

Colliding Worlds: Prolegomena to a
Critical Phenomenology of Political Conflict

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‘Is it not an incredible misunderstanding that all, or almost all, philosophers have felt obliged to have a politics, whereas politics arises from the “practice of life” and escapes understanding? . . . And when they map out wise perspectives about which the interested parties care nothing, are they not in fact admitting that they simply do not know what politics is all about?’

(Merleau-Ponty, *Signs*, 5–6)

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Abstract

Though political conflict is inevitable in democratic societies, it has garnered little attention in political philosophy as a phenomenon *sui generis*. In this PhD thesis, I survey the landscape of approaches to conflict and develop a critical-phenomenological basis for a more thorough philosophical understanding of the phenomenon. A key assumption is that the structures of conflict experience manifest in context-relative modalities shaped by power. To bring out these differences, I conducted qualitative interviews with political actors—politicians, civil servants, activists—which I analysed with the tools of phenomenology and critical theory. My dissertation reveals that agents can perceive the same conflict differently, at times drastically so, and explores how this variability impacts the suitability of practical proposals to resolve conflict.

The dissertation is organised into five parts: (1) discusses a dominant paradigm in political philosophy, i.e., Rawlsian political liberalism. By uncovering its conflict typology, I show how intractable conflicts remain a problem in Rawls's well-ordered society. (2) addresses *Modus Vivendi* Theory, i.e., a realist alternative approach. While I argue that the theory can potentially tackle a wider array of conflicts, it still remains too indeterminate to provide normative guidance. (3) marks a shift from immanent critique to a critical phenomenology of conflict. Focusing on the role of space and location in conflict, and combining phenomenology with feminism, the chapter shows how (a) variations relating to spaces matter for the viability of practical solutions to conflict; and (b) how power asymmetrically structures scopes of possible action in these spaces. (4) combines phenomenology and critical philosophy of race to illustrate the role of the body in conflict—both as the vehicle of action and as the object of social perception. (5) elaborates the normativity of the political world, developing a phenomenologically-informed understanding of political conflict missing in the literature.

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Introduction

To say that we live in conflictual times is a bit of an understatement. We witnessed 9/11 and the ensuing wars in Afghanistan and Iraq; proceeded to live through a financial crisis and saw European countries pitted against one another over austerity dictates; we could not—or did not—prevent the elections of corrosive authoritarian figureheads such as Donald Trump, Boris Johnson, and Jair Bolsonaro; we saw the rise of right-wing extremism in liberal democracies and its aggressive attack against people of colour, LGBTQ persons, indeed any form of difference and diversity; we observed Brexit, its abrasive referendum and negotiations, and the resulting resurgence of the Troubles in Northern Ireland; we are attending the impending collapse of our planet’s climate and the inability of the world community to agree on effective counter measures; we survived a global pandemic, but saw the corrosion of public discourse by conspiracy theories; and, most recently, we are watching the war of aggression against Ukraine. All of these crises are either symptom, manifestation of, or cause for conflicts running through our societies. And these conflicts are not only economic, social, military, or—if you insist—moral, but fundamentally also political.

In recent years, we may say, the *quality* of some of these political conflicts has changed. Depending on the level of your privilege, the fissures between groups *within* societies were either always or only recently apparent to you. These rifts are not only practical—they contain epistemic and metaphysical elements. For instance, indigenous people and people of colour in North and South America fight for having their life forms, traditions, and ontologies acknowledged as valid discursive points of view (e.g., de la Cadena 2010). Others who are wishing for the ‘good old times’ to return, attempt to destroy *any* common frame of reference, call COVID a hoax, and deny man-made climate change (e.g., Merkley and Stecula 2021; Perry et al. 2020). Moreover, there is great overlap between these citizens and those who join Freedom convoys,

cynically painting themselves as a liberating David against an oppressive Goliath (Williams and Mehler Paperny 4 August 2023).

Meanwhile, those who declare themselves the ‘voice of reason and common sense’ disqualify anti-vaxxers and conspiracy theorists as a stupid, albeit dangerous, mob (for discussion, see, e.g., Brockes 31 July 2021). To them, it is a conflict between reason and a lack thereof, between civilisation and barbarism. But even in the other, very real, cases of racial, colonial, and sexist oppression and the fight against them, self-declared ‘moderates’ or ‘centrists’ will say that we should focus on the things that unite us rather than those that drive us apart—although they should know that this division comes about only *because* there never was a true unity.¹ In these particularly intractable political conflicts, it seems we do not speak the same language.

All of the above provokes one question: have democracies’ strategies to resolve conflict reached their limits? Must our political communities find new solutions to navigate conflict? Political philosophy should have a lot to say here; it should respond to this phenomenon, if not by finding a panacea for it, then at least by trying to help illuminate its meaning.

I. State of Philosophy of Conflict: Four Camps

Yet, philosophy to this date rarely engages with political conflict as a phenomenon *sui generis*. Usually it is considered, at least in its most divisive forms, as a nasty part of politics. According to the predominant approaches, it is a phenomenon we need to avoid or transition from to reach or uphold a valuable state of affairs: e.g., in accordance with justice or peace and stability (Ceva 2016).²

¹ On this, see the telling essay by Jason Zengerle in *The New York Times Magazine* (29 June 2022).

² Extrapolating from Arendt’s discussion of political action (1998), a reason for philosophy’s focus on the time *after* conflict may lie in philosophers’ uneasiness in the face of the unpredictability of the process of political

Nonetheless, I think we can identify four different ways in which philosophy deals with political conflict more or less directly: there are utopians, realists, managers, and totalisers. All of them acknowledge the existence of political conflict, but none of them fully appreciate it in its breadth and depth.

Utopians, such as John Rawls (2005) and his disciples, note and problematise the existence of political conflict. But their solution is to envision an ideal realm in which conflict, at least in its ‘irrational’ or unreasonable form, is a matter of the past.³ The citizens of these non-places limit themselves to giving reasons they can *share*, creating a sphere of sameness as a bulwark against the threat of difference. But in this way, utopians risk losing sight of the complexity of real-life conflict—e.g., where reasonableness itself is a disputed concept. Can they provide helpful solutions that effectively guide us in our very conflictual present?

Realists, such as Judith Shklar (1989), Bernard Williams (2005), or most recently John Horton (2010), acknowledge conflict and its key role in the political world.⁴ Their theories are, for the most part, negative responses to the utopians, criticising these accounts for their descriptive and normative inadequacy to properly explain and deal with a political arena that is dominated by self-interest and power. As Shklar puts it in her essay on the ‘liberalism of fear’, realist approaches are ‘entirely nonutopian’ (1989, 26). In the light of these circumstances of politics, realists usually argue that we should fall back on a bulwark of stability and order, making justice a secondary concern. Yet, the focus rests firmly on the values of peace and stability so that conflict itself tends to take the analytic backseat; where is the impetus to engage with the contextual work that needs to be done to appreciate this cornerstone in their own theories?

conflict. Instead, philosophy attempts to find a rational order that ‘cultivates’ or ‘sanitises’ society from the irrationalities of strife. Recent continental discourse in the social sciences makes a similar observation regarding the phenomenon of violence (see Barberowski 2015; Schnell 2014).

³ To a lesser degree, the same applies to other deliberative theorists such as Arendt (1998) or Habermas (1983).

⁴ Conflict realism in the way I describe it, has strong overlaps with *political* realism. Yet, conflict realists are not necessarily *also* political realists. Take *Modus Vivendi* Theory, which I will discuss at length in Chapter 2. Though there are many *modus vivendi* theorists who submit to political realism, such as John Horton, others like David McCabe (2010) work in a firmly liberal register. Hence, when I consequently speak of ‘realists’ in this thesis, I mean proponents of the respective conflict approach, if not clearly stated otherwise.

Managers deviate from utopians and realists by focusing on the quality of the interaction in a conflict as compared to its desirable outcome. Emanuela Ceva coined the term for her philosophical theory. She argues that a person's dignity necessitates a cooperative conflict dynamic between disputing parties instead of antagonistic, stigmatising, oppressing, and marginalising comportment vis-à-vis the other (2016). Enabling cooperative conflict dynamics is a matter of procedural justice to her. But are clashing values, as is the focus of Ceva, all there is to conflict?

Totalisers, finally, take one step further in the direction realists take. They do not only acknowledge and centre political conflict; they ontologise it. Rediscovering and modifying Carl Schmitt's dichotomy of friend and foe (1932), theorists such as Chantal Mouffe firmly entrench what they call the antagonistic dimension of 'us versus them' as the ontological condition for the possibility of everyday politics (2005, 8–9). Only because we identify with and against one another through conflict with outsiders, are there political institutions and practice. Totalisers thereby run into the danger of losing a grasp of conflict itself. If *everything* political is necessarily conflictual, what do we then really mean when we use the term *political* conflict? Is it a helpless pleonasm? Are we, in a Wittgensteinian sense, culpable of conceptual confusion? If our reply to this is a resounding 'No', then the idea of the political needs to be expanded.

In all four cases—utopians, realists, managers, and totalisers—we rarely find any in-depth typologies and definitions of political conflict.⁵ Maybe because of the normative preoccupations with justice and peace, or in the case of totalisers the tendency to look at all political phenomena through the lens of conflict, the meaning of political conflicts, in their variety, remains obscure. One part of this thesis will be to show in more detail why the current state of the philosophy of conflict is unsatisfactory. But further, in order to properly understand the phenomenon *and* find right solutions to it, we need to engage with political conflicts as a

⁵ A rare exception is the conflict realist Burelli (2019). Wendt, another conflict realist, briefly mentions a typology of conflict (2016, 14–5).

research object *in its own right*. Before we talk about normative recommendations, we need to be descriptively adequate.⁶

II. Methodology: Phenomenology, Critical and Applied

There are multiple ways of gaining a better understanding of conflict. Three paths immediately spring to mind: The first one is the historical track; here, the philosopher will engage with the origins of the term and its application throughout philosophical history. Plato's *Republic* ([c. 375 BCE] 2007), for instance, will tell us that conflict is the result of an imbalance between the different classes of the city (mirrored in an imbalance in the soul). A societal order, guided by philosophers and controlled by guardians, will bring harmony to an otherwise chaotic and dysfunctional state. Reason shall rule, within and between citizens. In modern times, figures such as Machiavelli ([1532] 2007) and Hobbes ([1651] 2017) highlight the inevitability of conflict, the role of power, and the stabilisation of society in the name of self-interest. One could, I conjecture, draw two lines from these respective camps to end up at the conflict utopian and conflict realist thought as described above. Yet, this thesis is not a historical one.

The second path comprises conceptual analysis where the philosopher delineates conflict from other related notions such as disagreement, competition, or violence. Although I deem such attempts helpful in principle, I will not engage in-depth in such an analysis. One reason for this is that starting with such an approach, when remaining at an all-too abstract level, risks getting in the way of understanding how these phenomena manifest in ordinary life. Further, once we take everyday practice seriously, we see that conflict, disagreement, competition, and violence are often entangled with one another. It is important to look at the ways they intersect

⁶ See Sumner (1996) who makes a similar claim with respect to the notion of welfare.

first before attempting to separate them. Once this is done, this thesis will also point to some relations between the above concepts (e.g., see 3.3. and 5.3.).

Finally, the third path is no less long-winded than the other two; on the empirical track, the philosopher draws inspiration from other disciplines that make conflict a prime focus. Political sociology, political science, and peace and conflict studies all have their concepts and methods to grasp and analyse conflict, and philosophy can adopt and modify these to gain insight into the phenomenon. As the reader will see in Chapter 5, I will discuss these approaches briefly myself (5.1.). Yet, if philosophy ‘blindly’ takes over these tools, it begs the question if it should not leave an analysis of conflict to these disciplines. What does philosophy have to offer, by way of its own resources, to illuminate the meaning and dynamics of conflict?

My approach differs from these three tracks discussed. It may strike the reader as somewhat unusual, which is why I will spend a substantial portion in this Introduction on explaining it.

- i. Transcendental Phenomenology

My dissertation tackles conflict from an interdisciplinary and inter-methodical angle that starts out from the concrete experience of those involved in political conflict. My method’s first core tenet is phenomenology, as inaugurated by Edmund Husserl, and carried on by such philosophers as Martin Heidegger, Jean-Paul Sartre, Maurice Merleau-Ponty, and Emmanuel Levinas. As much as phenomenology is a method moved by the ‘wonder’ that we experience before the world (e.g., PP, xxiv; Steinbock 2022), it is also a method moved by crisis. For instance, Husserl’s (e.g., [1956] (2012), Heidegger’s (SZ), and Merleau-Ponty’s (PP) works are interventions in philosophy, the natural and social sciences, to put to the test what they deemed severe misunderstandings of the world, and the related danger of objectifying humanity’s environment

and even human existence itself. In times of crisis, phenomenology invites us to ‘take a step back’ from our theoretical presuppositions. This does not mean that we reject or do away with them; rather, we ‘bracket’ or ‘suspend’ them, to stand amidst the phenomena, to be guided by the experience of something rather than our preconceptions of it. As Zahavi puts it (2017, 67–8), phenomenology allows for shedding our everyday ‘naivety’ by which we simply take ‘the world for granted’. Our established theories and notions about the world and things in it are not necessarily wrong; yet, they have to be validated through experience, and not the other way around.

My thesis, too, is moved by crisis: as I will show, the current state of the philosophy of conflict leaves it unable to properly understand and tackle conflict, especially in its most severe forms. But this ‘academic’ crisis is just the mirror image of the state of the social world today, as I remarked in my opening lines. The problem with current philosophical theories of conflict is that they are committed to other themes that block a clear view on the phenomenon. For instance, if we follow conflict utopians in thinking that justice is the ultimate goal for any social arrangement, we begin to read conflict in these terms, painting it with the colours of our normative precommitments.

So instead of looking at conflict from a conceptual level or a ‘bird’s-eye view’, I will dwell in the experience of conflict, in order to arrive at those structures that render possible meaningful conflict experience. I do not speak of conflicts as they are conceived of in academia, politics, or the media; rather, I look at specific events in which conflicts unfold. Yet, this ‘bottom-up’ approach will provide fruitful links to conflicts as they are narrated by us and others (see Chapter 4, Chapter 5, and my Conclusion). Central research questions will be:

- What is it like to be in conflict?

- How do we constitute an experience as an experience of conflict? What are the structures involved in this constitution?
- How can these insights provide a better understanding of conflict, and, potentially, guide us towards better solutions?

No extensive work in phenomenology can avoid the discussion on its methodology and status. There is an on-going debate if phenomenology is an umbrella term for a patchwork of different core assumptions and methods, or rather a unified tradition (Zahavi 2012).⁷ Following leading contemporary phenomenologists like Steven Crowell (2001; 2013; 2019), Dan Zahavi (2017; 2019a), and Shaun Gallagher (Gallagher and Zahavi 2010), I take the latter view; I understand phenomenology to be a unified project that attempts to gain access to the meaning of a phenomenon in a two-fold process: first, it takes experience of a phenomenon seriously, describing this experience in detail, while suspending—or ‘bracketing’—the common-sense beliefs and theories that ground our usual understanding of this experience. Second, these descriptions serve as a gateway to clarifying the transcendental structures of human being or consciousness that render this meaningful experience possible in the first place. In this way, phenomenology aims to clarify our understanding of and engagement with the phenomenon in question, and the world in general.

Gallagher and Zahavi list four features of the phenomenological method (2010, 19–28):

- (1) *The epoché*: the *epoché* is the first step in the method, where we suspend our common belief in a mind-independent reality, in order to turn to the phenomenon in question as it is given to us. This step includes suspending the theoretical commitments that follow

⁷ For instance, see Smith (2005) and Inkipin (2017) for contrary opinions on Merleau-Ponty’s affinity to Husserlian phenomenology.

from this ‘natural attitude’ that is offset. This is *not* to say that there is no outside world or other minds; it only means that we want to investigate how this belief comes about and what the specific achievements are that let the world appear as such.

(2) *The phenomenological/transcendental reduction*: in this step, the phenomenologist focuses on the object as it is given, and *through* this becomes alert to the correlational experiential structures that are at play to establish the connection of ‘subject’ and ‘object’ or world (see also Zahavi 2019a, 37–8).

(3) *The eidetic variation*: in order to control whether one has really arrived at the invariant or transcendental structures of consciousness, it is important to ensure that one does not include accidental features of one’s experience. To arrive at this ‘essence’ of the phenomenon, Husserl argued for a procedure of imaginative variation, in which an object of interest is not only considered in its present or past givenness, but also through a creative process in which the object is changed ‘in the mind’.

(4) *Intersubjective corroboration*: despite many critics accusing Husserl and his successors of a form of solipsism, phenomenology is committed to the view that knowledge production happens intersubjectively. Hence, phenomenological findings, like any other, are supposed to be put to the test by corroborating the provisional results with others.

I generally agree with this picture, although I am uncertain if the *epoché* always requires a wholesale suspension of the natural attitude—even though Zahavi seems to believe that other phenomenologists, such as Heidegger and Merleau-Ponty, always proceeded in this fashion, albeit implicitly (2017, 67, 172). More worrying to me are the limits of the eidetic variation. Is

imagination enough to keep us from sneaking in accidental features into our descriptions of the structures of existence? I will come to this further below.

In keeping with my phenomenological understanding, I do not intend to make, for now, any metaphysical claims on political ontology. As Crowell puts it (2001), phenomenology is an investigation into meaning, and therefore a non-metaphysical enterprise. I am not saying that there *exist* any normative facts for us to detect in conflict. I also do not make any epistemological claim that there is a right solution to a quarrel, as is done by current epistemology of disagreement (Frances and Matheson 2018). What matters here primarily is how persons experience events of conflict, including that they experience there to be a right answer to a conflict, if they do.⁸ Nonetheless, I do not necessarily disagree with Zahavi (2017) when he argues that phenomenological investigations can have fruitful implications for metaphysics, epistemology, or indeed any other philosophical or non-philosophical discipline. In fact, I will attempt to hint at an experientially-informed normative approach to conflict at the end of this thesis (5.6.).

ii. Critical Phenomenology

Phenomenology is invested in the clarification of the conditions of possibility for meaningful experience. It meticulously describes experience, ‘dives’ into it, to arrive at the invariant, transcendental structures universal to all human existence. Yet, the concrete experience of political actors will also be informed by features that are not shared, or rather shared differently. In recent years, a discourse has begun on a new form of phenomenology that takes into account these kind of differences in experience that my dissertation aims for. Coined as *critical* phenomenology, this new research approach is intended to go beyond the analysis of the universal, invariant, structures of experience—what they call *classical* phenomenology—and to bring out the *quasi-*

⁸ I am indebted to Matthew Burch for this point.

transcendental structures of *particular* lifeworlds. To my knowledge, the term ‘critical phenomenology’ was first introduced by Lisa Guenther in her book *Solitary Confinement* (2013) and has since gained traction, leading to the recent collection of essays *50 Concepts for a Critical Phenomenology* (2020a). As the editors Gail Weiss, Ann Murphy, and Gayle Salamon highlight in their introduction to the volume (2020b, xiv), it is still undecided what a critical phenomenology really amounts to.⁹

While a consensus definition is still missing in the literature, I identify some core commitments of the project: (1) critical phenomenology signals dissatisfaction with its classical counterpart’s transcendental techniques of inquiry and (2) champions a move to a quasi-transcendental analysis of particular lifeworlds; (3) its target are structures of *power and oppression* (e.g., White Supremacy, heteronormativity, capitalism); and (4) similar to critical theory (e.g., Horkheimer [1968] 1980), it has the partisan impetus to dismantle these structures (e.g., Guenther 2021; Weiss, Murphy, and Salamon 2020). In a recent paper, Lisa Guenther argues that these features, among others, render critical phenomenology a distinct enterprise (Guenther 2021, 5–6).

The notion of the quasi-transcendental merits more attention. In a footnote, Guenther elaborates on its meaning, likening it to Sartre’s *practico-inert* from his *Critique of Dialectical Reason* ([1960] 2004). In her words, a quasi-transcendental structure ‘is contingently established through praxis, but then comes to function as a generative matrix for further praxis’ (Guenther 2021, 6, fn. 3). A similar point can be found in the work of Michel Foucault, who writes that power is ‘a total structure of actions; it incites, it induces, it seduces, it makes easier or more difficult; in the extreme it constrains or forbids absolutely; it is nevertheless always a way of acting upon an acting subject or acting subjects by virtue of their acting or being capable of action’ (Foucault 1982, 789). This passage elucidates the quasi-*transcendental* character of

⁹ See Aldea, Carr, Sara Heinämaa (2022) for a collection of essays that weigh in on the discussion. See also the respective review by Burch, Rautenberg, and Martínez-Zarazúa (2022).

structures of power; similar to their phenomenological counterpart, they enable and constrain. In this quote, Foucault focuses on action, but this picture can easily be extended to experience. Quasi-transcendental structures, then, are the malleable, but rigid, social practices and institutions that, while not belonging to the universal foundations of experience, nonetheless influence and frame the ways in which the latter manifest.

Quasi-transcendental analysis points to how power ‘intervenes’ in experience by provoking specific modes of the invariant structures. To give an example, every experience is embodied, with us tending to our tasks *through* our body in an interplay of habit and innovation (see also Chapter 4). Yet, heteronormativity and White Supremacy and their nexuses of institutions, laws, policies, and customs situate a particular body in a particular way. A White man’s embodied experience will be markedly different than a White woman’s, a Black man’s, a Black woman’s, a White homosexual man’s, a Black transwoman’s, etc. Tracking these differences via the ‘what-it’s-like-ness’ of particular agents from particular social groups points to these quasi-transcendental structures, lays them bare, and shows potential for change.

As I mentioned above, at the time of writing this dissertation, the status of critical phenomenology within the philosophical landscape is still hotly debated. In my view, there are four interpretations currently available, which one finds often in entangled form. The first two interpretations are discussed in Guenther (2022): The *abolitionist* reading argues for critical phenomenology as doing away with the methods and key concepts of ‘classical’ phenomenology, such as the transcendental and eidetic reduction. In this reading, critical phenomenology is decidedly *post*-phenomenological.

The *reparative* reading considers critical phenomenology a continuation and update of classical phenomenology, rethinking ‘the purpose and practice’ of its methods to render them applicable to a new set of socio-political research questions (Guenther 2021, 8). Here,

phenomenology is not left behind, but modified (see also Davis 2020; Depraz 2022; Guenther 2020; 2021; Oksala 2022).

For instance, classical phenomenology's *epoché* is targeted at one's ontological and epistemological precommitments. The bracketing of critical phenomenology does not target one's presuppositions at this general level, but the more concrete social structures and the effects they have on consciousness (2021, 6–7).¹⁰ Due to one's situatedness in these structures, following the assumption that there are differences between particular lifeworlds, the way into the *epoché* and the commitments that will need to be bracketed, differ from person to person (7)—a circumstance that does not apply to the *epoché* of classical phenomenology.

The *conservative* reading, unsurprisingly formulated by *some* of the classical phenomenologists, consider critical phenomenology to be superfluous, as they believe its classical 'ancestor' to already incorporate all that is 'critical' about critical phenomenology (e.g., Pugliese 2022; Rodemeyer 2022; Steinbock 2022).

I believe some of these points of contention between critical phenomenology and classical phenomenology are expressions of unfortunate misunderstandings and unclarity, which is not surprising for a project that is in its infancy. One major issue lies in the way critical phenomenology sometimes formulates its objective;¹¹ for I argue that it should not be taken as being *solely* concerned with the quasi-transcendental. As Guenther hints upon in her paper (2021, 20), the transcendental still finds a place in critical phenomenology. While

¹⁰ Guenther is sceptical if this can succeed in cases of White supremacy, as 'consciousness—including its perceptual practices, its ways of remembering and imagining, its encounters with alterity and feelings of empathy (or lack thereof), its kinaesthetic experiences, embodied habits, and ways of moving through the world—remains immersed in the very structures that one attempts to suspend' (2021, 6–7). Yet, as Guenther acknowledges (7), if one follows Maurice Merleau-Ponty in the preface of his *Phenomenology of Perception*, the same holds for classical phenomenology (2012, lxxvii).

¹¹ See for example the following quote by Guenther (2021, 8): 'We must both rethink the purpose and practice of methods, such as the transcendental and eidetic reductions, and also engage with non-phenomenological critical methods to trace the contingent, historical emergence of structures like white supremacy and heteropatriarchy, to ask whether and how these structures could be otherwise, to experiment with different modes of transformative praxis to (re)open horizons of possibility, and to reclaim, create, and support more liberatory ways of being, relating, and sense-making.'

transcendental analysis describes the shared grounds of experience—something one *must* assume to maintain any meaningful discourse—the quasi-transcendental highlights how these grounds manifest in particularities. Critical phenomenology should not operate in the ‘either/or,’ but in the ‘yes, and also.’

Therefore, I champion a fourth, *collaborative* reading, of critical phenomenology. This regards critical phenomenology not as a new discipline that abolishes or modifies classical phenomenology; rather, it considers it an interdisciplinary project between transcendental phenomenology and other forms of inquiry, most notably critical theory broadly construed (e.g., Guenther 2018, 49; 2021, 8, 10, 20; Heinämaa 2022, 129; Rodemeyer 2022, 105–6).¹² This allows for harnessing the strengths of multiple approaches that, without the help of one another, would not be able to grasp and *change* higher-order phenomena of power such as White Supremacy or heteronormativity. As truly interdisciplinary, the parties to this collaboration mutually inform and challenge one another, effecting changes in their respective concepts and methods, without thereby questioning the *raison d’être* of either side. One question the collaborative reading will have to answer is if the quasi-transcendental analysis of particular lifeworlds, emphatically declared a core tenet of critical phenomenology, is indeed a new creation or was already employed by scholars in the past. While I believe the latter to be the case—e.g., Simone de Beauvoir, Frantz Fanon, Michel Foucault, and the later Jean-Paul Sartre of *Critique* come to mind—it is not my intention to defend this thesis in this dissertation.

¹² This wedding of phenomenology with critical theory is also suggested by Gayle Salamon. See the following quote: ‘[W]hen asking what a critical phenomenology is, we might maintain that it reflects on the structural conditions of its own emergence, and in this it is following an imperative that is both critical in its reflexivity and phenomenological in its taking-up of the imperative to describe what it sees in order to see it anew. In this, what is critical about critical phenomenology turns out to have been there all along’ (2018, 12). Interestingly, this quote has been interpreted by the classical phenomenology camp to mean that phenomenology itself already has all the resources necessary to be critical in the sense envisioned by critical phenomenology. Interestingly as well, these authors usually quote this passage incompletely (e.g., Steinbock 2022, 156).

iii. Applied Phenomenology

My interdisciplinary reading of critical phenomenology renders it a form of applied phenomenology. As in the discussion on critical phenomenology—and, one might add, as in most other (philosophical) disciplines—there is no unilaterally agreed-upon definition of applied phenomenology. There is a flourishing debate on the status and precise method of applied phenomenology, within and between philosophy and the social sciences. Discussions are often heated and abrasive, with authors mutually accusing one another of gatekeeping, wilful misrepresentation of another's ideas, and conceptual confusion (e.g., Giorgi 2020, 2021; Smith 2018; van Manen 2017a; 2017b; 2018; 2019; Zahavi 2019b; 2020; 2021). I do not intend to weigh in on these matters. Instead, I align my reading with the one offered by Matthew Burch (2021). Burch formulates three commitments of applied phenomenology:

- (1) A commitment to doing problem-driven work: Every project in [applied phenomenology] should tackle a problem that (a) lacks a monodisciplinary solution and (b) becomes more tractable once we bring the resources of [classical phenomenology] and some other discipline(s) to bear on it.
- (2) A commitment to minimizing technical jargon that might alienate researchers from other disciplines.
- (3) A commitment to offering something valuable to practitioners of other disciplines and/or professionals and stakeholders potentially impacted by their research. (Burch 2021, 287–8)

In addition, Burch offers a three-tiered method for applied phenomenology's procedure:

Step 1: Identify a challenging interdisciplinary problem.

Step 2: Use [classical phenomenology] to characterize the constitutive features of subjectivity implicated by that problem.

Step 3: Integrate step 2's results with the findings of some other discipline(s). (Burch 2021, 288)

My method roughly resembles this process that Burch describes: my critical phenomenology on political conflict is clearly problem-driven and holds that a purely phenomenological or a purely critical-theoretical work would not render our understanding of the phenomenon sufficiently clear (Commitment 1). This also means that this project is not an exegetic one; it is not my goal to remain as faithful as possible to one particular phenomenologist. Rather, my focus being a specific problem, I draw on various phenomenologists whose work proves fruitful for elucidating it. Thus, although I also briefly talk about some interesting parallels (and differences) between these philosophers (e.g., 3.4.; 4.3.1., Footnote 131), I leave it to others to judge whether these are strictly compatible.

Further, throughout the chapters, although jargon cannot be avoided completely, it is my attempt to bring the discussion back from specific and overly technical concepts to the import my analyses have for our understanding of conflict (Commitment 2). Finally, especially in (5.6.), I will point towards a new model to navigate political conflict that is informed by my critical-phenomenological analyses (Commitment 3).

I believe that my approach in its critical-phenomenological form would be enough to qualify it as an instance of applied phenomenology. But I want to argue that critical theory and phenomenology alone are not sufficient to bring an investigation of political conflict to its full potential. I hold that, additionally, it is necessary to engage in qualitative social research.

This move to direct interaction with others on the phenomenon is already hinted at by Guenther, although I believe that she does not fully embrace the consequences of her claim. For she argues that critical phenomenology has to go beyond the first-person perspective that classical phenomenology is often regarded as being restricted to,¹³ and include the second- and third-person view on the subject of power and oppression to ‘broaden its understanding of the situation and to deepen its sense of the quasi-transcendental structures at work in its own first-person experience’ (2021, 7).

Thus, Guenther argues that engaging with others opens the gate for a deeper understanding of phenomena. I hold that there are two layers to this. As I began to argue above (I.), current theories of conflict lack an understanding of conflict. This may not be surprising, as philosophers also are rarely heavily involved in political processes. This is not to discount our everyday political experiences. We are all citizens, voters, and we debate about political matters with our peers; yet, this hardly counts as expert knowledge. Therefore, philosophers are not in a good position to achieve a well-rounded picture of the phenomenon on their own. This leaves no other option than asking the experts directly.

But the real problem lies deeper. For even if a philosopher were a politician, activist, or civil servant in a government, it is a core point of critical phenomenology that their experiences will vary from those of others depending on their specific social situation. Let me here return to the aforementioned eidetic variation. A classical phenomenologist might be inclined to say it is enough for a phenomenology of political conflict to refer to my own experience. In my case, I remember instances where I was in conflict over political issues with friends, family, colleagues, and so on. To arrive at the structure of these experiences, I may then imagine cases where the situations are different. This could include imagining myself as a person of colour, or a woman, or a disabled person.

¹³ However, not all phenomenologists agree with this. E.g., see Owen et al. (2015).

I hope that we can agree that such an assumption is offensive. But it would also be methodically inadequate. This is not only for the fact, well-established by Merleau-Ponty (PP, lxxvii–lxxviii), that any *epoché* will be necessarily incomplete, because it itself can only be performed from somewhere. As I will show throughout Chapters 3 to 5, there is the more fundamental point that it is simply epistemically impossible to put yourself completely in the shoes of a person whose situation is diametrically opposed to yours. Even though there remain some similarities, I simply cannot *know* what it is like to be a woman or Black—or a politician, civil servant, or activist, for that matter. Again, it is necessary to ask those who do.

Finally, I would argue that if critical phenomenology is involved in an emancipatory struggle for the liberation from oppression and domination, it follows—not logically, but practically—that it needs to interact with and give voice to those who have a privileged view on the struggle, due to their situatedness. This necessitates talking to (leading) activists who represent and live their cause. As Josh, a *Black Lives Matter* activist from Houston, tells me:

[i]f we're always centering Whiteness, and when we are always centering White, heterosexual, cis-gendered Whiteness, they get empowered to feel like, 'Oh, the world is truly about me and you need to adjust because we made this system to where it is always about me.' . . . No, these centuries upon centuries of centring White maleness is no longer going to happen. We're going to centre other individuals. We're going to take care of other individuals and make sure their issues are addressed and they just don't want to be off-centred. (lines 97–110)

My thesis is an attempt to centre the worlds other than my own. Once again, for this one should engage in qualitative research.

iv. Procedure

My work proceeded as follows: through various channels—social media, email, and word-of-mouth—I recruited 13 interviewees from various political backgrounds.¹⁴ Interviewees were politicians, activists, and former officials from Germany, the United Kingdom, the United States, Northern Ireland, Israel, Nigeria, and Eritrea. Interviewees are identified as men or women. The interviews were conducted in the time between from November 2020 to November 2021.

In preparing and analysing my interviews, I followed the two-tiered process of the ‘phenomenological interview’ as suggested by Høffding and Martiny (2016, 543). In the first tier, the goal was to co-generate detailed descriptions of conflict experiences by the interviewees. In the second tier, hence *before and after* the data gathering phase, I employed the phenomenological method (as well as those from critical theory) to analyse the data presented to me. Hence, first, *before* the interview, I created an interview guide that was intended to bring out phenomenologically-relevant structures of conflict experience. But, and here I aligned with Køster and Fernandez (2023, 153), my aim was not only to bring out descriptions of experience that point to the invariant structures of experience, but also to the particularised modes in which these manifest, due to a person’s particular (socio-historical) situation.¹⁵ Then, *after* the interview, the phenomenological method and critical theory were employed to analyse the data given. The two tiers hence inform one another (Høffding and Martiny 2016, 544).

¹⁴ In addition, I drew on other resources, most notably biographies, novels and essays, news articles, think pieces, videos, etc.

¹⁵ However, I disagree with Køster’s and Fernandez’s approach to the degree that they limit the role of phenomenology to a basin of concepts that the researcher can draw on, without (necessarily) employing the phenomenological method itself (2023, 1501, 151). In his recent papers, Zahavi also suggests such a procedure (2019b, 2020, 2021). Also, Køster and Fernandez are only interested in the modes of these invariant structures, which they call, following Heidegger, ‘existentials’, and not the existentials themselves. I, however, follow Burch in his critique of this approach (2021, 283).

Subsequently, I transcribed the interviews *ad verbatim* (Kvale 2007), pseudonymised—or, where requested, anonymised—the data, and created codes according to grounded theory methodology in two phases (Charmaz 2006): in an *initial coding* phase, I stayed close to the data presented by the transcripts and wrote rather simple codes (Charmaz 2006, 47–9). Both steps of ad verbatim transcription and initial coding mitigated any premature interpretations and preconceptions I might have had of the data. In particular, *in vivo* codes retain the participants’ special terms or phrasing in the data, preserving a participant’s ‘meanings of their views and actions in the coding itself’ (Charmaz 2006, 55). In phenomenological terms, one could say that these steps facilitated something like the *epoché*, i.e., the bracketing of the natural attitude, including my own common-sense and theoretical commitments, since the coding kept me staying close to the experiences of my interlocutors. In the *focused coding* phase (Charmaz 2006, 57–60), I started to arrange the data into themes ready for critical-phenomenological analysis.

But phenomenological themes alone do not make a study phenomenological (van Manen 2017a). It is here where the phenomenological method, including its *epoché* and reduction, really get to work (Høffding and Martiny 2016). Some qualitative researchers argue that these should already be employed in the interviewing phase. Take, for instance, the following quote from Clark Moustakas:

Prior to the interview the primary investigator engages in the Epoche process . . . so that, to a significant degree, past associations, understandings, ‘facts,’ biases, are set aside and do not color or direct the interview. Engaging in the Epoche process may also be necessary during the interview. (95)

I believe that such an approach to interviewing is seriously misguided. First, as noted by others (Høffding and Martiny 2016; Køster and Fernandez 2023; Zahavi 2020), the phenomenological

interviewer is not a neutral observer, but interested in gaining insights important for subsequent analysis. If the *epoché* also includes prior phenomenological commitments, it is questionable how the interviewer could guide the conversation to worthwhile points of conversation.

More importantly, if performing the *epoché* amounts to keeping me from asking context-sensitive questions in a context-sensitive way, my interviewees could take this as feigned ignorance about specific political conflicts that touch deeply upon their identity and even past trauma. Such a methodical move would be ethically spurious. Apart from the potential to offend my interlocutor, thereby cutting the conversation short and foreclosing any chance for future engagement, such careless behaviour also dehumanises the other on-site (see also Charmaz 2006, 110). Interviewees deserve the respect of an engaged, empathetic, and relatively informed researcher.

Critics may say that 13 interviews are insufficient to allow for my data to be saturated. How representative can this limited amount of data really be? In a first defence, I would argue that such a *quantitative* claim is very much at odds with *qualitative* research; since it is the point of my method to arrive at rich descriptions of conflict experience, 13 interviews can suffice to arrive at the desired goal.

That being said, I should note that the particular set of interviewees that grounded my research focused more on intrastate conflict rather than interstate conflict and war. While this restricts the scope of my thesis, I am nonetheless optimistic that many of the findings of this work can be extrapolated to other cases. Crucially, however, I also want to add that the COVID-19 pandemic interfered heavily with my data gathering phase. Originally, up to 20 interviews were planned; this proved untenable in a time where political actors were under immense time pressure. At some point, I had to accept that 13 would be the maximum interviewees I could recruit at that time, although that meant that I could not gather more voices, preferably from women and non-binary people.

The lockdown policies during 2020 until the end of 2021 also meant that my work lacks an ethnographic component, encouraged by some practitioners (Høffding, Simon, and Kristian Martiny 2016; Høffding, Martiny, Roepstorff 2021), since there were very few opportunities to attend political events. Finally, the circumstance that at the time of the interviews, my interviewees were mostly working from home had an influence on the themes that surfaced during that time. Put differently, interviewees talked about topics that were particularly relevant to them during the pandemic, such as personal relations, spaces, etc. This led to adjustments and refinements of the interview guide for more focused questions in subsequent interviews.

Nonetheless, I believe that these circumstances do not point to a particular flaw in my research. First, while a sceptic may argue that my data can hardly be reliable or valid during that time, it is worthwhile to consider what reliability and validity could amount to in phenomenological interviews. Høffding, Martiny, and Roepstorff argue for reliability to amount to trustworthiness of the interviewees' statements, while validity pertains 'to the method of generating and analyzing the interview' (2022, 36). Regarding reliability, no one should take their interviewees' statements at face value, but engage critically with them (44). Thus, I will also point to inconsistencies in the data.

Further, Høffding, Martiny, and Roepstorff argue to understand validity in terms of methodological transparency, as well as internal and external consistency of the analysis (2022, 47–8). I am practising the former before your eyes at the moment, laying bare my process of the past years. Concerning the latter, internal consistency is given in that my understanding of political conflict follows from my interpretation of my interviewees, which in turn follows from the data they provided. External validity 'refers to this exact exercise in which one's analyses are brought to bear on wider theoretical debates both "online" in academic talks and conversations and "offline" in peer-review, articles and books' (48). I tried to achieve this by continuously presenting my findings to the academic public at more than 20 conferences, workshops,

and talks in the UK and abroad. Moreover, research led to several publications that are currently in peer review or even passed peer review. Most importantly, the findings were regularly discussed with my supervisors.

Finally, as the title of my dissertation indicates, I do not claim finality or comprehensiveness of my analysis. These are first steps to a critical-phenomenological investigation into political conflict. Apart from gathering more data and maybe even engaging in mixed-methods approaches with quantitative elements, this also implies engaging with further phenomenological themes. In the Conclusion, I will explain a bit more what such next steps could look like.

v. Reflexivity

Reflexivity, i.e., a critical reflective attitude towards social context, the role of theorising and methodology, and one's own role as a researcher, is a core tenet of critical theory (Freyenhagen 2018a). Therefore, it demands a form of meta transparency as compared to the requirement of validity in applied phenomenology. I will not go into deep biographical detail, though I maybe should say that, similar to many people I suppose (including my interviewees; e.g., see Lisa, line 444), I do not like being in conflict, whether political or any other, though I deem it sometimes necessary. There always was, however, a fascination at the seeming irresolvability of moral and political conflict, ever since my undergraduate days at the Free University of Berlin. Working on this issue led me from analytic metaethics to phenomenology. The first thoughts about a PhD thesis on the topic surfaced at the face of the rise of outright racist discourse over the course of what was dubbed the 'refugee crisis' in Germany 2015–16. While I still tried to take a 'neutral' stance towards my object of inquiry, this dramatically changed with my becoming aware of the depths of racism after the murder of George Floyd in 2020. I could no longer,

in good conscience, take a purely transcendental-phenomenological perspective on the issue. This was when I moved to critical phenomenology.

Yet, working on these issues as a White philosopher is not without pitfalls. Me working on this topic raises a meta-philosophical and ethical question: how to philosophise from a privileged position about the lives of people whose experience is fundamentally different from mine, *without distorting their experience and without patronising them*? Black philosophers such as Lewis R. Gordon or George Yancy regard it as problematic when the emphatically *Black* experience of a person is investigated through the lens of a White philosopher: ‘The implication—insidious, patronizing, and yet so familiar and presumed—has achieved the force of an axiom: *White intellectuals provide theory; black intellectuals provide experience*’ (Gordon 2000, 29; original emphasis; see also Yancy 2017, 52). In the worst case, this thesis is guilty of this dualism in not one, but two ways: I, a White philosopher, take it up as my task to *explain* my interviewee’s experiences—some of whom are people of colour and/or women—claiming that I know what it is like to be thusly situated. But even more than that, I draw from ideas from Maurice Merleau-Ponty, Alfred Schutz, Bernhard Waldenfels, and, arguably most problematically, Martin Heidegger, White philosophers themselves, to ‘make sense’ of these experiences.

Gordon urges the academic community to abandon the aforementioned dualism ‘for the recognition that Black reflections also are theoretical and informative of the human condition’ (Gordon 2000, 36). Instead of ‘locking’ Black authors such as Coates or Fanon in the biographical moment, through which they appear as mere providers of data ready for White interpretation, Gordon insists that we take their contribution to philosophy as such seriously (Gordon 2000, 26–9).

This thesis is an attempt to honour this insight, by learning from my interviewees, authors such as Ta-Nehisi Coates, Frantz Fanon, Lewis Gordon, George Yancy, Iris Marion

Young, Rosemarie Garland-Thomson, Gail Weiss, and a number of other authors about the critical phenomenology of political conflict. The intention is not to ‘drown out’ these voices, but to use seminal phenomenological works as jumping-off points.¹⁶ Subsequently, I critically interrogate these works, drawing mainly on critical philosophy of race and feminism to bring out vital existential differences. I hope that this reflexivity becomes visible throughout the thesis.

III. Structure of the Dissertation

The following five chapters can be split up into a negative part and a positive part. The first two chapters constitute the negative part of the thesis in form of critical analyses of what I take to be the two dominant families of conflict approaches in the current literature of political philosophy: the utopians and the realists. In both cases, I will discuss two paradigmatic theories for these camps, which however will hold also more general conclusions.

I will show the inherent weaknesses of these theories by way of immanent critique: where do these theories fail on their own terms? Such a strategy requires attention to detail, which is why Chapters 1 and 2 display a rather fine-grained argumentative structure. In subsequent chapters, I will ‘zoom out’ again and tackle the phenomenon of political conflict via more general themes. In this latter part of the thesis, I will also come back to the camps of conflict totalisers and managers (see below).

Chapter 1 discusses a central paradigm in political philosophy, i.e., John Rawls’s political liberalism. For two reasons my choice fell on John Rawls and not another conflict resolver such as, say, Jürgen Habermas: first, as I will show in the chapter’s introduction, the later Rawls quite explicitly frames his approach as one dedicated to resolving conflict, which makes it

¹⁶ For instance, Alcoff (2006), Lee (2012), Low (2019), and Weiss (2015) all argue for the suitability of Merleau-Ponty’s oeuvre for a phenomenological analysis of racialised experience.

particularly interesting for inclusion in my thesis. As I will argue in (1.2.4.), this philosophical concern can be traced back to Rawls's particular biography. Second, conflict realists tend to frame their approach as a critique specifically levelled against Rawls (see my introduction to Chapter 2). Chapter 1 thus serves additionally as a jumping-off point for Chapter 2.

By uncovering Rawls's conflict typology, Chapter 1 reveals how intractable conflicts remain a problem in his well-ordered society. In combination with the problems Rawls's utopianism has on the non-ideal level, I conclude that the theory does not properly capture and resolve political conflict as we encounter it.

Chapter 2 addresses *Modus Vivendi* Theory, i.e., a realist alternative approach. While I argue that the theory's contextualism allows for more flexibility to potentially tackle a wider array of conflicts, it still remains too descriptively indeterminate to provide normative guidance. Chapters 1 and 2 therefore make the case for a reappraisal of political conflict on the phenomenal level, to develop an alternative approach to conflict.

Chapter 3 kicks off the positive part of my dissertation, where I begin to focus on particular structures of conflict experience. Still, I will also repeatedly return to conflict utopianism and realism to indicate in what way their neglect of these structures constitute serious shortcomings. In Chapter 3 to 5, I mainly focus on existential-phenomenological works, as I am looking at political conflict as it is practised. I am interested in how my interviewees cope with political conflict, and what matters to them when they clash with others.¹⁷

Chapter 3 is an extended meditation on the role of space as a variable socio-material context in which conflict events take place. Combining the phenomenology of space with the feminist notion of 'misfit', the chapter shows how (a) variations relating to spaces matter for the viability of practical solutions to conflict; and (b) how power asymmetrically structures scopes of possible action for different political agents in these spaces.

¹⁷ See Wrathall, who deems 'the paradigm of action' of existential phenomenology to be 'fluid, highly skilled coping' (2017, 228).

Chapter 4 combines phenomenology and critical philosophy of race to illustrate the role of the body in conflict—both as the vehicle of action and as the object of social perception. I argue that political stereotypes of the other in conflict foreclose the kind of neutrality current approaches, especially ideal-theoretical ones, require for the feasibility of their prescriptions. I do this by way of reiterating a paradigmatic conflict event as experienced and described by the Black author Ta-Nehisi Coates in his autobiographical essay *Between the World and Me*. My interviewees' own experiences undergird my analysis of Coates's narration.

Chapter 5 binds together threads from the previous two chapters and works out the normativity of the political lifeworld, developing a phenomenologically-informed understanding of political conflict missing in the literature. Next to a return to conflict utopianism and realism, the chapter will also discuss the two other camps, i.e., conflict totalisers and managers. Further, it brings into view the first sketches of an experientially-informed, normative approach to conflict that appreciates the intricacies of the phenomenon. Throughout Chapters 3 to 5, the analysis is grounded in the testimonies of my interviewees.

Finally, in my Conclusion, I will lay out a future research agenda with further objects of inquiry for a critical phenomenology of political conflict.

IV. Who Is This Thesis For?

A person reading this dissertation might raise an eyebrow at this 'wild' mixture of different traditions, concepts, and methods. 'Who', they might want to ask, 'is supposed to read this?' I think that several people could be interested in the following chapters. On the matter of content, anyone working in practical philosophy interested in the phenomenon of conflict might find something useful on these pages; either they may be convinced by my critical analysis regarding contemporary approaches to political conflict, or they might take clues from the positive side

of my investigation. Of course, I hope that both will be the case. Regarding political spectrums, I do not believe that the following chapters are going to change the mind of a right-wing hardliner (nor maybe a hardliner from the left wing); but I believe that this thesis makes a couple of good points to the aforementioned moderates. If they believe in the dignity and worth of every person, they should consider in what ways certain groups or individuals are systematically harmed in their dignity, and in what way allegedly ‘neutral’ and ‘universal’ principles and policies lend themselves to this harm.

Then, on the matter of form, I aim to make a convincing case for engaging in interdisciplinary, multi-methodical work. In my eyes, the old rifts between analytic and continental philosophy have held up vital advances in practical philosophy. To this day, mainstream political theory is for the most part a steadfastly analytic enterprise, with influential philosophers expressing their contempt every now and then quite openly against continental forms of philosophy.¹⁸ Opposing this stance, I want to argue that a critical-phenomenological analysis of political conflict can bring forth aspects that analytic philosophers tend to miss in their theories. At the same time, my project is also to be understood as an appeal to phenomenologists to engage more frequently with phenomena classically falling within the political domain. While a lot of work has been done on politically-relevant topics such as race and gender, phenomenology could also weigh in on experiences of justice, peace, obligation, legitimacy, or, precisely, conflict.

To all philosophers, this dissertation makes a case about engaging in qualitative social research, in order to appreciate the complexity of the phenomena that we discuss, and for which no conceptualisation could ever be comprehensive enough. (Of course, this is no news to critical theorists, for instance, and especially, to those following the research programme of the first-

¹⁸ For instance, in an interview, Martha Nussbaum calls Heidegger ‘a much less distinguished philosopher than Wittgenstein’ (Baldwin 2004). Or take John Horton who claims that post-structuralists’ ‘basis of their critiques are frequently obscure, especially with regard to the source of their normativity, which is often masked by avoidance and denial’ (2010, 432).

generation Frankfurt School.) In the best-case scenario, of course, all of these disciplines involved in this thesis would be represented by individual researchers in interdisciplinary collaborations. Devising such projects will be a future goal of mine.

Chapter 1: Rawlsian Conflict Resolution

In testing current approaches to navigating conflict in modern polities, I will start my analysis with one of the most influential theories in contemporary political philosophy: Rawlsian political liberalism. This might strike the reader as surprising. For Rawls's centre of attention is the realisation of justice, not solutions to conflict. Take the introduction of his seminal *Theory of Justice* as an example:

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. (TJ, 3)

Thus, even if Rawls acknowledges that justice is a virtue applying to society as a social system marked by cooperation and *conflict* (see TJ, 4), the concern for justice of the basic structure of society holds 'primacy' (TJ, 4).

But although justice is still the centre of concern, the later Rawls frames his approach in a different way. In *Justice as Fairness*, Rawls names four roles of political philosophy, with finding solutions to conflict being the first one listed (JF, 1). A couple of years earlier, in his paper 'The Idea of Public Reason Revisited', Rawls expresses the hope that his conception of justice can resolve conflict or help us come to terms with it where conflict remains irresolvable (IPRR, 805).

I will take Rawls at his word and treat *Rawlsian Conflict Resolution* (RCR) as a potentially viable conflict approach.¹⁹ As mentioned in (III.), I will engage with Rawls's account by way of immanent critique; I will have a look at the implicit conflict assumptions as well as at the solutions Rawls proposes, mostly by way of a close reading of his *Political Liberalism* ([1993]1996).²⁰ The chapter is divided into the following parts: (1.1.) focuses on the kinds of conflict Rawls identifies, their respective structure, as well as on the strategies Rawls envisions in order to effectively navigate them (1.1.1–1.1.2). (1.1.3.) further elaborates the scope of topics and the arenas in which Rawls's conflict strategies are to be applied. (1.1.4.) summarises the analysis by presenting the Rawlsian conflict approach in a clear matrix. Subsequently, (1.2.) critically assesses Rawls's claim that conflicts of interest can be resolved in an ideal society, once citizens have overcome deep doctrinal conflict in matters of basic justice. Based on a closer inspection of the shape of Rawls's well-ordered society (1.2.1.), I will argue that this is doubtful: there is reason to believe that substantial differences prevail that render agreement unlikely and might even destabilise Rawls's utopia (1.2.2.). After reconstructing the shortcomings of the Rawlsian approach under ideal conditions, I will briefly address feasibility worries of the Rawlsian approach under non-ideal conditions (1.2.3.). I will argue that even if we remain—in my eyes, unjustifiably—optimistic with respect to conflict in the well-ordered society, the facts of partial compliance and of the complexity of politics render political liberalism inapplicable to real cases of conflict. This inapplicability also derives from Rawls's choice of framework that focuses too much on doctrinal conflict, whereas conflicts of interests, grown from material and historical conditions, present an equally substantial threat to peace and justice in modern societies. Concluding this chapter, (1.2.4.) consists of what one could call a 'genealogy' of Rawls's justice as fairness, i.e., a discussion of the historical and biographical events in

¹⁹ Another author who explicitly frames Rawls's political liberalism as a theory of conflict is Dreben (2003, 323).

²⁰ I also consider his other works to the extent that they provide important clues to Rawls's conflict approach.

Rawls's life that illuminate the decisive problematic turns that Rawls's conflict approach took over the years.

1.1. Conflict Roots and Conflict Strategies

In 'The Idea of Public Reason Revisited', Rawls identifies three interrelated kinds of conflict: (1) conflicts deriving from diverging *comprehensive religious, moral, and philosophical doctrines*; (2) conflicts as the result of the *burdens of judgement*; and (3) *socio-political conflicts* arising because of 'different status, class position, and occupation, or from their ethnicity, gender, and race' (PL, lviii) with their diverging 'fundamental interests' (IPRR, 804–5). This distinction accords with a second taxonomy of conflicts Rawls employs in *Justice as Fairness* (JF). Here, he talks of doctrinal conflict, conflicts of interest, but additionally identifies a fourth kind, i.e., (4) *conflicts between theories* about the workings of institutions and about the consequences of public policy (JF, 2). The driving factor for the distinction into these four kinds is their *origins* or *roots*, i.e., where the conflict originates.

The overarching goal informing Rawls's research is to fathom the possibilities for a 'realistic utopia', a social world with just and stable domestic and international institutions that allow *all* human beings to flourish and lead worthwhile lives (Reidy 2010, 334; Pogge 2007, 26). Of the three kinds of conflicts above, (1) purportedly presents the greatest challenge to this goal: 'The most intractable struggles . . . are confessedly for the sake of the highest things: for religion, for philosophical views of the world, and for different moral conceptions of the good' (PL, 4).

One passing comment with respect to deep doctrinal and socio-political conflict is in order. Why the focus on the former and not the latter, although Rawls was aware of the manifold ways in which inequalities between gender, race, and class generate injustice and strife (Pogge

2007, 6–7, 15, 19–20)? The important distinction between both kinds, I assume, is Rawls’s conviction of the greater depth and motivational force of *doctrinal beliefs and values* compared to political, social, and economic *interests*, which I will address in the next subsection. Yet, one could deem this prioritisation of deep doctrinal conflict problematic. For, surely, is it not possible that belongingness to the social groups mentioned above can generate similarly deeply held values and beliefs? Political movements and accompanying theories such as feminism, postcolonialism, and Marxism—all of them equipped with normative, metaphysical, and epistemic core commitments—seem to suggest it is. Indeed, Rawls himself implies that gender and race can have similarly profound purport for thought and valuation (PL, li). Answering this priority question more extensively requires revealing Rawls’s presuppositions that gave justice as fairness its distinctive shape. I will address this hermeneutic task in the Epilogue of this chapter (1.2.4.). For now, although I take issue with Rawls’s conflict typology, I will take it at face value to see if it can effectively navigate the kinds of conflicts it focuses on.

In the following, I will address the structure of all four of the conflict types Rawls enumerates in his two, partly overlapping taxonomies: (1) deep doctrinal conflict (DDC), (2) conflicts from the burdens of judgment (CBJ), (3) conflicts of interests (COI), and (4) conflicts of theories (COT). Analysing the structure of these kinds of conflict grants deeper access to Rawls’s understanding of conflict—a concept that he frequently makes use of,²¹ but never clearly defines. Further, garnering an understanding of conflict yields the chance to tie this understanding to his concept of justice and, therefore, yields a deeper understanding of Rawls’s justice as fairness. And, finally, this analysis sets the stage for the critique of RCR.

²¹ *Inter alia*, doctrines (see PL, lviii), social groups, races, genders, and ethnicities (see IPRR, 805), evidence, judgements, and values (see PL, 56, 58, 59), and liberties (see PL, 295) conflict according to Rawls. Note: Rawls draws no clear conceptual distinction between conflict and disagreement.

1.1.1. Deep Doctrinal Conflict and the Burdens of Judgement

To begin with DDC, doctrines—one could also say worldviews or creeds—are sets of beliefs and values that equip a person with convictions about the good life, about the world, and about the conditions for human knowledge (Freeman 2007, 332). Doctrines, then, comprise moral, metaphysical, and epistemological elements.

According to Rawls, conflicting views about a life well-lived amount to divergence of goals between citizens. Since conceptions of the good at least partly derive their content from doctrines (see below), it follows that conflicting doctrines result in conflicting goals. The pervasiveness of doctrines increases the likelihood of conflict: when *comprehensive*, they are comprised of a multitude of values, ideals, and virtues that demand their realization. Further, when *general*, doctrines will apply to a wide array of subjects (PL, 175). Subsequently, doctrines have a tendency to become political: citizens with diverging plans of life and, included in these plans, diverging doctrines care about ‘how the fruits of their social cooperation are distributed’ (KCMT, 536), which leads to parties making ‘conflicting claims on the natural and social resources available’ (TJ, 127). This opens first considerations about acquiring power in order to shape the basic institutions of society in accordance with one’s doctrinal commitments.

Now, crucially, Rawls considers DDC to be irresolvable (IPRR, 805). This has two reasons. One is the role of doctrines in a person’s motivational makeup. Doctrines form part of one pillar of Rawls’s moral psychology, i.e., a person’s conception of the good.²² Conceptions of the good are notions about a life well-lived, providing long-term plans persons pursue for their own ‘happiness’ (TJ, 93; see also Gališanka 2019, 193). They contain a set of final ends that agents ‘want to realize for their own sake’ (PL, 19), desirable relationships to individuals and

²² Rainer Forst criticises Rawls for evoking the picture of doctrines being the sole monolithic foundation for a person’s identity (2012, 99). But even if one regards doctrines as more of a mosaic piece of a more complex personality, they remain a deep-seated foundation for a person’s long-term plans and thus a decisive part of the motivational landscape of persons.

associations citizens want to see flourish (see also Forrester 2019, 17), and said doctrines ‘by reference to which the value and significance of our ends and attachments are understood’ (PL, 20). DDC, then, is not idle disagreement, but serious conflict with repercussions for the realisability of an agent’s conception of the good. Simply giving in to one’s opponent and giving up on one’s doctrine is no option, as this would be tantamount to choosing to be ‘disoriented and unable to carry on. In fact, there would be . . . no point in carrying on.’ (PL, 31). While Rawls leaves open the possibility that conceptions of the good may change, ‘sometimes rather suddenly’ (PL, 31), his emphasis on the irresolvability of DDC seems to suggest that these changes do not occur globally across all doctrines and with respect to all of their elements. Hence, resolution of DDC, if there is any, is always incomplete.

The second reason for the irresolvability of DDC is epistemological. This is the *fact of reasonable pluralism*. In a liberal democracy, the exercise of reason under institutions not hampering the free will of their citizens will ‘naturally’ result in the divergence of judgement (PL, 36–7). Crucially, free institutions enable the development of a plurality of diverging comprehensive doctrines. This divergence, however, need not be the result of deficient reasoning. Rawls argues that even in a conflict in which all parties act and deliberate reasonably, disagreement will prevail. This is where DDC is intricately connected to the second kind of conflict, i.e., those deriving from the burdens of judgement (CBJ).

The burdens of judgement are the myriad epistemic ‘hazards’ thwarting agreement on substantive issues among reasonable people (PL, 56). *Inter alia*, scientific and empirical evidence is too complex and at times contradictory to be assessed uniformly; relevant considerations may be weighed differently; and biographical and historical deviations between

individuals and groups lead to different judgements (PL, 56–7).²³ The result for Rawls is, as in the case of DDC, the impossibility of unanimous agreement (IPRR, 805).

Since the burdens of judgement present insurmountable epistemic challenges, Rawls deems CBJ just as irreconcilable as DDC (IPRR, 805). The difference to DDC, however, is CBJ's more remote connection to the conflict itself. DDC's direct source of conflict is the difference between doctrinal beliefs and values, reasonable or not. CBJ explains how human finiteness combined with the complexities of reasoning *generates* difference, even under favourable conditions.²⁴ The burdens are epistemic challenges virtually omnipresent in any social situation in which agents of different commitments collide. Thus, the burdens apply to COI and COT as well.²⁵ They are, so to speak, *meta-sources* of conflict and forestall resolvability in DDC: although both camps may believe to have found the 'whole truth', there is no objective, third-personal procedure available to resolve the dispute once and for all. But the motivational force of DDC pushes to a realisation of doctrinal values. In absence of an appropriate and *shared* epistemic mechanism, the only way to victory is the use of (*de jure* or *de facto*) power (PL, 54).

How can citizens navigate DDC peacefully, despite the burdens of judgement? How can Rawls give reason for believing in a realistic utopia of a fair and just society of free and equal citizens? Rawls attempts to show that, although the differences between comprehensive doctrines are irreconcilable, their followers need not remain in conflict with one another and can reach consensus *where it matters*, i.e., on a mutually agreeable basic structure of society and on grounds for mutual toleration. Put differently, although comprehensive doctrines are systems

²³ Other sources of disagreement are the indeterminacy of normative (political and moral) and descriptive concepts; the absence of a common standard for reconciling conflicting normative considerations; and the limited space social institutions offer for the realisation of values, leaving us without a common standard for their selection.

²⁴ This emphasis on finiteness follows the interpretation of Forst (2013, 489).

²⁵ A similar point is raised by Jonathan Quong (2011, 197).

containing irreconcilable elements, citizens can nonetheless agree on a *shared conception of justice*.

To arrive at such a conception, Rawls proceeds in two steps: first, just as in *Theory of Justice*, he creates the *original position* as a device of representation in order to determine principles of justice that rational agents from conflicting doctrines can agree upon (PL, 24). In accordance with his aim of arriving at a shared conception of justice, Rawls supposes that these agents' fundamental interests are to develop and effectively pursue their moral powers for a conception of the good life (see above) as well as for a sense of justice (PL, 180, 278; JF, 175), with the latter being 'the capacity to understand, to apply, and to act from the public conception of justice' (PL, 19). In order to flourish in these respects, Rawls assumes that *any* person seeks access to what he calls 'primary goods' (PL, 106). These are:

- Basic rights and liberties
- Freedom of movement and free choice of occupation
- Powers and prerogatives of offices in political and economic institutions of the basic structure
- Income and wealth
- The social bases of self-respect (PL, 181)

These goods provide an interpersonal, doctrine-independent measure to compare the social positions between citizens (PL, 179). Rational agents in the original position attempt to secure as many primary goods as possible for the doctrines they represent (PL, 207, 305).

Furthermore, in order to model the values of equality and fairness into the original position—since the terms of cooperation need to be mutually acceptable to all (reasonable) doctrines—indexical information about differences is concealed behind the *veil of ignorance*. This

includes information on the agents' social position, natural abilities (both mental and physical), and doctrinal membership or conceptions of the good (PL, 79). Accordingly, actors in the original position will agree on principles that distribute these primary goods fairly among all citizens of all doctrines, by informing the basic political, economic, and social institutions of society. Thus, the principles are designed to honour the fundamental democratic idea of society as a fair system of social cooperation among citizens that are free and equal, endowed with the moral capacities of developing a sense of justice (reasonableness) and of an idea of the good life (rationality).²⁶

Second, Rawls aims to show how these principles can inform his realistic utopia. Put differently, Rawls argues that his principles are part of a conception of justice that can find the stable approval of citizens for ordering their society. For this to be given, Rawls needs to show that this conception of justice (a) can effectively *regulate* this well-ordered society; (b) that it can be the centre of an *overlapping consensus* across comprehensive doctrines; and (c) that it equips citizens with deliberative rules that guide *public debate* about matters of justice (PL, 44).

Essential for (a) and (b) is that a sufficient majority of citizens in the well-ordered society is *reasonable* (PL, 39). Put differently comprehensive doctrines must be dominant that can share a conception of justice, despite their diverging views. Reasonable citizens satisfy two criteria: they respect *reciprocity*; and they accept *the burdens of judgement* and act accordingly.

Citizens respect the criterion of reciprocity when they are willing to propose fair terms of cooperation and abide by them, given that others do so as well (PL, 50). Crucially, this condition extends to the persons viewing these norms 'as *reasonable for everyone to accept and*

²⁶ These are: 'a. Each person has an equal right to a fully adequate scheme of equal basic liberties which is compatible with a similar scheme of liberties for all. b. Social and economic inequalities are to satisfy two conditions. First, they must be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they must be to the greatest benefit of the least advantaged members of society' (PL, 291). Note that these principles reflect the list of primary goods as given above.

therefore as justifiable to them; and they are ready to discuss the fair terms that others propose' (PL, 49, my emphasis). Thus, reciprocity is a *moral criterion*: reasonable citizens recognise that they owe one another mutually justifiable grounds for their actions, founded on the conceptions of the society as a fair system of social cooperation and of persons being free and equal, reasonable and rational.

The second criterion is epistemological: reasonable citizens will accept the aforementioned burdens of judgement and act accordingly (PL, 58ff.). Accepting that CBJ is insurmountable and understanding that this renders DDC intractable, reasonable citizens reconcile with the fact that they will never live a total realisation of their 'whole truth'. Instead, reasonable pluralism among comprehensive doctrines is and will remain a social fact (Schaub 2020, 181). Reconciling with this circumstance of the human condition, reasonable citizens will *circumvent* DDC and stop making use of their conflicting 'truths' of their respective doctrines. This is not to be understood as dismissing doctrines as 'unimportant', but on the contrary accepting that *because* of their importance, 'there is no way to resolve [DDC] politically' (JFPM, 230). Instead, citizens make reasonableness, i.e., mutual acceptability, their epistemological standard of correctness when it comes to political decisions. Thus, they will also refrain from using political power to impose their commitments on others (PL, 60).²⁷

Respecting reciprocity and the insurmountable challenge of CBJ amounts to the acceptance of a conception of justice that stays clear of any controversial beliefs and values. This requires that reasonable citizens deliberating about matters of basic justice will *move from the comprehensive to the political*. In other words, citizens agree on a *freestanding* or *political* conception of justice as opposed to a comprehensive moral, religious, or philosophical one. In this way, an *overlapping consensus* of diverging comprehensive, but reasonable, doctrines on

²⁷ It is important to note that the withdrawal from the use of political power also follows directly from the condition of reciprocity: imposing one's beliefs on others means that the ruling power relies on principles of cooperation that are not supported by their opponents, thereby rendering the group in power unreasonable and illegitimate.

the basic political, economic, and social institutions becomes possible. The consensus is only ‘overlapping’ and not deep, because these citizens adhering to these doctrines do not—and cannot—agree on the comprehensive elements of their worldviews; yet, Rawls argues that they can find an intersection of shared beliefs, an overlap, on matters of basic justice, even if they agree on these for different reasons. This conception, although justified independently from reasonable doctrines, is still supposed to be a part of them. It is a ‘module’ (PL, 12), seen as consisting of values ‘derived from, or congruent with, or at least not in conflict with’, reasonable citizens’ comprehensive doctrines (PL, 11).²⁸ The overlapping consensus is *stable*, because it is an agreement for ‘the right reasons’ (PL, xli): both its object (the political conception) as well as its grounds (e.g., the conceptions of society and the person) are moral (PL, 147). (According to Rawls, moral convictions are not prone to the same fickleness as selfish interests (PL, 148).) When DDC is overcome with respect to the constitutional essentials fixed by a political conception of justice, Rawls believes that a worthwhile life for all is possible.

1.1.2. Conflicts of Interest and Conflicts of Theories

With respect to his realistic utopia, Rawls has so far shown how he thinks (a) the well-ordered society can be effectively regulated by justice as fairness and how (b) reasonable citizens can stabilize the well-ordered society by finding an overlapping consensus on the political conception. Thereby, Rawls demonstrates one of two ways by which Rawls deals with conflicts: his political conception provides *substantive principles* of justice after which the fundamental political, economic, and social institutions are meant to be modelled. This move, as Emanuela

²⁸ In his ‘Reply to Habermas’, Rawls envisions a three-step justificatory process for the political conception. The first is *pro tanto justification* in which only political reasons are considered for scrutinising the validity of the political conception. *Full justification* is achieved when an individual embeds this political conception into their comprehensive doctrine. *Public justification* is reached when all reasonable citizens endorse the political conception, with each citizen taking into account the respective acceptance of the political conception by all other reasonable citizens. In other words, they take into account the fact of an overlapping consensus between diverging, yet reasonable comprehensive doctrines (PL, 386–7).

Ceva underlines, allows political liberalism to exclude a range of conflicts over the basic structure (Ceva 2016, 40). DDC, at least on the fundamentals and at least among reasonable citizens, will no longer arise.

Yet, for his argument to be complete, Rawls has to show how his political conception (c) guides *public deliberation*. This constitutes the other half of Rawls's conflict approach. For although reasonable comprehensive doctrines can constitute an overlapping consensus on justice as fairness, Rawls does not imply that the well-ordered society is without clashes. Disagreements on justice will persist, because the principles require implementation on the constitutional, legislative, and judicial level (PL, 397-398). This implementation requires interpretation—and interpretations can deviate.²⁹

COI provide such an example.³⁰ As shown above, social groups can collide with respect to their political, economic, and social interests which informs different interpretations with respect to constitutional, legislative, and judicial arrangements. To address COI, Rawls reduces the set of interests that can be defended in the public sphere: only *reasonable* interests are worthy of consideration. I interpret Rawlsian reasonable interests as satisfying two criteria: first, they are *fundamental*. What Rawls has in mind are citizens' *fundamental*, i.e., *higher-order interests* of developing and exercising their two moral capacities for a sense of justice and a conception of the good. This is accompanied by a third higher-order interest, i.e., the desire to be successful in the pursuit of a specific conception of the good (PL, 74; Pogge 2007, 55). The first step for COI to be resolvable, then, is that the interests involved in conflict can be traced back to or are in line with matters of fundamental justice and their pursuit and realisation of

²⁹ Hence, continuous conflict in the well-ordered society is not the result of non-compliance by reasonable citizens. It is the result of open-ended deliberation and interpretation of what compliance implies.

³⁰ Rawls's theory does not clearly define the relation between COI and conflicts of interpretation. Two readings present themselves: either COI are one form of conflicts of interpretation or the two are identical. Although the latter option appears odd, my further discussion illustrates the wide-reaching scope of Rawls's conception of interest. Nonetheless, there is good reason to assume that factors other than conflicts of interest will lead to different interpretations of the principles of justice. Since I take Rawls's taxonomy as a given in this chapter, I will not pursue the issue further.

their doctrines.³¹ Thus understood, reasonable COI resembles what we could call a ‘doctrinal conflict in disguise’, for if the content of relevant COI is again dependent on the development and pursuit of the moral powers, doctrines will play a vital part in these conflicts. Second, citizens’ interests may not exceed the realm of *appropriateness*. For instance, Rawls deems ‘unusual or expensive tastes’ unworthy of consideration (PL, 186), regardless of whether they can be traced back to a person’s (unreasonable) conception of the good and regardless of how strongly felt or zealously pursued these desires are (PL, 190).³² Thereby, reasonable COI involve fundamental and appropriate interests.

How are citizens to act when reasonable COI occurs? Because of the persistence of conflict among reasonable citizens, the overlapping consensus on justice as fairness also contains *procedural* ‘guidelines of inquiry’ that coordinate deliberation in conflicts about the implementation and correct interpretation of the substantive principles (PL 223–4). The central one is the duty to civility (PL, 217). This moral—and not legally enforced—obligation expects reasonable citizens in COI to advance their claims in terms of reasons everyone can share. Hence, when in the public forum, citizens submit themselves to the boundaries of *public reason*. As implied by the criteria of reciprocity and the acceptance of the burdens of judgement, reasonable citizens will make use of *public* or *political* values that can be mutually shared. Rawls relaxes this rule with his proviso: reasonable persons may draw on their controversial comprehensive, i.e., non-public, values, provided that ‘in due course proper political reasons’ can be given in their defence (IPRR, 783–4).³³

³¹ One can refer to Rawls’s distinction between object-dependent desires and conception-dependent desires (PL, 82ff.). While the first kind comprises such amoral desires as those for food, drinks, and sleep, conception-dependent desires refer back to the conceptions of justice and of the good life one wants to follow. I take a guarantee of minimal or sufficient satisfaction of generic object-dependent desires is covered by primary goods. Specific object-dependent desires (e.g., a taste for cars from Ferrari), are politically irrelevant. Specific conception-based desires (e.g., a desire to form an association to represent one’s culture), however, relate to the fundamental interests.

³² I come back to this point in 1.2.2.3. and 1.2.4.

³³ This *wide view* of public reason is different to Rawls’s earlier *inclusive view*, according to which comprehensive reasons could be drawn upon only under non-ideal conditions, given the use of these strengthened public

The political values that reasonable citizens may allude to in the public political forum still correspond to the substantive principles. They further correspond to the primary goods the principles of justice are designed to distribute fairly. To recap: citizens need primary goods in order to flourish with respect to their two moral capacities (i.e., fundamental interests). Because of their objective character, primary goods provide the means for interpersonal comparison. Rawls envisions a division of labour: society provides citizens a fair share of primary goods, i.e., an equal share of rights and liberties and a fair share of opportunities, income, and wealth. In return, individual citizens and groups are supposed to adjust their ends in accordance with the political conception and the scheme of primary goods it provides them (PL, 189).³⁴ In COI, then, citizens can advance their claim by arguing that society has not lived up to the bargain: the substantive principles of justice have not been applied correctly so that their fair access to these primary goods is in peril or insufficient. Thence, when making their case, reasonable citizens will argue that it satisfies, or instantiates, or is an expression of, equal political liberty, or the equality of opportunity, or social equality and economic reciprocity.³⁵

Apart from political values, public reason contains more formal rules of inquiry and debate. *Inter alia*, citizens should only make use of ‘presently accepted general beliefs’ (PL, 224) as well as of shared standards of evidence and rules of inference (Freeman 2007, 387). Additionally, similarly to CBJ and DDC, COT are circumvented in public reason. These conflicts occur when there is disagreement ‘between general political, economic, and social theories about how institutions work, as well as in different views about the probable consequences of public policies’ (JF, 2). These may result in different opinions about which political goals are feasible or worthy of pursuit.

reason in the long run (PL, 248–51). The difference, as remarked by Patrick Neal (2009, 156), is that the proviso in the wide view even allows the use of comprehensive reasons under *ideal conditions* (i.e., in the well-ordered society).

³⁴ In other words, society expects citizens to become reasonable.

³⁵ See Freeman (2007, 388–9) for a more extensive list of political reasons.

While these theoretical disputes are part and parcel of academic practice, Rawls restricts their application in public reason. The conclusions of science are only to be appealed to if generally accepted among experts (PL, 224; Freeman 2007, 387). Therefore, to be applicable in *public reason*, scientific reasons must be uncontroversial. By that logic, candidates for public reason could be the facts of evolution, of man-made climate change, and of Earth as round, despite the fact that some (unreasonable) citizens are Creationists, global warming sceptics, or Flat Earthers.³⁶ If public debate involves topics related to these theories, it is permissible to make use of them. Therefore, instead of providing a solution to COT—which would go beyond the scope of the political as perceived by Rawls—he casts it aside in public reason.

It is sensible to assume that Rawls's proviso also applies to these formal deliberative guidelines: as long as reasonable citizens will in due course resort to commonly shared beliefs, evidential rules, modes of reasoning, and social theories, they are allowed to draw on sources idiosyncratic to their comprehensive doctrines.

Public reason has an active and reactive component:³⁷ citizens *actively* apply public reason by respecting its guidelines and *reactively* hold others accountable when they do not meet the requirements. Such cases may be guided by virtue of Rawls's proviso: in cases where citizens fear that a particular claim or argument violates public reason, they can demand that the proviso be respected and public reasons be brought forth in their defence. In this way, justice as fairness does not only provide conflict measures on the institutional level, but also equips agents with the tools to resolve COI. In conclusion, while some COI will no longer arise at all—since there is an overlapping consensus on principles guaranteeing a fair share of primary goods on an institutional level—those that still do, do not 'arise so forcefully' (IPRR, 805) and are, thanks to public reason, in principle even resolvable.

³⁶ Yet, since Rawls's description of COT focuses on social theory, it is unclear if theories from the natural sciences are included in his considerations.

³⁷ For a similar point, see Quong (2011, 256).

1.1.3. The Sites, Scope, and Limits of Public Reason

In the previous subsections, I addressed the four kinds of conflicts Rawls identifies and the way he deems citizens able to navigate them. A crucial role is delegated to public reason. By virtue of common guidelines, conflicts such as COI are resolvable among reasonable citizens. Yet, it is still unclear how many issues public reason applies to, and which agents form part of public deliberation. In the following, we discuss some potential limits of public reason. Following Jonathan Quong's terminology, I will address (a) the *sites* of public reason, i.e., the arenas in which public reason finds application, and (b) the *scope* of public reason, i.e., the number of political topics (and conflicts) public reason applies to (Quong 2011, 258–9).

(a) With respect to public reason's sites, I note with Axel Honneth that conflicts usually arise in arenas other than the legal-political stages of parliament and law courts (Honneth 2014a, 329ff.). In other words, conflicts, before they become 'ripe' for legal-political reconciliation (Ceva 2016, 128), are born and then erupt in the middle of society, in what Rawls considers the 'background culture'. This is the civil society with its many different comprehensive doctrines, associations, groups, and agencies (IPRR, 768) that collide with one another on substantive issues. Further, conflicts need to 'heal' in this very background culture. Legislation and the protection of laws are important steps in the process, but they cannot do the whole job. Thus, leaving these arenas without any conflict mechanism could prove fatal for navigating conflict.

But at first glance, Rawls seems to do just that: public reason is limited to governments, parliaments, and law courts. In other words, conflicts are to be decided and resolved in specific arenas and by agents active in these arenas (IPRR, 767): by government officials, candidates for public office, and judges. According to this reading, public reason applies to 'regular' citizens only in their function as voters (IPRR, 769): when casting their vote, they are 'to think of

themselves *as if* they were legislators and ask themselves what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to enact' (IPRR, 769, original emphasis). Thus, by *reactively* controlling whether candidates for public office act and argue in accordance with public reason, voters honour their duty to civility by holding officials and candidates thereto accountable for their actions (IPRR, 769). The problem with this construal, of course, is that political liberalism does not give groups the resources to resolve conflicts outside parliament and legal courts and sidelines 'ordinary' citizens by reducing them to their role as voters.

Charles Larmore supports this reading of Rawls (2003, 381–3). Extending public reason to the background culture would endanger citizens' 'appreciation of the value' of public reason, since they would not see 'how much would tend to drive us apart' without it (Larmore 2003, 383). Second, by allowing for non-public arguments in the background culture, citizens can work on their comprehensive doctrines, i.e., be convinced by their opponents or deepen their understanding of their own convictions (Larmore 2003, 383).

I take both arguments to be unconvincing. Regarding the former, it should be sufficient to observe the deep divides between social groups and doctrines with respect to their comprehensive convictions on *non-political* issues—in the Rawlsian sense of issues not pertaining to the basic structure (see also below and 1.2.1.)—to come to appreciate the capacity for consensus and reconciliation on *political* matters (again, in the Rawlsian sense of applying to the basic structure). In this case, citizens in the background culture could still deliberate amongst each other in the mode of public reason, without thereby risking devaluing its importance.

Regarding the latter argument, though work within and across doctrines certainly requires engagement with comprehensive beliefs—which does not preclude public reason by way of Rawls's proviso—the parties in a background culture *who are in conflict with one another* need to arrive at a common grammar in order to reach the deep, meaningful consensus Rawls

envisions in cases of COI. Otherwise, the scars of conflict cannot heal in the sense that I mentioned above. Rawls seems to invite such a reading with his remarks on political advocacy: when championing a political cause, reasonable citizens will engage in the debate by following the rules of public reason (PL, 215; see also Freeman 2007, 386).³⁸ Thus, when citizens of different associations debate with one another outside usual legal-political institutions, they still can have and draw on a common standard of deliberation. There is no reason to assume that applying this common standard should stop at political advocacy. Yet, it should be clear that submitting oneself to these discursive rules in the background culture takes a great deal of (self-) discipline—and practice—of all conflict parties.

(b) Tentatively, Rawls limits the scope of his political conception to what he calls ‘constitutional essentials’ and matters of basic justice (PL, 214). By constitutional essentials, Rawls means fundamental principles specifying the ‘general structure of government and the political process’ (e.g., the powers of legislature or the scope of majority rule) and a set of ‘equal basic rights and liberties’ (e.g., the right to vote, liberty of conscience, freedom of thought) (PL, 227). Thus, Rawls can address questions like ‘who has the right to vote?’; ‘what religion is to be tolerated?’; ‘who is assured fair equality of opportunity?’; ‘who has the right to hold property?’ In this reading, the Rawlsian approach can only resolve COI insofar as they can be traced back to constitutional conflicts or conflicts of fundamental justice with respect to the political, economic, and social institutions.

Although Rawls seems to be pessimistic about the potential for extending public reason to other cases, he is not rigorously opposed to the idea and even deems it ‘highly desirable’. His aim is rather to show that public reason can work *at least* on the fundamentals. ‘If we should

³⁸ In the same paragraph, Rawls seems to equate political advocacy with the activities of political parties and candidates. However, he also includes those groups in support of them. Further, I believe another reading of political advocacy is available which is not exhausted by the set of these political actors (e.g., NGOs, interest groups, unions, citizens’ movements, etc.).

not honor the limits of public reason here, it would seem we need not honor them anywhere. Should they hold here, we can then proceed to other cases' (PL, 215).

Jonathan Quong is optimistic that an extension of public reason's scope is feasible. He defends a broad compared to a narrow conception: public reason ought to apply—*whenever possible*—to any political matter where the exercise of political power is involved (Quong 2011, 274). Hence, public reason must not necessarily be applied to all cases, but as often as it is possible to do so (Quong 2011, 275). Whether a conflict is one to be dealt with in the mode of public reason cannot be determined *ex ante*, however, but only *ex post*. Therefore, citizens in conflict 'should try and adhere to the idea of public reason when debating non-essential political issues to see if they are resolvable on publicly acceptable grounds' (Quong 2011, 285).

What happens in all those cases where the scope of public reason has reached its limit? In a footnote, Rawls briefly appeals to political bargaining for both legislators and the background culture in matters where the various interests of civil society clash (PL, 397, fn. 34). This resembles Rawls's definition of *modus vivendi*—which he takes to be a lucky and unstable convergence of interests (PL, 147)—with two notable differences. Whereas Rawls considers *modus vivendi* as the (wrong) alternative to an overlapping consensus governing the basic structure of society under non-ideal conditions, political bargaining is a practice restricted to particular political disputes under ideal conditions (i.e., in the well-ordered society). Second, in the well-ordered society, political bargaining must be *fair*. Rawls remains deliberately vague about what fairness entails in this case, for 'it is a difficult task to spell out the criteria needed for drawing this distinction and illustrating it by instructive cases' (PL, 397, fn. 34). Nonetheless, it seems to amount to a practice with some normatively qualified compromise of interests as its end.

1.1.4. Rawlsian Conflict Matrix

Thus, concluding this section, RCR attempts the following: by reframing the debate about justice in a way that (1) DDC, (2) CBJ, and (4) COT are circumvented, (3) COI can be resolved by way of an overlapping consensus on a political conception allowing for agreement on the basic structure of society and a set of discursive rules. All of this is only possible if citizens are reasonable. What happens in conflicts with unreasonable people? From the two conditions for reasonableness, it follows that unreasonable people violate either reciprocity or do not accept the burdens of judgement, or both. In DDC, they appeal to their comprehensive beliefs when debating basic justice, because they do not draw the right conclusions from CBJ. In COI, they claim political change on behalf of interests that are not within the scope of the political conception. And in COT, they insist on the ‘truth’ of their controversial theories.

Rawls is brief in his comments on measures against unreasonable people. He deems it necessary to keep them at bay. This implies containing them ‘like war and disease’ (PL, 64, fn. 19), so that they cannot endanger the stability of a democracy. Thereby, the troublemakers in conflict are silenced. Jonathan Quong expands on this thought and construes what Rawls could mean with ‘containing the unreasonable’. He considers containment a form of exclusion from the relevant constituency of a constitutional regime (2011, 299–300). Containment practices are policies ‘whose primary intention is to undermine or restrict the spread of ideas that reject the fundamental political values’ (Quong 2011, 299). Thus, the mere existence of unreasonable or comprehensive beliefs per se is not the problem, but their *proliferation* (Quong 2011, 303). As a consequence, the state has the right to infringe unreasonable citizens’ rights—e.g., a parent’s right to educational choice for their children if parents choose education that promotes violation of reasonableness (Quong 2011, 301-302).

This, however, does not imply the exclusion of unreasonable citizens from the benefits of the well-ordered society. This follows from political liberalism’s considered judgement of citizens as free and equal. Any person, qua definition, must be granted, at least *ceteris paribus*, a fair share of primary goods (Quong 2011, 293). Furthermore, there need to be good reasons available for withholding or rejecting active participation in public discourse and usage of rights (Quong 2011, 310). Relatively harmless unreasonable people—Quong mentions closed societies such as the Amish³⁹—that do not present a substantial threat to the stability of the well-ordered society, might not have to be contained in the same way (Quong 2011, 304).

Therefore, *Rawlsian Conflict Resolution* (RCR) provides measures to address three kinds of conflict (and one meta-kind of conflict), depending on whether reasonable or unreasonable citizens are involved and whether or not the scope and sites of public reason are exhausted. The result is the following conflict matrix:

	Only reasonable citizens involved		Unreasonable citizens involved
DDC	Circumvent conflict (accept implications of CBJ)		Exclude (dangerous) unreasonable people
	Within scope and site of public reason	Outside scope and site of public reason	
COI	Resolve	Bargain	Exclude (dangerous) unreasonable people
COT	Circumvent conflict	No restriction ⁴⁰	Exclude (dangerous) unreasonable people

³⁹ To be fair, only a fraction of the Amish engage in political discourse anyway; due to this circumstance, one can assume that they could not corrupt public reason in the way that Quong envisions.

⁴⁰ The measure refers to *political-discursive* restrictions. In other words, there are no *immediate* political reasons for prohibiting citizens to discuss their conflicting theories when this conflict takes place outside the scope and sites of public reasons. Yet, other restrictions may apply, depending on the context COT takes place in. While

1.2. Critique of Rawlsian Conflict Resolution

In order to be a viable conflict approach, RCR has to show two things. First, it needs to lay out a way to apply public reason under non-ideal conditions or provide a convincing description of how a transition towards more ideal conditions is possible.⁴¹ To know that social conflict is a matter of the past or at least always possible to be addressed by reasonable citizens of a well-ordered society, will be of little solace for today's world troubled by conflict and injustice (Schaub 2020, 179). Delegating the task of application to social science is insufficient, in part because the empirical sciences might be fraught with biased presuppositions (Freyenhagen and Schaub 2010, 468) and because the correct application and implementation includes tasks that go far beyond the disciplines' capacities (Schaub 2016).

For another reason, the need for a fair division of labour applies with particular force to the case of peace and conflict studies—to which the application of a philosophical conflict approach would most likely be delegated. Mere delegation is unsatisfactory here, because of the specific methodological history of the discipline. Empirical conflict approaches usually work from the bottom up, investigating individual conflicts and generalising from the experiences made and methods employed (Ceva 2016, 7). Hence, there seems to be a fatal mismatch: philosophers and scholars of peace and conflict studies operate at different levels and work from different directions. This could render the latter reluctant to engage with philosophical approaches. To make matters worse, scientific communication and knowledge transfer between

COT among private persons arguably does not even require a solution, COT in academic and scientific discourse is regulated by a set of mutually shared norms. For instance, it may prove untenable to draw on social theories for which no empirical evidence is available or where given empirical evidence cannot be replicated in follow-up studies. I will not pursue the question whether academic-discursive rules imply any consequences for political-discursive rules for COT outside public reason.

⁴¹ For a paper that argues against the likelihood of the latter, see Freyenhagen (2011).

philosophy and peace and conflict studies are still rare, even if philosophers slowly begin to show interest in the field (Webel 2007, 4–5). If these observations hold, any philosophical conflict approach, including the Rawlsian, will at least have to *convince the social scientist* that it is worthy to be taken as a guideline—and this includes at least a *cursory* explanation how it is to be applied to real cases.

Second, however (and prior to the first point), Rawlsian political liberalism has to show in more detail how the political conception becomes operative in the well-ordered society itself. In other words, it *has to convince philosophers* that it tells a plausible story how conflict can be resolved under ideal conditions. Is justice as fairness up to the task of resolving conflict on its own terms?

A negative response need not necessarily lead to a rejection of the approach. The Rawlsian political liberalism then has to show that these shortcomings are an expression of *short-sightedness* instead of *blindness* (Laden 2003, 134). In the case of the former, shortcomings are remediable by slight changes or extensions. In this sense, short-sightedness is a sign of the incompleteness of the theory. In case of the latter, shortcomings are a *structural* problem of the theory. In this case, the theory is ill-equipped to adjust and respond to conflict properly. Rawls considered his theory to fall into the former category, treating political liberalism ‘not as a magnificent machine displayed behind velvet ropes in a museum, but as a work in progress to be used and developed, as well as improved and adjusted in the light of new arguments and objections, new knowledge and technologies, and new political developments’ (Pogge 2007, xi).

Another strategy to criticise Rawls is to make short-sightedness itself a problem. Put differently, I argue that it is not remediable incompleteness, but irremediable *indeterminacy* that threatens the conflict approach. I will argue that the indeterminacy of the Rawlsian model together with the fact of reasonable pluralism invites differences among reasonable citizens that

threaten the potential for agreement *even under ideal conditions*. Thus, (1.2.2.) will deal with what I deem insurmountable differences among reasonable citizens threatening the stability of the overlapping consensus. In (1.2.3.), I will briefly look at obstacles to the implementation of RCR under non-ideal conditions. (1.2.4.), finally, will address general problems with the Rawlsian framework. First, however, I will take a closer look at the well-ordered society in order to get a better look at its inhabitants.

1.2.1. The Conception of the Person and Reasonable Political Pluralism

Before addressing the problem of indeterminacy, I rehearse Rawls's understanding of the person in the well-ordered society in more detail. Rawls lists the following traits that citizens possess as basic elements:

- The two moral powers
- Intellectual powers
- A determinate conception of the good
- The capacity to be normal and fully cooperating members of society over a complete life (PL, 81)

Though these traits hold primarily for citizens as *reasonable* and *rational* citizens only, this does not mean there are no unreasonable citizens in the well-ordered society. Unreasonable people, Rawls assumes, exist everywhere (PL, 39). It would be unreasonable to believe in the opposite: Rawls's citizens are not Kantian angels that, qua design, behave reasonably and

rationally as a matter of conceptual necessity ([1785] 1974, 42–3).⁴² This would rob them of their agency, of their practical reason. Instead, citizens must freely decide to be reasonable. Growing up under just institutions may render this more likely (PL, 141–2), but it is certainly no guarantee as long as education in the well-ordered society does not equate to brainwashing and indoctrination. The possibility to decide ‘against reason’ is a fact of pluralism *simpliciter*.

What traits do unreasonable people have? I assume that they, too, possess the two moral powers as well as (potentially) a determinate conception of the good, although they are not willing to adjust those ends to the constraints of justice as fairness. Thus, they might have unusual or expensive interests that the reasonable constituency is unwilling to provide for.

Another crucial point concerns people’s doctrines. Do those have a history? It seems this is the case. That rational agents in the original position do not *know* about their social and temporal position, does not mean they do not exist. In *Political Liberalism*, Rawls spends considerable time explaining in quasi-historical terms how a mere *modus vivendi* could transform into a constitutional and, finally, into an overlapping consensus (PL, 158–68). If history exists in the well-ordered society, it is fair to assume that existing doctrines have narratives about their past, interpreting their values and beliefs, *inter alia*, through the lens of the conflicts and struggles people fought in their name. Thus, although private and doctrinal beliefs cannot form part of public reason’s core *qua* comprehensive, they must play a decisive role in the self-image of these groups.

Crucially, the well-ordered society will not be guided by only one political conception. Over the years, Rawls’s overlapping consensus undergoes decisive change. In *Theory of Justice*, Rawls considers the well-ordered society to be guided by *one* conception of justice, i.e., his justice as fairness (TJ, 4–5). In *Political Liberalism*, Rawls begins to acknowledge the likelihood of a family of liberal-political conceptions that become the focus of the overlapping

⁴² A related point is made by Schaub (2014, 429): if Rawls’s goal is to show how a worthwhile life for everyone is possible in a *realistic* utopia, he must account for the eventuality of human error. Perfection is unfeasible.

consensus (PL, 164). While the book still contains the hope that justice as fairness will have ‘a special place’ within the overlapping consensus (PL, 164), Rawls later deems this a personal opinion ‘not basic to the ideas of political liberalism’ (IPRR, 774, fn. 27). Importantly, these different liberal conceptions are held with respect to the degree that they are supported by diverging social and economic interests: ‘The differences between these conceptions, expresses, in part,’ Rawls therefore holds, ‘a conflict between these interests’ (PL, 167). COI, then, grounds the emergence of RPP.⁴³

This implies that the scope of reasonable pluralism in the well-ordered society is wider than Rawls initially thought. Next to the aforementioned reasonable *comprehensive* pluralism (RCP), there is also what I call reasonable *political* pluralism (RPP); pluralism does not only exist with respect to the beliefs and values pertaining to comprehensive doctrines, but also regarding different political conceptions of justice. What is the status of RPP in Rawls’s theory?

According to Samuel Freeman, RPP is Rawls’s concession to ‘non-ideal, partial compliance theory’ (Freeman 2007, 379). In this reading, RPP is the almost unfortunate fact of liberal institutions. By that logic, only a society regulated exclusively by justice as fairness, i.e., marked only by RCP, is truly ‘ideal’. I disagree with this assessment: as Freeman notes himself, reasonable disagreement on the right political conception is just another consequence of the fact of reasonable pluralism. Under free institutions, even ‘under the best of foreseeable conditions’ (PL, xvii), nothing else is to be expected in a society composed of humans, not Kantian angels that behave in accordance with one set of principles qua design. As long as the well-ordered society is meant to be a *realistic* utopia that acknowledges plurality as an integral part of human

⁴³ It is already here where the problem with RPP surfaces. It seems that the cat is biting its tail; COI grounds the emergence of a plurality of political conceptions which are designed to resolve COI. I show how this problem evolves in 1.2.2.

nature, there is no reason to assume that Rawls's RPP is a concession, but rather the natural (and desirable) characteristic of a genuinely free society.⁴⁴

However, this raises the stakes dramatically: if RPP is part of Rawls's ideal theory and if the problems that I intend to draw attention to hold, then these constitute a danger internal to the very architecture of RCR: the question arises if RPP changes the ability of the approach to properly address COI in the well-ordered society. Indeed, Rawls signals that he is aware of the problem, when he writes:

[I]f the liberal conceptions correctly framed from fundamental ideas of a democratic public culture are supported by and encourage deeply conflicting political and economic interests, and if there be no way of designing a constitutional regime so as to overcome that, a full overlapping consensus cannot, it seems, be achieved. (PL, 168)

The mission for RCR is therefore the following: Rawls has to show that COI and their related diverging liberal-political conceptions do not impair the conflict procedures implied by the basic structure and procedural guidelines of public reason. I want to make the argument that this cannot be guaranteed in the well-ordered society. To the contrary, intractable COI prevails in Rawls's utopia. Moreover, this intractability threatens the overall stability of the overlapping consensus. In my conclusion to this section in (1.2.2.3.), I argue that RPP constitutes the horn of a dilemma Rawls cannot resolve without considerable cost.

Despite the alleged differences, all liberal political conceptions share some common features (IPRR, 774). All formulate

- (1) A list of basic rights, liberties, and opportunities

⁴⁴ In other words, RPP acknowledges that justice as fairness is not going to reach *public justification*, i.e., not all reasonable citizens will endorse the political conception (PL, 387–8).

- (2) Assign a special priority to the above,
- (3) And guarantee all-purpose means (income and wealth, characterised by having an exchange value, JF, 58–9) enabling effective use of the entitlements expressed in (1)

Further, a conception is political if

- (4) It applies to the basic structure.⁴⁵
- (5) Its validity does not depend on any particular comprehensive doctrine.
- (6) Its foundation rests on the public political culture implicit in liberal democracies, such as society as a fair system of social cooperation and citizens as free and equal, reasonable and rational (IPRR, 776).

Concluding this subsection, the well-ordered society consists of reasonable (and unreasonable) citizens that deviate from one another with respect not only to their comprehensive doctrines (that have a history of conflict the interpretation of which forms part of their self-image), but also with respect to the political conceptions they have incorporated into their doctrines. In the following, I want to critically assess the conflict resolution capacities of the Rawlsian approach in the well-ordered society. For this purpose, I highlight what I consider to be a blind spot in political liberalism and inspect the implications of RPP.

1.2.2. Public Reason(s) and Rawlsian Angels

⁴⁵ From Section 1.1.3., we know that public reason is not necessarily restricted to the basic justice and constitutional essentials. Nonetheless, in order to be a political conception, it is necessary that it applies *at least* to the basic structure.

The political conception serves a double function. First, substantive principles of justice inform the basic structure of society with its fundamental institutions. The move from comprehensive to political conceptions not only brushes aside DDC in matters of justice, the connected (and alleged) agreement on an index of primary goods avoids a number of COI before they can arise. Those citizens with unusual, or expensive interests, or otherwise unreasonable interests are excluded from the relevant constituency. Second, there are procedural principles of public reason to settle reasonable COI whenever they still emerge. As long as agents in COI can refer back their claims to their fundamental interests, COI remains resolvable.

The topic that concerns me in this subsection is whether public reason, as a set of procedural guidelines, can be an effective toolbox to resolve COI in the well-ordered society, despite the fact of RPP. As I showed above, even an ideal society will not be guided by a single political conception, but by a set of liberal political conceptions. To which parts do differences between them apply? And how deep are these differences? In the following subsection, I will identify three *loci* at which disagreement and conflict become probable.

Since Rawlsian political liberalism is considered an ongoing project of theory construction in a utopian, idealised scenario, the task cannot be to determine the definite and exact differences between political conceptions. The argument is inevitably speculative. But a lack of information in judgement does not imply that judgement is completely impossible. I will argue that if we do not treat Rawls's idealised reasonable inhabitants of a well-ordered society as angels, but as finite, politically autonomous human beings, there is good reason to believe in the irresolvability of COI. In short, this implies two devastating results: first, political pluralism on the ideal level provokes persistent intractable conflict, despite reasonableness on all sides. Further, if the incapacity to reach consensus in COI proves persistent, this may even threaten the stability and unity of the reasonable public's higher-order overlapping consensus (1.2.2.2.).

1.2.2.1. *Three Loci of Disagreement*

Despite the similarities mentioned above, RPP implies differences between the liberal conceptions with respect to three *loci*:⁴⁶ (a) the exact *index of primary goods* every citizen must have fair access to; (b) the *substantive principles* designed to guarantee a fair share of these primary goods; and (c) the *guidelines of inquiry* informing public debate. This results in different contents of public reason (PL, 226)—or, more concisely, different public reasons.

(a) As argued above, a central role in Rawls's idea of public deliberation falls to primary goods. Rawls takes every person's fundamental interest in a life well-lived to consist of adequately developing and exercising their two moral powers for a sense of justice and a conception of the good. Primary goods are the means necessary for this. In debate, these provide an interpersonal gauge that citizens can refer to in their claims of justice when they arrive at the conclusion that society has failed to guarantee them a fair share of the fruits of social cooperation (PL, 189). We can imagine two ways in which political conceptions diverge with respect to primary goods:

1. The exact items in the index of primary goods
2. The interpretation of these items

(a1) Rawls himself deliberates openly about the potential to extend his index. For instance, leisure time could be added. For the sake of retaining objective measurability, however, Rawls is less willing to add realized native endowments and the absence of physical pain to the list of primary goods (JF, 179). Reasonable disagreement can arise on these and other elements of the index. For instance, Eva Feder Kittay criticises Rawls's index for lacking the value of

⁴⁶ Of course, there can also be liberal-political conceptions the construction of which do not proceed according to this three-tiered approach, as Rawls's framing of Habermas's discourse ethics as a form of political liberalism suggests (IPRR, 774–5). The goal of this section is rather to show that *even if one remains* within the Rawlsian structure of liberal-political conceptions, RPP still leads to intractable conflict.

care, due to his narrowing of human capability to the two moral powers. What is underappreciated in Rawls's conception, she argues, is a person's capacity to be receptive to the vulnerability of others (2020, 110ff.).

(a2) Even if reasonable citizens agree on the same index of primary goods, they may disagree as to what this index implies. Take Rawls's considerations about the social bases of self-respect. In the well-ordered society, these social bases are provided by the political society securing fair access to the other primary goods and by citizens mutually recognizing one another as bearers of these primary goods (PL, 203, 319). This results from the specific moral psychology of reasonable citizens who want to be regarded as 'normal' and fully cooperating members of society and who want to rest assured that their 'determinate conception of the good is worth carrying out' (PL, 318; see also 81–2).

However, if our self-respect is socially dependent on 'finding our person and deeds appreciated and confirmed by others' (TJ, 440), the social bases for self-respect could go beyond mere mutual recognition of citizens as legal-political and economic subjects. Crucially, citizens find it important for their life plan *itself* to find societal approval.⁴⁷ This might not require universal esteem, as discussed and rejected by Rainer Forst (2013, 536), but it could imply the absence of contempt. For instance, do gender minorities need to live with the fact that some of their fellow reasonable citizens consider them 'unnatural', even though members of this minority are active participants in political life, and are neither legal-politically nor economically discriminated against?⁴⁸

Rawls's index does not seem to allow for this. Indeed, Rawls suggests it suffices that 'there should be for each person at least one community of shared interests to which he belongs

⁴⁷ In TJ, Rawls seems to suggest the same: 'Unless we feel that our endeavors are honored by [others], it is difficult if not impossible for us to maintain the conviction that our ends are worth advancing' (TJ, 178). However, his reliance on an Aristotelian principle to pursue excellence in one's abilities (TJ, 426) combined with his conjecture that other citizens 'tend to value [one's endeavours] only if what we do elicits their admiration or gives them pleasure' (TJ, 441), speaks for a rather elitist focus on talent and skill.

⁴⁸ A similar remark can be found in Nussbaum (2007, 114–5).

and where he finds his endeavors confirmed by his associates' (TJ, 442). Yet, arguably, it is not enough to say that gender minorities affirming one another in their isolated safe spaces counts as sufficient for ensuring that self-respect is within reach for everyone on a societal level. Shrugging one's shoulder saying that Rawls's proposal is all that the public can offer, brings us back to the initial point of criticism.

As far as there can be reasonable disagreement about this point, there can be reasonable disagreement about what is necessary for the proper development and exercise of the moral powers.⁴⁹

(b) If citizens conflict with respect to one or both of these matters on the index of primary goods, this will obviously change the shape of the principles of justice they champion—in content (what is to be distributed) or in form (how it is to be distributed). But even if reasonable citizens agree on the same index and interpretation of primary goods, they can assign these goods different weights. This may, again, result in substantive principles differing with respect to the set of liberties and opportunities, the minimal quantity of guaranteed all-purpose means, and the weight and order of the principles and their contents (see also IPRR, 774). A particular point of disagreement will be principles concerned with social and economic inequality. Even among citizens agreeing on Rawls's difference principle, controversy arises on its correct interpretation, due to the complexity of social and economic phenomena (PL, 229). We can expect even deeper disagreement *across* political conceptions. For instance, other reasonable citizens can outrightly reject Rawls's maximin rule and formulate a minimal threshold (Barry 1995; Waldron 1986).⁵⁰

⁴⁹ I will return to the social bases further below (1.2.2.3.).

⁵⁰ Nussbaum's capabilities approach also argues for a social minimum and is also supposed to function as a political conception in the Rawlsian sense (2011). However, she rejects primary goods as the intersubjective gauge for social positioning—in favour of capabilities. As with the social bases of self-respect, I will return to the aspect of different principles of justice in Section 1.2.2.3.

(c) In order to be a form of reason at all, Rawls writes that any (public) reason ‘must acknowledge certain common elements: the concept of judgment, principles of inference, and rules of evidence, and *much else*’ (PL, 220, my emphasis). Certainly, the less agreement on this ‘much else,’ the likelier it becomes that significant differences occur. For starters, Rawls suspects that other conceptions will reject his original position as a device appropriate for public debate (IPRR, 773). But a look at Iris Marion Young’s *Inclusion and Democracy* tells us that dissent could reach further. Young argues that liberal political theory relies on cool-headed, ‘dispassionate and disembodied’ argument (2000, 39) and excludes other forms of political communication beneficial for agreement in conflict. For instance, rhetoric—of which Rawls speaks in a derogatory tone (PL, 111, 220)—may be important to form a bond between speaker and audience (Young 2000, 7). It includes emotional tone, figures of speech, as well as different media such as ‘signs and banners, street demonstration, guerrilla theatre, and the use of symbols’ (Young 2000, 65). Another example Young gives is the role of narratives, i.e., reports and interpretations of one’s experience and history, that can help facilitate understanding, counter-balance the lack of expressible arguments, and raise awareness for the plurality of viewpoints (Young 2000, 72ff.).

Further, it is unlikely that COT on effective policy-making and other political phenomena can be offset in political deliberation. The validity of social theories and models depends on myriad factors in societies as highly complex systems. Both academic and political discourse live from the fact that results in the social sciences are almost never without alternative. In other words, COT, even among experts, is a persisting fact of the very practice of social science. Reasonable citizens face a dilemma: either they insist that only commonly accepted scientific facts may be referred to in public debate or they drop the restriction of uncontroversial beliefs—at least with respect to science. If they decide in favour of the former, public reason will most likely have to take place without scientifically grounded debate; if they decide for the latter,

COT enters public reason and will influence the capacities for agreement. Most importantly for my argument, however, is that due to political pluralism, reasonable citizens might give different answers to this dilemma. Again, disagreement about the procedural guidelines of inquiry persists.

In conclusion, my argument is *not* that Rawls is incapable of accommodating these considerations within justice as fairness. My point is that even if he refines his own conception, other political conceptions are thinkable under RPP that vary at times considerably. As long as reasonable citizens are not justice-as-fairness machines, they can and will disagree, and intractably so. (And as can be observed in everyday political discourse, it is often the most minimal variance in opinion that proves most intractable.) Thus, it is doubtful that public reason can fulfil the appeasing, resolving role it is supposed to play in COI. The reason for this has to do with the diverging and conflicting resources of public reason that citizens draw from their political conception. Since ‘citizens are to conduct their fundamental discussions *within their framework*’ (PL, 226, my emphasis)—i.e., from within their own conceptions—what counts as a ‘truly’ liberal-political value (given by an index of primary goods and substantive principles) and proper argumentation (given by procedural guidelines) will depend on the perspective a citizen takes up. In a way, citizens are confronted yet again with a similar problem that they faced with respect to DDC and CBJ, i.e., the lack of a shared epistemic mechanism to resolve dissent.

Note also that Rawls’s proviso cannot offer an easy way out of this impasse, since the proviso regulates the re-integration of arguments, previously formulated in comprehensive terms, back into public reason. An analogous proviso for political conceptions would require nominating one political conception as the default or benchmark—something that is precisely what is disputed under RPP. Therefore, the three *loci* of disagreement illustrate that under RPP,

Rawls fails to provide a basic framework in which ‘intractable conflicts are unlikely to arise’ (PL, 156).⁵¹

Further, this reveals that Rawls’s project actually contains two tasks not clearly distinguished: by allowing for RPP on the level of ideal theory, political liberalism has to vindicate justice as fairness as a political conception and it has to vindicate the likelihood of an overlapping consensus across political conceptions.⁵²

1.2.2.2. *The Overlapping Consensus and the Mutual Assurance Problem*

So far, I have argued that RPP generates intractable conflict between liberal-political conceptions in the well-ordered society. If persistent enough, I argue that these conflicts may threaten the stability of the overlapping consensus, the key feature of Rawls’s the well-ordered society. In this section, I want to shed light on the process through which the overlapping consensus unwinds (or can do so).

Reasonable citizens do not altruistically turn the other cheek, but neither do they only strive for their full advantage (PL, 16–8). Instead, as shown above, they respect *reciprocity*. Reasonable citizens are willing to propose fair terms of cooperation and abide by them, *given that others do so as well* (PL, 49). Hence, in the absence of proof that others do their part, i.e., follow a reasonable political conception, citizens may stop regarding themselves as bound by the principles of justice (Weithman 2010, 331). The question is, how can citizens be sure that reciprocity obtains? Paul Weithman dubs this the *mutual assurance problem* or ‘MAP’ (2010, 46–7).

⁵¹ One should also note that the proviso itself is not uncontroversial. For instance, while Burton Dreben considers Rawls’s vagueness on the details of the proviso as an instance of ‘Rawls at his best’ (Dreben 2003, 343), Charles Larmore does not only criticise this vagueness, but also the overall utility of the proviso. For in ‘the forum where citizens officially decide the basic principles of their political association and where the canons of public reason therefore apply, appeals to comprehensive doctrines cannot but be out of place—at least in a well-ordered society’ (Larmore 2003, 386).

⁵² Further, this lack of a clear delineation also renders it difficult to clearly determine when a dispute between citizens is originating from within justice-as-fairness, or one battled across political conceptions (see especially PL, 228–30).

As emphasised by Weithman (2010, 327), public reason serves as the solution to MAP: through adherence to the same political conception, reasonable citizens have a common deliberative toolbox available for settling their conflicts. Most importantly, *qua public*, reasonable citizens not only adhere to the rules of public reason—they also *know* that they apply to all others (PL, 66ff.; JF, 121). Hence, citizens are mutually assured that their society is one where reciprocity is respected (Weithman 2010, 328). This is important for the stability of the well-ordered society: only if the overlapping consensus is stabilized through mutual assurance will reasonable citizens show their willingness to cooperate.

What happens if RPP applies? I argue that the supposed harmony of a common grammar of justice dissolves into a dissonance of different indices of primary goods, principles of justice, and deliberative guidelines. If these differences prove persistent, citizens will begin to doubt that a political decision (e.g., in parliament) is an expression of public reason. In this way, the publicity condition is violated and mutual assurance vanishes. Then, reasonable citizens understand that reciprocity does not apply and the overlapping consensus collapses. Thus, RPP jeopardizes the stability of the overlapping consensus as understood by Rawls.

1.2.2.3. Some Counterarguments

To recap, in this part of the chapter, I argued that Rawls's theory fails to avert

- (a) that intractable conflict arises in the well-ordered society,
- (b) that it does hamper mutual assurance between citizens, which then
- (c) causes the collapse of the overlapping consensus (or can do so).

A way to attack my argument is to reject (b): intractable conflicts arise, but they do not arise so forcefully so as to separate citizens from one another and thereby endanger the overall stability

of the well-ordered society. Indeed, so far (b) is mere conjecture, but in addressing one form of this counterargument—a counterargument I dub the *Sufficient-Consensus Argument*—I hope to now give some substance to (b). I attack the Sufficient-Consensus Argument by showing that social and economic injustice is relevant to citizens (and arguably to those of WOS) and that it can cause distrust. Another option would be to tackle my claim (a): this strategy would entail arguing that although conflict arises, it is nonetheless resolvable. Two versions of this argument, i.e., the *Rousseauian Argument* and the *Argument of Declaration*, will be addressed later. In rebutting the former, I will also illustrate how even in areas where Rawls does not predict dissent (and deems consensus particularly important), i.e., with respect to the constitutional essentials that are vital for the overlapping consensus, intractable conflict is likely.

Sufficient-Consensus Argument

This counterargument roughly goes like this: liberal-political conceptions agree on the conception of society as a fair system of social cooperation; they agree on the conception of the person as free and equal citizens; they agree on the need for basic rights and liberties, and of opportunities and all-purpose means. Given these similarities, reasonable citizens will have enough agreement *where it matters* so that intractable conflicts do not become dangerous.⁵³

Rawls writes that this common(-sensual) foundation will be the constitutional essentials, i.e., fundamental principles specifying the ‘general structure of government and the political process’ and a set of ‘equal basic rights and liberties’ (PL, 227). Consensus on constitutional essentials is easier than, say, agreement on the difference principle. It is also more urgent, because ‘frequent controversy’ over, e.g., the governmental structure could lead to ‘distrust and turmoil’ (PL, 228). Persistent disagreement on matters other than the constitutional essentials,

⁵³ For a more extensive version of this argument, see Quong (2011, 182ff., 204ff).

for instance on social and economic policy, do not really threaten the stability of the overlapping consensus (PL, 230).

But can the role of social and economic disagreement be discounted so easily? For instance, Schaub and Odigbo (2019) argue that the economic sphere displays a series of cognitive social interrelations beyond mere all-purpose means that, in Rawlsian terms, provide pivotal social bases for self-respect.⁵⁴ For instance, employees can be deprived of opportunities for self-development, while consumers may be deliberately misinformed or their tastes reflecting their idea of the good disregarded. This may happen *although they are reasonable, 'normal' and fully cooperating members of society*. If these phenomena are persistent, grievances may build, as citizens deem society not living up to the bargain they agreed to when adjusting their ends according to justice (PL, 189). In recent history, events like Volkswagen's emissions scandal, the 2007 financial crisis, the fossil fuel industry's reckless practices of price gouging and environmental and climatological destruction; or the disproportionate distribution of economic burdens and gains during the COVID-19 pandemic, have sparked uproar—reaching from mere loss of consumer confidence to class action suits and whole political movements.

Granted, the full applicability of these worldly examples to the well-ordered society may depend on the influence Rawls's emphatically non-capitalistic (JF, 137–40) justice as fairness has in this realistic utopia.⁵⁵ Nonetheless, they illustrate that social and economic disparities are important to citizens' sense of justice. Hence, there is good reason not to underestimate

⁵⁴ In the Hegelian recognition-theoretical view that Schaub and Odigbo follow, Rawls's notion of self-respect as entailing recognition of equal status and recognition of a life plan's worthiness would be divided into the notions of self-respect and self-esteem (Jütten 2017, 260). Rawls does not draw a distinction between the two, but treats them as synonymous (see TJ, 440). For reasons of simplicity, I will not further introduce the Hegelian terminology, but see Bankovsky (2011) for structural similarities in Rawls's notion of self-respect and Honneth's Hegelian recognition-theoretical model.

⁵⁵ However, Jütten assumes that even under Rawls's favoured system of government, i.e., property-owning democracy, competitive structures are still in place that could prime them to engage in social comparison and zero-sum games for self-respect (2017, 277). This could lead to envy and mistrust. In other words, even if justice as fairness would become the dominant (or only) political conception in the well-ordered society, one cannot exclude the potential for serious social and economic conflict.

how continuous social and economic disagreement yields the risk of distrust and, therefore, the collapse of the solution to the mutual assurance problem.

Let me introduce a thought experiment here to illustrate my point. Let us suppose that there are three political conceptions present in the well-ordered society—not the original position—at a given time. I leave it open if these three were ‘founding members’ of the overlapping consensus, or whether one—for instance, justice as fairness—was the sole focus at the beginning, until two more conceptions evolved, due to the fact of RPP. Justice as fairness and its difference principle is the first conception.

Then, there is—drawing on Waldron here (1986)—what one could call ‘constrained utilitarianism’. This political conception, too, guarantees a set of basic rights, liberties, and opportunities, and prioritises those over the distribution of all-purpose means. The principle guiding the socio-economic dimension of the basic structure functions as follows: the state guarantees a social minimum of income and wealth. While a citizen, situated at this minimum, is at a lower position compared to the one that they would occupy as the least advantaged person under justice as fairness, they can still make effective use of their basic rights—at least that is the argument of the constrained utilitarians. Yet up and beyond this social minimum, constrained utilitarians aim at the maximisation of all-purpose means, e.g., through low taxation of private households and businesses and less market regulation than under justice as fairness. The resulting distribution displays vast discrepancies of income and wealth. Still, however, constrained utilitarians want to argue that all conditions for a liberal-political conception are satisfied. For instance, they do not rely on the kind of hedonism that builds the theoretical backbone of classical, comprehensive, utilitarianism. Further, they claim that despite the wider income gap, citizens can still make effective use of their rights, liberties, and opportunities.

Third, let us assume that there is a conception called ‘democratic socialism’—conceived of similarly to Rawls’s ‘liberal socialism’ (JF, 136ff.)—which allows for and privileges

fundamental rights, such as the political liberties and property rights, but attempts to regulate the economy through robust taxation of higher incomes, corporations, and inheritance, whereby the income gap between citizens is maximally minimised, to a degree significantly higher than under justice as fairness.⁵⁶ Yet, the sum total of income and wealth is the lowest amongst all conceptions. As with the constrained utilitarians, democratic socialists do not ground their conception on any further metaphysical, epistemological, or ethical commitments, thereby satisfying the conditions for the conception to be political. For instance, democratic socialists do not allude to Marxism's idea of human nature and the alienating effects of capital accumulation in the hands of the few to make their argument for robust redistribution. Democratic socialists instead will argue that it suffices to refer to the fundamental values of equality and solidarity and the need for means allowing effective use of the political liberties to bring their point across.

Now, of course, it must be assumed that each of these three political conceptions will split up into several different wings that interpret their political conception differently. But let us, again for simplicity, assume that when it comes to legal-political decisions, the different camps can rally around one particular interpretation of their conception. Let us further assume that the well-ordered society does not encounter any 'external' political, social, or economic crises that could provoke a conversion of the political conceptions, such as the EU 'consensus' on austerity in the aftermath of the 2007-2008 financial crisis. Though moderate scarcity of resources applies (PL, 66), there is no necessary answer as to how socio-economic policy should look. Indeed, there is widespread disagreement amongst the social sciences how to best shape economic institutions. Thus, COT applies, thereby rendering the debate under conditions of public reason purely political—each conception from within its own political values. There is

⁵⁶ For clarity, I do not assume that democratic socialism would introduce a head tax in accordance with natural ability, as Rawls interprets (and rejects) Marx's vision of communist society. See JF, 157–8. Regular taxation, such as that of income, should suffice to make my point here.

room for political debate about the right means and the proponents of their respective political conceptions can stand by their ideas.

Now imagine further that constrained utilitarianism has a firm majority amongst the well-ordered society's citizenry. As in keeping with the conception, this results in considerable discrepancies in income and wealth in the well-ordered society. Not surprisingly, justice as fairness supporters and democratic socialists deem the respective distribution suboptimal. They can consider the bar that sets the social minimum as too low; debate whether the fair value of the political liberties is guaranteed; if citizens from lower-situated socio-economic groups are given sufficient access to opportunities; etc. But let us grant that due to the duty to civility, they are willing to regard the reasons constrained utilitarians give as just another set of political reasons. Sure, they are not *their* political reasons, and on the face of it, they could not regard (some of) them as political reasons at all—since they have to judge these reasons from within their own political conception—but they are willing to bite the bullet and attest to the 'politicalness' of the justifications given in public reason. Maybe, the fundamental difference between the three camps lies in how they interpret the most central ideas of the public political culture that undergird liberal democracies. In that case, justice as fairness supporters tie freedom and equality more closely to one another than constrained utilitarians, while democratic socialists emphasise the crucial idea of solidarity—after all, solidarity (or fraternity) is equally named a core element of the French Revolution and the ensuing Western democratic culture as freedom and equality are.

But why should justice as fairness supporters and socialists think that way? If political conceptions have their root in the different social and economic interests of particular groups—that do not necessarily have to tie back to the same comprehensive doctrine—then it would seem that the ground for the 'political' reasons that constrained utilitarians give stem from vested interests after all. Yet, this is too hasty, since *fundamental* interests, rooted in citizens'

two moral powers and their desire to develop them, can be considered reasonable enough to deserve public recognition. As long as interests are fundamental, e.g., to their conception of the good, they need to find their legal-political and economic place in the well-ordered society as a social basis for self-respect. As long as constrained utilitarians' interests can be described as fundamental, no problem should apply. Justice as fairness supporters and democratic socialists, according to the duty to civility, need to assume this.

However, what counts as fundamental and vital to one's conception of the good? What if constrained utilitarians' interests, those they deem as fundamental, appear extravagant and unreasonable in the eyes of the other two camps? Suppose that constrained utilitarians' conception of the good implies the availability and possession of luxury goods. Will justice as fairness supporters and democratic socialists still think of these interests as falling within the realm of the political? After all, there can be reasonable disagreement about this. What, then, is violated may not be the fundamental condition, but the appropriateness condition. Suppose further that at the same time, there are significant portions of proponents from the other two conceptions whose fundamental interests are disregarded—maybe public health care providers do not pay for what some justice as fairness supporters deem essential medical and aesthetic procedures (e.g., many dental care services as in the UK); maybe democratic socialists consider existing social housing space insufficient. Constrained utilitarians will argue that this goes beyond appropriate interests to have. Will justice as fairness supporters and democratic socialists accept this? It does not appear obvious to me that citizens should stick to the duty to civility here. In fact, if they begin to see the grounds of their opponents' claims to lie outside the scope of the political, they also begin to deem these claims unjust.

My thought experiment does not hinge upon the dominance of one of the political conceptions. Suppose another scenario, in which there is no stable majority for either of the three camps. What happens is a constant flux of voters from one to the other camp so that from one

electoral period to the other, another camp prevails. There are constant changes in current policies, paradigms even. In both scenarios, there is ‘frequent controversy’ over issues pertaining to social and economic policy. In both cases, reasonable citizens *may* start out from a respect for the duty to civility. But when citizens follow the breadcrumbs back to the origin of their quarrel, then it turns out to no longer be a conflict of interpretations about what public reason demands, but a very vital question over whether certain kinds of interests fall within the realm of the political at all. This is where the grain of doubt starts. What is important here is not that constrained utilitarians, or any other of these political camps, actually *do* act from comprehensive or otherwise non-political reasons. What is important here is that the parties they conflict with start to *perceive* them as such. To insist that reasonable citizens see no reason for distrust in these circumstances is tantamount to running the danger of tailoring and restricting the agency of those citizens according to the theory’s needs, not the other way around.

The Rousseauian Argument

If attacks on (b) fail, one might be inclined to negate my claim (a), i.e., that conflict in the well-ordered society proves irresolvable. One counterargument along these lines could rely on the Rousseauian spirit of reasonable citizens (PL, 219–20). Guided by the duty to civility, citizens reach unanimity through open-minded deliberation within the scope of public reason. In this case, citizens agree on the position that presents the ‘unforced force of the better argument’. But whenever substantive disagreement persists, it suffices to make a decision by majority vote, knowing that all voters are oriented towards the common good (PL, 230, 246). Hence, different conceptions of justice and public reasons are unproblematic, because reasonable citizens believe in ‘good faith’ (PL, 226) that their opponents act upon a liberal-political conception. Whenever conflict is intractable by virtue of persistent disagreement on substantive matters, Rawls claims the conflict to be tractable by making use of institutions and guidelines that

citizens trust. Thus, first-order dissent can be resolved by procedures on which a second-order consensus exists. In this way, conflicts are resolved *before* they can lead to a downward spiral in which the Rousseauian spirit is ultimately extinguished as depicted in the *Sufficient-Consensus Argument*.

But it is unclear whether reasonable citizens will achieve a second-order consensus; for further conflict may even arise with respect to the allegedly uncontroversial constitutional essentials. For instance, while the set of basic liberties is equal for every citizen, their *worth* proves unequal because social and economic disparities introduce differences in making full and informed use of them (PL, 326). To counteract these effects, Rawls introduces the idea of the *fair value* of political liberties (PL, 327-328). *Inter alia*, fairness is to be achieved by minimizing the effects of economic and social capital on political power. The goal is ‘roughly equal access’ to political office and public policy (PL, 328). Yet, opinion of what fair political participation consists of depends on someone’s political conception. Some political conceptions, for instance those developed from or otherwise adopted by comprehensive doctrines that were historically disenfranchised, may demand quotas for guaranteed representation. (Remember that in (1.2.1.), I argued that doctrines are historical in the well-ordered society.) Others again may follow Rainer Forst in re-interpreting Rawls’s difference principle as a procedural veto right (2013, 465f.). Even though Rawls argues that oppression would be a thing of the past (JF, 65–6) and some Rawlsians reject quotas (Taylor 2009, 481, 493ff.), these groups’ collective consciousness carries an awareness of the constant possibility of the re-emergence of oppression. Can other political conceptions simply dismiss this claim as unreasonable? Such disagreement on constitutional essentials seems particularly troublesome for Rawls, since it presents a conflict at one of the mainstays of Rawls’s allegedly stable overlapping consensus.

And even if disagreements do not apply to all constitutional essentials, it remains unclear which instruments reasonable citizens possess to verify their compatriots’ Rousseauian

spirit. As John Horton writes: ‘*knowing or having good reason to believe that in fact* people have voted on the basis of what they believe best accords with public reason is a crucial condition of the legitimacy of the outcome’ (Horton 2003, 14, original emphasis). Yet, even if citizens initially deem one another to be motivated by political reasons, time may erode their Rousseauian spirit. The absence of shared instruments and standards—primary goods, substantive principles, deliberative rules—and continuous conflict may cause a grain of doubt to blossom. This corrupts the resolution procedures: the more differences in public reasons surface, and the more grievances this produces, the more often decisions made under majority vote will not appear to be an expression of public reason, but of the private interests of either comprehensive doctrines or of powerful individuals. In this way, the procedures that made conflict tractable lose their edge; it may silence the conflict for some time, but the conflict itself will continue to smoulder underneath settlements.

The Argument of Declaration

As a last straw, one could appeal to Rawls’s notion of *declaration*, i.e., the act by which citizens explain *that* and *how* their comprehensive doctrines support a reasonable political conception. In this way, citizens could strengthen the ‘ties of civic friendship’ (IPRR, 786; see also Weithman 2010, 330–1) and reignite the Rousseauian spirit of mutual trust in the other’s political intentions.

But as I hope to have made clear by now, if RPP applies and economic and social differences perceived by some as unjust persist, an epistemic mechanism is missing that allows citizens of different political conceptions to distinguish genuine from disingenuous declaration. Hence, one arrives at the same conclusion: continuous disagreement in the well-ordered society creates distrust (or can do so) that results in a lack of mutual assurance and, finally, in the collapse of the overlapping consensus.

In this part of the chapter, I have discussed John Rawls's approach to conflict. Rawls identifies four types of conflict out of which DDC present the greatest threat to the hopes for a well-ordered society. Once this type of clash is circumvented, however, Rawls believes that many COI will no longer arise, and will in principle be resolvable. However, I have argued that Rawlsian political liberalism overlooks the detrimental effects of RPP for his well-ordered society. Not only is intractable conflict a daily phenomenon in Rawls's utopia; it also presents a veritable threat to the stability of the overlapping consensus.

What if Rawls steps back from RPP and only allows for RCP on the level of ideal theory? This way, only justice as fairness regulates deliberation in the well-ordered society. This solution, however, comes at a significant price: Rawls would have to change his assumptions about the person. Although citizens can and will diverge with respect to their comprehensive doctrines, they magically are of the exact same opinion when justice is at stake. When the theory demands it, Rawlsian persons are Kantian angels. Similarly, this argument also applies to Rawlsians potentially arguing for a narrowing of the set of acceptable liberal-political conceptions by introducing more conditions than the ones listed in (1.2.1.). How many conditions need to be added for Rawlsians to have their way? How many of these conditions would be reflective of the spirit of political liberalism, and how many of them are meant to turn persons into justice-as-fairness machines, for the sake of the theory's normative goals?⁵⁷ Hence, Rawls faces a dilemma: either he acknowledges the inherent instability of the overlapping consensus under RPP or he dilutes his 'realistic' utopia with unrealistic idealisations.

I should end by clarifying that the collapse of the overlapping consensus in the well-ordered society does not result in utter mayhem. Distrust need not end in 'turmoil' and citizens

⁵⁷ Note also that there can be reasonable meta-disagreement about what conditions should make it on the list. In that case, it seems that there is an even more fundamental epistemological problem of identifying conditions for nominating liberal-political conceptions in the first place. Further, justifying these conditions may require moving beyond the political into the comprehensive.

need not resort to sinister and violent tactics. Rather, they may shift to fair political bargaining, a conflict strategy that, as we have seen, Rawls briefly addresses for conflicts outside the scope of public reason (PL, 397, fn. 34). Political bargaining, however, does not resolve conflict, it ‘merely’ aims for compromise (Ceva 2016, 36). In this case, the ideal world would look oddly similar to the real one.

1.2.3. Rawlsian Conflict in the Non-Ideal World

In this subsection, I want to briefly discuss a series of worries that RCR would have to address under non-ideal conditions. As mentioned above, RCR does not only have to convince the philosopher, but the scientists, mediators, and arbitrators in the field. What use, one might ask, does an approach have for them if they know DDC and divisive COI are a thing of the past in a realistic utopia (Schaub 2020)? Hence, even if Rawlsians can list reasons that answer my arguments of the previous paragraphs, political liberalism needs to find ways for implementation or transition under non-ideal conditions and partial compliance.⁵⁸

I want to begin with the different implications the choice for either political or comprehensive pluralism on the ideal level has for RCR on the non-ideal level: a decision in favour of the former does not provide a real privileged political conception that citizens under non-ideal conditions could take as their regulative ideal. I.e., it cannot provide ‘us with practical guidance here and now’ so that citizens can strive to bring their ‘political behaviour and institutions closer to those ideal conditions’ (Quong 2011, 158–9). In the absence of a mechanism by which to settle the truth of a political conception once and for all, there is no external criterion by which to judge the correctness of one conception. If all conceptions are reasonable, all conceptions are, politically speaking, correct.

⁵⁸ For a mapping of the debate between (Rawlsian) ideal theory and non-ideal theory, see Valentini (2012).

Certainly, this problem does not arise on the non-ideal level if only justice as fairness is at play on the ideal stage. But even if Rawls only allowed for comprehensive pluralism on the ideal stage, more problems would await RCR on the non-ideal level. In general, Rawls has little to say on the topic of non-ideal theory (Schaub 2014). Take, for instance, the composition of the constituency in real polities. For it is clear that there are many real-world cases in which citizens do not behave reasonably in the Rawlsian (and sometimes any other) sense. As Ceva highlights, Rawls has to presuppose that citizens are cooperative and engage in a diplomatic way with one another (Ceva 2016, 42–4). But many conflicts display *antagonistic* conflict dynamics; especially in intractable conflicts, conflicting camps mutually stigmatise and mistrust one another (Ceva 2016, 15). In a ‘dialogue of the deaf’ (Ceva 2016, 20), an ideal of reasonableness evaporates, because it has nothing to catch on to. The situation must not be this dire for a conflict not to display sufficient degrees of reasonableness. A conflict *can* involve *extremists* who resort to violence (Maiese and Burgess 2003) or conflict *profiteers* who live parasitically off the conflict in the hopes of gaining power or reputation (Maiese 2004). But a conflict can also simply involve more moderate, peaceful citizens who nonetheless refuse to let go of their ‘whole truth’. These could simply argue that politics without comprehensive beliefs is not proper politics (Freyenhagen and Schaub 2010, 473), but wishful thinking.

Further, citizens do not restrict their arguments to *political-moral* or *legal-moral* values: prudential reasons can play a role as well as aesthetic, social, religious, and economic reasons. And while open deliberation can occur just as rhetoric and narrative, the use of power, threats, blackmail, and secrecy is a decisive part of political debate too (Freyenhagen and Schaub 2010, 465). Abstracting away these complexities runs the risk of misrepresenting politics up to a point where we no longer recognise it as such.

It seems no transition to the well-ordered society is available in these regards (or at least no reasonable hope for such a transition, and it is this what Rawls needs (see Freyenhagen

2011)). Reasonable citizens might have the right to contain unreasonable citizens in the well-ordered society—yet a similar measure would be borderline authoritarian under non-ideal conditions. A ruling minority of Rawlsian reasonable citizens dominating and disciplining the ‘boorish majority’ resembles an oligarchy more than a liberal democracy. The insistence by philosophers, such as Jonathan Quong, that political liberalism is a project dedicated to its *internal* consistency and coherence anyway and does not need to be justified to outsiders, i.e., non-liberals (Quong 2011, 139ff., 223, 233–4)⁵⁹, is useless at this point if RCR is ever to get off the ground. Insisting on not caring about unreasonable conflicts is tantamount to giving up on realising justice in our unjust world.

Finally, a multitude of conflicts in a globalised society involve transnational stakeholders: e.g., corporations or NGOs (see also Freyenhagen and Schaub 2010, 464). But Rawls’s well-ordered society is assumed to be a closed one, meaning that citizens born in the society also die in it; no immigration or emigration takes place (PL, 12). In idealising the well-ordered society in this way, Rawls limits the range of conflicts to an extent that conflicts between locals and arrivals are, for the time being, ignored. Rawls acknowledges that immigration is an important phenomenon, but he claims that he needs to abstract from it in order ‘to get an uncluttered view of the fundamental question of political philosophy’ (PL, 136, fn. 4). Yet, migration is a matter of public concern that will remain relevant in the foreseeable future. Considering emigration ‘a grave step’ (PL, 222), given our country’s and culture’s role in shaping our identity, Rawls attempts to provide the beginning of a solution to the problem in his *Law of Peoples*: here, he argues in favour of measures for regulated and qualified immigration as well as emigration (see LP, 39, fn. 48, 74). However, his solution rests on the assumption that ‘the problem of immigration’ is no longer a serious one in his ideal Society of liberal and decent Peoples,

⁵⁹ Quong argues that liberals can still engage in the attempt to convince others of political liberalism, but this could only be done via comprehensive argument and would thus go beyond the scope of the political (2011, 234). But if the theory does not provide the resources to make a convincing case for its implementation and realisation, this could already be a sign of its irredeemable shortcomings.

because the sources of immigration have been erased (e.g., persecution of minorities, political oppression, or starvation; see LP 8–9). Yet, these sources are very much in place in our world.

In conclusion, I argue that problems for RCR do not only arise on the level of ideal theory, but also on the level of non-ideal theory. Therefore, even if the issues I raised in (1.2.2.) could be resolved, a flood of further challenges to RCR would follow. Therefore, I argue that there is good reason to drop RCR altogether as a suitable approach to conflict.

1.2.4. Epilogue: Concluding Remarks on the Origins of Rawlsian Conflict Resolution

I want to close with some final metatheoretical thoughts on RCR. Rawls's problems may start with the prioritisation of DDC. DDC envelops COI and determines which interests count as worthy to be dealt with. The reasons for the form RCR takes is interwoven with Rawls's choice of his methodological framework. To better understand the methodological decision Rawls made over the course of constructing justice as fairness, I want to conclude briefly with some elements of a genealogy of justice as fairness.

Ready explanations for DDC's priority can be found in the historical context of the American political landscape of Rawls's time. Both before and during Rawls's writing process of *A Theory of Justice* and *Political Liberalism*, Christian doctrines gained considerable influence in popular, academic, and political discourse (Conger 2009, 2; Reidy 2010, 314). Rawls highlights that the influence of Christian doctrines in American politics had an impact on his philosophical thought (PL, 485; CP, 616). But his interest was not merely academic and has to be construed through the lens of how doctrinal thought formed Rawls's own life plans. Although his devout parental home and the religious schools he attended did not render the young Rawls a particularly faithful Christian (Gališanka 2019, 17), his interest in religion rose considerably during his undergraduate years. His thesis on the meanings of sin and faith gauged

the hopes for a community of moral equals (Reidy 2010, 329), his faith as well as his academic fervour for the topic made him consider entering the priesthood (Pogge 2007, 11).

The events of World War II, which he witnessed as a soldier in the Pacific, marked a turn in his attitude towards doctrines (Freeman 2007, 3). Interpreting the Holocaust as part of God's plan seemed 'hideous and evil' (Rawls in Pogge 2007, 14) to him, as did the killing of soldiers in His name (Pogge 2007, 13). Subsequently, Rawls renounced his faith (Freeman 2007, 9) and spent the first cycle of justice as fairness on designing a society in which doctrinal intervention—religious or otherwise—was kept to a minimum. His anti-ideological stance was in vogue at the time. Post-war liberal philosophy was stylised as the doctrine of an antitotalitarian 'fighting faith' (Forrester 2019, 5). The young Rawls was a self-proclaimed theorist discouraging authoritarianism, arbitrariness, and irrationality (Forrester 2019, 6). In the years to come, overcoming religious DDC in the aftermath of the wars of religion became liberalism's proto-myth and founding moment against ideology imposing beliefs on others (Forrester 2019, 267).

Nonetheless, Rawls remained faithful to a certain residuum of his spiritual beliefs; *inter alia*, he wanted to retain a 'reasonable faith'—rather than 'justified belief' (Weithman 2009, 115)—in the possibility of community, despite the evils of the world. World War II and the events leading up to it—particularly the downfall of the Weimar Republic—showed Rawls how losing faith in 'a decent liberal parliamentary regime' (PL, lix) rendered a worthwhile existence for everyone impossible (see also CP, 616; Schaub 2020, 183; Weithman 2009, 124). The goal of Rawls's research was not peace *simpliciter*, but peace in the aforementioned 'realistic utopia' among the free and equal. This project of reconciling citizens of modern polities with the shortcomings of their present and immediate past (Schaub 2020, 178) was not only the project of Rawls, the academic, but of Rawls, the former Christian, trying to save *himself* from despair (Reidy 2010, 334, 340). Hence, I argue that Rawls's project must be construed as the attempt

to reconcile his own conflicting doctrinal beliefs, as his attempt to combine his spiritual beliefs with the liberal agenda of his time.

Rawls's goal had two methodological consequences. The first one is the focus on doctrines: for his project to find a world in which everyone can pursue their very own life worth living to succeed, it was clear that controlling the force of doctrines could not amount to their destruction, but only to taming them. The powers of ideology in mind, Rawls moulded all other sources of conflict to the doctrinal picture. Interests, for instance, only find their consideration in the well-ordered society if their bearers can prove them to be of fundamental importance with respect to a worthwhile life. The second consequence was that Rawls needed to keep disagreement between doctrines and their disciples at bay. For this, Rawls alluded to sameness instead of difference, based on a reading of the later Wittgenstein's research on forms of life that was contentious at the time (Gališanka 2019, 13). Subsequently, the Rawlsian political agent was stripped of their individuality: their experience and history, talents and weaknesses, achievements and defeats.

But these allusions to communality comes at the cost of brushing over difference. This, first of all, holds for the complexity of conflict: many modern conflicts revolve primarily around material interests instead of 'big ideas'. Conflict parties care for resources and territory. They fight against ghettoization and gentrification, against exclusion and neglect. These conflicts have *historical* and *material* roots that deeply affect the chances of a life well-spent. These conflicts are a manifestation of their daily lifeworld. Reading all conflicts through the lens of essentials, taking contingent facts as derivative and to be left out of consideration (as in the original position), can make someone blind with respect to the complexity of conflict and the real drivers of injustice (Wolin 1996, 110; Mills 1997, 18).

Further, as I already hinted at in (1.2.2.3.), the line drawn between doctrines, higher-order and lower-order interests is questionable. As argued by Raymond Geuss in the case of

‘material interest’, the concept is ‘accordion-like’ and open to various interpretations (Geuss 2010, 39–40). Who is to say that interest X (my educational and career prospects, my gender identity and sexual orientation, my keto diet, my skydiving hobby, my taste for 19th century stamps, etc.) is not a reasonably vital part of my conception of the good or can heavily influence it? Granted, doctrinal beliefs and values can inform my higher-order interests—why should my material interests not shape my doctrine? When do we actually know when a claim is the expression of a higher-order or mere lower-order interest? And who is to say that my tastes are too ‘unusual’ to be taken into public consideration? It can safely be assumed that unusual tastes still operate within the legal boundaries. Further, unusual tastes are also not pathological, because Rawls deals with temporary illness differently. Then, to add unusual to expensive interests appears like clamour for conformism, like a form of shaming of non-ordinary lifestyles.

What is needed, then, to tackle conflict, is an approach that appreciates the reality of the political world: the complexity and diversity of its structures, processes, and the lived realities co-occurring in it. Instead of pressing the political reality through a normatively motivated bottle neck, it may be more important to find normative solutions to conflict as it is experienced—in all its facets and contradictions. In the next chapter, I will discuss an approach to conflict that claims to be doing just that. In opposition to Rawls’s utopian approach, *Modus Vivendi Theory* does away with ideal theory and remains firmly in the non-ideal of the political. Yet, this is not the last of RCR; I will return to its critique in subsequent chapters.

Chapter 2: *Modus Vivendi* Theory

In the previous chapter, I reiterated Rawlsian Conflict Resolution (RCR) as a paradigmatic example of consensus-based or utopian approaches. As I have argued, RCR has a couple of shortcomings; most centrally, it is incapable of living up to its own ideal standards. The overlapping consensus that is required to resolve conflict in the well-ordered society is inherently unstable once Rawls admits that there would be a reasonable pluralism of political conceptions of justice.

Now, in this chapter, I want to turn to an immanent critique of the other influential family of conflict approaches, i.e., approaches of conflict realism. What lies at the heart of these theories is the objective to keep conflict in check, to prevent it from fully erupting. While one can think of other forms of settlement that contain a conflict (e.g., third-party interference, capitulation, secession/segregation), conflict realism usually revolves around finding compromise as contrasted to utopianism's insistence on consensus. This is no coincidence, given that many realist approaches are more or less direct responses to utopians. Authors such as John Rawls or Jürgen Habermas, such is the attack, are defenders of a 'liberal moralism' (Horton 2010), 'liberal legalism' (Gray 2000), 'high liberalism' (Galston 2010), or 'political moralism' (Williams 2005). These terms are all pejoratives for theories that, according to critics, ignore the circumstances of real-world politics.

Conflict realists make two different claims regarding liberal moralism's theoretical inadequacy (Horton 2010, 433ff.): the *descriptive* critique argues that it distorts political reality by making idealising assumptions (e.g., about the citizenry and their motives); by a disregard for the role of power in politics; and by generally remaining on an abstract level that holds little insight into the intricate workings of real political practice (e.g., Horton 2010; Williams 2005). Horton sums up this critique nicely: 'Generally, [mainstream liberalism's] conception of politics appears etiolated, antiseptic and impossibly high-minded' (2010, 433).

The *normative* critique targets liberalism's highbrow moralism: for instance, John Gray (2000) argues that even if a substantive overlapping consensus on a conception of justice were morally desirable, we could never achieve it, due to the way our commitments inevitably and insurmountably collide.⁶⁰ Therefore, while the descriptive critique focuses on the misrepresentation of politics, the normative critique targets political moralism's inability to provide practical guidance. Conflict realists often adopt both lines of criticism. This is unsurprising, since one might argue that an erroneous understanding of political reality leads to unfeasible prescriptions.

Examples for conflict realism are Avishai Margalit's work on rotten compromise (2010), Judith Shklar's liberalism of fear (1989), or Richard Bellamy's democratic liberalism (1999). My focus in this chapter will rest on what I take to be the most prominent current approach in the family, i.e., *Modus Vivendi Theory* (MVT). Roughly, MVT holds that we should be less ambitious when it comes to conflict: it shifts the focus from achieving justice to establishing and upholding peace and stability. To put it in the words of Bernard Williams, a forefather to MVT, how to bring about and uphold 'order, protection, safety, trust, and the conditions of cooperation' is the first political question, and 'solving it is the condition of solving, indeed posing, any others' (Williams 2005, 3). Prioritising peace in this way, MVT also holds that when in tension with justice, the former should be privileged (e.g., Wendt 2016). As Manon Westphal underlines in the introduction of a recent edited volume on the matter (2019a), MVT is far from being a unified theory; rather, it presents a heterogenous landscape of political theorists with diverging goals and convictions. Yet, while this chapter will mention differences where appropriate, I aim to show how it may be possible to combine elements of the different strands to render MVT into a viable conflict approach.

⁶⁰ Conflict totalisers make a similar point; e.g., see Mouffe (2005).

The chapter will proceed slightly differently from the previous one: first, I will introduce MVT's key characteristics and distinguish it in more detail from RCR (Section 2.1.). Subsequently, I address MVT's conflict taxonomy and point out the need for extending its depth (2.2.). I then discuss MVT's normative assumptions (2.3.) which are grounded in two different approaches: the universal evil approach (2.3.1.) and Horton's acceptance approach (2.3.2.); as I will argue, both can be combined to determine MVT's normative conditions, but I also point to problems (and potential solutions) that MVT needs to address. I close with some concluding remarks regarding the incompleteness of MVT and the emerging need for critical-phenomenological analysis (2.4.).

2.1. What Is a *Modus Vivendi*?

In the seminal *Two Faces of Liberalism* (2000), John Gray investigates the necessary common ground in a world marked by deep conflict and disagreement. He follows Rawls's insistence on shared institutions, but he parts with him at the quality of the agreement: for Rawls, truly mastering conflict requires an overlapping consensus. For Gray, a full resolution of conflict is impossible. Conflict cannot be resolved, only kept at bay (Gray 2000, 122). In short, institutions are needed that enable citizens to share a mode of living, i.e., a *modus vivendi* (MV), 'in which many forms of life can coexist' (Gray 2000, 5–6; 121). A MV is an agreement on the norms coordinating future interactions between groups with opposing convictions.

Here, one sees another parallel to RCR: the overlapping consensus on the basic structure or the agreement on a MV master the higher-order conflict on the general framework of a society, community, or group, *and*, in turn, yield norms by which to navigate lower-order conflicts that occur in the midst of this collective (Horton 2019, 133–4). Once the higher-order conflict is moved out of the way, new conflicts may arise (or old conflicts may re-emerge) and a MV

will give guidelines how to deal with them. As noted by Wendt, these guidelines themselves are then ‘procedures for conflict resolution or at least for conflict management and containment’ (Wendt 2019, 41–2).⁶¹ One can think of the judicial system and its legal procedures of due process; the political system and its principles of law-making and government; or the executive system, such as the police, and its directives in cases of violent conflict, crime, and so on.

If MVT may include procedures for consensus-oriented conflict resolution, what distinguishes it from conflict utopianism and makes it a realist approach? On the other end of the spectrum, one might ask what distinguishes a MV from dictatorial rule, provided that a totalitarian regime also includes procedures of containment? Apart from the fact that CR involves consensus and MVT a compromise, the response to the first question lies in the mode in which the overarching conflict is settled: instead of public deliberation, MV processes rather resemble bargaining and negotiation (Horton 2006, 163).⁶² Hence, the process is more adversarial and not (necessarily) driven by a shared pursuit for truth or rightness.

Further, the motivational structure of the agreeing parties is different to the one involved in establishing the overlapping consensus. While for Rawls, an overlapping consensus is reached for the ‘right’—i.e., moral—reasons potentially shared by all (reasonable) citizens (PL, xli, 47), MV citizens can agree for a number of reasons of which moral ones are only one option (Horton 2010, 439; Rossi 2010, 26–7). At least with respect to the motivational structure of MV, then, MVT is morally agnostic (see also 2.3.).

The response to the second problem is that one can barely speak of a dictatorial regime being the result of a higher-order agreement between conflicting parties. Horton writes that to be a MV the institutional framework needs to be *acceptable* to its citizens and their acceptance must not come about through coercion (2010, 439; 2021, 55). Otherwise, one party *dominates*

⁶¹ However, most MV theorists would be sceptical that conflict resolution—i.e., processes geared towards consensus—is feasible.

⁶² Although, as I show below, even less cooperative forms of interaction towards MV are thinkable (see 2.4.).

the other. But the relation between MV and domination is more sophisticated than it initially appears. I will come back to this point further below (2.3.2.).

Which institutions exactly MV theorists have in mind, varies: for instance, McCabe's and Horton's interest lies mainly in the fundamental institutions guiding public life, i.e., what Rawls calls the 'basic structure' of a society (McCabe 2010, 6; Horton 2010, 438; 2019, 134). While this interpretation seems to consider *formal* institutions only, Wendt (2019, 45) extends the notion and suggests that *informal* social norms could (also) be constitutive of a MV. Horton is sympathetic to such a reading of MV, arguing that it is a more general solution to conflict in many social contexts, though he does not consider all of them political (Horton 2019, 134). This seems to suggest a conception of the political fixed on 'classic' or 'typical' domains, such as constitution and legislation, parliaments and party conventions. But one could argue, *pace* Horton, that the applicability of MV to other contexts does not imply the 'apoliticalness' of these *loci*; rather, it attests more broadly to the political nature of the shared world. Understood in this way, one can assign MVT a broader scope than some proponents envision: any collective that needs to settle their affairs in relationships riddled with conflict could adopt a MV strategy.

What all MVT approaches share, however, is the conviction that context matters: instead of dictating the particular shape of institutions—something MVT accuses high liberalism of—this shape is dependent on the respective socio-historical circumstances of a political culture. Thus, MVT is a contextualist normative political theory. I turn to this feature of MVT in more detail further below (see especially 2.3.2.2.)

It may not come as a surprise that utopian critics doubt whether MVT offers a viable conflict approach at all: going back to its agnostic stance with respect to citizens' reasons to agree to a MV, the classic line of attack to such an approach is formulated by Rawls: since MV constitutes the focus of an amoral agreement between interest groups, it is inherently unstable.

The moment the power relations between camps shift, the balance of interests dissolves, and the dominant party will seize the opportunity to overthrow their opponent (PL, 147).

This argument has been dismissed by proponents of MVT, not least because its agnostic stance does not imply that *no* party to a MV is moved by moral reasons—nor that, technically, there could never be agreement on purely moral grounds (even if this would be a rare occasion). Additionally, MVT counters that Rawls’s conception of stability is itself overdemanding and unfeasible. In fact, it holds that Rawls’s idea of an overlapping consensus is unstable beyond repair: given deep disagreement, a political-moral consensus on a social order is not to be expected. (Indeed, this is what I aimed to show in the previous chapter.) Further, Horton argues that demands for consensus-oriented deliberation may in fact render conflicts even more intractable: ‘In some cases, *contra* Rawls, the messy political compromise of a *modus vivendi* may generate greater acceptance than arises from the kind of principled political deliberation required by public reason’ (Horton 2003, 20, original emphasis).⁶³

Third, while MVT acknowledges that a MV may be unstable, albeit less so than an overlapping consensus, it holds that this is part of its nature as a political accomplishment. It is an arrangement that is ‘cobbled together’, as Hampshire puts it, i.e., it is a product of engagement with conflicts, on-going and past (Hampshire 2000, 33). Due to the dynamic shifts of public opinion, distribution of power, and external circumstances, ‘a MV is always an ongoing achievement’ that needs to ‘be continuously reaffirmed in practice, its legitimacy effectively reasserted’ (Horton 2010, 440). In times of crises, the conflict strategies employed by a MV may be able to accommodate opposite needs or claims; but once at least one party to the agreement retracts their consent, new negotiations or coercion will become necessary (Horton 2010, 441). This leads to an important feature of MV: the compromise that sets it in motion is always only temporary (Ceva 2016, 36).

⁶³ See also conflict totaliser Mouffe for a similar claim (2005, 4–5).

2.2. The Conflict Taxonomy of *Modus Vivendi*

After this rough sketch of MVT's core features, I want to shed more light on the kinds of conflict MVT is interested in. Gray's early exhibition of MV is still deeply entrenched in the political-moral debates of post-Rawlsian political philosophy. Hence, the focus of his *Two Faces* rests on conflicts over (moral) values, which, following his commitment to value-pluralism, he deems insurmountable.

Hampshire's *Justice is Conflict*, although it acknowledges, for instance, the existence of conflict of (economic) interests (2000, 79) and discusses how political and moral responsibilities may collide (73–4) has a similar focus on moral conflict. It is with John Horton that the scope of MV is more openly expanded to other types, criticising Gray's approach for its 'surprisingly little attention given' to *conflicts of interest* (Horton 2006, 161, my emphasis; for the distinction, see also Wendt 2016, 14–5). Other than that, MVT remains conspicuously silent on its notion and taxonomy of conflict. For a theory so adamant in underlining the importance of this phenomenon in politics, this is surely a surprise.⁶⁴

Additionally, MVT's two-fold taxonomy—interests and values—is not without problems: if it is MVT's goal to provide a more realistic perspective on politics, then one must consider this division too simplistic to accurately describe the reality of conflict. To the contrary, is it not the case that any given political conflict displays myriad dimensions of motivations and reasons? For instance, even such a 'mundane' matter as tax law is not solely about

⁶⁴ Richard Bellamy—whose compromise-oriented 'democratic liberalism' bears many similarities with MVT—delivers the most detailed discussion of a taxonomy of conflict, distinguishing between conflicts of *interest*, of *values*, and of *identities*, with different strategies necessary for each of them (1999, 103, 106, 124). It is also Bellamy who allows at least for a lateral glimpse at his definition of conflict as an incompatibility of goals (4). While Bellamy adds a third type of conflict, it is unclear how MV theorists regard his taxonomy—see, for instance, Horton's worry that Bellamy's approach might find itself still entangled in liberal moralism's idealising methodology (Horton 2010, 448, fn. 27). Further, even with three instead of two types, my critique in this section still applies.

the economic interests of certain groups—some or even many citizens will have moral stakes (e.g., considerations of justice) in that debate. Or think of trade agreements such as CETA and TTIP where not only economic interests collided with one another, but also with concerns of transparency, sustainability, sovereignty, animal welfare, and so on. Purely economic conflicts, say, between a buyer and a seller on a commodity, are either politically irrelevant or, if they are not, they will most likely also display considerations about values. Granted, this taxonomical dimension may be helpful in the sense of providing some ideal concepts with which to make initial sense of a given conflict situation. Nonetheless, a more nuanced taxonomy that is, for instance, sensitive to the configuration of these ideal concepts would be helpful and in keeping with MVT's contextualist stance (see 2.3.2.2.).⁶⁵

What about other typological dimensions, e.g., the *locus* of different conflicts? Hampshire makes a quick suggestion in this direction: the shape different institutions take depends on the conflict domain they are designed to apply to: 'Fairness in advocacy is different from fairness in adjudication: fairness in parliament and in party politics is different from fairness in a law court and in an arbitration' (2000, 54–5). But these are no more than hints, leaving the rest to be guessed. Arguably, Hampshire's silence on this matter is due to his insistence that the definite shape of institutions is something left to the progress of history and cultural custom. Yet, Hampshire's attitude towards context does not render a more detailed investigation into types of *loci* superfluous. If a conflict event unfolds differently in parliament than at a rally or, in the worst case, on the battlefield, and if these differences have implications for the feasibility of rival conflict strategies, it is important to expand on Hampshire's initial considerations. This

⁶⁵ Horton admits that conflicts of value and of interest 'are often intertwined in various and complex ways', but he resists the conclusion that one is reducible to the other (Horton 2006, 161). This claim, however, reveals an equally suspect notion of conflict, in which it is not people, but values that collide with values and interests that collide with interests. A similar definition is defended by Ceva (2016, 21). Understood this way, a value and an interest could not properly collide. Such an understanding of conflict relegates political agents to a secondary position, in that they are only relevant if they are the carriers of opposing practical reasons, and those practical reasons have to be of the same kind (value vs. value, interest vs. interest). This definition, based on the ontological status of interest and value, is a non-starter for a self-declared realistic theory on conflict. I continue this discussion in Chapter 5.

is only one example of a dimension of conflict that may be vital for a valid typology of conflict. What I mean to show here is that MVT's taxonomy lacks depth; the variable value/interest is not enough to reach a better understanding of the phenomenon at the centre of this approach.

Another critique on MVT's underdeveloped taxonomy comes from Freedon (2019). MVT's focus on conflict unduly generalises the forms of dissonance between persons and groups and paints a picture of politics leaning towards the extreme. 'Conflict is a strong word', he writes, and there are 'milder, related phenomena' such as 'disagreement, vocal or tacit dissent, disengagement, and passive resistance' (Freedon 2019, 211). And while a MV may be needed for particularly intractable forms of conflict, other types of discord do not require this far-reaching accord (Freedon 2019, 219). Therefore, Freedon argues that instead of a more fine-grained typology of conflict, what is needed is a more accurate typology of all different sorts of opposition or incompatibility of which conflict itself is but only one type. Further, MV then only applies to this kind of opposition.

Yet, it seems this line of critique is not really damaging to MVT. First, note Freedon's idiosyncratic definition of MV according to which it is an arrangement that seeks to establish a 'lack of contact between different parties' to effectively bring about peace (2019, 216). In this way, MV is to be distinguished from a real compromise where conflicting parties elaborate, through negotiations, a common ground (216). This conception of MV more resembles a strategy of segregation or consociationalism and while these *might* be considered forms of MV, they are certainly not its exclusive interpretation. One can also think of a MV as being exactly such a result of a bargaining process that Freedon wants to reserve to a narrow understanding of compromise.

Further, it is unclear to me what the benefits of Freedon's semantic distinction of conflict from other forms of dissonance are for the debate. For instance, politically speaking, insofar as vocal dissent in political debate is grounded in an incompatibility of action plans of different

political camps, why should one not also call it a conflict? Hence, far from being able to neatly distinguish conflict from other forms of opposition, one is still left with various different cases of conflict that need to be typologically distinguished. The task therefore remains the same, i.e., providing a more nuanced taxonomy that is sensitive to the diversity of conflict along several dimensions.

And, finally, even if one bought into Freedén's semantic argument, MVT could be happy to acknowledge the different levels at which discordance may arise and the practical implications this leads to if MV is mainly understood as an agreement on the *broad* framework of social life. MVT is about security, peace, and stability. *Pace* Freedén (2019, 215), MVT may not need to claim that MV is the universal solution to every conflict (Horton 2019, 136); in its most modest reading, it only needs to end those that would lead otherwise to chaos and turmoil; but its agnosticism—or better: contextualism—on the definite shape of these norms allows for different degrees of rigidity and completeness on the lower level. It may even be happy to leave unaddressed some especially minor conflicts. In this reading, as long as order is established and upheld, the job of MVT is done.

Freedén's argument misses the point, but only by a small margin. For apart from semantics and a misreading of MV as a universal solution to any conflict, a more important question is this: can MVT deal with all *relevant* conflicts; or, in other words, which conflicts MVT believes it must address in order to be a viable conflict approach? Related to this, it is worth remembering that the problem of taxonomy is not resolved: while MVT may remain content to address only potentially destabilising conflicts, it still needs to provide a more detailed typology that can effectively distinguish between these and more benign clashes. A simple distinction between value and interest will not get us very far. In the following, I aim to flesh out these features of MVT by interrogating its own standards: what are the normative presuppositions of MV, i.e., what conflicts do MV authors think their theory has to tackle and in what way?

Addressing these questions, I will also point to some pressing internal problems that MVT needs to resolve.

2.3. The Normativity of *Modus Vivendi* Theory

In an important emancipatory move from high liberalism in general and RCR in particular, MVT does not identify the motivational dimension with the normative dimension in navigating conflict. Put differently, the question why citizens agree to a MV is uncoupled from the normative question of what renders a MV (objectively) valuable.

To recap, Rawls's well-ordered society is a legitimate regime, only because its exercise of power is acceptable to its reasonable citizens; however, it is acceptable to them because they are motivated by the same moral reasons that inform the well-ordered society, i.e., the conceptions of the person as free and equal and of society as a system of fair cooperation. Hence, the motivational structure of Rawls's reasonable citizens is designed in accordance with his concerns for justice and legitimacy (PL, xlv, 50, 134, 446–7). The motivational dimension collapses into the normative (in this case, political-moral) dimension.

MVT regards these to be unfeasible expectations to be directed at actual citizens. Yet, the motivational dimension ('what are their reasons for the parties to agree?') is not completely devoid of normative content: virtually all proponents of MVT assume that the reason for a citizen to establish and uphold a MV lies in their valuing peace, stability, and security (e.g., Horton 2006, 162; 2010, 438; McCabe 2010, 133, 142–3; Wendt 2016, 86). The crucial characteristic of this part of MVT is that it acknowledges that the grounds for a citizen's interest in peace in general and in its particular form as instantiated by a particular MV are *agent-relative*: for Hampshire (2000) and Gray (2000), the reasons for entering a MV are dependent on the respective (moral) values a person holds. Horton's stance is even more agnostic (Horton 2010,

439): a person may agree to the MV for moral reasons; for pragmatic reasons; for intellectual, cultural, selfish, economic, maybe even aesthetic reasons. Further, there is no guarantee that *every* citizen will value peace or will value peace to the extent that they agree to a MV (Gray 2000, 20; Wendt 2016, 87)—I discuss later how this might change the scope of MVT (2.3.2.2.).

Hence, MV theorists argue for leaving the motives of citizens as they are and inquire if it is still possible to achieve an objectively valuable political order. The guiding values of MVT are peace, stability, and order—they hold a special place in MVT (Gray 2000, 33; Horton 2010, 438; McCabe 2010, 133; Wendt 2016, 85; Westphal 2019a, 3). But instantiating these values alone are insufficient for an arrangement to qualify as MV; additionally, a candidate regime should be *legitimate* (Westphal 2019a, 11)⁶⁶ and there are different approaches that define normative criteria for legitimacy. These criteria also give a more definite shape to MVT's conflict typology.

When it comes to the question of legitimacy, the looming danger for MVT is to come too close to either the Scylla of sliding back into political moralism or to the Charybdis of normative bankruptcy. On the one hand, a proponent of MVT must make sure that their conception of legitimacy does not put overdemanding constraints on regimes so that a MV remains just as much a utopia as, for instance, Rawls's well-ordered society. Also, if the motivational dimension of citizens should matter to MVT, it is not helpful to answer the normative question in a way so that one tacitly presumes a moralistic motivational make-up in citizens. On the other hand, the theorist must make sure that not too many regimes clear the bar; surely, a regime that systematically oppresses and terrorises its citizenry cannot be deemed legitimate and, *ipso facto*, a MV.

The most prominent approaches to legitimacy in MVT are the universal-evil and the acceptance approach. As argued by Westphal (2019b), these can be combined to give a more

⁶⁶ An exception is Hampshire (2000) whose theory remains in the discourse on justice. However, I argue it is possible to map his argument onto the legitimacy discourse without decisive changes.

detailed catalogue of criteria that *any* institutional arrangement needs to satisfy in order to count as MV. I will now discuss both approaches and their import for MVT as a conflict approach in sequence. Before I begin, I should note that the conceptions of MVT at play here predominantly consider MV as a regime pertaining to a state. Hence, MVT as a more general framework for conflict is a secondary concern. Where appropriate, I will discuss how this angle might create problems for a reading of MVT as a more extensive approach to conflict.

2.3.1. Universal Evils

John Gray and Stuart Hampshire can be considered paradigmatic proponents of the *universal evil approach* (UEA). Both authors bring forth an argument about a kind of experience universal across cultures, creeds, and convictions that sets a *minimal* (McCabe 2010, 138; Sleat 2013, 99ff.) or *substantial limit* (Westphal 2019b, 260) to the legitimacy of an arrangement: these are experiences of *universal* or *great evils*. Avoidance or at least balancing of them—and, in the case of Gray’s conception MVT, balancing these additionally with universal, but nonetheless conflicting, goods (Gray 2000, 135)—gives a MV its legitimacy.

1.1.1. Value-Pluralism and Universal Evils

Gray and Hampshire, the former more explicitly than the latter, ground their view of the great evils and their universal status on a version of value-pluralism. This metaethical theory holds that there is a range of objective, yet incommensurable and incompatible, values according to which people can structure their way of life and that enable some form of human flourishing (Gray 2000, 6).

Due to their incommensurability, citizens and social groups may rank those objective values differently or they may have different and conflicting interpretations of them. Further,

any conception of the good life is made up of particular values that might stand in direct opposition to those of other conceptions (Gray 2000, 7–8, 35–9).⁶⁷ The result then is that there is no single conception of the good life that will find the approval of everyone. Consensus-based approaches to conflict, e.g., RCR, that see the potential for convergence and identity of values, infuse the motivational make-up of conflicting citizens with their moral expectations. Citizens are driven by their respective values and those clash as a matter of necessity. Yet, this necessity is historical; one can imagine that there will be a (radically conformist) world without value-pluralism. But as long as human nature is the way it currently is, the fact of value-pluralism remains (Gray 2000, 35).

In *Justice is Conflict*, Hampshire defends a similar view of value-pluralism, but adds an antagonistic dimension: not only do moral ideals diverge, ‘most influential conceptions of the good’ are formed discursively *as the counterpart* of an adversary’s convictions. Or, to sum it up in Nietzschean fashion: ‘all determination is negation’ (2000, 34).⁶⁸ Further, drawing on Spinozian metaphysics, Hampshire argues that persons and groups hold an interest in preserving their particular form of life, resisting ‘the invasion and dominance’ of other conceptions of the good (2000, 38).

This reinforces the claim to value-pluralism. There is not only the existence of conflicting and incommensurable values; agents form these values in opposition to one another and deem their fight against their opponent as a fight for survival of one’s own way of life. Hence, Hampshire underlines the felt urgency with which agents engage in conflict: a conflict involving values is not merely a single instance; in a way, whole worlds are at stake.

⁶⁷ Note that Gray does not clearly distinguish between incommensurability—i.e., the impossibility to rank values or goods according to the same metric—and non- or incomparability—i.e., the impossibility to compare values or goods *tout court*. McCabe shows how incommensurability does not always guarantee incomparability (2010, 18). Hence, incomparability is an even stronger claim than incommensurability.

⁶⁸ Conflict totalisers work with similar assumptions. See for instance Mouffe’s neo-Gramscian account (2005, 15ff.).

Both authors come to the conclusion that citizens cannot reach consensus on a political order. Hence, consensus can also not be a condition for legitimacy. Instead, they shift to the universal evils to justify regimes. Universal or great evils are, roughly, events and social states of affairs that thwart or even render impossible any kind of worthwhile life (Gray 2000, 9, 66). Amongst those evils are tyrannies, war, genocide, torture, death and mutilation in war, persecution, imprisonment, humiliation, poverty, starvation, separation from loved ones or compatriots, sickness and disease (Gray 2000, 66; Hampshire 2000, x-ii, 43).⁶⁹

A legitimate regime protects its citizens from these evils ‘at all costs’— ‘or almost all costs’ (Hampshire 2000, 43), as Hampshire quickly qualifies, for both he and Gray are aware that their value-pluralism works in both directions. Just as much as incommensurability does not allow for one master value, there can be no master evil. Any ranking of evils is dependent on conceptions of the good (Gray 2000, 66–7; Hampshire 2000, 68), and thus there is no uniquely optimal MV. There will always be painful and tragic concessions.

Where do the great evils derive their universal status from? Gray and Hampshire argue that experience is the final court in this matter. Universal evils are, Hampshire writes, ‘felt as evils directly and without recourse to the norms of any particular way of life or to any specific set of moral ideals’ (2000, xii). Hence, Hampshire argues that *anyone* who experiences them will know them to be evil. Similarly, Gray states that universal evils are generically human evils as ‘the experiences to which these evils give rise are much the same for all human beings, whatever their ethical beliefs may be. The constancy with which these experiences are found, across remote cultures and distant epochs, reflects a constancy in human nature, not an agreement in opinions’ (Gray 2000, 66).

⁶⁹ It is here where MVT has its closest ties with Shklar’s liberalism of fear, with the important difference that the latter does not submit to value-pluralism as Hampshire and Gray do, and Shklar’s approach focusing exclusively on the evils inflicted by the state and its agents (Shklar 1989, 27–9).

Yet, Gray specifies this epistemological story by adding a metaphysical component: while one comes to know the universal evils through experience, their status stems from their relation to *generic human needs*. Humans, wherever they come from and whatever they value, have a stock of generic needs that need to be satisfied in order to thrive. Gray is not specific what these are, but the list of evils connected to them give a hint; for instance, bodily and psychological integrity, meaningful social relationships, sufficient housing and alimentation, etc., should appear on the list. ‘Whenever the thwarting of a generically human need renders a worthwhile life unattainable, there is a universal evil’ (Gray 2000, 66; see also 9).

Importantly, universal evils do not gain their normative purport from consensus (Gray 2000, 66). Though a MV will need *some* level of acceptance from its citizenry—after all, a regime would be tyrannic and would risk being illegitimate—this acceptance does not require an agreement between citizens for why the MV in question is (normatively) acceptable—i.e., which evils exactly it shelters them from. The motivational and the normative dimension are (supposed to be) detached in MVT.

1.1.2. Critique of Universal Evils

UEA is not left uncontested. Three challenges seem particularly pressing: (1) there is no sound epistemological procedure to collectively identify and agree on universal evils (e.g., Sleet 2013, 101); (2) UEA defines the limit from outside politics and thereby distorts political reality (e.g., Horton 2017, 495); (3) the list of universal evils could be too extensive and thereby re-introduce moralism.

Challenge (1) seems potentially damaging, as although the motivational and normative question are detached in MVT, correctly identifying universal evils and agreeing on them is relevant for legitimacy. Without them, political theorists do not have the means to distinguish legitimate from illegitimate regimes. Politically more relevant, even if citizens can agree to a

MV for whichever reasons, they must be given a mechanism by which to gauge legitimacy, for otherwise they do not possess the resources necessary to determine when to rebel against an illegitimate, e.g., totalitarian, state. Denying this claim would render political theory oddly sterile: a legitimacy that is only relevant to be determined from the armchair is uninteresting at best, or signals a worrying lack of integrity at worst.

At first sight, (2) and (3) seem to be the same challenge, but this is not necessarily the case. In both cases, the argument is that UEA brings something from outside political discourse and practice (e.g., Horton 2017, 495). This is potentially damaging for MVT, since the theory holds that, contrary to political moralism, it does not distort the reality of politics and that it abstains from directing possibly overdemanding normativistic/moralistic demands at political agents. Here the difference between (2) and (3) comes into play: (2) is an absolute and descriptive claim about the unjustified re-introduction of non-political elements into politics. If politics is *really* about generic human needs, it seems biology, sociology, and anthropology, among others, infiltrate the domain of the political. (3) is a scalar and normative objection: *some* universal evils (war, genocide, torture) may legitimately define the minimum level of decency a regime has to reach, but UEA could turn into a moralistic conception that declares too many evils universal. This would bring UEA and MVT dangerously close to the aforementioned Scylla: the more evils enter the picture, the more of them need to be balanced to achieve legitimacy, which could threaten the capacity for any agreement to count as MV.⁷⁰

I believe that all three claims (1–3) carry some risk for UEA. Take challenge (1): it is unclear if there can be such universal and wide agreement on great evils. This point crystallises well in Hampshire's defence of poverty as a great evil (Hampshire 2000, x, xii), 'a great and unnecessary evil and a substantial injustice' (36). However, Hampshire recognises that evils

⁷⁰ Another difference between (2) and (3) may be that, while many authors deem the UEA an account of minimal moralism (Horton 2017; McCabe 2010; Sleat 2013; Wendt 2016), Hampshire and Gray emphatically reject this notion. Hence, the two authors would argue that even if (2) formulated a valid argument, (3) would not hold.

may be masked by theory (Hampshire 2000, xii), so that *even if* a citizen were confronted with a great evil, there is a probability that they will misrecognise it. Further, those who do not live in poverty may not have enough imagination to put themselves in the shoes of those who do, or they may be unsympathetic to their suffering (80). Additionally, an (erroneous) theory that considers poverty a natural tragedy, not man-made error, will lead to further disagreement on the question if an evil should be considered grave enough to merit political action (81). Therefore, Hampshire acknowledges the depth of disagreement on poverty and expects ‘a continuing political fight with those whose conception of the good and whose idea of fairness is an incompatible one’ (36). Regarding (2) and (3), UEA would need to show that human needs do not lead to a form of political biologism *and* provide an intelligible and non-moralistic list of universal evils that a regime can feasibly balance—the latter then links back to challenge (1).

More work would need to be done to fully refute (1–3). But to dodge at least the full force of these challenges, UEA needs to shift the focus somewhat and offer a reading of universal evils that traces them back to the very first question of politics that MVT is designed to address: i.e., finding a stable solution to the chaos that lurks at the border of ordered life. This, as noted by Williams, is the first necessary condition for the legitimacy of any regime (Williams 2005, 3). If he is correct to assume, as I have quoted at the beginning of the chapter, that without answering the question about political order, no others can even be posed, then this could provide the *political* basis for *some* evils as universal. (Indeed, one would have to attest to the constitutive function of these evils to politics, as without these evils, there would be no need for political practice in the first place.) *What exactly* renders universal evils universal or evil can be left a matter of debate. *That* the unrestricted presence of war, genocide, or persecution constitutes the negative image of peace, order, and security, should be enough to render them a prime concern for a conflict approach.

One needs not subscribe to a value-pluralist theory—that, e.g., Horton (2006; 2021) rejects—to come to this conclusion; nor need one make the claim that these must be averted at all costs, as Horton (2017) insinuates in opposition to UEA with the example of torture. (In fact, it is precisely Hampshire and Gray’s value-pluralism that protects them from making such a claim.) Indeed, *how* to balance universal evils is again a question for political practice—UEA only demands *that* they are balanced. A modest list of universal evils and the demand that there is an intelligible order that balances them could provide the red line *for any society*.

Other, less obvious candidates for universal evils such as poverty, may be more context-sensitive and depend on political debate in a particular political culture to be revealed as such. Gray paves the way for such an argument with his example of privacy (2000, 114): once privacy had become a vital interest for citizens of (most) modern societies, its protection also became a central concern of legitimacy. In a society oriented towards economic growth, the private enjoyment of goods, and the satisfaction of material needs, protection from poverty might have taken up just such a role. The violation of this local interest then presents a *local* evil, which according to Gray might even outweigh some universal evils (2000, 67). Whether this is the case needs to be determined discursively and depends on the context (see below).

What does this mean for MVT as a conflict approach? It means that MVT’s substantial criterion of the universal evils formulates a threshold for the intensity of conflicts that is permissible without institutional interference. High-intensity conflicts that involve the affliction of universal evils need to be addressed with conflict procedures. It also has implications for the shape of these procedures themselves: for instance, if a regime is only capable of fending off a conflict by waging war against parts of its citizenry, and if this cannot be reasonably justified by way of protecting the state from another universal evil (e.g., because this group is a militaristic faction threatening public life), the regime fails to fulfil its own purpose and loses its legitimacy. It should also be noted that although universal evils can in principle conflict, the

most gruesome of them often also accompany one another. Hence, trade-offs between core universal evils might occur less often than initially feared.

The universal evil criterion is, admittedly, quite thin. In fact, this is the point of MVT—to allow for more leeway in determining what constitutes a legitimate order and what is an appropriate way to navigate conflict. For more exacting standards, another component is necessary.

2.3.2. Acceptance

The acceptance approach (AA) is introduced by John Horton. His position, as has been noted by others (McCabe 2019, 155; Sleat 2019, 198), is indebted to and a continuation of Bernard Williams's approach to legitimacy. To properly understand Horton's approach, then, I will briefly introduce Williams's notion of legitimacy.

2.3.2.1. *Williams*

As already mentioned above, Williams identifies the question for order and peace as the first of politics. If no other political question can be asked without it, it follows that securing 'order, protection, safety, trust, and the conditions of cooperation' (Williams 2005, 3) is the first necessary condition for legitimacy. (This corresponds to the reading of UEA that I offered above.)

Yet, more is needed for a political regime to be legitimate. A state further needs to provide a solution to the first question that is *acceptable* to those who are supposed to obey the laws and institutions. This is what Williams calls the *basic legitimation demand* or 'BLD'. BLD therefore amounts to justification: *each* citizen needs to be given *acceptable* grounds for the

distribution of power in the state (Williams 2005, 4),⁷¹ which does not amount to BLD's implying that each citizen must *accept* these grounds (Williams 2005, 135–6). Finally, a citizen may not be pressured into acceptance by sheer force. In other words, justifying the *right* to coercion via the *use* of coercion is self-defeating. This is the *critical theory principle* (CTP). This implies that a group who is not given acceptable reasons for obedience, is systematically disadvantaged and unprotected, and coerced into obedience by use of force is not bound by the institutions of the state since '[t]hey are no better off than enemies of the state' (Williams 2005, 5).

Hence, a (modern) regime is legitimate if (a) it provides a solution to the dangers of anarchy (universal evils), (b) does so in a way that is acceptable to each of its citizen, and (c) no citizen is coerced into giving their consent to the regime. Beyond this, what legitimacy means for a particular regime depends on the historical and cultural background on which a regime unfolds (Williams 2005, 10ff.); in order to be a legitimate order, the grounds for its authority need to make sense to its subjects with their respective background convictions.

2.3.2.2. *Horton*

Horton carries on the work of Williams. His approach is emphatically realist; as mentioned in the introduction to this chapter, conflict realism formulates a descriptive and a normative critique against Rawls et al.: on the one hand, they misrepresent politics by offering abstract descriptions of political processes that do not resemble real-world politics; on the other hand, their high-minded prescriptions lack feasibility and applicability in an imperfect world.

⁷¹ 'The claim is that we can get from the BLD a 'constraint of roughly equal acceptability (*acceptability to each subject*); and that the BLD does not represent morality prior to politics. *But we get beyond this* to any distinctively liberal interpretation only given further assumptions about what counts as legitimation. It will be seen that these further conditions contain rejections of some things that certainly have been accepted as legitimations in the past' (Williams 2005, 8, my emphasis).

Horton's emphasis rests on the descriptive critique. Accordingly, his interest in MVT as an alternative political theory lies mainly in its descriptive or *interpretative* (Freeden 2019) advantages:

It is . . . not too hard to understand what is meant by a realistic political theory if one thinks in terms of reforming or revising liberal moralism; of trying to bring it a bit closer to politics *as it is experienced and practised*. (Horton 2010, 445, my emphasis)

Horton expands on Williams's realism, whose formulation of BLD he deems to fall into the trap of unduly moralising politics (Horton 2010, 446). Nonetheless, Horton is aware that no theory is purely descriptive and that even an interpretative MVT must formulate *some* minimally normative criteria for diagnosing the presence of a MV; after all, the notion of legitimacy is normative (Horton 2010, 444).

Generally, Horton agrees with Williams's BLD, CTP, and contextualism: the core values of MV remain peace and stability; similar to Gray, he highlights the importance of avoiding the 'evils that render practically impossible any worthwhile life' (Horton 2010, 438; see also 2019, 136). Further, what a particular MV involves in content is sensitive to the particular culture it is founded in; there is no way to prescribe this definite shape from the armchair (Horton 2019, 135–6, 142–3).

In his newest take on MV, Horton takes political legitimacy and MV to build on one another (Horton 2019, 143–5): beliefs about what constitutes political legitimacy informs a broad discursive agreement that a MV obtains. Reciprocally, what counts as political legitimacy will depend on previous settlements—i.e., MV—between conflicting parties, because it is in these settlements and their continuous upholding and approval that the conditions for legitimacy are debated and agreed upon. This grounds an accepted ongoing discourse among citizens that

determines ‘how politics should be conducted, notwithstanding serious and sharp disagreements about many important substantive issues, which is constitutive of a genuine MV’ (Horton 2019, 145).

Horton also agrees that in order to be a MV, a regime needs to find acceptance among its subjects (BLD) and that this acceptance may not be brought about through coercion (CTP): ‘”Do this or we will intentionally act so as to destroy or seriously harm you”’ is not a reason that can be offered in good faith to motivate a genuine MV as opposed to eliciting mere submission to a superior power’ (Horton 2019, 135; see also 2010, 439).

Horton also follows Williams to reject a weak consensus view of MV: ‘I . . . suggest [that] realists would do better to concede that there is no holy grail that can ensure that *everyone* within a political community must *always* recognise the legitimacy of its basic political institutions and practices’ (Horton 2019, 145, original emphasis; see also 2010, 443).

Horton thereby meets a challenge that Sleat has directed at other approaches to MVT, i.e., that these require a consensus on the conditions of legitimacy and on the superior value of peace and stability across all citizens (Sleat 2013, 101, 105). For Horton, it is completely fine that some citizens will not value peace or will consider the regime that imposes rules on them illegitimate. It suffices that a considerable number of people are agreeing to the MV, each of them on their respective (moral, selfish, religious, or any other) grounds.

But what does dissent imply for the scope of legitimacy? Does dissent from some imply that they do not have an obligation to obey the regime’s rules? In an earlier paper, Horton seems to be undecided on this issue, although the inclination he opts for in a recent paper already shines through here (2010, 443–4). This interpretation agrees with Sleat (2013, 113–4, 123–9): even a MV will display elements of domination, and dissenters may not be bound by the agreement exercising power over them (Horton 2019, 146).

While Horton and Sleat may be right that even a superficial form of unanimity is not to be expected in big polities and with respect to a MV on the basic structure of society, giving up on it certainly has more damaging consequences for MVT as a more general approach to conflict; if, as argued above, arrangements on lower levels—e.g., an informal arrangement between social groups, not necessarily all citizens of a state—can be described as MV, then unanimity becomes more relevant with a decreasing number of subjects to the agreement. Hence, with respect to the degree of acceptance, scope matters. (Of course, *any* MV satisfies by definition the substantial limit of universal evils.)

Cases of clear and vocal dissent aside, it remains open what acceptance entails: does a citizen need to give their explicit consent to a regime for it to hold legitimate power over them? Does the envisioned majority need to cast a vote for the institutional arrangement to be legitimate? Sleat is quick to underline that in this reading, no regime in history could be considered a MV; further, no regime in the future could reach this unfeasible demand (2019, 190–1). Additionally, Fossen (2019, 121) argues that assuming that consent is given *hypothetically* is not open to a realist interpretation of politics, as this would bring MVT dangerously close to the idealisations of social contract theory (and Rawlsian utopianism) that it aims to avoid.

Horton chooses a third path. His conception of consent/dissent comprises two conditions that both need to be met in order to speak of effective dissent. The first is *subjective*: does an individual regard themselves as a party to the prevailing mode of (peaceful) co-existence prevailing in their society and as rightfully subjected to the prevailing laws and institutions (Horton 2019, 139–40)?

The second condition is *objective or behavioural*: this one investigates if from the behaviour of a given person it can be inferred that they subscribe to or oppose a given regime that exerts power over them. ‘Do they, in fact, give every appearance of accepting the authority of the political institutions and practices through which the MV is given expression?’ (Horton

2019, 140) If a person takes part in the political process; if they make use of certain benefits the system bestows upon them; if they appeal to the judicial system, then these actions can be taken as evidence that this person in fact approves of the societal order. In this way, the MV even includes many citizens ‘who may nonetheless *claim* not to be party to it’ (Horton 2019, 139, original emphasis). Therefore, in order to be considered a dissenter, a person needs to (subjectively) consider themselves as not bound by the current regime and (objectively) act to display their dissent.

What Horton essentially does, then, is to collapse the normative and the motivational question again; other than Rawls, however, it is not the motivational question that collapses into the normative one, but the other way around: what is legitimate is in the hands of those who are subject to a political order. They can draw from many resources to judge a regime: because it suits their ends, because it respects moral law, even because it fends off universal evils. And they can retract their allegiance and act accordingly. What matters is that a sufficient number of citizens believe legitimacy to obtain; otherwise, a MV collapses. Those who dissent may not even be part of the MV. Thinking this point through, it would amount to dissenters having the right to oppose the regime. Horton, in keeping with realism, radically politicises (one could even say democratises) the normative question. To put it differently: while utopians argue that what is needed is not empirical acceptance, but normative acceptability of a regime—i.e., it needs to meet criteria that are independent from the endorsement of real citizens—Horton argues what is acceptable is to be (and can only be) determined by those who accept (see also Westphal 2019b, 261); this is a contextual affair of the political culture in question. Who needs to consent and how many is an open question that no universalistic approach can answer *ex ante*.

Hence, Horton adopts a form of normative contextualism, i.e., his political theory claims that context plays a crucial part in the justification of normative judgments (Lægaard 2019). In

the case of AA, though the legitimacy of a regime is broadly about acceptance by those subjected to it, what it entails exactly depends on the respective culture in which the political debate takes place. What legitimacy means in the UK is different from the meaning it takes on in a political system in which ‘Islam is the dominant belief system’ (Horton 2019, 142; see also 2021, 57–8). As a conflict approach, what this means for MVT is that one needs to inquire into the specific conflict procedures of a MV and compare them with citizens’ actual beliefs, values, and attitudes, to determine whether they are designed in an acceptable fashion.

However, this raises an objection as to how normative contextualism deals with the *problem of critical distance* (Lægaard 2019): if context plays a role in justifying principles and norms, how is it possible to criticise deficient norms pertaining in given society? This holds especially for Horton’s AA: is the political theorist gagged by their own contextualism, when a stable majority or powerful minority systematically exploits and disadvantages the weaker opposition? After all, who is to say that this is not an acceptable way to order public life to members of that culture? Some commentators (Fossen 2019; McCabe 2019; Wenner 2019) argue that AA has no convincing reply to this problem. This holds even more so given that Horton forgoes the notion that *every* citizen needs to give their acceptance; legitimacy comes dangerously close to mere stability.

Nonetheless, there are two avenues to resist this conclusion. First, the political reading of the universal evils offers substantial criteria that can be considered context-independent: an agreement that brings war and misery over those subjected to it is not a MV. Again, this may only be a weak protection and not all evils, due to their sometimes contradictory relation, can always be averted. But even then, the subjects of the MV need to be *given a reason* for enduring them. As Horton writes with respect to Williams’s BLD: ‘the claim to political legitimacy may not always be settled or uncontested, but all parties that claim a relationship of *political authority*, rather than one of mere domination, *must recognize the basic legitimation demand as*

something that needs to be addressed' (Horton 2012, 131, my emphasis). In other words, a regime that brings misery over its citizenry (or a third party) without *some* justification for this fails to clear the bar of the universal evils.

The other resource that goes beyond this minimal criterion is CTP. There are clear-cut cases where acceptance is obviously given under coercion: e.g., consent given at gunpoint is not real consent. But there may be more subtle cases: for instance, acceptance may only be upheld through indoctrinating the citizenry with ideological beliefs. Hence, the belief in the acceptability of the regime is only brought about through the coercive, albeit clandestine, act of the authority to secure legitimisation. If AA can track down such instances and other instances of undue coercion, it can take up the critical distance which is required of it to be a full-fledged normative conflict approach. Williams insists that CTP still needs to be *immanent* critique, i.e., its evaluative criteria cannot be defined completely from without (Williams 2002, 226). But in order to do critical work in MVT, the content of CTP cannot be *fully* determined by the context itself. CTP needs to enable the theorist to step away from the norms that govern a society, community, or group. Otherwise, the Charybdis of normative bankruptcy is imminent.

Yet, exactly *how* would AA track coerced acceptance? I agree with reservations (McCabe 2019; Wenner 2019) that Horton's approach is, due to its behavioural component, less apt to properly operate CTP. After all, why does the subjective component of dissent not suffice;⁷² when exactly does regime-conform, observable behaviour overrule one's felt objection? If voting counts as evidence for acceptance, what is the respective counterevidence? Who is to make that call? Horton himself acknowledges that to judge what counts as coercive entails 'some kind of normative judgement' (2010, 444). Then, what normative judgement does one

⁷² See Horton's insistence on the behavioural condition for true dissent: 'Dissenters must *demonstrably* eschew the political institutions and practices to which they deny legitimacy. They cannot in good faith routinely utilise them in ways that effectively depend upon the regime possessing the very legitimacy that they claim to deny it' (Horton 2019, 146, my emphasis).

need to make to correctly identify it? At least, in order to take CTP seriously, AA and MVT more broadly need to flesh out what coercion amounts to in a given context.⁷³⁷⁴

Given Horton's realist aversion to non-political justification, maybe *any* answer to these questions is part of the political discourse, as Williams hints at when he writes that even the universalist is engaged in a first-order debate to convince their opponent (2005, 136). Similarly, he writes that talks about what legitimacy means in a particular case ultimately involves 'first-order discussions using our political, moral, social, interpretive, and other concepts' (Williams 2005, 11). What keeps one from saying that the same considerations apply to Horton's supposedly neutral ideas on legitimacy and acceptance? Might it not be, as mentioned by authors such as Claude Lefort (1988) or Max Horkheimer ([1968] 1980), that the theorist who alleges to be neutral has already picked a side? In other words, might Horton be a conservative pluralist who wants to leave everything everywhere as it is, as long as every place avoids the most gruesome evils?⁷⁵ If not, what keeps him from making more substantive normative judgements? Even if, as Williams claims, every standard is first-order, these standards are 'also normative in relation to other societies which co-exist with ours and with which we can have or refuse to have various

⁷³ It might not help, as noted by Rossi (2019, 107, fn. 24), that some realists seem to downplay the relevance of CTP. See Sleat (2013, 118–20) as one example.

⁷⁴ Inspiration could come from other realist approaches to CTP. Prinz and Rossi make just such an offer. In short, they argue with Sally Haslinger's critical linguistic analysis in favour of a realist ideology critique: in a first step, the approach tracks the manifest meaning of a concept as it appears to citizens; subsequently, it engages in the empirical inquiry into the socio-historical conditions that render the concept operative in society (2017, 357–8). 'Manifest' and 'operative' concepts may not align, i.e., citizens may not be fully aware of the material and socio-historical conditions of their conceptual tools. If there are social structures (e.g., of power) in place that keep citizens from revising their understanding of a concept accordingly, the *status quo* is epistemically flawed (359). A regime critic could then argue that not only those openly opposing a regime, but also those supposedly accepting it, are not bound by it. In other words, an arrangement declared as MV is no MV and not a proper solution to past/enduring group conflict if it can be shown that acceptance to that arrangement would not be given under normal circumstances. Instead, the citizenry—or parts of it—gave and are giving their 'consent' based on flawed concepts the rational revision of which has been thwarted by social processes. Yet, I have my doubts if Prinz's and Rossi's approach can fully overcome the problem of critical distance without falling back into what MV theorists and especially Horton would deem an impermissible depoliticization of politics. Is freedom from conceptual error *always* good? If not, why is it appropriate in *this* case? And most importantly, what is the *political* purport of this criterion? In other words, the danger that I see is the 'epistemologisation' of politics, which boils down to another normativistic account that distorts the reality of the political world. (It should also be noted that neither Rossi nor Prinz are open proponents of MVT. In fact, the former [2010; 2019] has previously attacked at least some forms of it.)

⁷⁵ For a critique of realism's conservative tendencies, see Finlayson (2017).

kinds of relations: they cannot be separated from us by the relativism of distance' (Williams 2005, 14). Then, contextually-sensitive discourse transcends context. Why not take a clearer stance?

What these considerations boil down to is that AA needs to test its theoretical assumptions in the field and start to engage with the context it so tirelessly alludes to. It needs to do that for two reasons: first, in order to know when acceptance is correctly and uncorruptedly given, it needs to engage with those who are subject to an alleged MV. Only then can the subjective component of acceptance be brought to bear on political considerations. Only in this way can the allegation of supposedly flawed beliefs be grounded. Otherwise, whether a MV exists or not will be nothing more than idle conjecture. Second, AA needs to test if its assumptions on acceptance are actually feasible: how to employ the behavioural criterion; what is coerced approval; how to keep the balance between immanence and transcendence? In other words, MVT needs to get in touch with the political practice and experience it wants to take centre stage in political theory.

2.4. Conclusion

Taken together, then, UEA and AA formulate a normative reading of MVT that makes universal evils and acceptance, the latter combined with CTP, the benchmarks for an agreement to count as MV. As a conflict approach, then, MVT's scope has become clearer. First, it makes a distinction between *benign conflicts and destabilising conflicts*; the former comprises all those conflicts that a MV does not need to address. These are, for instance, small-scale conflicts; e.g., a private dispute between two friends on the best candidate at the next election does not require a conflict strategy—at least an institutionally entrenched one.

The latter type has to be distinguished according to the two normative conditions: *conflicts of universal evils* need to be kept in check by MV, because these reintroduce or threaten to reintroduce pre-political elements into the order, thereby endangering the order's function as a *political* solution to the existential problem of violence.

The second kind are *culturally-relevant conflicts*. Depending on the prevailing political culture, the public considers certain conflicts politically relevant. Interpreting omission as a response to conflict—after all, doing nothing is a possible response to a challenge—it follows that the public will deem omission in culturally-relevant conflicts unacceptable. Take, for instance, redistributive conflicts, which play a major role in the political discourse of contemporary societies such as the US, the UK, Germany, or France. Without pre-determining exactly what strategic response a MV takes up, omission in matters of redistributive conflict is unacceptable.

Hence, MVT's taxonomy is first and foremost one of *intensity*. Destabilising conflicts are high-intensity conflicts that need to be dealt with, while benign conflicts are of a low-intensity kind. While conflicts of universal evils constitute a context-independent set of high-intensity conflicts, the border to low-intensity ones is flexible, as what culturally-relevant conflicts entails is obviously context-sensitive. Given that a political culture is in constant flux, it is to be expected that the border does not only vary synchronically (across cultures), but also diachronically (within cultures over time).

Apart from the intensity dimension, MVT also makes some claims about the *mode of interaction* in conflicts, i.e., which comportment in conflict is legitimate; for institutionally-embedded conflict strategies that make unfettered use of universal evils or employ means that are culturally unacceptable violate the two normative conditions of MVT.⁷⁶

⁷⁶ While the intensity and mode dimensions seem similar, there is an important difference: the former considers the kinds of conflict (e.g., between different groups of the public) a MV needs to respond to. The latter considers the kinds of conflict behaviour in which a MV (e.g., through the authorities) needs to respond.

Above and beyond these normative criteria, what is there to be said about the concrete institutional shape that MV conflict strategies would take? MV theorists can give two answers to this: first, Gray, Hampshire, McCabe, and Wendt all in their respective ways argue that the normative criteria translate into an institutional make-up that (a) entrenches and protects a core set of human rights (Gray 2000, McCabe 2010, Wendt 2019) and/or (b) entrenches a weak fairness principle that allows for a fair or even equal hearing of all relevant stakeholders (Hampshire 2000, Wendt 2019).

The second response would be more radical. This one would remain even more agnostic on what rights and procedures need to be entrenched by any given regime. But for two reasons, this form of contextualism cannot develop its full radical potential: first, MVT cannot remain neutral when conflict negotiations start to tilt towards a solution that threatens to violate the substantial or the acceptance condition (including CTP).

Second, then, as noted by Westphal (2019b, 265), any MV theorist that takes the normative dimension seriously must take an interest in the institutional settings of politics and voice critique where appropriate. This goes against Horton and his descriptive approach who sometimes seems to suggest that politics should be left completely to the practitioners: ‘political theory . . . should not be engaged in an ideological competition, but be primarily about trying to understand, to make sense of politics’ (Horton 2017, 497). I have already argued above why such a stance to neutrality is futile. MVT and conflict realists in general cannot avoid normative engagement. And even further, to formulate an informed critique at a given conflict arrangement, MVT needs to engage with the actual political practice and experience of the political agents in question. This does not imply prescribing more precise measures—here, Westphal’s own approach of flexible negotiating forums may be misguided (Westphal 2019b, 268). It means to be *informed by practice and experience*. This can (and should) be a goal of MV theorising for the sake of its own axioms.

This also holds for a taxonomy of conflict that MVT needs to develop further. So far, MVT makes a typological distinction between (a) benign conflicts and those that are potentially destabilising and (b) legitimate and illegitimate modes of conflict conduct. But other dimensions may be necessary to deepen these distinctions. For instance, how does the *locus* of conflict influence conflict behaviour or a conflict's intensity? How do they relate to the conflict participants' mental states? What difference does it make if the opponents confront each other face-to-face or remotely? This taxonomy would not develop top-down, but from the bottom-up, through investigating the kinds of conflicts political discourse displays. MVT insists on context—now, it needs to address it.

It is here that I want to highlight the need for a critical phenomenology of conflict. In order to provide a sound understanding of conflict (and render visible the feasibility of different strategies to navigate it), it is necessary to take Horton et al. at their word and investigate how political agents experience conflict. First of all, this is necessary to test the subjective component of his acceptance test; if it is intended to hold any weight in the theory, people need to be asked what their stakes in conflict are, which beliefs, values, attitudes, emotions, and feelings inform their understanding of conflict.

And acknowledging the subjective component will go beyond the 'mere' collection of data: it will bring up themes regarding conflict that are traditionally addressed by phenomenology. For instance, how do different modes of perception of the other relate to actions in conflict? What is the role of the body in conflict? How does the space in which a conflict event takes place influence its unfolding? This inquiry will not by itself provide sound solutions to every conflict; but it will help explain why some strategies prove more fruitful than others in a given context, since some may take into account the structures of meaningful experience more than

others. Hence, it is necessary to really take the existential dimension of political theory seriously.⁷⁷

Phenomenology of conflict is then a part of contextualising conflict, with two important caveats: first, phenomenology is but one part of rendering political theory more receptive to reality: following Maurice Merleau-Ponty, phenomenology does not provide a solid foundation, but it informs and is informed by other disciplines. Phenomenology's task is to hold all these different aspects of (political) life together by interrogating our experience occurring in it (e.g., PP, lxxxiii; see also Waldenfels 1985; Watson 2007).

Further, and closely linked to the first point, a phenomenology of conflict cannot be a purely transcendental operation, but must address the quasi-transcendental social structures, shaped by power, that inform particular ways of being-in contemporary societies and that are a cornerstone of the political reality that MVT alludes to. Critical phenomenology brings this into view (Guenther 2020). This does not mean that a phenomenology of conflict cannot make more general remarks about conflict; it only means that remaining on a universal level will not do justice to the complexity and diversity of conflict experience that need to be brought to light. Further, all general descriptions can only have a transitory status, since a constant critical reflection and reflexion upon them, nurtured by engaging the concrete situation of other subjects, always puts them at risk of revealing themselves as a particularised perspective. For the sake of its critical potential, phenomenology cannot conserve its monuments.

I would like to close with the question whether MVT is a *comprehensive* conflict approach. All the above criteria apply, so far, *internally*; i.e., the criteria that MVT formulates put constraints on how an overarching conflict agreement must look to count as legitimate and, therefore, as MV. Though this has practical and taxonomical consequences, MVT leaves out

⁷⁷ In an interesting parallel to political realism, Merleau-Ponty criticises the ineptitude of abstract philosophical solutions to political problems: 'And when they map out wise perspectives about which the interested parties care nothing, are they not in fact admitting that they simply do not know what politics is all about?' (S, 5–6)

the question how a MV is *achieved*; i.e., it leaves unaddressed criteria that need to apply to the negotiations on a MV.

This is no unimportant matter; take Margalit's considerations on *the frame of negotiations* and the negotiations themselves (2010, 42–4). Already at the first stage, conflict parties need to determine how they want to conduct their affairs and this involves normative questions: e.g., will I engage the other as an enemy who I want to destroy or as a rival with whom I want to achieve a mutually agreeable compromise? According to Ceva (2016), the interactions leading up to an agreement constitute a separate domain of justice (that she aims to address with her supplementary approach of *Conflict Management*, which I discuss in Chapter 5).

MVT does not have many answers to this, which is interesting, given that it criticises RCR and other consensus-based approaches for failing to provide a convincing theory on how *their* institutional structure comes about. In a way, even RCR has a more elaborate story when Rawls explains how he believes a MV will develop into an overlapping consensus (PL 158–68). For MVT's story, Hampshire's *principle of adversary argumentation*—'hear the other side'—could be one candidate.⁷⁸ Maybe the universal evils and acceptance conditions play a role too. But Wendt (2016) is open to the suggestion that a MV is not itself brought about through compromise. For instance, a MV can be imposed by the winning side of a conflict (Wendt 2016, 79). Indeed, the transition from Nazi Germany to a liberal democracy for instance was no peaceful act of mutual compromise. But other than that, MVT yet needs to deliver a transitional theory that plausibly explains how a MV comes about and which normative criteria must govern this process.

Hence, maybe MVT needs to be supplemented by more theory. Here again, phenomenology might be able to help out, if it can help illuminate how perception, body, and space influence the readiness or refusal to settle (even though it cannot provide the full picture). This

⁷⁸ Indeed, this principle is the foundation for Ceva's *Conflict Management* (2016).

might also involve moving beyond MVT's parsimonious insistence on bargaining and negotiation and reintroduce more ambitious modes of communication as potentially vital parts of creating a MV.

This ends the negative part of my argument in this dissertation. I argued that utopian and realist approaches to conflict do not give us the full picture of political conflict and thereby provide insufficient guidance. Utopians' approaches disqualify themselves by completely ignoring conflict experience. Realists want to take this experience seriously, but fail to take a true analytic interest in it. I will now turn to the positive side of my argument, where I will attempt to fill this gap in the philosophy of conflict by critical-phenomenological means. My first stop will be a theme that not only proved central in my interviews, but that I also hinted at throughout the previous chapters; up next is the *where* of conflict.

Chapter 3: The Conflict Space

In politics and those real political arenas where you actually have debates with the moderator—I'll never forget my first one I did amazing. The crowd cheered for me. Someone asked for an autograph. I killed this debate. I walk off like a warrior. I'm still fired up. And what shocked me was my opponents and the people who would have been battling and debating me back and forth were like: 'Great job. You killed it.' It was like this camaraderie after leaving the political stage. (Lisa, *Black Lives Matter* New York, lines 127–33)

We had this rally that gained a lot of press Now, with that, when you're standing off against law enforcement. That is a war zone. You are watching your back. You know that you can possibly be attacked and be brutalized This is a small march and a police force was coming And they started to approach And I was shelled immediately as soon as I stepped to the front and when people started to scatter and they were like shaking and beating up people, I tried to save someone and I was hit by at least five officers with batons. So that was actually a very real in physical confrontation. I still feel it in my back at times. So, yeah, that that's the other extreme. So it was going from political debates where it's like fun, like a theater. And then there's real life on the streets where I could easily be harmed, lose my life or become disabled. (Lisa, lines 133–52)

It is just another atmosphere, when you meet personally That's, from one moment to the next, a completely different, a lot more personal, atmosphere. So, my impression is when you're sitting there and it's going on for a while, then [there is] a readiness to

compromise, to put yourself in the other's shoes, to also go half a step back for the sake of a common solution . . . , well, reading the vibe in the room and feeling it, you know. That, well, *I* can't do that in a video conference. (Patrick, MP North Rhine-Westphalia/Germany, whip of Free Democratic Party, his emphasis, my translation, lines 312–22)

These precursory quotes are passages from two of the interviews that I conducted over the course of my research project. Lisa and Patrick⁷⁹—and with them many other interviewees—highlight that the *space* in which a conflict event takes place makes a difference to their experience and agency. For instance, Lisa's quote illustrates how 'the political arena' is a space of debate and exchange of arguments, while a protest on the streets more resembles a 'war zone.'⁸⁰ Patrick, on the other hand, highlights the shortcomings of the by-now all-too common phenomenon of human interaction: *virtual space*.

In this chapter, I make the claim that one has to understand political conflict space⁸¹ not as an invariant place, like a building or square, that we enter like I pack my lunch into a box; nor should we think of conflict space as a purely subjective or social notion, in which space forms (solely) through individual or joint constitution. Instead, I will follow the lead of recent social research on space that understands it as a *relational* phenomenon of lived bodies and socio-material objects (e.g., Löw 2008). Hence, conflict space is a dynamic phenomenon. Through phenomenological analysis of conversations with political actors, it is my intention to show the experience of a space *as* a conflict space as being co-constituted by (a) the projects and concrete situational backgrounds of conflict participants through which they disclose their

⁷⁹ The names of all interviewees were changed to ensure anonymity.

⁸⁰ Interestingly, arena, stemming from the Latin word *harena*, still retains the notion of a place of combat. Regardless, it should be clear that the *political* arena does not display the same (potentially) physical and violent involvement that Lisa reserves for the 'battlefield' of a street protest.

⁸¹ In this chapter, I use 'political conflict space' and 'conflict space' interchangeably.

environment, and (b) the concrete location that embodies specific demands and affords particular possibilities of action. This chapter will draw extensively on the phenomenology of space and spatiality offered by the early Martin Heidegger. But it will also highlight the critical dimension of conflict, i.e., the way power shapes conflict space. Hence, what follows is a critical phenomenology of conflict space.

The chapter is organised as follows: Section 3.1. introduces the main themes of conflict space that I gathered from interviews with political actors; these regard the *locus* of conflict space (3.1.1.), the political agent (3.1.2.), and the presence of others in the conflict space (3.1.3.), as well as the dynamic interrelations between them. In Section 2, I will ground the empirical data on a Heideggerian phenomenology of space and spatiality in his *Being and Time*. I will start with Heidegger's account of projecting space (3.2.1.), before turning to the role of thrownness in resurfacing the relative autonomy of location or what Heidegger calls 'regions' (3.2.2.). Subsequently, I discuss the role of the other and social space in Heidegger (3.2.3.), before summarising my discussion and deriving a Heideggerian account of conflict spatiality (3.2.4.). Section 3.3., finally, addresses the critical dimension of conflict phenomenology.

Now, to begin with, I should note that phenomenology has a very different kind of space in mind than what we usually think of. It is not the 'objective,' 'neutral' space of physics that phenomenology is interested in. It is not (primarily) concerned with geometrical space as measurable with the help of (idealised) mathematical operations. To the contrary, phenomenologists such as Heidegger attempt to explain how this abstract notion is derivative of the everyday space that unfolds around us, where our everyday dealings 'take place' [e.g., Husserl [1956] 2012; SZ; PP]. Space is *existential*, a *space-of-action* (Arisaka 1995, 458), where we have something to *do* that *matters* to us. As I will argue, space, phenomenologically understood, is normative, i.e., we experience space as offering and constraining possibilities for action and experience, possibilities we take up to pursue our projects.

Further, I contrast space with location. By space, I mean the space-of-action in which we pursue projects and answer normative claims directed at us. The location is a socio-material entity—such as a parliamentary building, a street, or a square—which have both material features that enable and restrict action, as well as ‘embody’ social norms of what one is to do in them. For instance, a cinema has ceilings and therefore, I cannot climb its walls to reach the outside. But it is also meant for watching movies and not for me hosting a debate club (despite some cinema visitors’ behaviour to the contrary). Space ‘opens up’ in the interplay of agent and location.

Finally, talking about ‘space’ instead of ‘situation’ is a deliberate decision. In my understanding, space is part of the wider ‘concrete situation’ mentioned in the writings of Heidegger (SZ) and Merleau-Ponty (PP). Why not focus on situation directly then? As discussed by Fiona Hughes with respect to Merleau-Ponty’s phenomenology (2021), situation has a multi-faceted meaning and can refer to the personal, social, political, historical, economic, or natural. It also has the temporal *and* the spatial as constitutive elements. The most plausible reading of situation, then, is that *all* of these aspects play a role in a conflict event. As Heideggerians will insist (e.g., see SZ, 180), it is not possible to neatly analyse them ‘in a vacuum’, due to their being entangled and mutually implying one another. Yet, throwing into relief a particular facet can help illuminate their role in the fabric of being. I intend to do this in the remaining chapters, while also pointing to related structures where appropriate. Further, phenomenology, political theory, as well as relevant social sciences, often disregard the important role space plays in our pursuits or forego a closer analysis in favour of other structures (as is the case with temporality in phenomenology). In recent years, however, a newly kindled interest in the role of space has emerged in conflict studies, framed in terms of a ‘spatial turn’ (Björkdahl and Buckley-Zistel 2016; Björkdahl and Kappler 2017; Brigg and George 2020). The present

chapter is a critical-phenomenological contribution to this discourse that attempts to bring to light this underappreciated aspect of conflict experience.

3.1. Political Actors on Conflict Space

3.1.1. The *Locus* of Conflict

Let me start with the obvious element in a discussion on space, i.e., its *locus* or *location*. Put differently, where does a conflict event ‘take place?’ Locations are material entities that influence the dynamic and outcome of a conflict event. This materiality, though it can also manifest in a purely ‘natural’ form—think, for instance, of a military battle in a mountain chain—is more often *socio-material*;⁸² in the political case, actors clash in meeting rooms, parliaments, a TV studio, an exhibition hall, on the streets, in a square. The sheer ‘physicality’ of a *locus* affects an agent. For instance, even if anti-royalist protesters could subdue the Queen’s Guard, Buckingham Palace still sports a fence 2.3 metres high that they need to climb. Or, to give another example, the length of a conference table makes all the difference in enabling you to reach over and grab me by the neck. But this is only half of the story of how *locus* profoundly shapes the experience of conflict space.

To illustrate this, let me go back to Lisa; Lisa is an activist and co-founder of the New York chapter of *Black Lives Matter* (BLM). In 2020, she made the next step on her political path and competed in the Democratic primary for Congress. Over the course of her campaign, Lisa became acquainted with other parts of political agency, most notably public debates with other candidates. This gave Lisa an insight into the differences between the kinds of locations the protester and the politician occupy respectively.

⁸² See Björkdahl and Kappler (2017, 18–9) for a similar understanding in peace and conflict studies.

Interestingly, she describes these differences in terms of degrees of *reality* or *relevance*: the politician occupies a ‘stage’ or ‘theatre,’ and the confrontation is ‘fun.’⁸³ As a contrast, Lisa likens the streets she protests on to a ‘political battlefield;’ it is ‘real life.’ This corresponds to different *involvements of the body* in these spaces. Engaging ‘political opponents’ in debate is ‘very intellectual,’ ‘a battle of the mind’ (lines 157–8), suggesting that political debate slightly under-involves the body. Conversely, she describes how on the ground, you ‘could easily be harmed, lose [your] life or become disabled’ (lines 152). There is also an *emotional* difference attached to these locations: when entering the space of protest, Lisa ‘[shows] up angry’ and ‘[leaves] angry’ (lines 123–4), but she is also ‘pretty much sitting there with angst that there is going to be a violent encounter with the police’ (lines 188–90, see also Section 3.3.). Here, the stakes are high. When activists enter, they ‘feel very strongly, very passionately. It’s really no middle ground or grey area’ (lines 119–2). At her first debate, however, Lisa was ‘shocked’ that after the event, her opponents were congratulating her for her good performance, seemingly disinterested in the true content of their quarrel. Hence, Lisa’s statements imply how differences in concrete locations matter to the experiencing subject: what kinds of actions and emotions do they afford; how relevant they are to a person’s goals; in what way they involve the body.

⁸³ However, I believe it is important to clearly separate what a conflict space affords and requires ‘per se,’ and from the way an individual conflict participant *discloses* these. For instance, is it appropriate to say that the political arena of the politician is *generally* less ‘real’ than the streets, as Lisa suggests? Maybe her perception depends on her path; she was first and foremost an activist and *only then* became a politician. Surely, for a person coming from the loud, hectic, and potentially violent, and *open* space of the streets, a panel discussion must feel less ‘real.’ At first glance, Lisa gains support from another of my interviewees, Karl, who has been a member of the Bavarian parliament for several terms and currently acts as a committee chair. He describes that, when engaging with colleagues from other parties, work in the committee often resembles ‘rhetorical foil fencing’ (my translation from: *rhetorisches Florettfechten*). Karl describes how he and his colleagues interact in a sardonic, ‘entertaining and friendly,’ manner, exchanging light-hearted jabs. This gives the impression of professional politicians as not really invested in the work that they do. But when one goes further into the interview with Karl, it becomes clear that this is in fact not his position. Throughout the interview, Karl’s fervour to represent his constituency – his project – shines through. He also contrasts political conflict with academic ones, which he deems to be about nothing more than ‘pie in the sky’ [*Wolkenschieberei*]. And ultimately, in the same part of the interview I just quoted from, he argues that the nonchalant debate nonetheless leads to a compromise with real political import; the opposing sides make concessions to finalise an agreed upon formulation of a joint motion.

Further, conflict locations seem to direct different sets of norms at the agent (see also Löw 2008, 34). Lisa remarks that running for Congress, ‘going into that space’ of political debate comes with ‘rules [that] are pretty different’ (lines 118–9). Later in our conversation, she addresses how transitioning from one set of norms to the other influences her own comportment: ‘I guess every circumstance calls for a new Lisa’ (line 456). To her, this is comparable to private situations: after all, ‘[y]ou’re not the same as you are hanging out with your friends as you would on your grandmother’s couch. So each situation calls for a different you’ (lines 464–6).

Thus, depending on the conflict location that one enters, different norms apply, different virtues or skills are relevant, and different opportunities ‘open up.’ Put differently, a conflict space is infused with customary, political and moral meanings and norms, such as rules for ‘normal,’ ‘appropriate,’ or ‘good’ conduct. These can be more or less rigid, institutionalised, and enforced. For instance, when debating, Lisa perceives that she is ‘expected to spar,’ ‘to take shots at your enemy’ (lines 417–8). Yet, this inherent normativity is weaker than in the case of a debate in parliament or a visit at 10 Downing Street, where there is a strict protocol that participants have to follow. On the other end of the spectrum, on the ‘battlefield’ of political protest, on the streets, there are even less definite rules. While more mundane forms of protest usually follow a certain (predictable) routine, street protests also often constitute spaces of creative aesthetic expression. And especially when marches target controversial topics, there is also potential for the conflict space turning into a space of violence (see Section 3.3.). In these spaces, existing norms seem to lose their grip on conflict participants—e.g., in the case of security forces ‘running riot’—turning a protest into a battlefield in quite a literal sense.⁸⁴

⁸⁴ War and its spaces bear the ultimate potential for transgression. Yet, even these spaces are structured in accordance with social norms (e.g., *jus in bello*) and natural norms in the form of the affordances and limitations of the terrain (e.g., downhill or uphill battle; a forest that allows for hiding; marshes that trap the enemy; etc.).

3.1.2. The Political Agent in Conflict Space

Thus, conflict locations enable and constrain. But this is only one side of the issue; for one need not be fully absorbed by the location. For instance, while every space Lisa enters requires ‘a new her’—at her core, she still has ‘the same morals’ and is ‘still on the same mission’ (lines 456–7), i.e., ‘the full liberation of Black people’ (lines 7, 254, 256). All her political actions, regardless of the space she enters, are tied together through this one goal. Whatever the space you occupy, Lisa concludes that ‘you still have to be your authentic self’ (lines 466–7). Therefore, experience and action in a given conflict space are not only determined by affordances and constraints, but also by the *project* of the respective conflict participant.

Further, as mentioned, Lisa reports a sense of varying degrees of relevance or urgency of certain spaces, implying that there can be preference and choice involved in entering a conflict space. This highlights the *before* of entering a conflict space: if one attempts to navigate a given conflict, the *choice of the right locus* will play a crucial role, rightness here understood both according to suitability for one’s goals *and* the suitability for finding solutions to conflict.

For instance, Harry, a programme director at the Northern Irish peacebuilding NGO, tells me that in bringing together Protestant and Catholic groups or Protestant groups at enmity with one another, it is sometimes necessary to find ‘neutral’ ground—because they would not meet in the town of the enemy:

I live in a town called Carrickfergus, which is the most Protestant town in Northern Ireland. And we went there and I worked with a group called ‘Castlemara’. . . . There's another group called ‘Sunnylands’. And these are two estates. Now one is one football team, and the other is another football team. One's UDA [Ulster Defence Association], one's UVF [Ulster Volunteer Force]. They don't talk. They don't do anything. In fact,

I'm down doing a workshop with Castlemara about funding. And there's only Castlemara people out. I go to Larne, which is 15 miles away, and I have another football team. Okay. But I also have the other football team from Carrickfergus in the Larne [inaudible]. So they won't go, in the same room and talk about things. But they'll go to another town and do it. (lines 309–22)

Harry's experience with such groups indicates that past conflict can taint a location, rendering it toxic ground for one party, while it constitutes a home for the other. Therefore, to meet at this location is impossible in order to initiate a process of reconciliation amongst intractably conflicting communities. A mediator, aiming at such rapprochement, has to be aware of this. I will come back to this divergence in meaning further below (3.2.4.).

In the world of politicians, the 'right place' is also an important matter. Patrick, who I quoted at the beginning of this chapter, is the whip of the Free Democratic Party in the state parliament of North Rhine-Westphalia (Germany). For him, the political 'backroom' plays a significant role. The most interesting and crucial debates take place informally *in-between* formal(ised) events in 'public spaces.' 'The smaller the circle in which one negotiates, the more openly people speak', says Patrick (lines 682–3). Hence, choosing a location that allows only for a small group of people to meet can prove crucial. In times of the COVID-19 pandemic, these meetings usually take place over the phone. Before (and hopefully 'after') the pandemic, however, such meetings consist of having lunch together or meeting for a cup of coffee. Monika, who, same as Patrick, is the floor leader of a governing party in a German state parliament, agrees; when a conflict seems particularly intractable, one can choose to revert to more informal spots:

At normal [i.e., non-pandemic] sessions, one goes with the one person to the window, with the other person to the window, and you get a cup of coffee, [or] you meet them on the way to the restroom, and you say: ‘Ah, this is pretty muddled. What shall we do now? And would you agree to this or that proposal?’ So, *these* peripheral things are *so important.*’ (her emphasis, my translation, lines 258–62)

According to Monika and Patrick, conflict events in which the conflict is discussed in-depth should take place somewhere that allows for these close-contact dialogues. At this point, one should add a second row of particularly timely *locus*: if one understands materiality in a loose sense, as I do here, then conflict *loci* even extend into the virtual; telephone lines, Zoom rooms, messengers all provide a place where a conflict event, as an intrinsically *interactive* occurrence, unfolds, where it is granted *space*. Distinguishing physical from virtual spaces, Patrick speaks of a ‘much more personal atmosphere’ in the case of face-to-face encounters (my translation, lines 316–7). Similarly, Monika argues that a subtle nod, the expression of another’s eyes, are more observable in physical meeting rooms than on Zoom. Interestingly, Patrick reports that there is an ‘ambiance that one can *absorb and seize*’ (my emphasis and translation, lines 327–8). Finally, Patrick believes that ‘*somewhere in there*, there are one or several compromises’ (my emphasis and translation, line 329) that one can find. The last point seems especially crucial: the solution to a conflict event can already be present *within* the event itself. *It is part of the situation.* But for this solution to be found, I need to be able to pick up on the current goals, desires, and opinions of others.

For example, the ability to grasp a conflict space’s atmosphere and other participants’ intentions can be hampered dramatically in cases of purely text-based virtual spaces. Hannah, a climate activist in the UK, talks in our interview about a conflict event that unfolded in their Slack workspace. Slack is a platform that allows co-workers to jointly work on projects online.

Crucially, it also contains a messenger function. Such platforms in which contact is only indirect constitute spaces that are temporally open-ended:

And then when we have meetings . . . there's a specific time limit on it. And that meeting can't be too long. And so if you're going to have a call, you kind of have to deal with those issues in an hour or an hour and a half with a break, or two hours with a break or two breaks. Whereas if it's via messages, those messages can just go back and forth for days and it's not to stop, basically. (Hannah, lines 323–30)

Further, it is more complicated for the political agent to grasp *the other themselves*:

And I do think that people kind of end up in this, they're not really seeing a person . . . when you're just typing, you can't really see the person you're talking to and so I do think that some people forget that they're talking to someone. (Hannah, lines 311–4)

Granted, text-based virtual spaces are only one, extreme, type of virtual *locus* for conflict. And it is far from obvious that virtual places do not serve any role in political processes.⁸⁵ Talking about video-based software, such as Zoom, Patrick argues that these *do* serve a purpose and are suited for particularly formal and minor political processes. When I ask him about the usefulness of virtual formats in a post-pandemic future, he laughs, saying ‘Aren’t there these memes, especially in the English language, like “This meeting could have been an email?”’ (my translation, lines 342–4). He goes on to say that too many of his pre-pandemic trips to Berlin, to coordinate with colleagues on the national level and other states, are too rushed, too useless,

⁸⁵ Further, recent phenomenology of online sociality shows that the online world is not *always* deficient with respect to direct other-understanding (empathy), embodiment and intercorporeality, and also should be considered in spatial terms. E.g., see Osler (2020, 2021), Osler and Krueger (2022), and Ekdahl and Ravn (2022).

too expensive, and too unsustainable. Instead, for the easy and more formal matters, the digital place is preferable. Patrick summarises: ‘The more formal and the more strictly an agenda is dominated by technical matters’ (my translation, line 373), the more feasible it becomes to meet online. But after all, politics remains ‘people business’ for Patrick and this should keep open the possibility for face-to-face encounters. And the more complex, the more subjects a conflict touches upon, the easier political negotiations are if one meets in person. Hence, one needs to know what to address *where*. There is not only a right time for a conflict, but also a *right place*. To a certain extent, conflict participants can choose this place.

3.1.3. The Other in Conflict Space

The paragraphs in the previous subsection already indicated that one is not alone in conflict space. Conflict is inherently social, I *share it with others*—maybe in part in a cooperative, but necessarily in opposing fashion. Hence, others are yet another component of one’s experience of conflict space. They also play a role in how one comports oneself.

Patrick describes his responsiveness to the other in conflict, when he talks about how different parliamentary spaces imply different behaviours and actions. For instance, a speech in parliament [*Plenarrede*] serves the function of rendering transparent the party’s and politician’s stance on a given political topic *to the media and general public*. At this point of the political process, deliberation within the closer circle—i.e., between parliamentarians and parties—has already taken place. This work is done within party meetings, in the committees, and, importantly (see above), *in-between* such institutionalised gatherings.

Therefore, depending on the stage of a conflict, one is also prone to enter spaces in which one encounters actors with varying functions, mandates, projects, interests, competences, and background knowledge. This further changes the demands directed at the agent: e.g., for

Patrick, it makes a difference if he knows journalists will attend a parliamentary debate on a hotly debated topic (lines 685–9):

So in this case, when I prepare such a [parliamentary] speech, I first think about: what are actually our three core messages on this topic? What is particularly relevant? Then I think about how can I frame [these messages]—with a neat image or analogy, or whatever? And around these three core points, I construct a statement or speech. (Patrick, my translation, lines 689–94)

Thus, given the presence of a broader public—represented by the media—unfamiliar with the intricacies of the issue at hand, Patrick focuses on central messages and accessible rhetoric. This changes when he attends a public debate hosted by a professional association. Here, Patrick knows that he is engaging with experts; accordingly, questions such as ‘where does my position come from; and which numbers can I refer to in order to corroborate it?’ (my translation, lines 697–8) become more important.

Hence, it matters with whom I share the conflict space; with my partner, my child, a friend, a stranger, or a colleague, and so on. In the political case, one faces fellow party members, the party leader, the rival in a run for office, the opposition, constituents, journalists, protesters, activists, officials, police force, security guards, and so on. Each of them has their own goals and tasks, each of them brings their own repertoire to a conflict, each of them *occupies* another *position* in the conflict space, and usually, these positions are assigned in accordance with what they are expected to do in this situation. Hence, the presence (or absence) of others influences the interaction within the space and the results that may transpire out of it. In short, we could say: different others, different conflict spaces. This implies that political agents have

to adjust their expectations and actions according not just to the type of conflict location they enter, but also the particular people that are present.

Summarising this section, I introduced several of my interviewees and their insights to illuminate the role of space in conflict. As I showed, the experience of and in conflict space, my experiencing a space *as* conflict space, has three constitutive parts: the specific location of the conflict event, the experiencing subject, and other conflict participants.

3.2. A Heideggerian Theory of Conflict Space

3.2.1. Projecting Space

What does Lisa mean when saying that every other location requires a new her; what does it mean that she understands her surroundings in her role as an activist? To gain deeper access to the experiential structure of conflict space, I will start with a more general analysis of the experience of space *simpliciter*. In this section, I draw on the analyses of Martin Heidegger in his *Being and Time*. As noted by his commenters (Arisaka 1995; Frodeman 1992), space is only briefly discussed in this monumental work, i.e., in the paragraphs 22 to 24 and then later in relation to temporality in paragraph 70. In the German original, these parts make up only 15 pages out of 445. Yet, Heidegger's account of space holds vital clues for understanding what structures the experience of conflict space. Right from the start, he underlines that there is a difference in the way that *Dasein*, i.e., *us*, is in space compared to mere objects. We are not simply in the world like a tree, a chair, a cinema, or a book, not some 'thing' in a container (SZ, 53–4). Such objects are 'present-to-hand' [*zuhanden*] or 'ready-to-hand' [*zuhanden*], i.e., they are not endowed with agency, and do not have goals or intentions. Instead, people are of the kind of entity that *engages* with a tree, a chair, a cinema, and a book, makes use of them, or simply observes them (69). What does this mean?

According to Heidegger, the being that we are is expressed in the *care* [*Sorge*] structure. Dasein always already finds itself in a world [*Geworfenheit*], is concerned with things that surround it [*Verfallenheit*], and does this in pursuit of a *project* [*Entwurf*], i.e., a disclosing (self-)understanding as a way to be (192).⁸⁶ Put differently, I make sense of me, the world and its possibilities and what I am doing with them, via this project. For instance, I am sitting on this chair in my office *in order* to write this chapter *in order* to finish a dissertation *in order* to obtain a PhD degree *in order* to become and work as an academic. In all of these stages, as Steven Crowell writes (2013, 28–9), I am responsive to a series of norms to which I myself and others hold me accountable. Another way to describe this is that I take up a practical identity [*Seinkönnen*]: taking up a particular ability-to-be, I submit myself to norms that I deem to be constitutive of what it means to be this being. All of my tasks, all of my activities—at least with respect to my academic strivings—are ‘towards-which,’ guided by the ‘for-the-sake-of-which’—we could say their ‘purpose’—which is my project of becoming an academic. We also saw this in Lisa’s story: wherever Lisa goes, she understands herself as an activist, fighting for the emancipation of Black people, and she holds herself accountable to the norms that come with this project.

What role do things (and other people) play in this pursuit? As care, people’s pursuit involves engaging with others and the things around them. Heidegger calls these modes of care ‘concern’ [*Besorgen*], when dealing with things, and ‘solicitude’ [*Fürsorge*] when regarding others. His analysis of spatiality builds solely on the former; the latter needs to be added by

⁸⁶ I here follow Wrathall’s and Murphey’s interpretation of Heidegger’s care structure that focuses on the tripartite structure of the being of Dasein meaning ‘ahead-of-itself-being-already-in . . . as being-amidst’ (SZ 192, quoted in Wrathall and Murphey 2013, 20). As the authors explain, these three parts correspond to structural elements of the care structure, i.e., understanding, projection, and existence (being-ahead-of-itself); disposedness/affectedness (*Befindlichkeit*), thrownness, and facticity (*Faktizität*) (being-already-in); and absorption and falling (being-alongside) (20). Similar interpretations can be found in Blattner (2019); Dreyfus (1991, 244); and Haugeland (2013, 227–30). Mulhall (2005, 163–4) *also* highlights the element of discourse (*Rede*), while Crowell chooses discourse over falling (2013, 179ff.).

extension, which I will do in (3.2.3.). For now, let me spell out the early Heidegger's idea of space.

For Heidegger, Dasein is itself spatial (SZ, 104), characterised by de-distancing or de-severing⁸⁷ [*Ent-fernung*] and directionality [*Ausrichtung*]. To start with the former, de-distancing refers to the way Dasein brings close the things that it concerns itself with. In de-distancing, we make 'distance disappear' (105/97)⁸⁸, for 'supplying, preparing, having [it] at hand' (105/98). This 'ready-to-handness' is the mode of this being that Heidegger calls equipment or tools [*Zeug*] (68). They are the objects that we engage with in our daily concern, serving a function, all embedded in the context of the 'for-the-sake-of-which' (BP, 163–4). When I am thirsty, I bring the bottle of water close by reaching for it. When Lisa speaks at a debate, she brings the microphone close to her mouth. But bringing close is not necessarily a bodily affair in the narrow sense (although Heidegger acknowledges the bodily ring to de-distancing; e.g., SZ, 102, 108). 'Objective' or physical distance is not decisive. In de-distancing, I (also) make an object thematic, make it my current focus of concern. What is close is what we (try to) grasp and point our attention to (106–7).⁸⁹ Heidegger develops this point further: Dasein can also de-sever what is not even present in the same room:

⁸⁷ The first term is the translation chosen by Stambaugh (BT2, 97); the second is offered by Macquarrie and Robinson (BT1, 138) and followed by Arisaka (1995, 1996), Frodeman (1992), and Ginev (2012). Dreyfus (1991) chooses the term 'dis-tancing,' while in his translation of Heidegger's *History of the Concept of Time* (HCT), Theodore Kisiel works with the term 'remotion.' Although there are some interesting nuances between these translations, I will at least use de-distancing and de-severance interchangeably.

⁸⁸ Throughout the remainder of the chapter, I refer to the German original *Sein und Zeit*. When quoting in English, I quote from the Stambaugh translation of *Being and Time* (BT2), indicating first the page number of the German original and then of the English translation.

⁸⁹ Wrathall distinguishes these two forms of de-distancing into the 'differential of usability'—nearness of objects for use—and the 'differential of mattering'—nearness of objects that matter or are important (2017, 230). Cerbone criticises Heidegger for not clearly distinguishing between the two, resulting in what he deems a problematic ambiguity in his account of spatiality (2013, 139–41).

With the ‘radio,’ for example, Da-sein is bringing about today de-distancing of the ‘world’ which is unforeseeable in its meaning for Da-sein, by way of expanding and destroying the everyday surrounding world. (SZ, 105/98)

Once again, it is our concern ‘which regulates our de-distancing’ (107/99). When I listen to a live concert on the radio, I am with [*bei*] the music played by the orchestra.⁹⁰ Hence, there is a way in which the virtual, including the digital, is also spatial. In one way or another, we bring something close to us in the sense that we are dealing with it. But instead of *destroying* the surrounding world, one can think of the virtual as *opening up new spaces*. For instance, working in her Slack space, Hannah concerns herself with the next marches, statements, or other activities that form part of her role as a climate activist. And she thereby coordinates her actions with others who, in a strictly physical sense, do not dwell in the same location. In cases of conflict where I encounter the other over the telephone, in a Zoom meeting, or on a messenger, I still encounter them *spatially*. However, as we saw with Hannah and Patrick, these ‘virtual’ locations may not always heed one’s projects.

Directionality, the second structure of existential spatiality, regards the way by which Dasein approaches equipment. De-distancing implies bringing something close *from* somewhere; i.e., Dasein engages with things from a certain direction. When I enter a conflict location, say a conference room, I walk through the entrance. When I yell at my rival, this yelling is directed towards them, not any arbitrary point in space. It also gives Dasein an *orientation*: ‘The “above” is what is “on the ceiling,” the “below” is what is “on the floor,” the “behind” is what is “at the door.”’ (103/96) Again, left and right, up, and down, are foremost existential notions, derived from my concerning orientation towards that which I bring close (see also Frodeman 1992, 35–6).

⁹⁰ Decisively, I am also with the musicians. This interplay of care and solicitude will be important later.

Hence, Dasein has—we have—a particular form of spatiality, an *existential* spatiality (see also Malpas 2006, ch. 3). Through de-distancing and directionality, we always gear into the world, in the pursuit of our projects. Now, the space of the ready-to-hand is of a different, but connected, nature. To recap: equipment is, fundamentally, *in* the world, whereas we are *towards* it. But *equipmental spatiality* comes about through this ‘towardness’.

‘[O]nly because Da-sein is spatial by way of de-distancing and directionality can things at hand in the surrounding world be encountered in their spatiality’ (SZ, 110/102, my emphasis).

Dasein gives tools their meaning *via* its concern, the things it de-distances and the direction it takes are guided by it. And this ultimately means that it is guided by care and Dasein’s projects (108). Dasein does this by making room [*einräumen*]: in the pursuit of its projects, ‘gives space’ to equipment by releasing it into the manifold possibilities it can take in accordance with Dasein’s projects. As Mark Wrathall puts it, Dasein arranges space ‘into a room for maneuver, a site of active responding to solicitations’ (2017, 230). Further, it groups this equipment into intelligible regions [*Gegenden*] in which all of these tools *find their place*. Hence, making room involves ‘discovering and presenting a possible totality of places’ (111/103). As argued by Ginev (2012, 289), Dasein releases the ready-to-hand to be part of a region, i.e., to take on a meaning in the context of the ‘for-the-sake-of’. Heidegger’s regions, which I call locations, are these equipmental totalities in which singular tools are embedded and where they stand in relation to one another. My keyboard and mouse are close (and connected) to my PC. They all stand in my office, which is in the department at my university, and so on (see also SZ, 102–3). I engage with them and direct myself towards them insofar as they correspond to and heed my project, i.e., becoming/being an academic. I make sense of them in terms of this

project. When organising a march, Lisa enters a square or street—as the present location or region of concern—from a certain direction—e.g., from the subway station north of the square; picks up a sign and megaphone; steps on a stage; orients herself towards her followers, is mindful of the position of the police, press, or first responders; is aware of potential escape routes and obstacles like poles or trees, and so on. All of these elements are grouped together through her task of leading the march, which in turn is part of her identity as an activist.

3.2.2. Resurfacing Location

A problem seems to arise with this description of spatiality. It appears that Heidegger is committed to a vulgar form of idealism according to which space is only what I make of it. Jeff Malpas sees this problem as part of a bigger problem in Heidegger's early philosophy. He writes,

it seems that in Heidegger we can discern a sequence of prioritizations and dependence relations: the spatiality of 'involvement' is prioritized, in the being of [Dasein], over the spatiality of 'containment'; within the structure of the spatiality of involvement, analyzed into equipmental and existential spatiality, the existential is prioritized over the equipmental; and finally . . . , Heidegger argues for the prioritization of temporality even with respect to existential spatiality, and, within the structure of temporality, for the prioritization of what he calls 'originary temporality' over other such modes. (2006, 95–6)

To contextualise Malpas's point, it is important to note that Dasein's care structure is fundamentally temporal: care is being-towards-death (SZ, 329). Death, existentially

understood,⁹¹ is not the event of Dasein's ending as a biological being (perishing) or the final collapse of its world (demise), but the breakdown of Dasein's relation to the world through its projects. In the mood of *anxiety*, the world unravels and Dasein is unable to project itself onto the world. It still experiences itself as a projecting being qua being Dasein—yet this projection has nothing to hold on to (a paradox that Heidegger calls the possibility of an impossibility, see 262). Dasein becomes brute projection. Hence, Dasein grasps itself in its finitude, but also in its groundlessness. No project, no purpose in life is fundamental for Dasein as projection. Experiencing itself as groundless, Dasein also experiences its freedom—and responsibility—to be its own ground; i.e., to choose for itself what to be.

Dasein always comports itself to this possibility—is-towards-death—either in an inauthentic way of fleeing from its responsibility and losing itself in its daily activities (177–8), or—once its way of being is disclosed to it through the attunement of anxiety (266)—it can authentically face this ever-possible necessity and resolutely take up responsibility for its own path. In both cases, Dasein's being is temporal: it takes up possibilities as futural ways of being, with death being the 'ownmost nonrelational possibility not to be bypassed' (250/232). With the temporality of Dasein taking centre stage, Heidegger derives spatiality from it: 'Da-sein can be spatial only as care, in the sense of factually entangled existing' (368/336, original emphasis), and is thereby able to 'factually and constantly take along space for which it has made room' (369/337). This is exemplified in the structure of understanding as a twofold disclosure: not only is projecting a self-understanding, it is through this automatically also an understanding of my surrounding as a range of possibilities. As Crowell writes: '[T]he structure

⁹¹ As noted by Burch (2010), Thomson (2013), and Tanzer (2022), there are two diametrically opposed interpretative camps in Heidegger scholarship on the meaning of death in *Being and Time*: while the first, more traditional and more prevalent interpretation takes Heidegger's death to be identical with demise, the second observes a marked difference between these, though they remain intimately connected (Tanzer 2022). Hence, Heidegger's death is an *existential* notion. Here, I follow the second camp and, more specifically, Thomson's interpretation of Heidegger's death (2013). For a recent interpretation tending towards—though not identical to—the traditional reading, see McManus (2015).

(intelligibility) of this equipmental totality derives from Dasein's own "practical identity" (2013, 174; see also 201).⁹² Hence, as Malpas states, 'in *Being and Time* it is the projective activity of Dasein that seems to establish the ordering of equipment and the ordering of the world that comes from this' (124, original emphasis).

I hope to have made clear by now that such a reading of Heidegger's position does not do justice to the role that the location plays in constituting space. As my interviews show, it matters *where* one meets, where a conflict event unfolds in a way that is irreducible to one's particular understanding. Patrick, Hannah, and Monika note the differences between physical and digital space; Lisa remarks how different spaces call for a different her. Conflict space resists a full co-optation by a conflict participant. The rules and meanings in a conflict space do not become identical with the person's commitments.⁹³

Reading Dasein as pure projection is also not Heidegger's position. As Carman underlines (2003, ch. 4), Heidegger is no idealist. There are a couple of ways to remedy this mis-construal: there is the option to (1) re-order Heidegger's existentials in *Being and Time* from the top down or (2) to re-appraise key passages in this work. To start with (1), some commenters re-interpret Heidegger's account of spatiality by arguing for its equiprimordiality with temporality (Arisaka 1996; Frodeman 1992; Ginev 2012). Understood this way, there is no privilege of temporality over spatiality and, keeping in mind Malpas's sequence above, existential spatiality holds no primacy over equipmental spatiality.

Though I acknowledge the merits of this strategy, such an overhaul is not necessary for my present purposes. In fact, it suffices to bring to the fore the other side of Dasein's being: Dasein is not only projection, but also *thrown*. As Heidegger repeatedly stresses, *Dasein is*

⁹² See also Heidegger: 'The total relevance itself, however, ultimately leads back to a what-for which *no longer* has relevance, which itself is not a being of the kind of being of things at hand within a world, but is a being whose being is defined as being-in-the-world, to whose constitution of being worldliness itself belongs' (SZ, 84/78, original emphasis).

⁹³ Even a dictator cannot usurp a space so as to suffocate all meanings but his own. There is always an excess of experience (e.g., VI; Waldenfels 2011) and always 'room' for disrupting an established order (Rancière 1999).

thrown projection (SZ, 148, 223, 284–5), and though these aspects of Dasein are intricately enmeshed, we can analyse them separately to a degree. For Heidegger, Dasein is always already in the world, situated in a web of meaning that is social or *public*. As Withy describes (2011, 63–5), we are thrown into this nexus in three ways: we are always in a particular situation, i.e., confronted with particular things; we take up a particular life; and our lives are embedded in a particular culture or tradition. Note that these comprise temporal and *spatial* aspects; we are in the now *and here*, have a particular *body*, and live in a certain epoch *and country or geography*. All three ways of thrownness constrain us two-fold: when projecting, we are constrained both by the material world that surrounds us and the ‘material’—language and concepts, even moods—by which we interpret it (Withy 2011, 63).⁹⁴ Hence, projection is bound by thrownness. As Stephen Mulhall writes,

I could no more understand myself as a carpenter in a culture that lacked any conception of working with wood than I can understand myself as a Samurai warrior in early twenty-first-century Europe. (2005, 83)

I believe that the facticity of Dasein, its thrownness, is the gateway to reappraise the role of *locus*, even in the early Heidegger; for it is key to understand that the world around us

⁹⁴ There are many diverging interpretations of thrownness, particularly with respect to *what* Dasein is thrown into. Wrathall and Murphey focus on socially shared ‘definite possibilities, inclinations, tastes, and preferences’ (2013, 26). In another book (2005, 35-6) and closely resembling Withy’s reading of thrownness, Wrathall also includes one’s personal background, one’s bodily features, and one’s geographical and cultural surroundings. A similar reading can be found in Mulhall (2005, 185-6). Dreyfus talks of socially constructed practices and self-understandings (1991 24, 278). Also, according to Dreyfus (1991, 172) and Mulhall (2005, 75-80), moods have a social character. (Contrast this to Haugeland, for whom moods are ‘distinctively “direct” or “unmediated”’ [2013, 144]). While Crowell accepts that all of the above can be considered features of thrownness (2003, 110-1), he and Withy (2011) argue that this is only one aspect of thrownness. In other words, the above interpreters focus only or even equate Dasein’s concrete situatedness (i.e., its finding itself in a concrete social, historical, cultural, linguistic, and personal situation) with the whole structure of thrownness (see also Withy 2019, 755). Instead, there is also the more fundamental sense of Dasein’s sheer existence, its being-there as a sense-maker that it is thrown into, that remains obscure. While I agree with Crowell and Withy on this picture of thrownness or facticity, it suffices here for me to focus on the more derivative or mundane sense of thrownness into a concrete situation.

imposes standards of correctness that we need to grasp. As observed by Irene McMullin, Heidegger underlines how ‘[w]e are *subordinate* to [the world] insofar as worldly things have a specific “for which”’ (2013, 45, original emphasis; see also Okrent 2002), meaning it befalls us to make sense of tools and their regions *correctly*.⁹⁵ Similarly, Haugeland argues that the successful pursuit of Dasein’s project requires it to be able to discern what is possible and what is impossible for the entities that I encounter in tending to my tasks (2013, 196, 202–3; see also Crowell 2015, 216). As he writes:

What is possible for an item of equipment is how it *can* properly be used and how it *ought* properly to function in such use. Thus, stirring paint with a hammer is ruled out, and so is a hammer that shatters when it hits a nail. Of course, neither of these is ‘physically’ impossible, but they are ruled out for this equipment as the equipment that it is. Clearly, equipmental possibilities and impossibilities are in some way normative. (Haugeland 2013, 197, original emphasis)

Applying this insight to the spatial, pursuing my projects involves being able to identify and discriminate between the possibilities and impossibilities that a region or location affords. As I understand it, this also means to be able to grasp those possibilities that are, in a sense, not ‘my possibilities;’ i.e., those possibilities of locations and the equipment residing there that do not align with my project.

Hence, Arisaka (1995, 462), Frodeman (1992, 36–7), and Malpas (2006, 85–6) highlight how equipmental space is ‘public,’ i.e., its meanings independent from me, in this way. Regardless of what *I* think of it, an L-shaped corridor remains L-shaped (Arisaka), a string is not a hammer (Malpas), and—leaning on Frodeman here—my social blunder remains an

⁹⁵ Throughout his book (2013), Crowell attempts to show how Heidegger’s care structure involves norms, even moral ones, of success and failure, that we submit ourselves to.

embarrassment—regardless of whether I want to walk down the hallway in a straight line, if I believe the string is up to the task of hitting a nail into a wall, or if I believe me pulling down my pants at a wedding ceremony is perfectly appropriate. In my daily concerns, I am projecting myself onto possibilities that are already there. I may disclose them to myself, i.e., make sense of them in accordance with my (self-)understanding, but this understanding may fail in accordance with norms that are not completely my own.⁹⁶ Hence, there is already a normativity present in the location that we encounter when entering it. Both Dasein and *locus* have a constitutive and *normative* function in opening up space.⁹⁷

3.2.3. The Other as Co-Dweller

In the two preceding subsections, the third constitutive element of conflict space experience, i.e., other people, was barely more than a side note. As I said before, the reason for this is that Heidegger analyses existential spatiality by way of Dasein's engagement with equipment in the form of concern. Solicitude, i.e., engagement with others, is only discussed after this

⁹⁶ In his later works, Heidegger renders the location even more emphatically into a normative entity in its own right. In his essay 'Building Dwelling Thinking' from 1951, Heidegger develops a new idea on the authority of *locus*. At the example of a bridge – formerly simply a *Zeug* amongst others (SZ, 149 – Heidegger explains how there are some things that are *locations*. And these locations (also) take up the role of *making space* [*einräumen*]: 'Only things that are locations in this manner allow for spaces. What the word for space, *Raum*, *Rum*, designates is said by its ancient meaning. *Raum* means a place cleared or freed for settlement and lodging. A space is something that has been made room for, something that is cleared and free, namely within a boundary [...]. A boundary is not that at which something stops but, as the Greeks recognized, the boundary is that from which something begins its presenting. [...] Space is in essence that for which room has been made, that which is let into its bounds. [...] Accordingly, spaces receive their being from locations and not from "space."' (PLT, 156/152, original emphasis) As the passage shows, the later Heidegger has an appreciation for the normative role of location: it shall open up a space in which things can show themselves as what they are, freeing the things by safeguarding them in their nature (151). I find these remarks highly illuminating, but given the ongoing controversy over the compatibility between Heidegger's early and late philosophy, and the related question of whether the late Heidegger is still involved in a phenomenological project, I shall limit my analysis to his early phase. This suffices to defend the point I intend to make.

⁹⁷ In this sense, I believe that Arisaka (1995, 1996) is correct to insist that regionality, as part of the thrownness structure is equiprimordial with deseverance and directionality, because the intelligibility of equipmental totalities only comes about through both sides of projection and thrownness. Hence, one may want to argue that, following Malpas's sequence, this causes a cascade effect from the bottom up, resulting in the equiprimordiality of temporality and spatiality. However, I am uncertain whether this actually follows. In any case, it would take a lot of exegetic analysis and argument to make this point and, indeed, a doctoral dissertation on its own. Therefore, though certainly interesting, it is not my intention to pursue this question further.

(paragraphs 25–7). However, equipmental space and social space are one and the same, as the presence of equipment and other people [*Mitdasein*] mutually imply one another (SZ, 117ff.). For instance, equipment and its regions refer to others, as what I produce is for others to see (e.g., this chapter) and I make use of things that were produced by others (e.g., this keyboard). Also, most regions are themselves always already social. Others have ‘something to do’ in the spaces I dwell in (SZ, 120): I am not the only one who is working in this university building. I share my house with my partner. And even if I lived alone, there is always the potential to share it with someone, e.g., friends that I invite (Frodeman 1992, 35). Furthermore, the meanings with which I disclose my surroundings, as I remarked earlier (3.2.2.), are shared. Language, concepts, customs, etc. are all essentially social. And finally, I encounter others through and in equipmental space. The other sits on the chair across the table; passes the football to me; eats my lunch.⁹⁸

This brings me to two consequences: first, others and their projects are part of the situation I am thrown into. Depending on who that person or these persons are, I have to expect the ‘shape’ of a space to change; I need to adjust to this, as Patrick does when he tailors speeches in accordance with the kind of audience he will face. Second, I therefore orient myself towards others (not only equipment) in this space. In a debate, Lisa does not only bring a microphone close, but through this she orients herself to those she speaks and talks to. Conflict space, as any other social space, is shared.⁹⁹

⁹⁸ As Malpas summarises: ‘The realm of our involvement with others is thus a realm that is defined and marked out through our involvement with things and places, and so, while our involvement with things as ready-to-hand is also an involvement with others, our involvement with others is also an involvement with things’ (2006, 87).

⁹⁹ Spearheaded by critics Jean-Paul Sartre and Emmanuel Levinas, there is considerable debate if Heidegger’s ontological existential of being-with (*Mitsein*) and its related existentials can provide the foundation necessary to explain how we ontically meet concrete others in the lifeworld. Irene McMullin addresses these claims in her book *Time and the Shared World*. She argues, to the contrary, that the temporal particularity that the other constitutes demands a responsiveness by Dasein, limiting and relativising its own position in the world (2013, 158). In fact, it is this primordial form of second-personal claim and encounter that founds all third-personal publicly shared norms as expressed by *das Man* the One (2013, 158–9). Agreeing to this general picture, I still show in this and the following chapter how third-personal norms can ‘get in the way’ of truly encountering the other in their concreteness. These considerations then culminate in my treatment of *das Man* in the final chapter. For another discussion of being-with-others in Heidegger, which argues that being immersed in equipmental totalities also implies the being immersed in the daily encounters with others, see Dreyfus (2013).

3.2.4. Putting Everything Together: Conflict Spatiality

How do some spaces appear as conflict spaces to us? Thus far, I have only offered an understanding of space *simpliciter*. As I argued, experiencing space is constituted by the location and those dwelling in it. These three poles—one would have to say, multiple poles, because a location is rarely occupied by only two persons—open up a space in a ‘dialogical’ fashion in which things appear as meaningful/senseless, possible/impossible, visible/invisible, etc.¹⁰⁰¹⁰¹ The location or Heidegger’s regions, as socio-material, embodies a series of equipment and norms ready for disclosure by the co-dwellers. These themselves offer to one another a series of meanings—intentions, goals, etc.—that themselves are disclosed in accordance with their own projects and situations. Taken together, this amounts to ‘knowledge’ about what one is ‘here for’, what the other is ‘here for’, and what this ‘here’ allows/requires them to do—for instance, what is ‘seemly conduct’ in parliament.¹⁰²

Now, the aforementioned potential of different projects leads to different interpretations of what is to be found in this shared space. Dasein’s and Mitdasein’s projects are not necessarily one and the same. If *Seinkönnen* implies a series of different abilities-to-be, possibilities of being, then taking up one of them comes with its own understanding, implying that there can be breaches in understanding between persons. Moreover, the goals stemming from these

¹⁰⁰ This also implies that space, normatively understood, does not have some form of stable integrity. Locations, as physical and architectural structures, do. But Dasein experiencing space as normative means that it is aware of changes that occur in the range of possibilities that are available to it, for instance, when the composition of the conflict participants changes. This is what I meant when I wrote that space is a dynamic phenomenon.

¹⁰¹ I thank Timo Jütten for asking me in a conversation if my approach amounts to a metaphorical sense of space. If I take experience of space to be experience of a space of affordances, am I really still talking about space? I like to think so, especially because this understanding is tied closely to the (physical) entity that are locations. Our dwelling takes place somewhere in quite a literal sense.

¹⁰² Though I have derived this notion of conflict space from Heidegger, I add that this is only *one* way to arrive at the same phenomenological conclusion. For instance, as shown by Jackson (2018), Merleau-Ponty (2012) is equally engaged in a phenomenology of space that implicates a dynamic interplay between a person and their environment.

projects themselves can conflict; for instance, when two people apply for the same job—or, as in the case of Harry’s clashing groups in Northern Ireland (3.1.2.), past conflict can completely stain locations that one perceives as the opponent’s ‘home’.

But as I argue from a Heideggerian perspective, co-dwellers also need to ‘correctly’ grasp what the space affords. Here, shared social background knowledge, typified and institutionalised (see 4.3.1.), can stabilise the situation by minimising the friction between groups (see Löw 2008; see also Berger and Luckmann 1967; Schutz 1967; Schutz and Luckmann 1973). Yet, as my discussion of the other forms of concrete thrownness implies, the concrete situations of agents—e.g., their social, cultural, historical, personal, and conceptual backgrounds—may differ; the lifeworlds of these respective groups may be closer or further away from one another. This may lead to a lack of congruence in the ways persons *can* comprehend their surroundings.¹⁰³

These remarks give us first hints as to what makes a space appear as conflictual: the disclosing of spaces through thrown projection already carries conflictual potential. I will return to this thought below (3.3.). For now, I want to show how this primordial tension translates to experiencing a space as a conflict space.

I argue that the conflictuality of conflict space can manifest in three different, but normally highly interrelated forms: the first is that there are different understandings of the same political project; *how* should the shared world be shaped? This is the scenario that deliberative theories of democracy usually focus on (e.g., Habermas 1983; PL). In other words, there is a shared issue of public concern—a bridge, a law, a pandemic—and groups hold different

¹⁰³ McMullin argues that others are responsive to the same public standards of appropriateness, seeing deviations as expressions of other-Dasein being a ‘creative source of significance’ (2013, 165). The argument I am making here is that, although we should not assume there to be different worlds radically different from one another, so that no common standards are possible, there may nonetheless be significant differences that render talk of a unified *Man* complicated. Hence, what I am aiming for here is not different interpretations of the same *Man*, but the emergence of multiple, yet interwoven, ‘*Mans*’. See also my discussion in 5.4.

opinions how best to resolve it. Dissent occurs in this space, but it is explicitly geared to a common good.

But of course, the ‘correct’ understanding of the political project is rarely the only issue present. Thus, second, the political project of one person or group may conflict with the particular projects of another person or group. Abortion legislation, for example, is not only a matter of public concern, but there are groups involved in the conflict whose projects are deeply affected by it—women, churches, clinics, etc. To give another example, another interviewee of mine, Sebastian, tells me about a conflict event in which he was involved in designating his successor as the leader of the German Social Democratic Party youth organisation in North Rhine-Westphalia. He was confronted with the question of (a) what is best for the party; and (b) the individual claims of the contestants. The main problem was: one of the contestants was also a good friend of his, rendering the conflict existentially even more important. Therefore, in sharing a conflict space with others, I am not only faced with the question of what do with the shared world, but doing it in a way that responds—in one way or another—to other kinds of claims laid upon me. This includes my own claim of what I take *my* role to be.

Finally, participants can clash in their understanding of the *location*. While, as mentioned above, a shared social background will align these understandings to a certain extent—for instance, a building will always be perceived as a building and not a spaceship by virtually everyone—problems may arise with respect to the socio-normative side of the location. For instance, there is always the question what is seemly comport at a place. How is *one* to behave (see 5.4.)? These norms are not strict rules, completely ossified in a way that we follow them like robots. Norms leave ‘wobble room’ that we interpret ‘creatively’ (Bertinetto and Bertram 2020; see also Crowell 2017, 249).¹⁰⁴ And this leads to conflict. Further, in cases where parties correctly disclose the norms operative in a location, one of the parties may regard these norms

¹⁰⁴ One can also make the claim that social practices not allowing this space for such conflicts over interpretation and re-interpretation constitutes an instance of aesthetic unfreedom (Schaub 2019).

wrong, unjustified, despicable even. In this way, what first is an impersonal claim embodied by the location—what one is to do there (see also 5.4.)—*becomes the focus of the political project*: are these the right norms? What behaviour do *we* want here?

I add a final thought before closing the phenomenological part of my analysis on conflict spatiality. Picking up the quote from Patrick about one or several compromises already *being there in the conflict space*, it is clearer now what this means: as location, me, and the other in conflict constitute the inherently normative space in which the conflict event takes place—the solution to our conflict event, if there is any, *can be found in that space*. It lies somewhere in what the place offers and what both I and the other want respectively. Hence, finding a solution requires co-disclosing the space that, despite its conflictual character, is still shared. The solution to a conflict, so to speak, is already in the room. The space that conflict participants co-inhabit, a space in which these many claims co-occur, is also the space in which a solution can unfold. However, this is only possible if the location is the ‘right place;’ only if the location as co-constitutive entity in the opening up of the space allows for claims to properly show themselves, can an agreement be achieved.

3.3. Asymmetrical Conflict Spaces, Spaces of Violence

This chapter so far may have given the impression that despite conflict participants having different goals and projects, they are nonetheless somehow symmetrically situated with respect to the norms prevailing in a location. In short, that the norms existing in a given space hold equally for everyone. It is here where I want to shift gears and address the critical dimension of conflict space.

Thinking of space in terms of conflict location and conflict participants helps to grasp why some locations are better for certain types of conflicts than others.¹⁰⁵ This is because the dynamic relation between space and Dasein, as hinted at above, is not harmonious, but itself full of tension. The location where Dasein is thrown into and where the conflict takes place resists, to a certain extent, the subject's projections; the subject in turn resists (or can resist) or can be oblivious to the norms that prevail in a location. Hence, there is a relation of *fit/misfit* between these two. In the vernacular, we express this relation daily, e.g., when we are 'at the wrong place' or do no longer feel 'at home.'

The fit/misfit dichotomy, recently introduced by feminist theorist Rosemarie Garland-Thomson (2011) in the field of disability studies and extended by Christine Wieseler to racialised contexts (2019), observes an organisation of space that is not merely accidental; rather it highlights how the spaces one enters are, deliberately or not, built for some rather than for other people.¹⁰⁶ As Garland-Thomson stresses, historically, the world is 'conceptualized, designed, and built in anticipation of bodies considered in the dominant perspective as uniform, standard,

¹⁰⁵ I understand this to be a main shortcoming of other approaches to political or public space, for instance the one offered by Hannah Arendt (1998), and taken up by James Mensch (2007). While Mensch correctly acknowledges the role of projection for citizens to disclose their surroundings (36), his Arendtian and (Sartrean) account hinges too much upon free projection. Similarly, Arendt writes that the public space 'can find its proper location almost any time and anywhere' (1998, 198). I would respond that the questions of *where and when* are, to the contrary, vital to let certain spaces appear. Mensch's later paper on the matter is much more critical of Arendt's position; still, he misses a clearer distinction between space and location. See also my Footnote 190 in Chapter 5.

¹⁰⁶ I generally follow the ideas as presented by Garland-Thomson, with two exceptions. First, Garland-Thomson focuses on the material aspect of misfit between a *body* and world. In her words, '[a] misfit occurs when the environment does not sustain the shape and function of the body that enters it' (2011, 594). I agree with that dimension with misfit, but I argue that bodily concerns are not the only way in which a fit/misfit can occur. As highlighted by Wieseler, a lack of fit does not only occur because there are obstacles to one's body, but also to one's *projects* (2019, 71). Second, again drawing on the phenomenology of space, I argue that the fit/misfit in a relation between particular location and particular person is *not always* to be found on the side of the location. Instead, the misfit occurs in the interplay between the two. Here, I deviate from Garland-Thomson who firmly places the 'responsibility' for a misfit on the side of the world, i.e., when it 'fails flesh in the environment one encounters—whether it is a flight of stairs, a boardroom full of misogynists, an illness or injury, a whites-only country club, subzero temperatures, or a natural disaster' (2011, 600). These differences mainly follow from the path-dependency of the two respective approaches; her line of thought stems from material feminism, mine originated in the phenomenological analysis of space. But I would argue that both meet when it comes to the *critical* dimension of (conflict) space.

majority bodies' (2011, 595). Hence, *power* quasi-transcendentally arranges space by shaping the location and the norms expected in it to one party's benefit.

The discussion of fit/misfit is relevant for properly understanding conflict space: parliamentary buildings, party headquarters, and squares are socio-material *expressions* of an interpretation of the political; they express an idea of what the shared world is and should be like.¹⁰⁷ Crucially, they also express power asymmetries and forms of domination. First, by giving these locations a symbolic function, by inducing it with social meaning, a location embodies norms about who is allowed and who is denied entry. Second, it embodies norms directed at those that *may* enter. And these are often different with respect to whether one belongs to the oppressor or the oppressed. Hence, power asymmetries induce a fit/misfit relation according to whom the building is meant for; experience of a conflict space is in part shaped by one's social situation, depending on one's class, race, gender, and (dis)ability.

Take the study on racialised space by sociologist Elijah Anderson: the second a Black person leaves the 'Black space', they find themselves in a *White space* that is structured by White norms putting a Black person entering that space under general scrutiny and suspicion (Anderson 2015, 13–4). Conversely, Sara Ahmed observes how White spaces 'are lived as comfortable' by those who they were formed for and by (2007, 158).

My interviewee Lisa corroborates this: in her former career as a financial advisor, she felt like she had to dress a certain way and outperform others to be respected: 'You have to dress a certain way in your Sunday's best. You always have to present a certain way. You have to be smarter than your opponent. You have to be better dressed than your opponent just so the world can *almost* treat you equal' (Lisa, her emphasis, lines 492–4).¹⁰⁸ Similarly, my

¹⁰⁷ See also Malpas: 'Society is itself established and constituted through the organization of space, and so is the sociality of being-there expressed in spatialized form, although, it is the spatiality that consists in the ordering of things and places given through the structure of world' (2006, 88).

¹⁰⁸ As Lisa mentions in the same passage, this experience is grounded in her intersectional situation; her Blackness and femininity compound in this asymmetrically controlling and diminishing gaze laid upon her in White space.

interviewee Josh, who is an organiser of the Houston chapter of *Black Lives Matter*, asks, ‘why should I, as a Black person, always be expected to give grace and space to people? Why am I, as a Black person, always being expected to yield, to be the nice one?’ (Josh, lines 418–9) These statements show that engaging with and in space is not equally open-ended for everyone.

What happens, phenomenologically speaking, when power shapes space to fit/misfit? It amounts to agent-relative differences in the scope of possible action and experience afforded to a person. A location structured in accordance with Whiteness—such as, e.g., a Wall Street office—opens up a space in which a White person will be able to navigate much more freely than a Black person. One can think of the role of power in conflict space manifesting in different ways, for instance:

- *For whom* was a location, in which a conflict event will take place, built?
- Who can *choose* a conflict location?
- Who may *enter/exit* it?
- Who is in charge of arranging objects—tables, chairs, etc.—*within* a conflict location?
- Who may *speak* or otherwise express themselves; who may *move* around in the location? In *what order*?

In all of these ways, the fit/misfit distinction is no longer ‘accidental;’ there is a difference between, to pick up an example by Fiona Hughes (2021), a paleolithic artist who does not find the right cave for their vision, and a person being denied access to a town hall meeting because of their skin colour. The former is ‘natural’, the latter reflects agency. The misfit is purposely/structurally induced. To find such instances, one has to turn to the empirical question of when, where, and how these locations express forms of oppression. Thus, to get a grasp of the implications of a critical theory of space, it is important to depart from a purely

transcendental phenomenology and interrogate the ‘ontic history’ of locations. More than that, a *critical* phenomenology of conflict space must not only empirically identify the above and other elements of spatial power as they occur, but also critically address and change them.

Let me flesh out what I mean by going back to Josh, the BLM activist from Houston. In our conversation, he remembers a conflict event where he organised a protest to remove federal monuments from Sam Houston Park, a park across from Houston’s city hall. (Note the interesting structure of this conflict event: as discussed as the third type of conflictual spatiality in the previous section, the intended location of the event is at the same time the *content* of the dispute.) Josh and his co-protesters faced two other groups that day—one was the Houston police force, the other White Supremacist counter-protesters. Then a couple of things happened at once: first, BLM protesters, for whatever reasons, ‘were not permitted to protest in front of the statue because the police had blocked [their] ability to go there’ (Josh, lines 18–20). Instead, they had to protest *outside* the park. Hence, the protesters, in their role as protesters, i.e., *political agents*, were denied access to the location in question. In other words, their choice of what they deemed the (symbolically) best location for the protest—as it was also its target, a part of their project as activists—was disregarded. This way, the police force, a representative of the state, takes away an aspect of political agency and confirms the misfit between the location and the protesters.

Second, the counter-protesters had a conception, in a way confirmed by the police’s actions, that the park was not a shared location anyway. As Josh puts it, these ‘individuals . . . wanted to maintain that particular statue and felt that we were wrong for even asking for it to be removed’ (lines 16–7), trying to protect ‘spaces and places that you say are not for me’ (Josh, line 380). This corroborates that some locations are—deliberately or not—not built for minority groups to dwell in.

Finally, and fundamentally, the scene displays asymmetrical power to change the modulation of a conflict space at will and without the consent of other parties. When a location is contested, the space that it constitutes with others can be modulated by the parties involved according to what the location affords them. Since power shapes this space, one party can modulate the shared space more easily than the other, as one group has more options available to decide the conflict event to their advantage or according to perceived norms. This begins with having a say who is to occupy which place in the shared space. Colloquially, ‘putting someone in their place’ or ‘knowing one’s place’ is such a verbal extension by which it is not only signalled *what* a person may say or do, but also *where* and *from where*. Going back to Josh’s protest, after denying BLM protesters access to the park, the police structured the shared space by designating areas for each group: ‘And literally they had a designated area for us, a middle area that separated us from the opposition, and then the opposition had its own area’ (lines 20–2).

Here, things become heated:

So literally, in encountering the opposition, I encountered a White man who felt the need to brandish a gun in public and basically said that I didn’t have any rights as a person to oppose this, that this was a part of their history and that we, as *Black Lives Matter* and as Black people, are trying to erase their history and we need to know our place. (Josh, lines 22–6)

There is a lot to unpack here; for instance, the White man’s exclamation that Black people ‘need to know their place’ or that they do not have any right to oppose the location in its current form as an embodiment of White history. I hope the previous paragraphs have shown what this amounts to. At this point, I rather want to focus on the fact that the White man openly swings

around a deadly weapon, in public and as a threat towards peaceful protesters. As Josh makes clear in the interview, the gesture remains without consequences, since the police ‘were very much focused more so on us than they were on [the counter-protesters]’ (Josh, lines 141–2). In fact, ‘the police made sure that there were more of them on our side of the barricade and in front blocking the other individuals. And there were fewer on that side, even though no one on our side was brandishing any weapons while multiple people on that site *were* brandishing weapons’ (Josh, his emphasis, lines 144–7). While Josh admits that there were more BLM protesters than White Supremacists that day, he questions why the police perceived him and his peers as a bigger threat than those waving around guns—one might add, although even in Texas, a self-declared ‘Second Amendment sanctuary’,¹⁰⁹ state law prohibits citizens from ‘displaying a firearm in a public place in a “manner calculated to alarm”’ (Giffords Law Center). The point here is that the location, as engrained with norms, forms together with the political agents a space in which the same forms of behaviour are sanctioned differently, depending on who performs them. The scope of action, including options to transgress allegedly universally binding norms, is bigger for one party than the other.

At this point, it is necessary to highlight the connection between conflict and violence; for conflict spaces can turn into spaces of violence, in which the use of brute force becomes possible and probable (Schnell 2012, 18). As sociologists such as Heinrich Popitz (1992) and Wolfgang Sofsky (2001) argue, violence can erupt anywhere and at any time, reshuffling roles of dominant and dominated. But spaces of violence can also be of a more asymmetrical form, i.e., when the use of violence is sanctioned in a way that its unilateral use becomes, implicitly or explicitly, a ‘legitimate’ form of conflict interaction, even when it violates pre-established

¹⁰⁹ The respective House Bill 2622 from 16 June 2021 carries the subject line ‘Second Amendment Sanctuary State Act.’ It took effect on 01 September of the same year (see Texas Legislature Online 2021). In all transparency, Josh’s protest took place before this bill had passed. During that time, however, gun regulations were even stricter in Texas.

norms.¹¹⁰ This includes the police force's capacity to move a protester's body at will; a form of violence the German social scientist Jan Philipp Reemtsma tellingly calls '(dis-)locating violence' (2008, 106ff.). The events at the park in Houston illustrate how this use (or threat thereof) is open to some, but not to others.

We can see how the fit/misfit dichotomy and power more generally cut through the types of conflicts that I discussed above: Josh's conflict event at the park is about the location; but it is also about a general idea of the world that we shape, and the particular projects and interests of those parties involved. One can also see how difference in lifeworlds, in ways of being-toward-the-world, fractures a common understanding of the conflict space. Josh's experiences display how barren such conflict events are, because the way their spaces are configured, the way in which the involved parties have a tremendously asymmetrical sphere of political agency, renders any form of agreement almost impossible.¹¹¹

3.4. Conclusion

In this chapter, I sought to establish space and spatiality as important factors in the experience of political conflict. We experience locations as infused with norms that we can get right and bring our respective projects to the table. Therefore, the experience of a space as conflict space is co-constituted by me, my opponents, and the socio-material entity that is the conflict location. We experience that space of conflict that we inhabit as normative; it entices us, demands us, allows us, to act. I argued that focusing on the spatiality of conflict is essential in order to

¹¹⁰ For exactly this reason, one cannot underestimate the danger that the US Republican party and its voters increasingly poses when, *inter alia*, they frame the events of 06 January 2021 as 'legitimate political discourse' (Pengelly 2022) – the problem not being with the political nature of the event, but its legitimacy.

¹¹¹ At least when considering the opposing camps. For Josh goes on to describe how his camp of protesters *turns inward* to 'focus on us and getting our message out,' because even amongst the roughly hundred protesters, there are differences of opinion. Hence, a new conflict event unfolds (or the old changes its shape); the protesters *open a new space* in which a dialogical form of opposition is possible.

understand what is at stake in conflict events. Far from being removed from their surroundings, conflict participants dwell in these locations, are able to do different things, and find different solutions to a joint problem. Approaches to conflict need to be aware of these transcendental and quasi-transcendental factors structuring experience and agency of political agents.

Consensus-oriented approaches to conflict, such as Rawlsian Conflict Resolution (e.g., PL), run the risk of downplaying the relevance of space. This is not only due to the spaceless space of Rawls's original position, in which agents are reduced to faceless seekers of primary goods, but also due to the *ex-ante* demand laid upon agents to restrict themselves to public reason. But a look at the normative plurality prevalent in conflict spaces—including those embodied by the location—indicates that even those reasons that *may not* be shareable still lay claim on a conflict agent. I return to this point in Chapter 5.

Compromise- and stability-oriented *Modus Vivendi* Theory (e.g., Horton 2010) may fare a little better, in the sense that its acknowledging of a conflict's context and the reality of power asymmetries renders it apt to include the transcendental and quasi-transcendental intricacies of different conflict spaces (even though the theory still needs to spell this out in more detail). Yet similarly to Rawlsian Conflict Resolution, its *ex-ante* orientation towards peace and stability begs the question of whether it correctly acknowledges the multitude of different claims operative in conflict spaces; not all claims can be subsumed in a way so as to grant stability or equilibrium between them. Further, if locations embody norms of power that create fits and misfits, an oppressed conflict group can hardly regard retaining a given peace as acceptable. Hence, *Modus Vivendi* Theory may not be ambitious enough to allow for the change needed to bring about equal acknowledgement of conflict participants' claims.

To bring these claims to light, two things are necessary: first, those 'public' locations that embody asymmetrical norms need to be dismantled of the privilege that white, male, heterosexual, and able-bodied persons enjoy in them. We need not destroy these locations; we

need to ‘redecorate’ them with new norms. Second, where public spaces are on the retreat or are too tainted to be acceptable to one or several conflict groups (like in Harry’s conflict cases), it is necessary to make available new spaces that enable new understandings and forms of navigating conflict.

Totalitarian regimes show what happens when there are no locations available for contrary claims to appear (see also Mensch 2007, 31). My interviewee Samuel, a former civil servant in Eritrea, who was both sponsored by the authoritarian government, as well as incarcerated and tortured by it, shows how this shoves political space into secret rooms occupied by like-minded friends, or even only one’s notebooks. These spaces are normatively barren, not allowing for real action—which is why Samuel also calls the events occurring in them moments of ‘political masturbation’ (‘You do it with no effect’; line 584).

Institutionally, enabling real interaction means that there needs to be *loci*—physical and digital—that allow for such spaces to be opened up and bodies to encounter one another. A first step into this direction is, again, becoming attuned to the asymmetrical quasi-transcendental structure of certain locations. This also sparks the potential for resistance. The following quote by Garland-Thomson is in spirit of this point:

So although misfitting can lead to segregation, exclusion from the rights of citizenship, and alienation from a majority community, it can also foster in tense awareness of social injustice and the formation of a community of misfits that can collaborate to achieve a more liberatory politics and praxis. (2011, 597)

This concludes my discussion about the conflict space. Yet, such a discussion would be incomplete without taking into account the role of the body and embodied perception in space. In the next chapter of the Dissertation, I argue that it is only because of our body that we can

gear into conflict; further, I want to argue that our body is perceived in a particular way when we clash with one another politically.

To establish this understanding, it will be necessary to leave Heidegger behind and look to other phenomenological resources. This is due to Heidegger's shelving of the matter in *Being and Time* where he writes that the issue of embodiment 'contains a problematic of its own not to be discussed here' (SZ, 108/101). This may come as a surprise, given that, as noted by Cerbone (2000, 210) and Wrathall (2017, 224), Heidegger's insistence on practical world engagement would seem to imply the centrality of the body. (After all, equipment has the being of the ready-to-hand.)

Scholars are divided over the question of whether Heidegger's silence constitutes a serious error. For instance, Dreyfus considers Heidegger's account of spatiality without body 'not inconsistent, but it is unsatisfying' (Dreyfus 1991, 137). Chanter even criticizes Heidegger for lacking 'any sustained account of bodily experience', whereby his understanding of Dasein is more akin to Kant's disembodied transcendental subject than he would like to admit (Chanter 2001, 80).

Cerbone and Wrathall, on the other hand, argue that Heidegger's silence is not negligence. To the contrary, Heidegger takes the issue of the body seriously, but considers it only to be ready for analysis once more fundamental ontological problems with respect to the being of Dasein have been solved (Cerbone 2000; 2013; Wrathall 2017). Aho (2005, 20) adds to the debate that for Heidegger, embodiment is rather a regional and ontic matter than an ontological one—even though he is, Wrathall argues, committed to a strong conception of embodiment according to which the character of Dasein 'is essentially determined by' its ability 'to enter into spatial relations with other entities' (2017, 223).

I do not intend to weigh in on this debate about Heidegger's account of the body. Suffice it to say that, regardless of on what side the discussion will ultimately fall, neglecting the body

in *my* work would constitute a failure. This is, as I will argue, because the body plays a fundamental role in the experience of conflict. Further, it is also a site at which the asymmetry of power in conflict manifests. As mentioned in the Introduction (iii.), it is not the goal of this dissertation to provide an account of conflict experience that is fully coherent with the philosophical oeuvre of any phenomenologist. My approach is more pragmatic than that: in order to understand the structure of conflict experience, it is necessary to appreciate the bodily dimension of conflict. Since Heidegger has only a rudimentary account of the body, I will move on from Heidegger.

The next chapter, then, will introduce two other classical figures of phenomenology, i.e., Maurice Merleau-Ponty and Alfred Schutz, and once again I will contrast their views with those of critical theory, in this case critical philosophy of race and, to a lesser degree, feminism. While coherence between phenomenologists is not my primary interest, it should be noted that both Merleau-Ponty and Schutz are inspired and informed by the work of Heidegger and that there *are* some striking similarities.¹¹²

¹¹² For instance, in the case of Heidegger and Merleau-Ponty, Aho (2005) argues that these two have more similarities in the treatment of the body than it might seem at first, which becomes especially clear in Heidegger's *Zollikon Seminars*. Similarly, Merleau-Ponty's account of spatiality, though not explicitly alluding to Heidegger, bears many parallels to the account of the latter: just as for Heidegger, Merleau-Ponty considers existential spatiality to be different to equipmental spatiality (PP, 102, 140), and to be structured in accordance with concerned activity (PP, 102–3, 108, 260). He also takes persons to respond to a situation and project themselves into it, something akin to Heidegger's thrown projection (PP; 261, 264–5, see also Jackson's discussion of Merleau-Ponty in 4.2.1.). Finally, Merleau-Ponty has a similar account of differential mattering, when he writes about spending a vacation in a remote village, but being drawn back to Paris: 'I arrive in a village for the holidays, happy to leave behind my work and my ordinary surroundings. I settle into the village. It becomes the center of my life . . . But if a friend comes to see me and brings news from Paris, or if the radio and newspapers inform me that there are threats of war, then I feel exiled in this village, excluded from real life, and imprisoned far away from everything. *Our body and our perception always solicit us to take the landscape they offer as the center of the world. But this landscape is not necessarily the landscape of our life. I can "be elsewhere" while remaining here, and if I am kept far from what I love, I feel far from the center of real life*' (PP, 299, my emphasis). See also strikingly Heideggerian remarks in Merleau-Ponty's *World of Perception* (WP, 49–56). For similarities between Schutz and Heidegger, see for instance my Footnote 132.

Chapter 4: The Conflict Body

What I told you is what your grandparents tried to tell me: that this is your country; that this is your world, that this is your body, and you must find some way all to live within the all of it. I tell you now that the question of how one should live within a black body, within a country lost in the Dream, is the question of my life, and the pursuit of this question, I have found, ultimately answers itself. (BWM, 11–2)

We see tear gas, we see militarization—all of those things just for protesting. Whereas what we saw yesterday with the insurrection that happened at the capital, you didn't see that immediate response. You didn't see cops already there in place to prevent individuals from getting into the Capitol. That is also a sign of, once again, a devaluation of the Black body in the fact that you already perceive me as being dangerous. (Josh, *Black Lives Matter* Houston, lines 374–9)

In May 2020, White dog owner Amy Cooper called the police over a minor argument she was having with Christian Cooper (not related), a Black birdwatcher, at Central Park in New York City. During the call, Amy Cooper asked for help, because ‘an African-American man’ was ‘threatening [her] life’ (Nir 14 June 2020). Subsequently, Chris Cooper’s sister published the video her brother had made of the scene. It sparked uproar and added to the already heightened tensions on racialised injustice of this year, due to the Louisville Metro Police killing Breonna Taylor and the many similar events in the past. Shortly after the quarrel between Amy Cooper and Chris Cooper, the tensions would erupt after the police killing of George Floyd.

The video clip from the scene at Central Park is so powerful, Black TV host Trevor Noah comments, because it shows how Amy Cooper ‘blatantly knew how to use the power of

her whiteness to threaten the life of another man and his blackness', and because the video 'tells you how she perceives the police; it tells you how she perceives . . . her relationship with the police as a white woman; it shows you how she perceives a black man's relationship with the police, and the police's relationship with him' (Noah 30 May 2020).

Noah's remarks point to an important facet of conflict experience: perception and action in conflict are charged with meanings that transcend singular events. And more, they are often charged with structural power asymmetries. Hence, conflict events are not isolated occurrences, but manifestations of the conflicted, but interwoven, ways in which citizens of a plural society relate to each other and the world that they share. Crucially, these ways of relating to and interacting with the world is a corporeal enterprise: my body is the junction at which I gear into the world, but it is also where the world and I move onto one another.

This chapter expands on this emerging phenomenology of the conflict body and racialised conflict by drawing on another instance that resembles the case of Chris Cooper and Amy Cooper. In his autobiographical *Between the World and Me*, Black writer Ta-Nehisi Coates remembers a moment at a movie theatre in which his son is pushed by a White woman. Understanding Coates's book as a political essay offering key phenomenological and genealogical¹¹³ insights to racialised conflict, this chapter begins by introducing the clash in more detail (Section 4.1). I then introduce Maurice Merleau-Ponty's notion of the body and carve out its social dimension to prepare it for a critical reading through the lens of Black phenomenology (4.2.1.). Although Merleau-Ponty offers us insight into the general role our bodies play in conflict

¹¹³ There are many different understandings of genealogy. Here, I employ it in a roughly Foucauldian sense. I understand genealogy as a critical practice offering a 'historical narrative that explains an aspect of human life by showing how it came into being' (Bevir 2008, 263; see also Williams 2002, 20). Genealogical analyses can be more or less rooted in actual history, but they can also contain fictitious elements that reveal how seemingly self-evident truths come about contingently through historical processes (Bevir 2008, 271; Geuss 2002, 212). The task is to tell this 'story' with as much detail as possible, not only referring to past facts, but also to the way the past is still operative in the present (Geuss 2002, 213). The narrative provided by Coates and further discussed in this chapter reveals, amongst other things, the way that the subjugation of Black people solidified the belief of White people in the moral superiority of their beliefs. I understand it to be more on the factual than on the fictional side of genealogical critique.

(4.2.2.), I argue that there are important differences between White being-toward-the-world and Black being-toward-the-world, but that these modes of existence are dependent on one another, mediated through the Black body (4.2.3.). Further, this chapter critically engages with Alfred Schutz's concept of typification (4.3.1.), in order to bring out the perceptual patterns of Coates's conflict event. I re-interpret Schutz's concept politically:¹¹⁴ political conflict events involve typifying one's opponent as representative of a rival, or even enemy, group (4.3.2.). Finally, I argue that Coates's racialised conflict event presents an instantiation of a particular type of conflict that I call *corporeal conflict* (4.3.3.). Although any conflict involves the body, this type of conflict more narrowly applies whenever the body takes centre stage. In corporeal conflict, the body becomes the marker for traits that 'lie bone-deep', i.e., it functions as a marker for other features of the person that supposedly apply to them 'naturally' qua membership in a political group. Hence, racialised conflict is always political. I end with some brief remarks on the two dominant conflict theories in political philosophy I discussed earlier in the dissertation (Rawlsian Conflict Resolution and Modus Vivendi Theory); and some initial thoughts on a phenomenological approach to conflict (4.4.). Although Coates's experiences take centre stage in this chapter, due to its paradigmatic depiction of racialised conflict, once again my interviewees' observations provide important insights for my argument.

Before I start, let me mention a couple of important caveats: by investigating a particular person's conflict experience, one must be careful not to overgeneralise. Coates's experience of racialised conflict may deviate from the experience of another Black person. Further, there may

¹¹⁴ Schutz himself did not develop the political dimension of his social phenomenology (see Gordon 1998), nor did he explicitly work in a normative register (Barber 1991). However, Schutz's ideas have also previously been applied to politically relevant subjects, for instance on racism and racialization (e.g., see Bernasconi 2000, Embree 2000, 2009; see also a brief discussion in Weiss 2018). More recently, Gros (2020) provides what one can call a prolegomenon to a Schutzian critical phenomenology. I will take a different direction than these authors in this chapter. For instance, while Bernasconi (2000) and Embree (2000) work with the notion of discrimination that Schutz develops in his chapter 'Equality and the Meaning Structure of the Social World' (1976; see also my Footnote 137 in this chapter), I emphasise the perspective of black scholars on the matter. Further, my phenomenological approach to conflict as put forth in (5.6.) is arguably more ambitious than Schutz's modest reliance on a 'slow and patient modification' of those socio-perceptual patterns that guide the dominant groups in power ([1957] 1976, 262).

be cultural variations of anti-Black racism, as stressed by Frantz Fanon in the case of the US and France ([1952] 2008, 172); also, there are crucial distinctions between anti-Black racism, racism against Latinx people, antisemitism, etc. Finally, there are differences between racism and other forms of discrimination, such as sexism, homophobia, transphobia, ableism, and their manifold intersections. Keeping all of this in mind, I ask to take the undoubtedly provocative terminology of White and Black being-toward-the-world *cum grano salis*. Yet I am confident that Coates's experience and thoughts are mirrored in those of other people who are similarly situated, and thereby illuminate a more general discussion on conflict, racialised conflict, and, maybe, beyond.

4.1. The Conflict Event

Ta-Nehisi Coates's book *Between the World and Me* (BWM) is written as an open letter to his son Samori, published the year after the St. Louis County grand jury had decided not to indict the killer of Michael Brown. In the book, Coates recalls an incident of his son's childhood: Coates goes to the movies with Samori (BWM, 93–4). Leaving the theatre, Samori slacks a little behind his father and is subsequently pushed by an impatient White woman behind him. Coates notes three aspects of the scene: (1) there is the woman laying 'a hand on the body' of his child; (2) there is his insecurity about his ability to protect his son's 'black body'; (3) and there is the perception of the *White* woman 'pulling rank', i.e., of her expressing her felt superiority as a White person over Coates's child (and Coates himself). Coates reacts with an angry outburst, he yells at the woman with words that are 'hot with all of the moment and all of my history'. She, in turn, shrinks back in shock. Then, a White man steps in to defend the woman and, supported by a gathering crowd, threatens Coates to call the police to have him arrested.

To appreciate the *racialised and political* character of Coates's conflict experience, it is

necessary to shed light on Coates's observations (2) and (3). Why is the White woman's behaviour an expression of 'pulling rank'? And why does Coates feel insecure about his inability to protect his son? Certainly, nobody can protect their child from all dangers of the world. While a certain level of worry or unease in light of this fact can be assumed to prevail for any parent, Coates marks his insecurity as particularly significant. As Coates's choice of the book title foreshadows, the conflict event at the movie theatre is not merely a singular dispute that could be resolved and forgotten—instead, it is paradigmatic for a generally problematic relationship between Coates and his world. It is a relationship that leaves him with a feeling of powerlessness. And further, this relation to the world crystallises in the experience of having a Black body—modern US-American racism revolves around it. Body and world, these are the central themes in Coates's book.

4.2. Embodying Conflict and Racialised Being-toward-the-World

Merleau-Ponty's arguably most original contribution to phenomenology is the analysis of the body's existential role in the relationship between actor and world. Merleau-Ponty opposes positions in psychology and philosophy that, according to him, reduce the body to a mere mechanic apparatus that may (intellectualism) or may not (empiricism) stand at the disposal of a Cartesian *res cogitans*. Instead, the body is the 'vehicle' (PP, 84) through which I gear into the world. More precisely, 'I am my body' (PP, 151), inextricably one with my flesh, and *only* because my existence is embodied can I pursue my projects. In the next two subsections, I bring Merleau-Ponty's discussion of the body to bear on conflict experience, before critically interrogating it through the lens of Coates and Black phenomenology.

4.2.1. The Body and Its Schema

Before I introduce Merleau-Ponty's discussion of the body, I want to embed it in the wider frame of his existential phenomenology. Through the body, according to Merleau-Ponty, we are-toward-the-world. As described in his *Phenomenology of Perception* (PP), being-toward- or being-in-the-world¹¹⁵ is the pre-objective, pre-reflective, action-guided relation between a person and their environment. Existence is not about idle observation; in Merleau-Ponty's terms, it is not a matter of 'I think that'. Rather, it is about practical engagement; it is about an 'I can' (PP, 139). A person is 'united' with their environment, invested in projects and confronted with challenges that they have to face (PP, 84, 103). In terms of political conflict, an event of strife can either constitute a challenge (an unforeseen situation one 'has to deal with') or it can be part of a project (e.g., disruptive acts of civil obedience such as occupying construction sites, interrupting parliamentary debates, etc.) and serve the purpose of raising awareness for a cause.

Like a bond between two persons forms the ways they treat and talk with one another, a person's being-toward-the-world structures the way they perceive the situation and act in it. Merleau-Ponty speaks of an 'inner diaphragm' that 'determines what our reflexes and our perceptions will be able to aim at in the world, the zone of our possible operations and the scope of our life' (PP, 81). As I will argue, it is Coates's being-toward-the-world that pre-structures his experience and actions at the cinema.

Now back to the body. As already laid out above, Merleau-Ponty aims to establish an understanding of the body that overcomes the dualism of mind and matter. In what at least

¹¹⁵ Though I use both interchangeably, the former formulation captures more appropriately the ontological difference between a person and an inanimate object as envisioned by Martin Heidegger, from which Merleau-Ponty adopts the concept. As I argued with Heidegger in my previous chapter (see also SZ, §12), a person (or *Dasein*) is not in the world like an object in a container, but inhabits it and acts towards it in pursuit of a project. For Merleau-Ponty's adaptation of Heidegger's being-in-the-world, see Morris (2008, 114).

seems to be a contrast to Heidegger (see 3.4.), Merleau-Ponty puts the body and embodied perception at the centre of any attempt to decipher the human condition. The body takes the role of a transcendental structure of being (Carman 2008, 82, 103). The body is our opening to the world ‘through which alone one experiences meaningful things in the first place’ (Morris 2008, 111).

Perceiving a situation and acting in it are concerted bodily operations, directed at the task at hand. Perception, therefore, has an immediate practical significance: If I drop my keys in a street gutter, I do not care about the colour or smell of the branches (if not too suspicious) that I see lying around. I *see* if they are long enough and *feel* if they are sturdy enough to help me recover the keys. ‘Sensing . . . invests the quality with a living value, grasps it first in its signification *for us*, for this weighty mass that is our body’ (PP, 52, my emphasis).

Over time, persons learn how to typically solve problems. In short, persons develop *habits*, sedimented meanings of moto-perceptual acts. Merleau-Ponty calls the corresponding structure the ‘body schema’, which grants a pre-reflective and dynamic awareness of one’s present bodily positions as well as the infinite number of equivalent positions suitable to deal with a given situation (PP, 142; see also Halák, 2018: 41–2; 2021, 39; Morris 2008, 116–7).¹¹⁶ For instance, when the phone rings (and provided that I want to answer the call), I have at my disposal a series of bodily compartments: ‘I could remain leaning back in my chair provided that I extend my arm further, I could lean forward, or I could even partly stand up.’ (PP, 150). What matters is the *sense* or *signification* in form of the task at hand that links these similar bodily movements with similar situations they correspond to (PP, 143).

Again, motoric habits also involve perceptual ones, delimiting at the same time ‘our field of vision and our field of action’ (PP, 153). Hence, the body schema also functions as the

¹¹⁶ Although Merleau-Ponty does not do so explicitly himself (Halák 2021, 33–4), the body schema as predominantly pre-reflective has to be distinguished from the notion of the body *image*, which is a mental representation of one’s body. For distinctions, see Carman 2008, 105–106; Gallagher 2001, 226ff.

ground for perception; it polarises the phenomenal field, allowing the body to anticipate objects to *take a typical shape* in accordance with its body's projects (PP, 103, 133; see also Carman 2008, 107; Halák 2021, 36; Morris 2008, 118). The world, taking shape in this way, ““indicates” what is required from our body in terms of our movement, posture, and attitude, while conversely the body opens a field for something to be perceived and ““completes the given” by appropriately adapting itself to it” (Halák 2021, 37). Thereby, ‘[t]he body schema equips us with an “*implicit* notion of the relation between our body and things”’ (Halák 2021, 36, original emphasis). Thus, the body schema is a *normative* structure, functioning as a ‘register’ (Halák 2018: 41; 2021, 42) for appropriate moto-perceptual acts (Carman 2008, 109–111).

For instance, ‘[t]he light of a candle,’ as Merleau-Ponty writes, ‘changes appearance for the child when, after having burned him, it ceases to attract the child’s hand and becomes literally repulsive’ (PP, 52). Thus, the reduction of possible interactions with a burning candle is interwoven with the sedimentation of the perceptual meaning ‘burning candle = hot = painful → avoid!’. Learning to see a new meaning in the world then is to acquire ‘a new use of one’s own body; it is to enrich and to reorganize the body schema’ (PP, 155). As the body schema is this organisational structure determining my grasp of the world, it is tightly linked to this ‘diaphragm’ that is my being-in-the-world. In fact, it is just another ‘manner of expressing that my body *is in and toward the world*’ (PP, 103, my emphasis).

Yet, remaining at this ‘natural’ level of the ‘purely corporeal’ will not bring out the specificities of racialised conflict. Coates is unapologetic that there is a marked difference between Black and White being-toward-the-world.¹¹⁷ This begins in childhood when, for instance, White children are taught that the world is theirs to command (BWM, 89–91), open for their exploration. A Black child, on the other hand, learns to be ‘twice as good’, to ‘accept half as much’ (BWM, 90–1), which is to say not to raise suspicion or even attention, for this could

¹¹⁷ However, I should note that Coates does not use this Heideggerian terminology.

mean the destruction, eradication, of their Black body (BWM, 71, 90, 103). To speak with Frantz Fanon, the Black child ‘encounters difficulties *in the development of his bodily schema*’ (Fanon 2008: 83; my emphasis). Hence, White body and Black body are separated by their respective *social* situation.

4.2.2. The Conflict Body and the Fracturing of Being-toward-the-World

Merleau-Ponty’s *Phenomenology* accounts for the social (although, as I will argue, there are limits to his approach to sociality); from birth on, being-in-the-world is being-with-others (PP, 363). This sociality modifies the body schema (PP, 147–8). It is a process of ‘dilating our being in the world’ (PP, 145) that begins with appropriating tools, such as a cane with which a blind person scans their environment, or a car that one navigates through a narrow street. Becoming used to tools is to alter ‘our existence through incorporating new instruments’ (PP, 145). The same applies to language. ‘It is the body . . . that speaks’, Merleau-Ponty writes (PP, 203), and learning a word is tantamount to possessing ‘its articulatory and sonorous essence as one of the modulations or one of the possible uses of my body’ (PP, 186). In this way, one can assume, the subject as lived body incorporates a whole social world, namely by extending, adjusting, and enriching its body schema with new meanings that structure its relationship with the world. Even thought and judgement are not untied from this relationship. To turn inwards completely is as impossible as is solipsism because one would need to tacitly observe ‘his existence without being anything and without doing anything, which is surely impossible, since to exist is to be in the world’ (PP, 378).¹¹⁸

¹¹⁸ For the time being, I do not intend to take a stand in the debate whether thought is inner speech and, therefore, bodily expression; nor do I take a stand with respect to the question of whether the body is an exclusively physical notion (Walsh 2016). My interest lies in showing that the body is the foundation of the social world and that the social world ‘falls back’ onto the bodily world by influencing its perceptions and actions (see further below).

From the above, I want to draw two preliminary conclusions. The first is that social meaning falls back on the world of perception. As hinted at above, learning reshapes perception. A child that has burned their hands on a lit candle will subsequently *see* the candle's potential to burn them. So does social learning reshape perception (see also VI, 212; Alcoff 2006, 184; Al-Saji 2010, 884-885; Dillon 1988, 172; Halák 2021, 49; Waldenfels 1985, 21, 24f.). This means that in a lifeworldly challenge, such as a conflict event, perception of the event is not solely 'natural,' but infused with social meanings that I often perceive directly. Acquiring *perceptual* habits of social import, I immediately perceive challenges as culturally, politically, religiously, and/or morally meaningful. Similarly, the other is no indeterminate other, but an other with social significance. The same holds for their actions.¹¹⁹

The second preliminary conclusion is that a person's pursuit of their projects and response to challenges are complex and diverse, due to sociality. Earlier, I quoted Merleau-Ponty's emphasis on the practical dimension of embodied existence. Consciousness is a matter of 'I can.' But with social meanings entering a person's being-toward-the-world, the question rests not merely on what I can or cannot do, but on what I *should, may, or must do* (Waldenfels 1985, ch.7). In other words, the challenges the world presents to me have cultural, political, religious, and moral significance. And since different individuals and groups will arrive at different meanings that the body incorporates, different body schemas evolve that correspond to different styles of being-toward-the-world, depending on the particular social situation a person finds themselves in (Landes 2020, 32; Morris 2008, 117).

¹¹⁹ Although this point will only come to more explicit fruition in Merleau-Ponty's later works (e.g., S; VI), Watson (2007, 534) argues that traces of these quasi-transcendental influences of the social on ego can already be found in his *Phenomenology*. Indeed, Merleau-Ponty speaks of ego as having '*historical thickness*' and taking up '*a perceptual tradition*' (PP, 248; my emphasis); ego is '*a psychological and historical structure*' (482) and cannot cease to '*think with the cultural instruments that were provided by my upbringing, my previous efforts, and my history*' (62; all my emphases). To be clear, what I am emphasising here is a tenet in Merleau-Ponty's work that delves into ineliminable difference and opacity inherent in the lifeworld. Other authors, such as Evans (1998), stress Merleau-Ponty's objective to release the diversity of the world into convergence—something that, arguably, he did not even abandon in his later years (VI, 146). I will come back to this point in my (5.6.), where I stress that this convergence can only be thought of as unredeemed, in the light of uncatchable particularisation.

What does this mean for political conflict? I believe it implies the following: when we as embodied beings enter or find ourselves in a conflict event, we carry with us the past of previous conflicts, both in the sense of our individual experiences (such as Lisa from the previous chapter being beaten by the police at a protest, lines 133–52), but also those that are socially shared (such as Lisa learning from ‘society’ that the police is the ‘enemy’, lines 263–75). My being-toward-the-world, expressed and sedimented in my body schema, corresponds to a habitual conflict body that renders a conflict event understandable and ‘manageable’ for me. I ‘know’ how to see the other and my environment in these instances of strife; I also ‘know’ how to position myself and act in that phenomenal field and the space of the conflict event.

Further, if these motor-perceptual habits are socially shared, my body projects a situation that is not purely my own, but one that, *prima facie*, anyone can take up. Yet, if people are divided by their respective social groups, if our situations vary with respect to our *social* situation, this ‘anyone’ is not shared across all persons and conflict participants. What happens, then, is a fracturing of this anyone into ‘anyones’, which amounts to diverging ontic modulations of Heidegger’s otherwise unifying structure of *das Man*.¹²⁰

If this holds true and I want to understand my particular being-toward-the-world or that of others involved in conflict, a transcendental reduction that aims at universal existential structures will fail to bring out these conflict-relevant particularities (Haile 2017, 497; Guenther 2021). Merleau-Ponty’s *Phenomenology of Perception*, with its focus on the contrast between the ‘normal’ and the ‘disorderly’, cannot bring this point to full fruition. Instead, a phenomenology of socially co-determined being-toward-the-world requires knowledge of the particular milieu it is manifested in (PP, 55, 62, 110, 125, 141, 482; Spurling [1977] 2014, 91; see also 102).¹²¹

¹²⁰ See also my discussion in Section 5.4.

¹²¹ Although this point is not fully appreciated in *Phenomenology of Perception*, I nonetheless see it reflected in Merleau-Ponty’s claim that to understand history involves an analysis from all angles. Ideology, politics,

This point has long been recognised by Black phenomenology: in the words of Frantz Fanon, it is necessary to interrogate the ‘sociogenic’ level (Fanon 2008, 4), i.e., the *quasi-transcendental* and relatively inert intersubjective meanings, institutions, and relations of power that shape experience and coordinate behaviour (e.g., Guenther 2021). In the case of racialised conflict, this necessitates understanding the racialised character of the being-toward-the-world of those involved in the conflict: their socio-material and historical dimension (Gordon 2000: 10; Haile 2017: 495–6).

Although this insight can be found scattered throughout *Phenomenology*, Merleau-Ponty focuses on ‘triangulating’ from pathological cases (most notably the one of Schneider) to the ‘normal’ structures of embodied action (Jackson 2018). The ‘normal’ body is both able to project onto the world a situation in accordance with their current goals and overarching project, but also to respond adequately to the concrete situation and its demands. Further, Merleau-Ponty emphasises the open-endedness of the relationship between body and world; he stresses the ‘normal’ subject’s ability to break out of habit, to create and play freely (e.g., PP, 107, 203).

It is here where I return to Coates; for it is precisely this dynamic of projection and solicitation that he finds to be thwarted in the Black body. In a quasi-phenomenological reduction, Coates urges his son not to think of racism in abstract concepts—not of racial chasm, racial justice, or White Supremacy—, but in the ‘visceral experience’ that is racism. Racism ‘dislodges brains, blocks airways, rips muscle, extracts organs, cracks bones, breaks teeth’ (BWM, 10). Hence, the story of the Black body is a story of violence and violability. The world

religion, economics – ‘everything has a sense, and we uncover the same ontological structure beneath all of these relations. All of these views are true, so long as they are not isolated, so long as we go right to the very foundation of history, and so long as we meet up with the existential core of signification that is made explicit in each of these perspectives’ (PP, lxxxiii). Phenomenology, then, moves away from an analysis of the eternal structures of human existence, the ultimate foundations Husserl was looking for, and towards an infinite task of ‘holding all the facts together’. ‘The reasons for phenomenology’s being “unfinished,” its “*inachèvement*” are internal to it. The claim is no longer that phenomenology makes ultimate sense of it all, but only of that which can’t make sense without it’ (Watson 2007, 543, original emphasis).

encroaches upon the Black body: it is not a place to roam free, but to be wary in. Space becomes confined and narrows down on the Black body, exemplified in Coates's citation of Malcolm X's 'The Ballot or the Bullet' speech: 'If you're black, you were born in jail' (Malcolm X in BWM, 36).

Further, the ever-present possibility of the Black body being broken shrinks the future to a horizon of imminent threats. A shielding from this potential is tiresome: Coates writes how the 'need to be always on guard was an unmeasured expenditure of energy, the slow siphoning of the essence' (BWM, 90). Coates comes to the conclusion that

perhaps the defining feature of being drafted into the black race was the inescapable robbery of time The robbery of time is not measured in lifespans but in moments. It is the last bottle of wine that you have just uncorked but do not have time to drink. It is the kiss that you do not have time to share, before she walks out of your life. It is the raft of second chances for them, and twenty-three-hour days for us. (BWM, 91)

Therefore, Merleau-Ponty is not sufficiently taking into account a misfit between body and world not due to the *pathological* circumstances of a person, but as a matter of the *socio-material* conditions of their situatedness.¹²² Although phenomenology rightly observes that *everyone's* projects are constrained by their concrete situation (PP, 469ff.; see also Heidegger 2006: §38), there are racialised *empirical* (or ontic) particularities *the content of which* transcendental phenomenology cannot account for: (a) a Black person *encounters constraints on their projects and the development of their body schema to a higher degree* than White existence (Ahmed 2007; Wieseler, 2019). And (b), there *can be no adequate response* to the Black situation to the extent that the Black person can fully master it. Even avoiding potential

¹²² One might go further and say that current socio-material situations are the result of a *social* pathology of power. On this topic, see, e.g., Honneth (2014b). I return to this in my Conclusion.

dangers—e.g., by being ‘twice as good’ towards police—is no guarantee that the Black body is safe. As a consequence, the Black person is always rendered aware of their bodiliness. Merleau-Ponty’s key lesson in *Phenomenology* of the central role of the body as the hinge between subject and world is mostly news to a White (cis-male and able-bodied) audience.

4.2.3. The Entanglement of Black and White Being-toward-the-World

Yet, Black and White existence share these quasi-transcendental structures oppressing the Black body; they are intricately interwoven through them. There is a common history that once again crystallises in the Black body: through enslavement, the Middle Passage, and slave labour, segregation, lynching, and poverty, voter suppression, incarceration and police violence, sickness, and chronic disease, the White person has not only shown to the Black person that their body is vulnerable, breakable, lesser. Conversely, White being-toward-the-world is built on and with the Black body; the wealth of the US’s White population stems from the labour of Black slaves. Coates writes unambiguously:

The spirit and soul are the body and brain, which are destructible The soul was the body that fed the tobacco, and the spirit the blood that watered the cotton, and these created the first fruits of the American garden. And the fruits were secured through the bashing of children with stovewood, through hot iron peeling skin away like husk from corn. (BWM, 103–4)

In order to reap the fruits of their labour, White plantation owners denied Black persons ‘the right to secure and govern [their] own bodies’ (BWM, 8). They treated the Black body as nothing but ‘an object in the midst of other objects’ (Fanon 2008: 81), as fixed capital they invested

in for returns in sugar, tobacco, cotton, and gold (BWM, 71). Josh, the BLM activist from the previous chapter, tells me in our conversation that this objectification is still disclosed in the treatment of the body in media coverage where the sensitivity around showing White corpses does not translate to the same sensitivity in the Black case:

[Y]ou know, after Michael Brown died, his body was literally on the ground. And there are images of that. The fact that Freddie Gray was killed in the back of a police car and no one cared about his body. And yet a *White* woman who literally goes into the Senate [at the January 6 storm of the Capitol] and is trying to get into the Senate gets shot, but now all of a sudden we have an issue with showing that. *You* tell me what the difference is. What does that suggest to everyone else when it's like, 'Oh, we're OK with showing Black death, we're OK with showing Black beatings and things of that nature.' But when it comes to *White* individuals now, all of a sudden we have a sensitivity. *That* means you don't value me and my body equally. (his emphasis, lines 382–90).

In an important, but limited,¹²³ sense, then, the scope of White-being-toward-the-world is entangled with the objectification of the Black body and the restriction of the scope of Black being-toward-the-world. To put it bluntly, White 'I can' depends and is built on Black 'I cannot'.¹²⁴ Hence, commanding, harming, even erasing, the Black body is not transgression, but 'correctly interpreting [White] heritage and legacy' (BWM, 10).

This takes us back to the conflict event at the cinema: when the White woman pushes Coates's son Samori at the movie theatre, her action is for Coates not a mere act of impatience,

¹²³ White 'I can' does not translate neatly into black 'I cannot'. In Heideggerian terms, white and black existence are not ontological opposites. They are different modulations of the same being-toward-the-world. This difference is vital, since the latter accounts for the common ground between black and white existence. Only then is change possible.

¹²⁴ I thank Yonathan Listik for pushing me to make this point clearer.

but a re-enactment of the decisively asymmetrical relationship between Black and White existence. Further, Coates's insecurity about his inability to protect his son stems from this relationship around the Black body's vulnerability. It creates a looming fear, an *existential* fear (Ratcliffe 2015: 51),¹²⁵ that reduces the scope of possible action for the Black person.¹²⁶ This fear changes its shape in parenthood: the existential fear of a permanent threat against one's own body is transformed and accompanied by the *fear for the child's body*. Coates remembers this fear in his father's eyes who scolded and beat his son 'as if someone might steal me away' (BWM, 15).¹²⁷ It is the same fear Coates feels for his son, whom he would not be able to save from the whims of the police (BWM, 90).

It is this particular being-in-the-world, shaped by history and power, that informs Coates's conflict experience at the movie theatre. His body carries the whole weight of the conflictual past of US racism. It is Coates's pre-reflective awareness that he and his son are exposed to the temper of other persons who hold power over them. In the terms of Merleau-Ponty, what is dominant for Coates in the situation at the theatre is his body's 'I cannot', and not an 'I can'.¹²⁸

¹²⁵ 'To find oneself in a world is to have a sense of the various ways in which things might be encountered—as perceptually or practically accessible, as somehow significant, as available to others. And changes in the overall style of experience, in existential feeling, are shifts in the kinds of possibility one is receptive to.' (Ratcliffe 2015, 51)

¹²⁶ Yet, a group's being-toward-the-world is not void of individual configuration. Coates observes black persons to cope with this fear in different ways. He describes the 'extravagancy' of black teenagers in the neighbourhood, who wear 'their big puffy coats and full-length fur-collared leathers' as their armour and whose belligerent behaviour should attest that they 'were in firm possession of everything they desired' (BWM, 14). For Coates, this behaviour is the expression of a desperate attempt to simulate control covering over their own vulnerability (15). Other black persons are propelled by this fear 'out into the cosmos', educating themselves, enriching their lives, leaving their neighbourhoods to live in cultural centres and abroad (85-6). One such example is Patrisse Khan-Cullors, one of three co-founders of the *Black Lives Matter* movement, whose sadness and fear for others and herself, as she reports, stubbornly results in anger and activist impetus (Khan-Cullors and bandele 2019). Coates himself, on the other hand, senses that he is 'going down too easy,' that his fear has a firmer hold on him than on others (BWM, 86).

¹²⁷ See the same phenomenon described by Baldwin (1990) and Whitehead (2017, 8).

¹²⁸ This projection of an 'I cannot', however, is accompanied by projecting an 'I can' of a generic, i.e., white, male, heterosexual, and able body. E.g., see Young (1980), Salamon (2012), Al-Saji (2014), Weiss (2017).

4.3. Political Typification and Corporeal Conflict

In the previous section, I have argued for understanding Coates's experience in the conflict event as one being grounded in his being-toward-the-world that, next to personal characteristics, is also influenced by the social circumstance of being Black in a world dominated by Whiteness. Thus understood, his felt insecurity to protect his son's body is an expression of a being-toward-the-world in which others, i.e., White people, present a constant veritable threat to the Black body. Further, for Coates, the White woman pushing his son is not merely an impatient and improper act of an adult towards a child, but of a *White* person towards a *Black* person. Being White in a White world entails control over the Black body. Hence, one can interpret the White woman as acting on her felt superiority over Black persons in a White space, i.e., in which norms of Whiteness are ingrained (Anderson 2015, 15).

Conflict perception is rendered possible by social meanings falling back into the world of the body. In this section, I want to elaborate a clearer picture of how these meanings are formed and shared, and how they structure perception. Further, I will show how this process renders the conflict event political.

Although the early Merleau-Ponty speaks of 'perceptual traditions', hinting at the socio-historical dimension of the body schema, his social phenomenology is only of limited help in accounting for the way perceptual patterns are operative in Coates and his opponent. This is because Merleau-Ponty is more interested in *authentic communication*: i.e., he investigates social situations in which two persons hold a genuine interest in understanding and learning about the other in their individuality (Spurling 2014, 74–5).

Yet, what appears to happen in the conflict event under investigation is different. If Coates's perception of the White woman is correct, she does not push Samori for the individual

he is, but *because he represents* something or somebody. The same holds for Coates's perception of the White woman whose *Whiteness* is key for him to understand the occurrence.

My point becomes even clearer when taking into account how the conflict event unfolds further, i.e., when the White man weighs in to defend the woman. The man says to Coates that he could call the police to have him arrested. Coates perceives this statement of his opponent not to be a neutral observation, but instead to be a threat:

'I could have you arrested,' he said. Which is to say, 'One of your son's earliest memories will be watching the men who sodomized Abner Louima and choked Anthony Baez cuff, club, tase, and break you.' (BWM, 95)

Coates here refers to the New York police force *in general* whose members were responsible for the killing of Anthony Baez and the assault and sexual abuse of Abner Louima in custody. Additionally, that with his threat to call the police, the White man signals Coates that '*I could take your body*' (95, my emphasis), implies that the man understands himself having power over Coates and his body qua Coates's Blackness and qua his own Whiteness.

In this section, I want to highlight that the other in a *political* conflict event stands in for a collective. In other words, Coates as well as the White woman and the White man mutually do not only perceive one another as individual beings, but decisively as *representatives* of a group whose typical features they display. This determines the way each one behaves in the conflict event. Therefore, Merleau-Ponty's authentic speech does not get off the ground, because each agent already 'knows enough' to 'correctly' respond to the challenge that is the conflict event at hand. *Mutatis mutandis*, Alfred Schutz's notion of *typification* proves helpful to illustrate the perceptual role of Whiteness and Blackness.

4.3.1. Schutz and Typification

Types are sedimented subjective experiences of a person's or a group's characteristic body features, motives, actions, speech, and gestures (Schutz and Luckmann 1973, 66–7). Types are, so to speak, abstractions and generalizations—one could also say stereotypes—and typification is the process by which these types 'fall back' to the complex world and simplify experience.¹²⁹ They consist of a nexus or web of features (Schutz and Luckmann 1973, 230) that are assumed to appear simultaneously. A typical experience is thus 'homogeneous and repeatable' (Schutz 1967, 184). A phenomenon is meaningful and familiar to me insofar as its features correspond to a type. I then assume (or apperceive) the features that are not yet present in my experience, without any conscious effort (Schutz 1967, 140; see also Taipale 2016, 150). For instance, if I see a dog, the potential of its biting me is apperceived, even if the dog is currently not hostile towards me.

The subjective experiences that become types through sedimentation can be made personally, or they can be socially transmitted, e.g., from one generation to another (Schutz and Luckmann 1973, 243–4). Therefore, they take part in a shared, transgenerational stock of knowledge.

Hence, types entail expectations. Corresponding to Merleau-Ponty's idea of moto-perceptual entanglement, types carry practical significance. Schutz argues that types structure face-to-face encounters (Schutz 1967, 167, 169, 185; Schutz and Luckmann 1973, 77), render social life predictable, and provide routine solutions to everyday problems and situations (Berger and Luckmann 1967, 45; Schutz and Luckmann 1973, 9, 14–5; Zahavi 2014, 146). It makes a difference for my expectations and actions if I have a philosophical discussion with a layperson or a professor, just as it makes a difference for my confidence if I play football against my two-

¹²⁹ Carman remarks a similar role for the body schema in Merleau-Ponty's *Phenomenology*. See Carman 2008, 107.

year-old cousin or a Premier League player. This renders types also politically relevant: am I debating with a socialist, a liberal, a conservative, an environmentalist, or a Nazi? My perception of the other as a token of a type will influence my attitudes, expectations, and actions towards them.

My interviewees corroborate this: Daniel, a former soldier in the Israeli army and nowadays member of the activist group *Combatants for Peace*, tells me how his image of the typical Palestinian structure his behaviour: ‘I thought, “OK, they, they believe in power, they believe in force, they understand only power, and if we want to be strong enough . . . we should fight them”’ (lines 245–7).¹³⁰ Harry, the project manager at Co-operation Ireland, says that Unionists to this day are reluctant to apply for funding from the EU. This is because Ian Paisley told them decades ago that it was the ‘devil’s money’ (Harry, lines 207–14). Patrick, the MP in North Rhine-Westphalia introduced in the previous chapter, underlines how in ordinary political discourse, types are action-guiding, as ‘this also has something to do with reliability. Is that, what happens, predictable and expectable?’ (my translation, lines 618–9) And, as BLM activist Lisa introduced in Chapter 3 shows, typification does not only apply to out-group perception, but also involves harmonising perception of in-group members: ‘People in the movement, to tell you the truth, I really don’t think about them in terms of on a personal level. I think about the fight, the cause. What can I do to build up my own organization?’ (lines 474–6)

Now, although Schutz acknowledges the role of types for face-to-face encounters, he assigns them only a secondary role, as they ‘are arranged and subordinated to the living reality’

¹³⁰ In the novel *Apareignon*, Colum McCann tells the story of the friendship between *Combatants for Peace*’s co-founder Bassam Aramin, a Palestinian, and the group’s member Rami Elhanan, an Israeli, both of whose daughters were killed in the conflict. In the middle of the book, McCann includes excerpts of the interviews he conducted with both men. In them, Elhanan reveals types even more extreme than Daniel’s (2020, 221): ‘And the truth is, the awful truth, the Arabs were just a thing to me, remote and abstract and meaningless. . . . The Palestinians in Jerusalem, well, they mowed the lawns, they collected the garbage, they built the houses, cleared the plates from the table. Like every Israeli, I knew they were there, and I pretended I knew them, even pretended I liked some of them, the safe ones—we talked about them like that, the safe ones, the dangerous ones—and I never would have admitted it, not even to myself, but they might as well have been lawnmowers, dishwashing machines, taxis, trucks. . . . And if they were ever anything other than objects, they were objects to be feared, because, if you didn’t fear them then they would become real people.’

of the other's uniqueness in face-to-face encounters (Schutz and Luckmann, 77; see also Schutz, 1967, 169). When 'I am face to face with someone, my knowledge of him is increasing from moment to moment,' so that my 'ideas of him undergo continuous revision as the concrete experience unfolds' (Schutz 1967, 169). Types, though informing the experience of the other, are contrasted with the unique appearance of the other and may be modified when proving inapt. 'The typifications are "enlivened" in application to my fellow-man, are arranged and subordinated to the living reality' (Schutz and Luckmann 1973, 77). Here, Schutz und Merleau-Ponty meet anew: both underline the significance of the individual and the need to search for it underneath the grey of generalisation.¹³¹

But why is the woman's and man's Whiteness the dominant feature of Coates's conflict experience? Why does it seem to suffice for the White man to see Coates's Blackness to threaten him with the police? There are three aspects to this conflict event. The first reaffirms the rigidity of our habitualised ways of seeing. Daniel's perception of Palestinians only changed after leaving the military as a soldier, suffering from PTSD, and engaged with the former enemy more closely through his NGO work. In other words, it took an extraordinary—and traumatising—event to change his typificatory schemes. Types even do not change when they are clearly debunked on a societal level. Lisa, the BLM activist from New York, tells me this when she talks about the preconceptions of Black activism. Black activists are often considered to be male, even though '[b]lack women have always been at the forefront of Black people' (lines 354–5).

It's because [of] the perception of police brutality. Now, people don't remember Sandra Bland's name every day. Breonna Taylor was already murdered and dead and long gone

¹³¹ Schutz notes 'in passing' that there is also the possibility of 'holding back' from the experienceable uniqueness of the other to 'replace' it with generalisations. Institutionalised, i.e., rule-guided and habitual, interactions, 'such as between buyers and sellers' present an example (Schutz and Luckmann 1973, 77). However, since the footnote to this passage refers to the Marxian concept of alienation (Schutz and Luckmann 1973, 78), Schutz signals that this mode is not only less interesting to him, but also deficient. I, on the other hand, want to make the case that such modes of interaction are quite common, not necessarily bad, and politically relevant.

before George Floyd's death. His death brought it to the forefront. It's the perception that police brutality and the criminal justice system, the failure of this broken criminal justice system, that they affect Black men only. (lines 363–7)

Thus, types cling on, and *pace* Schutz, it seems that face-to-face encounters do not necessarily subordinate types to the reality of the other by default.

I will now elaborate the other two aspects in sequence. One is that the conflict event is political; and this further reduces the significance of the individual traits of all actors involved in the conflict event. The other is that Coates's conflict event is not only political, but it is a manifestation of a particular kind of political conflict, i.e., corporeal conflicts.

4.3.2. Political Conflict Events and Representatives

Although Schutz and Merleau-Ponty focus on authentic and invested interaction of persons, our everyday encounters often take another form: according to Joonas Taipale, there are many social situations in which there is no need to know the other in their full individuality. Oftentimes, it is completely sufficient to have a 'vague and approximate grasp' of the other, because one is 'not even interested in getting to know them more closely and personally' (Taipale 2016, 144).¹³² Lewis R. Gordon calls moments like these *epistemic closure*; it occurs whenever one

¹³² One can explain this with Schutz's notion of the *pragmatic motive*. Like Merleau-Ponty (PP, 94), Schutz draws on Heidegger's idea that a person's actions are geared towards the pursuit of their projects (Schutz 1967, 59). The pragmatic motive implies that the focus of the person lies on finding and applying routine solutions to problems the world directs at them. Schutz argues that sometimes the ordinary answers to a challenge will not suffice; in these *problematic experiences*, a closer look is necessary to make sense of the situation (Schutz and Luckmann 1973, 114, 122–4). Types might be incomplete or inappropriate and the individual features of the other more relevant for navigating the situation. But it would be hasty to assume that any conflict event is such a problematic experience. Whether an experience is considered problematic does not depend on the conflictual character of the interaction *per se*, but whether the conflict participant is interested in a closer look; it 'depends on the situationally related concretization of the pragmatic motive' (Schutz and Luckmann 1973, 125). Not every conflict event necessitates a closer look.

presumes to have complete knowledge about the phenomenon at hand, thereby closing off any effort of further inquiry (Gordon 2015, 49).

I argue that epistemic closure is a structural feature of political conflict events, in that the inherently *collective* nature of the political pushes individuality to the side. People regard themselves as part of a community that shapes their sense of identity (Drummond 2000, 35). This creates a sense of insiders and outsiders (Steinbock 1995, 222–5; Waldenfels 2011, 75–6). In a political context, both I and the other in conflict are stand-ins or representatives for our respective groups (see also Waldenfels 2011, 79). As Daniel, Patrick, and Lisa attested to, our respective individualities often tend to be of secondary concern. The prominent feature is their (presumed) belongingness to a typified, opposing (or even enemy) collective that has certain features and for which courses of (re-)action are at one’s disposal. Once a feature of the other that forms part of a political type comes to my attention, this very type informs my comportment towards them. For instance, when it becomes clear that the other votes for the party diametrically opposed to mine, we ‘know’ that we will never agree on many matters, e.g., abortion laws. When two marches clash, one fighting for and the other against the right to abortion, nobody cares about the names or hobbies of members of the opposing camp. It suffices to *see* that they are ‘the enemy’ to resort to typical courses of action and reaction. While there are political conflict events in which an experience needs more clarification—for example, in a face-to-face negotiation on a treaty, it would be important to know if the opposing politician is showing off their ‘poker face’—, such a ‘closer look’ will not always overwrite their representative character. In other words, epistemic closure regularly occurs before the full individuality of the other is grasped.¹³³

¹³³ Friendships across political parties provide a curious case that seems to contradict my point. But a friend can also appear as a political rival; and one can hold prominence over the other, given the current context. A conflict event between friends (or partners), in this sense, does not necessarily start out to be political. However, it always *can* turn political once perception of the other is dominated by their representative character. I will return to this in Chapter 5.

4.3.3. Racialised Typification and Corporeal Conflicts

In the previous section, I have argued that in a political conflict event, opponents tend to appear as representatives of a collective; perception in these instances is dominated by types instead of the individual characteristics of the other. One could say, the unique colour pattern of an individual is ‘alloyed’ with the single colour of a political group, when political meanings fall back onto the body and structure perception in a conflict event. Coates warns his son of political typification when he teaches him that he ‘must be responsible for the worst actions of other black bodies’ (BWM, 71). Similarly, Josh knows he is perceived as an ‘agitator’ by White supremacists, ‘which inherently is what we get perceived as if we are part of *Black Lives Matter*’ (lines 130–1). But racialised conflict involves a particular form of political typification, corresponding to a particular type of conflict. For while in other conflicts, a type may be activated with an utterance, a gesture, a uniform—all of which, conversely, may be incorporated by the opposing subject into their body schema—epistemic closure in racialised conflict is reached fairly fast:¹³⁴ the body already provides enough information for ‘appropriate’ conflict behaviour. There is no need for debate, for exchange of arguments—it is enough to see the other’s body to see them as representative. *The body is politicised*. Analogous to Sara Ahmed’s observation that the racialised body is the *site* of social stress (Ahmed 2007, 161), we can say that *racialised conflict is corporeal*—which is to say that the conflict revolves around and manifests in the body.

What types are at play in racialised conflict? According to Black phenomenology, White people ‘learn’ to see a Black body as representative of ‘putative danger, crime, and poverty’

¹³⁴ Monika, the German politician introduced in Chapter 3, observes the same for women in politics, for instance when male politicians turn away from her to male colleagues, or she is repeatedly overlooked when she intends to weigh in at parliamentary debates (lines 607–19).

(Anderson 2015, 13; see also Yancy 2017, xxxiv, 53).¹³⁵ In this way, the Black body becomes a signal for eternal traits that pervade and transcend the individual person, applying to all of those that the Black body represents, and that legitimise an ordering of Black and White existence. This racialised perceptual pattern is also at play in the conflict event at the movie theatre. Coates appears to the White woman and the White man as ‘criminality itself’ (Yancy 2017, xxx).

To interrogate the origin of racialised types, it is necessary to once again go beyond phenomenology and towards genealogy: Coates showed above that Black being-toward-the-world and White being-toward-the-world are interwoven through the treatment of the Black body. To be justified to treat the Black body as an object, to subjugate it, the White person developed a ‘new idea’. This is ‘the belief in the pre-eminence of hue and hair, the notion that these factors can correctly organise a society and that they signify deeper attributes, which are indelible’ (BWM, 7). Hence, basic bodily features were turned into markers. Fanon observes how the children’s magazines of his time depict the Black person as ‘the Wolf, the Devil, the Evil Spirit, the Bad Man, the Savage’ (Fanon 2008, 113; see also Yancy 2017, 63). With time, these racialised types shed their historicity and become part of the very fabric of the world: the White person begins to perceive, experience, and live ‘the historical, cultural meanings of race as biological, materially real, and natural’ (Lee 2014, 7).

Analogous to the types about the Black body, there are types about the White body, for Whiteness stands in for a system that has subjugated, oppressed, and destroyed Black existence. Regardless of whether a White person is racist, their acts can present an oppressive system.¹³⁶ This extends to the police force and other representatives of White supremacy. For instance, in

¹³⁵ Josh corroborates this when he talks about heightened police presence and military gear and tactics at BLM protests: ‘that is also a sign of, once again, a devaluation of the black body in the fact that you already perceive me as being dangerous’ (lines 378–9).

¹³⁶ This point is made by Chris Cooper in a response to the conflict event at Central Park (*CBS News* 10 June 2020).

the aftermath of 9/11, Coates could not feel any compassion for the police officers and firemen that died in action, because they all represented a White oppressive system (BWM, 87). Further, when Coates sees the White woman pushing his son, he does not see one body mechanically interacting with another. *Coates sees racism in action.*

However, same as with the awareness of one's bodily nature (see 4.2.2.), there seems to be a difference in awareness about Black and White types. Coates writes that he 'experienced [the White man's stepping in] as his attempt to rescue the damsel *from the beast*' (BWM, 94; my emphasis). The semantic proximity to Fanon's quote above is not a coincidence: Coates is well aware of the historically formed types in which he is perceived. The question is if this awareness is an individual achievement or, more precisely, if it is an individual achievement *entirely*. Coates studied at Howard University where he dedicated a substantial amount of his time to the study of racism and the search for a Black identity. Arguably, this renders Coates more equipped to perceive and understand racist behaviour. Other Black persons lacking this background knowledge might not be attuned to the ways in which racism addresses them.

But, as argued earlier, the Black body encounters obstacles to a higher degree than the White body. George Yancy, drawing on W.E.B. Du Bois's notion of 'double consciousness', highlights that the incessant bombardment of the Black body with racialised types, the being treated like an object, provokes an inner tension in the Black person, a split between how they see themselves and how they perceive themselves as being seen, a split between experiencing subject and experienced object (Yancy 2017, 79–80).¹³⁷ This fragmentation is primordial, it occurs within the everyday lifeworld, prior to any theorization. Hence, an explicit knowledge of racialised types is preceded by an awareness *in statu nascendi*.

A White person may not be aware that their acts are racist or perceived as such. Coates describes this ignorance in the form of 'the Dream': the Dream, that is the (White) American

¹³⁷ Schutz makes a similar observation, when he characterises discrimination as an alienating imposition of types on the dominated group by the dominating group (1976, 256–7).

way of life, a success story of economic affluence, thriving families, and of a functioning and just democracy (BWM, 10–11). Coates shows how this narrative covers and omits the traces of systemic racism (BWM, 33). For instance, the narrative around the Civil War ‘made enslavement into benevolence, White knights of body snatchers, and the mass slaughter of the war into a kind of sport in which one could conclude that both sides conducted their affairs with courage, honor, and élan’ (BWM, 102).

It is through distortions like these that racialised types become innocuous or even invisible. One can say that a White child learns to dwell within ‘the world of white racist practices in such a way that the practices qua racist practices have become invisible’ (Yancy 2017, 64). This affects how a White person perceives themselves in a racialised conflict event. For if the White person does not register their racially motivated behaviour and reasoning, qua covered, as stemming from a particular (and distorted) perspective (see also Ahmed 2007, 156), they believe to speak with universal reason. *Whiteness becomes a disembodied universalist view from nowhere*. White superiority comes with moral authority (Anderson 2015, 15–6): putting a Black person ‘in their place’ is not an act of racism, but morally justified by the ‘right’ way of life.

In this way, the White man’s threat towards Coates to call the police is a threat towards *a black man to put him in his place*. From the previous chapter, one can say that the White man commands Coates to take up the position this space of Whiteness assigns to him. The White man does not only protect the woman; he protects Whiteness itself, and the police are his allies he can call for reinforcements. Crucially, the White man does not perceive of himself as the avenger of Whiteness; instead, he represents the universal voice of reason and decency. To him, the conflict event presents an instance in which a black man behaves ‘out of line’.¹³⁸

¹³⁸ Robin DiAngelo argues that this belief of white people in themselves as representatives of universal ideals is one factor leading to ‘white fragility’ (2011, 59). White fragility implies that white people are in a state ‘in which even a minimum amount of racialised stress becomes intolerable’ (DiAngelo 2011, 54). When accused of or

4.4. Conclusion

Our bodies are the centres of our conflict experience. We necessarily pursue our projects as bodily entities, gear into the world as bodies. As Lucy Osler shows, this also holds for engagement in online spaces, as my use of technology is just another form of incorporating tools and worlds into my body schema (Osler 2021, 6–9). But there is more to this story: the social character of our body makes us carry the past—both our personal one as well as the past of the groups that we belong to. Our body schema adapts to the social experiences that we make, finds and habitualises responses to the challenges that it is presented with, including perceptual patterns. Conflict events form part of these challenges, and if our body is not the ground zero of a conflict experience, it is trained by other bodies to respond in a socially mediated way. Further, we perceive other bodies in usually typical fashion, and this gives us the ‘knowledge’ how to respond appropriately. Events of political conflict are structured through these types and connected to our bodies as the acting and reacting centre of command—and as the patient affected by the world and others, including in conflict events.

That much is general about the role of the body in conflict. But this chapter also uncovered a particular type of conflict. Corporeal conflicts are conflicts in which the body itself is politicised, i.e., where it constitutes the focus of a clash; it is a marker for membership to a rival or enemy group. There are other conflicts that are structurally similar to anti-Black racism. *Mutatis mutandis* (e.g., Alcoff 2006, 164ff.), conflict events involving women, transpersons, or persons with disabilities can always turn political, because gendered conflict and conflicts on disability (also) revolve around and are lived through the body.

made aware of their racist acts or utterances, White people tend to react defensively, responding with anger, denial, or even by drawing the focus of attention away from impact the White person has had with their actions and towards the hurtful accusation from the other (DiAngelo 2011, 65).

My chapter is *not* meant to imply that corporeal conflicts are *only* about the body. For instance, anti-Black racism is a systemic issue that involves voting rights, political representation, housing, health, education, employment. It involves debates and arguments about facts of the world, about morality, culture, and economics. Citizens may and do disagree on the validity claims to truth and rightness and this gives individual conflict events the guise of isolated tractability. But Coates's experience of corporeal conflict shows that a conflict can begin prior to debate and disagreement.

Let me close with some brief comments on the two approaches to conflict discussed in Chapters 1-2: what does philosophical conflict theory have to offer for corporeal conflict? It seems there is need for improvement: consensus-oriented approaches, such as the one developed in John Rawls's political theory (TJ; JF; PL), need to posit sameness at the expense of difference. They usually do this do by way of idealisation, thereby discounting actual political experience. For instance, Rawls's famous thought experiment of the *original position*, designed to construct principles of justice and public—i.e., shareable—reasons, abstracts from the worldly contingencies of social status, abilities, and history and places them behind a *veil of ignorance* (Rawls TJ, 136–2; PL, 24, 79, 223–4). Once difference is out of the calculation, conflict can be resolved on the level of (reasonable) propositional discourse.

But 'taming' conflict in this way masks that prior to the propositional level of conflict, the experience of conflict is structured by embodied perception. And perception is structured by one's being-in-the-world and the types that form part of its perceptual patterns. Here, breaches and shifts between citizens may occur, and this fractures a presumed common understanding of a conflict's conditions and possible solutions. Neglecting the body and its particularities and focusing on singular propositional claims distorts the reality of conflict.

Rawlsians could reply that devices such as the original position and the veil of ignorance do just the opposite. It is only through bracketing worldly particulars that form part of structural

racism that we can avoid falling into the trap of formulating biased principles. In order to overcome racism and find justice, the moral/political philosopher must put on a blindfold. But is it possible to safely abstract from one's embodiment? Can Rawlsians simply shed their skin? Against ideal theory, I hold that this would result in obliterating the inner workings of social injustice. Far from carving off distracting and justice-irrelevant empirical data, it would mean ignoring components constitutive of oppression. To reiterate a point made by Charles Mills, if ideal theory only 'works' by turning away from the unreasonableness of racism, it may actually favour those involved in ideal theory—i.e., 'middle-to-upper-class white males' (Mills 2005, 172). Additionally, the thus-privileged self-evidently 'have an experience that comes closest to that ideal', since they are the ones who can experience the least friction in their daily pursuits qua their social situation as White, male, affluent (172). Yet, the proximity of their lived experience to the 'ideal' does not corroborate the latter's truth or rightness; the latter is an expression of the former.

Despite the best of intentions, then, it is not enough to say that one aims at ending oppression if the means to that end are counterproductive. Nor is it enough to 'hope' that in one's envisaged ideal(ised) society, 'gender and race would not specify relevant points of view' (JF, 66), if applying this society's principles in the real world achieve the opposite effect. Hence, with their alleged neutrality, Rawlsians run the risk of entrenching the authority of Whiteness in political philosophy.

Compromise-oriented approaches such as *Modus Vivendi* Theory, on the other hand, seem to fare better at first sight, since its realistic outlook aims to bring political theory 'closer to politics *as it is experienced and practised*' (Horton 2010, 445; my emphasis). But the theory might lack the ambition necessary to navigate racialised conflict: first, proponents of such theory tend to be content with bargaining and negotiation, discounting deeper forms of communication as too demanding (e.g., Horton 2006, 163). Second, they prefer peace over justice (e.g.,

Horton 2006, 162; 2010, 438). But the chant ‘No justice, no peace!’ is a reminder for White people (like me) that order alone is insufficient if it depends on neglecting the lifeworld of the other. There is no reason to believe in easy solutions, established by old means—*White* means—to particularly pressing conflicts.

What could an alternative, phenomenologically-informed, conflict approach look like? First, it would do away with the often-heard liberal imperative to colour blindness. This phenomenologically dubious demand (Alcoff, 2006, 180, 185; Al-Saji 2014, 139; Lee 2014, 5ff.) needs to be met with the counter that we *need to see colour* in order to get to the heart of the problem. As my interviewee Josh puts it: ‘The way that we perceive each other definitely ends up impacting how we interact with each other. And sometimes we have to definitely interrogate, well, where’s that coming from?’ (lines 414–6) Hence, it is through *acknowledgment* of difference—not its (Rawlsian) veiling—and observation what this difference elicits in me, that I can become aware of the ways the cultural boundaries of my world render the other an enemy, an inferior, a danger to me. Thus, there is already a dialogue in play at the level of perception, a dialogue that needs to be continued at the level of speech (in the sense of Merleau-Ponty’s *speaking* speech, PP, 202) that re-adjusts my understanding of a conflict.

Further, as seen with typification, what we call a conflict emerges from and sediments in conflict events. As representatives of our political camp, we hold responsibility for how the story of the conflict will be told once we part ways. What is needed, then, is a conflict approach that informs an open, responsive, and responsible engagement with the other and their world to enable change.

At the end of the following, final, chapter (5.6.), I will elaborate more on what a phenomenologically-informed approach to conflict could look like. Before I do, however, it is time to bring these insights on conflict space and conflict body to bear more generally on a

philosophical understanding of political conflict. I will do this via an existential-phenomenological reading of the political world.

Chapter 5: The Plural Normativity of the Political Flesh

I understand under conflict that I can be in a situation in which I am very certain to be doing the right thing and having to do this thing. But at the same time . . . I am trapped because I know that not everyone will like that I know that when I make a decision for a position that benefits one but not the other, that I am always in conflict with myself.

(Thomas, my translation, lines 684–93)

In the final chapter of this dissertation, I want to reopen the case for acquiring a philosophical understanding of political conflict. This will also include brief discussions of the other two camps of conflict theories, i.e., the managers (5.1. and 5.6.) and the totalisers (5.3. and 5.5.). As I mentioned in the Introduction (II.), the question still stands if philosophy can, by way of its own resources, provide insights into the meaning of conflict and conflict experience, that can in turn be brought to bear on a fruitful, interdisciplinary discourse on the phenomenon. Since one pillar of my methodology is phenomenology, it should come as no surprise that this chapter will address this question from this angle.

The following discussion is informed by—and will further illuminate—the considerations laid out in the previous two chapters. Insights about the normativity of conflict space and the body will find further clarification. It is thus a culmination of the thesis, binding all threads together. The chapter is structured as follows: Section 5.1. briefly discusses the existing literature on political conflict from other disciplines and how they are adopted in philosophy. Subsequently, I perform a final *epoché*, i.e., I bracket the aforementioned theories to clear the view for an experientially-informed understanding of political conflict. In order to do this, I focus once more on the statements of my interviewees (5.2.). Part 5.3. introduces my existential-phenomenological account of political conflict. Taking inspiration from Irene McMullin's

theory of the three-fold normativity of the lifeworld, I expand on and politicise her model to incorporate the forms of reasons collectives give for action. In doing so, I will also touch upon the political ontologies of various philosophers. These authors engage in a debate on the meaning of the political in contrast to politics; in other words, they try to find the essence of political phenomena, i.e., what renders them political in the first place, as opposed to the empirical sum of practices and institutions that constitute politics (Bedorf 2010). However, I do not operate primarily in a metaphysical register (see also II.). It is not my goal to develop an ontology of the political. Rather, it is my intention to give a deeper description of our experience of the political world. Drawing on these theorists of the political helps me to flesh out particular normative facets of political life, while also showing in what way these ontologies miss one or several aspects of political experience. 5.4. discusses impersonal third-person norms and principles as means to resolve interpersonal and intergroup conflict, and the problems that arise and lead to intractable conflict when these are no longer shared. The critical analyses of previous chapters inform this section, standing once again as correctives to a purely phenomenological approach. The chapter ends with a brief critique of the other approaches to conflict, including the so-far unmentioned approach of the conflict totalisers (5.5.), before I sketch the first steps towards a new normative approach to conflict in the conclusion of this chapter (5.6.).

5.1. Political Conflict in the Social Sciences and Philosophy

As I wrote in my Introduction (II.), there is a vast literature on conflict in other disciplines, such as political sociology, political science, and peace and conflict studies. Yet, there is no uniform definition across disciplines and authors (Thomas 1992, 268); and established terminology is often used differently and in confusing ways (Ramsbotham, Woodhouse, and Miall 2016, 34).

Nonetheless, the different accounts have some structural similarities. Thomas (1992, 269) identifies a family of theories that, to different degrees and in different variants,

- highlight the interdependence between the parties (i.e., there is the potential to mutually interfere with one another);
- the incompatibility, or ‘perception of an incompatibility’, among the parties’ concerns or goals (see, e.g., in Bealey 1999, Bercovitch, Kremenjuk, and Zartman 2008; Galtung 1996, 2007; Nicholson 1992; Ramsbotham, Woodhouse, and Miall 2016; Simmel 1904); and
- some form of interaction, as characteristic of conflict. Importantly, authors stress that the mode of this interaction can take a violent form (e.g., Bealey 1999; Bercovitch, Kremenjuk, and Zartman 2008; Simmel 1904; Weber [1922] 1978).¹³⁹

Philosophers and political theorists often adopt these accounts in their own models. For instance, conflict realists Burelli (2019), Bellamy (1999), and Wendt (2016), as well as conflict manager Ceva (2016; see also I.), speak of an incompatibility of (policy) goals or preferences.¹⁴⁰

I showed that similar ideas around incompatibility undergirded Rawlsian Conflict Resolution and *Modus Vivendi* Theory. Philosophical models can then be distinguished according to the taxonomy of conflict origins they adopt: Ceva only talks about conflicts over values (e.g., 2016,

¹³⁹ Simmel’s account is arguably more complex than the others listed, since he takes a formalist, macro-sociological perspective. According to him, conflict is a social form the logic of which functions positively and constructively in processes of socialisation and the stabilisation of society, most notably alongside the logic of harmony or cooperation (e.g., 1904, 492–4, 498, 508). Despite the merits of this approach, I do not intend to follow Simmel’s line of thinking, since my phenomenological method decidedly does *not* take this eagle’s eye view. Instead, I focus on the particular event of conflict that subjects live through. See my Introduction (II.) and below in this section for the reasons I give for this strategy.

¹⁴⁰ Burelli (2019, 5) and Ceva (2016, 7) explicitly acknowledge their indebtedness to the disciplines cited above.

1); Wendt distinguishes between moral conflicts and conflicts of interest (2016, 14–5); Bellamy lists conflicts of values, of interests, and of identity/recognition (1999, 103).¹⁴¹ Differences in these accounts then come down to the kinds of conflicts their—arguably preliminary—typologies can track. Burelli (2019, 3) also brings the potential of violence to bear on his account. Here again, *Modus Vivendi* Theory’s appreciating the possibility of emerging universal evils similarly tracks this dimension of conflict.

But these approaches are not without their philosophical idiosyncrasies, as I already showed in Chapters 1 and 2. As another example, take Ceva’s approach to conflict where she distinguishes between dispute and conflict proper: ‘I take a dispute to be the specific and contingent way a conflict manifests itself and a conflict to be what underlies and causes a specific dispute’ (2016, 21). According to Ceva, then, the experience of conflict is only a derivative ontic moment, signalling an originary ontological level of the conflict, i.e., clashing value systems (21).¹⁴² Yet, such an ‘ontological’ model of conflict—compared to, for instance, an ‘actor’ model that places political subjects and their experiences at its centre—might run the danger of inverting the order of things. To capture the meaning of political conflict, one has to begin from the perspective of those living it. Political actors do not experience themselves as vessels of abstract interests and values—they act in accordance with and towards that which they value *in* the world.

More generally, simply adopting a definition and making it one’s core assumption risks introducing idealisations and abstractions that have little to nothing to do with actual conflict experience. Therefore, it is once more important to perform an *epoché* and bracket the pre-commitments to concepts and theories of conflict. I do not take the above accounts as axiomatic; if they are to be of any political use, this is because they are validated by experience and its

¹⁴¹ Conflicts of recognition are also the primary kind of conflict that Honneth’s approach is after. See Honneth 1996.

¹⁴² I here pick up a point that I made in Footnote 65 (Chapter 2).

structure. Once again, I begin with testaments from my interviewees and move on from there to provide an existential-phenomenological reading of political conflict.

5.2. Political Actors on Political Conflict

One question I asked my interviewees—it was usually the final one¹⁴³—was about their understanding of conflict. The answers my interlocutors gave varied as much as those given by academics, which, yet again, signals the elusiveness and complexity of the phenomenon. Still, some commonalities surfaced. At the beginning is incompatibility; Sebastian, the German politician I briefly mentioned in Chapter 3 (3.2.4.), likens a conflict event to being at a crossroads: ‘You stand at a crossroads and you can go right and left, and there are two forces that say to go in one or the other direction And you have to make a decision’ (Sebastian, my translation, lines 898–900). While Sebastian goes on to say that there may be a compromise, some middle way between two options, this is not necessarily the case. Sometimes, one option excludes the other.

There are other similarities to the academic conceptions above. James—CEO of the peace-building NGO Co-operation Ireland, a high-ranking police officer during the Troubles, and involved in the process leading up to the Good Friday Agreement¹⁴⁴—names violence ‘one of the worst excesses’ of conflict (lines 548), marking it as *one*—very dire—possibility of a conflict unfolding. Similarly, Michael—a reverend, former special advisor on religious matter to the governor of Kaduna, Nigeria, and involved in peace building measures between

¹⁴³ One might want to criticise this late moment of the question. Does this not mean that interviewees were heavily influenced by the course the interview had taken? Should I not have controlled for this by also asking the question at the beginning of the interview? To this, I can only reply that the position of this question in the interview was intentional. I wanted to make sure that interviewees do not potentially distort the description of their experience through an early theoretical conceptualisation of conflict. Instead, their experience of concrete conflict events stood at the centre of the investigation.

¹⁴⁴ James’s career itself was unusual: although Catholic and thereby thwarted in his career prospects in a Protestant-dominated Northern Ireland, he made it to Assistant Chief Constable of the police service of Northern Ireland (formerly the Royal Ulster Constabulary).

Christians and Muslims in his country—mentions conflict’s ambiguous relation to violence: ‘Well, conflict is a situation of people having differences or some form of disagreement or some issues to settle But it does not necessarily mean a *violent* conflict’ (Michael, his emphasis, lines 540–4). Hence, although conflict *can* take a violent form, violence is not a necessary component of it.¹⁴⁵

Lisa, the New Yorker BLM activist, gives a hint as to why violence may become an issue in a conflict; when she thinks of conflict, she thinks ‘of a point of angst, a point of tension’ (lines 532–3). Lisa’s choice of words is no coincidence: throughout the literature of existentialism and existential phenomenology, from Kierkegaard to Heidegger, Sartre, or Camus, angst (or anguish, or anxiety) plays a central existential role. Without getting into deeper exegetic detail—see my brief discussion of Heidegger’s account in 3.2.2.—what the presence of angst in a given experience indicates is a problematisation of what, if anything, matters to me (and, more fundamentally, what could be the ground for this mattering after the breakdown of the great cosmologies in post-Enlightenment thought).¹⁴⁶ Consequently, this is what Lisa describes; in a conflict, two people are ‘very passionate about what they believe’ (lines 528) and each presents a threat to the other to this mattering. Hence, both sides are incapable of agreeing.

In similar fashion, Josh illustrates how far-reaching the existential significance of conflict is. Attempting to disentangle disagreement from conflict, he says:

What I mean by disagreement, I guess, is that it is you're disagreeing about that particular issue and it's just that issue Conflict to me is when it is bigger and it's about multiple things, at least in my experience. So, for example, if we disagree fundamentally that the way to approach food insecurity is about starting our own food bank, and you

¹⁴⁵ Of course, this does not rule out the *possibility* of violence being a necessary component of conflict.

¹⁴⁶ For discussion, see, e.g., Cooper (2012); Flynn (2006); and Reynolds (2006).

disagree, that's one issue. Conflict would be, you fundamentally disagree that food insecurity is something we're going to deal with. (lines 342–8)

I am uncertain if Josh properly describes disagreement here, for we often experience our disagreements turning out to encompass a wide array of issues.¹⁴⁷ In spite of this, Josh's description indicates how consequential conflict events can be; since they involve existentially relevant aspects of our lives, they can transcend the singular issue at hand and touch upon the way we see ourselves, the world, and our relation to it—in short: conflict events touch upon our way of being-toward-the-world.

But does every conflict experience involve this intensity or does the degree to which this existential dimension of conflict manifests vary? Michael addresses the pervasiveness and mundaneness of the phenomenon:

If I'm on the road, we have conflict when we drive. Someone wants to drive on the fast lane, someone wants to drive on the slow lane, and the man on the fast lane is thinking the man in the front is not going fast. And he is blowing his horn, 'Give me space, let me pass!' *That's* conflict, but it is not violent conflict. It's just an issue of differences, of disagreement, of wanting to find your own interests faster or above the other person's interest. (Michael, his emphasis, lines 548–53)

Hence, it seems that conflict is omnipresent and lurks around every quotidian corner.¹⁴⁸ My interviewees render clearer the relation between persons' goals, their incompatibility, and the

¹⁴⁷ Elga—who criticises epistemologists' tendency to choose clear-cut, insulated cases of disagreement as paradigmatic—calls these kinds of entangled debates 'clusters of controversy' (2007, 493).

¹⁴⁸ But is this example that Michael gives an example of conflict? Am I stretching the meaning of conflict too far here? I do not think so. What I am after here is a phenomenological grounding of conflict by way of uncovering the conflictual normativity of the lifeworld (see 5.3. below). Further, even if one *thinks* one is not in a conflict

resulting tension in actions. A person goes about their daily projects and tasks and encounters another person whose actions (or mere presence) manifest as obstacles to their pursuit. In another scenario, a person initiates conflict since it forms part of a project—e.g., think of the street blockades organised by the climate activist group *Last Generation*—at times because the other or those they represent are responsible for obstacles in their past. In both cases, a conflict matters because a person's projects and tasks matter to them (of course to varying degrees). Agents hold their values dearly; the same applies or can apply to their interests, their identities, their relationships, etc. Thus, the crucial feature of a conflict is not whether—or in which configuration—either of these are involved in an event, but to what degree these are bound up in a person's practical identity, i.e., their disclosive self- and world-understanding.

Given the existential relevance of conflict, it is also a call to action for the person experiencing it. The person needs to make a decision what to do and while it may appear clear that it is one's own commitments that determine that decision unilaterally, this would rest on an oversimplification of conflict experience. To show what I mean here, I want to turn to yet another interviewee of mine, another member of parliament in North Rhine-Westphalia. Thomas is the representative of a coal-mining region, which is deeply affected by Germany's retreat from the energy source that followed from the report of the Commission on Growth, Structural Change and Employment in 2019. Expressing his being torn between the anti-coal stance of his party, the Social Democratic Party of Germany, and the people he represents, he gives me the following understanding of conflict:

I understand under conflict that I can be in a situation in which I am very certain to be doing the right thing and having to this thing. But at the same time—and here we are . .

event with someone at a given time, one's opponent can perceive it as such, as they can be more attuned than us to the conflictuality of the situation. This also implies an attunement towards the political character of a conflict event. Both of this can be lacking, as I showed at the example of the White man's conflict behaviour in Coates's description of the event in Chapter 4.

. at the topic ‘futility trap’ [*Vergeblichkeitsfalle*]¹⁴⁹—I am trapped because I know that not everyone will like that I know that when I make a decision for a position that benefits one but not the other, that *I am always in conflict with myself*. (Thomas, my emphasis and translation, lines 684–93)

In this passage, Thomas points to an ‘internal’ mirroring of the ‘exterior’ conflict event. The crossroads that Sebastian talked about is not only one at which the conflict participants find themselves together; it is one each one can experience themselves confronted with individually. The interests that clash against one another also clash ‘in’ Thomas. Far from only being aware of *one* side of the conflict, *he experiences himself as being claimed by all sides of the conflict*. Usually, we call this type of ‘inner’ conflict a ‘dilemma’, and it would be easy now to dismiss Thomas’s experience as merely accidental to interpersonal and political conflict.¹⁵⁰ It will be my goal in the following sections to show that this feature of Thomas’s experience is indeed not accidental, but part of the structure of conflict experience. My argument is that Thomas’s experience is central for an existential-phenomenological understanding of political conflict. To do this, I turn to Irene McMullin’s existential model of the plural normativity of the lifeworld and the ontologies of the political from Arendt, Ricœur, and others.

5.3. A Phenomenological Account of Political Conflict

¹⁴⁹ Thomas uses the term *Vergeblichkeitsfalle* in an idiosyncratic way. Usually, the term refers to a phenomenon in public budgeting, in which, due to previous debt, a budget can no longer be balanced, despite one’s greatest efforts to the contrary (Elfering 22 March 2022). However, the quote illustrates quite vividly in which sense Thomas employs the term.

¹⁵⁰ I am using the scare quotes here because terms such as ‘internal’, ‘in’, ‘inner’, and ‘external’ can be misleading when it comes to the structure of conflict experience. These might suggest a dualism in which the subject retains a core untouched by an objective world. Yet, as it transpired in particular in Chapter 4 and my discussion of Merleau-Ponty, it is only because I and world stand in a dialogical relationship, only because I am towards the world, that I can experience myself as being claimed by reasons stemming from me and others. The phenomenologically crucial site of conflict is the threshold at which I and world meet, not its hither or whither side.

As Michael made clear previously, our daily life is full of conflict. My partner and I want to go out, but she wants to go to the movies, I want to go to a restaurant. A child does not want to go to sleep, but their parents surely need some rest. We both want to live in the same house, but not necessarily in a house share. As the word ‘conflict’—stemming from the Latin word *conflictus*—indicates, in a conflict we ‘clash’, ‘collide’, or ‘strike together’. We do not only oppose one another in conflict, but share this event in and through our opposition.

The world is full of these situations, because, as Irene McMullin shows in her book *Existential Flourishing* (2018),¹⁵¹ the fabric that links and draws me into the world is deeply normative. When I go about my daily pursuits, I experience being claimed by different reasons directed at me. For instance, others give me reason to act in certain ways, either by them communicating their needs and wants to me, or—McMullin refers to Emmanuel Levinas here—by the force of their sheer (bodily) presence (55). In a conflict event, there is a concrete other who claims me, entices me, repels me. You may want council from me, an open ear, a helping hand, or simply not be harmed by me.

But I myself as the person that I am and aim to be, lay claims upon myself. What do *I* want to do, acquire, or achieve (41–3)? More fundamentally, *who do I want to be*? These two kinds of claims or reasons, call them ‘me-claims/reasons’ and ‘thou-claims/reasons’—or, in McMullin’s terms, ‘first-personal’ and ‘second-personal’—do not always align. When we compete for the same position, should I give up my dream job because you might need the money a little bit more than me? Do you have to help me moving house as you promised, although you have caught a mild cold? We need to adjudicate these claims and figure out which one of them

¹⁵¹ McMullin’s overarching objective is to find existential-phenomenological grounds for describing individual flourishing or excellence. My approach here deviates from hers in several ways: first, I am not interested in individual excellence, but in the inevitable pathos of experiencing oneself claimed by different kinds of reasons (yet, note my remarks about potential future research on political virtues in my Conclusion). Second, I aim to extend McMullin’s normative matrix to the political, which I will do by extending it to reasons of plural subjects. Third, and connected to my second point, this also means slightly reinterpreting what she calls third-personal reasons or claims, which results in a breaking up of her account of the third-personal into claims from concrete, non-present, persons, an impersonal third, and a first-person plural. Thus, my account, though inspired by McMullin’s model, should not be identified with hers.

to give prominence. A conflict, existentially speaking, is a situation in which I find myself confronted with this challenge of navigating this co-occurrence of reasons.¹⁵² It is a challenge in which I need to skilfully weigh things that matter. And while there may be clear-cut cases where one reason outweighs the other—e.g., saving you from drowning versus enjoying my sunbath—there is not always an easy answer.

Where does the political come in here? First of all, me-claims and thou-claims can also take place in the political world, for instance, when you and I run for the same office. As conflict realists will insist and as Arendt notes in *The Human Condition* ([1958] 1998), political conflict still involves the first-person and second-person singular; for instance, Arendt's reference to the Greek individualist exceptionalism that led Athens's citizens to rival for the best argument shows that political agents in conflict also pursue their own individual ends (1998, 41, 197). You and I may act for the sake of the group, but we also act for ourselves. These claims do not need to be illegitimate; your needs also must find a place in public deliberation. However, what Ricœur calls the distinctly *political* evils of tyranny, domination, possession, lie, flattery, and untruth (1998, 256–7) come about because political actors still try to further their own ends and will do so by striving for power. Similarly, Monika, the chief whip of her party's state parliamentary group, emphasises this interpersonal level when she describes political conflict as a 'relationship disorder [*Beziehungsstörung*]' in which, e.g., one actor deceives the other (my translation, lines 655–61). Hence, a picture of politics that does not include these singular forms of claims is incomplete.

But if political conflict rested on this interpersonal level, it would remain indistinguishable from conflict *simpliciter*. There must be more to the normative structure of the political

¹⁵² Thus, dilemmas, defined as a situation in which I have to decide between two incompatible actions or goals (e.g., McConnell 1988), often reflect real interpersonal conflict. Few dilemmas, if any, only involve first-person claims (for instance, when I have to decide between my dreams of either becoming a musician or a professional footballer). Conversely, if we stick to the initial definition, an interpersonal conflict is always also a dilemma, for I will have to decide which of the claims to give way. Yet, also note my comments on a dualistic 'inner/outer' divide in Footnote 150.

world. The word ‘political’ gives a first clue. Etymologically, it refers back to the Greek *polis*, the city state and its citizens.¹⁵³ Citizens in this context were the male landowners, those who could free themselves from the mundane fight for subsistence (Arendt 1998, 32). Citizenship excluded women, slaves, strangers, and barbarians. The *polis*, then, was the space where (near) equals debated together and amongst each other. This is the picture of the political of a conflict utopian like Hannah Arendt.¹⁵⁴ She brings in another kind of claim: the first-personal in the plural, i.e., *we-claims or reasons*. Arendt argues that there is a ‘We’ that relates to the collective engagement in deliberating over, creating, and transforming norms for joint action.¹⁵⁵ In the terms of the later Arendt, a ‘We arises wherever men live together’ and this entails ‘the recognition that no man can act alone, that men if they wish to achieve something in the world must act in concert’ (1978, 200–1). It comes into play when we engage in a communal creative enterprise ‘in changing our common world’ (200; see also 1998, 177, 180, 198–9).¹⁵⁶ But this communal effort to effect change does not consist in mere work on the inventory of ‘what is there’; instead, political action revolves around precisely those nuts and bolts, those institutions, laws, and social norms, of the shared world the adjusting of which later manifests in experience of everyday life. Political action is thus involving oneself in changing those quasi-transcendental structures of social life. In other words, the first-person plural arises *when a person experiences themselves as beholden by reasons that derive from their membership to a collective that*

¹⁵³ Yet, my point is not to trace back the political to a clearly localisable and dateable point in space and time. As will become clearer further below, the political did not need the Attic democracy—in fact, no democracy at all—to manifest in our experience. My position thus deviates from other phenomenological approaches to the political world, such as the one elaborated by Klaus Held. His thesis that ‘the object of political philosophy, the “political world”, has not existed at all times, in all cultures’; ‘emerged for the first time in world-history in Athens near the turn of the sixth to the fifth century BC’; and can as such not ‘be pursued independently . . . of European history’ (2012, 454); must be rejected as helplessly Eurocentric.

¹⁵⁴ Arendt merits this categorisation, as she envisions—or goes back to—an idealised conflict space that the political reality of her time does not resemble. In fact, Arendt criticises contemporary politics for its lack of true political character and lack of (excellent) action, succumbing to average behaviour and conformism. Politics becomes bureaucracy and economics (e.g., 1998, 40–1).

¹⁵⁵ McMullin reserves this part to the third-personal (2018, 64). For my discussion of this kind of reason, see 5.4. and below in this section.

¹⁵⁶ This does not mean that when passing legislation, one cannot do so in a rather passive, disengaged way—for instance, when we set in motion a new policy that is, in reality, only another reiteration of ‘what we have always done’. See my discussion in Section 5.4.

*aims to shape the (quasi-transcendental) structure of the shared world.*¹⁵⁷ When a political collective is formed, this ‘We’ gives me reason to act in accordance with my group’s goals and interests.

This ‘We’ manifests in different forms and in different layers. Us, that can be a group of activists, joined by a clear, concrete goal.¹⁵⁸ Traditionally, as Arendt (1998) and Paul Ricœur (1998) focus on, ‘We’ is understood as ‘We, the people’. This rather abstract ‘We’ usually marches through time by way of representatives that take action on the collective’s behalf, with all the philosophical problems that the discourse on collective agency and intentionality attempts to answer.¹⁵⁹

Arendt, however, relies too heavily on the ideal of the Attic *polis*. Her claim that political space is *a space of freedom in which equals engage in a fair competition for the best argument* puts an unduly moralising demand on what truly deserves to be called ‘political’ (1998, 30–3, 41).¹⁶⁰ Reality defies this call, not for its lack of the political, but because of the complexity of the phenomenon; for the political does not *only* engender cooperation and noble competition between individuals. The political is not exhausted by you, me, and us. For example, ‘political’ may not only refer to what happens amongst (almost) equals in the public space of the *polis*, but also to the kind of conflict that arises when the *polis* becomes the centre of contention—in other words, when conflict is *about* the *polis*, when the boundaries of this space become the focus of a struggle. The woman, the slave, the barbarian, can challenge the *status quo*. Similarly, Josh and his BLM allies—or ‘accomplices’, as he prefers to call them (lines 204–5)—fought to change the norms operative in Sam Houston Park. For Jacques Rancière

¹⁵⁷ ‘Structure’ here can refer to either the whole system of institutions, laws, policies, and customs of a whole society or community, or only parts of it.

¹⁵⁸ I believe that Gerda Walther’s *phenomenology of sociality* works best on this level, though commentators have discussed the possibility to extend it to the state level (e.g., see Luft 2018).

¹⁵⁹ For an overview, see Schweikard and Schmid (2020).

¹⁶⁰ For discussion, see also Berman (2006) and Mensch (2012). Since Held (2012) draws heavily on Arendt for his political phenomenology, his approach succumbs to similar issues. See also my Footnote 153.

(1999), true political conflict is this situation in which those who are invisible fight for recognition against those who are visible and where groups struggle with one another for power. *Pace* Rancière, however, I doubt that in order to be political, a conflict between such groups must always be between those ruling and those ruled. What is important here is, rather, that these actors clash in pluralised form.

Hence, there is yet another distinct set of reasons that accompanies the first-person plural. That is the *second*-person plural, i.e., the claims made by rival or enemy groups. The common phrase ‘Us versus them’ is only the inward expression for what in conflict means ‘Us versus you’—you, our rivals, our enemies—against whom we try to strive for power to shape the structure of the shared world according to our collective projects. This struggle for power can proceed along mutually agreeable guardrails (e.g., in the form of fair elections)¹⁶¹ or *de*-rail into a fight for domination (or even annihilation) of the other. For such a conflict to arise, it is not important that both parties regard themselves as involved in such a struggle before the event unfolds. It suffices that one of them does.

Once again, the kinds of second-person plural claims manifest on different levels: it us activists against you, the establishment; us, ‘the Left’, against you, ‘the Right’; but it is also us, the ‘West’, against you, the ‘Russians’. These rivalries do not only arise from projects that are independent from one another. They can and often do stem from a shared concern for the world we inhabit together. When we talk about child support, education, health care, climate change, we do not need to think differently of these topics’ relevance for our communal life to disagree. (Indeed, what Freud called the ‘narcissism of small differences’ illustrates how tiny variations in opinion about what to do and how to do it can lead to a split ([1930] 2010).)¹⁶² This shared

¹⁶¹ One can also call this form of political conflict ‘political competition’. Hence, I do not, as for instance form sociologists do (e.g., Werron 2015), draw a sharp distinction between conflict and competition. In my understanding, competition events are conflict events in which shared, third-personal rules ‘tame’ the conflict.

¹⁶² For the consequences of the narcissism of small differences on the possibility to compromise, see Margalit (2010, 152–3).

project of shaping the world leads to divisions when interpretations about the meaning of this project start to deviate. Breaches may and do occur. This includes, after all, also the interpretation of who this ‘We’ actually is. Me and my group and you and your group may see one another as compatriots, but we may disagree on who else counts as such. Again, a competition for power ensues and threatens to result in Ricœur’s political evils. This is the picture of the political of conflict totalisers such as Carl Schmitt (1932) and Chantal Mouffe (2005) who reduce the political to this antagonistic dimension of friend and foe. However, conflict totalisers are wrong to assume that this antagonism is the *only* dimension of the political; the sorts of claims I shed light on above prove this to be an oversimplification. Further, the envisioned ‘agonism’ of Mouffe, in which the antagonistic dimension is tamed by a minimal consensus on democratic institutions, ‘ethico-political values’, and equal respect (2005, 20, 31) would be impossible if there were not some overarching ‘We’ beyond the hegemonic projects of groups discursively formed in opposition to one another (15, 17–8). I return to this point further below (5.5.).

What renders a conflict experience into a political one, then, is this experiencing oneself being claimed by ‘subjects’ that appear in pluralised form, with these intending to change the structure of the common world.¹⁶³ For a conflict event to appear political, it is necessary that I experience at least one of these pluralised claims to confront me, without this implying that the claims in the singular do not find a place in political conflict spaces. But me-, we-, and thou-claims do not exhaust all forms of reasons that I can encounter in the political world. I believe it is important to open the possibility for concrete others *not* present in a conflict event to claim me. I can experience myself as being beholden to a friend or colleague who does not sit in on the same meeting. Arguably even more central for the political world, I can experience myself bound by reasons from absent collectives; e.g., as a politician, I can experience myself obliged to consider the reasons of indigenous groups not represented in parliament. I can feel myself

¹⁶³ The inverted commas signal my agnosticism whether collectives really form a supra-individual agent. For discussion, see again Schweikard and Schmid (2020).

bound by these claims although I do not consider myself part of that collective. Hence, the current model needs to be expanded. Next to ‘me’, ‘we’, and ‘thou’, there is also the third-personal ‘he’, ‘she’, and ‘they’ (singular or plural).¹⁶⁴

This leads me to the following, existential, picture: a political conflict event is a situation in which the plural normativity of collectives inhabiting the political world manifests and that I can become aware of (either in the moment or retrospectively).¹⁶⁵ Political conflict is therefore an epistemically privileged event because it allows me to become attuned to the various kinds of normativity that are co-constitutive for the structure of the lifeworld. In political conflict, first-person, second-person, and/or third-person reasons claim me to engage in the moulding of the quasi-transcendental structures of the shared world;¹⁶⁶ they claim me in the plural form of collectives calling to me, and potentially also in the singular. These kinds of claims are irreducible (see also McMullin 2018, 64); they cannot simply be collapsed one into the other. I am called to adjudicate between them.

Weaving my insights from Chapter 3 into this discussion, one can also say that in a political conflict event, I find myself in a *normative space* in which different reasons claim me for action.¹⁶⁷ Hence, apart from and often *before* being a political *agent*, I am a political *patient*, experiencing myself as befallen by claims from several directions. Even the conflict agitator,

¹⁶⁴ I believe we can extend this even to ‘it’, i.e., to claims laid upon us by non-human organisms. In this sense, political agents can experience themselves claimed by nature to further its preservation and flourishing. However, I will not further defend this thesis in my dissertation.

¹⁶⁵ Following Merleau-Ponty here, a conflict event that manifests as such because it is ‘carved out of the spatio-temporal totality of the objective world by a finite observer’. As any event, it ‘presupposes a certain observation post where I place myself and from where I can see things go by; there are no events without someone to whom they happen and whose finite perspective grounds their individuality’ (PP, 433). Hence, the experiencing subject condenses and thickens a period of their existence as one of conflict. But this does not mean that this event is *extra-ordinary*. It only means it is *ex-tracted*. A conflict event can provoke (re-)evaluation, bring decisive change, or it can be one conflict event of many. Many conflicts bear their tragedy in the fact that their conflict events have become ordinary.

¹⁶⁶ This ‘internal’ or ‘intrapersonal’ act of adjudication is not wholly unknown to political philosophy; yet, it is rarely laid out in any detail. For instance, see Hampshire (2000, 9) and Forst (2013, 510–1) for similar (rather cursory) observations. See also Merleau-Ponty (S, 212): ‘There is a circuit between the self and others, a [dark Communion of Saints]. The evil that I do I do to myself, and in struggling against others I struggle equally against myself.’

¹⁶⁷ This includes norms for proper conduct as embodied by the location of a conflict event. I elaborate on this kind of claim in Section 5.4.

who opens a conflict space around themselves and others for their own goals or those of their group, can only do so by risking being affected by the claims of others and the location where the conflict event takes place.¹⁶⁸ And as observed in Chapter 4, I experience this pathos through my body and respond to it via my body. Further, claims emanate from others already in their pure bodily existence. Yet, not every political conflict event is an unmediated face-to-face occurrence; bodies do not always collide directly. We can also clash over the phone, a text, or on Zoom. But in each instance, we lay claims upon one another that we need to balance—jointly and each on our own.

The plural normativity of the political world is reflected in my interviewee's stories: Sebastian, the youth party leader from Chapter 3 (3.2.4.), needs to decide between the good of the party (we-claim) and his friend's ambitions for candidacy (thou-claim). Thomas believes in and defends his party's prioritising the battle against climate change (we-claim). Yet, he feels responsible for his constituents whose lives will change dramatically because of Germany's abandoning coal (thou-claims in the plural and singular).

But it can also happen that claims of the same kind collide. Michael, the reverend from Kaduna, feels torn between his Muslim and Christian 'friends': 'My Muslim friends were looking up to me to see whether I'm going to betray our friendship. My Christian friends were also looking whether I am not going to stand and defend the Christian interests' (lines 70–2). Michael is also afraid for his personal integrity (me-claim), something he holds dearly (lines 257–8). While it is fair to assume that Michael still feels committed to Christian interests as a religious leader and thereby responds to we-claims, he also seems to look at his flock in a second-personal, plural sense. This becomes particularly clear in the following quote, where he talks about the 'political class' as another opposing second-person plural:

¹⁶⁸ However, this also requires that conflict locations allow for certain claims to appear. Remember my interviewee Hannah, the climate activist. Her statement that in some text-based virtual locations, like Slack, people end up 'not really seeing a person' (lines, 311–2), indicates that the structure of these locations allows for second-personal claims to be ignored.

So you see, it is my job every day to make sure that I hold firmly to the Church by my right every time and also hold firmly to the political class by my left all the time. So that if they also fail to do the right thing to the Church, I can tell them they are wrong. And the Church must also believe me that I'm not doing it for any personal interest, I'm simply just doing as a leader who must speak because politicians cannot tell themselves what they are doing is wrong. (lines 264–9)

Hence, Michael experiences himself as being in the middle of two groups that lay claims upon him. That this also includes his own group, illustrates that the borders at which we-claims turn into thou-plural-claims and vice-versa are not fixed. As my interviewees repeatedly state, internal conflicts display a shift from in-group to out-group of a conflict. For instance, when Monika needs to report agreements made between her party and the other coalition members to her parliamentary group, a 'We' turn into a plural 'Thou':

When I am in conflict with my political partner, I have my buddies, my friends. And then I am standing in an army, because when I come to my parliamentary group and say, 'Ah, the bloody people from the ABC party' and 'The stupid so and so deceived us again', then the outrage is huge and you have got people who link arms with you. When I enter a conflict with my parliamentary group or my party, I am all by myself, because my coalition partners say: 'Ha ha, Monika cannot assert herself. Very cool, that means that next time we can get something else from here!' And my own group is grumbly, snappy, mean. And that is difficult. (my translation, lines 339–47)

Does my understanding of political conflict imply that every conflict is political? My response is slightly agnostic here. As I remarked in my Introduction, I am not primarily in the business of doing political ontology (see i.). From a phenomenological point of view, the crux is not that a fight amongst spouses is political; yet, their experience can always turn political, i.e., when these spouses begin to experience one another as representative of collectives, which, in turn, is only possible because of the plural normativity of the world. (This is one way to understand our partner's frustrated, 'Ah, typically male/female!'.) Indeed, this process is exactly what happens in the kind of political typification that I described in the previous chapter; regardless of the individuality of the person before me, I can experience—and do experience—them as standing in for more than just themselves.

A more interesting example awaits with respect to economic conflict. Are two members of two companies competing in the same market experiencing themselves as being in political conflict with one another? Are they not considering themselves as part of a collective jointly pursuing a project (we-claim) against another collective (thou-plural-claim)? Unsurprisingly, I resist this conclusion; remember that I argued that, phenomenologically speaking, a political conflict event is one in which I experience myself as being claimed by (at least one of the) different kinds of collectives I listed above (us, you, them), and that these claims' targets are the quasi-transcendental structures of the common world.

Now, first, despite some management efforts to foster a 'corporate social identity' (e.g., 'Here at Company X, we are all family'), competition between companies is usually not carried out in the mode of a 'We'. Rather, each worker regards themselves as the individual part in a chain of tasks. They go about their tasks for the sake of earning a salary for themselves and their loved ones, but not necessarily 'for' the sake of the company in any meaningful sense. A concern for the company is derivative of one's own concern. Second, and this is the other crucial half of my account, I doubt that economic agents consider themselves as being involved in a

project to shape the (quasi-transcendental) structure of the shared world. While their products or services form part of the social fabric, the structure of this fabric remains untouched. Companies, rather, operate within a certain political-economic framework that allows some actions and prohibits others (when effective).

Yet, I admit that matters are not this clear-cut. Corporations, e.g., tech-companies in Silicon Valley, often do communicate that they consider themselves being in the business of ‘changing the world’ with their products—though one should take this sales rhetoric with a grain of salt. As mentioned above, one can also make the case that companies are eager to constitute a sense of ‘We’ in their employees, e.g., through corporate events, team retreats, a foosball table in the lounge, a beer fridge, etc. If these efforts are successful, it is possible (or maybe already happening) that economic agents begin to experience themselves as political agents.

One might argue that this points to a form of perverse politicisation, i.e., when companies and their members begin to take up a cult-like identity, when ‘all they do’ really is to sell a product. But even further, if it is the aspiration of corporations to politicise the self-image of their employees, the latter might begin to ask questions about the different forms of political organisation their ‘collective’ can take (Lefort 1988). What do employees prefer: democratic self-rule or authoritarian leadership? Politicising the economic world may thus lead to effects CEOs may not have predicted. Far from being unable to delineate the political from the economic, then, my picture of the political world shows that it is not limited to Westminster and 10 Downing Street. Experiences of political import can occur in the middle of everyday life.

Finally, I should mention that corporations do not only indulge in grandiose marketing of revolutionising our households; they also quite directly lobby policymakers, precisely in order to change the structure of society for their own gain. But at this point, it should be clear that we have come a long way from the initial example of economic conflict. When corporations

send their lobbyists to Washington, London, Paris, or Berlin, they do so as political agents, not as economic ones. Indeed, I would argue that these activities in times of late-stage capitalism are also perceived as political by the general public—which is one of the reasons why they are so controversially discussed.

5.4. Order and the Alien in Conflict

In order to settle political conflict, in order to negotiate the different kinds of claims the political world lays upon me and us, you and I can turn to a third person, for example a common friend, a mediator, or a judge. But we can also refer to norms and practices that we share regardless of whether a third person is actually present with us in the flesh. Hence, *impersonal*, third-personal reasons claim us to act in accordance with existing social norms, roles, and practices (McMullin 2018, 64). For instance, Sebastian’s choice for one or the other candidate as his successor can be alleviated—and is often done so in party politics—by turning to norms of proportional representation (e.g., regional, ideological, or gender). In doing so, politicians do not *create or transform* a norm according to which they act, nor do they act for their own or others’ sake. Rather, they passively draw on already existing norms to bring a conflict event to its resolution. This is the main difference between impersonal reasons and those of the first-person-plural nature. As a ‘We’, collectives deliberate, create, transform norms and meanings and make them their own—i.e., take responsibility—when enacting them. In the impersonal mode of the third, political actors passively take them up.¹⁶⁹

¹⁶⁹ Following Merleau-Ponty’s thought on the spoken word and the speaking word, and the link between creative improvisation and sedimenting habitualisation (PP), one can also think of the first-person plural and the impersonal third to be two poles on a spectrum, a thought I owe to a conversation with Irene McMullin. As Waldenfels argues, there is no pure reproduction of the established nor a pure production of the new (1985, 48–50). Each reproduction carries with it a moment of new interpretation; and each production is production from somewhere. For simplicity, I will leave these kinds of claims distinct for the time being. One reason for this is that similar considerations may apply for all other reasons. Is me acting according to my needs really heeding a me-claim, or is it rather simply taking up what one does in such a situation? The impersonal third would then be the regulatory principle that you, we, I, and they can more or less free ourselves from, if maybe never completely.

These third-person claims, then, guide our actions and experience in a way that we can express by Heidegger's *das Man*, i.e., 'the One' (SZ):¹⁷⁰ this is the mundane way of *Dasein* to exist in the averageness of public anonymity, i.e., to live, act, and understand in terms of the meanings, norms, practices, and roles that it is always already thrown into (Crowell 2013, 194; McMullin 2013, 32–3):¹⁷¹

We enjoy ourselves and have fun the way [one] enjoy[s] themselves. We read, see, and judge literature and art the way [one] see[s] and judge[s]. But we also withdraw from the 'great mass' the way [one] withdraws, we find 'shocking' what [one] find[s] shocking. (SZ, 127/119)

This focused quote contains all there is to impersonal third-person claims. They tell us how one is to act; but they do not stop there, for they also tell us how one is to judge and think; even how one is to feel.¹⁷² And as I also showed in the previous chapter, *das Man* also directs how one is

¹⁷⁰ I here follow Dreyfus in choosing this translation of Heidegger's *Man*. As he writes, the common translation to 'they', as found in the translations of *Being and Time* by Stambaugh (BT2, e.g., 118ff.) and Macquarrie and Robinson (BT1, e.g., 163ff.), is misleading since it 'suggests that we are not part of *Das Man*' (Dreyfus 1991, xi, original emphasis). Also, other expressions such as 'anyone' do not 'capture the normative character of the expression' (152). Indeed, 'one', in contrast to 'anyone', indicates the normative pull that impersonal norms exert on us, while 'anyone' could blur the way *das Man* renders shared norms a concern that *I* have to relate to.

¹⁷¹ See also my discussion of thrownness in 3.2.2. McManus (2019) discusses two interpretations of *das Man* in Heidegger scholarship: the structural reading takes a cue of Heidegger calling the One an existential (SZ, 129), whereby it forms part of *Dasein*'s ontological constitution. The psychological reading focuses on Heidegger's condemnatory tone of *das Man* and interprets him offering a way out of its grasp towards authentic being (e.g., SZ, 126). While McManus is partial to the structural reading (2019, 45), it is not my goal in this chapter to develop my own detailed account and weigh in on the matter. Certainly, however, my ultimate position will depend in part on the question whether reasons from the impersonal third are their own kind—which would speak in favour of the psychological reading, since we then could 'escape' by turning to other kinds of reason—or if it forms part of a continuum to all other kinds—in which case a structural reading would be preferred, as all other kinds of reasons would be more or less an owned affirmation of impersonal reasons. See my Footnotes 169, 172).

¹⁷² Framing the impersonal third in this Heideggerian fashion inevitably provokes the question whether I mean to say that first-personal and second-personal claims, in the singular and plural, are thereby expressions of authentic (self-)relating. Hence, I want to be clear that although I think that Heidegger's *Man* aptly illustrates the impersonal kind of normativity I am after, I do not want to wholly adopt his fundamental ontology here. Given that Heidegger's version of authenticity is a state difficult to achieve and uphold, I do not believe that when I or we refer to a first-person plural that we always do so in authentic fashion. Yet, it is phenomenally uncontroversial that we *do* experience ourselves bound by we-reasons and engage in communal practices of meaning creation

to see, i.e., when social meanings fall back onto the world of perception. In all of these cases, it is ‘not this one and not that one, not oneself and not some and not the sum of them all’ that decides the action or experience (SZ, 126/118–9). It is a form of normativity for whom nobody, in a way, takes responsibility, yet everyone is beholden to. This is precisely the impersonal character of this kind of reason.

Most importantly for the purposes of this chapter, the One also tells us how one is to understand and respond to the other kinds of claims that we encounter. As Heidegger remarks, we understand others through the background meanings that we find in our daily concerned pursuits (SZ, 123–4), including the norms operative in locations (Heidegger’s regions). In fact, the impersonal third ‘governs every interpretation of the world and of Dasein’ (Heidegger 1985, 246; see also McMullin 2013, 33).

Hence, impersonal third-person claims are the background of social meanings against which we understand and act towards the world. They form part of what I will call a person’s *order*, following the German phenomenologist Bernhard Waldenfels. Waldenfels uses this notion in many ways—e.g., orders of hierarchy, orders of action, legal orders, cosmological orders (1987, 30–1, 41–6; 1997, 34)—which leads to criticism regarding its precise meaning and function.¹⁷³ Here, I will construe it in the existentially-relevant sense. Thus-understood, order is the structure orchestrating our faculties and agency in everyday life, from norms of proper conduct down to norms of proper perception (1985, 132ff.). Orders are the result of sedimented responses to the claims that are directed at us. Responding to these claims involves a process of selection and exclusion, to act and see in one way rather than another (1985, 23–5; 1997, 146, 189; 2011, 82). In other words, to speak of phenomenology’s main discovery, namely the structure of intentionality: that something appears as something also means *that it does not appear*

and transformation. And further, this is markedly different from cases where we act in an impersonal way. Yet, if the structural construal discussed in Footnote 171 is right, it may be possible to reintegrate this account into Heidegger’s by assuming lesser or greater degrees of authenticity.

¹⁷³ For a discussion, see Bedorf (2011).

as something else (1997, 19–20). But if order involves this form of production, there remains an excess of other ways of experience and agency that is *alien*, *extra-ordinary* (33, 37; see also 1987, 44). If order rests on past ‘choice’ for one possibility rather than another, and if selection implies exclusion, there cannot be one universal order incorporating all possibilities of action and experience.

Now, existential orders of course have a social dimension; and this is where the One comes into view: we gear into the world for and with others, we teach and learn from them, thereby creating and disseminating shared norms and meanings. These find their expression in institutions, e.g., in legal and political ‘orders’¹⁷⁴ within a state. Though Ricœur (1998, 252) and Arendt (1978, 202) argue that their origin comes closer to a myth that we allude to—think of the founding of myth of virtually every nation—states nonetheless carry their own laws, habits and customs, memories and traditions (1978, 201). Thus, there are commonalities across people’s orders in a state or culture. Yet, below the state we can assume even greater overlap between those that share a social situation, i.e., people from similar sub-cultures, socio-economic groups, etc. Alienness is not a matter of concentric circles, in which its degree increases proportionately to the distance between self and other (Waldenfels 1997, 92); as I illustrated in Chapter 4, there are different ways of being-toward-the-world *within the same society*.

Therefore, this sharedness in the impersonal third does not go all the way; for the processes of selection and exclusion imply crossroads, ‘choices’ that result in fissures between rival orders. Order dissolves into contingent orders (1985, 23–5, 80–2).¹⁷⁵ Global harmony is out of reach. Allusion to universal norms is not impossible, as Waldenfels agrees,¹⁷⁶ but these

¹⁷⁴ The scare quotes do not signal that the term ‘order’ is inappropriate in this case, but to distinguish it from the existential sense in which I employ the notion.

¹⁷⁵ This is in keeping with Heidegger’s understanding of *das Man*, since, as Crowell highlights, the One is always embedded in the ‘*historically and culturally specific way that things are normally (and in that sense normatively) taken for granted as being*’ (2013, 292, my emphasis). There is no reason to assume that cultural specificity does not include sub-cultural particularities as well and, therefore, the possibility of intrastate and intra-cultural forms of alienness.

¹⁷⁶ As Waldenfels argues, abstract, universal norms can provide necessary conditions to eliminate certain norms for concrete action. But they cannot *produce* new norms, nor *organise/hierarchise* them (1985, 137–9).

norms cannot surpass their own formality. Once they are applied to a concrete context, difference in orders resurface and cut through the universality of these norms. Similarly, assuming that there are baseline meanings we all share—e.g., chairs are for sitting down; hammers are for nailing; cars for driving; etc.—this does not give enough guidance to resolve complex political conflict.

It is here where political conflict may become intractable. It is not arbitrary that Heidegger assigns a ‘power’ to *das Man* that grows the more its reasons are affirmed (SZ, 126/118). He even likens it to a ‘dictatorship’ (SZ, 126/119) that develops its full force when it cloaks itself in the obviousness of its truth. As I argued with Coates et al. in Chapter 4, racialised perception is a way of seeing that disguises as objective, neutral, normal. Alia Al-Saji shows how this constrains us and leads to a perceptual ‘I cannot’:

Racializing vision is less in that the affectivity and receptivity of vision are circumscribed—the openness of vision to other ways of being, which may destabilize or shatter its perceptual schemas, delimited. The dynamic ability of vision to change is partially closed down. Racialized bodies are not only seen as naturally inferior, they *cannot be seen otherwise*. (2014, 138, original emphasis)

Hence, order, and *das Man* encoded in it, exert a pull on us, to act, react, and perceive as one does, open up possibilities of experience on the one side while foreclosing others. But if order splits into orders, then if I act in accordance with *das Man* of *my* group, *my* culture, *my* party, *my* movement, *my* state, then what we thought was a common understanding of the world fractures. If we no longer see the same world, if in an important sense, we no longer *share* the same world, because we understand the kinds of claims directed at us in political conflict through orders that are not one, we also risk of becoming incapable of changing the world together.

Conflict, in its political form or another, always threatens to also be conflict between the authority of order and the excess of what is alien to it. To be clear, the other kinds of reasons can pierce through order in pristine clarity. For instance, a person's racist convictions can dissolve in the face of the need of a drowning child of colour. In moments like this, the second-personal claim breaks through the meanings this person may usually assign to it. Yet, because moments of alienness like these do not amount to a destruction of order, but a modification of it, there can hardly be an escape from it for long.

Further, what the previous chapters showed is that another problem arises when one (socially shared) existential order is favoured over another by a corresponding social, political, legal, economic 'order'. What I argued for in Chapter 3 and 4 is that asymmetrical power relations that shape the quasi-transcendental social structures we operate in thereby also value or devalue different ways of being-toward-the-world. The dominance of one 'order' over the other therefore shapes one person's experience by opening a vast number of possibilities of action and experience, while the other person encounters obstacles. The 'dictatorship' of order is thus not only one in which the experiencing subject is tied up; insofar as they make the world reflect this order and bring others under its yoke, there is a dictatorship over others involved.¹⁷⁷ Intractable conflict, therefore, can be one of diverging orders; what is more, it can be a conflict where one order submits the other to its logic.

5.5. Avoiding the Ontological Reading

¹⁷⁷ The Marxist concept of alienation resembles this dialectic pressure of order on self and other. Further, this reading of the dictatorship of order connects to some strands in the literature of Frankfurt School Critical Theory; for instance, if Fabian Freyenhagen's interpretation of Adorno's oeuvre is correct (2013), then the School's founding member defends a form of negativism according to which we cannot know the right in a world seriously distorted by the flaws of capitalism. In my terms, this means that capitalism functions as an impersonal third that alienates us from other claims directed at us and that we direct at one another. What is more, it is also impossible to completely free us from this capitalist normativity, regardless of whether we are benefactors or victims of this system.

Why is this relevant for a philosophy of conflict? Because current approaches to conflict tend to overemphasise one or some of the normative dimensions of the shared world at the expense of others. For instance, they are, like Rawlsian utopians, forgetful that the messiness of politics can never be tamed by collapsing anything politically relevant to the universal reason of a first-person plural: limiting all legitimate political claims to those that *we* can share does not exhaust all of the political, amongst other reasons, because the ‘We’ that they allude to is always non-comprehensive. Especially when it alludes to a ‘common sense’, a ‘common reason’ or ‘rationality’, it does not appreciate that any concrete understanding of the ‘We’ is the expression of an order that is finite. Saying ‘We’ or ‘us’ always constitutes a contention that can be refused by those who are supposed to be included (Waldenfels 2015). Even within these boundaries, there are me and you in the singular that can make legitimate claims that are nonetheless irreducible to the ‘We’. And those who are told to obey the norm of an alleged ‘We’ without experiencing themselves as authors of it cannot help but regard this claim to universality an oppressive act of the second-person plural.¹⁷⁸

Once more, conflict realists seem to fare better here: they gladly acknowledge the messiness of politics, the way that personal and group interests compete with the ‘common good’, how moral reasons can be trumped by power, and that this is likely to render political conflict intractable. So far, so good. But as argued in Chapter 2, at least the mainstream realists are too complacent in two ways: first, in its current form (e.g., Horton 2010), the theory is happy with pointing out these tensions as a critical response to the utopians, and leave any further analysis to political scientists and any actual practice to political agents. But the job of philosophy is not done here; there needs to be an appreciation of the complexity and diversity of different kinds of political conflict, within philosophy and in tandem with other disciplines through interdisciplinary work.

¹⁷⁸ On this, see especially Schmitt’s (1932) and Mouffe’s (2005) remarks about liberalism.

And second, mainstream realists are too parsimonious and conservative in their normative recommendations, if they ever give any (Finlayson 2017). The striving for stability, order, and compromise, proves insufficient if the current order cannot accommodate the different kinds of claims. I believe, most importantly, that a social order that rests too strongly on *retaining* and *conserving*—in other words, on doing as one does—becomes inelastic, therefore not leaving enough room for the alien, the extra-ordinary, to reveal itself. Yet, new and ongoing challenges—I am thinking, for instance, of climate change, racism, sexism, homophobia, transphobia, and classism—show that old orders are insufficient; new solutions are required. And this necessitates going beyond mere compromise to encounter the other in a new light. Further below, I will return to this point (5.6.).

Finally, what about the theoretical camp I so far have mostly ignored in this dissertation? Conflict totalisers, as mentioned, are too fixated on the division between the first-person plural and second-person plural. They thereby oversimplify the political world by collapsing all claims upon political agents to a fight between ‘us’ and ‘you’. Further, as I hinted at above (5.3.), for the kind of overarching democratic commitments that authors such as Mouffe demand, they do not fully appreciate that any such argument relies on a sharedness that must form part of the political. Yet, what if conflict totalisers are, in somewhat self-defeating fashion, right? What if the political is limited to the conflictual? Indeed, the understanding of political conflict that I offered in this final chapter only seems to allow for a plural, but nonetheless conflictual, normativity of the political. So far, I have argued that in the political world, we find me-, thou-, we-, they-claims, as well as claims of the One, but none of them envelops all others, so as to form a harmonious whole. It seems that there is nothing that can ultimately conjoin the diverging reasons citizens are faced with. Certainly, this would be a disheartening conclusion of a dissertation that set out to find ways for more agreement. I do not think, however, that I need to end with this as my thesis’ last words.

To avoid that the totalisers win the day after all, i.e., to avoid that the political ultimately collapses into the conflictual, it must be shown that conflict, far from being the essence of the political, is merely one form or manifestation of it. A first trace of such an account can be found in Ricœur's discussion of the political paradox (1998). The French philosopher combines the conflictual and cooperative by distinguishing between the political [*le politique*] and politics [*la politique*].¹⁷⁹ Politics is the quotidian world of conflict, the political evils (see 5.3.), and the fight for power (255–6); the political is the world of consensus and reason, in which politics gains its *telos*, a pursuit of happiness (250). This leads to a paradoxical relation: the reason of the political can only advance through decisions made on the empirical plane of power and conflict (254). These decisions, however, only gain their 'meaning after the fact, in reflection' (255), when they are traced back to a concord inherent in the political.

As has been noted by Oliver Marchart (2008, 38), Ricœur's approach can be interpreted as an ecumenical fusion of the two mainstream camps in the debate on the political, i.e., the Arendtian and the Schmittian camp—and in a way, between conflict utopians and conflict totalisers. While the former places the political in the realm of an idealised 'We', i.e., of public deliberation and joint action (Arendt 1998), the latter insists on the conflictual relation of friend and foe, i.e., between the first-person plural and the second-person plural (Schmitt 1932; see also Mouffe 2005). Ricœur places both the moment of political unity in the pursuit of a common goal as well as the divisive fight for power in the autonomous sphere of the political (1998, 247–8, 250, 255).

But there are two problems with Ricœur's account: first, he restricts the domain of the political to the state and, therefore, there is no 'We' above and below this level. Yet, the others are always already there, they always already direct claims at me, and these always already involve claims to form the shape of the common world. This can be according to a good that

¹⁷⁹ In the translation that I draw on, *le politique* is translated to 'polity'. However, as other commentators have remarked, the political is another possible translation (see Marchart 2008).

everyone shares, or it expresses the group interest of one part of this community that intends to bend everyone else to their will. The political, it should become clear by now, is not restricted to the state or nation, but occurs *in nucleo* in smaller communities and, in a more diffuse form, on the global level.

Second, Ricœur leaves us no wiser than we were before; for although his reconciliatory approach, so typical of the French philosopher,¹⁸⁰ pulls together the threads from the sections, it comes at the cost of mystifying the first-person plural. For this ‘We’ is nothing but a helpful idealisation that rationalises, *ex-post*, the decision made on the level of politics. It expresses a virtual contract that never occurred:

One might object that this pact has not taken place. Precisely. It is of the nature of political consent, which gives rise to the unity of the human community organized and oriented by the State, to be able to be recovered only in an act which has not taken place, in a contract which has not been contracted, in an implicit and tacit pact which appears only in political awareness, in retrospection, and in reflection. (Ricœur 1998, 252)

Hence, his view is restricted to relegating a ‘We’ to the status of a helpful myth. But this does not match our everyday observation that the political world *does* involve moments of common deliberation and action.

Yet, what can be invoked to call both conflict and cooperation modulated flipsides of one and the same political world? I argue that such a foundation of both moments needs to be phenomenologically, almost archaeologically, reconstructed. This reading traces the different political projects of opposing camps back to their origin of a shared world. In the final section of this chapter, I discuss first steps towards such a critical-phenomenological theory of the

¹⁸⁰ In his book *Ricœur: The Promise & Risk of Politics*, Bernard Dauenhauer calls his protagonist ‘the exponent of the “both-and,” and the opponent of the “either-or.”’ (2002, 3)

political. It will do two things at once: first, it will indicate how to move beyond the conflictual reading of the political, which second, could pave the way for an approach to intractable conflict. I find both aspects in the politicisation of the late Merleau-Ponty's notion of the flesh.

5.6. Towards a Dynamic Model for Political Conflict

To establish a way to overcome the conflictual as the only dimension of the political, it cannot be the solution to allude to a Kantian universal reason, as Arendt does when she speaks of a form of 'imagination and reflection' through which we 'liberate' ourselves from our '[p]rivate conditions' (Arendt 1992, 73).¹⁸¹ We should not—and *cannot*—rob ourselves of our particularities and the claims that come with them. We are neither a Cartesian cogito nor a transcendental ego, but concrete beings with concrete needs and projects.

Rather, it will be important not to insist on an ultimate harmony established on the foundation of an all-encompassing, universal reason, but rather to understand ourselves as being expressions of a common political origin *before* any reason. While I cannot fully develop such a position on these last pages, I believe that a promising route can be found in Merleau-Ponty's late philosophy of *The Visible and the Invisible* (VI).¹⁸²

¹⁸¹ See also Berman for a discussion of Arendt's reliance on sameness and an 'ideal manner of thinking' (2006, 211). Similarly, McMullin seems to accept the possibility of universal moral principles that we find in utilitarianism or Kantian deontology (2018, 61), giving us reasons that transcend you and me and particular groups, expressing what McMullin calls 'a shared concern and commitment to . . . objectivity' (56).

¹⁸² Some readers might be worried about my reliance on both the early and the late Merleau-Ponty in this dissertation; for it is debated if these are connected by one, phenomenological, project, or whether Merleau-Ponty's late ontology marks a considerable break from his work in *Phenomenology of Perception*. Yet, this distinction seems misplaced; for while there is disagreement amongst Merleau-Ponty scholars about the degree to which the years of *The Visible and the Invisible* marks a radical shift from his views in *Phenomenology* most of them—from Madison (1981) and Dillon (1988) to Barbaras (2004) and Hass (2008)—acknowledge that the later Merleau-Ponty does not negate his earlier findings, but is rather invested in grounding them more firmly in a language that does away with the problematic focus on consciousness (even though Barbaras believes this undertaking ultimately fails, see 2004, xxiv). Or, as Merleau-Ponty writes himself, he wants to bring 'them to ontological explication without retaining 'the philosophy of "consciousness"' (VI, 183). Hence, there is enough evidence to consider Merleau-Ponty's thought to be continuous or 'profoundly unified' (Barbaras 2004, xxx). Another question is in what sense 'ontology' has to be understood in *The Visible and the Invisible*; does Merleau-Ponty operate, similarly to Heidegger (SZ, §7), according to a reading of ontology as a phenomenological undertaking of

Merleau-Ponty is aware of the problem that our particularised orders seem to constitute diverging islets for each person and group, ‘without there being transition from one to the other, and we should rather be astonished that sometimes men come to agreement about anything whatever’ (VI, 14). Being part of the same species or society, sharing a language or culture, does not guarantee enough common ground for people to find solutions to conflict and disagreement (14).

However, Merleau-Ponty does not want to leave all intersubjective encounters in the conflictual. To the contrary, Merleau-Ponty urges us to think of ourselves as only one perspective upon the same world or Being, ‘not two nihilations installed in two universes of the In-Itself, incomparable, but two entries to the same Being, each accessible to but one of us’ (VI, 82, original emphasis). Hence, there is a common origin, a common thread that links us.

Bringing to full fruition what he began in *Phenomenology of Perception*, he thinks that this link to others, in fact to the world, is *carnal*; we are bound together because we are of the same *flesh* (83–4). This flesh is nothing else but the transcendental condition (in the phenomenological sense) of experience. Merleau-Ponty describes it in terms of an element of Being—like ‘water, air, earth, and fire’ (VI, 139)—‘what makes the fact be a fact. And, at the same time, what makes the facts have meaning’ (VI, 140). We as perceivers are part of this flesh and are, so to speak, that part that ‘coils’ over other parts of the flesh (the visible and tangible) by which the flesh looks back upon itself. This logic of the flesh becomes particularly salient in

understanding the fundamental, transcendental conditions of Being (at one point, Alloa calls Merleau-Ponty’s approach ‘ontophenomenological’, see 2017, 68); or does he work in precisely the uncritical sense of ontological categories that Heidegger et al. aim to overcome? Taylor Carman—who does not (necessarily) question the continuity thesis—fears the former to be true, arguing it carries ‘the mark of just the kind of outmoded metaphysics many of us would like to think phenomenology helped to render obsolete’ (2008, 241, fn. 38). Yet, it has to be said that Merleau-Ponty believes himself to still be invested in phenomenology; formulations such as philosophy wishing ‘to bring to expression’ ‘the things themselves, from the depths of their silence’ (VI, 4), render this rather clear (see also his working notes, e.g., 203, 229; and Barbaras 2004, 312). Hence, without providing a detailed argument on the matter, I (a) take the continuity thesis to be correct and (b) take Merleau-Ponty’s *The Visible and the Invisible* to be a phenomenological work. The wild region of Being and the flesh are transcendental notions, and therefore necessary to give our experience of harmony and conflict its sense. In my reading, *Phenomenology of Perception* describes the structure of experience of a particularised being-toward-the-world that can only be understood properly by recourse to its unparticularised origin.

our bodies, where my touching hand and my touched hand present this folding over of subject and object (VI, 146). This picture extends further, for the same holds for the relation between me and other subjects. If my experience is, ultimately, nothing but the flesh looking back upon itself, i.e., where it folds over itself, then ‘I can understand a fortiori that elsewhere it also closes over upon itself and that there are other landscapes besides my own’ (VI, 140–1). This establishes an *intercorporeity* through which I and other move onto one another, entice, repel, and change one another (VI, 141).

Despite our common origin in the flesh, Merleau-Ponty does not want to relieve us with a prospect for eternal harmony. The structure of the flesh is the *chiasm* (Hughes 2017, 369). As described by Alloa, the chiasm, like the Greek letter χ (chi), invokes a crossing over through which four points are intertwined (2017, 70–2) and, potentially, reversible, as there is a path leading from one to the other that situates them (seemingly) symmetrically to one another. In principle, my touching hand can become the touched hand, the seer become the seen; I can take up the perspective of the other; further, touching implies seeing and vice-versa, the visible of perception the invisible thought and vice-versa, etc. (VI, 140–2, 215; see also Dillon 1988, 157). Thus, all parts of the flesh mutually imply one another (Hughes 2017, 357).

But this moment of reversibility is always only imminent, never successful (VI, 147).¹⁸³ Merleau-Ponty explicates this at the example of my hands touching each other (see also 133ff.): ‘the moment I feel my left hand with my right hand, I correspondingly cease touching my right hand with my left hand’ (VI, 9). Similarly, I can never fully take up the position of the other, because, as different entries to the world, there is no complete overlap. I cannot live somebody else’s life: ‘I live only my own’ (VI, 78). Taking up another’s perspective completely is as impossible as a complete reduction since it would mean that we could somehow be above this

¹⁸³ The only-imminent reversibility leads Hughes to conclude that reversibility is not synonymous with chiasm. Instead, imminence and reversibility have to be understood as ‘distinguishable although inter-related’ facets of the structure of chiasm (2017, 371; see Alloa 2017). She here disagrees with mainstream Merleau-Ponty scholarship that identifies chiasm with reversibility (e.g., Dillon 1988; Evans 2008; Hass 2008).

world, getting outside ourselves and our particular position in the world's fabric to incarnate another.¹⁸⁴ Instead, reversibility and interruption, harmony and conflict, agreement and disagreement need to be thought together (see also Evans 1998, Hughes 2017, 365–6).¹⁸⁵

What are the political implications of this picture? Merleau-Ponty was a politically-thinking, politically-living, philosopher, as his many essays and books prove. But his abrupt death at the age of 53 does not allow a final word on how his earlier political writings—from the wait-and-see Marxism of *Humanism and Terror* (HT) to his 'new liberalism' in *Adventures of the Dialectic* (AD)—interact with his last philosophy. Elaborating an interpretation would constitute the objective of a whole new dissertation. Still, as some commentators have remarked (Berman 2006; Coole 2008; Plot 2012),¹⁸⁶ it stands to reason that Merleau-Ponty's notion of the flesh would or could have taken a political shape.

If this is true, then I believe, first, that Merleau-Ponty offers us another reading of the political that unifies—more plausibly than Ricœur's—conflict and cooperation. A political reading of the flesh allows to think of different political projects to be perspectival expressions of the same world whose structure is in constant flux.¹⁸⁷ When actors, differentiated, begin to creatively interpret this activity, 'entries' form and camps crystallise. Cooperation and conflict within and between projects are thus two movements of one and the same process.

¹⁸⁴ Hence, the phenomenologist is, in a way, also always engaged in an impossible endeavour, at least as long as they understand themselves to be after a final formulation of the essences of the world (VI, 109–10). We cannot get beyond ourselves to take up the view of a 'pure spectator' (VI, 108). Yet, this does not mean that pursuing phenomenology is a useless project. We should rather understand that every description of the world is, by the very nature of the world, incomplete (VI, 115). As I have argued throughout the dissertation, this should render the phenomenologist attuned to their situatedness, and therefore, this should lead them to interrogate their situation. Hence, once again, critical theory is a necessary supplement to phenomenology.

¹⁸⁵ Though I take this to be Merleau-Ponty's ultimate message, taking into account his long-lived philosophy of opacity and ambiguity, it must be said that there is also another current in his thought that longs for a relief into convergence (Evans 1998). Yet, even this may be another manifestation of this defended ambiguity that, as Evans seems to imply (1998, 186), can be explained by his notions of the flesh and the chiasm which encompass both convergence and divergence. See also my Footnote 119 in Chapter 4.

¹⁸⁶ See Whiteside for a sharp criticism of Merleau-Ponty's later philosophical thought and the allegedly detrimental implications they could have for his political philosophy (1988, 270–5).

¹⁸⁷ In a way, this points to a 'wild region of politics' where you, me, us form part of an undifferentiated claim of raw Being.

Second, this picture gives hints to an alternative normative approach to intractable conflict that result from diverging orders. In the next couple of paragraphs, I will attempt a first—very rough—sketch. In instances of intractable conflict, it is not sufficient to simply ‘put oneself in the shoes’ of the other, as this reversal cannot be done unilaterally and would never succeed anyway.¹⁸⁸ We are perspectives that are not the same and, to some extent, incommensurable. Instead, it becomes necessary to tap back into the wild region of Being—or, in Waldenfels’s terms, the alien¹⁸⁹—that we and our orders originate from and where we find the things ‘undivided’ (VI, 121): ‘communication from one constituted culture to another occurs through the wild region wherein they all have originated’ (VI, 115).

In a slightly earlier essay titled ‘From Mauss to Claude Lévi-Strauss’ (here quoted in *Signs*, [1960] 1995), Merleau-Ponty sheds some light on what this could mean. Instead of positing our own viewpoint as universal, he urges us to go through our respective private conditions to end up with another kind of universal. (Intractable) political conflict is not only an epistemically privileged event because it allows us to become attuned to the various kinds of normativity that constitute the structure of the lifeworld. It also causes a disruption in our usual course of action—the kind of disruption that Rancière (1999) argues is the only truly political event—and this enables us to see that we and our respective orders are finite. It allows us, that is my contention, to return to a ‘wild region of politics’, where we are once again rendered aware that we share ‘a communal destiny’, as Paul Ricœur puts it (1998, 251), namely being part of the same world that we are thrown into and that is in a constant movement of becoming and reforming.

¹⁸⁸ Therefore, Dillon oversimplifies the problem of intersubjectivity when he argues that reversibility offers a possibility to move ‘in the direction of an ideal harmony’, because ‘I can take up your position . . . as you can take up mine’ (1988, 170). It is exactly this impossibility of reversal that characterises the chiasm.

¹⁸⁹ E.g., see Waldenfels (1985, 93) for his discussion of similarities between his phenomenology and the alien and Merleau-Ponty’s phenomenology of wild Being.

Through engaging with one another, we form a *lateral* universal with the other, in which self and other and their worlds are put to the test. Such a lateral universal is a general system of reference in which the perspective of me, the perspective of the other, and ‘the mistaken views each has of the other can all find a place’ (S, 120; see also VI, 203–4). Including the mistaken views is essential, because only by making them truly *public* in the Arendtian sense of making them visible and audible (Arendt 1998, 50; see also 1990, 103),¹⁹⁰ can we overcome them and navigate conflict. Otherwise, we fall again into the trap of omitting history-laden parts of our worlds that ultimately inform our respective points of view.

One might argue that simply juxtaposing viewpoints in an all-inclusive system of reference will not help resolving conflict. This would be true only if we thought that juxtaposition is meant for idle observation. But as Waldenfels (1985; 1997; 2011) and the later Merleau-Ponty underline,¹⁹¹ communal inspection of difference elicits a process of self-transformation and offers a way towards a better, clearer view since ‘the other’s body which I see and his word which I hear . . . *do present to me in their own fashion what I will never be present to*, what will always be invisible to me, what I will never directly witness’ (VI, 82, original emphasis). Thus, through letting the other speak, through learning from the other and beginning to understand them (without the latter ever to be achieved in full), Merleau-Ponty argues that we acquire partial access to aspects of the world previously foreclosed to us. In this communal work of mutual learning, a better sense of the world is elaborated, so that ‘perhaps “reality” does not belong definitively to any particular perception, that in this sense it lies *always further on*’ (VI, 40–1, original emphasis). Hence, as Fred Evans notes (2008, 190), Merleau-Ponty offers

¹⁹⁰ However, note that Arendt’s account collapses the space of political action to mere discourse, eliminating the role of the body—and locations—in public engagement (Arendt 1998, 198–9). See Mensch (2012, 215, 219) for a critique.

¹⁹¹ Though derived from Levinas’s philosophy, I believe that a similar idea is operative in Young’s notion of asymmetrical reciprocity (1997).

something like a quasi-teleology, i.e., an unfulfilled convergence towards truth that must remain unfulfilled due to the continuous formation of new perspectives.

I find these thoughts reflected in my interviewee's stories. For instance, when Harry, the peace builder from Co-operation Ireland, tells me about their approach called 'managed conflict'. In this process, they carefully bring intractably conflicting groups together, not by way of eliminating their particular views on the world, but by establishing how their different worlds display meaningful similarities. I also recognise it in Michael's descriptions, when he says that he gets closer to his Muslim compatriots by immersing himself in their rituals and traditions, all while wearing his Christian cassock.¹⁹² Further, in his work at *One Family Under God*, Michael and his Muslim colleagues read one another's scriptures to establish the common link between the Abrahamic religions. Naturally, this still leaves other persons out; but their efforts can be understood as an attempt to reveal a common origin, albeit this attempt remaining incomplete. Finally, I hear it in the words of James, who, reflecting on the Troubles, believes that there can never be a point in that conflict where everyone agrees on the same story. Rather, the goal must be to acknowledge 'the multiple narratives that are out there and not just one narrative or two narratives, but there's multiple narratives out there' (lines 522–4). It is not about 'asking people to abandon their own loyalties', but 'to broaden their sympathy to that other narrative that's there' (lines 524–5). Ultimately, this should lead not to consensus, but a deepened understanding of the other, where both sides can tell the other's story to their satisfaction (lines 535–41).

Do we always need this painful and lengthy process? Of course not. I am not arguing that our worlds are always this sharply severed from one another—in fact, as I already argued

¹⁹² Kwok-Ying Lau's approach to intercultural dialogue, that attempts to work towards a *cultural flesh*, recommends a similar process (2016, 190): 'In order to graft the cultural flesh of the others on our own cultural flesh, we certainly have to learn the language of the others such that we can read canonical works of another culture. We should also acquire knowledge of their history, literature and myths, appreciate their works of art, music and dance, savour their food, drinks and wins.'

in Chapter 4 and as Waldenfels confirms (1997, 67), even orders hostile to one another are always intertwined and connected through hazy borders. There is always some overlap. And depending on the size of this shared surface, strategies of negotiation and compromise or deliberation and consensus may be appropriate. Yet, there is never a guarantee that there is this degree of commonality. In times of intractable conflict, when the borders of our orders become particularly salient, learning, communal sense-making, and mutual understanding become important again. Even in cases where conflict *seems* to be tractable through compromise, consensus,¹⁹³ or control, there might come the point to seek a process of communal sense-making and mutual learning. Conflicts where sharedness was assumed can always turn out to necessitate this. There is never absolute certainty for concord; one can work under its assumption, but not its guarantee.¹⁹⁴ This creates a dynamic model to political conflict in which citizens trying to come to terms in conflict (can) undergo different stages and switch from one strategy to another, depending on the perceived (lack of) sharedness between their worlds.

This nascent account comes close to Emanuela Ceva's conflict management account (see I.). My emphasis on communal sense-making is similar to her approach's goal of parties understanding their conflict to be a joint problem (2016, 143). Similarly, we share an interest in letting the other speak (2016, 115). Finally, Ceva's claim that her account is complementary to *Modus Vivendi* Theory and consensus-based approaches (2016, 79) is close to my claim that we need a dynamic model to conflict that brings different tactics together.

However, there are important differences. First, my interest does not primarily lie in procedural justice; second, and related to the first point, I am not concerned whether the need for mutual understanding is part of a moral obligation of acceptability for each conflict

¹⁹³ However, it should be clear that such a consensus would have to be crafted from within the actual world and not on assumptions and principles constructed on the level of ideal theory. Further, the possibility for real-world consensus on a grand scale seems to me rather thin.

¹⁹⁴ In Waldenfels's words (2006, 125), we can never be sure if we are dealing with a conflict taking place *within* an order, or *between* rivalling orders.

participant (Ceva 2016, 118–9). More pragmatically, I believe if that *if* we desire a particularly intractable conflict to become better—with ‘better’ not necessarily thought of in a moral sense—then there will be the need for mutual learning and communal sense-making. Additionally, my notion of understanding is arguably deeper than the one that Ceva employs. Ceva does not demand substantial understanding, i.e., conflict participants merely need to comprehend ‘that others are committed to [their] positions qua being morally relevant for them with regard to the disputed matter’ (2016, 146). I concede—and share Ceva’s reservations against Habermas here—that seeing the world completely from the point of view of the others is unnecessary (146–7). According to my position, this is even impossible. Yet, the impetus to learn more needs to be in place in order to resolve intractable conflict due to diverging lifeworlds. Simply realising that everyone has stakes in the conflict and the conflict is ‘a joint problem’ (147) is insufficient for understanding—or so goes my argument.

Most fundamentally, I disagree with Ceva’s interpretation of conflict parties having the right of equal chance to have their say (2016, 115) *and* of being heard (2016, 133). For Ceva, this seems to amount to equal say and equal hearing within and during *every* interaction.¹⁹⁵ But if my analyses in this dissertation are correct, such symmetrical privileging in the situation only reinforces the asymmetrical situatedness inherent in society. Instead, it is time for those whose orders have shaped the quasi-transcendental structures of society more so than any others to step out of the limelight. It is time for those whose orders are white, heteronormative, ableist, to practise silence and let the other speak first, to outweigh their influence already established. This silence need not go on forever, yet it is silence from where they must start. My approach

¹⁹⁵ Take the following quote as an example (Ceva 2016, 147, my emphasis): ‘Therefore, a procedurally egalitarian adversary-argumentative interaction would be an interaction in which, for example, pro-lifers and pro-choicers each have an equal chance to have their say concerning whether individual autonomy or the protection of human life should be prioritized in the regulation of such end-of-life-related issues as euthanasia. Both pro-lifers and pro-choicers are expected to present their views as descriptively as possible, to listen to the others’ views, and actively to try to (at least) understand what their conflict is really about, thus recognizing all parties as stake-holders in the same issue, as the bearers of claims with which the others must reckon.’

therefore points to the demand for an agent-relative asymmetry of speaking rights in situations of conflict that privileges those who are structurally underprivileged. Of course, to fully elaborate such a normative theory of political conflict, more needs to be done.

Conclusion: Outlook on a Critical Phenomenology of Political Conflict

As the title of my dissertation indicates, the analysis offered throughout the past chapters is far from conclusive. In future research, I plan to shed light on further structural elements of conflict experience by way of the phenomenological approach developed in this thesis. Some of these surfaced in the interviews. I will here highlight three such avenues for future exploration.

First, there is the role of a politician's personality. Michael, the reverend from Kaduna, speaks about it extensively; e.g., he mentions courage, contentment, integrity, and the ability to network as central to his mediating function in conflict (lines 328–64). This links up to my discussion of McMullin's model for the plural normativity of the political world. Although I did not address it in Chapter 5,¹⁹⁶ there is good reason to extend her ethical picture and presume that political agents and conflict participants alike need to harness and practise virtuous engagement with others to face the challenges headed their way. Deriving this experientially-informed account of virtue cannot avoid the question about the status of these virtues; are they genuinely political or rather a collection—or even amalgam—of more traditional epistemic and moral virtues?

Second, another important feature of conflict experience has found only lateral acknowledgement in Chapter 4, i.e., emotions and feelings (4.2.3.). Ratcliffe's distinction between (ordinary) emotions and existential feelings could prove fruitful. While the former have a clear intentional object (2015, 34–5), the latter are rather constitutive of a person's responsiveness to kinds of possibilities (51–2). Hence, work on political emotions could illuminate why certain types of action in conflict—e.g., attack—are more likely to be pursued than others—e.g., cooperation; while existential feelings could link up to the configuration of conflict spaces as described in Chapter 3 (3.2.4.).

¹⁹⁶ See my Footnote 151 in Chapter 5.

In his book *Experiences of Depression*, Ratcliffe describes the disorder as involving ‘disturbances of existential feeling’ (2015, 53). It might be argued that existential feelings and the patterns of and transitions between them reflect political or social pathologies. A phenomenology of political and social pathology could prove a fecund ground for interdisciplinary dialogue with Frankfurt School Critical Theory and its various works on the topic.¹⁹⁷ How, for instance, do social pathologies manifest in a person’s relating to their world; what kinds of life possibilities are cut off from the person, or are only unstably available; what are the social dynamics, for instance in a capitalist society, causing these disturbances?

As with the virtues, the question is if political emotions and feelings are *sui generis*, or if they break down into more classical ones. Here, it is particularly relevant if *political* signifies a meaningful sharedness as compared to ‘mere’ communication of emotional information or emotional contagion, as is suggested by Szanto and Slaby in the case of political emotions (2020).

Finally, phenomenologists will likely protest that the biggest omission in this work is a discussion of conflict time and conflict temporality. I agree that more needs to be said on this. But throughout these past chapters, there are already hints at what such a treatment would look like. As I argued in Chapter 3, the locations we dwell in, either in a conflictual or other way, carry normative significance sedimented through time. They ‘dictate’ certain forms of behaviour and guide perception. Similarly, Chapter 4 showed how the body carries history; how it absorbs new meaning, so that its actions are socio-historically charged. The same holds for perception, as perceiving involves seeing social types that have ‘fallen back’ onto the world. But a conflict’s present is not only rooted in the past; political actors follow a practical identity. They project themselves onto the possibilities around them, into a future of their own becoming and that of their political group.

¹⁹⁷ For a brief discussion of Frankfurt School Critical Theory and social pathology, see Freyenhagen (2018b).

Further, types are constantly re-affirmed, modified, or discarded in conflict events. After a conflict event, collectives tell stories about it, and these stories fall back onto the world and reside in future occurrences. Hence, political actors take part in the sedimentation and modification of meanings and thereby also hold power—however small—to change the course of a conflict.

A conflict event *as* a proper event, then, is not a neatly distinct slice in space-time, but impregnated with the past and future. Further, it has fussy threads unwinding at its edges. It is difficult to clearly determine *who* initiates the conflict. In Coates's case, is it the woman pushing his son; or is it Coates yelling at the woman? Instead of trying to answer this question from a 'neutral' point of view, it could be helpful to ask the question when does the conflict begin *for whom*? In other words, when do participants begin to experience their situation as one of conflict? And what are the components of this experience that constitute the tension in the respective conflict participants? This, and many other questions, stand at the centre of a critical phenomenology of conflict time.

These matters can and will be *foci* of future projects. For now, I hope to have shown that a philosophy of conflict is a worthwhile endeavour. And I hope to have shown that this research should be conducted at the intersection of many lines of investigation: analytic political theory, critical theory, phenomenology, and qualitative social research.

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