



2021 AMTERSTERDAM
POLITICAL THEORY
GRADUATE CONFERENCE

Politics in a time of crises

[Conference Program and Abstracts](#)

Program:

Day 1: Monday, December 6

Location: UB Doelenzaal

08:45–09:00	Coffee before start of conference
09:00–09:15	Opening day 1
09:15–10:45	Session 1
10:45–11:00	Coffee break
11:00–12:30	Session 2
12:30–13:30	Lunch break
13:30–15:00	Session 3
15:00–15:30	Coffee break
15:30–16:45	Keynote 1 - Prof. Chiara Bottici
17:30	Conference dinner

Day 2: Tuesday, December 7

Locations:

09:00-13:00 REC C0.01

13:00-15:00 REC-M1.03

15:00-17:00 REC-M0.02

08:45–09:15	Coffee before start of conference
09:15–09:30	Opening day 2
09:30–10:45	Keynote 2 - Prof. Martin O'Neill
10:45–11:00	Coffee break
11:00–12:30	Session 4
12:30–13:30	Lunch break
13:30–15:00	Session 5
15:00–15:30	Coffee break
15:30–17:00	Session 6
17:00	Drinks at CREA

Details of Monday Sessions:

Session 1: Monday 09:15–10:45 Protest and Political Participation

Venue: Doelenzaal

Moderator: TBC

Commentator: [Paul Raekstad](#)

Participants: Hrayr Manukyan, Vincent Harting, Tatiana Nieves

Zoom link: <https://uva-live.zoom.us/j/89168534713>

Session 2: Monday 11:00–12:30 Democracy in Crisis

Venue: Doelenzaal

Moderator: Yonathan Listik

Commentator: [Enzo Rossi](#)

Participants: Charlie Blunden, Carline Klijnman, Merel Talbi

Zoom link: <https://uva-live.zoom.us/j/89168534713>

Session 3: Monday 13:30–15:00 Corporations and the State

Venue: Doelenzaal

Moderator: Valerie Scheur

Commentator: [Johan Olsthoorn](#)

Participants: Kajo Kubala, Barbara Bziuk, Tom Kayzel

Zoom link: <https://uva-live.zoom.us/j/89168534713>

Keynote 1: Monday 15:30 – 16:45 Prof Chiara Bottici

Venue: Doelenzaal (Lecture to take place only online, to be screened on location)

Zoom link: <https://uva-live.zoom.us/j/89168534713>

Details of Tuesday Sessions:

Keynote 2: Tuesday 09:30 – 10:45 Prof. Martin O’Neill

Venue: REC C0.01 (Live on location)

Zoom link: <https://uva-live.zoom.us/j/85002722626>

Session 4: Tuesday 11:00–12:30 Populism and Post-Truth

Venue: REC C0.01

Moderator: TBC

Commentator: [Daniel Loick](#)

Participants: Helen Murphy, Cathrine Koekoek, Palle Bech-Pedersen, Dominik Austrup

Zoom link: <https://uva-live.zoom.us/j/85002722626>

Session 5: Tuesday 13:30–15:00 Borders and Migration

Venue: REC M1.03

Moderator: Jasmijn Leeuwenkamp

Commentator: [Tamar de Waal](#)

Participants: Giorgios Mantikos and Yorgos Karagiannopoulos, Bram Wiggers, Anna Milioni

Zoom link: <https://uva-live.zoom.us/j/85002722626>

Session 6: Tuesday 15:30–17:00 Climate and the Environment

Venue: REC M0.02

Moderator: Gerrit Schaafsma

Commentator: [Jens van ’t Klooster](#)

Participants: Sophie van Balen, Tijn Smits, Virginia De Biasio

Zoom link: <https://uva-live.zoom.us/j/85002722626>

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Session 1: Monday 09:15–10:45 Protest and Political Participation

Venue: Doelenzaal

Moderator: TBC

Commentator: Paul Raekstad

Participants: Hrayr Manukyan, Vincent Harting, Tatiana Nieves

Zoom link: <https://uva-live.zoom.us/j/89168534713>

Enacting the Social Contract: Civil Disobedience in Armenia

Author: Hrayr Manukyan

In this paper I claim that the notion of constructive disobedience provides a better framework to explain the Armenian Velvet Revolution of 2018 than the four main theoretical models of civil disobedience (liberal, democratic, religious-spiritual, anarchistic).

In the first part of the paper I describe the political systems of Armenia before and after the Revolution, and I show that there were substantial institutional changes as well as changes in the sources of legitimation of the government. The most important institutional change concerned elections. Electoral frauds (by incumbent authorities), bribing of the general population, and post-election protests/clashes were integral parts of the elections before the Revolution (Abrahamian & Shagoyan, 2012). While the vast majority of the population did not have any control over the government or its policies, major capital owners divided the country's wealth, territory, and key political positions among themselves (Sargsyan 2010: 51-52). After the 2018 Revolution, the population received effective control over the government. Two parliamentary (December 2018 and June 2021) and some local elections were held without serious frauds, bribing or protests/clashes (Statement, 2021; Final Report, 2019).

Revolution also changed the primary source of legitimacy for the Armenian government. Before the Revolution, the primary source of legitimacy was the Nagorno Karabakh conflict.

All three ex-presidents who ruled from 1991-2018 came to power because of the 1988 nationalistic Karabagh movement and the following processes. The first president was also forced to resign because of this conflict. The primary force of the 2018 Revolution, however, was neither the Karabakh conflict nor nationalism. The Revolution was mainly about corruption, elections and social issues.

In the second part of the paper I discuss the four main theoretical models of civil disobedience and show why they cannot adequately explain the Armenian case. The liberal model (John Rawls) cannot explain the Armenian case because it considers civil disobedience as a tool for non-radical transformations in newly just societies. The democratic model (Hannah Arendt and Jürgen Habermas) cannot fully explain the Armenian case because it sees civil disobedience only as a "democracy-enhancing" mechanism, not as "democracy establishing". The religious-spiritual model (Mahatma Gandhi and Martin Luther King) cannot explain the Armenian case because religiousness and the concept of god play a crucial role in it. The anarchist model cannot explain the Armenian case because the Revolution did not aim to eliminate the state; it sought to replace the semi-authoritarian state with a democratic one.

In the third part of the paper I present the notion of constructive civil disobedience, and I argue that this notion is the best explanation for the 2018 Armenian Revolution. The idea of constructive disobedience was suggested by Leslie Green to explain the anti-globalization protests. As Green noticed, the control of national authorities in many areas of regulation had been weakened because of globalization, especially in the free trade zones (2002: 15). In other words, as a result of the increasing anarchic competition, citizens had lost their control over many policies and territories. According to Green, anti-globalization movements aimed to establish the social contract and regulations in such fields/places where the situation can be described as a state of nature. Thus, constructive disobedience considers

civil disobedience not as a response to a breach of the social contract (as in the cases of liberal and democratic models) but as a mechanism for establishing or enacting the social contract.

The Armenian Revolution was a successful attempt to establish the social contract in a country where most people had lived in a kind of state of nature. Before the Revolution, there was not a social contract because, among others, the notion and concepts referring to the distribution of individual rights and responsibilities were almost entirely absent from the public political culture. The Armenian politics of the 1990s was predominantly about revealing "saviours", "heroes", "villains", and "traitors" of the nation, often based on the association with characters of old ethnonational mythology (Sargsyan 2010: 13). Ethnic mythological beliefs and ideals were devalued in the 2000s, but liberal notions concerning rights did not replace them; instead, as Manvel Sargsyan noticed, there was an ideological vacuum. Some concepts referring to rights gradually entered the public political culture only with small-scale successful civil disobedient movements of the early 2010s. This change eventually contributed to the successful large-scale civil disobedience of 2018.

[Random Selection, Incentives-Based Capture and Class Specificity](#)

Author: Vincent Harting

Political theorists are increasingly sceptical about the democratic potential of purely election-based systems of political institutions. While the reasons explaining such a scepticism are manifold, one outstanding worry is that these systems produce too strong vulnerabilities on the part of representatives to be captured by economic elites. Champions of electoral democracy commonly claim that oligarchic capture can be fought through external mechanisms of accountability (i.e. different from the selection process for appointing representatives or their particular profiles, such as anti-money in politics

legislation), but others think that elections as such importantly cause this problem. For, among other things, the powers and independence held by elected representatives, as well as their identifiability ex-ante incumbency, create great incentives and opportunities for the wealthy to exercise influence through various strategies. In turn, many authors have claimed that we should either fully replace (e.g. Guerrero, 2014) or complement (e.g. Abizadeh, 2020; Arlen, 2019; Arlen & Rossi, 2020; Bagg & Schulson, 2019; Gastil & Wright, 2017; Landemore, 2020; McCormick, 2011, 2019) our current political arrangements with so-called ‘lottocratic’ institutions, whereby representatives are selected on a random basis from a relevant population and then frequently rotated. This, it is argued, would in *itself* help to solve the oligarchical tendencies of electoral democracy and thus better realize its egalitarian aspirations – among other things, because “...representatives [would] not [be] reliant on wealthy supporters for their positions [...] and [would be] descriptively representative [of the broader citizenry]” (Landa & Pevnick, 2020, 4; also Guerrero, 2014, 167).

This paper argues that we should relax our optimism regarding the ability of lottocratic arrangements to avoid oligarchic capture, and ventures ways in which we could to recuperate such optimism. The core insight explaining my pessimism is the reasonable belief that selection by lot could suffer similar oligarchic ills as those haunting purely-electoral systems. For, under imperfect conditions such as great wealth inequality and organized capitalist class interests, and even if members of authoritative lottocratic assemblies would be more difficult to be directly bought by the wealthy, many of these representatives would nevertheless face, and indeed follow, wealthy-generated incentives for deviating from responsive or good democratic outcomes (Landa & Pevnick, 2020, 9) – call this the problem of incentives-based capture (PIC). Consequently, one central purpose of this paper is to wonder how authoritative lottocratic institutions could avoid PIC. Instead of following usual attempts of solving it through formal accountability and oversight mechanisms – which is the common alternative within the literature (e.g. Gastil & Wright [2019], Landemore [2020])

and Abizadeh [2020] resort to anti-money in politics and jury-like measures) – I argue that *informal* mechanisms of accountability must play an important role to that end. These mechanisms are those related to the psychology, shared expectable interests and behaviour of representatives which, correlated with their socio-economic background, might increase their compliance with anti-oligarchic ends. Drawing on recent ‘plebeian’ approaches in democratic constitutional theory (e.g. Arlen, 2019; Arlen & Rossi, 2020; Bagg, 2021; McCormick, 2011; Mulvad & Stahl, 2019), I shall expand on and defend the claim that non-wealthy ordinary people, those who are actually under-represented and more directly harmed by capture, are also more likely to produce the necessary bonds of class solidarity and executive interests underpinning reluctance to follow wealthy-generated incentives. Plebeian democrats usually argue that selecting members *exclusively* with that class-specific profile are more likely to develop these bonds which would turn them reluctant to pursue pro-capitalist incentives. But my view is that the role of class solidarity and plebeian ends foregrounding a successful case for anti-oligarchic, class-specific political institutions, as well as the normative implications of such a view on the democratic character of these institutions, have not been sufficiently developed in the literature. In turn, I suggest and elaborate on the idea that taking the importance of class-based solidarity seriously involves a commitment to a *partisan* vision of, in this case, lottocratic political institutions that conflicts with other values championed by people interested in selection by lot – such as the idea that randomly-selected assemblies are attractive because they ensure *impartial* or *disinterested* deliberation. But I will argue that these conflicts should be downplayed: the urgency of materializing plebeian ends should be weightier for those genuinely interested in anti-elitist forms of popular democracy, and more ‘inclusionary’ arrangements might be inaccessible under conditions of oligarchic plutocracy.

Section 1 starts by situating the argument in the context of electoral-representative government’s progressive oligarchization, explains the standard case for random selection,

and why lottocratic institutions are vulnerable to PIC. Section 2 turns to defend and expand on plebeian approaches vindicating the importance of class-specificity in defining membership within some political institutions, and addresses the normative conflict between their partisan nature and the value of impartial deliberation. Section 3 concludes.

Alienated (In)Dependence

Author: Tatiana Nieves

Modern individuals experience a paradoxical reality: they feel a strong sense of independence while living in a historical moment of exacerbated social interconnection. Although this profound sociality tends to be forgotten, the recent social crisis provoked by the global pandemic has made it more visible than ever and has confirmed what certain theorists have been arguing for quite some time: that the myth of the self-supporting individual is untenable. Indeed, in the last decades, political philosophers have put back to the table terms like vulnerability and interdependence (Kittay 1999; Fineman 2004; Butler 2015, 2020), have signaled the pernicious effects of seeing society as a mere sum of self-sufficient beings and have emphasized the ethical and political consequences of assuming a common condition of dependence. In addition, they have showed that despite presenting themselves as providers of a social texture in which individual independence can finally flourish, liberal societies articulate a series of dependencies that remain unseen –an occlusion that fulfills an important ideological function (Cockburn 2018, 2021).

While agreeing with their diagnosis, I maintain that available analyses on dependence remain unsystematic. This paper aims at providing a set of analytical and normative devices that can help us delineate the contours of the debate regarding our dependent condition. More specifically, it aims at contributing to the discussion about the normative relevance of

our social dependence, pushing for an understanding of it that avoids its reduction to domination and that instead presents it as a complex reality that can be actively and freely experienced. However, the present argument also suggests making two analytical moves in our study of dependence. First, I claim that the rejection of dependence, while ideological, might not always be entirely misguided. Thus, I propose taking the repudiation of dependence as pointing out to defective social relations that need to be properly untangled. In that sense, it is not enough to promote an unspecified recognition of our dependent condition. Even if dependence *per se* does not lead to unfreedom, current ways of articulating dependence do and we need to be able to identify how exactly they do so. Second, while admitting the need to disrupt capitalism's *fetishistic disavowal* of dependence—that is, its tendency to enhance it while negating it given its reliance on the ideological figure of the independent individual, its 'dependence on independence' (Weeks 2011, 56)—, I maintain that we must locate the debate around dependence in its dialectical relation to independence. Grasping how the two interact, and how we fail to live *both* of them freely, might allow us to reveal the particularity of our modern condition, and might open up venues for a timid reconciliation between the two.

In order to address those issues, I use Marx's characterization of capitalist societies as granting 'personal independence' in the context of an 'objective dependence' (1986, 95) as a starting point. I thus ask: What kind of independence, if any, is achieved under capitalist relations? How are our social and economic dependencies articulated? And finally, how can we normatively assess the current institutionalization of our (in)dependence? To provide an answer, I first look at the emergence of *personal independence*, indicating a connection with the extension of the money-form and the contract (Simmel 2004), as well as at the unequal access to it, largely conditioned on gender and/or race (Glenn 2002; Roediger 2007). Further, I unravel how the figure of the wage laborer came to embody the attainment of personal independence (Castel 2003; Fraser and Gordon, 2013, Gourevitch 2015), as well as the

problems that this identification entails in terms of political solidarity. Second, I explore the characteristics of our *objective dependence*, focusing on our dependence on capital and the market (Polanyi, 1957; Lebowitz 1993; Wood 2002, 2017). The two dictate how we organize production and provide a good standpoint from which to survey the problematic relation between dependence and freedom. Finally, drawing on Rahel Jaeggi's work on alienation (2014), I conclude that the issue with modern societies is that they promote a personal independence that results in *indifference* and a *reified* objective dependence. Among other things, capitalism reifies our productive agency –that is, it alienates our 'rational power to produce for reasons' (Vrousalis 2020). Although under current conditions, neither dependence nor independence are freely experienced, by addressing their normative failures, we might be able to maintain the possibility of a *freedom-in-dependence* in the horizon.

Session 2: Monday 11:00–12:30 Democracy in Crisis

Venue: *Doelenzaal*

Moderator: Yonathan Listik

Commentator: Enzo Rossi

Participants: Charlie Blunden, Carline Klijnman, Merel Talbi

Zoom link: <https://uva-live.zoom.us/j/89168534713>

Brace Yourself: Can we improve the cognitive environment of democratic politics?

Author: Charlie Blunden

The average voter has low levels of information about politics and processes political information in biased ways (Brennan 2016, 2020; Somin 2013; Caplan 2007; Achen and Bartels 2016; Ipsos MORI 2016). Political scientists, political philosophers, and economists have suggested measures to ameliorate these problems: including increasing federalisation and encouragement of foot-voting, changing the voting system to try to give voters a greater incentive to be informed about politics, or creating epistocratic institutions in certain policy areas that are insulated to some extent from voter influence (see for example López-Guerra 2011; Rosenberg 2017; Heath 2014; Jones 2020; Somin 2020; Brennan 2019). In my paper I argue that there is a cluster of related proposals in the literature which have not yet been systematically described and which could prove useful tools in tackling problems of political ignorance and irrationality (Heath 2014; Levy 2012; Rini 2017; Frey and Stutzer 2006).

I call these policy tools *braces*: they are policy interventions which aim to structure the *cognitive environment* (Gallagher 2013; Heath and Anderson 2010; Clark 1997) in order to reduce the influence of false beliefs and biases on people's reasoning about politics. The problems of political ignorance and irrationality are caused by an interaction between

individual cognition and the environment in which this cognition occurs: an environment in which people have very little incentive to form accurate beliefs about politics and in which people's cognitive and social biases (such as the availability heuristic, confirmation bias, and in-group bias) can easily be exploited. I argue that making people individually better reasoners has its limits due to the limited cognitive resources and time that people possess (Stanovich 2018; Evans and Frankish 2009; Stanovich 2004), and thus that focusing on the environment in which people cognise is likely to be more promising than more individual-focused approaches to ameliorating political ignorance and irrationality. I then argue that there are several promising *prima facie* justifications for brace policies: they can be argued for on the grounds that they *promote autonomy*, on the grounds that they are instances of *justified paternalism*, or on the grounds of *promoting welfare*.

Lastly, grouping together the various proposals for brace policies in the literature enables me to describe systematic problems with brace policies. I describe two systematic problems for brace policies, both of which are *bootstrapping problems*: they are problems which suggest that the environment of political ignorance and irrationality which braces are intended to ameliorate will itself prevent braces from being supported, from being carried out competently, and from being seen as legitimate. If citizens are, on average, ignorant and irrational when they form their political beliefs then it is unclear (1) where the political will and support for brace policies come from (the *democratic bootstrapping problem*) and (2) whether we can trust civil servants, fact-checkers, and other implementers of brace policies to be sufficiently informed and un-biased to implement these policies (the *implementation bootstrapping problem*). I conclude that both problems have been insufficiently considered by authors who have suggested measures to ameliorate political ignorance and irrationality, and that, while braces may be effective policy measures if implemented correctly, it is unclear whether such implementation is possible.

Procedural Epistemic Responsibilities of Democratic Citizens

Author: Carline Klijnman

Considering the challenging epistemic circumstances in which contemporary public deliberation takes place, inquiring about the epistemic responsibilities of democratic citizens has become increasingly relevant. Recently, Cameron Boulton (2021) has provided a taxonomy for the different possible accounts of Political Epistemic Responsibilities (PER's). His taxonomy categorises views of democratic legitimacy along two axes: possible demands regarding PER's, and expectations of citizens to live up to those demands. Views that can ground PERs are divided in *optimism* (aggregative epistemic democrats and deliberative epistemic democrats) and *pessimism* (epistemic libertarians and epistocrats). Pure proceduralism and classical deliberative democrats are categorized under *non-epistemicism*, or as not placing any PER-demands on citizens. Pure proceduralism, so Boulton claims, "does not, in its own right, generate PERs for citizens" (Boulton 2021:410) because these views hold that democratic legitimacy follows from the fairness of procedures. The accounts categorized under 'demanding PERs' are thus all instrumentalist and the epistemic merit they aim for can be equated with the capacity of democracy to generate good outcomes - call these: Instrumental Political Epistemic Responsibilities (IPERs).

My main aim in this paper is to argue that the assumption that pure proceduralist views cannot ground PER's is false. I focus on Fabienne Peter's 'pure epistemic proceduralism' as an example of a pure proceduralist view that could potentially ground such responsibilities. Pure epistemic proceduralism holds that democratic decision-making is legitimate if public deliberation takes place under conditions of political equality and epistemic fairness (Peter

2009). The view is epistemic insofar as its conception of democracy explicitly incorporates the knowledge producing potential of democracy. According to pure epistemic proceduralism, this epistemic dimension is rooted in a *fair* decision-making procedure. More specifically, it emphasizes the 'constructive function' (a term taken from Amartya Sen) of public deliberation and exchange of public reasons. It is nevertheless *pure* proceduralist as it holds that legitimacy depends entirely on the procedure, without reference to a procedure-independent outcome or standard of quality.

Fairness and equality in deliberation can be undermined not merely by lack of formal access to epistemic goods or to participation, but also by informal social or *epistemic* factors. For example, it is widely acknowledged that (morally problematic) epistemic phenomena such as biases and prejudice can thwart epistemic diversity and inclusiveness. Boulton mentions these in passing as instrumentalist concerns, but they are also problematic from a proceduralist perspective. A lack of diversity and inclusiveness in the public debate indicates the presence of (discriminatory) epistemic injustices, e.g. through (oppressive) silencing or failure to acknowledge (valid) contributions from certain social groups. Epistemic injustice amounts to not respecting someone in their full capacity as a knower (Fricker 2007). This is at odds with the pure epistemic proceduralist requirement of epistemic fairness, as it entails a failure to acknowledge and treat one another as equal, free and potential valuable contributors to the shared epistemic practice. This invites the possibility of Procedural Political Epistemic Responsibilities (PPERs), based on a commitment to avoid discriminatory epistemic injustice. Though epistemic justice holds intrinsic moral value, and in this context procedural value, it is still primarily an *epistemic* virtue. Any responsibility to avoid epistemic injustice can thus be classified as an *epistemic responsibility*.

Boulton does acknowledge the possibility of 'hybrid views' that don't fit in his taxonomy, and even considers PER's aimed at 'non-veridical goods' (using Michael Hannon's 'emphatic

understanding' as an example). Still, even these non-veristic goods seem to be treated as mainly instrumentally value. Boulton overlooks that such non-veristic goods might also be implicit requirements in proceduralist accounts of fair procedures – e.g. the virtue of epistemic justice could be seen as such a non-veristic good. If Boulton accepts non-veristic goods as the object of PERs, it is not so obvious why only instrumental views would be able to ground them.

Favourably, PPERs avoid some objections typically raised against IPERs. First, as PPERs is more about *how* citizens behave epistemically, and not so much with *what* they know, it avoids charges of elitism as raised against standard conceptions of what political facts citizens ought to know (Lupia 2006). Relatedly, it escapes the conundrum of holding people responsible for not attempting to inform themselves on political matters when they might be under the impression that they are already informed (Friedman 2019).

Furthermore, even from an instrumentalist perspective Boulton's taxonomy of PER's misses out by not incorporating any discussions of the political relevance of epistemic vices in public deliberation. For example, the two main forms of epistemic injustice (hermeneutical and testimonial injustice) both preserve and foster ignorance. PER's to avoid discriminatory epistemic injustice could thus also be compatible with instrumentalist views. The same goes for other epistemic vices such as epistemic arrogance, close-mindedness, and dogmatism. In sum, I argue for an expansion of Boulton's taxonomy of PER's.

Regulating Disinformation: An Epistemic-Militant Democratic Justification

Author: Merel Talbi

With increasing circulation of untrue information in the public sphere, scholars from various disciplines have identified disinformation and fake news as a threat to democracy. While creating laws or regulations to limit or control disinformation may sound appealing to those

who fear its disruptive effects, doing so may lead to unjustified limitations of freedom of expression. In considering whether and when this limitation of freedom of expression may be permissible, legal scholars and legislators have focused mostly on threats to democracy in the form of misinformation directly influencing elections or referendums, as for example in French or Taiwanese law (Landman 2018; Chen 2021). This is also in line with attempts to regulate disinformation based on article 10 of the European Convention of Human Rights, which allows for the limitation of freedom of speech in situations of pressing social need in a democratic society (art. 10 paragraph 2 ECHR). Earlier jurisprudence by the European Court of Human Rights in the case *Salov v. Ukraine* (2015) has shown the court to be hesitant in limiting freedom of expression, also because it was difficult to prove that the defendant intended to influence elections through spreading disinformation.

Considerations from the tradition of militant democracy prove a fruitful avenue for further exploring justifications for limiting freedom of expression to protect democracy against disinformation. In light of Rijpkema's (2018) political-philosophical justification for militant democracy, it can be said that disinformation interferes with democracy's primary epistemic goal: to allow citizens to revise incorrect prior decision-making, also outside of elections. If we take this to be democracy's prime goal, disinformation functions as an obstacle by making it harder for citizens to identify and use trustworthy information to correct earlier political decisions. This analysis is in line with theories from epistemic democracy, that argue the democratic system is best suited to effectively combine and use the knowledge of a plural and diverse community to come to correct decisions (Landmore 2012). However, many are also critical of this claim. Epistocrats (Brennan 2016) claim that citizens are not epistemically suited to rule themselves due to having insufficient knowledge to do so, while the epistemic injustice literature warns that the knowledge of certain marginalized groups in society is

structurally undervalued – to the point of their views not being acknowledged in democratic deliberation (Fricker 2009).

While these criticisms in part discount the claim that democracies are the best system of government for epistemic reasons, both critiques also become more pressing in situations of disinformation. The spread of fake news may make an epistemically unsophisticated populace even more prone to erroneous judgments, while the nefarious propagation of racist, sexist, or otherwise biased information about certain groups in society may increase epistemic injustice. In light of these exacerbating effects, arguments from the tradition of militant democracy may indeed prompt legal scholars to think further on possibilities to regulate disinformation, and to acknowledge its corrosive influence on the epistemic function of democracy.

Session 3: Monday 13:30–15:00 Corporations and the State

Venue: Doelenzaal

Moderator: Valerie Scheur

Commentator: Johan Olsthoorn

Participants: Kajo Kubala, Barbara Bziuk, Tom Kayzel

Zoom link: <https://uva-live.zoom.us/j/89168534713>

The concept of perpetuity in the theory of corporations: from Baldus to Hobbes

Author: Kajo Kubala

The paper seeks to build on and challenge the identification of the Hobbesian state as a fictional person by Quentin Skinner and David Runciman by instead suggesting that Hobbes's Leviathan should be understood primarily as a perpetual person.¹ Through an examination of the genealogy of the corporation in English legal and political thought, the paper argues that Hobbes's use of a corporate metaphor for his state was a conscious subscription to an established intellectual tradition that treated corporate bodies as perpetual entities. Engaging with a corporation as an abstract model for his state allowed Hobbes to move towards his goal of creating a body politic "designed to live, as long as Man-kind, or as the Lawes of Nature, or as Justice it selfe, which gives them life."²

Beginning in fourteenth century Italy, the essay uncovers the corporate nature of the *populus* in the thought of Baldus de Ubaldis as a perpetual entity in the context of a power struggle between the Italian *civitates* and their imperial overlord. Baldus's claim of the incorporated nature of the *populus* served to legitimise arguments advanced earlier by Bartolus of Saxoferrato in favour of the *de facto* sovereignty of the city-states. By contending that the *populus* is an undying body, Baldus asserted its right to self-rule on the

¹ Runciman 1997; Runciman 2000; Skinner 2007; Skinner 2018.

² Hobbes 2014, pp. 496-498.

basis of its perpetual, customary exercise of *imperium*. Furthermore, Baldus extended the idea of an incorporated polity from the popular to the monarchical plane, thus constructing the monarch as the seat of the perpetual *dignitas* of the *respublica regni*; a notion that became formative for the theory of the king's two bodies, which became influential in England, and which the essay moves on to explore. The paper reveals the dual nature of the monarch in the English context of the corporation sole by examining the legal proceedings dealing with the events surrounding the incorporation of the Duchy of Lancaster from the 15th century onwards, which fleshed out the corporate nature of the Crown of England and its perpetual life.

Moving beyond the corporation sole, the essay also considers the more important role played by corporations aggregate in mapping out the perpetual nature of corporate bodies. The 1612 case of Sutton's hospital, which became a landmark case in charting the ontology of the corporation in English common law, supplies a case study for drawing out the broader implications pertaining to corporate perpetuity. Through an examination of various charters ranging from the fifteenth to the seventeenth century, it is argued that perpetual existence became the central, if not defining, feature of the contemporary corporation; a sentiment captured in Sir Edward Coke's notorious dictum that the corporation is "invisible, immortal, & resteth only in intendment and consideration of the Law."³

³ Coke 2003, pp. 1080-1081. The endurance of this sentiment in English legal thought is attested to by its subsequent and abundant appearance in treatises of law, for example: Shephard 1659, pp. 1-2; Bacon 1736, p. 506; Kyd 1793, p. 2; Blackstone 1893, p. 293.

The paper ends by examining the impact that corporate ontology had on Hobbes's thought, which has been a topic of speculation amongst some academics.⁴ The importance of corporate ontology and the perpetuity it entailed is explored through both a contextual examination (Hobbes's involvement in the Virginia Company of London), a textual exegesis (particularly focused on Hobbes's explicit invocation of corporate models and his theory of representation), and a mimetic examination of the frontispiece of *Leviathan*, which arguably pays a visual homage to the corporate metaphor that formed the bedrock of Hobbes's *persona civitatis*. As an ancillary thought, the paper also concludes by considering the role that the *ars rhetorica* may have had on Hobbes's decision to personify the state, especially given his long-standing engagement with the humanist tradition, and the present relevance of reconsidering both the status of corporations as political bodies, but also of how we should think of the state as a corporate entity.

Business corporations and the social connection model of responsibility for justice

Author: Barbara Bziuk

In May 2021, Shell was ordered by the Hague District Court to lower their CO2 emissions by 45% by 2030, relative to 2019⁵. This unprecedented ruling against a business corporation, which was based upon the interpretation of the unwritten standard of care, linked climate change directly to the responsibility of individual private emitters. In its interpretation of the standard of care, the court relied on the soft law endorsed by Shell, such as the UNGP, and the universally accepted human rights. The court concluded that Shell's duty to respect human rights exists independently of the duties of states and other private agents and

⁴ See: Malcolm 2003; Hein Jessen 2012; Aravamudan 2013; Springborg 2014; Springborg 2015; Fitzmaurice 2021. ⁵ On Hobbes and rhetoric, see: Skinner 1996. On Hobbes and the humanist tradition, see: Skinner 2018, esp. pp. 12-44, 222-315.

⁵ See the Court's statement ECLI:NL:RBDHA:2021:5339 <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2021:5339> [Last Accessed 18 August 2021].

involves not only avoiding causing or contributing to adverse human rights impacts, but also seeking to prevent or mitigate such impacts.

From the standpoint of political philosophy, this ruling presents an interesting case of assigning responsibility for justice to business corporations for at least two reasons. First, it conceptualizes the corporate responsibility for a societal issue that Shell alone has not caused. At the same time, it articulates a responsibility of the business corporation independently of the responsibility of other agents. In this paper, I argue that this exemplifies an application of the social connection model of responsibility advanced by Iris Marion Young (2011). This stands in contrast to the liability model of responsibility in which an agent is alone and directly responsible for causing some harm, the goal of which is to punish and compensate for the past harm.

The question of corporate responsibility has been increasingly addressed by scholars and businesses and there has been a growing consensus that corporations have some kind of responsibility for justice⁶. In its weakest form, this means at least that business corporations should not compromise their societal impact for their economic benefit alone. This consensus is still rather vague and there is a lot of disagreement when it comes to the exact kind of corporate responsibility, its extent, and how to balance it with the responsibilities of the state (Dahlsrud 2008, Garriga and Melé 2004).

This paper contributes to the literature on the corporate responsibility by arguing that the social connection model, as exemplified by the Shell case, is an adequate framework for thinking about corporate responsibility. The social connection model assigns responsibility for justice not based on one's direct causal link to a particular harm, but rather on one's contribution to a systematic injustice. It can thus distinguish between different agents

⁶ See for instance the statement on the corporate purpose issued by the Business Roundtable, an association of CEOs of leading American corporations: <https://opportunity.businessroundtable.org/ourcommitment/> [Last Accessed 18 August 2021].

contributing to a given injustice to a various extent, and ascribe them a responsibility according to their contribution and capacity. In this way, it is particularly suitable for tackling societal problems of today's globalized world where multiple diverse actors are involved, such as climate change, exploitation, increasing economic inequality, or the crisis of democracy. Multinational business corporations play a critical role in these processes, but their responsibility for them is not always acknowledged. One of the reasons for that is their complex ontology and private status which often serve as an excuse for not committing to any duties of justice. The social connection model can avoid these concerns as it looks past the status of the agents. According to the model, anyone who contributes to an injustice, be it a public or a private actor, shares a political responsibility for it.

However, under the current non-ideal conditions characterized by the undemocratic character of the power of multinational corporations and its use attributing responsibilities for justice to corporations, in particular in the form of positive duties, might seem problematic. One of the concerns is that corporations will obtain even more political power the more such responsibility they are assigned. After having explained the social connection model, I move on to these concerns and argue that the social connection model can avoid them if it is limited to a particular type of cases that meet two conditions. First, the corporation must have contributed to the injustice in the past or be contributing to it in the present. Second, the contribution must be made through corporate policy or corporation's business activities, or in other words, be part of the corporation's regular practice. Although limited in such a way, the social connection model can still provide far-reaching conclusions about the responsibility of corporations.

[The Crisis of an Open Future in Dutch Political Debates of the 1970s](#)

Author: Tom Kayzel

The problems that plagued the post-war Keynesian order of economic planning and corporatism in the mid-1970s are generally characterised as a moment of crisis (Maier 2010).

These problems were many and varied, not only the economic problems of stagflation but also environmental problems and great civil unrest. In the Marxists readings of this *world-problematique*, as the Club of Rome called it (Özbekhan 1970), it was argued that the crisis of the 1970s was a crisis of capitalism: contradictions to the post-war economic order only came to the fore in the middle of this decade (e.g. Harvey 1982; Streeck 2014). But the problems of the 1970s constituted a crisis of capitalism in more than one sense. Not only were socialist authors questioning whether the capitalist order could guarantee the wellbeing of workers as it promised, progressive authors were also questioning whether the dynamics of capitalism were still the forces that drove modern history forward (Esposito 2017).

Through a historical analysis of the writings of Dutch intellectuals from the 1970s on the crisis that they were facing, I want to argue in my paper that an often-overlooked dimension of the crisis of the 1970s was the new experience of time that emerged during the period. To put it simply, Dutch intellectuals did not only question to post-war capitalist political order, they also questioned whether capitalism and modernity were the forces that drove history forward. To them, the future seemed very open, not determined by the dynamics of capitalism or the logic of modernity. In terms of the German historian Reinhart Koselleck, the *world-problematique* opened up a *horizon of expectation* in which time was accelerating with such a speed that all experiences of the past developments seemed utterly meaningless (Koselleck 2004). It was in this gap between the *horizon of expectation* and the *space of experience* that a new mode of thinking about history called futurology came to the fore and new social movements could demand more democratic power (Assmann 2020).

The Dutch history of crisis-thinking in the 1970s sheds light on how to conceptualise political crises in general. Already in German intellectual thought of the Weimar period, “crisis” was not simply understood as a breakdown of the political order, but also, as in the works of

Walter Benjamin, Ernst Bloch and Ernst Jünger, as a break in the temporality of historical orders (Graf 2010; Beck 2019). In a crisis, the mechanisms of history were temporarily suspended, engendering the political subject to make a vital decision on the fate of the political order. But the crisis of the 1970s and the Dutch intellectual response reveal a new dimension to this logic of political crises. If the political crisis transforms into a crisis of historicity, the temporal order is not merely suspended, it completely breaks down, leaving the future completely open. Contrary to the conception of crisis in Weimar thought, a crisis not historicity not necessarily emancipates the political action. As it becomes unclear what the subject of history precisely is, a crisis of historicity also engenders passivity: it becomes unclear who is to act in a political crisis.

Following my historical analysis of Dutch intellectuals in the 1970s, it becomes possible to assess the current political crisis that arose from the COVID-pandemic. The COVID-pandemic does not only seem to question the current political order, it also messes with our experience of time. If such a crisis of historicity in the COVID-pandemic is so severe that it questions the progress of history in general, the chance that the crisis does not engender a political decision but leaves us wandering in the ruins of the political order—in a state of post-history—becomes a real possibility.

Session 4: Tuesday 11:00–12:30 Populism and Post-Truth

Venue: REC C0.01

Moderator: TBC

Commentator: Daniel Loick

Participants: Helen Murphy, Cathrine Koekoek, Palle Bech-Pedersen, Dominik Austrup

Zoom link: <https://uva-live.zoom.us/j/85002722626>

Populism as a Normative Political Feature? The Rise of Competing Populisms in Post-Revolutionary Tunisia

Author: Helen Murphy

The rise of populism in recent years has been considered both a product of, and a threat to, liberal democracy. In its most essential form, populism refers to a narrative tendency to juxtapose the ‘people’ and the ‘elite’ (Mudde 2014: 543), rendering politics a zero-sum game (Peetz 2020) through an exaltation of majoritarian democratic principles (Urbinati 2019: 121) at the expense of liberal democracy’s protection for minority rights. It has also been considered a ‘thin’ ideology capable of attaching itself to a ‘thick’ ideology such as left-wing or right-wing politics and a communication style (Blassnig et al 2018). Most of this research presumes that populist movements constructs themselves against a perceived ‘mainstream’ political institutional framework – and its attendant political norms and styles. Yet what happens when populism becomes so widespread as to be normative in itself?

In this paper, I adopt a comparative discursive analytical approach to two populist actors in post-revolutionary Tunisia: Abir Moussi of the *Parti Destourien Libre* (PDL) and Seifeddine Makhoul of Itilaf al-Karama (the Dignity Coalition). Both actors acknowledge Tunisia to be in a state of disgrace, yet the frames they employ are deliberately contradictory in who they define the ‘people’ and the ‘elite’ to be. In Abir Moussi’s narrative, the Tunisian revolution

was a plot engineered by foreign Islamist elites to hijack and disrupt the traditional stability and moderation of the Tunisian people. In contrast, Seifeddine Makhoul argues that the revolution was an aborted attempt to rid the country of the secular, pro-Western and anti-Islamist elite. These actors – known for their disruptive tactics, conspiracy theories, inflammatory language and disregard for established political norms (Dahmani 2021, Lafrance 2019, Hlaoui 2020) – receive heavy coverage by the Tunisian media, intensifying their impact on the political landscape and heightening polarisation.

Yet on a broader level, what does it mean to have two different strands of populism operating in direct opposition over the nature of political reality, and what does this entail for polarisation more generally? With the president of Tunisia, Kais Saied, also espousing a populist platform, style and appeal, can populism be said to constitute a normative feature of the contemporary Tunisian democratic environment? In other words, rather than constituting a disruptive force, is populism now part of the hegemonic political norms it once sought to threaten?

To assess these questions, I employ the notion of ‘dual competing populisms’, which draws upon social movement theory to consider populist actors as constructing their narratives out of a wider arena of grievance. Tilly and Tarrow (2015) argue for the existence of contentious episodes, which engage an array of actors in interactions during periods of conflict and contestation. I argue that *Itilaf al-Karama* and the PDL are symptomatic of a broader contentious episode within the Tunisian post-revolutionary landscape, yet the populist nature of their frames imbricates them in a mutually constitutive discursive process between political ideological extremes.

Using the method of frame analysis, I break this comparison down into three frame components: the diagnostic, prognostic and motivational frames offered by each populist actor, to assess the similarities and differences that they exhibit. This approach provides

insight into the qualitative conditions that give rise to the emergence of populism as a normative political feature. The similarities in each frame provide insight into the features of the post-revolutionary environment that lead to populist movements acquiring popularity through the resonance in their frames; equally, differences in style or emotional appeal, for example, illustrate how different forms of populism may embed themselves into pre-existing political institutional dynamics. More generally, this provides an overarching insight into how populism functions as part of a political dynamic, rather than an attribute of a particular actor, and how this interacts with the functioning of a new democracy.

[Infrastructures of democracy: \(re\)building democratic ground in times of post-truth's boundless contestation.](#)

Author: Cathrine Koekoek

Post-truth politics challenges received ideas about democratic theory and practice, undermining existing responses in political theory – both agonistic and deliberative. This paper argues that to (re)build democratic infrastructures able to withstand the challenges of post-truth, we need situated, worldly approaches to political theory drawing from both agonistic and deliberative registers.

To better understand the challenges post-truth poses to democracy, the paper starts by exploring the role of truth in politics. The paper builds upon Hannah Arendt's (1967) observation that the political attitude towards facts "must tread the very narrow path" between necessity (the 'coercive force' of truth foreclosing political action) and contingency (manipulating facts out of the world, resulting in totalitarianism). To translate Arendt's republican theory into a democratic context, I introduce Jürgen Habermas' deliberative and Chantal Mouffe's agonistic theories as alternative democratic elaborations of Arendt's

insight in truth and politics. Their work highlights two essential, dialectical aspects of democracy. Habermas 'institutionalises' Arendt by building an elaborate procedural discourse theory of democracy, establishing the stability of communicative action that makes it possible to count on democratic deliberation and institutions, that provides democratic common ground (Habermas 1977, 1996, 1994, 2006). For Mouffe, on the other hand, radical democracy consists primarily in the possibility of contesting a given order, and in acknowledging that all order, stability or necessity is fundamentally contingent and contestable, shaped by hegemonic power relations (Laclau and Mouffe 1985; Mouffe 2000, 2005, 2013, 2018).

Contemporary politico-philosophical discourse on post-truth can roughly be divided into two extremes. These opposing positions appear as current incarnations of an older debate between (poststructural) agonists and (Habermasian) deliberativists. On one side, post-truth is seen as the ultimate danger to democracy. This deliberative position holds that democratic power can only be legitimised with a mutual orientation towards rationality and truth. But (as Mouffe and other feminists remind us) from a perspective committed to emancipation, it is worrisome to counter post-truth by labelling it as irrational: the same arguments have been used to exclude minoritised groups from democratic discourse. On the other side, the agonistic position sees post-truth as a democratisation: truth is itself understood as a 'power-game' that can always be re-politicised. But (as Habermas reminds us) without any shared grounds to distinguish between legitimate and illegitimate forms of contestation, democracy remains vulnerable to post-truth's challenges.

Legitimate democratic politics needs both popular contestation (as Mouffe asserts) and procedural institutionalisation (as Habermas emphasises). Post-truth, like agonism in overdrive, emphasises only contestation. How, then, to allow for agonistic critique, without

lapsing into post-truth's groundless contestation? How to (re-)create democratic institutions, while acknowledging the need for ongoing, agonistic challenge?

These questions cannot be answered once and for all, but require situated and responsive answers. Feminist democratic Arendtians like Linda Zerilli (2005, 2016, 2020) and Bonnie Honig (2007, 2017, 2021b, 2021a), have emphasised the conditions for the ongoing, worldly engagement of democratic theory and practice. Rather than theoretically resolving the question of (post)truth and politics, their work allows us to look for the practical conditions that allow us to continue navigating Arendt's narrow path. Taking on this worldly, feminist approach, the paper concludes by reframing the problem of (post-)truth as a matter of democratic infrastructure. This move has the happy effect of reorienting democratic theory beyond the question of power vs truth, and towards the material, symbolic and institutional conditions that allow for democratic institutionalisation and contestation. In other words, how can we conceive of democratic infrastructures that allow for agonistic critique, without lapsing into post-truth's groundless contestation?

Non-Participatory Democracy: A Reflective Realist Take

Authors: Palle Bech-Pedersen, Dominik Austrup

The Danish broadcast host Niels Krause Kjær, tellingly delivered the following opening remarks on the recent regional elections in France that saw voter turnout as low as 33 per cent: "The election winner was, once again, the sofa" (own translation, 2021: 00:01:10). Generally, and beyond the French republic, political apathy is on the rise in many democracies. Citizens *en masse* express a disinterest towards politics, and many do not even bother to cast their votes in elections as illustrated by the French case. These empirical findings give rise to the following questions: To what extent should empirical evidence about citizen-apathy be incorporated as a constraint on our normative theorizing concerning

legitimate governance? Can we plausibly continue to posit public participation (including, but not limited to, electoral participation) as a necessary requirement for legitimate governance despite the empirical reality that many citizens seemingly would prefer to not participate? Or is it rather the case that widespread non-participatory attitudes warrant the conclusion that legitimacy is to be realized in a minimal and largely non-participatory democracy?

In this article, we argue that reflective realism offers a new and fruitful methodological avenue for addressing this question in a way that takes non-participatory beliefs and attitudes seriously as *potential* candidates or sources of legitimacy while simultaneously offering methodological tools through which critical distance to these beliefs and attitudes can be obtained.

To frame our discussion, we situate reflective realism in relation to two different approaches, (plain) realism, exemplified by Hibbing and Theiss-Morse's concept of a *Stealth Democracy* (2002) that is characterized by deriving normative prescriptions (a minimal form of democracy) from empirical findings (widespread unwillingness to participate), and normativistic approaches that posit public participation as an indispensable ideal. Both stances, although for different reasons, fail to offer the critical resources that would enable us to tell critique-worthy and innocuous forms of nonparticipatory attitudes apart.

To fill in this lacuna, we take inspiration from the political realist tradition (Williams, 2007; Rossi and Sleat, 2014) and introduce a reflective realist methodology. It falls in line with empiricist realism by committing to a bottom-up internalist conception of legitimacy according to which citizens' beliefs and preferences must be the starting point concerning questions about legitimacy (Cozzaglio, 2020), including preferences and beliefs about participation. Yet, as we will show, reflective realism moves beyond this commitment by introducing a number of intermediate reflective moments. We argue that a compelling

bottom-up approach to normative theory requires reflections on the material conditions as well as power asymmetries and, importantly, on the extent to which citizens' beliefs and preferences concerning legitimacy can be traced back to such conditions. Such reflections, as we will show, can be carried in conjunction with a method of elicitation that attempts to dig beneath the surface of expressed preferences and beliefs (Sagar, 2018). In addition, reflective realism can obtain critical distance to expressed beliefs and preferences by exercising a form of ideology critique (Rossi, 2019).

Specifically, we highlight two conditions under which non-participatory attitudes should be questioned as reliable indicators of legitimacy – one in which they would be conditional upon the absence of effective participatory avenues, and one in which they would be conditional upon detrimental features (corruption) of the political system. Concerning the latter scenario, we introduce some recent studies that indeed seem to suggest that this form of conditionality is endemic (Schäfer and Schwander, 2019; Neblo, 2015) and proceed to show why these studies sit well with the reflective realist commitments spelt out above. However, on a cautionary, we concede that it is reasonable to expect – and certainly cannot be ruled out – that a sizeable number of citizens could have non-participatory attitudes for reasons that are entirely unobjectionable from a reflective realist standpoint. In proportion to their prevalence within a given society, these attitudes and their associated beliefs concerning legitimate governance would have to be incorporated in realist reflections on implications for the legitimacy of that society. This could leave us with a considerable amount of normative ambiguity (some will want to participate; some will be reluctant) in terms of identifying the normative recommendations that would flow from a bottom-up approach to legitimacy

This latter point informs the last section of our article where we draw out *possible* institutional implications of our methodological reflections on participation. We turn to

Landemore's *Open Democracy* paradigm (2020) and focus on one of its thought-provoking features, namely that it decouples legitimacy from mass participation: participation is optional but not required according to this model. In this sense open democracy, we argue, offers a productive institutional translation of the normative ambiguity concerning participatory willingness that realists are likely to encounter when trying to situate the value of participation in their bottom-up reconstructions of legitimacy.

Session 5: Tuesday 13:30–15:00 Borders and Migration

Venue: REC M1.03

Moderator: Jasmijn Leeuwenkamp

Commentator: Tamar de Waal

Participants: Giorgios Mantikos and Yorgos Karagiannopoulos, Bram Wiggers, Anna Milioni

Zoom link: <https://uva-live.zoom.us/j/85002722626>

Imprisoned by *Realpolitik*: The instrumentalization of human rights in the border control discourse

Authors: Giorgios Mantikos and Yorgos Karagiannopoulos

Indubitably, global migration has been extensively discussed with border controls being at the center of the debate. The arguments in favor and against borders are mainly assessed with respect to human rights and the reasonableness of the debate rests on the *prima facie* tension between the principle of self-determination (pro-border) and freedom of movement (anti-border). From the one hand, it is argued that an unbounded principle of universal freedom of movement violates the right of a state (Walzer 1983, Wellman 2008) or a people (Rawls 1999, Miller 2013) to control its legitimate territory. From the other hand, anti-border theories emphasize on the violations of human rights by border control policies. That could be primarily based on empirical testimonies of racial prejudices at the borders (Fine 2016) or, even though more controversially, on *in principle* reasons (Abizadeh 2008, Carens 2013). Yet, the core principles of both sides are weakened in strength insofar as pragmatic difficulties render them less reasonable. That is why, pro-border should anticipate the *de facto* symbioses of borders and racism, the relative participation of their state to the cause of global inequality and therefore the obligation arising from all-affected principle (Goodin 2016). At the same time, anti-border positions are faced with pragmatic difficulties such as

possible domestic inequality, insecurity due to random fluctuations of the job market and in general bureaucraticwelfare difficulties (Kymlicka 2001). The outcome of the discourse, therefore, is a more or less reached consensus around the moderate position of quotas (Gibney 2015). The gist of quotas is to balance between the two principles by ranking from the one hand degrees of urgencies (e.g. war, deprivation etc.) and from the other hand the profile of the immigrant (e.g. education, family and social status).

Our position objects the consensus view claiming that it instrumentalizes human rights. While the discourse initiates from a disagreement on normative principles, both positions are weakened for reasons that are *not, prima facie*, normative. A closer look on the nature of the pragmatic difficulties reveals, or so we argue, that they are, in the final analysis, problems of the state. If that is correct, then human rights are conditioned to a state's relative power since they could be normatively weakened *because* of such difficulties. This position is at best a form of *Realpolitik* – the normativity of which is, if present, questionable. On a more critical level, the consensus view reproduces – perhaps unintentionally – an ideology characteristic of the means-end logic that sociologically derives from the modern “rational” state (Benjamin 1921, Horkheimer 1947, Adorno & Horkheimer 1969).

Insofar as state stability, as an underlying normative requirement, weakens human rights' normative force it turns them to means for attaining state's own reproduction. In other words, human rights are instrumentalized in the consensus view. Our claim states that human rights, in order to maintain their strong normative force, should remain an end in itself.

The Political Promise of Transindividuality: on the Border of Critique and Politics

Author: Bram Wiggers

Symptomatic for the (neo)liberal age is the opposition between the collective and the individual, in which the individual is prioritized over the collective. Today, we see this reflected in growing public mistrust in governmental interventionism, increased suspicion of electoral processes and a general skepticism toward the efficacy of (national) governments in dealing with pressing questions regarding race/gender/climate (van Oenen, 2020). This opposition becomes problematic at times when collective action is called for. It is then no wonder that climate change has not only become an ecological problem, but also a political one.

Moving beyond this political impasse requires us to redefine the political subject, it requires us to move beyond the Neoliberal politics and its opposition between the collective and the state to envision a politics in which collective action and public will formation is once again possible. In this paper I will attempt to theorize how we might get to such a beyond by means of a concept currently popularized in Spinoza/Marx studies named transindividuality, asking “What is the political promise of a transindividual critique of the Neoliberal (political) subject?”.

Put briefly, transindividuality is a concept used to designate the mutual constitution of the individual and the collective (Read, 2019, p.58). What this effectively implies is that transindividuality moves beyond the opposition between the individual and collective by designating both as a process of individuation (Read, 2019, p.58). This does not imply that there are no collectives or individuals, but rather that every collective and individual is always

transindividuated. No individual is thus ever 'in-divisible', for s/he is always the product of a complex set of forces. Equally, no collective is ever fully whole since it is precisely the product of a specific mode of transindividuation.

The critical task, according to Jason Read, of transindividuality is to show "how it is that transindividual relations can generate an individualistic perspective" (2016, p.12). How it is that a political subject is created that opposes itself to the collective even though it is both cause and effect of that collective. Transindividual critique, therefore, demands that we first comprehend the individualistic perspective before we can contemplate a move beyond it. Following this imperative, the paper will be structured as follows:

- I. I will discuss, by reference to Foucault's *The Birth of Biopolitics* (2008) and Wendy Brown's *Undoing the Demos* (2015), the neoliberal mode of governmentality and the political subject that it constructs. Here, I will indicate how the Neoliberal logic of marketization has constructed an entrepreneur of the self through responsabilization, best practices and other techniques of control that effectively displaces homo politicus with a homo economicus.
- II. The second part will briefly explicate the concept of transindividuality, before analyzing the transindividual becoming of the entrepreneur of the self. Here, I will pay special attention to the formation of competitive markets as the site of transindividual becomings. Markets, according to the Neoliberals, are non-natural entities with specific laws that only function well if certain social/cultural conditions are met which must be regulated by governments. The condition for the functioning of competitive markets is inequality rather than equality. Inequalities are produced by what Foucault calls the production of freedoms, which essentially entails the responsabilization of individuals and the retreat of the state in social policy through

privatization, outsourcing and budget cuts (2008, pp.63-68, 228-233). The responsabilized individual becomes the entrepreneur of the self who competes in all kinds of markets for his/her education, healthcare, political representation and happiness. This entrepreneur of the self conducts him/herself 'freely' by competing in the markets for his/her wants and needs. But this production of freedom dovetails and hides the fact that the market is constructed as a site of control – conducting the conduct of men – in which the individual constructs the image of the self as human capital through the collective enterprise of competition and capital accumulation.

- III. The third part will discuss the political consequences of the entrepreneur of the self and provides a note on the transindividual promise of its critique. First, the production of the entrepreneur of the self limits the possibility of collective political imaginaries by reducing it to individual interests, the interest of human capital (Read, 2009, pp.33-36).

Revealing the transindividual origins of the entrepreneur of the self as an effect and cause of competitive markets, allows us to step beyond the limited political imaginaries of the entrepreneur of the self toward the production of new transindividual becomings, redrawing the line between the political and the economic. I will present Daniele Lorenzini's concept of the 'possibilising genealogy' as one way of contemplating this new transindividual, political subjectivity.

Mobile migrants and the right to democratic participation

Author: Anna Milioni

My paper aims to examine the normative implications of transnational mobility with regard to the rights and duties of political participation. From refugees to migrant workers and from foreign students to members of international elites, people are on the move but their settlement and future naturalisation are uncertain. This invites us to reconsider our assumptions about democracy and migration. On the one hand, democratic theory revolves around a static conception of democracy, which presupposes a stable conception of the people that is challenged by mobility. On the other hand, when examining the conditions for the allocation of political rights to migrants, migration ethics largely focuses on long-term settled migrants, considered as “citizens in the making.” The outcome is that the political rights of mobile migrants are a blind spot for both democratic theory and migration ethics (Triandafyllidou 2017).

In this paper, I aim to take mobility seriously, examining how democratic rights and duties should be shaped in a mobile world, in order to both accommodate the claims of mobile migrants to democratic participation and uphold the function of stable democratic institutions. In the first section, I identify three challenges set by mobile migration to our current conception of the preconditions for democratic participation. First, due to moving frequently from one state to another, it is more difficult for mobile migrants to get access to political rights, whose allocation normally requires at least the prospect of long-term settlement (Baubock 2018, Carens 2013). Second, mobile migrants are subjected to migration laws made exclusively by sedentary populations, with no provisions to accommodate their own perspectives and interests. Third, some scholars suggest that increased transnational mobility will render democracies obsolete and lead to their replacement by non-democratic “hypermigration dystopias” (Bauböck 2011, 2017).

To address these challenges, in the second section I suggest that we need to re-examine what grounds the right to democratic participation. To do this, I propose a Kantian-inspired approach, according to which the right to democracy is a specification of a wider right to political participation. This right, in turn, is grounded on the fundamental moral principles of freedom and equality. Referring to Kant's analysis in the *Doctrine of Right* of the *Metaphysics of Morals* ([1781] 2017), I will argue that our social coexistence means that we are under a duty to relate to each other in terms of freedom and equality. Kant claims that this puts us under a duty to create and support just institutions, which would define the rules to regulate our lives. Taking the argument a step further than Kant does, I will argue that this grounds a right to political participation: the principle of freedom entails that individuals should be able to have a say in the formation of the laws with which they have to comply, and the principle of equality requires that each should have this freedom to an equal extent. The third step of my argument will be to show that, in contemporary liberal societies, this right to political participation should be conceived as a right to democratic participation.

In the third section of my paper, I explore how this Kantian-inspired framework can be applied in the context of mobile migration, in a way that addresses the three democratic challenges. Regarding the question of the future of democracy in an increasingly mobile world, the Kantian-inspired argument requires that, under any form of political organization, the free and equal status of individuals should be respected. As many scholars remark, we have good – even though contingent – reasons to prefer democracy over other regimes, due to its contribution to the protection of fundamental individual rights and to its epistemic qualities (Christiano 2008, 2011, Estlund 2008, Landemore 2013). Still, in dramatically different conditions, it is probable that democracy as we know it would not guarantee the equal status of individuals, nor produce these outcomes; therefore, it would have to change.

However, not any modification of democracy would be acceptable; in order to be just, the political regime would have to respect the free and equal status of individuals. Given that, it is doubtful that regimes such as Bauböck's (2011, 2017) "hypermigration dystopia" would be acceptable.

Turning to the more familiar context of contemporary migration, the Kantian-inspired argument provides us with the criteria to judge whether the disenfranchisement of mobile migrants constitutes an injustice. An injustice would occur if the current political organisation and the distribution of rights to political participation do not respect the status of individuals as free and equals, and do not provide individuals with the equal opportunity to participate in the making of the rules that govern their lives. This provides an argument for the differentiation of the preconditions for access to political rights to different categories of mobile migrants, such as refugees, migrant workers, and international students (Ottonelli and Torresi 2012).

Session 6: Tuesday 15:30–17:00 Climate and the Environment

Venue: REC M0.02

Moderator: Gerrit Schaafsma

Commentator: Jens van 't Klooster

Participants: Sophie van Balen, Tijn Smits, Virginia De Biasio

Zoom link: <https://uva-live.zoom.us/j/85002722626>

Belonging to a world in climate crisis - An exploration of ecological politics in terms of care and agonism.

Author: Sophie van Balen

Floods such as those in Germany, Luxembourg, Belgium and The Netherlands in the Summer of 2021 force even the most stubborn to acknowledge that human beings are part of earthly ecologies. With the first part of the 6th IPCC report published virtually at the same time, climate crisis policies and politics seem to (finally) consolidate their place on the international agenda. But, in spite of (Dutch) politicians' continued efforts to react to the climate crisis from within a framework of 'normal' politics, the climate crisis ardently challenges current forms of human and nonhuman co-existence. In other words: climate crisis demonstrates that human beings are not separate from, but rather cohabit in the biotopes and life-worlds that are at stake (Sloterdijk 2016).

Acknowledging that human beings become-in and become-with in life-worlds and biotopes means that politics need to be rethought in ecological terms ([author] 2021). Yet, as demonstrated by Latour (2017), ecological thinking may be as 'dangerous' as it is necessary: By challenging human exceptionalism and the division of the world into nature and culture, ecological thinking demands that we – as human beings, as Western, Modern beings – learn

to think and act *radically differently*. In this paper, my aim is therefore to practice such ecological thinking in an exploration of political practices and strategies that could be part of a progressive politics in face of climate change. As departure point, I will take the question posed by Latour in *Facing Gaia*, rephrased as ‘how do we get used to belonging to a world in climate crisis?’ Following Latour, I will argue that instead of finding a cure for belonging to a world in climate crisis (by trying to deny we are part of it, for example, or by investing heavily in exit strategies), we should get used to it and that can be done only by *taking care*.

But what is this ‘taking care’ and what does it have to do with politics? Moreover, is a turn to care not another way of placing the responsibility for adjusting to climate crisis with individual human beings (and often those, that already carry more)? As such, isn’t the climate crisis rather an effect of a *lack* of care, and therefore demonstrative of the relative powerlessness of care over and against other political strategies? As Joan Tronto (1993) famously defined, practices of care aim ‘at maintaining, continuing, and repairing the world’ (104). In this article, I will draw on a diverse tradition of care politics inspired by her definition, because in the search for ways to let go of techno-utopian futures, care and the fact that we care about (even if we do not care for) our direct environments, comes forward as a promising starting point for rethinking and remaking the world we live in, both in deconstructive and re-articulatory terms (Cloyes 2002, 210).

In order to work towards this exploration of politics, my discussion will revolve around three topics: belonging, care, and agonism. Taking Latour’s question as point of departure, I will start with belonging and the critical potential that is unleashed when a rupture in belonging (Ortega 2019, Fielding 2019) takes place. Being presented with such rupture seems to provide a starting point for seeing – and ultimately acting – differently. Following a case study done by anthropologist Michael Vine (2019) as illustration on the one hand and guide on the other, I will consider practices of care as ways to forge a sense of belonging in such situations

of rupture. Guided by Tronto and Puig de la Bellacasa, I will discuss the applicability of care politics to climate crisis, ultimately finding that a more explicit politicisation of care practices is necessary to meet the aim of systemic change. Taking my cue here from agonistic realism in Tully (2008/2014) and Honig and Stears (2014), I will argue that care practices can be politicised as civic counter-hegemonies and as such can make up part of radical political agendas.

[A Fair Share of Duties - A Kantian Defence of a Carbon Budget](#)

Author: Tijn Smits

Christian Baatz recently rejected the 'Fair Share Argument' (FSA) in the debate on the duties of climate action in his paper 'Climate Change and Individual Duties to Reduce GHG Emissions'. The FSA stipulates that we should distribute the duty to reduce greenhouse gas emissions such that we can all emit an equal amount, in order to meet the goals necessary to fight climate change. In terms of Kantian ethics, people would have a perfect duty to reduce their emissions up to the level necessary to avert collective lifethreatening risks. For instance, each person has an equal share of 2 tons of CO₂ per year to use. Baatz rejects the FSA's 'perfect' emission reduction duties for two reasons. Firstly, he argues, the approach fails to take into account how some agents have built up wealth through earlier emission opportunities. Secondly, the FSA would fail to take into account how people currently depend on carbon structures for a decent life. As the requirement of drastically reducing emissions is too high for some agents, Baatz concludes we must instead view emission reduction duties as imperfect. Consequently, individuals only have the moral duty to reduce emissions as much as can 'reasonably' be demanded. Baatz later defends a reformulated version of the FSA, but he fails to define what one's fair share is, merely noting that one's

fair share can differ from person to person. Thus, his position that agents only have an imperfect duty to 'reasonably' reduce their emissions does not change.

Although I share the stance that there are individual climate duties, I disagree with Baatz's claim that emission reduction is an imperfect duty. Perfect duties are those which leave no exceptions, and I will argue the duty to reduce greenhouse gas emissions is perfect in this Kantian sense. Firstly, I provide not just a *prima facie* egalitarian defence of the FSA, but I will ground the FSA in Kantian ethics. The Categorical Imperative ensures that all agents have an equal opportunity to realise their ends. Since it is impermissible to act on a maxim that I could not at the same time will to be a universal law, I must act such that the same opportunity is available to everyone else. The FSA forms a variation on this principle of equal distribution of opportunities through equal distribution of emission rights as available means. Secondly, I propose that the FSA as an *ethical principle* should give rise to a carbon budget policy as its *political implementation*. A communal interest to make a decent life within a restricted carbon budget possible will pave the way to combat the current dependence on carbon structures. A carbon budget extends the most effective measure against climate change implemented at the EU level, the Emissions Trade System, to private individuals and has three advantages: (1) The policy turns individual behavioural changes into a collective effort, undercutting the objection that individual changes have no effect; (2) an equal implementation of carbon budgets puts the onus to reduce emissions on those who produce emissions, mostly individuals from affluent countries, and (3) the carbon budget would slowly decrease every year, reducing emissions to carbon-neutrality in 2050, meaning that individuals first cut down on luxury emissions while we collectively transform the carbon structures we rely on in the years to come.

Capabilities and Natural Resources

Author: Virginia De Biasio

Access to natural resources is vitally important for both individuals and communities. The fair distribution of natural resources is an especially relevant issue today, due to the environmental challenges that we are currently facing and the increasing scarcity of resources as well as the forced relocation of entire communities after the loss of their original territory (as it is the case for environmental refugees).

Theories of natural resources justice argue for the correct distribution of natural resources to individuals and communities. Against different approaches that have been used to discuss this issue (Armstrong, 2017; Blomfield, 2019; Moore, 2015; Nine, 2012; Risse, 2012; Stiliz, 2019), I pursue an approach that appeals to the concept of capability (Sen, 1980). This paper offers an adaption of the capabilities approach for a theory of natural resources justice. The following questions are addressed. How is the concept of capability, which was first employed by Sen in contrast to other metrics of justice, such as Rawls' primary goods (Rawls, 1971) and resources, compatible with a discussion precisely on natural resources? How can those two concepts - natural resources and capabilities - be linked together? And why should we care about natural resources, if we are considering capabilities as the distribuenda of a theory of redistributive justice?

My theory relies on the concept of capability theorised by Sen (1980, 1999), and it incorporates considerations on the satisfaction of basic human needs (Alkire, 2002). My main foundational premises is that a decent life (which also includes survival, as the "capability of life") is morally valuable and this has priority over considerations of other capabilities (as freedoms to achieve different lifestyles). The provision of natural resources to individuals is necessary for survival and for meeting basic capabilities, and thus for leading a decent life. Rights to access and to use natural resources should be then granted to all individuals, since without them survival itself would be at risk.

By endorsing Sen's capabilities approach, I reject views that focus directly on the redistribution of shares of resources, and I argue that resources are relevant only as means to something else. As the capabilities theorists have argued, I rely on the idea that individual capabilities - to flourish and to live the life one wants to pursue - are the relevant space of comparison and of evaluation of arrangements in theories of distributive justice. More broadly, the capabilities approach is concerned with having freedoms in terms of capabilities. Natural resources are means that are a necessary driver to those freedoms, conceived as ends. The conclusion is the following: on one hand, the theoretical divide between resources-based theories and the capabilities approach is relevant, since Sen has shown that a simple focus on shares of resources can be very limiting, considering the plurality and diversity of individuals in society and of their personal endowments; on the other hand, the capabilities approach must however be sensitive to considerations of provision of resources, since these are the "building-blocks" of capabilities and functionings themselves.

I discuss two ways in which natural resources are essential for capabilities. First, natural resources are essential for survival and for the satisfaction of basic capabilities (Robeyns, 2003, p.20), and they are thus essential for living a decent life. Second, environmental factors, which include natural resources, but expand to include ecosystems more in general, are one of the elements on which all capabilities partially depend.

There is a clear difference between the two ways in which natural resources and capabilities are linked. The first way clarifies how (and which) natural resources are first of all valuable for a minimally decent human life. The provision of natural resources to individuals is necessary for survival and basic capabilities, which have priority over all other capabilities (that I call non-basic). The second way focuses on any capability, regardless of it being basic one or non-basic. It also expands the traditional narrow definition of natural resources on which the previous way relies: the environment and its ecosystems are the "structural natural

resource" on which all capabilities depend. One strength of my approach is that this second way in which natural resources (by stretching the definition of what a natural resource is) are relevant for human beings has not been directly discussed by existing theories of natural resources justice. The focus has mainly been on basic needs and on the provision of quantifiable (in the majority of cases) natural resources, but I take the environment as a whole to be worthy of consideration in a theory of natural resources justice. Failing this, the theory would be incomplete.

