as feminist can women’s defensive violence can be political, I want to suggest that rageful violence as a response to injustice can be seen, on Arendt’s own terms, to possess at least ethicopolitical potential. A whole host of situations and scenarios could fall under the auspices of “taking prevailing conditions to be necessary conditions” and therefore be construed as unjust in an Arendtian sense. It is noteworthy, however, that Arendt associated both presenting and uncritically accepting prevailing conditions as necessary ones with totalitarianism.
Totalitarian regimes presented their worldview as a natural and therefore inevitable order of things; they capitalized on and in turn fostered nonthinking, which entails “holding fast to whatever the prescribed rules of conduct may be at a given time in a given society.” The fact that Arendt cites “rebellion” and “revolution” as expressions of rage and violence in the face of injustice suggests, moreover, that unjust situations include those in which change is not only possible but needed, precisely because (as in the case of totalitarianism) prevailing conditions are harmful or destructive and therefore not merely accepted as necessary but rather imposed and enforced. Ultimately, that Arendt describes injustice and totalitarianism, the most antipolitical of ideologies, in similar terms suggests to me that at least some manifestations of injustice are themselves antipolitical. In such cases, opposing injustice through rageful violence—the only way to overcome it—could function in the same way she argues that thinking does “in the rare moments where the chips are down.” Through facilitating critical questioning of and refusal to go along with the status quo, thinking paves the way for judging, which Arendt describes as the political faculty par excellence: thinking “deals with invisibles” but judging engages the world, precisely as it is. Rageful violence similarly refuses to accept the status quo; it may therefore, in some contexts, pave the way for political activity.

In my view, then, it’s possible to read Arendt offering a broader ethicopolitical justification for multiple manifestations of counterviolence to oppose sexual violence, one that extends beyond the merely defensive. But even if Arendt does not provide the grounds for such justification, the work of other thinkers affords insight into a different sort of ethical and political validation of counterviolence. My own analyses of counterviolence generally and feminist counter-violence more specifically are grounded in the tradition of critical phenomenology. My perspectives are shaped most strongly by Beauvoir and Frantz Fanon, but I also draw upon the work of Maurice Merleau-Ponty and, of course, Arendt herself. Michel Foucault’s work frames my understanding of the nature and function of power relations within contemporary Western societies. Like Beauvoir and Fanon (as well as Arendt and Bar On), I understand violence to be a manifestation of the human capacity for action. Also consistent with critical phenomenology is my view of violence as an embodied violation that inflicts harm against both the physical and lived bodies. Oppressive violence as I understand it is generated within and functions to both reproduce and enforce systems of oppression—systems characterized by conditions under which the exercise of freedom by some groups systematically denies the freedom of others. Under conditions of oppression, some groups are deeply constrained in their ability to shape their conditions of existence, in part because they are, as Judith Butler puts it, “differentially exposed to injury, violence, and death.” Counter-violence is enacted, both individually and collectively, by bodies against other bodies. It manifests as an embodied mode of self-relation that is committed to putting itself in the way of oppressive violence and, therefore, to striking back against it. By circumventing, disrupting, or even preventing the actualization of the oppressive violence upon which they rely, counter-violence undermines oppressive systems. In responding to oppressive violence, moreover, counter-violence exposes it, thereby opening it up to interrogation and protest; in effect, it redirects oppressive violence back against its (individual and systemic) sources. Ultimately, by exposing oppressive violence for what it is, especially when undertaken collectively, counter-violence has the potential to disrupt the reproduction of oppressive conditions more broadly, as well as to foster solidarity among the oppressed.

Approaching counter-violence through the work of Beauvoir and Fanon reduces (but does not remove) concern about the ethicopolitics of counter-violence. They (and Merleau-Ponty) are firm in their stance that counter-violence needs to be part of resistance against oppressive systems (for them, fascism and colonialism) that rely upon violence for their reproduction—systems for which, in other words, violence is not merely an effect but also a condition of possibility. In the face of oppression, Beauvoir writes, “the oppressed has only one solution: to deny the harmony of that mankind from which an attempt is made to exclude him, to prove that he is a man and that he is free by revolting.” Revolt is ethical because it (re)establishes reciprocity among human beings, it restores the ambivalence typically associated with the definition of freedom. As the passage cited earlier from The Second Sex makes clear, to be a meaningful actualization of human freedom this revolt must manifest in the body; it must be a “muscular revolt.”

From a specifically feminist critical phenomenological perspective, then, feminist counter-violence takes the form of embodied responses to the (sexual) violence that grounds, reproduces, reinforces, minimizes, and thus legitimizes gender oppression. My understanding of gender oppression affirms my belief that a broader use of feminist counter-violence, a use that extends beyond self-defense, is both ethical and politically necessary. As I see it, normative (binary) gender is an oppressive system. Violent gendered relations of power ground and are reproduced through major social and political institutions, including those which function as resources for victims/survivors: law enforcement, courts of law, social services. Gendered and sexual violence ground and are reproduced through major social and political institutions; these forms of violence are socially and politically legitimated. Designed to deal with violence after the fact, official, institutional interventions can at best (and often not especially effectively) manage gendered and sexual violence; casting prevailing conditions as necessary, they do virtually nothing to prevent it. The vast majority of feminists, in contrast, promote prevention and, ultimately, eradication of oppressive gendered and sexual violence. In addition to Sharon Marcus, contemporary feminist scholars such as Ann Cahill (2009) and Martha McCaughey (1997) make a strong case for the potential to feminist self-defense to facilitate these objectives—as did Beauvoir herself. “Men use violence against women in their language as well as in their gestures,” Beauvoir observes. “They assault women: they rape them, insult them, and certain looks are aggressions. Women must equally defend themselves with violence.”
Self-defense, of course, falls within the limitations Bar On advocates concerning the use of feminist counter-violence. It is actualized in response to an immediate attack in the moment when it occurs. My view of normative gender as an oppressive system points to the need for additional, broader, pre-emptive feminist strategies within which counter-violence may be deployed. Such strategies, including but not limited to those aimed at reclaiming and transforming public space and those targeting known violent men, were developed within the antifare wing of the US Women's Liberation Movement during the 1960s and 1970s. Elements of these strategies, provided they are developed from an intersectional perspective, could prove effective within a contemporary context. The impulse to reject such actions as vigilantism (as Arendt seems to do) needs to be resisted, especially given the reality that when it comes to violence against women, the law functions as what Foucault describes as a productive failure: sexual and intimate partner violence law fails if we see its aim as serving victims/survivors; when it comes to reproducing oppressive gendered relations of power, it succeeds. In the face of such productive failure, I identify interesting possibilities for coalition among, for example, feminist counter-violence advocates and anticarceral feminists.

CONCLUSION
The more assertive attitude toward counter-violence reflected in Arendt's conceptualization of rageful violence and the work of Beauvoir, Fanon, Merleau-Ponty, and myself is no less assertively (self)critical than that which is reflected in Arendt's and Bar On's support for defensive violence. Arendt's view of injustice, and oppression as conceived within critical phenomenology, are quite general phenomena; this leaves individuals and groups in a position of needing to determine for themselves whether and how counter-violence can be effectively and ethically deployed. Arguably, then, an assertive attitude toward counter-violence requires even more intense scrutiny and critical evaluation concerning its use and effects. Like the thinkers whose work influences my own consideration of the matter of counter-violence, I am not offering it as a solution to the problem of oppressive violence, nor am I (or they) arguing that it can or should be used by all oppressed people in all situations. My point is, rather, that counter-violence should not be uncritically rejected as merely oppressive, that it needs to be distinguished from oppressive violence, and that it needs to be on the table as one possible way in which revolt against oppression can be expressed. Beauvoir, Fanon, Merleau-Ponty, Arendt, and Bar On all leave their readers to grapple with how to live in a world where this need is a reality, a world in which oppressive violence continues unabated in forms that are sometimes more virulent, sometimes more subtle, and increasingly unanticipated. In short, our situation continues to require, as Arendt wrote in 1950, "unpremeditated, attentive facing up to and resisting of reality—whatever it may be."47

This is a world and a reality that require coming together and acting in concert to oppose oppression and injustice, and doing so in ways that do not collapse but rather foreground, assert, and bring into conversation an ever-changing variety of ways of being in the world. In a contribution to a symposium on Sandra Bartky's book Femininity and Domination, in the feminist philosophy journal, Hypatia, Bar On writes that she sees Bartky appealing to both identification and critical consciousness as bases for feminism. Identification invokes "a feeling of a more or less cathartic connection with others that affirms things about what one takes oneself to be while giving one the deep sense and satisfaction that because of these things one belongs."48 Again echoing Arendt, this time in The Origins of Totalitarianism, Bar On worries about the broad antipolitical implications of the tendency to posit some aspect of who we are, and which we in turn identify in others, as the basis for coming together with them. She writes that this impulse has a "lulling" effect which, similar to what Nietzsche refers to as "peace of soul," fosters complacency and obedience (or at least surrender in the face of perplexity) and therefore leads us to simply resign ourselves to prevailing sociopolitical conditions.49 It would thus appear that we should reject identification in favor of the critical consciousness that emerges from the experiences of alienation and estrangement. But this isn't Bar On's view. It is precisely Bartky's "eclecticism," her willingness to risk attachments, Bar On writes, that facilitates identification with her as a thinker and thus with her feminist project more broadly. The line between bodies that enforce and those which oppose oppression, between oppressive violence and counter-violence may indeed be thin. But Bar On is right that it cannot be maintained if feminist debate about "what is at issue and at stake" with respect to the "active configuration of violent bodies" is simply foreclosed.50 She shows, and I agree with her, that both engaging questions about the ethics and politics of feminist counter-violence and engaging in that violence itself need to be undertaken thoughtfully and self-critically, as well as collectively and in solidarity with other feminists.

NOTES
1. Dworkin, Woman Hating, 23.
2. I find Bar On's wording here interesting. What does it mean to "do justice" to violence? I've understood her to be saying that one needs to critically engage it in order to promote understanding, but this is something I would have liked to ask her about.
3. When referring to Ami as my teacher, mentor, and friend, I refer to her by her first name. When analyzing her work, I will revert to the academic practice of referring to her by her last name.
20. In The Human Condition, Arendt describes both action and, insofar as it is characterized by action, the entire “realm of human affairs” in these terms. See Arendt, The Human Condition, especially Part V.
21. As Dworkin makes clear in the epigraph, transgressing gender norms is both fraught and risky.
25. In The Subject of Violence, Bar On’s analysis of violence as a whole is framed in terms of the experience of trauma. Earlier chapters of The Subject of Violence refer to texts in which Arendt describes and analyzes the traumatic experiences (including her own) of refugees and stateless persons during World War II. In my view, this framing in turn shapes how Bar On approaches On Violence, as is also the case with my own analysis of violence in terms of oppression and rage shaping how I read that text.
28. Arendt, On Violence, 64.
29. Arendt, On Violence, 64.
34. Arendt, On Violence, 63.
35. Arendt, On Violence, 64. It is interesting to me that Ami doesn’t cite this section of On Violence in “Violent Bodies.” Maybe she simply interpreted it differently. Maybe it didn’t catch her attention because she doesn’t approach Arendt’s work on violence through her remarks about rage. Still, it seems to me that Ami must have noted the similarities between this passage from On Violence and the one from The Second Sex, and so I wonder, why Beauvoir and not (also) Arendt?
37. Arendt, On Violence, 64.
38. Arendt, On Violence, 64.
40. Arendt, On Violence, 63.
42. Arendt, “Thinking and Moral Considerations,” 425.
43. This is Beauvoir’s definition of oppression in The Ethics of Ambiguity: “freedom which is interested only in denying freedom.” See Beauvoir, The Ethics of Ambiguity, 91.
44. Butler, Frames of War, 25. Butler refers to this differential exposure as “precarity.”

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“Mere Talk,” Accountability, and Repair: Arendt and Bar On on Civility

Alice MacLachlan
YORK UNIVERSITY

For the Greeks to fight justly against each other meant not destroying the conditions of the possibility of talking with each other and, therefore, preserving the most basic conditions of the possibility of politics and especially some version of democratic politics. . . . I think of politics agonally and democratically, and so have come to appreciate the Greek commitment to the preservation of the conditions that make talk possible.

— Bat-Ami Bar On

for Ami, with gratitude
1. INTRODUCTION

For Hannah Arendt, the political realm is both constituted by and intended for "the sharing of words and deeds"; we become political when we create spaces where we can negotiate with others who may be very different from us. Arendt's understanding of politics is deeply relational; in her discussion of the Greeks, she notes that, strictly speaking, the polis is not the physical city state, but rather the organizations and relationships in the spaces created by political speech and action. Given this emphasis on political speech—and given Arendt's enthusiastic engagement with Roman as well as Hellenistic political traditions—it makes sense to reflect on recent debates over the nature and value of civility (derived, as it is, from the Roman concept of what befits and is owed to a fellow citizen) through the lens of Arendt's reflections on the value and vulnerabilities of political speech.

Similarly, when rereading Arendt scholar Bat-Ami Bar On's rich and provocative opus of political and philosophical writing, I am always drawn to her reflections on the power of politically expressive speech and actions:

[Political] protest, exactly because of its display of political power, can remind people that the form of their collective life is always open to political negotiations and revisions, as well as that they can come together with others and be political agents of change. I am not comfortable with a response to this problem [of evil] that posits morality or ethics in a regulative or even constructive role in relation to politics. I do not think that politics can or ought to be subsumed under ethics.

In this paper, I sketch an approach to political civility that is both Arendtian and Bar Onian in spirit, drawing on Bar On's reflection in the epigraph above: that she had "come to appreciate the Greek commitment to the preservation of the conditions that make talk possible." If there is a salvageable notion of civility—one that can be rescued from its deeply embedded history of racism and classism and sexism and ableism and exclusion and xenophobia and gatekeeping and silencing and so on—it may well be this: political civility, at its best, is nothing more or less than the conditions—that continue to make talk possible. Rather than fencing off what is unspeakable, inappropriate, and unfit for the podium or dinner table, or establishing a set of insider rules that mark the elite from the uncouth, we can instead understand civility as at least some aspect of what we need to first ground and then maintain a public space conducive to talking through the most difficult things together, even across vast and substantive political differences (in Arendt's language, plurality) and in the face of real conflict. Such spaces (and the relationships they create) are integral to the world’s oldest democracies, from the Haudenosaunee longhouse to the Greek polis. They are also central to Arendt and Bar On's political writing, as well as that of Bar On's former student, philosopher Jessica Vargas Gonzalez, who describes them as engendering mediated relationships of civic care.

My argumentative strategy is as follows: first, I address legitimate critiques of civility raised in recent years, and offer some reasons for optimism, in light of my proposed reframing. An approach that draws on these two thinkers, I suggest, would have small but significant differences from both the "tolerate the intolerable" and "punch up, kiss down" approaches to civility. These differences argue in its favor. Second, I draw on Arendt's and Bar On's thinking to highlight markers for recognizing when efforts at civility go right or wrong, that is, when they are wielded either in the service of democratic politics and civic care, or as a way to shut them down. These markers are drawn from Arendt's generative discussion of action in The Human Condition, specifically: her account of promising—that is, our capacity to be accountable and to hold one another accountable; her account of forgiveness—that is, our capacity to work toward repair; and her references to the conditions under which meaningful political speech descends into meaningless "mere talk." In framing the normativity of civility in terms of accountability and repair, I am echoing Arendt's claim that the only two natural limits on the freedom of political action—"the only ones not applied to action from the outside"—are our capacity for promising and forgiving. Indeed, this resonates with Bar On's cautious about seeking outside (i.e., purely ethical) limits to political conduct:

I am not comfortable with a response to this problem [of evil] that posits morality or ethics in a regulative or even constructive role in relation to politics. I do not think that politics can or ought to be subsumed under ethics.

Further, I believe that the concepts of accountability and repair may be critical when identifying misuses and abuses: instances when civility is used to shut down the possibility of meaningful speech, rather than facilitating it. Characteristically, abuses of civility are those instances that claim the high ground (i.e., upholding apparent standards of civil discourse or politeness) while refusing to be accountable to one's interlocutor(s) and failing to consider what might be needed for repair.

Finally, understanding Arendt's reference to "mere talk" as a degradation of genuine political speech is also useful in this regard, though I am mindful of Arendt's warnings against any effort to find a permanent solution to the fragility of political spaces and political action. Indeed, her remarks on morality at the end of the chapter on Action might well apply to civility:

Insofar as morality [civility] is more than the sum total of mores, of customs and standards of behaviour solidified through tradition and valid on the grounds of agreements, both of which change with time, it has, at least politically, no more to support itself than the good will to counter the enormous risks of action by readiness to forgive and to be forgiven, to make promises and to keep them.

If we cannot generate an account of civility that is immune to abuse and exploitation, we can—at the least—gesture to one with some tools for identifying its own misuse.
2. THE CASE AGAINST CIVILITY

Critics of civility are not hard to find. Alex Zamalin put the case bluntly: “civility is a central term through which racial inequality has been maintained . . . exalted in the language of slaveholders, segregationists, lynching mobs, and eugenacists.” Similarly, Nora Berenstain invokes civility’s disturbing history, noting that “civility has a long, ugly, and well-documented history that contemporary calls for civility obscure,” tying it to the European “civilizing project” of global violence and genocide, and noting that even in the present, challenges to the status quo by the marginalized and oppressed are always more likely to be seen as “uncivil.” Linda Zerilli remarks, somewhat wryly, that “disenfranchised minorities such as women and African Americans have been regularly accused of incivility just by virtue of daring to show up in public and press their rights claims.” Moreover, as Alison Reiheld notes, these very real problems are exacerbated by the tendency to “[toss the term] around with uncritical abandon in public discourse.”

What, exactly, is the target of these critics’ ire? If we return to the Roman origins of the word, as that which is both owed to and befits a citizen of the state, civility refers to any number of virtues including tolerance, nonviolence, cooperation, a certain civic-mindedness and even neighborliness, as well as a healthy respect for the rights and privacy of others. Indeed, civility is a virtue in both the public and private realm, overlapping with broad practices of politeness, good manners, and even etiquette. Of course, the use of “citizen” here—easily contrasted with outsider, foreigner, and slave—may already raise some hackles, and rightly so.

In both philosophical and public debates, moreover, civility is most often understood as a set of constraints on speech. For Rawls, the duty of civility requires that we justify our actions and decisions by reference only to public values and standards and that we refrain from citing our private, comprehensive beliefs—which may not be shared by our interlocutor or our fellow citizens. Mark Kingwell also highlights the importance of holding one’s tongue, especially when our deeply held convictions might be offensive, hurtful, or a conversation stopper. Cheshire Calhoun understands civility as a communicative virtue, one that allows us to express moral attitudes of respect, consideration, and tolerance in contexts governed by social norms. For Calhoun, a civil response is owed to all one’s interlocutors and opponents, except for those who hold and express views outside a society-wide moral consensus.

In other words, we must tolerate the intolerant and even the intolerable, at least until everyone else agrees to find them so. Among these philosophical accounts, Calhoun’s fits best with wider, public connotations: we show civility when we are courteous and polite to others—even those we dislike or disagree with—thus expressing respect and consideration. Adam Serwer is more succinct: one common definition is simply “not being an asshole.”

Understanding civility as an external constraint on political speech helps to make sense of critics’ concerns. Even Amy Olberding, herself a proponent of civility, acknowledges that “the command to ‘be civil’ can operate as a way to insist that we accept the world just as it is, without protest or complaint.” Socially disruptive practices of incivility and rudeness, on the other hand, aim to shake up the status quo—interrupting the meeting, boycotting the event, disputing the dominant narrative, calling out hypocrisy, jumping in to speak truth to power—and, insofar as these actions challenge socially normative expectations about who should speak to whom, and how, they are far more likely to come across as rude. There is an inherent conservativism to most measures of civility: if rudeness means being treated with less respect than you are entitled to, then people who are already conditioned to think they are disproportionately entitled to others’ respect will see almost all challenges to that entitlement as rude. Again, Serwer is succinct on this point: “the second [definition of civility] is ‘I can do what I want and you can shut up’.”

In other words, civility’s regrettable history with unjust oppression and domination is hardly coincidental. If Calhoun is right and we owe everyone a civil response on issues where we have not yet achieved social consensus, then her view would insist that enslaved persons remain respectful and polite to pre-Civil War defenders of slavery, even in the face of their own dehumanization. In Macalester Bell’s words, “when a person lives in a world where social closure on the intolerability of some intolerable practice has not yet been achieved, she must choose between being civil and acting with integrity.” Sometimes the intolerable is just that: intolerable. The demand that political disagreement be governed by civility controls not only how things are said—but ultimately, what can be said and, thus, who can speak. There are some claims and experiences that simply cannot be effectively communicated apart from expressive anger and accusation; it is hardly controversial to suggest that the evils of chattel slavery are among them.

Moreover, if their testimony cannot be shared intact, the participants who carry these experiences cannot fully participate in the conversation. “Civility” becomes little more than a set of norms to keep an unjust playing field tilted towards the status quo, with proponents and beneficiaries of the status quo—that is, those least provoked by it—as gatekeepers to the game. Indeed, adherents to civility are reminiscent of the white moderate in Martin Luther King Jr.’s “Letters from Birmingham Jail” who is more of a stumbling block to freedom than the Ku Klux Klan, precisely because they are “more devoted to ‘order’ than to justice.”

It is not hard to imagine what Arendt and Bar On might have to say about this form of civility, given their shared commitment to meaningful political speech, political freedoms, and the political responsibility we have to hold evildoers accountable. While Arendt holds that political spaces are defined by the use of speech rather than violence, she nevertheless admits that these spaces are “highly individualistic” and agonistic, defined by constant debate and contestation—certainly not limited to polite dinner conversation or Robert’s Rules of Order. The sheer fact of human plurality (difference) makes such contestation not only inevitable but something to be celebrated; the chance to make one’s case and persuade others represents the highest possibility of political freedom. Moreover, Arendt cites multiple instances of protest and revolution as the highest examples of meaningful political action, including
both the American Revolution and the Hungarian Uprising of 1956—when student protestors broke into a state radio station, calling on fellow citizens to rise up and protest ongoing Soviet occupation. Arendt was clearly willing to endorse far more than polite disagreement in the face of tyranny or totalitarianism, opening On Revolution with the claim:

No cause is left but the most ancient of all, the one, in fact, that from the beginning of our history has determined the very existence of politics, the cause of freedom versus tyranny.

Similarly, Bar On celebrated contestatory action in multiple forms. Indeed, one of her most fascinating discussions of the topic can be found in a critique of Iris Marion Young on protest. Bar On suggests that Young is too anxious to turn direct action into a form of speech, “a move intended to create an equivalence between the protestor and the deliberative democrat,” and in doing so, “[Young] does not distance herself from the constraints on political speech that are imposed by deliberative democrats.” In other words, protest as a form of political action is valuable in part because of the ways it goes beyond those constraints. Bar On concludes that Young misses “an opportunity to consider protest as a performance that projects not force . . . but rather political power.” I read Bar On here as herself opposing “constraints on political speech” insofar as they rule out the power of radical (if non-violent) political protest, activism, and direct action—something the conception of civility described above, would certainly do.

3. THE CONDITIONS THAT MAKE TALK POSSIBLE

Given their shared opposition to the kind of constraints on speech I associated with “civility” above, it might seem strange to enlist Arendt and Bar On in the defense of any variation on the concept. But Arendt was just as aware of the fragility and vulnerability of the public square as she was of its political power and freedom. Her praise for the polis as the most “talkative of all bodies politic” is tinged by her sense that it is a rare and fleeting human achievement—“this space does not always exist.” Even when such spaces flourished, access to the polis was limited at best, and the public spirit that animated this site of democratic engagement was historically replaced by “worldless” commitments of Christianity, and the momentous growth of both the private and the social realms in the modern era. The value and the vulnerability of public spaces of discourse, in combination, offer reasons to shore them up in some way—indeed, Arendt described laws as just such metaphorical walls, protecting rather than participating in the space of politics. So at least some limits are needed; it is not inconceivable that some such limits might concern our speech.

But the purest expression of both thinkers’ commitment to some sort of normative guidance or constraint when it comes to preserving a space for political discourse and cooperation—a space that is animated by both a shared common reality and a sense of public spiritedness—can be found in Bar On’s conclusion to “On the Opposition of Politics and War,” quoted at the beginning of this piece:

For the Greeks to fight justly against each other meant not destroying the conditions of the possibility of talking with each other and, therefore, preserving the most basic conditions of the possibility of politics and especially some version of democratic politics. . . . I think of politics agonally and democratically, and so have come to appreciate the Greek commitment to the preservation of the conditions that make talk possible.

What are the conditions that make talk possible? Bar On’s comments conclude with a set of nuanced reflections on the place, if any, of violence in politics—and they are intended to allow for the possibility of violence that can be both justified and constrained on political grounds: i.e., insofar as it allows for and contributes to the possibility of future political discourse among enemies. But Bar On’s commitment to the preservation of such conditions, precisely because of the value of talk, can be seen in her wider corpus: for example, in discussions of political protest, national identity, debates within feminism, responsibility for evil, and terrorism. And her commitment is, at heart, deeply Arendtian. It is thus worth exploring what “civility”—understood in terms of the conditions that make ongoing political talk possible—might look like.

At first glance, this is a decidedly minimalist approach to civility. All that must be maintained, after all, is the possibility of talk; there is no requirement that the talk be refined, well-mannered, polite, or especially respectful. But this—of course—is too quick. As former combatants and peace practitioners have testified, one of the hardest steps toward reconciliation after conflict is creating spaces where people are willing even to speak to one another, let alone to connect, compromise, and resolve entrenched disputes. Conditions for talk include the willingness to recognize the other as an interlocutor—itself a gesture of respect across massive divides—and the willingness to trust in the authority of the process and all those involved: that you will be heard and listened to, that your testimony will be believed, and your claims and needs respected, that you will not be mocked, derided, exploited, or attacked. Considered in this context, Arendt’s remarks on the riskiness of speaking among others take on new meaning:

This courage is not necessarily or even primarily related to a willingness to suffer the consequences; courage and even boldness are already present in leaving one’s private hiding place and showing who one is, in disclosing and exposing one’s self.

If peace processes after conflict—admittedly an outlier among political contexts—help us identify the effort that goes into creating a space of meaningful speech, in Arendt’s sense, we can still recognize the need for faith in the space itself and in one’s fellow participants in how we maintain public spaces for speech in ordinary contexts. If everyone knows that anything goes, such faith will quickly disintegrate, along with any incentive to participate. This is the Arendtian case for constraint.

First and foremost, such constraints will not apply uniformly, simply because we have different relationships to public
spaces and the power dynamics within them. A moderator at a town hall, for example, may need to maintain decorum even as individual forum members must be free to express increasing passion and antagonism, for the event to proceed. Leaders and role models must recognize the extent to which their own restraint creates space for others to speak up and disclose, even as their conduct presents examples for others to follow. Such differences are not limited to formal roles, either; for people to participate in a public space, they must understand themselves as participants: namely, that they are included and recognized and heard. Given extended histories of exclusion and silencing, particular efforts must be made by some citizens to communicate this message to others—a redistribution of entitlement to speak freely, as it were. Some people may be given more leeway to speak freely, while others urged to restrain themselves; in both cases, this is for the integrity of the space itself.

On the surface, a variable understanding of individual obligations to be civil might resemble what is often called, colloquially, “punch up, kiss down.” This somewhat blunt approach that argues the degree of civility someone is owed is inversely proportionate to their relative power in the scenario. The more powerful must remain polite while the less powerful can let loose. “Punch up, kiss down” is intended to counteract both the tendency of civility to reward those with power and the human tendency to “kiss up” to those with more power, and “punch down” those with less, for reasons of both self-interest and status anxiety. There are many issues with an unnuanced “punch up, kiss down” approach, including but not limited to the complexity of establishing the precise relative power differentials between people in any context, not to mention the questionable practice of reducing individuals to their bare social location (something to which Arendt herself would strongly object). But these need not concern us here, because tying obligations of civility to the preservation of talk avoids the pitfalls of reducing the obligations of civility to reductive identity politics—and instead invites us to consider the risks and responsibilities of speaking in public with others.

Arendt was clear that all political speech and action takes courage, both to enter the public sphere and to make oneself visible to different (plural) others, within it. But while we each take risks when entering the public sphere and engaging in political action, not all exposures are created equal. Consider, for example, the extent to which members of marginalized groups (racialized minorities, disabled people, women—especially women of color, trans women, other gender minorities, etc.) are far more likely to face hate, harassment, and threats of violence, both off and especially online. 48

Canadian politician Jagmeet Singh—the first nonwhite leader of a major Canadian political party—articulates exactly this worry, when asked about a crowd of belligerent protestors chasing him and yelling vitriolic profanities: 49

I am worried about what that means for politics generally. What that means for people who want to participate and see something like that and then maybe think, ‘It’s not a place for me.’ And how we might miss some incredible people who won’t come forward and participate in politics. I’ve experienced a lot of this kind of hatred and being physically attacked when I was younger and I learned to defend myself. I’ve taken martial arts. But that shouldn’t be the requirement to be a politician or a leader. That’s what I’m worried about. 40

Singh, who has previously maintained his composure while being attacked for being a Muslim extremist (he is Sikh), told to cut off his turban to look “Canadian,” and been followed by a man threatening a “citizen’s arrest” against him, rightly identifies the higher barriers to public participation facing some citizens and not others. In the cases he discusses, it is rudeness and not civility that is likely to have a chilling effect on political participation.

Arendt is clear that while each of us risks something when we enter the political sphere—and that we risk is often beyond our control—we are nevertheless required to take responsibility for our speech and actions, as part of our commitment to our shared common space. An Arendtian notion of responsibility is both individual (I must take responsibility for the consequences—even unexpected knock-on effects—of my actions) and also a commitment to be part of the political collective, the polis, to care for and nurture the relational space in which political speech and action are possible. Indeed, I propose that Arendtian civility is just this: the willingness to take responsibility, through reflection and restraint, on the extent to which our speech and actions either contribute to the health of our polis—that is, the space of speech and reasons to which those in our political community have equal access—or undermine and threaten it, either by limiting the access of others or by damaging its character as a shared space of speech and persuasion. Speech that silences others 41 or that refuses to be accountable to them as fellow participants in shared political endeavor fails to meet this standard. Those of us with less at risk and more responsibility find ourselves with more opportunity to reflect on how and where our contributions are meaningful on their own terms and as a contribution to the space itself.

In this way, Arendtian civility is not dissimilar to Elizabeth Anderson’s notion of democratic equality, which she employs to argue that egalitarians should be focused on determining the resources and capacities necessary to ensure equal access to political participation, rather than countering all the vagaries of fortune. 42 Arendtian civility acknowledges the role played by power relations in political discourse without reducing our obligations to them. And, unlike “punch up, kiss down,” it also asks something of even the most marginalized and oppressed, in the challenge that they “risk” themselves by entering the public, political sphere. At the very least, all participants must be open to the possibility of meaningful negotiation with (former and current) oppressors, as well as willing to make themselves minimally legible to very different others. But this approach to civility demands more than simply following a set of rules: it requires that we attend to the risks that others have taken as well as our own, and
that we remain aware of their variable impact on both the conversation and the conversationalists (as Singh does, when redirecting his audience’s attention to potential political actors who are disincentivized to speak up). This approach to civility is a matter of attunement and response.

Focusing on what is needed to preserve the conditions for meaningful discourse allows us to offer a different answer than Calhoun does to Bell’s worry about Frederick Douglass in conversation with apologists for chattel slavery; meaningful debate is already impossible when your very humanity is disregarded, as Douglass’s was by defenders of slavery, whether or not his society had reached consensus on this point. Douglass had no obligation to tolerate the intolerable when what was intolerable was the denial of his own political standing and humanity. Douglass simply did not share a space of meaningful contestation and debate—a polis—with his erstwhile opponents, and so concern for conditions needed to preserve that space became irrelevant. Indeed, his situation—on the brink of war—was one that Arendt describes when she says,

> When people are only for or against other people, speech becomes “mere talk,” simply one more means toward the end, whether it serves to deceive the enemy or to dazzle everybody with propaganda; here words reveal nothing. . . .

In other words, an Arendtian approach to civility may require acknowledging that some formerly political spaces have been damaged beyond repair, or at least beyond what repair talk itself can offer. Bar On addresses this point when she remarks,

> where there are unforgivable acts . . . [we] lack . . . any given straightforward ways to repair the rupture. If what has been breached can be rebuilt at all, what seems to be required is an innovative political action that somehow reinstates people as equal political actors capable of freedom, as well as of promise and forgiveness, and hence of the reconstruction of a lightly and cautiously held together space of politics.44

I appreciate both the distinction between meaningful speech and “mere talk” and the recognition that in some circumstances, politics and political spaces have degraded to the point where preservation is—in at least some sense—a lost cause. A commitment to speech does not require that someone argue pointlessly with those who refuse their humanity or deny their dignity; there is a point where that is no longer meaningful, and it becomes “mere talk.” In those moments we require some other “innovative political action”—a rupture, break, protest, or severing—that reshapes or remakes the political space, elsewhere.

4. ACCOUNTABILITY, REPAIR, AND “MERE TALK”

I have argued that this understanding of civility—as a commitment to preserving the conditions of talking with one another—holds more political promise than understanding it either in terms of a social duty to remain polite and tolerate the intolerable, or as an invitation to “punch up” or “kiss down,” depending on one’s social location. That does not mean it is immune to abuse or exploitation, of course—but here, too, both Arendt and Bar On are a source of guidance. At the end of her chapter on political action, Arendt remarks that there are only two moral precepts not applied to politics from the outside, but which properly belong to political normativity: the “readiness to forgive and be forgiven, to make promises and to keep them.”45

There is much to be said about Arendt’s conceptions of both promising and forgiveness—but for present purposes, promising is best understood as our capacity to both hold ourselves accountable and to be accountable to others, while forgiveness describes our capacity to work toward repair. Arendt turns to these faculties because “they arise . . . directly out of the will to live together with others in the mode of acting and speaking, and thus they are like control mechanisms”46 for the boundless, chaotic nature of political action and speech. Indeed, she is also making a claim about the political status of both: namely, that active democratic politics is how we make ourselves accountable to one another, and the freedom enacted through collective political enaction is our best hope for repair. Given the close relationship of promising and forgiving to the political, as Arendt understands it, they are useful tests for seeing whether the constraints imposed on political speech are appropriate to the domain. In other words, when civility is wielded as a tool of gatekeeping and oppression, it fails to have mechanisms for mutual accountability and repair.

The role of these mechanisms can be illustrated by considering a very ordinary, everyday instance of oppressive civility: practices of tone-policing. Indeed, tone-policing often pops up as an example of why the demands of civility can be oppressive.47 The tone policer shifts the focus from the content of the conversation to the tone, language, or manner of discussion and then announces that the shift cannot be reversed until tone is addressed. In other words, to tone-police is to assert one’s authority over the conversation: what is appropriate to it, how that can or ought to be conveyed, and the extent to which the other’s expression (e.g., language, tone, or emotion) meets or fails to meet both. The demand made by a tone policer is not a request (or, if it is, it is a highly imperious one); in that way, the tone policer refuses to be accountable to their interlocutor, instead holding themselves as the self-standing authority.

Similarly, we can see the role for repair when we contrast tone-policing with other forms of tone-intervention. Certainly, there are times when it is reasonable and just to ask for kindness or patience—“I’m so sorry, but I have a really difficult history with this, can you go a little slower, or skip over that part”—or even to request the speaker’s trust, good faith, and charitable interpretation while we stumble towards meaning, making mistakes along the way. What distinguishes such requests for a different register from tone-policing is not just that they leave open the possibility of negotiation, compromise, even consensus—i.e., accountability to the other—but that the request is aimed at the possibility of repair, of working toward relational resolution, rather than holding fast to the authority of one’s own subjectivity.
Of course, political talk is not always conciliatory and kind—far from it. In fact, as Bar On reminds us, the work of political repair is often achieved by demands for accountability, and even protest.

Protest, though, more than other kinds of political action, both displays political power and has the potential of reminding people of their ability to act collectively and shape and reshape their collective life . . . that they can come together with others and be political agents of change. In this way protest may be reminding people of their capacity for political freedom.46

Civility is often seen as a limit to protest: a set of predetermined standards that establish how to protest, when to protest, and—crucially—what is ruled out from the outset. Similarly, it is often invoked as a reason not to protest or object (“now is the time for civility and respect”), as it was on social media following the recent death of Queen Elizabeth, when billionaire Jeff Bezos joined a racist, misogynistic mob attacking Dr. Uju Anya, Associate Professor of Applied Linguistics at Carnegie Mellon.47 It is hard not to see this as civility at its worst, a kind of tone-policing writ large: speak your truth, but not in any way that makes us uncomfortable or puts us out. Civility was weaponized without accountability, and without concern for possible repair to silence colonial and genocidal histories tied to the Queen’s reign. Assessing protest as a commitment to the preservation of the conditions that make possible meaningful political speech and action, on the other hand, provides very different guidance. It invites us to see protest as a way of being accountable to one another, aimed at a collective, reparative reshaping. Civility understood along these lines would not only invite but insist that the death of a monarch—and with her, the end of a global political era—must be an opportunity to tell multiple, overlapping histories of her contested political significance.

Many critics of civility may be willing to accept the focus I have placed on the conditions for meaningful political speech, the importance of distinguishing such speech from “mere talk,” and even the importance of accountability and repair, as mechanisms for measuring if we do what we intend, when we aim for the health of political spaces. The sticking point, however, may well be the language of “civility”—bound up, as it is, in histories of racism, colonialism, and exclusion, and etymologically connected to problematic notions of “civilizing” the other. I can’t help but imagine that the two figures I have invoked here might offer a shrug in response. Both were undoubtedly pragmatic and flexible, just as the approach I have proposed is intended to be. What makes speech possible in one context may not in another; in some instances, preserving appropriate conditions may be straightforward, in others messy. And of course, the conditions for speech are more than speech—they are also material and practical. Sometimes what makes talk possible is a microphone, a stage, an audience, an income. This, again, was an insight very much in character for both Bar On and Arendt. There is an anecdote shared by Arendt’s student and biographer, Elisabeth Young-Bruehl, that cannot help but remind me of Ami.

A group of her New School students came to her before one of the big anti-war demonstrations in New York and asked her advice: they had been approached by a labor union group over the possibility of co-sponsoring a demonstration, but they didn’t know whether to accept this proposal because the union group shared some of their goals but not others, and they feared being “co-opted.” Hannah Arendt pondered the problem, and then replied: “Ach, ya, but you could use their mimeograph machine!” She figured that as long as the students could keep producing statements and manifestos that let people know what they thought, what their goals were, all would be well. The more discussion, the more action, the more power.50

What Arendt and Bar On grasped is this: sometimes fragile political spaces require more and freer speech. Sometimes they require constraints on speech for the sake of speech. And sometimes what they really need is a mimeograph machine.

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NOTES

13. Philosopher Amy Oliverd also rejects a sharp distinction between the public and private, when it comes to discussions of civility, etiquette, and manners (“Subclinical Bias, Manners, and Moral Harm,” 4). In doing so, she draws on the Confucian tradition of understanding all three in terms of li.
14. Ronnie Gura Sadowsky’s work on political etiquette is a notable and important exception to this rule. Rather than conceiving of political etiquette solely in terms of constraints on speech, she acknowledges the development of “a peculiar form of etiquette” with distinctive norms that express respect for social groups (“Political Etiquette”).
25. Arendt: “To be political, to live in a polis, meant that everything was decided through words and persuasion and not through force and violence.” Moreover, “most political action, in so far as it remains outside the sphere of violence, is indeed transacted in words, but more fundamentally . . . finding the right words at the right moment, quite apart from the information or communication they may convey, is action” (The Human Condition, 26).

26. Bar On: “Political freedom is renewed through popular political action, and does not exist without it” (“Normativity, Feminism, and Politics,” 14). Arendt: “The realm of the polis, on the contrary, was the sphere of freedom” (The Human Condition, 30).

27. Bar On: “As a result of present atrocities, there is a continued need for the kind of historical and local human-size explanations of human evil deeds and if, like Arendt, one is concerned with accountability, explanations that do not elide the possibility of holding evil doers accountable for their deeds” (“Standing Between Us and Our Grave Wrongdoings,” 114).


34. There is not space to fully articulate Arendt’s political ontology here, but she refers to a loss of commitment to the idea of the commons as a place for speaking and acting with one another, and the rise of—among other phenomena—government bureaucracies, corporations, and other institutions modeled more on household management than negotiation among engaged political equals.


38. Jagmeet Singh was elected Leader of the Canadian New Democratic Party in 2017, the first racialized person to lead a Canadian federal political party on a permanent basis.


40. Emerick, “The Violence of Silencing.”


42. Arendt, The Human Condition, 180.


44. Arendt, The Human Condition, 245.


46. While examples of tone policing abound, academic discussions typically point to Audre Lorde’s example from “The Uses of Anger:” “I speak out of direct and particular anger at an academic conference, and a white woman says, ‘Tell me how you feel but don’t say it too harshly or I cannot hear you.’ But is it my manner that keeps her from hearing, or the threat of a message that her life may change?” (“The Uses of Anger: Women Responding to Racism,” 125). But there are more pedestrian examples: “adjust your tone” or “I’m not going to listen to you while you’re shouting!” or “if you want my attention, then you’ll speak to me with the respect I deserve.” For further analysis, see MacLachlan, “Tone Policing and the Assertion of Authority.”
Appreciating Being Seen: Attunement and Recognition

Lori Gruen

WESLEYAN UNIVERSITY

I was recently in a conversation with a friend who lost a loved one. She said that one of the things that inspired her to carry on was the idea of trying to take up or embody some quality of her beloved that she particularly admired. There were many things I admired about Ami, but one of the things I most admired was Ami’s acute attunement to others.

I met Ami at the Socialist Feminist Philosophers in Action (SOFPHIA) group about thirty years ago. Though I didn’t see her often, when we did end up in the same place, it felt like not much time had gone by. After we parted company is that I really felt seen by her—genuinely seen.

I have been thinking about misrecognition and the role it plays in many of the horrors that Ami wrote about, as well as the ongoing struggle for recognition both in our political work moving toward justice and in our everyday experiences within the profession of philosophy, where I suspect most of us, at least some of the time, feel profoundly unseen.

Let me briefly say a bit about the political importance of recognition and the harms of misrecognition and then turn to some more very brief comments about the thrilling experience of being genuinely seen.

In recent work on epistemic injustice, particularly testimonial injustice, the topic of misrecognition has received considerable attention. As José Medina argues in his recent paper on the topic, there are two types of misrecognition—one is what he calls a “quantitative recognition deficit” and it comes in two varieties—one in which a topic is not being taken up (he uses the example of racial violence, but gender violence is another example here as well) and the other is when a person attempting to articulate concerns about a topic aren’t listened to, heard, or seen. These quantitative “pathologies” are usually the subject of analyses of epistemic injustice and often the solution involves calls for more inclusive and deeper discussions to make what isn’t recognized more socially visible.

But consider nonbinary or trans people and the systematic misrecognition that they experience. These go beyond quantitative recognition deficits. As Robin Dembroff writes, “nonbinary identities often are not only ignored, but unintelligible. Once again, this system of misrecognition is generated by the structures and practices that construct and define dominant gender kinds. . . . within most dominant contexts, nonbinary gender kinds simply do not appear” (35). Though nonbinary identities are increasingly recognized within queer communities, they are often not seen in dominant contexts, much as a generation ago, same-sex relationships were misrecognized in this way. This sort of misrecognition or erasure extends beyond testimonial silencing, and often directly contributes to violence—police violence, mass incarceration, intimate partner violence, and suicide.

Citing Medina again, Dembroff says, “When a phenomenon like racial violence becomes systematically distorted, it is naïve to expect that the distortions will automatically disappear when more attention is given to the topic or when more credibility is given to the victims or groups affected” (5). In other words, there is a deeper dysfunction, a more complex form of misrecognition that is operating, and increased social visibility is not necessarily going to remedy the injustice.

This deeper dysfunction can be located not in “epistemic injustice” and the violence that can spring from it, but rather in a perhaps more fundamental failure of recognition that distorts or eliminates the subject, such that their “moral injuries” can’t be seen, can’t get uptake. In failing to have a means for uptake of these moral injuries, one’s sense of self and capacity to form meaningful relationships, both personal and political, can be undermined. Forms of invisibility, humiliation, and erasure can preclude the possibility of meaningful political agency. As Axel Honneth, and in a different register, Robin Dillon, have argued, the lack of self-respect that springs from misrecognition can
distort a person's ability to act and, I would suggest, even their ability to be motivated to act.

Judith Butler's work in *Frames of War* and elsewhere suggests that this type of misrecognition obliterates subjects such that they cannot be mourned because they must remain nameless. It's akin to what Calvin Warren describes as "ontological violence"—he writes:

> the "state of injury" [produced by anti-blackness] runs much deeper than physical abuse, torture, and violation. It is an ontological violence. This form of violence situates blacks outside the traditional terms of humanism and into the realm we might describe as the "ontological state of exception." Neither bio-politics nor necropolitics cover this black being in the exception because both discourses presume a "human-being" upon which politics exercises power. Indeed, we might suggest that blacks are placed in a netherworld of conceptual chaos that marks the limits of politics..." (108).

Or consider this comment from one of the incarcerated students I have worked with, James Davis III:

> The imposition of the prisoner identity is effectuated through different means. He is physically separated from "the world" and everything that it entails; he is forced into a new, cold world of brick, concrete and steel surrounded by the quiet violence of razor-wire fencing the very existence of which highlights his dangerousness and proclaims that he deserves his captivity.

> . . . His identity is socially stigmatized, but as a black man he is conscious of the stigma of being a prisoner before ever becoming one. . . . Once in prison the prisoner must contend with the conceptions that are intended to define him as other than who he is.

These forms of misrecognition devastate. But there may be contexts in which to combat this sort of misrecognition. I tend to lean toward pessimism, so I'm not the best person to think about what might counter such misrecognition. Perhaps we can see it in protest slogans, like, "We're here, we're queer, get used to it" and "Hands up! Don't shoot!"—these are statements that target conditions of recognition themselves. Some classrooms might be such places—I think my prison classrooms are sometimes sites that combat dysfunctional misrecognition.

In concluding, let me come back to Ami's profound capacity to genuinely see and recognize us, her friends, her new acquaintances, students, and, it turns out, newly pregnant people.

Her marvelous perceptual attunement is certainly a virtue, but I think this capacity, this ability to make those she is talking to really feel seen and heard, to cut through noise and get to the core of what we want to argue or what we are saying, is an ethico-political accomplishment. She did this without, it seemed to me, putting my views through her views. Without needing to translate my words and thoughts through the theories that she found most compelling. There was a real sense in which I felt both who I am and what I value was held up, elevated, supported. It was more than kindness, more than compassion; it provided me with a feeling of fullness and deep satisfaction. That's not to say she always agreed with what I said—that isn't what recognition requires—but I felt understood. It's a capacity that I treasure and will endeavor to both theorize about and attempt to enact in an effort to do what my other friend suggested, to try to embody that which I so admired in Ami, so that she can stay with me, particularly when I feel unseen.

REFERENCES


**Hannah Arendt and Bat-Ami Bar On on Violence Against Women**

Yasemin Sari

UNIVERSITY OF NORTHERN IOWA

**INTRODUCTION TO THE PROBLEM: VIOLENCE AGAINST WOMEN**

President Biden returned focus to the ongoing problem of violence against women by signing the reauthorization of the Violence Against Women Act (VAWA) in March 2022. The law, originally enacted in 1994 (expired in 2019) provides direct omnibus spending towards victims and survivors of domestic violence and sexual assault. The "bipartisan" reauthorization demonstrates not only the urgency of the problem, but also its priority in the country, and should set an example for other countries to follow. As such, the law not only provides recognition of the issue but also active support to "survivors, the thousands of local programs that serve them, and communities with much-needed resources for housing, legal assistance, alternative to criminal responses, and prevention programming."1

Recalling the 1991 event that predated the VAWA, that is, Anita Hill's testimony against the then-Supreme Court Justice nominee Clarence Thomas, it is important to note that many harmful acts against women at the time were not recognized to be such but were the norm of a society that operated on patriarchal values. In 2021, thirty years after...
her testimony regarding Thomas’s sexual misconduct, Hill
says the following:

And if I could just clearly say what it was that
happened, I assumed that would be enough. I
knew that there would be doubters. But for me,
I knew that all I could do was to say and make
very clear what my experience had been. I knew
it was important to the question of capability as a
Supreme Court justice. But I wanted them to see it,
and that was something that they had to come to a
conclusion about. I mean, they had to interpret it.
That was their job. My job was to tell it. And I did
my job. I don’t think they did theirs.

Two things are salient in Hill’s statement: first, her epistemic
and moral assumption that it would be “sufficient” to state
what happened clearly, and second, the role of the Supreme
Court and Supreme Court Justices in US democracy. To be
sure, as a law professor and author, Hill’s concern for the
health of the judicial system is tantamount to her work as
an advocate of equality and social justice in a democratic
society. In this paper, however, I want to focus on the
first point from a feminist philosophical perspective by
taking up Bat-Ami Bar On’s and Hannah Arendt’s insights
on violence and the role that our need to understand plays
in the creation of political discourse in the aftermath of
violence.

Let me begin with some numbers. According to estimates
published by the World Health Organization, “globally about
1 in 3 (30%) of women worldwide have been subjected to
either physical and/or sexual intimate partner violence or
non-partner sexual violence in their lifetime.”

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In the US, 1,946 women were murdered by men in 2018. In Turkey,
307 women were murdered in 2021. UN Women’s research
shows that “violence against women disproportionately
affects low- and lower-middle-income countries and
regions.” Yet violence against women cannot simply be
reduced to socioeconomic factors that may otherwise
be related to one’s individual and social well-being. The
possibility of being subjected to gender-based violence
is not determined solely by one’s socioeconomic or
educational background; rather, the potential of
becoming a violent agent. Highly educated and well-off
people also commit violence against women. If the social
and economic status of perpetrators and victims do not
determine the outcome of gender violence, this question
cannot be sufficiently addressed merely by changing
socioeconomic arrangements. That is, the question of
gender-based violence cannot with certainty be remedied
by making people richer or more educated.

While there is something inherently destructive in
perpetrating violence (the question of a justification set
aside), the aftermath of violence holds a creative potential
for political discourse stemming from such violence.
Perhaps this can be a way to have an honest reckoning
with violence despite the countless court cases—for
instance, involving quite “certain” or “indubitable” rape
incidents—where the victim’s ability to be “heard” and the
“speakability” of the violent acts still raises controversy.
This tension arises from the dimension of “unspeakability”
of the trauma caused by violence and the accompanying
need to “speak” of the experience. This tension becomes
apparent in how the victim/survivor’s testimony is received.

While the number of reports of violence against women
have increased since Anita Hill’s testimony, there is still
a need to understand and to articulate gender-based
violence as political and take it up politically. The following
then, will not merely offer a rehearsal of Bar On’s and
Arendt’s political philosophical projects, but rather an
attempt to understand, to face up to, the everyday violence
that women suffer in the world today, and to make such
attempt become the basis of a political discussion that we
desperately need.

PART 1: THE NEED TO UNDERSTAND

In the 1950 Preface published in the first edition of
The Origins of Totalitarianism, which Arendt wrote in
the aftermath of the Holocaust, she identified the
unprecedented phenomenon of totalitarianism and
made clear her commitment to “think” and “the need to
understand,” thus:

The conviction that everything that happens
on earth must be comprehensible to man can
lead to interpreting history by commonplaces.

Comprehension does not mean denying the
outrageous, deducing the unprecedented from
precedents, or explaining phenomena by such
analogies and generalities that the impact of reality
and the shock of experience are no longer felt. . . .

Comprehension, in short, means the unmeditated,
attentive facing up to, and resisting of reality—
whatever it may be.

In elucidating comprehension to be a courageous,
unmeditated action that does not diminish the “impact
of reality and the shock of experience,” Arendt makes clear
that it is not her aim to cover over the horror of what is
lived but to show that judgment takes place regardless
of what is suffered. While Origins is not autobiographical,
Arendt herself—a German-Jewish woman, who has
escaped the “final solution” by emigrating from Germany
first to France, and then eventually to the United States—is
one of the “subjects” of totalitarian violence. Her theses
regarding the historical and phenomenological roots of
totalitarianism weave together themes of privilege, racism
(including antisemitism), and loneliness to articulate one
of the pernicious outcomes of imperialism that led to
totalitarianism: superfluousness. Becoming superfluous,
in her analysis, was the fate not only of Central European
Jews, homosexuals, and Roma people targeted by Hitler,
but also of African peoples who were exploited and
massacred by white colonists. Becoming superfluous
made the victims powerless and not able to seize power
against the destructive forces of the Third Reich and other
imperialist powers. Simply put, superfluousness entailed
the elimination (destruction) of political agency.

In the late 1960s, still writing against the background of
the “wars and revolutions” of the twentieth century and in
response to the student uprisings against the Vietnam War
that she aptly articulates as a “global phenomenon,” Arendt
In this paper, I will take up Bar On’s and Arendt’s conceptions of violence in their work to in turn outline a framework from which to articulate the potential political agency that can be created from the stories of such violence. This potential political agency adumbrates how the violent experiences that initially render a victim/survivor speechless can also help them become political agents. This is a potential inherent in the aftermath of violence where the victim/survivor can—in offering their narrative—exercise such agency. To motivate this account of potential political agency I build on Bar On’s use of Arendtian insights on violence and its “speakability” and “unspeakability” to address gender-based violence, which remains underdeveloped in Arendtian scholarship.

While gender-based violence is a structural injustice, the perpetrator is still a human agent attacking another due to the social identities they hold. Thus, we require an account of violence that addresses this interpersonal harm.

In the following, I will endorse a conception of violence understood as a transgression (physical or institutional) that injures another, where such violence is in most cases enacted with the intention to impose harm. This account of violence is adapted from Newton Garver’s conception of violence as “violation of persons.” On Garver’s view, violation of persons can happen at three different registers: (1) violation of one’s body, (2) violation of one’s dignity, and (3) violation of one’s autonomy. While this concept may extend to other harms or wrongs that overlap with or are wider than gender-based violence (for instance, race-based violence), my aim is to emphasize the significance of the conditions that surpass an individualistic account of the phenomenon:

1. An action A by subject S can be said to be a violation of personhood, if it is done intentionally to subject P against subject P’s consent, and it causes harm to one’s sense of self.

2. A structure C can be said to be violent if it allows for such violence against members of a group M by members of another group K.

Statement 1 captures the violation of one’s freedom, going against Kantian noninterference or nondomination that is central to autonomy, as well as the violation of the Millian premise of imposing legitimate limitations on one’s liberty, when one’s action can cause harm to another, namely, the harm principle. Together, domination or power over someone can become violent when it does not respect a person’s humanity and imposes intentional harm onto the person, overriding one’s ability to exercise the right to make decisions about one’s life or destroying one’s basic interests.

Statement 2 shifts the focus from the agent of violence to the social structure that allows for the emergence of violence: this, in Iris Marion Young’s terms, makes up a structural injustice. While according to Young, “violence” is a type of oppression, mainly emphasized through the physical harms done unto members of a particular social group—
for instance, women—such violence is also identified by the social structures and the context in which violence is perpetrated. Violence, then, not only overrides the decision-making capacity of its victim, but can also render the exercise of agency difficult in the immediate aftermath of the violent act—the trauma colors one’s everyday life and actions.

While violence against women can be the result of both 1 (a) and (b), I contend that it also partakes in what condition 2 describes, and that is why the violence against women (especially femicide—the intentional killing of women because they are women) is understood to be “political” in its intimate relationship with the social and legal structures of society.

THE UNSPEAKABILITY OF VIOLENCE
The conditions of violence elucidated above take into account its potential causes and effects as Bar On suggests in her 1998 piece, “Everyday Violence and Ethico-Political Crisis.” Here, she argues that violence not only can reveal the “devaluation of humanity and dignity” of others but can also “generate it,” in people. This devaluation is the manifestation of an “ethico-political impoverishment” which itself is demonstrated in “everyday violence” that is “common rather than rare.” Everyday violence can be encountered in private and in public: it is the violence that is intertwined with, and therefore configures, people’s everyday lives of public or private work, sustenance recreation, and intimate relations. In the case of a large number of women, rape and battering are everyday violence. For Turks in today’s Germany, everyday violence is the function of skinheads’ neo-Nazi attacks. In Rwanda and Afghanistan, everyday violence is post-colonially spawned by the conflict of current warlords.

In juxtaposing the examples of violent acts (such as rape and battering) with the fear of such threats and the lack of individual safety, her analysis takes up not only instantiations of violence but also the conditions that allow for it. Later, in 2002, she underscores the “lived experience” of violence, that is, the connection between the experience and its “speakability” and “unspeakability.” In her words, “[T]here is something about violence or some of it that is inarticulable in language.” And she continues thus:

When I describe my own encounters with violence or other violent events in what seems to me as all the small and striking details that I can pull together, I, nonetheless, feel that there is a residue that exceeds the words that I use and, therefore, is unnamed and, though perhaps expressible in other ways, like painting or sculpting, in some considerable manner, conceptually unknown.

Bar On’s evocation of the element of unspeakability of violence entails two things: first, what is “conceptually unknown” in her terms depicts both the subjective experience that cannot be rendered intelligible in words when the perpetrator renders one “speechless,” and second, the inability to make sense (understand) the reasons for becoming a victim/survivor of violence that results from a structural injustice. The unprovoked violent attack arising from social contexts which allow for its enactment can make it difficult for the victim/survivor to be heard and understood. For such understanding to be possible, the victim/survivor needs to be able to make sense of what happened herself. The requirement, in many instances, for giving reasons for provocation from the victim in this case becomes quite counter-productive if not altogether inappropriate: Was the woman attacked because she happens to be a woman in such a society? Or was she attacked because she supposedly wasn’t careful? The victim/survivor who is trying to understand why they were subjected to such violence often cannot be properly heard and understood if the burden of providing reasons is put on them. As a result, when the victim/survivor is required to provide some proof of reason or provocation for the attack, the harm is likely to remain unremedied and the victim not understood.

VIOLENCE AND POWER
Next, to unpack violence as a structural injustice, I turn to the distinction that Arendt draws between violence and power. In Arendtian political phenomenology, power is a potential that is actualized in collective action—which is judged by its principles—while violence is like force or sheer strength ready to be used that operates on the principle of instrumentality. Most of the time, violence uses weapons whose primary aim is destruction. Moreover, violence is itself a “means”—is used—for further ends, until it becomes an end in itself. While violence itself is a means, it also uses other means for its purposes—among such means we can count one’s own bodily force and strength coupled with skills in battery, as well as other weapons of destruction. To be sure, violence exercised in self-defense aims at the prevention of such destruction. While power emerges in the creation of political space that rests on the conditions of plurality and equality, violence can be utilized in private or in public. The distinction between the origins of power and violence motivates her argument that politics can only exist in action and can be sustained through human speech (and understanding).

By her account, power is the essence, that is, the “for the sake of which” government exists, and not violence. The ability to command obedience is not the reason of being of the government (à la Hobbes). Her conviction rests on the differentiation between “collective power” and “power over” or “domination” that requires “command and obedience.” While a collective can have power to act together, a state can have power over its population, for instance, by the order of instrumentality. As such, a state wields its power in order to require submission and obedience by sanctioning violence or punishment in the case of disobedience. The state can punish or prohibit by sanctioning violence against disobedience. On its own, Arendt contends, violence cannot become the reason for political togetherness.
Central to violence in Arendt’s account is instrumentality, yet such instrumentality is present at four different levels of violence:

1. **Individual**: Violence as the taking of the law into one’s hands. 31

This is the violence inherent in what we may call “frontier justice” or “justice prior to law” in a Hobbesian sense which is not justice proper. While Arendt concedes that “under certain circumstances violence—acting without argument or speech and without counting the consequences—is the only way to set the scales of justice right again,”32 such acts are in “conflict with the constitutions of civilized communities.”33 In “ Everyday Violence,” Bar On shows the intricate connection between the desire for such violence that stems from pain, for instance, of an Israeli wife’s “immediate pain from the loss of her murdered husband” and of a Palestinian woman’s “pain of a present life under Jewish-Israeli occupation and from the pain of their people and their past.”34 Their “will for revenge” demonstrates the desire for “individual violence”—the taking of law into their hands.

2. **Social**: Violence as the perpetration of force or harm against the members of a social group stemming from oppression.

Following Young’s argument, “what makes violence a phenomenon of social injustice, and not merely an individual moral wrong, is its systemic character, its existence as a social practice.”35 This is one reason why violence against women (qua women) does not remain at the individual level; due to its systemic character the possibility of such violence can incite fear of such violence in any woman.

3. **Political**: Violence as the means to achieve political ends.

This is the type of violence that is endorsed to achieve political goals, for instance, liberation. Following Arendt, Bar On argues that such violence needs “ethico-political” justification “that is at once sensitive to the ethical issues raised by violence’s effects on particular individuals and attuned to the issues that violent action raises insofar as it enters a political space or is mixed with political action.”36 This type of violence can take place during revolutionary liberation where a collective utilizes violence to seize power from their oppressor.

4. **Genocidal**: Totalitarian violence, or otherwise terror—inflicting violence for the sake of violence.

This is the violence that manifests the ultimate dehumanization of racial and ethnic groups of people that are targeted because of their social identities. Arendt criticizes this type of violence in the *Origins* when she takes up the superfluousness created by totalitarian regimes of the twentieth century.

For Arendt, violence is an activity that operates on the means-ends categories, which is to say, a violent act has an end (usually external to itself unless it turns into terror) that is in need of means to achieve such end. It follows, then, for Arendt:

(a) Violence is inherently destructive (in the name of being productive).37

(b) Violence is inherently “instrumental” (instead of being an “end in itself”);38

(c) Violence is anti- or pre-political, yet it usually appears alongside its counterpart “power.”39

In the light of these characteristics, Arendt’s distinction between violence and power elucidated above can account for the “individual,” “social,” and “genocidal” levels of violence. However, her commitment to characteristic (c) makes her account fall short of “political” violence that is not liberatory in the proper sense. So violence can be justified when it is generative of possibilities of politics, while the violence that is destructive of politics becomes depoliticized on this account while not always able to rise to the level of genocidal violence. What does this mean? The violation of the potential political agency of women must be acknowledged as political in the sense that such oppression discards women’s voices from politics. Such exclusion contributes to the mistaken view that violence against women is a merely personal transgression that befalls them.

Given the above characteristics, violence cannot generate “political freedom” even though it “appears” alongside “power.” Since Arendt draws a phenomenological rather than conceptual distinction between violence and power, she can concede that “nothing is more common than the combination of violence and power”40 without committing to the political status of the emergence of such violence and its aftermath. Yet, her account of political action as the accompaniment of speech and deed can give us a venue to think about the speechless horror that gender-based violence creates the potential of “speech”—echoing Susan Brison’s words in the *Aftermath*, “the communicative act of bearing witness to traumatic events not only transforms traumatic memories into narratives that can then be integrated into the survivor’s sense of self and view of the world, but it also reintegrates the survivor into a community, re-establishing bonds of trust and faith in others.”41

Because power “corresponds to the human ability to not just act but to act in concert,”42 it is also what allows for “instrumental” thinking.43 So violence, while it is not “political action” proper, still happens within the domain of action. The power that can emerge out of a collective can utilize violence to manifest the collective’s freedom. The contradiction that is inherent in gender-based violence is that violence perpetrated against women does not reveal the violent agents’ freedom but rather domination.

Admittedly, Arendt’s view is limited to analyzing the role of violence as a structural injustice in social and political life. Simply put, the pre-political status Arendt gives to violence can depoliticize not only coercion and punishment but also the threat of violence. If the threat of violence cannot be
articulated as part of the political structure in which women find themselves identified as women, then these structures cannot be effectively modified to acknowledge women’s equal agency in their ability to take hold of their lives. Therefore, we require an account of violence to demonstrate its structural dimension. Our political discourse needs to address this structural dimension of violence that allows for “everyday violence,” while at the same time policies should be legislated to prevent the victimization of individuals.

PART 3: RESPONSIBILITY FOR POLITICS

ARENDTIAN PARADIGM OF POLITICS

Following Bar On’s and Young’s accounts, I have tried to show that violence against women is “political” in that it has something to do with political structures in which women find themselves regardless of their socioeconomic and educational backgrounds. Does this mean, then, the problem of such violence is addressed politically? The response to this question is complicated.

Unfortunately, while acts of violence against women can be taken up in juridical (that is civil, and legal) settings, as in the case of Anita Hill and countless others, the conversation around such harm does little to address the structural problems implicit in such violence. At times, this is due to a lack of legal statutes in place to punish and prevent perpetrators. For example, this lack is especially prevalent in the literature after the withdrawal of Turkey from the Istanbul Convention that specified serious punishments for violence-related crimes against women. At others, it may point to a ubiquity of oppression in which women find themselves and from which they cannot—out of their own accord or individual efforts—escape. Yet it may also simply indicate a continuation of the subjugation of women in patriarchal societies that operate on norms that dehumanize women.  

For Arendt, politics is the realm of human togetherness where individuals can manifest freedom of action. Such freedom transcends mere calculative/instrumental thinking wherein power has the capacity to emerge and not be eliminated or overcome by violence. As such, politics happens between people. For Arendt, political action transcends mere instrumental rationality that permeates most other human actions that we undertake every day. I need to do X to achieve Y. For example, I need to train if I want to run a half marathon. The means I choose depend on my goal. Things get a bit complicated at the social level: if we want to reduce crime rates, we can say (a) we should increase safety measures, or (b) we should provide better educational opportunities. The options of course are not limited to these two, but ultimately, in putting forth our goals we need to make value judgments about what we deem most apt or better to achieve our aims.

So what does it mean to say that Arendtian political action transcends motives and goals? Surely our collective political actions have motives and goals. Take the political action of protest, for instance. Most of the time, protest is motivated by discontent as well as rage against apparent injustice, and it aims to change the conditions for life in community. However, politics transcends its motives and goals for it cannot be judged by its “success” or “failure” alone. Many acts in the political arena aim to draw attention to an injustice, to raise awareness, or to inform the rest of the community of what is deemed wrong in society: for instance, in a society that rests on the premise of universal equality or principle of equal treatment, an example of such political action could range from legal protests to civilly disobedient acts to emphasize racial inequality in the 1960s. The distinction between political action and violent acts inheres in their disparate principles. Violence is judged by its instrumental character, and in the success or failure of achieving its ends; political action is judged by the principles it enacts (for instance, public freedom, and equality) and the political discourse it generates from the exchange of opinions of its agents.

Politics, as Arendt argues, allows for the creation of a space in which the fact of human plurality can be acknowledged and underscored—where superfluousness can be eliminated rather than reinforced. More importantly, for Arendt, such space is also where power can emerge—the power of a collectivity that does not equate with “strength” or “force” or “domination.” As such, politics becomes the realm where people can act on their shared principles, rather than their personal or group interests that can be “legitimated” by appeal to goals to be achieved. As such, the goals of political action do not set the standards of judgment for such action. For Arendt, political action isn’t the same as policy. Yet certain policies keep political potentialities open. For instance, the goal to reduce femicides can be achieved by upholding the policy of punishment of partner violence. This would be in the interest of all women who feel threatened not only by abusive partners and intimate others but also random strangers. In this sense, a politics can be successful if it achieves certain ends. If our end is “increasing welfare,” we can opt for different patterns of taxation or spending. Yet, for “reduction of femicide” to be a political end, femicide first needs to be acknowledged as a social and not a personal or individualistic phenomenon. Brison’s discussion of rape can offer some insight here: “The fact that rape occurs all the time, in places all over the world, may render it less noticeable as a collective trauma, but does not make it an exclusively ‘individual’ trauma.” Similarly, that acts of femicide are not causally related does not prevent the phenomenon from being a social and political one.

Politics, for Arendt, is rather open-ended as it pertains to the possibility of creating and sustaining a world together—where each individual agent can appear in it. Such a possibility of appearance is first and foremost linked to having the means to live among others and be potential equals. What does it take to appear in the world? It takes “initiative,” and “courage” to appear. Yet, at times people are oppressed and cannot appear in the world, or they are violated as soon as they appear in the wrong place at the wrong time: this is when one’s political possibilities or one’s political potential becomes diminished. Simply put, violence doesn’t just destroy lives but also undermines the possibility of politics. The young woman stabbed and killed on the street by her partner can no longer have a voice. Nevertheless, she can have a story. A very recent and vivid example of this is the death of Mahsa Amini
after being taken into custody by Iranian morality police. The remainder, then, of violence in its aftermath, makes politics come back to life in the attempt to reflect on and understand what happened and perhaps to prevent it from happening again.

Bar On, on the other hand, finds the possibility of political agency in the “becoming a ready-to-fight body”: noting her own story and the ambivalence with which she grappled that led her to discontinue and then resume martial arts training, she shows us from an Arendtean lens, the project of “women’s self-defense,” that which “involves the production of violent bodies ... can be taken as political.” As Bar On explains, depending on its “ends,” violence may assume an ethico-political justification that it is not necessarily “evil.” Justification, however, is not equivalent to legitimation. As Bar On notes, “the need for justification arises when there is a suspicion regarding the value of an action. The value of any violent action is necessarily suspect because it is unavoidably destructive. Violent action is, therefore, in need of justification. Bar On states, “the justification of violent action is 'forward looking,' due to 'the instrumental character of violence' (Young 2007, p. 94).” In this sense, the ready-to-fight body that is indeed put in position to fight, the violent act has an ethico-political justification.

While Arendt identified the antidote to totalitarianism in the inherent possibility of politics for human beings, Bar On’s antidote to becoming a subject of violence resides in the inherent possibility of resisting such violence, thereby exposing the oppressive structures of society. Nevertheless, Bar On notes (through Young through Arendt): “[O]ne ought to examine whether there are not just any alternatives to violence but especially alternatives that may generate, renew, augment, or institutionally stabilize power and, thereby, reduce the need to resort to violence altogether.” The attempt to understand and to make “speechable”—to overcome the “speechless horror” of the horror that inflicted on the subjects of violence—thus allows for the emergence of politics from out of violence and the creation of a realm of human togetherness where individuals can manifest their agency—through speech and action.

**“SPEECHLESS HORROR”**

In 1966, Arendt adds the following to the preface of the third part “Totalitarianism,” of the *Origins*:

> with the defeat of Nazi Germany part of the story [of decades of turmoil, confusion, and plain horror] had come to an end. This seemed the first appropriate moment ... to try to tell and understand what happened. ... Still in grief and sorrow, and hence with a tendency to lament, but no longer in speechless outrage and impotent horror.

In the light of this, we can trace back Arendt’s project in the *Origins* to “the speechless outrage and impotent horror” that totalitarian violence caused. Her words mark not only the theoretical want but also the political urgency of addressing the violence enacted to understand and try to reconcile oneself to reality.

Violence, then, is not just taking the law into one’s hands, but also utilizing laws to pose potential threats against a particular body or bodies that present themselves either in groups or individually. Such violence is manifested both in acts of violation (women, religious groups, etc.) and expropriation (refugees and other displaced peoples). As I have elucidated in an earlier piece: “Violence then invites speechless horror. But this speechless horror is not judgment-less. ... We rage and anger over it.” That is, in the speechless horror with which we observe the body of a woman stabbed to death, we judge the regime in which such violence can become a potential “everyday” occurrence to be unjust.

Why does speech matter? It is widely held that democracy entails a sort of equality of voices, the ability to judge, make decisions for oneself, and to speak out and express one’s position or opinion on an issue. This is at the heart of what we call deliberative democracy that seeks to articulate actions and decisions in a fashion that stays true to the activities held in the Greek agora. Speechlessness can take the form then when the speech (or deliberative capacities overall) of certain parties become “suspect” or outright eliminated. I contend that when one’s speech is eliminated, or not heard, the subject of violence (victim/survivor) also experiences a loss of the world. This loss of world is threefold. First, the boundaries of the subject of violence are violated. Second, the world that they knew is shattered along with the assumption of a world in which they could be understood and heard. Finally, not only is their own world shattered, but also a world of others that can understand them. This is the loss of voice, a loss of visibility. But not permanently.

Nevertheless, there is a role that “speechless horror” plays in our judgment of injustices. I have elsewhere called this the affective dimension of (reflective) judgment. This affective dimension of judgment is the way in which we come to reflectively judge the injustices in the world: accompanied by the political affects of horror, fear, and anger, we bring to focus the urgency and significance of tending to these everyday occurrences of violence. Bar On demonstrates with nuance that Arendt speaks through her writing and publishing while “she could not form an impression of herself as speaking, as having others with whom she was speaking, let alone having others and herself hear her speak,” that “she necessarily conceived of herself as un/speaking.”

Thus, one way to address the structural injustice of violence against women lies in the “speechless horror” that allows for an articulation of forward-looking political responsibility. This articulation inheres in the speech of the victim/survivor—the ability to have a narrative akin to Brison’s “narrative of liberation” to help recover a voice that can belongs to one but speaks to many. Perhaps this is how we can address our losses and help recover a world.

As such, in exploring the question of violence against women as political, I have tried to show the political potential of the speech that is rendered unintelligible, or unbelievable—and that this speech must not be silenced. The insensible and degrading skepticism with which Hill's
testimony was received in 1994 may have empowered Hill and others to fight for equal justice, but having witnessed a similar scene with Dr. Christine Blasey Ford’s testimony in 2018 shows us we have much work to do in order to continue to address this issue.

ACKNOWLEDGEMENTS
My thanks to the editors and reviewers for their helpful feedback.

NOTES
3. For the purposes of this paper, I will put aside the additional layer of analysis that is required of the reception of her speech which stems from her identity as a black woman. For her influential argument on the role that racialization plays in the violence against women, see Angela Davis, “The Color of Violence Against Women,” Keynote Address at the “Color of Violence Conference” in Santa Cruz, California, no. 3 (Fall 2000), http://www.hartford-hwp.com/archives/45a/582.html. Two decades after the publication of this speech, the questions that Davis raises are still not resolved.
6. A Human Rights Watch report from May 2022 spells out the “Turkish state’s failure to provide effective protection from domestic violence, to assist survivors of domestic violence or to punish perpetrators of attacks on women, even when the perpetrator is a serial abuser” (“Combating Domestic Violence in Turkey: The Deadly Impact of the Failure to Protect,” May 26, 2022, https://www.hrw.org/report/2022/05/26/combating-domestic-violence-turkey/deadly-impact-failure-protect).
10. For Arendt, “understanding” offers a type of “equality,” a Heimatgefuehl (translated in the written text as “like feeling at home”) as she describes in her interview with Guenther Gaus. For this reason, writing and understanding, she thinks are coeval—that writing accompanies understanding—since as human beings we don’t have infinite memory. See “What Remains? The Language Remains: A Conversation with Guenther Gaus,” Hannah Arendt: The Last Interview and Other Conversations (London: Melville House Publishing, 2013), 13.
13. For instance, the ongoing Russian invasion of Ukraine has brought back to focus the question of war crimes, as well as the treatment of the Uyghur population in China and many other conflicts revolve around the question of the criminal nature of violence or its potential justifications. There is a separate question of whether human beings have become more or less violent: for such a discussion, see Steven Pinker, The Better Angels of Our Nature: Why Violence Has Declined (New York: Penguin Books, 2011).
17. While many acts of omission can negatively affect one’s sense of self, on this account, I focus only on intentional acts of harm that affect the person overtly. That is to say, it is from the first-person perspective that this harm is experienced, and not only in the judgment of another. It is in this sense that an act (for instance of deception) that diminishes one’s sense of autonomy (or simply put, her decision-making capacity) will not count as a violation if the person is not aware of it immediately.
20. A similar point can be made about the disproportionate harm by police that is suffered by black people and other racialized groups.
21. For a detailed discussion of the experience of the trauma in the aftermath of, for instance, sexual violence, see Susan Brison’s Aftermath: Violence and the Remaking of a Self (Princeton: Princeton University Press, 2002). To be sure, Brison’s account takes up the process of the recovery of agency in the aftermath of such trauma.
25. Like Bar On, Garver’s account allows for articulating everyday instances of violence that do not inhere in the actualization of physical violence, but its threat (Garver, “What Violence Is,” 820).
27. For a discussion on power as a potential, see Hannah Arendt, The Human Condition (Chicago: The University of Chicago Press, 1958), 200.
29. Arendt calls it a “temptation” to think power “in terms of command and obedience”—this denotes only a “special case . . . namely, the power of the government” (Arendt, On Violence, 47).
32. Arendt, On Violence, 64.
33. Arendt, On Violence, 64.
37. Her example for this is the primary destruction the activity of fabrication or production bears: that one needs to cut a tree to make a table. See Arendt, Human Condition, 139.

38. Arendt, Human Condition.


40. Arendt, On Violence, 47.


42. Brison, Aftermath, 44.

43. Brison, Aftermath, 51.

44. For a detailed account of such subjugation, see Robert Paul Churchill, Women in the Crossfire: Understanding and Ending Honor Killing (Oxford: Oxford University Press, 2018).


46. Brison, Aftermath, 98.

47. Arendt, Human Condition, 176.

48. Twenty-two-year-old Mahsa Amini was killed by the morality police “for not wearing her hijab appropriately” (Peter Kenyon, “It’s been 40 days since Mahsa Amini died in police custody in Iran,” NPR News, https://www.npr.org/2022/10/26/1131711204/its-been-40-days-since-mahsa-amini-died-in-police-custody-in-iran.

49. Bar On, Violence, 162.


53. Arendt, Origins, 16. Bar On similarly discusses Arendt’s prefaces from 1950 and 1966 to suggests that the “comprehension” that is alluded to above “means asking question such as ‘What happened? Why did it happen?’ and ‘How could it have happened?’” (Bar On, Violence, 38).

54. See Sari, “(Everyday) Violence.”

55. Sari, “(Everyday) Violence.” In the APA Blog piece, my discussion takes up the subject of refugee crisis instead of violence against women, but my use of affective judgment to elucidate the phenomenon of speechless horror remains applicable to both examples.

56. Cf. Sari, “(Everyday) Violence.” For a detailed discussion on such loss of voice, see Brison’s Aftermath.


61. Cf. Sari, “(Everyday) Violence.” Ultimately, for me, this “forward-looking responsibility” stems from an imperative to judge and act in the aftermath of “speechless horror” as a way to “recover a world.”

Reflections on My Mentor, Ami
Jess Kyle
PHD, BINGHAMTON UNIVERSITY

I should start by noting that I am not an academic—I’m a private practice attorney. That I went to law school at all is one of the many influences that Ami had in my life.

I recall the first time that I visited Binghamton on a trip to see whether the university’s PhD program in philosophy was the good fit it appeared to be from my research. Ami had greeted me with a “Hi” accompanied by her almost startlingly broad, open smile. At that time, she was the department chair, and we talked in her book-lined office about my interests, the program, and life in Binghamton.

For me, going to grad school was a very strange thing to be doing. I was a first-generation college student. My mother worked on the assembly line at a plastics factory and managed to raise three young children after my parents divorced. My father worked at another local factory before transitioning into truck-driving. For college, I commuted to the nearest school. No one in my family really left home, at least not for long, outside of military training or service. Leaving behind south-central Pennsylvania for a lengthy graduate program hours away was a great opportunity, for sure, but also a plunge even deeper into the unfamiliar.

From day one in Binghamton, I had a mentor. And Ami went above and beyond in her mentorship. She took interest, of course, in my academic performance and whether I met program milestones, but also in my wellness generally and how I was acclimating to the change. There was also something about Ami that could get even very reserved people to start talking. It was quite the talent, and it depended primarily, I think, on her ability to quickly establish trust. A certain relatability was also present, as Ami had come quite far from home to be, ultimately, in Binghamton and had surmounted humble economic beginnings.

Most conversations with Ami were not at the university but rather, as many who knew her would guess, at a coffee shop. Before Starbucks, there was La Taza, a lovely, small, independent coffee shop that was right up the street from my Binghamton apartment. Ami was often there, moving about with ease to talk to the people she knew on a vast range of topics. And truly, the range of topics Ami could discuss was vast. She could talk about issues of free will and determinism one moment, and the tiny details of the process that makes plants green the next.

Once settled in, I was enjoying all of the newness—new classes, new books, new theories. Because I was Ami’s student and mentee, engagement with Hannah Arendt’s political theoretical work was a given. Arendt’s notion of a distinct sphere of political normativity, different from morality and generative of special values and principles, fascinated me over a decade ago and ever since. It is a rare Arendt scholar who focuses on this aspect of her earlier political work. Yet by some good fortune I had connected
with the Arendt scholar who did have this interpretive focus, and it ultimately became the conceptual foundation of my dissertation.

The (ambitious) aim of my dissertation was to take what I learned from Ami about the Arendtian concept of world-building from a domestic political context to an international one. Rather than center on constitutions as founding documents, I looked to the UN Charter as a sort of founding document for the post-World War II international context. I chose military humanitarian intervention as the framing issue, as it highlighted both the founding commitment of states to uncharacteristically alienate their sovereign discretion over use of force and also the waning legitimacy of this project when so many states devise whatever justification necessary, humanitarian or otherwise, to get around that founding commitment.

The great luck I had as Ami’s mentee was never clearer, on a personal level, than with respect to one particular event. Around the time of my master’s comps, my father deployed with his National Guard unit to Iraq. The deployment was a shock to me; I had underestimated his risk of war zone deployment to be negligible. That I had invested countless hours participating in anti-war activism—meetings, demonstrations, college newspaper op-eds—likely was a factor in his reluctance to break the news until his departure date was fairly close at hand. The unprecedented experience of anxiety that set in from waiting, checking news, and yet more waiting, was unbearable. As life around me went on as usual, the trouble in my own world was the type of circumstance that could make the difference between managing stress and reaching a breaking point, or between success in my program and needing to take leave, or worse. I was hopelessly mired in work about war, alienated from activism that now felt utterly futile, and gnawingly aware of my distance from home.

But Ami was no stranger to war. Nor was she a stranger to the sort of tensions it could produce, which were in my case solidly anti-war sentiments and total support for my father balanced on either hand. Ami’s routine check-ins on my work and my war front were critical, and they were also the one thing sure to drag me out of my apartment—to, of course, a coffee shop—after my coursework ended. Ami managed her own experience with war, I would think to myself, surely, I could be tougher here. Or, as Ami once memorably put it: “You can cry and work at the same time.” (This is largely true.) In the end, I passed my comps, continued progress on my dissertation, and to my great relief, my father finally came home.

Although I never said as much to Ami, my priorities had shifted at the very time that an ABD student would be preparing for the market. After everything, my commitment to going anywhere in the country, if not the world, to land a tenure-track position was gone. I wanted to stay closer to home. Ami was the person who proposed the law school path. I would still have the PhD, but more doors would open, and I could see whether the leap from philosophizing law to practicing it captured my interest. It all made sense to me, and I applied to law schools, commencing the process that eventually led to my position at a law firm near home.

My departure from academia notwithstanding, Ami’s memorable qualities remain relevant in my life and thought today. Among them her curiosity, a kind of openness to the world and readiness to think about the good as well as the bad within it. And Ami’s kindness, which was a kindness that did not detract from her clarity of thought and firmness of opinion. A savvy negotiator, Ami also seemed to have an innate sense of what could be compromised and when one’s ground must be stood. Her dedication to institution-building, and the perhaps more difficult work of preserving institutional norms, was underpinned not merely by theory but by her actual and remarkable respect for human plurality—our condition of both equality and distinction.

Finally, her perspective. Once, when a disagreement among seminar students began to get heated, Ami had intervened to remind everyone, “Hey. It’s okay. We can all go home and get dinner.” It was good advice that I still repeat from time to time.

Serena Parekh
NORTHEASTERN UNIVERSITY

INTRODUCTION
Shortly after Bat-Ami Bar On’s passing, her partner, Lisa, contacted me to see if I would be interested in reading a project that Bar On was working on whose topic was refugees, something that I had also been working on over the past several years. She forwarded me a number of files that were in progress at the time of her death. This work contains several different sections on a number of different topics. Though there was a lot of variation in how developed each section was, none was complete. Many are filled with discussions of the various sources that she was engaging with, while her full evaluation is often in a nascent state. Here, I focus on two themes that emerge in these writings. The first is her family and their experience as refugees in 1946, and the second is her evaluation of the EU’s response to the migrant and refugee crisis of 2015. Though fifty years apart, these have interesting overlaps and connections.

Bar On’s family were refugees in the 1940s and this book would have been a very personal one for her. As she writes in what would have been the Preface of the book, “I have engaged in the research and writing of this book because of an intersection between my interests in normative questions about just war and post-war justice, normative questions about territorial borders and migration, and my own maternal family’s history.” What I hope to do below is to bring out these themes—especially the connection between normative questions on borders and migration and Bar On’s family’s history. The project on refugees that she had been working on would have brought the personal and the intellectual together in what I can only imagine would be a profound way.
What we see in Bar On’s discussion of her family’s history is a story of people very similar to the Middle Eastern and African refugees who starting around 2015 attempted to arrive in Europe to claim asylum only to be met with fierce resistance and violence. For both Bar On’s family and refugees today, employing people smugglers was a necessity. How can this reality be squared with the ethics of migration and states’ right to control their borders? On what ground can we say that states are no longer exercising a legitimate right to control their borders when they use the military to keep refugees out?

Bar On’s family shared the experience of many today of trying to seek refuge from persecution only to be turned away. Her family attempted to enter Mandatory Palestine, overseen by the British, but they were turned away and told that they had taken in too many Jewish refugees and had exceeded the economic capacity of the country. They closed the border to refugees and deported her family to Cyprus, where her parents lived in a detention camp.

How does this experience of her family relate to her more abstract, philosophical views about the ethics of immigration? Were the British wrong to deport her mother and other needy Jewish refugees because they believed that they were economic or security threats? Likewise, is the EU wrong today to employ similar tactics against unwanted asylum seekers? Bar On believes that states have a right to control their borders and make immigration policy that allows them to keep their countries secure. Yet despite this right, Bar On is searching for a language to criticize states for what she ultimately calls “illiberal prejudice and ungenerous behavior.”

PART I: BAR ON’S FAMILY HISTORY

Bar On writes,

During a period of about four years, members of my family were involved in a form of people-smuggling and most of them became the subject of an intense political dispute about who is a refugee as distinguished from an economic migrant, what does or does not constitute an illegal human movement across borders, and why does any of this matter at all. Because this dispute was not solved in their favour while they were in transit, my maternal grandmother, my mother, and two of her siblings were all apprehended and held in detention camps. (Preface)

She tells us that her material family’s migration story is a typical one in the years after World War II. Her family left Romania in the hopes of reaching Mandatory Palestine, which at the time was administered by the British.

For my family, the war, their experiences of Romanian anti-Semitism, and their expectations that Romanian Communism would be anti-Semitic changed everything. While some Jews aimed to reach Mandatory Palestine during and after World War II because that was their only option, my family not only wanted to leave Romania but was convinced that for them Mandatory Palestine was the best option. In their view, Mandatory Palestine offered the hope of a Jewish National Home and, therefore, the kind of safety from persecution, pogroms, and genocidal action that they did not think that they could find in post-World War II Romania or elsewhere. (Preface)

Palestine had been conquered by the British from the Ottomans and received the Mandate from the League of Nations in 1922. It authorized them to remain in and govern Palestine not as the occupier of an enemy territory but rather as a legal guardian accountable to the international community. They were expected to govern in a way that both benefited the Palestinian inhabitants and helped to bring about a Jewish National Home in Palestine (according to the 1917 Balfour Declaration).

Part of what the British were expected to do was facilitate Jewish immigration to Palestine “under suitable conditions” while “ensuring that the rights and position of other sections of the population are not prejudiced” (quoting Article 6 of the Mandate). Jewish immigration was guided by a British White Paper from 1922, which stated that immigration should not “exceed whatever may be the economic capacity of the country at the time to absorb new arrivals” and that “persons who are politically undesirable be excluded from Palestine.” Perhaps for these reasons, the British did not allow all Jewish refugees fleeing Europe in the 1940s to enter Palestine. In ways that mirror some of today’s conflicts between state deterrence policies and attempts by migrants and refugees to skirt them, the British used violence to prevent refugees from coming to Palestine. This included Bar On’s family.

In 1946, Bar On’s mother was one of the passengers on a ship called Lochita/Knesset Israel. This ship arrived in Haifa on November 26 and was ordered to be deported, along with every one of the 4,000 people on board. This was one of sixty-five other ships that attempted to get through the British blockade of Mandatory Palestine between the end of World War II in Europe in May 1945 and the declaration of Israeli independence three years later in May 1948. The Lochita/Knesset Israel is perhaps the best known of the ships because of the legal attempt made to overturn the order, even though it was unsuccessful. It stands out in another way: its passengers organized resistance to the British forces that attempted to board the ship to gain control of it. When the British attempted to board, passengers used tins of food as missiles and the British threw tear gas grenades aboard the ship.

Bar On’s mother turned out to be one of about 52,000 people deported by order of the High Commissioner between early August 1946 and late April 1948, just a few weeks before the end of the British Mandate for Palestine.

I asked Bar On’s partner, Lisa, to fill me in some of the Bar Ons’ history and learned that when the Lochita/Knesset was not allowed into Palestine, it was diverted to Cyprus. This is where Bar On’s mother Dutza Nadler met and married Bar On’s father, Yaakov Braun (Braun was later Hebrecized and became Bar On). Bar On was born after her parents arrived in Palestine, on April 26, 1948, two weeks before
Israeli independence. Family members who arrived later, including her grandmother, were put in a detention camp for a period of time.

It’s significant that Bar On’s family were refugees who were fleeing persecution but refused help by a state that was in a position to grant them refuge. This is a story that is reproduced hundreds of thousands of times each day in our current world. These are precisely the issues that Bar On was grappling with in this manuscript.

PART II: BAR ON’S (NOT SURPRISING) INTEREST IN PEOPLE SMUGGLING AND JUSTIFICATIONS OF DETERRENCE POLICIES

In a section of notes entitled “Regulating Migrations in Unruly Times,” Bar On grapples with the obligations of states to the current wave of asylum seekers attempting to enter Europe around 2015. She begins by acknowledging a tension at the heart of the problem: there is a humanitarian crisis involving irregular migrants who are “taking on a great risk at a great cost in an attempt to flee war torn and failed states in order to make better lives for themselves and when possible also for their family members. Many of them are likely to qualify as refugees under the current international refugee regime. No one doubts that.” On the other hand, there is state sovereignty and the right of governments to regulate their borders, a feature of the world acknowledged by international law. In her view, states legitimately need to balance the needs of people crossing the Mediterranean with concerns about security, especially against possible terrorist attacks. As she notes, “border controls seem like a reasonable means of containment and prevention of possible terrorist attacks.”

What obligations do states have to people seeking asylum and to what extent can sovereignty be limited in the name of human rights? Bar On focuses on a particular feature of the current migration crisis, the use of smugglers. In the last twenty years, Western liberal democracies have argued that there are more people seeking asylum in their countries than they can handle and, as a result, they are justified in using deterrence policies to make it harder for people to reach their countries. For example, carrier sanctions mean that commercial travel, such as planes and buses, are fined heavily for transporting people who do not have the correct passports and visas. If you are an asylum seeker without this paperwork, it means that your only option for getting to a country to claim asylum is by hiring people smugglers. Much to the frustration of Western governments, smugglers have been fairly successful in helping migrants reach Europe, the US, Australia, etc. Bar On addresses one EU proposed response to this, namely, deploying the military against people smugglers. Here we see the tension noted above in action: asylum seekers are in desperate need of help, but states have the sovereign right to control their borders and protect their citizens. Would it be wrong for the EU to, for example, deploy the Navy to patrol the waters and make sure people smugglers can’t get migrants close to their territory? She writes, “I believe that though it would not be wrong for the EU to take military action against Mediterranean people-smugglers, assuming it meets all international legal requirements, as things stand at present, such action would be normatively tainted.” Let me try to explain Bar On’s thinking on this.

Bar On understands how problematic the EU’s deterrence policies are and particularly the way that it controls its external borders.

Because of how it has been implementing this commitment, the EU has been accused by critics, such as Amnesty International (AI), of contributing to the crisis of Mediterranean
irregular mixed-migration through its three-decade-long development of complex border controls and its use of the Mediterranean as a fortress's moat. According to AI and similar critics, the Mediterranean mixed-migration crisis is a humanitarian crisis and the EU is not only failing to respond to it as such, its responses have been implicating it in human rights violations and in the deaths of thousands of innocent people.

Is this a justifiable exercise of state sovereignty? While many ethically minded people want to say that it is, Bar On notes that actually making a philosophical argument for this is harder than it might seem.

Amnesty International, for example, in her view makes an argument against the militarization of the EU’s border with language borrowed from the just war tradition.

The normative questions that they raise are about just cause. The implication of the AI’s and similar critiques of the EU is that as exploitative of and dangerous to economic-migrants and asylum-seekers as the Mediterranean people-smugglers are, the EU is likely to be using its military under international legal cover to secure for itself an ability to continue to keep people in need out of Europe.

But in her view, this is not a sufficient argument. “AI and other critics of the EU have to do more than they do in order to establish that the EU does not have just cause to engage its military in policing action against Mediterranean people-smugglers.” In addition, they have to show that the EU has an obligation to open its external borders.

The argument for open borders is, of course, harder to make. There are two ways they might do this. First, drawing on Joseph Carens, she says that they might argue that “open borders are entailed by the liberal emphasis on individual freedom and the importance of individuals’ control of their life-decisions and circumstances.” Alternatively, they could appeal to the arguments made by luck egalitarians who believe that

the lucky people who live in EU member states should learn to share better, and in more than a merely philanthropic way, with those less fortunate than themselves rather than deploy the EU’s superior resources and its military to protect luck-based unjust inequalities. From a global-luck-egalitarian perspective there is also a compensatory element to requiring the EU’s lucky people to share their good fortune since European imperialism and colonialism, and therefore also European racism, are historically implicated in the current bad luck of many of the Mediterranean irregular economic-migrants and asylum-seekers.

Though Bar On acknowledges the intuitive pull of these arguments, she is not convinced. While the goal of open borders might be ideally best, she sees it as a “utopian goal.” One of the reasons the global-luck-egalitarian argument fails to convince and trump people’s particularism is because it’s hard to establish exactly what a fair burden might be for EU citizens or how this might work practically. That is, this view cannot say “what it is specifically that the lucky people of Europe should be doing in response to the Mediterranean irregular mixed-migration crisis.” As a result, she concludes, “the argument cannot be used to show that the EU should stop maintaining its border regime and that it has no just cause to deploy a military force as part of its effort to secure its borders against the smuggling of people, as long as it acts within what is permissible given international law.”

Where does that leave Bar On? Remember that her family survived in part by being smuggled into Israel in violation of state sovereignty and fought back against the deterrence policies of the British government that tried to prevent them from receiving asylum. Having this personal connection to the humanitarian crisis, she feels the pull of the ethical demand on the part of refugees to enter Europe. Though she is not persuaded by the above arguments, “There is something about the AI’s and similar critiques of Fortress Europe that nags me, suggesting to me that, nonetheless, something is just not right about the EU’s proposal [to use military force against people smuggling].”

Part of what is wrong is the EU’s failure “to meet reasonable normative expectations that it aid Mediterranean irregular economic-migrants and asylum-seekers in trouble at sea.” The EU needed to acknowledge that it has responsibility to migrants simply because of geography. The reason migrants aim for the EU is because it is the closest place that they believe will be able to help them meet their needs. “Geographic proximity matters normatively in some situations and the situation in the Mediterranean seems to be one such situation. Under a principle analogous to the tort ‘neighbour principle,’ the EU, being aware of the plight of Mediterranean irregular economic-migrants and asylum-seekers and having the capacity to aid, should have been offering them assistance while at sea.”

That they were able to do this became clear when they successfully launched a search and rescue mission in the aftermath of the outcry surrounding migrant deaths. “Operation Triton” successfully and dramatically reduced the drowning of irregular economic-migrants and asylum-seekers in the Mediterranean. She writes, “The sense I am left with when considering the changes in the Triton operation and other developments in the EU as it and its member states respond to the Mediterranean irregular mixed-migration crisis is of an illiberalism that consists of a lack of generosity, and an illiberalism that consists of prejudice.” We see this illiberalism in the refusal of some states to accept refugees as part of an EU relocation scheme. Indeed, it is the countries that we see today so actively receiving Ukrainian refugees who were the most adamant in their refusal. This is what she has in mind when she talks about Europe’s “xenophobic illiberalism,” which she sees as underlying Europe’s policies towards refugees, especially countries like Estonia, Latvia, Lithuania, Poland, and Slovakia, which declared that “they would only consider accommodating Christian asylum-seekers. The Czech Republic expressed concerns about the alien cultures of
asylum-seekers, and Hungary has been staunchly anti-immigration."

It is this illiberalism that Bar On sees as the root problem with the EU’s proposed use of military action against Mediterranean people-smugglers. “It is one thing to have a border regime that regulates human migration. It is a different thing to have a border regime that at the same time gets implicated in the protection of what ultimately are policies that are ungenerous and prejudice laden and exhibit a lack of solidarity with irregular asylum-seekers and even irregular economic-migrants. These illiberality and illiberalism cannot but normatively trouble the EU proposal to use military action against Mediterranean people-smugglers.”

CONCLUSION
To conclude, it’s hard to not wonder how she would have developed this argument and how she would evaluate the treatment of refugees today. I found it helpful to be reminded that though the scale may be different, states have responded to refugees with the same lack of solidarity and generosity in the past. This is an unfortunate case of the more things change, the more they stay the same.

NOTE
1. All quotes in this article are taken from this unpublished manuscript whose working title was *What Shall We Do with These People? Refugees and Post-War Transitional (In)Justices.*